

# 2009 Legislative History

## MINUTES

City of Modesto  
**Safety & Communities Committee/  
Special City Council Workshop Meeting**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Monday, January 5, 2009 at 5:30 p.m.**

Roll Call: Present - Councilmembers Hawn, O'Bryant, Olsen  
Absent - None

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

Jill Klajic gave an update regarding the Stanislaus County Senior Foundation. Ms. Klajic reported that they have become a Foundation, have collaborated, and are working with the Healthy Aging Association. Ms. Klajic reported on the needs for increased senior programs and services and will provide that information to the City of Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** None.

### **CONSENT**

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

None.

### **UNFINISHED BUSINESS**

1. Consider accepting the update on implementation of the City's Entertainment Ordinance, and consider applications received for the Entertainment Commission, recommend appointments or request that interviews be scheduled. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Marry Otten, Recreation Program Manager, 571-5863, motten@modestogov.com*

**ACTION:** Motion (Olsen/Hawn;unan) accepting the update on implementation of the City's entertainment Ordinance, considered applications received for the Entertainment Commission, and recommended that interviews be scheduled.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**FUTURE AGENDA ITEMS**

None.

**ADJOURNMENT**

This meeting adjourned at 6:04 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

**Monday, January 5, 2009, 9:00 a.m.**

Roll Call: Present - Councilmembers Keating, O'Bryant, Mayor Ridenour  
Absent - None

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item # 1

#### **CONSENT ITEMS**

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

#### CONSENT

1. Consider review of travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Deputy Department Directors, Assistants and Division Chiefs for Quarter 1 2008/09, discuss continuance of quarterly report or other options/alternatives. (Funding Source: Not applicable)  
*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION:** Motion (Keating/O'Bryant;unan) accepting travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Deputy Department Directors, Assistants and Division Chiefs for Quarter 1 2008/09, discuss continuance of quarterly report or other options/alternatives.

#### **NEW BUSINESS**

2. Consider an informational staff report from the City Auditor regarding adoption of audit processes for City of Modesto, and provide direction to City Auditor regarding recommended processes. (Funding Source: Not applicable)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (O’Bryant/Keating;unan) accepting informational staff report from the City Auditor regarding adoption of audit processes for City of Modesto, and provide direction to City Auditor regarding recommended processes.

3. Consider recommendation to City Council approving an audit work plan for the City Auditor. (Funding Source: Not applicable)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (Keating/O’Bryant;unan) approving forwarding to Council an audit work plan for the City Auditor.

4. Consider authorizing the Purchasing Manager to issue Request for Proposal (RFP) to commence process for obtaining financial statement auditors. (Funding Source: General Fund)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modesgov.com*

**ACTION:** Motion (O’Bryant/Mayor Ridenour;unan.) authorizing the Purchasing Manager to issue Request for Proposal (RFP) to commence process for obtaining financial statement auditors.

5. Consider acceptance of City Auditor quarterly report. (Funding Source: Not applicable)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (O’Bryant/Keating;unan.) accepting the City Auditor quarterly report and forwarding to City Council.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 9:40 a.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 06, 2009, at 5:30 p.m.**

Roll Call – Present : Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk’s Announcements – Item 15 Removed from Consent

Declaration of Conflicts of Interest – Hawn Item 17

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

**MISCELLANEOUS**  
Legislation  
Appointments  
Other

1. Consider appointing Richard Laurenz, representing Sons in Retirement, to the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
  - Resolution appointing Richard Laurenz to the Golf Courses Advisory Committee recommended.  
*City Manager's Office; Esther Puckett, 571-5101 , epuckett@modestogov.com*

**ACTION: Resolution 2009- 001 (Hawn/Lopez;unan)** appointing Richard Laurenz to the Golf Courses Advisory Committee.

2. Consider appointing Carolina Bernal as the Planning Commission's representative to the Citizen's Housing & Community Development Committee. (Funding Source: Not Applicable)
  - Resolution appointing Carolina Bernal as the Planning Commission's representative to the Citizen's Housing & Community Development Committee recommended.  
*City Manager's Office; Esther Puckett, 571-5101 , epuckett@modestogov.com*

**ACTION: Resolution 2009- 002 (Hawn/Lopez;unan)** appointing Carolina Bernal as the Planning Commission's representative to the Citizen's Housing & Community Development Committee.

3. Consider appointing Patricia Gillum as the Planning Commission's Representative to the Citizen's Redevelopment Advisory Committee. (Funding Source: Not Applicable)
  - Resolution appointing Patricia Gillum as the Planning Commission's Representative to the Citizen's

Redevelopment Advisory Committee recommended.

*City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com*

**ACTION: Resolution 2009-003 (Hawn/Lopez;unan)** appointing Patricia Gillum as the Planning Commission's Representative to the Citizen's Redevelopment Advisory Committee.

4. Consider reappointing Ted Brandvold as the Planning Commission's Representative to the Board of Zoning Adjustment. (Funding Source: Not Applicable)
- Resolution reappointing Ted Brandvold as the Planning Commission's Representative to the Board of Zoning Adjustment recommended.

*City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com*

**ACTION: Resolution 2009-004 (Hawn/Lopez;unan)** reappointing Ted Brandvold as the Planning Commission's Representative to the Board of Zoning Adjustment.

5. Consider approving recommended reappointments to various boards, commissions and committees. (Funding Source: Not applicable)
- Resolution reappointing Bruce Norris to the Board of Building Appeals recommended.
  - Resolution reappointing Amy Neumann and Henry Pollard to the Board of Zoning Adjustment recommended.
  - Resolution reappointing Dana Culbertson, Charles Chituras and Michael Pratt to the Citizens Housing & Community Development Committee recommended.
  - Resolution reappointing Carol Dolan and Kirk Stockham to the Community Qualities Forum recommended.
  - Resolution reappointing Alice Ingham Richards to the Culture Commission recommended.
  - Resolution reappointing Eric Benson and Andrew Mendlin to the Downtown Improvement District Advisory Board recommended.
  - Resolution reappointing Harinder Grewal to the Equal Opportunity/Disability Commission recommended.
  - Resolution Reappointing Jeannie Mcdonald to the Golf Courses Advisory Committee recommended.
  - Resolution reappointing Veronna Simril to the Housing Rehabilitation Loan Committee recommended.
  - Resolution reappointing Dolores Niemi to the Landmark Preservation Commission recommended.
  - Resolution reappointing Chris Murphy to the Local Cable Programming Committee recommended.
  - Resolution reappointing Tom Berglund to the Planning Commission recommended.
  - Resolution reappointing Jim Patton to the Solid Waste Advisory Committee recommended.
  - Resolution reappointing Margaret Leaman and Mary Grogan to the Tuolumne River Regional Park Citizens Advisory Committee recommended.

*City Manager's Office; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Resolution 2009-005 (Hawn/Lopez;unan)** reappointing Bruce Norris to the Board of Building Appeals.

**ACTION: Resolution 2009-006 (Hawn/Lopez;unan)** reappointing Amy Neumann and Henry Pollard to the Board of Zoning Adjustment.

**ACTION: Resolution 2009-007 (Hawn/Lopez;unan)** reappointing Dana Culbertson, Charles Chituras and Michael Pratt to the Citizens Housing & Community Development Committee.

- ACTION: Resolution 2009-008 (Hawn/Lopez;unan)** reappointing Carol Dolan and Kirk Stockham to the Community Qualities Forum.
- ACTION: Resolution 2009-009 (Hawn/Lopez;unan)** reappointing Alice Ingham Richards to the Culture Commission.
- ACTION: Resolution 2009-010 (Hawn/Lopez;unan)** reappointing Eric Benson and Andrew Mendlin to the Downtown Improvement District Advisory Board.
- ACTION: Resolution 2009-011 (Hawn/Lopez;unan)** reappointing Harinder Grewal to the Equal Opportunity/Disability Commission.
- ACTION: Resolution 2009-012 (Hawn/Lopez;unan)** reappointing Jeannie McDonald to the Golf Courses Advisory Committee.
- ACTION: Resolution 2009-013 (Hawn/Lopez;unan)** reappointing Veronna Simril to the Housing Rehabilitation Loan Committee.
- ACTION: Resolution 2009-014 (Hawn/Lopez;unan)** reappointing Dolores Niemi to the Landmark Preservation Commission.
- ACTION: Resolution 2009-015 (Hawn/Lopez;unan)** reappointing Chris Murphy to the Local Cable Programming Committee.
- ACTION: Resolution 2009-016 (Hawn/Lopez;unan)** reappointing Tom Berglund to the Planning Commission.
- ACTION: Resolution 2009-017 (Hawn/Lopez;unan)** reappointing Jim Patton to the Solid Waste Advisory Committee.
- ACTION: Resolution 2009-018 (Hawn/Lopez;unan)** reappointing Margaret Leaman and Mary Grogan to the Tuolumne River Regional Park Citizens Advisory Committee.

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 17**

**ACTION CONSENT ITEMS 6-14, 16 (Hawn/Lopez;unan)**

**ACTION Item 15 (O'Bryant/Keating;unan)**

**ACTION CONSENT Item 17 (Keating/Lopez;unan;Hawn absent)**

## 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 regular City Council meeting of December 9, 2008. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Lopez;unan)** approving the Minutes of the City Council meeting of December 9, 2008.

Consent

7. Consider approving Councilmember Janice Keating as the City of Modesto representative to the newly created San Joaquin Valley Air Pollution Control District (SJVAPCD) Special City Selection Committee. (Funding Source: Not Applicable)
  - Motion approving Councilmember Janice Keating as the City of Modesto representative to the SJVAPCD Special City Selection Committee recommended.

*City Manager; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan)** approving Councilmember Janice Keating as the City of Modesto representative to the SJVAPCD Special City Selection Committee.

Consent

8. Consider approving the Monthly Investment Report for October 2008. (Funding Source: Not Applicable)
  - Motion accepting staff report on the Monthly Investment Report for October 2008 recommended.

*Finance; Vanessa Ferrel, 577-5376, bduerksen@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan)** accepting staff report on the Monthly Investment Report for October 2008.

Consent

9. Consider awarding a contract for the furnishing of mobile and portable 2-way communication radio repair and service by accessing the terms of a competitively bid contract from Stanislaus County, Agreement No. 10766, to Delta Wireless, Stockton, CA, for an estimated annual cost not to exceed \$120,000. (Funding Source: Fire Department, Fleet Services Division, Police Department, and Water Division)
  - Resolution authorizing the award of contract to Delta Wireless, Stockton, CA, for the furnishing of mobile and portable 2-way communication radio repair and service, by accessing the terms of a competitively bid contract from Stanislaus County, Agreement No. 10766, and authorizing the Purchasing Manager to issue a purchase agreement for a term of two (2) years, with five (5) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$120,000 recommended.

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

**ACTION: Resolution 2009-019 (Hawn/Lopez;unan)** authorizing the award of contract to Delta Wireless, Stockton, CA, for the furnishing of mobile and portable 2-way communication radio repair and service, by accessing the terms of a competitively

bid contract from Stanislaus County, Agreement No. 10766, and authorizing the Purchasing Manager to issue a purchase agreement for a term of two (2) years, with five (5) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$120,000.

Consent

10. Consider authorizing the City Manager, Fire Chief, or Deputy City Manager to execute all necessary documents on behalf of the City to obtain state or federal disaster assistance. (Funding Source: General Fund)

- Resolution updating the “Designation of Applicant’s Agent Resolution”, authorizing the City Manager, Deputy City Manager or Fire Chief to apply for State and Federal Disaster Relief Funds recommended.

*Fire Department; Michele Edwards, 572-9590, medwards@modestogov.com*

**ACTION: Resolution 2009-020 (Hawn/Lopez;unan)** updating the “Designation of Applicant’s Agent Resolution”, authorizing the City Manager, Deputy City Manager or Fire Chief to apply for State and Federal Disaster Relief Funds.

Consent

11. Consider approving grant applications to the California Integrated Waste Management Board (CIWMB) for used oil and hazardous waste grants and accepting grant awards from the CIWMB. (Funding Source: Revenue to the Solid Waste Fund)

- Resolution approving grant applications to the California Integrated Waste Management Board (CIWMB) for used oil and hazardous waste programs, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant-related documents recommended.

*Parks, Recreation & Neighborhoods; Michele Beck, 577-5493, mbeck@modestogov.com*

**ACTION: Resolution 2009-021 (Hawn/Lopez;unan)** approving grant applications to the California Integrated Waste Management Board (CIWMB) for used oil and hazardous waste programs, accepting grant awards, amending the annual budget, and authorizing the City Manager, or his designee, to execute all grant-related documents.

Consent

12. Consider amending Sections 5-5.108, 5-5.109, and 5-5.111 of Article 1 of Chapter 5 of title 5, and Sections 11-6.12 and 11-6.6.15 of Chapter 6 of Title 11 of the Modesto Municipal Code relating to Solid Waste. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Sections 5-5.108, 5-5.109, and 5-5.111 of Article 1 of Chapter 5 of Title 5, and Sections 11-6.12 and 11-6.15 of Chapter 6 of Title 11 of the Modesto Municipal Code relating to Solid Waste Collection recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan)** introducing Ordinance No. **3499-C.S.** amending Sections 5-5.108, 5-5.109, and 5-5.111 of Article 1 of Chapter 5 of Title 5, and Sections 11-6.12 and 11-6.15 of Chapter 6 of Title 11 of the Modesto Municipal Code relating to Solid Waste Collection.

Consent

13. Consider approving an agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$20,700 to provide training for 100 students in four-hour Force Option

Simulator Courses and for another 100 students in four-hour Mobile Force Option 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 \$20,700 to provide training for 100 students in four-hour Force Option Simulator courses and 100 students in four-hour Mobile Force Option Simulator Training Courses, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2008/2009 Operating Budget realizing General Fund Revenue of up to \$20,700 for the Training Agreement with the State of California, Commission on Peace Officer Standards and Training (POST) recommended.

*Police; Jolene Gonzales, 342-6147, gonzalesj@modestopd.com*

**ACTION: Resolution 2009-022 (Hawn/Lopez;unan)** approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$20,700 to provide training for 100 students in four-hour Force Option Simulator courses and 100 students in four-hour Mobile Force Option Simulator Training Courses, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-023 (Hawn/Lopez;unan)** amending the Fiscal Year 2008/2009 Operating Budget realizing General Fund Revenue of up to \$20,700 for the Training Agreement with the State of California, Commission on Peace Officer Standards and Training (POST).

#### Consent

14. Consider approving a purchase agreement with HSBC Mortgage Services, Inc. for \$155,000 to acquire real property for the Hahn Lift Station Project. (Funding Source: Wastewater Fund)
- Resolution approving a Purchase Agreement, Counter Addendum, Mold Addendum, and Existing Condition Acknowledgement (“As-Is, Where Is” Provision) for the acquisition of a property located at 3200 Nightingale Drive, owned by HSBC Mortgage Services, Inc. (APN: 076-001-037) to be purchased by the City of Modesto for the Hahn Lift Station Project in the amount of \$155,000, and authorizing the City Manager, or his designee, to execute the Purchase Agreement, Counter Addendum, Mold Addendum, and Existing Condition Acknowledgement (“As-Is, Where Is” Provision) recommended.
  - Resolution authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a property located at 3200 Nightingale Drive, owned by HSBC Mortgage Services, Inc. (APN: 076-001-037) to be purchased by the City of Modesto for the Hahn Lift Station Project recommended.

*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-024 (Hawn/Lopez;unan)** approving a Purchase Agreement, Counter Addendum, Mold Addendum, and Existing Condition Acknowledgement (“As-Is, Where Is” Provision) for the acquisition of a property located at 3200 Nightingale Drive, owned by HSBC Mortgage Services, Inc. (APN: 076-001-037) to be purchased by the City of Modesto for the Hahn Lift Station Project in the amount of \$155,000, and authorizing the City Manager, or his designee, to execute the Purchase Agreement, Counter Addendum, Mold Addendum, and Existing Condition Acknowledgement (“As-Is, Where Is” Provision)

**ACTION: Resolution 2009-025 (Hawn/Lopez;unan)** authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a

property located at 3200 Nightingale Drive, owned by HSBC Mortgage Services, Inc. (APN: 076-001-037) to be purchased by the City of Modesto for the Hahn Lift Station Project.

*Removed from Consent*

15. Consider approving an Agreement with Coffman Associates, Inc. (Coffman) for airport planning services to prepare a new Airport Layout Plan/Narrative Report and Airline Passenger Terminal Complex Study for Modesto City-County Airport. (Funding Source: Federal Aviation Administration and Airport Fund)
- Resolution approving an agreement with Coffman Associates, Inc. for airport planning services to prepare a new Airport Layout Plan/Narrative Report and Airline Passenger Terminal Complex Study for Modesto City-County Airport in the amount of \$237,500, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION: Resolution 2009-026 (O’Bryant/Keating;unan)** approving an agreement with Coffman Associates, Inc. for airport planning services to prepare a new Airport Layout Plan/Narrative Report and Airline Passenger Terminal Complex Study for Modesto City-County Airport in the amount of \$237,500, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider declaring the City-owned property located at 1517 10th Street (APN: 105-047-002) as surplus land, and authorizing the City’s property agent to proceed with the sale of this property. (Funding Source: Revenue to Water Fund, General Fund)
- Resolution authorizing staff to declare the City-owned property located at 1517 10th Street (APN: 105-047-002) as surplus property and authorizing the City’s property agent to proceed with the sale of this property recommended.

*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-027 (Hawn/Lopez;unan)** authorizing staff to declare the City-owned property located at 1517 10th Street (APN: 105-047-002) as surplus property and authorizing the City’s property agent to proceed with the sale of this property.

Consent – *Councilmember Hawn Conflict of Interest*

17. Consider approving the plans and specifications for the project titled, “T-Hangar L Construction at the Modesto City-County Airport,” accepting the bid and approving a contract with Applegate Johnston, Inc. in the amount of \$611,011.50. (Funding Source: Special Aviation)
- Resolution approving the plans and specifications for the T-Hangar L Construction at the Modesto City-County Airport project, accepting the bid and approving a contract with Applegate Johnston, Inc., in the amount of \$611,011.50, for the T-Hangar L Construction at the Modesto City-County Airport project, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto City-County Airport Master Plan Final Environmental Impact Report (SCH NO. 90020512): T-Hangar “L” Construction at the Modesto City-County Airport recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-028 (Keating/Lopez;unan Hawn absent)** approving the plans and specifications for the T-Hangar L Construction at the Modesto City-County Airport project, accepting the bid and approving a contract with Applegate Johnston, Inc., in the amount of \$611,011.50, for the T-Hangar L Construction at the Modesto City-County Airport project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-029 (Keating/Lopez;unan Hawn absent)** finding that the following project is within the scope of the project covered by the Modesto City-County Airport Master Plan Final Environmental Impact Report (SCH NO. 90020512): T-Hangar “L” Construction at the Modesto City-County Airport.

#### COUNCIL COMMENTS & REPORTS

Councilmember Lopez thanked the Fire Department employees Stone and McGrath for saving taxpayer money by doing work themselves.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### NEW BUSINESS

18. Consider appointing a new Vice Mayor for calendar year 2009. (Funding Source: Not Applicable)
- Resolution designating Councilmember Olsen 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 2009-030 (Hawn/Keating;unan)** designating Councilmember Olsen to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

19. Consider approving StanCog's request that each of its member agencies make a recommendation on the locally preferred conceptual growth forecast that will be used to prepare the Stanislaus County element of the San Joaquin Valley Regional Blueprint. (Funding Source: Not Applicable)
- Resolution recommending the Stanislaus Council of Governments submit the “General Plan Densities” Growth Scenario to the San Joaquin Valley Blueprint planning process as the Stanislaus County preferred scenario recommended.
- Community & Economic Development; Patrick Kelly, (209) 577-5267, pkelly@modestogov.com*

**ACTION: Resolution 2009-031 (Hawn/Keating;majority; Marsh no)** recommending the Stanislaus Council of Governments submit the “General Plan Densities” Growth Scenario to the San Joaquin Valley Blueprint planning process as the Stanislaus County preferred scenario.

20. Consider approving a severance package for laid off employees in designated street sweeping and custodial positions, to include severance pay, extension of health benefits and interview leave. (Funding Source: Various Funds)
- Resolution approving a severance package for employees authorizing the extension of severance pay, health benefits, employee assistance program and interview leave for non-sworn employees in

the classified service, subject to an authorized reduction in force, to January 30, 2009 recommended.  
*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION:**     **Resolution 2009-032 (Hawn/Lopez;unan)** approving a severance package for employees authorizing the extension of severance pay, health benefits, employee assistance program and interview leave for non-sworn employees in the classified service, subject to an authorized reduction in force, to January 30, 2009.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:40 p.m.

**CLOSED SESSION**

*Closed Session Heard Prior to Meeting*

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Potential sale of property located at 800 E. Morris Avenue APN: 111-057-022 Negotiating parties: Julie Hannon, Acting Director, Parks, Recreation and Neighborhoods Under negotiation: Price and terms of sale of property.

# MINUTES

City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**ALLIANCE FREE ENTERPRISE CENTER**  
1020 10th Street, Suite 102  
Modesto, California

**Monday January 12, 2009, at 5:30 p.m.**

Roll Call - Present: Chair Keating, Members Marsh and Lopez

Absent: None

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

None.

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

**CONSENT ITEMS**

**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 and Economic Development; Tess Friedberg, 577-5337,  
tfriedberg@modestogov.com*

**ACTION:** Motion (Lopez/Marsh;unan) accepting status report of development projects processed by the Community and Economic Development Department.

Consent

2. Consider recommending that City Council conduct a public hearing and consider approval of the Draft Final Noise Compatibility Program and supporting documentation for the Modesto City-County Airport Part 150 Noise Compatibility Study (Funding Source: Not applicable)

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

**ACTION:** Motion (Lopez/Marsh;unan) recommending that City Council conduct a public hearing and consider approval of the Draft Final Noise Compatibility Program and supporting documentation for the Modesto City-County Airport Part 150 Noise Compatibility Study.

Consent

3. Consider recommending to City Council a motion authorizing the use of the Modesto City-County Airport by the Commemorative Air Force (CAF) for Airport Day 2009 on Saturday, May 16, 2009. (Funding Source: CAF Sponsor and Airport Fund)

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

**ACTION:** Motion (Lopez/Marsh;unan) recommending to City Council authorizing the use of the Modesto City-County Airport by the Commemorative Air Force (CAF) for Airport Day 2009 on Saturday, May 16, 2009.

### **NEW BUSINESS**

4. Consider accepting the 2009 Urban Growth Review Update regarding the inventory of residential, commercial and industrial land uses, projections, and targets, and provide direction to staff. (Funding Source: Not Applicable)

*Community and Economic Development; Paul Liu, (209) 577-5267, pliu@modestogov.com*

**ACTION:** The Committee reviewed the 2009 Urban Growth Review Update, gave direction to staff to revise maps to include city limits and sphere of influence information. The Committee will meet again on February 9, 2009, to discuss the Review of Inventory and Absorption Analysis.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:57 p.m.

**BY ORDER OF THE CHAIR**

AMENDED FOR CLERICAL ERROR



# MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

## MINUTES

City of Modesto

### CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday January 13, 2009, at 5:30 p.m.

Roll Call – Present : Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements – Item 14 Removed from Agenda

Declaration of Conflicts of Interest – None

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

#### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the State Theatre recognizing their 75th anniversary. (Funding Source: Not Applicable)  
*City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour made Presentation of Proclamation to the State Theatre recognizing their 75th anniversary.

#### PUBLIC COMMENT PERIOD

Three minute time limit per speaker

Ernie Foote spoke regarding the status of the project on Orangeburg. Mayor Ridenour referred Mr. Foote's item to staff.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 12**

**ACTION CONSENT ITEMS 2-12: (Lopez/Keating;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 regular City Council meeting of January 6, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Keating;unan)** approving the Minutes of the City Council meeting of January 6, 2009.

Consent

3. Consider approving the final adoption of Ordinance 3499-C.S Amending Sections 5-5.108, 5-5.109 and 5-5.111 Of Article 1 of Chapter 5 of Title 5 of the Modesto Municipal Code Relating to Solid Waste, and Sections 11-6.12 and 11-6.15 of Chapter 6 Of Title 11 of the Modesto Municipal Code Relating to Management and Collection of Garbage Service Charges by City-Licensed Garbage Companies (Funding Source: Not Applicable)
  - Motion approving the final adoption of Ordinance 3499-C.S Amending Sections 5-5.108, 5-5.109 and 5-5.111 Of Article 1 of Chapter 5 of Title 5 of the Modesto Municipal Code Relating to Solid Waste, and Sections 11-6.12 and 11-6.15 of Chapter 6 Of Title 11 of the Modesto Municipal Code Relating to Management and Collection of Garbage Service Charges by City-Licensed Garbage Companies

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

**ACTION: Motion (Lopez/Keating;unan)** approving the final adoption of **Ordinance 3499-C.S** Amending Sections 5-5.108, 5-5.109 and 5-5.111 Of Article 1 of Chapter 5 of Title 5 of the Modesto Municipal Code Relating to Solid Waste, and Sections 11-6.12 and 11-6.15 of Chapter 6 Of Title 11 of the Modesto Municipal Code Relating to Management and Collection of Garbage Service Charges by City-Licensed Garbage Companies.

Consent

4. Consider approving a policy which will (i) cap the Housing and Urban Development (HUD) funded public service grants at \$40,000; (ii) establish a separate award process for fair housing services including a \$40,000 cap; and (iii) allocate public service funding for City of Modesto recreation programs. (Funding Source: Community Development Block Grant and Emergency Shelter Grant Funds)
  - Resolution approving a policy for the Housing and Urban Development (HUD) funded public service grants to place a cap of \$40,000 on public service grant awards, to establish a separate award process for fair housing services including a \$40,000 cap, and to allocate public service funding for City of Modesto recreation programs; and authorizing staff to move forward with the changes for

fiscal year 2009/2010.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION: Resolution 2009-033 (Lopez/Keating;unan)** approving a policy for the Housing and Urban Development (HUD) funded public service grants to place a cap of \$40,000 on public service grant awards, to establish a separate award process for fair housing services including a \$40,000 cap, and to allocate public service funding for City of Modesto recreation programs; and authorizing staff to move forward with the changes for fiscal year 2009/2010.

Consent

5. Consider amending the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of Modesto to add the Partial Service Retirement Benefit Option (Funding Source: Not Applicable)
  - Resolution of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of Modesto recommended.
  - Motion introducing an Ordinance authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System recommended.

*Personnel; Mary Akin, 577-5251, makin@modestogov.com*

**ACTION: Resolution 2009-034 (Lopez/Keating;unan)** of intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of Modesto.

**ACTION: Motion (Lopez/Keating;unan)** introducing **Ordinance No. 3500-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

Consent

6. Consider amending the Position Classification Plan to revise the classification of Water Resource Specialist. (Funding Source: Not Applicable)
  - Resolution amending the Position Classification Plan to revise the job specification for Water Resource Specialist recommended.

*Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION: Resolution 2009-035 (Lopez/Keating;unan)** amending the Position Classification Plan to revise the job specification for Water Resource Specialist.

Consent

7. Consider accepting the Governor's Office of Emergency Services (OES) Anti-Drug Abuse Program of \$298,739 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing. (Funding Source: Stanislaus Drug Enforcement Agency )
  - Resolution approving an Office of Emergency Services (OES) Anti-Drug Abuse Program Grant of \$298,739 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing, and authorizing the City Manager, or his designee, to execute the necessary

program documents recommended.

- Resolution amending the Fiscal Year 2008/2009 Multi-Year Budget to appropriate revenues and expenditures of \$298,739 from the Office of Emergency Services (OES) for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing recommended.  
*Police; Roy W. Wasden, 572-9501, wasdenr@modestopd.com*

**ACTION:** **Resolution 2009-036 (Lopez/Keating;unan)** approving an Office of Emergency Services (OES) Anti-Drug Abuse Program Grant of \$298,739 for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing, and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION:** **Resolution 2009-037 (Lopez/Keating;unan)** amending the Fiscal Year 2008/2009 Multi-Year Budget to appropriate revenues and expenditures of \$298,739 from the Office of Emergency Services (OES) for the Stanislaus Drug Enforcement Agency (SDEA) to combat major drug trafficking and manufacturing.

Consent

8. Consider accepting the Office of Traffic Safety (OTS) Sobriety Checkpoint Program Mini-grant for \$17,896. (Funding Source: Grant Fund Revenues )
- Resolution accepting a mini grant in the amount of \$17,895.76 from the Office of Traffic Safety (OTS) Sobriety Checkpoint Mini-grant Program, to conduct sobriety checkpoints, and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
  - Resolution amending the Fiscal Year 2008/2009 Multi-Year Budget to appropriate revenues and expenditures of \$17,895.76 to conduct sobriety checkpoints recommended.  
*Police; Roy W. Wasden, 572-9501, wasdenr@modestopd.com*

**ACTION:** **Resolution 2009-038 (Lopez/Keating;unan)** accepting a mini grant in the amount of \$17,895.76 from the Office of Traffic Safety (OTS) Sobriety Checkpoint Mini-grant Program, to conduct sobriety checkpoints, and authorizing the City Manager, or his designee, to execute the necessary program documents.

**ACTION:** **Resolution 2009-039 (Lopez/Keating;unan)** amending the Fiscal Year 2008/2009 Multi-Year Budget to appropriate revenues and expenditures of \$17,895.76 to conduct sobriety checkpoints.

Consent

9. Consider approving the Prospective Bidder Prequalification Appeals Panel, including a Councilmember appointed by the Mayor to observe any appeal hearings, for the Emerald Trunk Rehabilitation Project. (Funding Source: Not Applicable)
- Resolution approving the Prospective Bidder Prequalification Appeals Panel for the Emerald Trunk Rehabilitation Project consisting of Nicholas Pinhey, Public Works Director, Richard Ulm, Public Works Deputy Director, and Mark Averell, Purchasing Manager recommended.  
*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION:** **Resolution 2009-040 (Lopez/Keating;unan)** approving the Prospective Bidder Prequalification Appeals Panel for the Emerald Trunk Rehabilitation Project consisting of Nicholas Pinhey, Public Works Director, Richard Ulm, Public Works Deputy Director, and Mark Averell, Purchasing Manager.

Consent

10. Consider approving the Fourth Amendment to Agreement with Geological Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th and G Streets. (Funding Source: Water Fund-CIP)
- Resolution approving the Fourth Amendment to Agreement with Geological Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th & G Street Project, in an amount not to exceed \$9,340 and authorizing the City Manager, or his designee, to execute the Fourth Amendment to Agreement recommended.
  - Resolution amending the FY 08-09 Capital Improvement Program budget in order to fully fund the Fourth Amendment to Agreement with Geological Technics, Inc. for the Environmental Consultant Services for the Police Headquarters Building at 10th & G Street Project by decreasing Object 6041-City Forces by \$10,000 and increasing Object 6040-Construction by the same amount in CIP Account 6180-480-W615 "Modesto System Improvements-Secondary" for additional design and construction administration staff charges needed for project completion. recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestgov.com*

**ACTION:** **Resolution 2009-041 (Lopez/Keating;unan)** approving the Fourth Amendment to Agreement with Geological Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th & G Street Project, in an amount not to exceed \$9,340 and authorizing the City Manager, or his designee, to execute the Fourth Amendment to Agreement.

**ACTION:** **Resolution 2009-042 (Lopez/Keating;unan)** amending the FY 08-09 Capital Improvement Program budget in order to fully fund the Fourth Amendment to Agreement with Geological Technics, Inc. for the Environmental Consultant Services for the Police Headquarters Building at 10th & G Street Project by decreasing Object 6041-City Forces by \$10,000 and increasing Object 6040-Construction by the same amount in CIP Account 6180-480-W615 "Modesto System Improvements-Secondary" for additional design and construction administration staff charges needed for project completion.

Consent

11. Consider approving an Agreement with Kimley-Horn and Associates, Inc. (KHA) to provide design and construction management services for Apron Rehabilitation Design - Phase 2 for Modesto City-County Airport. (Funding Source: Federal Aviation Administration and Airport Fund)
- Resolution approving an agreement with Kimley-Horn and Associates, Inc. to provide design and construction management services for Apron Rehabilitation Design - Phase 2 for the Modesto City-County Airport in the amount of \$112,365, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION:** **Resolution 2009-043 (Lopez/Keating;unan)** approving an agreement with Kimley-Horn and Associates, Inc. to provide design and construction management services for Apron Rehabilitation Design - Phase 2 for the Modesto City-County Airport in the amount of \$112,365, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an Agreement with Kimley-Horn and Associates, Inc. (KHA) to provide design services and assist the City with advertising to Enhance Runway 10R Safety Area for Modesto City-

County Airport (Funding Source: Federal Aviation Admin and Passenger Facility Charges or Airport Reserves)

- Resolution approving an Agreement with Kimley-Horn and Associates, Inc. to provide design services and assist the City with advertising to Enhance Runway 10R Safety Area for the Modesto City-County Airport in the amount of \$110,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION:** **Resolution 2009-044 (Lopez/Keating;unan)** approving an Agreement with Kimley-Horn and Associates, Inc. to provide design services and assist the City with advertising to Enhance Runway 10R Safety Area for the Modesto City-County Airport in the amount of \$110,000, 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 plans and specifications for the State Route 219 Widening from West of Dale Road to Morrow Road project, accepting the bid and approving a \$3,349,138.40 contract with George Reed, Inc. for the State Route 219 Widening from West of Dale Road to Morrow Road project conditioned upon the confirmation that State funds will be available when needed. (Total estimated project cost: \$4.7 million.) (Funding Source: State Improvement Program, Developer Contribution, CMAQ Funds)
  - Resolution approving plans and specifications for the State Route 219 Widening from West of Dale Road to Morrow Road project, accepting the bid and approving a \$3,349,138.40 contract with George Reed, Inc. for the State Route 219 Widening from West of Dale Road to Morrow Road project conditioned upon receiving, within 120 days of this action, confirmation that State funding is available for the project, and authorizing the City Manager, or his designee, to execute the contract after the City has received confirmation that State funds are available for the project recommended.
  - Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to provide funding necessary for construction contingencies by transferring funds from Object 6040-Construction to Object 6050-Contingency in the amount of \$155,214 in CIP Account 2370-430-H930 "Dale/Kiernan Intersection Improvements" recommended.

*Public Works; Richard Ulm, 577-5215, rulm@modestogov.com*

**ACTION:** **Resolution 2009-045 (Hawn/Marsh;unan)** approving plans and specifications for the State Route 219 Widening from West of Dale Road to Morrow Road project, accepting the bid and approving a \$3,349,138.40 contract with George Reed, Inc. for the State Route 219 Widening from West of Dale Road to Morrow Road project conditioned upon receiving, within 120 days of this action, confirmation that State funding is available for the project, and authorizing the City Manager, or his designee, to execute the contract after the City has received confirmation that State funds are available for the project.

**ACTION: Resolution 2009-046 (Hawn/Marsh;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to provide funding necessary for construction contingencies by transferring funds from Object 6040-Construction to Object 6050-Contingency in the amount of \$155,214 in CIP Account 2370-430-H930 "Dale/Kiernan Intersection Improvements."

*Removed from Agenda*

14. Consider approving an Agreement with Harris & Associates for Professional Services related to the Proposition 218 Process for Water Rates. (Funding Source: Water Fund-CIP)
- Resolution approving an Agreement with Harris & Associates for Professional Services Related to the Proposition 218 Process for Water Rates, in the not-to-exceed amount of \$43,800 for the identified scope of services, plus \$4,380 for additional services (if needed), for a maximum total amount of \$48,180, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Stevan Stroud, 341-2914, sstroud@modestogov.com*

**ACTION: Removed from Agenda.**

### HEARINGS

*Published in the Modesto Bee on January 3, 2009*

15. Consider amending Modesto Municipal Code Section 8-1.206 for a one year period to allow capital facilities fees for single family residential to be due and payable at the time of final occupancy and to authorize the City Manager, or his designee, to enter into Deferred Payment Agreements and Notice of Liens with applicants. (Funding Source: Capital Facilities Fees)
- Resolution approving the deferral of Capital Facilities Fees (CFF) until issuance of any 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 recommended.
  - Motion introducing an Ordinance amending Section 8-1.206 of Article 2 of Chapter 1 of Title 8 of the Modesto Municipal Code to allow Capital Facilities Fees (CFF) for single family residential to be due and payable at the time of issuance of any Certificate of Occupancy, for a period of one year from the date the ordinance goes into effect recommended.

*Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

**ACTION: Resolution 2009-047 (Hawn/Lopez;unan)** approving the deferral of Capital Facilities Fees (CFF) until issuance of any 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.

**ACTION: Motion (Hawn/Lopez;unan)** introducing **Ordinance No. 3501-C.S.** amending Section 8-1.206 of Article 2 of Chapter 1 of Title 8 of the Modesto Municipal Code to allow Capital Facilities Fees (CFF) for single family residential to be due and payable at the time of issuance of any Certificate of Occupancy, for a period of one year from the date the ordinance goes into effect.

### NEW BUSINESS

16. Consider accepting the City of Modesto's Equal Opportunity Plan Status Report for fiscal year 2007-2008. (Funding Source: Not Applicable)
- Motion accepting the City of Modesto's Equal Opportunity Plan Status Report for Fiscal Year 2007-

2008 recommended.  
*Personnel; Anna Gallego, 577-5466, bsantos@modestogov.com*

**ACTION:** **Motion (Hawn/Marsh;unan)** accepting the City of Modesto's Equal Opportunity Plan Status Report for fiscal year 2007-2008.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:00 p.m.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code)  
Name of case: *Daniel Perez v. City of Modesto, et al.*, Stanislaus County Superior Court, Case No. 610831

**MINUTES**  
**City of Modesto**  
**SPECIAL FINANCE COMMITTEE / WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, January 26, 2009, at 5:30 p.m.**

Roll Call - Present: Committee Members Hawn, Marsh and Olsen

Also Present: Mayor Ridenour

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 recommended budget adjustments and refer to City Council for consideration and approval.  
(Funding Source: Various)  
*Finance; Wayne Padilla, Director, 577-5369, wpadilla@modestogov.com*

**ACTION:** Motion (Olsen/Marsh;unan) accepting recommended budget adjustments and forwarding to City Council for consideration and approval.

**UNFINISHED BUSINESS**

2. Consider verbal report from the Finance Director updating status of General Fund. (Funding Source: Not Applicable)  
*Finance; Wayne Padilla, Director, 577-5369, wpadilla@modestogov.com*

**ACTION:** The Committee received an update from the Finance Director regarding the status of the General Fund. Committee directed staff to revise the Quarterly Revenue Chart to include additional detail for the "Other General Fund Revenue" line item. Staff to get estimates from the Departments and will come up with a revised budget estimate that will include a breakdown of each line item.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday January 27, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen,  
Mayor Ridenour

Absent: O’Bryant

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk’s Announcements – Item 13 moved to end of Agenda after RDA Items B & C

Declaration of Conflicts of Interest – None

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation by Ryan Swehla on behalf of Commonwealth Modesto. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 571-5597, slopez@modestogov.com*

**ACTION:** Presentation made by Ryan Swehla and Sean Carroll on behalf of  
CommonWealth Modesto.

**PUBLIC COMMENT PERIOD**

Robert Stanford spoke regarding budget cuts affecting the Modesto Police Department.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 8**

**ACTION CONSENT ITEMS 2-8: (Hawn/Marsh;unan O’Bryant absent)**

**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 regular City Council meeting of January 13, 2009 (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Marsh;unan O'Bryant absent)** approving the Minutes of the City Council meeting of January 13, 2009.

Consent

3. Consider approving the final adoption of Ordinance No. 3501-C.S. amending Section 8-1.206 of Article 2 of Chapter 1 of Title 8 of the Modesto Municipal Code to allow Capital Facilities Fees (CFF) for single family residential to be due and payable at the time of issuance of any Certificate of Occupancy, for a period of one year from the date the Ordinance goes into effect. (Funding Source: Not Applicable)
  - Motion approving the final adoption of Ordinance No. 3501-C.S. amending Section 8-1.206 of Article 2 of Chapter 1 of Title 8 of the Modesto Municipal Code to allow Capital Facilities Fees (CFF) for single family residential to be due and payable at the time of issuance of any Certificate of Occupancy, for a period of one year from the date the ordinance goes into effect recommended.

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

**ACTION: Motion (Hawn/Marsh;unan O'Bryant absent)** approving the final adoption of **Ordinance No. 3501-C.S.** amending Section 8-1.206 of Article 2 of Chapter 1 of Title 8 of the Modesto Municipal Code to allow Capital Facilities Fees (CFF) for single family residential to be due and payable at the time of issuance of any Certificate of Occupancy, for a period of one year from the date the ordinance goes into effect.

Consent

4. Consider authorizing the Purchasing Manager to issue Request for Proposal (RFP) to commence process for obtaining financial statement auditors. (Funding Source: General Fund)
  - Resolution authorizing the Purchasing Manager to issue a Request for Proposal for the procurement of financial statement auditors for the City recommended.

*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION: Resolution 2009-048 (Hawn/Marsh;unan O'Bryant absent)** authorizing the Purchasing Manager to issue a Request for Proposal for the procurement of financial statement auditors for the City.

Consent

5. Consider accepting the City Auditor quarterly report for December 2008 (Funding Source: Not Applicable)
  - Motion accepting the City Auditor's quarterly report recommended.

*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan O'Bryant absent)** accepting the City Auditor's quarterly report.

Consent

6. Consider accepting the Monthly Investment Report for November 2008 (Funding Source: Not Applicable)
  - Motion accepting staff report on the Monthly Investment Report for November 2008 recommended.

*Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan O'Bryant absent)** accepting staff report on the Monthly Investment Report for November 2008.

Consent

7. Consider defining the re-defined, combined City/County Disaster Council and the Decision Making Process, and appoint one elected official from the Modesto City Council to serve on the revised, newly combined County/City Disaster Council and appoint the Emergency Manager for the City (Fire Chief, or his designee) to serve on the Operational Area Council. (Funding Source: General Fund)
  - Resolution approving a City/County Disaster Council and the Decision Making Process, appointing one member of the City Council to serve on the City/County Disaster Council, and appointing the Fire Chief, or his designee, as the Emergency Manager for the City to serve on the Operational Area Council recommended.

*Fire; Michael Payton, 571-5876, mpayton@modestogov.com*

**ACTION: Resolution 2009- 049 (Hawn/Marsh;unan O’Bryant absent)** approving a City/County Disaster Council and the Decision Making Process, appointing one member of the City Council to serve on the City/County Disaster Council, and appointing the Fire Chief, or his designee, as the Emergency Manager for the City to serve on the Operational Area Council.

Consent

8. Consider approving the Fourth Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$30,000 for wastewater-specific services. (Funding Source: Wastewater Fund)
  - Resolution approving the Fourth Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$30,000, for a total amount not to exceed \$74,000 for FY 2008-09, and authorizing the City Manager, or his designee, to execute the Fourth Amendment to the Agreement recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-050 (Hawn/Marsh;unan O’Bryant absent)** approving the Fourth Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$30,000, for a total amount not to exceed \$74,000 for FY 2008-09, and authorizing the City Manager, or his designee, to execute the Fourth Amendment to the Agreement.

#### **COUNCIL COMMENTS & REPORTS**

Councilmember Lopez spoke regarding the future of the Fourth of July Parade in Modesto. He announced the Guns & Hoses Basketball Game to be held on June 6, 2009 between the Modesto Police and Fire Departments and monies will be donated to the Jaycees for the Fourth of July Parade.

#### **CITY MANAGER COMMENTS & REPORTS**

None.

#### **UNFINISHED BUSINESS**

9. Consider recommending award of City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services based on Request for Application (RFA) No. 0708-10, to all successful applicants. (Funding Source: Franchise Tow)

- Resolution approving declaring its intention to consider the applications, giving notice of the hearing on the applications, and directing the City Clerk to publish the notice, all in accordance with Modesto Municipal Code Section 11-2.05 recommended.

*Police; William Ryan, 342-9129, ryanw@modestopd.com*

**ACTION: Resolution 2009-051 (Marsh/Lopez;unan O’Bryant absent)** approving declaring its intention to consider the applications, giving notice of the hearing on the applications, and directing the City Clerk to publish the notice, all in accordance with Modesto Municipal Code Section 11-2.05.

10. Consider approving an Agreement with RBF Consulting for program management services for the New Bus Maintenance Facility design. (Funding Source: Federal Transit Administration and Local Transportation Fund)

- Resolution approving an Agreement for Program Management Services for the Bus Maintenance Facility with RBF Consulting in the amount of \$136,265 to assist in the completion of design documents for the project titled, “New Bus Maintenance Facility,” and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2009-052 (Hawn/Lopez;majority, Keating no,O’Bryant absent)** approving an Agreement for Program Management Services for the Bus Maintenance Facility with RBF Consulting in the amount of \$136,265 to assist in the completion of design documents for the project titled, “New Bus Maintenance Facility,” and authorizing the City Manager, or his designee, to execute the Agreement.

## HEARINGS

*Published in the Modesto Bee on January 7, 2009*

11. Consider accepting the Planning Commission recommendation to approve rezoning those portions of the property located at 3619 Tully Road currently zoned General Commercial (C-2) and Planned Development, P-D(133), to a new Planned Development zone to allow development of a carwash. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone the portions of the property at 3619 Tully Road currently zoned General Commercial (C-2) and Planned Development, P-D(133), to Planned Development Zone, PD(589) (Renata Enterprises) recommended.
- Resolution approving a Development Plan for Planned Development Zone, P-D(589) (Renata Enterprises) 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 the portions of the property at 3619 Tully Road currently zoned General Commercial, C-2, and Planned Development, P-D(133), to Planned Development Zone, P-D(589) (Renata Enterprises) recommended.

*Community & Economic Development; Philip Reed, 577-5267, [preed@modestogov.com](mailto:preed@modestogov.com)*

**ACTION: Motion (Hawn/Marsh; unan O’Bryant absent)** introducing **Ordinance No. 3502–C.S.** amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone the portions of the property at 3619 Tully Road currently zoned General Commercial (C-2) and Planned Development, P-D(133), to Planned Development Zone, PD(589) (Renata Enterprises). **(as amended by Council)**

**ACTION: Resolution 2009-053 (Hawn/Marsh; unan O'Bryant absent)** approving a Development Plan for Planned Development Zone, P-D(589) (Renata Enterprises). **(as amended by Council)**

**ACTION: Resolution 2009-054 (Hawn/Marsh; unan O'Bryant 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): amending Section 7-3-9 of the Zoning Map to rezone the portions of the property at 3619 Tully Road currently zoned General Commercial, C-2, and Planned Development, P-D(133), to Planned Development Zone, P-D(589) (Renata Enterprises). **(as amended by Council)**

#### NEW BUSINESS

12. Consider approving the audit work plan for the City Auditor. (Funding Source: Not Applicable)
- Motion accepting and providing input regarding the City Auditor's recommended Fiscal Year 2008-2009 Audit Work Plan recommended.
- City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION: Motion (Hawn/Lopez; unan O'Bryant absent)** accepting and providing input regarding the City Auditor's recommended Fiscal Year 2008-2009 Audit Work Plan.

*Recess at 7:50 p.m.*

*Reconvene at 8:00 p.m.*

13. Consider approving (i) Well Lease Termination Agreement and (ii) Wastewater Discharge Agreement between the City and the FMC Corporation. (Funding Source: Not Applicable)
- Resolution approving the Well Lease Termination Agreement between the City of Modesto and FMC Corporation for well site located at 1200 Graphics Drive, and authorizing the City Manager, or his designee, to execute said Agreement and any related documents recommended.
  - Resolution approving the Wastewater Discharge Agreement between the City of Modesto and FMC Corporation for acceptance of the continued discharge of wastewater generated from groundwater treatment facilities located at 1200 Graphics Drive, and authorizing the City Manager, or his designee, to execute said Agreement and any related documents recommended.
- Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com*

**ACTION: Resolution 2009-055 (Lopez/Marsh; unan O'Bryant absent)** approving the Well Lease Termination Agreement between the City of Modesto and FMC Corporation for well site located at 1200 Graphics Drive, and authorizing the City Manager, or his designee, to execute said Agreement and any related documents.

**ACTION: Resolution 2009-056 (Lopez/Marsh; unan O'Bryant absent)** approving the Wastewater Discharge Agreement between the City of Modesto and FMC Corporation for acceptance of the continued discharge of wastewater generated from groundwater treatment facilities located at 1200 Graphics Drive, and authorizing the City Manager, or his designee, to execute said Agreement and any related documents.

14. Consider approving the creation of a City wastewater treatment capacity banking and transfer program (WTCBT) for the purpose of creating incentives for economic development. (Funding Source: Not Applicable)
- Motion introducing an Ordinance adding Article 9 Entitled “Wastewater Treatment Capacity Banking and Transfer” to Chapter 6 of Title 5 of the Modesto Municipal Code recommended.  
*Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan O’Bryant absent) introducing Ordinance No. 3503-C.S. adding Article 9 entitled “Wastewater Treatment Capacity Banking and Transfer” to Chapter 6 of Title 5 of the Modesto Municipal Code.**

15. Consider approving recommended criteria for evaluating recycled water proposals. (Funding Source: Potential Revenue Generation – Wastewater Fund)
- Resolution approving the recommended criteria for evaluating recycled water proposals recommended.  
*Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com*

**ACTION: Resolution 2009-057 (Marsh/Hawn/unan O’Bryant absent) approving the recommended criteria for evaluating recycled water proposals.**

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:54 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: Potential Sale of property located at Beech and Franklin Streets, APN: 101-002-006 Negotiating parties: Julia Gillette, Property Agent, City of Modesto, Chad Yates, Christiansen and Bradford  
Under negotiation: Price and terms of sale of property.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Potential purchase of property located at 1850 Rouse Avenue, Modesto APN: 037-053-040 Negotiating party: Larry Castellano, Associated Right of Way Services, for City of Modesto Under negotiation: Price and terms of purchase of property.

## MINUTES

City of Modesto  
**Safety & Communities Committee/  
Special City Council Workshop Meeting**  
Conference Room 6105 (6<sup>th</sup> Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Thursday, January 29, 2009, at 4:00 p.m.**

**Friday, January 30, 2009, at 4:00 p.m.**

Roll Call: Present: Vice Chair Hawn, Member Olsen  
Absent: Chair O'Bryant

### ORAL COMMUNICATIONS

Three minute time limit per speaker

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** 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 interviews with potential applicants for the Entertainment Commission and recommend appointments to City Council.

**ACTION:** Motion (Olsen/Hawn; unan. O'Bryant absent) recommending approval of the following Commissioners and Alternates to the Entertainment Commission:

Commissioners:

Don Bean  
Susanna Mendieta Beasley  
Sara Lytle-Pinhey  
Mitch Maisetti  
Dan Park  
Reginald Rucker  
Chris Ricci

Alternates:  
Jennifer Allsup  
Les Knoll

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned on January 30, 2009 at 7:00 p.m.

**BY ORDER OF THE CHAIR**

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 03, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen,  
Mayor Ridenour

Absent: O’Bryant

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements – Item 9 Removed from Consent  
Item 17 Removed from Agenda

Declaration of Conflicts of Interest – Marsh Item 16

Reports from Closed Session – City Attorney Wood announced Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation proclaiming February 1, 2009 as Reconciliation Day and February 2009 as Reconciliation Month (Funding Source: Not Applicable)  
*City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour made presentation of proclamation proclaiming February 1, 2009 as Reconciliation Day and February 2009 as Reconciliation Month.

2. Presentation by Andy Johnson, Parks, Recreation & Neighborhoods, with update on the Amgen Tour Stage 3 Finish in Modesto on Tuesday, February 17, 2009. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION:** Presentation made by Julie Hannon, Parks, Recreation & Neighborhoods, and Jennifer Mullen, Modesto Convention & Visitors Bureau, with an update on the Amgen Tour Stage 3 Finish in Modesto on Tuesday, February 17, 2009.

**PUBLIC COMMENT PERIOD**

Three minute time limit per speaker

Daniel Hinchman spoke regarding an altercation last year. Mayor Ridenour referred Mr. Hinchman to the District Attorney and asked him to speak with the Police Chief.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 15**

**ACTION CONSENT ITEMS 3-8; 10-15 (Lopez/Marsh;unan O'Bryant absent)**

**ACTION Item 9: (Keating/Lopez;unan O'Bryant 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 regular City Council meeting of January 27, 2009 (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Marsh;unan O'Bryant absent) approving the Minutes of the City Council meeting of January 27, 2009.**

Consent

4. Consider approving the final adoption of Ordinance 3500-C.S. authorizing an Amendment to the Contract Between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System (CALPERS) to provide Section 2118 (Partial Service Retirement) for Local Miscellaneous Members (Funding Source: Not Applicable)
  - Motion approving the final adoption of Ordinance 3500-C.S authorizing an Amendment to the Contract Between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System (CALPERS) to provide Section 2118 (Partial Service Retirement) for Local Miscellaneous Members recommended.

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

**ACTION: Motion (Lopez/Marsh;unan O'Bryant absent) approving the final adoption of Ordinance 3500-C.S authorizing an Amendment to the Contract Between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System (CALPERS) to provide Section 2118 (Partial Service Retirement) for Local Miscellaneous Members.**

Consent

5. Consider approving the final adoption of Ordinance 3503-C.S an Ordinance Adding Article 9 Entitled "Wastewater Treatment Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code (Funding Source: Not Applicable)
  - Motion approving the final adoption of Ordinance 3503-C.S an Ordinance Adding Article 9 Entitled "Wastewater Treatment Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code recommended.

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

**ACTION: Motion (Lopez/Marsh;unan O'Bryant absent) approving the final adoption of Ordinance 3503-C.S an Ordinance Adding Article 9 Entitled "Wastewater Treatment Capacity Banking and Transfer" to Chapter 6 of Title 5 of the Modesto Municipal Code.**

Consent

6. Consider authorizing the City Manager to execute a Cooperative Agreement with Caltrans for the preparation of Plans, Specifications and Estimates for the State Route 99/Pelandale Avenue Interchange. (Funding Source: Not Applicable)
- Resolution approving the Cooperative Agreement between the City of Modesto and the California State Department of Transportation (Caltrans) for the preparation of plans specifications and estimates (PS&E) for State Route 99/Pelandale Avenue Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2009- 058 (Lopez/Marsh;unan O’Bryant absent)** approving the Cooperative Agreement between the City of Modesto and the California State Department of Transportation (Caltrans) for the preparation of plans specifications and estimates (PS&E) for State Route 99/Pelandale Avenue Interchange Reconstruction Project and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider accepting the public improvements for the Village One Town Center Homes Subdivision in the Village One Specific Plan Area, located at the northeast corner of Roselle Avenue and Belharbour Drive. (Owner: Housing Authority of the County of Stanislaus) (Funding Source: Not Applicable)
- Resolution accepting the public improvements for the Village One Town Center Homes Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2009-059 (Lopez/Marsh;unan O’Bryant absent)** accepting the public improvements for the Village One Town Center Homes Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Consent

8. Consider approving the Monthly Budget Adjustment Report - January 2009. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2008-2009 budget recommended.  
*Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Resolution 2009-060 (Lopez/Marsh;unan O’Bryant absent)** amending the Fiscal Year 2008-2009 budget.

*Removed from Consent*

9. Consider approving the removal of the landmark status from Fire Station 2, located at 629 2nd Street as recommended by the Landmark Preservation Commission and disposal of the site. (Funding Source: General Fund)
- Resolution authorizing the removal of the landmark status for the property located at 629 2nd Street, Modesto, CA recommended.
  - Resolution declaring the Fire Station located at 629 2nd Street, Modesto, surplus and authorizing the demolition recommended.
  - Resolution authorizing the sale of the property located at 629 2nd Street, Modesto recommended.  
*Fire; Lori Martinez, 572-9590, [lmartinez@modestofire.com](mailto:lmartinez@modestofire.com)*

**ACTION: Motion (Keating/Lopez;unan O'Bryant absent)** recommending staff return matter to Council on February 24, 2009.

Consent

10. Consider awarding a contract to Scott's PPE Recon of Lodi, CA for personal protective equipment (PPE) care and maintenance services. This will bring the City's Fire Department into compliance with current OSHA and NFPA standards. This is a two (2) year agreement with three (3) one-year extension options for an estimated annual cost of \$25,000. (Funding Source: General Fund) (Funding Source: General Fund)

- Resolution awarding a contract for personal protective equipment care and maintenance services for the Modesto Fire Department to Scott's PPE Recon of Lodi, CA for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$25,000 recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com*

**ACTION: Resolution 2009-061 (Lopez/Marsh;unan O'Bryant absent)** awarding a contract for personal protective equipment care and maintenance services for the Modesto Fire Department to Scott's PPE Recon of Lodi, CA for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$25,000.

Consent

11. Consider issuing formal Request for Bids (RFB) for personal protective equipment (PPE), for a two (2) year agreement, with three (3), one-year extension options at the sole discretion of the City, at an estimated annual cost of \$100,000.00. (Funding Source: General Fund)

- Resolution authorizing the issuance of a formal Request for Bids (RFB) for personal protective equipment (PPE) for the Modesto Fire Department, for a two (2) year agreement, with three (3), one-year extension options at the sole discretion of the City, at an estimated annual cost of \$100,000.00 recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com*

**ACTION: Resolution 2009-062 (Lopez/Marsh;unan O'Bryant absent)** authorizing the issuance of a formal Request for Bids (RFB) for personal protective equipment (PPE) for the Modesto Fire Department, for a two (2) year agreement, with three (3), one-year extension options at the sole discretion of the City, at an estimated annual cost of \$100,000.00.

Consent

12. Consider authorizing Agreements with various vendors for the repair of Fire Department engines and trucks at an annual estimated cost of \$110,000. (Agreements are for two years with three one-year extensions for a total cost over five years of \$550,000.) (Funding Source: General Fund)

- Resolution authorizing the award of bid and approving a two (2) year Agreement with AG Transmission for Allison Transmission repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution authorizing the award of bid and approving a two (2) year Agreement with Interstate Truck Center for International Engine repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution authorizing the award of bid and approving a two (2) year Agreement with R & L Diesel for Detroit Diesel repairs, with three (3) one-year extension options, for an estimated annual cost of \$40,000, and potential five (5) year cost of \$200,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution authorizing the award of bid and approving a two (2) year Agreement with Burtons Fire Apparatus for Pierce Fire Apparatus repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution authorizing the award of bid and approving a two (2) year Agreement with Hi-Tech Emergency Vehicle Systems for Waterous Water Pump repairs, with three (3) one-year extension options, for an estimated annual cost of \$5,000, and potential five (5) year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended
- Resolution authorizing the award of bid and approving a two (2) year Agreement with Hi-Tech Emergency Vehicle Systems for FoamPro Systems repairs, with three (3) one-year extension options, for an estimated annual cost of \$5,000, and potential five (5) year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com*

**ACTION:** **Resolution 2009-063 (Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with AG Transmission for Allison Transmission repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION:** **Resolution 2009-064(Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with Interstate Truck Center for International Engine repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION:** **Resolution 2009-065 (Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with R & L Diesel for Detroit Diesel repairs, with three (3) one-year extension options, for an estimated annual cost of \$40,000, and potential five (5) year cost of \$200,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION:** **Resolution 2009-066 (Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with Burtons Fire Apparatus for Pierce Fire Apparatus repairs, with three (3) one-year extension options, for an estimated annual cost of \$20,000, and potential five (5) year cost of \$100,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION:** **Resolution 2009-067 (Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with Hi-Tech Emergency Vehicle Systems for Waterous Water Pump repairs, with three (3) one-year extension options, for an estimated annual cost of \$5,000, and potential five (5) year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION:** **Resolution 2009-68 (Lopez/Marsh;unan O'Bryant absent)** authorizing the award of bid and approving a two (2) year Agreement with Hi-Tech Emergency

Vehicle Systems for FoamPro Systems repairs, with three (3) one-year extension options, for an estimated annual cost of \$5,000, and potential five (5) year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider accepting the work by Clyde Wheeler Pipeline, Inc. for the project titled "2008/2009 Sanitary Sewer Collection System Replacement" as complete, and authorizing payment of amounts totaling \$233,690.50. (Total estimated project cost is \$296,646.26) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Clyde Wheeler Pipeline, Inc. for the project titled "2008/2009 Sanitary Sewer Collection System Replacement" 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 \$233,690.50 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-069 (Lopez/Marsh;unan O'Bryant absent)** accepting the work by Clyde Wheeler Pipeline, Inc. for the project titled "2008/2009 Sanitary Sewer Collection System Replacement" 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 \$233,690.50.

Consent

14. Consider authorizing the use of the Modesto City-County Airport by the Commemorative Air Force (CAF) for Airport Day 2009 on Saturday, May 16, 2009. (Funding Source: CAF Sponsors and Airport Fund)
- Motion authorizing the use of the Modesto City-County Airport by the Commemorative Air Force for Airport Day 2009 on Saturday, May 16, 2009 recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Motion (Lopez/Marsh;unan O'Bryant absent)** authorizing the use of the Modesto City-County Airport by the Commemorative Air Force for Airport Day 2009 on Saturday, May 16, 2009.

Consent

15. Consider approving three (3) On-call Appraisal and Consultant Services agreements with Pacific Valley Appraisal Inc., Cogdill & Giomi, Inc., and Wright Appraisals Inc. (Funding Source: Various capital improvement projects)
- Resolution approving an agreement with Pacific Valley Appraisal Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 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 Cogdill & Giomi, Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 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 Wright Appraisals Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and

up to two one-year extension options recommended.  
*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION:** **Resolution 2009-070 (Lopez/Marsh;unan O’Bryant absent)** approving an agreement with Pacific Valley Appraisal Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options

**ACTION:** **Resolution 2009-071 (Lopez/Marsh;unan O’Bryant absent)** approving an agreement with Cogdill & Giomi, Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

**ACTION:** **Resolution 2009-072 (Lopez/Marsh;unan O’Bryant absent)** approving an agreement with Wright Appraisals Inc. for On-call Appraisal and Consultant Services for various Public Works – 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 \$65,000 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**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**HEARINGS**

*Published in the Modesto Bee on January 24, 2009; Councilmember Marsh Conflict of Interest*

- 16. Consider the Appeal of Mika Telecom on behalf of T-Mobile to a Board of Zoning Adjustment decision to deny a Conditional Use Permit to allow a seventy-five-foot cellular tower located at 3120 McHenry Avenue. (Funding Source: Not Applicable)
  - Motion to deny the appeal and direct staff to return to Council with a resolution to deny the appeal of Mika Telecom recommended.  
OR
  - Motion to grant the appeal and direct staff to return to the Council with a resolution to grant the appeal of Mika Telecom, thereby granting a Conditional Use Permit for the 75’ cellular tower as proposed, subject to the conditions reflected in Attachment No. 14 recommended.  
OR

- Motion to grant the appeal and direct staff to return to the Council with a resolution to grant the appeal of Mika Telecom, thereby granting a Conditional Use Permit for the 75' cellular tower subject to the conditions reflected in Attachment No. 14 and any new conditions the Council may impose, including but not limited to, modification to a stealth design ("mono-palm" or "mono-pine") of the Council's choosing recommended.  
OR
- Motion to refer the project back to the Board of Zoning Adjustment for consideration of stealth options or other new conditions.

*Community & Economic Development; Katharine Martin, 577-5267, kamartin@modestogov.com*

**ACTION:** **Motion (Lopez/Olsen; unan Marsh, O'Bryant absent)** directing staff to return to the Council with a resolution to deny the appeal of Mika Telecom on behalf of T-Mobile with the findings that while the proposed 75' cellular tower at 3120 McHenry Avenue would close a significant gap in the applicant's service coverage, the proposed cellular tower would not be the least intrusive means to close the gap; and that the application fee for a new Conditional Use Permit by Mika Telecom on behalf of T-Mobile for a co-location upon an existing cellular tower located at 3105 McHenry Avenue be waived.

#### NEW BUSINESS

##### *Removed from Agenda*

17. Consider approving submission of the Fiscal Year 2007-2008 Local Transportation Fund (LTF) Claim for non-transit purposes. (Funding Source: Local Transportation Fund)
  - Resolution approving and authorizing submission of the FY 2007-2008 local transportation fund (LTF) claim for non-transit claim for \$552,785 and carryover LTF in the amount of \$3,080,898 to the Stanislaus Council of Governments (StanCOG) recommended.

*Finance; Diane Rambo, 577-5369, drambo@modestogov.com*

**ACTION:** Removed from Agenda.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

This meeting adjourned at 6:38 p.m.

#### CLOSED SESSION

*Closed Session Heard Prior to Council Meeting*

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA  
Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Personnel; 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, Barbara Santos, Deputy Director, Personnel; 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, Robin Renwick, Personnel Director; 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, Robin Renwick, Personnel Director; Employee  
Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –  
Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director;  
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –MPMA  
Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director; 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, Robin Renwick, Personnel Director; Employee  
Organization: Modesto City Firefighters Association

# MINUTES

City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**ALLIANCE FREE ENTERPRISE CENTER**  
1020 10th Street, Suite 102  
Modesto, California  
Monday February 9, 2009, at 5:30 p.m.

Roll Call Present: Committee Members Keating, Lopez, and Marsh

Absent: None.

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

None.

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

**CONSENT ITEMS**

**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 and Economic Development; H. Brent Sinclair, 577-5228,  
hbsinclair@modestogov.com*

**ACTION: Motion (Lopez/Marsh;unan.)** accepting the status report of development projects processed by the Community and Economic Development Department.

Consent

2. Consider recommending to the City Council approval of the Airport Capital Improvement Plan (ACIP) Update to the Federal Aviation Administration (FAA) and Caltrans Aeronautics. (Funding Source: Not Applicable)  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Motion (Lopez/Marsh;unan.)** recommending and forwarding to Council the approval of the Airport Capital Improvement Plan (ACIP) Update to the Federal Aviation Administration (FAA) and Caltrans Aeronautics.

Consent

3. Consider recommending that the City Council authorize the work necessary to update the City Standards Specifications (Funding Source: Enterprise Funds (sewer, water, stormdrain), and General Fund)  
*Community and Economic Development; Dan England, 209-571-5589, dengland@modestogov.com*

**ACTION:** **Motion (Lopez/Marsh;unan.)** recommending and forwarding to Council the authorization of the work necessary to update the City Standards Specifications.

**UNFINISHED BUSINESS**

4. Consider accepting the 2009 Urban Growth Review Update regarding the final vacant land inventory analyses, discussion regarding preliminary results of the infrastructure systems analyses, and provide direction to staff. (Funding Source: Not Applicable)  
*Community and Economic Development; Paul Liu, (209) 577-5267, pliu@modestogov.com*

**ACTION:** Community and Economic Development and Public Works staff presented information. The Committee discussed the Urban Growth Review Update with staff and there was participation from the public. **No action was taken. This item was for information only.**

The next workshop is scheduled for February 26, 2009 to continue the discussion of the Urban Growth Review Update. Public participation and involvement was encouraged at the February 26, 2009 workshop.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:22 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday February 10, 2009, at 5:30 p.m.**

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

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 the Stanislaus County Library Annual Report for Fiscal Year 2007-2008 by Vanessa Czopek, County Librarian. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Vanessa Czopek, Stanislaus County Librarian presented the Stanislaus County Library Annual Report for Fiscal Year 2007-2008.

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6**

**ACTION CONSENT ITEMS 2-6: (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 regular City Council meeting of February 3, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan)** approving the Minutes of the City Council meeting of February 3, 2009.

Consent

3. Consider approving final adoption of Ordinance 3502-C.S. amending Section 7-3-9 of the Zoning Map to Rezone from General Commercial, C-2, Professional Office, P-O, and Planned Development, P-D(133), to Planned Development Zone, P-D(589), property located at 3619 Tully Road (Renata Enterprises) (Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance 3502 -C.S. amending Section 7-3-9 of the Zoning Map to Rezone from General Commercial, C-2, Professional Office, P-O, and Planned Development, P-D(133), to Planned Development Zone, P-D(589), property located at 3619 Tully Road (Renata Enterprises) recommended.

*City Clerk; Stephanie Lopez, 577-5251, slopez@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan)** approving final adoption of **Ordinance 3502 -C.S.** amending Section 7-3-9 of the Zoning Map to Rezone from General Commercial, C-2, Professional Office, P-O, and Planned Development, P-D(133), to Planned Development Zone, P-D(589), property located at 3619 Tully Road (Renata Enterprises).

Consent

4. Consider declaring various items as surplus from February 1, 2009 through January 31, 2010, and authorizing the Purchasing Division to sell the items by sealed bid, consignment, public auction, on-line auction, on-line or as scrap. (Funding Source: Various Funds)

- Resolution declaring as surplus from February 1, 2009 through January 31, 2010 the following items: 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 recommended.

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

**ACTION: Resolution 2009-073 (Hawn/Lopez;unan)** declaring as surplus from February 1, 2009 through January 31, 2010 the following items: 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.

Consent

5. Consider approving (i) an agreement with O'Dell Engineering, Inc. for the preparation of a Preliminary Design Report for the Shackelford Area Sanitary Sewer Crossing of the Tuolumne River, in an amount not to exceed \$81,330, (ii) a budget amendment, in the amount of \$36,717, in order to fully fund the Agreement for the Preliminary Design Report for the Shackelford Crossing. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with O'Dell Engineering for the preparation of a Preliminary Design Report for the Shackelford Area Sanitary Sewer Crossing of the Tuolumne River for an amount not to exceed \$73,936 for the identified scope of services, plus \$7,394 for additional services (if needed), for a maximum total amount of \$81,330, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for the Preliminary Design Report for Shackelford Crossing

recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-074 (Hawn/Lopez;unan)** approving an agreement with O'Dell Engineering for the preparation of a Preliminary Design Report for the Shackelford Area Sanitary Sewer Crossing of the Tuolumne River for an amount not to exceed \$73,936 for the identified scope of services, plus \$7,394 for additional services (if needed), for a maximum total amount of \$81,330, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-075 (Hawn/Lopez;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for the Preliminary Design Report for Shackelford Crossing.

Consent

6. Consider approving the expansion of the prequalified consultant list for engineering design services for street projects. (Funding Source: Various Capital Improvement Projects)
  - Resolution approving the expansion of the consultant list for engineering design services for street projects recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-076 (Hawn/Lopez;unan)** approving the expansion of the consultant list for engineering design services for street projects.

#### COUNCIL COMMENTS & REPORTS

City Manager announced that next Tuesday, February 17, 2009 is the Amgen Tour of California in Modesto.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### UNFINISHED BUSINESS

7. Consider approving the return of \$1.055 million in Capital Facility Fee (CFF) project savings from the Claratina Expressway Extension from Coffee to Oakdale Road, Capital Improvement Project (CIP) to CFF reserves and reallocating the funds to a new CIP project for the design, right-of-way (ROW) acquisition, and construction of intersection improvements and a new roundabout at Coffee Road and Claratina Avenue. (Funding Source: Capital Facility Fees-Fund 1410)
  - Resolution approving the return of \$1.055 million in Capital Facility Fee (CFF) project savings from the Claratina Expressway Extension from Coffee to Oakdale Road, Capital Improvement Project (CIP) to CFF reserves, and reallocating the funds to establish a new CIP project for the design and right-of-way acquisition related to intersection improvements and a new roundabout at Coffee Road and Claratina Avenue recommended.

*Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2009-077 (Olsen/Marsh;unan)** approving the return of \$1.055 million in Capital Facility Fee (CFF) project savings from the Claratina

Expressway Extension from Coffee to Oakdale Road, Capital Improvement Project (CIP) to CFF reserves, and reallocating the funds to establish a new CIP project for the design and right-of-way acquisition related to intersection improvements and a new roundabout at Coffee Road and Claratina Avenue.

### HEARINGS

*Published in the Modesto Bee on January 31, 2009*

8. Consider separate appeals of David Romano and Dennis Wilson to a decision by the Planning Commission denying their respective appeals of an administrative site plan approval for a proposed retail center located at the north side of Pelandale Avenue, east of Chapman Road. Also to be considered is an appeal of Dennis Wilson to the Planning Commission decision approving a tentative parcel map on the same site. (Funding Source: Not Applicable)
- Resolution denying the appeal of Dave Romano on behalf of John Johansson to a Planning Commission decision to deny an appeal of an administrative approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north Side of Pelandale Avenue, east of Chapman Road) recommended.
  - Resolution denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission decision to deny an Appeal of an Administrative Approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north side of Pelandale Avenue, east of Chapman Road recommended.
  - Resolution denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission Decision to approve a vesting tentative parcel map, property located on the north side of Pelandale Avenue, east of Chapman Road recommended.

*Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

**ACTION: Motion (Marsh/Hawn;unan)** continuing matter to Council on February 24, 2009.

*Published in the Modesto Bee on January 27, 2009*

9. Consider approving the Draft Final Noise Compatibility Program and supporting documentation for the Modesto City-County Airport Part 150 Noise Compatibility Study, and authorizing the City Manager, or his designee, to execute the Sponsor's Certification document. (Funding Source: Not Applicable)
- Resolution approving the Draft Final Noise Compatibility Program and supporting documentation for the Modesto City-County Airport Part 150 Noise Compatibility Study, and authorizing the City Manager, or his designee, to execute the Sponsor's Certification document recommended.

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

**ACTION: Resolution 2009-078 (Hawn/Lopez;unan)** approving the Draft Final Noise Compatibility Program and supporting documentation for the Modesto City-County Airport Part 150 Noise Compatibility Study, and authorizing the City Manager, or his designee, to execute the Sponsor's Certification document.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:05 p.m.

**CLOSED SESSION**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Potential purchase of property located at 850 Rouse Avenue, Modesto APN: 037-053-040, Negotiating party: Steve Castellano, Associated Right of Way Services, for City of Modesto, Under negotiation: Price and terms of purchase of property

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

## MINUTES

City of Modesto

### **Special Finance Committee Meeting/ Special City Council Workshop Meeting**

Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, February 23, 2009 at 5:30 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Olsen

Also Present: None

Absent: None

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

Doug Estes spoke regarding the Strategic Plan Element and was not able to locate it on the City's website. Deputy City Manager Judith Ray will provide Mr. Estes with a copy.

#### **CONSENT ITEMS**

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

##### Consent

1. Consider acceptance of the quarterly update on the Water Meter/Automated Reading Program. (Funding Source: Water Fund)  
*Public Works; Allen Lagarbo, Deputy Director Public Works, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan)** accepting the quarterly update on the Water Meter/Automated Reading Program.

#### **NEW BUSINESS**

2. Consider recommending to the City Council to authorize the Modesto Fire Department to bill auto insurance companies for services in motor vehicle accidents, vehicle extrication and vehicle fire response to be administered by a third party billing company. (Funding Source: Potential Revenue)  
*Fire Department; Alicia Hinshaw, 209-572-9590, ahinshaw@modestofire.com*

**ACTION:** The Committee requested additional information including a broader range of Cities, impact on ratepayers, coverage.

3. Consider policy discussion and direction regarding implementation of a community-wide survey to assess budget priorities related to a public safety sales tax measure and potential outcomes of that survey. (Funding Source: General Fund and Other)  
*Police Department; Mike Harden, 342-6122, hardenm@modestopd.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving staff recommendation to conduct a community-wide survey to assess budget priorities related to a public safety sales tax measure and forwarding to Council.

4. Consider recommending to the City Council to authorize the Purchasing Manager to issue formal request for bids (RFB) for the purchase of a pavement crack sealer for the Public Works Department, Street Maintenance Division. (Funding Source: Proposition 1B Funds)  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving staff recommendation and forwarding to Council.

#### **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 February 24, 2009, at 5:30 p.m.**

Roll Call Present: Councilmembers Hawn, Lopez, Marsh, O'Bryant, Olsen,  
Mayor Ridenour

Absent: Keating

Pledge of Allegiance to the Flag

Invocation: Gayleen Terry, First Baptist Church

City Clerk's Announcements – Item 7 Removed from Consent

Declaration of Conflicts of Interest – Marsh – Item 3

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

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider appointing Kent Faulker to the Landmark Preservation Commission as the Culture Commission's representative. (Funding Source: Not Applicable)
  - Resolution appointing Kent Faulker to the Landmark Preservation Commission as the Culture Commission's representative recommended.

*City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

**ACTION:** **Resolution 2009-079 (Hawn/Olsen;unan Keating absent)** appointing Kent Faulker to the Landmark Preservation Commission as the Culture Commission's representative.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 12**

**ACTION CONSENT ITEMS 2; 4-6; 8-12: (Lopez/Hawn;unan. Keating absent)**

**ACTION CONSENT Item 3: (Hawn/Lopez;unan. Keating,Marsh absent)**

**ACTION Item 7: (Marsh/Hawn;unan Keating absent)**

## 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 regular City Council meeting of February 10, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Motion (Lopez/Hawn;unan. Keating absent)** approving the Minutes of the City Council meeting of February 10, 2009.

### Consent – Councilmember Marsh absent due to conflict of interest

3. Consider approving a Resolution denying the Appeal of Mika Telecom on behalf of Omnipoint Communications dba T-Mobile to a Board of Zoning Adjustment decision denying a Conditional Use Permit for a 75' cellular tower located at 3120 McHenry Avenue pursuant to Council's decision at the February 3, 2009 meeting. (Funding Source: Not Applicable)
  - Resolution denying the Appeal of Mike Telecom on behalf of Omnipoint Communications dba T-Mobile to a Board of Zoning Adjustment decision denying a Conditional Use Permit for a 75' cellular tower located at 3120 McHenry Avenue recommended.*Community & Economic Development; Katharine Martin, 577-5267, [kmartin@modestogov.com](mailto:kmartin@modestogov.com)*

**ACTION: Resolution 2009-080 (Hawn/Lopez;unan. Keating, Marsh absent)** denying the Appeal of Mike Telecom on behalf of Omnipoint Communications dba T-Mobile to a Board of Zoning Adjustment decision denying a Conditional Use Permit for a 75' cellular tower located at 3120 McHenry Avenue.

### Consent

4. Consider adopting a resolution of intention to annex territory to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) ("CFD No. 2007-2") and to authorize the levy of special taxes therein (Annexation No. 1). (Funding Source: Community Facilities Fees)
  - Resolution of intention to annex territory to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) and to authorize the levy of special taxes therein (Annexation No. 1) recommended.*Community & Economic Development; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Resolution 2009-081 (Lopez/Hawn;unan. Keating absent)** of intention to annex territory to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) and to authorize the levy of special taxes therein

### Consent

5. Consider granting a one-time exception to the Tivoli Specific Plan to permit construction of a 4,900 sq. ft. agricultural storage building at 3941 Roselle Avenue and not require the parcel to form a Community Facilities District (CFD) in the Tivoli Specific Plan area at this time. (Funding Source: Not Applicable)
  - Resolution granting a one-time exception to the Tivoli Specific Plan to permit construction of a 4,900 square foot agricultural storage building at 3941 Roselle Avenue and to not require the parcel to form a Community Facilities District (CFD) in the Tivoli Specific Plan area at this time recommended.*Community & Economic Development; Amy Gedney, 577-5211, [agedney@modestogov.com](mailto:agedney@modestogov.com)*

**ACTION: Resolution 2009-082 (Lopez/Hawn;unan. Keating absent)** granting a one-time exception to the Tivoli Specific Plan to permit construction of a 4,900 square foot agricultural storage building at 3941 Roselle Avenue and to not require the parcel to form a Community Facilities District (CFD) in the Tivoli Specific Plan area at this time

Consent

6. Consider approving and authorizing (i) the submission of the Fiscal Year (FY) 2007-2008 Local Transportation Fund (LTF) Non-transit Claim reflecting the amount of \$552,785 for the FY 2007-2008 allocation and carryover LTF funding in the amount of \$3,080,898 to the Stanislaus Council of Governments (StanCOG), (ii) the submission of the Fiscal Year (FY) 2008-2009 Local Transportation Fund (LTF) Non-Transit Claim reflecting the amount of \$1,393,154 for the FY 2008-2009 allocation and carryover LTF funding in the amount of \$993,026 to the Stanislaus Council of Governments (StanCOG). (Funding Source: Funding Source: Local Transportation Funds allocated by StanCOG)
- Resolution approving and authorizing submission of the FY 2007-2008 Local Transportation Fund (LTF) non-transit claim for \$552,785 and carryover LTF in the amount of \$3,080,898 to the Stanislaus Council of Governments (StanCOG) recommended.
  - Resolution approving and authorizing submission of the FY 2008-2009 Local Transportation Fund (LTF) non-transit claim for \$1,393,154 and carryover LTF in the amount of \$993,026 to the Stanislaus Council of Governments (StanCOG) recommended.
- Finance; Michael Clipper, 571-5118, [mclipper@modestogov.com](mailto:mclipper@modestogov.com)*

**ACTION: Resolution 2009-083 (Lopez/Hawn;unan. Keating absent)** approving and authorizing submission of the FY 2007-2008 Local Transportation Fund (LTF) non-transit claim for \$552,785 and carryover LTF in the amount of \$3,080,898 to the Stanislaus Council of Governments (StanCOG).

**ACTION: Resolution 2009-084 (Lopez/Hawn;unan. Keating absent)** approving and authorizing submission of the FY 2008-2009 Local Transportation Fund (LTF) non-transit claim for \$1,393,154 and carryover LTF in the amount of \$993,026 to the Stanislaus Council of Governments (StanCOG).

REMOVED FROM CONSENT

7. Consider approving the removal of the landmark status from Fire Station 2, located at 629 2nd Street as recommended by the Landmark Preservation Commission and disposal of the site. (Funding Source: General Fund Revenue)
- Resolution approving 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.
- Fire Department; Lori Martinez, 209-572-9590, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Motion (Marsh/Hawn;unan Keating absent)** directing staff to return to Council.

Consent

8. Consider approving six (6) students from Modesto high schools be appointed to the City of Modesto Youth Commission for a two (2) year term. (Funding Source: Not Applicable)
- Resolution approving the appointment of six (6) students from Modesto high schools to the City of

Modesto Youth Commission for a two (2) year term ending February 24, 2011 recommended.  
*Parks, Recreation & Neighborhoods; Ruth-Helen King, 341-2983, rhking@modestogov.com*

**ACTION:** **Resolution 2009-085 (Lopez/Hawn;unan. Keating absent)** approving the appointment of six (6) students from Modesto high schools to the City of Modesto Youth Commission for a two (2) year term ending February 24, 2011.

Consent

9. Consider (i) approving the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$41,500 and (ii) amending the multi-year budget estimating revenue at \$41,500 for overtime and reimbursement for the Party Patrol Agreement. (Funding Source: 0420 Agreements)

- Resolution approving an Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$41,500 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 all necessary documents recommended.
- Resolution amending the multi-year budget estimating revenue of \$41,500 for overtime and reimbursement for the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) recommended.

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

**ACTION:** **Resolution 2009-086 (Lopez/Hawn;unan. Keating absent)** approving an Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS) in the amount of \$41,500 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 all necessary documents.

**ACTION:** **Resolution 2009-087 (Lopez/Hawn;unan. Keating absent)** amending the multi-year budget estimating revenue of \$41,500 for overtime and reimbursement for the Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services (BHRS).

Consent

10. Consider approving (i) an agreement with Blackburn Consulting for construction management and inspection services of the Emerald Trunk Rehabilitation project in an amount not to exceed \$886,395.02, (ii) approving a budget amendment in the amount of \$200,000 in order to fully fund the agreement for construction management and inspection services of the Emerald Trunk Rehabilitation project. (Total estimated project cost: \$11,670,784.02) (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Blackburn Consulting for construction management and inspection services of the Emerald Trunk Rehabilitation project in an amount not to exceed \$886,395.02, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for construction management and inspection services of the Emerald Trunk Rehabilitation project recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION:** **Resolution 2009-088 (Lopez/Hawn;unan. Keating absent)** approving an Agreement with Blackburn Consulting for construction management and

inspection services of the Emerald Trunk Rehabilitation project in an amount not to exceed \$886,395.02, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-089 (Lopez/Hawn;unan. Keating absent)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for construction management and inspection services of the Emerald Trunk Rehabilitation project.

Consent

11. Consider approving an agreement with WRA, Inc. for pre-construction biological survey services of the Primary Outfall Rehabilitation project in an amount not to exceed \$10,300. (Total estimated project cost: \$24,516,835) (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with WRA, Inc. for pre-construction biological survey services of the Primary Outfall Rehabilitation project in an amount not to exceed \$10,300, and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Public Works; Violet Jakab, 571-5869, [vjakab@modestogov.com](mailto:vjakab@modestogov.com)*

**ACTION: Resolution 2009-090(Lopez/Hawn;unan. Keating absent)** approving an Agreement with WRA, Inc. for pre-construction biological survey services of the Primary Outfall Rehabilitation project in an amount not to exceed \$10,300, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider accepting the work by Teichert Construction for the project titled “Tuolumne River Regional Park Gateway Phase 1.2” as complete and authorizing payment of amounts totaling \$2,683,866.97. (Total estimated project cost is \$3,372,315.51) (Funding Source: California State Proposition 50)
- Resolution accepting the work by Teichert Construction for the project titled “Tuolumne River Regional Park Gateway Phase 1.2” 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 \$2,683,866.97 recommended.  
*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2009-091 (Lopez/Hawn;unan. Keating absent)** accepting the work by Teichert Construction for the project titled “Tuolumne River Regional Park Gateway Phase 1.2” 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 \$2,683,866.97.

#### COUNCIL COMMENTS & REPORTS

13. Councilmember Dave Lopez will report on the program “Partners in Paint” for Council discussion, consideration and potential direction to staff. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, [slopez@modestogov.com](mailto:slopez@modestogov.com)*

**ACTION: Motion (Hawn/Olsen;unan. Keating absent)** directing staff to return to Council with financing and staffing necessary for the program “Partners in Paint.”

#### CITY MANAGER COMMENTS & REPORTS

None.

### WRITTEN COMMUNICATIONS

14. Consider a letter from Arturo Mendoza regarding lifting the cruising ban in Modesto with limitations. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan. Keating absent)** directing staff to return to Council with legal and enforcement information to lift the cruising ban in Modesto with limitations.

### HEARINGS

*Published in the Modesto Bee on February 3, 2009*

15. Hearing to consider (i) introducing an Ordinance adding Chapter 10 entitled “Award of Non-Consensual Towing contracts” to Title 3 of the Modesto Municipal Code granting awards for Non-Exclusive Non-Consensual Franchise Towing Services applications received for City Generated Non-Exclusive Non-Consensual Franchise Towing Services (RFA No.0708-10) and the awarding of non-exclusive franchise tow contracts, pursuant to Modesto Municipal Code Sections 11-2.01 et seq. and following, and (ii) a budget amendment in the amount of \$290,000 to reduce the General Fund Revenue due to delayed implementation of the Franchise Tow Program. (Funding Source: General Fund/Franchise Tow)
- Motion introducing an Ordinance adding Chapter 10 entitled “Award of Non-Consensual Towing Contracts” to Title 3 of the Modesto Municipal Code recommended.
  - Resolution amending the Fiscal Year 2008/2009 Operating Budget reducing General Fund Revenues by \$290,000 due to delayed implementation of the Franchise Tow Program recommended.
- Police; William Ryan, 342-9129, ryanw@modestopd.com*

**ACTION: Motion (Marsh/Olsen;unan. Keating absent)** introducing **Ordinance 3504-C.S.** adding Chapter 10 entitled “Award of Non-Consensual Towing Contracts” to Title 3 of the Modesto Municipal Code.

**ACTION: Resolution 2009-092 (Marsh/Olsen;unan. Keating absent)** amending the Fiscal Year 2008/2009 Operating Budget reducing General Fund Revenues by \$290,000 due to delayed implementation of the Franchise Tow Program.

*Published in the Modesto Bee on January 31, 2009; continued from February 10, 2009*

16. Hearing to consider separate appeals of David Romano and Dennis Wilson to a decision by the Planning Commission denying their respective appeals of an administrative site plan approval for a proposed retail center located at the north side of Pelandale Avenue, east of Chapman Road. Also to be considered is an appeal of Dennis Wilson to the Planning Commission decision approving a tentative parcel map on the same site. (Funding Source: Not Applicable)
- Resolution denying the appeal of Dave Romano on behalf of John Johannson to a Planning Commission decision to deny an appeal of an administrative approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north Side of Pelandale Avenue, east of Chapman Road) recommended.
  - Resolution denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission decision to deny an Appeal of an Administrative Approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north side of

Pelandale Avenue, east of Chapman Road recommended.

- Resolution denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission Decision to approve a vesting tentative parcel map, property located on the north side of Pelandale Avenue, east of Chapman Road recommended.

*Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

**ACTION:** **Resolution 2009-093 (Olsen/Hawn;unan. Keating absent) granting** the appeal of Dave Romano on behalf of John Johannson to a Planning Commission decision to deny an appeal of an administrative approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north Side of Pelandale Avenue, east of Chapman Road).

**ACTION:** **Resolution 2009-094 (Olsen/Hawn;unan. Keating absent)** denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission decision to deny an Appeal of an Administrative Approval of a revised site plan for Planned Development Zones, P-D(537) and P-D(540), property located on the north side of Pelandale Avenue, east of Chapman Road.

**ACTION:** **Resolution 2009-095 (Olsen/Hawn;unan. Keating absent)** denying the appeal of Dennis Wilson on behalf of Madeline Roddy to a Planning Commission Decision to approve a vesting tentative parcel map, property located on the north side of Pelandale Avenue, east of Chapman Road.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 8:05 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: Potential lease of property located at: City/County Airport Sky Trek Aviation 825 Airport Way, Hangar #6, APN: 039-010-001 Negotiating party: Dennis Turner for the City of Modesto Under negotiation: Terms for lease of subject property

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of Case: Kevin Borden v. City of Modesto, et al. United States District Court, Case No. 1:08-CV-01061-AWI-SMS

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Gary D. Devine v. City of Modesto, et al. Stanislaus County Superior Court, Case No. 611099

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

## MINUTES

City of Modesto  
**Safety & Communities Committee/  
Special City Council Workshop Meeting**  
Sixth Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Monday, March 2, 2009 at 5:30**

Roll Call - Present: Committee Members Hawn and Olsen

Absent: O'Bryant

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

None

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

### CONSENT

Consent

1. Modesto Traffic Statistics Report for December 2008. (Funding Source: Not Applicable)  
*Police Department; Chris Fuzie, Police Lieutenant, 342-6161, fuziec@modestopd.com*

**ACTION: Motion (Olsen/Hawn; O'Bryant absent)** accepting the Modesto Traffic Statistics Report for December 2008

Consent

2. Modesto Crime Statistics Report for December 2008. (Funding Source: Not Applicable)  
*Police Department; Joel Broumas, Police Captain, 572-9821, broumasj@modestopd.com*

**ACTION: Motion (Olsen/Hawn; O'Bryant absent)** accepting the Modesto Crime Statistics Report for December 2008.

Consent

3. Purchase of Retired City of Modesto Police Canine by the assigned handler, Officer Perine. (Funding Source: General Fund Revenue)

*Police Department; Ron Cloward, Police Lieutenant, 572-9664,  
clowardr@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; O’Bryant absent)** approving the Purchase of Retired City of Modesto Police Canine by the assigned handler, Officer Perine.

#### **NEW BUSINESS**

4. Modesto Police Department Training Center/Range Modular Restroom Building.  
(Funding Source: Not Applicable)  
*Police Department; Jolene Gonzales, Police Lieutenant, 342-6147,  
gonzalesj@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; O’Bryant absent)** accepting the informational report regarding the Modesto Police Department Training Center/Range Modular Restroom Building.

5. Consider recommending to the City Council approval to adopt a resolution authorizing the award of a sole source contract to LC Action Police Supply, San Jose, California, for firearms upgrade and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: 2008 Edward Byrne Memorial Justice Assistance Grant and General Fund)  
*Police Department and Fire Department; Dave Sundy, 558-6300,  
sundydave@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; O’Bryant absent)** approving staff recommendation and forwarding to Council for approval a resolution authorizing the award of a sole source contract to LC Action Police Supply, San Jose, California, for firearms upgrade and authorizing the City Manager, or his designee, to execute the contract.

6. Consider recommending to the Council alternative scenarios regarding bike trail installation as part of the “Pelandale-Dale to McHenry -Additional Improvements” project. (Funding Source: Capital Facility Fees)  
*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION:** This item will return to the Committee. The Public Works Department will seek input from bicyclists.

#### **COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 6:07 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday March 03, 2009, at 5:30 p.m.**

Roll Call Present : Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, 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.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation to the Hispanic Youth Leadership Council recognizing them for their community service and work on the Gateway Parcel at the Tuolumne River Regional Park. (Funding Source: Not Applicable)  
*City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to the Hispanic Youth Leadership Council recognizing them for their community service and work on the Gateway Parcel at the Tuolumne River Regional Park.

2. Presentation of Proclamation to support Commonwealth's efforts to pursue a job incubation site at 1230 12th Street. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5344, jhannon@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to Chris Ricci in support of Commonwealth's efforts to pursue a job incubation site at 1230 12th Street.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 7**

**ACTION CONSENT ITEMS 3-7: (Lopez/Hawn;unan)**

### CONSENT ITEMS

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

#### Consent

3. Consider approving the minutes of the regular City Council meeting of February 24, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Hawn;unan)** approving the Minutes of the City Council meeting of February 24, 2009.

#### Consent

4. Consider approving final adoption of Ordinance No. 3504-C.S. adding Chapter 10 entitled “Award of Non-Consensual Towing Contracts” to Title 3 of the Modesto Municipal Code. (Funding Source: Not Applicable)
  - Motion approving final adoption of **Ordinance No. 3504-C.S.** adding Chapter 10 entitled “Award of Non-Consensual Towing Contracts” to Title 3 of the Modesto Municipal Code recommended.

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

**ACTION: Motion (Lopez/Hawn;unan)** approving final adoption of **Ordinance No. 3504-C.S.** adding Chapter 10 entitled “Award of Non-Consensual Towing Contracts” to Title 3 of the Modesto Municipal Code.

#### Consent

5. Consider approving the Prospective Bidder Prequalification List for the Emerald Trunk Rehabilitation Project. (Funding Source: Wastewater Fund)
  - Resolution approving the Prospective Bidder Prequalification List for the Emerald Trunk Rehabilitation Project consisting of the following contractors: Colich & Sons L.P.; D’Arcy & Harty Construction, Inc.; Insituform Technologies, Inc.; K.J. Woods Construction, Inc.; Michels Corporation, dba Michels Pipeline Construction; Super Excavators, Inc.; and Ebert McGuire and Hester a Joint Venture recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-096 (Lopez/Hawn;unan)** approving the Prospective Bidder Prequalification List for the Emerald Trunk Rehabilitation Project consisting of the following contractors: Colich & Sons L.P.; D’Arcy & Harty Construction, Inc.; Insituform Technologies, Inc.; K.J. Woods Construction, Inc.; Michels Corporation, dba Michels Pipeline Construction; Super Excavators, Inc.; and Ebert McGuire and Hester a Joint Venture.

#### Consent

6. Consider approving an Agreement with Modesto Irrigation District (MID) for the relocation of two utility poles and associated underground conduit located on Sisk Road north of Pelandale Avenue in the amount not to exceed \$89,300. (Total estimated project cost: \$2,024,500) (Funding Source: Capital Facility Fees)
  - Resolution approving an Electric Utility Pole Relocation Agreement with Modesto Irrigation District for the relocation of two utility poles and associated underground conduit located on Sisk Road north of Pelandale Avenue for the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp Project in the amount not to exceed \$89,300, and authorizing the City Manager, or his designee, to execute the agreement recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION:** **Resolution 2009-097 (Lopez/Hawn;unan)** approving an Electric Utility Pole Relocation Agreement with Modesto Irrigation District for the relocation of two utility poles and associated underground conduit located on Sisk Road north of Pelandale Avenue for the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp Project in the amount not to exceed \$89,300, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

7. Consider approving the Third Amendment to the Agreement with Avail Technologies, Inc. for the development and installation of a computer-aided dispatch/automatic vehicle location system for the Modesto Area Express (MAX) bus system in an amount not to exceed \$6,200. (Funding Source: Federal Transit Administration (FTA) and State PTMISEA (Proposition 1B-Transit))
  - Resolution approving the Third Amendment to the Agreement with Avail Technologies, Inc. for the development and installation of a computer-aided dispatch/automatic vehicle location system for the Modesto Area Express Bus System in an amount not to exceed \$6,200, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement recommended.

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

**ACTION:** **Resolution 2009-098 (Lopez/Hawn;unan)** approving the Third Amendment to the Agreement with Avail Technologies, Inc. for the development and installation of a computer-aided dispatch/automatic vehicle location system for the Modesto Area Express Bus System in an amount not to exceed \$6,200, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

#### **COUNCIL COMMENTS & REPORTS**

8. Councilmember Hawn will have an update on regionalization of utilities. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Councilmember Hawn reported on the City of Modesto Regional Water Resource Opportunities. He will report back quarterly to the Finance Committee.

#### **CITY MANAGER COMMENTS & REPORTS**

- City Manager acknowledged the youth attendance at the Council meeting.
- The City Manager reported that the proposed community-wide survey to assess budget priorities related to a public safety sales tax measure that went to the Finance Committee on February 23, 2009 will be delayed indefinitely.

#### **UNFINISHED BUSINESS**

9. Consider accepting a staff report on the local vendor preference provisions of the Modesto Municipal Code (MMC) and providing staff with policy direction on the level of local vendor preference (Funding Source: Not Applicable)
  - Motion accepting staff report on the local vendor preference provisions of the Modesto Municipal Code (MMC) and directing staff regarding any changes to the current 2% local vendor preference provisions.

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

**ACTION:** **Motion (Olsen/Hawn;unan)** applying a 2% local vendor preference to purchase vehicles and heavy equipment; 4% local vendor preference to other taxable goods; staff return to Finance Committee with a recommendation on the number of points that should be awarded for using local firms and RFQ processes, as well as whether a percentage should be awarded for professional services on the price.

**ACTION** **Motion (Hawn/Lopez; Keating,Marsh.O'Bryant,Olsen, Mayor Ridenour no)** reconsidering previous motion and looking at 5% across the board for local vendor preference. **(Motion did not carry.)**

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:28 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: Gary D. Devine v. City of Modesto, et al. Stanislaus County Superior Court, Case No. 611099

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: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**ALLIANCE FREE ENTERPRISE CENTER**  
**1020 10th Street, Suite 102**  
**Modesto, California**

**Monday March 9, 2009, at 5:30 p.m.**

Roll Call-Present: Councilmembers Keating, Lopez, Marsh

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

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: ITEMS #1 through #2**

**CONSENT ITEMS**

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

Consent

1. Consider recommending to the City Council approval of the installation of a roundabout at the Prescott Road and Bangs Avenue intersection, approving the agreement with Alternate Street Design, P.A., to review and refine the design of the roundabout in the not to exceed amount of \$4,950.00, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Capital Facility Fees)  
*Public Works; Jeffrey L. Barnes, Traffic Engineer, 209.577.5468,  
jbarnes@modestogov.com*

**ACTION: Motion (Lopez/Marsh;unan)** approving and forwarding to City Council the installation of a roundabout at the Prescott Road and Bangs Avenue intersection, approving the agreement with Alternate Street Design, P.A., to review and refine the design of the roundabout in the not to exceed amount of \$4,950.00, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

2. Consider recommending to City Council approval to solicit a Request For Proposals (RFP) to operate a flight training school and provide related services at the Modesto City-County Airport. (Funding Source: None required)  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Removed from the Agenda.**

### NEW BUSINESS

3. Consider a recommendation to the Council to approve the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services and to approve the recovery of litter abatement costs for the removal of litter from the public right of way from the collection companies. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, Solid Waste Manager, 577-5492, jreed@modestogov.com*

**ACTION: Motion (Keating/Marsh;unan)** to split the item into two parts 1) fuel adjustment to the maximum rate schedule and 2) recovery of litter abatement costs.

**ACTION: Motion (Marsh/Lopez;unan)** approving and forwarding to City Council the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services.

The committee discussed the issue of litter abatement and costs. The committee requested a thorough analysis of what fees are being collected and for what services, and how much is being expended on bulky item pickups. The committee determined that this is a budgetary issue. The issue of litter abatement and costs will be brought before the Finance Committee as part of the budget discussions.

4. Discussion of procedures for appointments to various citizens advisory groups and reappointments policy. (Funding Source: Not applicable)  
*City Attorney and City Manager; Susana Alcala Wood, 577-5284, swood@modestogov.com, and Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Motion (Marsh; Lopez;unan)** to move the item to the May Economic Development Committee meeting.

### UNFINISHED BUSINESS

5. Continued Study Session of 2009 Urban Growth Review Update (Funding Source: Not Applicable)  
*Community and Economic Development; Paul Liu, (209) 577-5267, pliu@modestogov.com*

**ACTION: No Action Needed on this Item.**

Community & Economic Development staff presented an introductory statement and the purpose of the meeting and study session activities. There were several participants from the public that participated in the study session to discuss and identify potential new growth areas to accommodate residential, commercial and industrial development and identified sites and locations that are potential candidates for future General Plan Amendments. Participants were separated into groups, facilitated by Community and

Economic Development staff and each group had the opportunity to provide input and recommendations.

The Committee requested that Community and Economic Development staff review the recommendations made today and based on staffs' professional expertise, filter through the recommendations and provide recommendations to the Committee at the March 30, 2009 workshop.

*Upcoming Workshops*

March 30, 2009 - to discuss the Measure M ballot proposals and opportunities and review recommendations made by Community and Economic Development staff.

April 9, 2009 - to discuss possible Urban Growth Review report and provide final direction to staff.

**ADJOURNMENT**

This meeting adjourned at 7:19 p.m.

## MINUTES

City of Modesto  
**CITY COUNCIL MEETING\***  
Chambers, Basement Level  
Tenth Street Place, 1010 10th Street  
Modesto, California  
Tuesday March 10, 2009, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,0  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzeimer, Youth for Christ

City Clerk's Announcements – Item 5 Removed from Consent  
Item 20 – Public Hearing has been pulled off the agenda.

Declaration of Conflicts of Interest –None.

Reports from Closed Session – City Attorney Wood reported on Closed Session matters.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to Teacher Dave Menshew with the Literacy For Life Award from the California Foundation for Ag In the Classroom. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to Teacher Dave Menshew with the Literacy For Life Award from the California Foundation for Ag In the Classroom.

2. Presentation of Proclamation proclaiming March 9–13, 2009 as Girl Scout Week in the City of Modesto. (Funding Source: Not Applicable)  
*City Manager; Kathy Espinoza, 571-5169, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming March 9–13, 2009 as Girl Scout Week in the City of Modesto.

### MISCELLANEOUS

Legislation  
Appointments  
Other

3. Consider approving recommended appointments to the Entertainment Commission. (Funding Source: Not applicable)
  - Resolution appointing seven (7) members and two (2) alternate members to the Entertainment Commission recommended.  
*City Manager's Office; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION:** **Resolution 2009-099 (Hawn/Olsen;unan)** appointing seven (7) members and two (2) alternate members to the Entertainment Commission.

#### PUBLIC COMMENT PERIOD

Mr. Louis Bergstrom spoke regarding an incident that took place at Graceada Park on Saturday March 7, 2009.

Mr. Emmerson Drake commented on the Tin Cup Ordinance for the City of Modesto.

#### CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 16

**CONSENT ITEMS 4, 6-16: (Hawn/Marsh;unan)**

**ACTION CONSENT Item 5: (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 regular City Council meeting of March 3, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Hawn/Marsh;unan)** approving the minutes of the regular City Council meeting of March 3, 2009.

#### *Removed from Consent*

#### Consent

5. Consider accepting the public improvements for the Hillglen Sunrise Subdivision in the Village One Specific Plan Area, located at the southwest corner of Merle Avenue and Claus Road. (Funding Source: Private Developer)
  - Resolution accepting the public improvements for the Hillglen Sunrise Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.  
*Community & Economic Development; Dan England, 209-571-5589, dengland@modestogov.com*

**ACTION:** **Resolution 2009-100 (Hawn/Marsh;unan)** accepting the public improvements for the Hillglen Sunrise Subdivision in the Village One Specific Plan Area,

authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

6. Consider accepting the public improvements for the Thomas Terrace Subdivision in the Village One Specific Plan Area, located at the southwest corner of Merle Avenue and Claus Road. (Funding Source: Private Developer)
- Resolution accepting the public improvements for the Thomas Terrace Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.  
*Community & Economic Development; Dan England, 209-571-5589, [dengland@modestogov.com](mailto:dengland@modestogov.com)*

**ACTION:** **Resolution 2009-101 (Hawn/Marsh;unan)** accepting the public improvements for the Thomas Terrace Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

7. Consider accepting the Monthly Investment Report for December 2008. (Funding Source: Not Applicable)
- Motion accepting staff report on the Monthly Investment Report for December 2008 recommended.  
*Finance Department; Vanessa Ferrel, 571-5511, [vferrel@modestogov.com](mailto:vferrel@modestogov.com)*

**ACTION:** **Motion (Hawn/Marsh;unan)** accepting staff report on the Monthly Investment Report for December 2008.

Consent

8. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2009" at Graceada Park and allow the sale of merchandise in the Park during the event. (Funding Source: Private Donations)
- Resolution affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2009" at Graceada Park and approving the sale of merchandise in the park during the event recommended.  
*Parks, Recreation & Neighborhoods; Beverly McCullough, 577-5495, [bmccullough@modestogov.com](mailto:bmccullough@modestogov.com)*

**ACTION:** **Resolution 2009-102(Hawn/Marsh;unan)** affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2009" at Graceada Park and approving the sale of merchandise in the park during the event.

Consent

9. Consider amending Personnel Rule 2.2 – Adoption or Revision of Plan, to change the procedure to allow the City Manager or their designee to make minor material modifications to classifications in the Position Classification Plan. (Funding Source: Not Applicable)
- Resolution amending section 2.2 of Personnel Rule 2 of the City of Modesto relating to revision of the Position Classification Plan recommended.  
*Personnel; Barbara Santos, 577-5466, [bsantos@modestogov.com](mailto:bsantos@modestogov.com)*

**ACTION:** **Resolution 2009-103 (Hawn/Marsh;unan)** amending section 2.2 of Personnel Rule 2 of the City of Modesto relating to revision of the Position Classification Plan.

Consent

10. Consider revising the City's Alcohol & Drug Testing Policy and Procedure to ensure compliance with the regulations of the Department of Transportation (DOT) and renaming it to Anti-Drug/Alcohol Misuse Program. (Funding Source: Not Applicable)
- Resolution amending the City's Alcohol and Drug Testing Policy and Procedure and renaming it the Anti-Drug/Alcohol Misuse Program to ensure continued compliance with regulations of the Federal Department of Transportation recommended.
- Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Resolution 2009-104 (Hawn/Marsh;unan)** amending the City's Alcohol and Drug Testing Policy and Procedure and renaming it the Anti-Drug/Alcohol Misuse Program to ensure continued compliance with regulations of the Federal Department of Transportation.

Consent

11. Consider approving an agreement with RMC Water and Environment for value engineering services for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary project in an amount not to exceed \$117,212.70. (Total estimated cost for this portion of the project work is \$130,576.70) (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with RMC Water and Environment for value engineering services for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary project in an amount not to exceed \$106,557 for the identified scope of services, plus \$10,655.70 for additional services (if needed), for a maximum total amount of \$117,212.70, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-105 (Hawn/Marsh;unan)** approving an Agreement with RMC Water and Environment for value engineering services for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary project in an amount not to exceed \$106,557 for the identified scope of services, plus \$10,655.70 for additional services (if needed), for a maximum total amount of \$117,212.70, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider authorizing the submittal of a grant application to the Governor's Office of Homeland Security (OHS) requesting \$119,000 in FY 2008-09 California Transit Security Grant Program (CTSGBP) funds for the purchase and installation of a video surveillance system, automatic vehicle location equipment, and radios in six (6) fixed route buses. (Funding Source: OSH CTSGBP Revenue)
- Resolution authorizing the submittal of a grant application to the Governor's Office of Homeland Security (OHS) requesting \$119,000 in FY 2008-09 California Transit Security Grant Program (CTSGBP) funds for the purchase and installation of a video surveillance system, automatic vehicle location equipment and radios in six (6) fixed route buses recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Resolution 2009-106 (Hawn/Marsh;unan)** authorizing the submittal of a grant application to the Governor's Office of Homeland Security (OHS) requesting \$119,000 in FY 2008-09 California Transit Security Grant Program (CTSGBP) funds for the purchase and installation of a video surveillance system, automatic vehicle location equipment and radios in six (6) fixed route buses.

Consent

13. Consider (i) authorizing the City Manager to execute month-to-month lease agreements to provide interim flight training and related services at the Modesto City-County Airport and (ii) authorizing the Purchasing Manager to solicit Request for Proposals (RFP) to operate a flight training school and provide related services at the Modesto City-County Airport. (Funding Source: None required)
- Resolution authorizing the City Manager to execute month-to-month Lease Agreements to provide interim flight training and related services at the Modesto City-County Airport pending the completion of a Request for Proposals (RFP) to provide permanent services recommended.
  - Resolution authorizing the solicitation of Request for Proposals (RFP) to operate a flight training school and provide related services at the Modesto City-County Airport recommended.
- Public Works; Dennis Turner, 341-2906, dtturner@modestogov.com*

**ACTION:** **Resolution 2009-107 (Hawn/Marsh;unan)** authorizing the City Manager to execute month-to-month Lease Agreements to provide interim flight training and related services at the Modesto City-County Airport pending the completion of a Request for Proposals (RFP) to provide permanent services.

**ACTION:** **Resolution 2009-108 (Hawn/Marsh;unan)** authorizing the solicitation of Request for Proposals (RFP) to operate a flight training school and provide related services at the Modesto City-County Airport recommended.

Consent

14. Consider approving the submittal of the Airport Capital Improvement Plan (ACIP) Update to the Federal Aviation Administration (FAA) and Caltrans Aeronautics. (Funding Source: Not Applicable)
- Resolution approving the submittal of the Airport Capital Improvement Plan (ACIP) Update to the Federal Aviation Administration (FAA) and Caltrans Aeronautics recommended.
- Public Works; Dennis Turner, 341-2906, dtturner@modestogov.com*

**ACTION:** **Resolution 2009-109 (Hawn/Marsh;unan)** approving the submittal of the Airport Capital Improvement Plan (ACIP) Update to the Federal Aviation Administration (FAA) and Caltrans Aeronautics.

Consent

15. Consider approving an agreement with JES Engineering, Inc. to provide engineering design services for the Water Quality Control Communications Project in an amount not to exceed \$40,930. (Total estimated design costs are \$45,930) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with JES Engineering to provide engineering design services for the Water Quality Control Communications Project, in an amount not to exceed \$37,209 for the identified scope of services, plus \$3,720.90 for additional services (if needed), for a maximum total amount of \$40,929.90, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION:** **Resolution 2009-110 (Hawn/Marsh;unan)** approving an agreement with JES Engineering to provide engineering design services for the Water Quality Control Communications Project, in an amount not to exceed \$37,209 for the identified scope of services, plus \$3,720.90 for additional services (if needed), for a maximum total amount of \$40,929.90, and authorizing the City Manager, or his designee, to execute the Agreement

Consent

16. Consider accepting the work by Top Grade Construction, Inc. for the project titled “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” as complete and authorizing payment totaling \$1,962,493.42. (Total project cost to date is \$2,300,799.38) (Funding Source: Capital Grant Fund)
- Resolution accepting the work by Top Grade Construction, Inc. for the project titled “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” 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 \$1,962,493.42 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION:** **Resolution 2009-111 (Hawn/Marsh;unan)** accepting the work by Top Grade Construction, Inc. for the project titled “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” 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 \$1,962,493.42

#### **COUNCIL COMMENTS & REPORTS**

Mayor Ridenour commented on the budget reduction item that will be considered by council tonight regarding charter officers, unrepresented staff, executive staff and unrepresented employees. The Mayor stated that he knows that council is willing to take a leadership role, and asked that the council consider volunteering to take a 5% reduction in pay. The Mayor will lead by example, and asked the City Attorney to prepare the necessary documents in order for him to take a 5% reduction in pay. Councilmembers Olsen, Lopez, Keating, O’Bryant and Hawn also requested to take a 5% reduction in pay.

Councilmember Marsh stated that he chose not to take the 5% reduction in pay, due to the fact that he did not take a pay increase last year and will not do so this year as well.

#### **CITY MANAGER COMMENTS & REPORTS**

None.

#### **WRITTEN COMMUNICATIONS**

None.

#### **UNFINISHED BUSINESS**

17. Consider authorizing (i) payment of sales tax in the amount of \$334,271 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project, (ii) payment of sales tax in the amount of \$23,861 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project. Total sales tax cost for both is \$358,132. (The total estimated project cost is \$25,238,883) (Funding Source: Wastewater Fund)
- Resolution authorizing payment of sales tax in the amount of \$334,271 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project recommended.
  - Resolution authorizing payment of sales tax in the amount of \$23,861 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-112 (Hawn/Marsh;unan )** authorizing payment of sales tax in the amount of \$334,271 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project

**ACTION: Resolution 2009-113 (Hawn/Marsh;unan)** authorizing payment of sales tax in the amount of \$23,861 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project

### HEARINGS

*Published in the Modesto Bee on February 18, 2009*

18. Hearing to consider an application by Trinity Ventures to rezone an undeveloped 1.5 acre parcel located at 1108 Oakdale Road from Medium-High Density Residential Zone, (R-3), to Professional Office Zone, (P-O). (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 23-3-9 of the Zoning Map of the City of Modesto to rezone the property at 1108 Oakdale Road from Medium-High Density Residential Zone, (R-3), to Professional Office Zone, (P-O). (Trinity Ventures, LLC) 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 23-3-9 of the Zoning Map to rezone from Medium-High Density Residential Zone, (R-3), to Professional Office Zone, (P-O), property located at 1108 Oakdale Road. (Trinity Ventures, LLC) recommended.

*Community & Economic Development; Rita Doscher, 577-5267, [rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)*

**ACTION: Motion (Marsh/Olsen;unan)** introducing an **Ordinance 3505-C.S.** amending Section 23-3-9 of the Zoning Map of the City of Modesto to rezone the property at 1108 Oakdale Road from Medium-High Density Residential Zone, (R-3), to Professional Office Zone, (P-O). (Trinity Ventures, LLC)

**ACTION: Resolution 2009-114( Marsh/Olsen;unan)** 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 23-3-9 of the Zoning Map to rezone from Medium-High Density Residential Zone, (R-3), to Professional Office Zone, (P-O), property located at 1108 Oakdale Road.

*Published in the Modesto Bee on February 18, 2009*

19. Hearing to consider an application by Trinity Ventures to rezone an undeveloped 1.475 acre parcel located at 2220 E. Orangeburg Avenue from Low Density Residential Zone, (R-1), to Professional Office Zone, (P-O). (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 23-3-9 of the Zoning Map of the City of Modesto to rezone the property at 2220 E. Orangeburg Avenue from Low Density Residential Zone, (R-1), to Professional Office Zone, (P-O). (Trinity Ventures, LLC) 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 23-3-9 of the Zoning Map to rezone from Low Density Residential Zone, (R-1), to Professional Office Zone, (P-O), property located at 2220 E. Orangeburg Avenue. (Trinity

Ventures, LLC) recommended.

*Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan)** introducing an **Ordinance 3506-C.S.** amending Section 23-3-9 of the Zoning Map of the City of Modesto to rezone the property at 2220 E. Orangeburg Avenue from Low Density Residential Zone, (R-1), to Professional Office Zone, (P-O). (Trinity Ventures, LLC)

**ACTION: Resolution 2009-115 (Hawn/Marsh;unan)** 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 23-3-9 of the Zoning Map to rezone from Low Density Residential Zone, (R-1), to Professional Office Zone, (P-O), property located at 2220 E. Orangeburg Avenue. (Trinity Ventures, LLC)

*Continued to March 24, 2009*

*Published in the Modesto Bee on February 17, 2009; continued to March 24, 2009*

20. Hearing to consider approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services, approving the recovery of litter abatement costs for the removal of litter from the public right of way from the collection companies, and rescinding Resolution No. 2008-650. (Funding Source: Not Applicable)
- Resolution approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services, approving the recovery of litter abatement costs for the removal of litter from public rights of way from the collection companies, and rescinding Resolution No. 2008-650 recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Removed from the Agenda.**

#### **NEW BUSINESS**

21. Consider authorizing the implementation of budget reduction strategies for Unrepresented City employees including Executives and Charter Officers. (Funding Source: Various Funds)
- Motion authorizing implementation of various budget reduction strategies with the City's unrepresented employees as outlined in Attachments 1-3 to this report and directing staff to return with implementing language as appropriate recommended.

*Personnel; Robin Renwick, 577-5401, rrenwick@modestogov.com*

**ACTION: Motion (Marsh/Keating;unan)** authorizing implementation of various budget reduction strategies with the City's unrepresented employees as outlined in Attachments 1-3 to this report and directing staff to return with implementing language as appropriate.

#### **MATTERS TOO LATE FOR THE AGENDA**

These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.

### **ADJOURNMENT**

This meeting adjourned at 6:19 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: Potential Sale of property located at Beech and Franklin Streets APN: 101-002-006 Negotiating parties: Julia Gillette, Property Agent, City of Modesto Chad Yates, Christiansen and Bradford Under negotiation: Price and terms of sale of property

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

## MINUTES

City of Modesto

### **Special Finance Committee Meeting/ Special City Council Workshop Meeting**

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

**Monday, March 23, 2009 at 5:30 p.m.**

Roll Call: Present: Committee Chair Hawn, Vice-Chair Olsen, Marsh  
Absent: None

#### **PUBLIC COMMENT**

**Three minute time limit per speaker**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items #1 through #3 (Item #4 Removed from Consent)

#### **CONSENT ITEMS**

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

Consent

1. Consider recommended budget adjustments and refer to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan)** approving recommended budget adjustments and forwarding to Council for consideration and approval.

Consent

2. Consider a recommendation to the Council to enter into a five-year agreement between FM Golf and the City of Modesto. (Funding Source: Golf Fund)  
*Parks, Recreation & Neighborhoods; Vickie Rice, Events Supervisor, 577-6484, vrice@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan)** approving five-year agreement with FM Golf and forwarding to Council for consideration and approval.

Consent

3. Consider a recommendation to the Council to enter into a five-year agreement between ValleyCrest and the City of Modesto. (Funding Source: Golf Fund)  
*Parks, Recreation & Neighborhoods; Vicki Rice, 577-6484, vrice@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** approving a five-year agreement with ValleyCrest and forwarding to Council for consideration and approval.

*REMOVED FROM CONSENT*

4. Consider approving the proposed schedule for Fiscal Year 2009-10 budget workshops to be held the week of May 18-22, 2009. (Funding Source: various)  
*City Manager's Office; Judith Ray, Deputy City Manager, 571-5809, jray@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** approving proposed schedule for Fiscal Year 2009-10 budget workshops to be held the week of May 18-22, 2009 and adding a Wednesday evening meeting, May 20, 2009, beginning at 5:30 p.m. for Public Comment Period.

**UNFINISHED BUSINESS**

5. Consider (i) accepting staff report updating the Committee on the status of the Water Rate and Capacity Charge Study, (ii) recommending to Council that the cost attributable to the Source Water (Groundwater) Protection Program be funded through the Water Fund. (Funding Source: N/A)  
*Public Works; Richard Ulm, 577-5215, rulm@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** accepting staff report updating the Committee on the status of the Water Rate and Capacity Charge Study, (ii) recommending to Council that the cost attributable to the Source Water (Groundwater) Protection Program be funded through the Water Fund.

6. Consider providing staff with clarification regarding previous direction from the City Council related to Storm Drain Rate Process. (Funding Source: N/A)  
*Public Works User Group; Richard Ulm, 577-5215, rulm@modestogov.com*

**ACTION:** This item has been referred to the Fiscal Year 2009-10 budget workshops to be held the week of May 18-22, 2009.

**NEW BUSINESS**

7. Consider a recommendation to the Council to amend the proposed five-year agreement between ValleyCrest and the City of Modesto to implement cost saving measures in the first year of the contract. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Vicki Rice, Events Supervisor, 577-6484, vrice@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving staff's recommendation to amend the proposed five-year agreement between ValleyCrest and the City of Modesto to implement cost saving measures in the first year of the contract and forwarding to Council for consideration and approval.

8. Consider a recommendation to the Council to approve a partial reduction in recreation programs for the balance of Fiscal Year 08/09. (Funding Source: Revenue to the General Fund)  
*Parks, Recreation & Neighborhoods; Mary Otten, Recreation Manager, 571-5863, motten@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** approving staff's recommendation to approve a partial reduction in recreation programs for the balance of Fiscal Year 08/09 and forwarding to Council for consideration and approval.

9. Consider Development User Fee Cost Analysis Study Findings and provide direction to staff. (Funding Source: General Fund)  
*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** directing staff to begin stakeholders workshops as it relates to all fees, including development user fees, and as part of that process, to also develop a timeline for when fees should be reviewed on a regular basis.

10. Consider recommending to the City Council whether the City Clerk or the Stanislaus County Clerk-Recorder should conduct the City's December 2009 run-off election; and if City Clerk is chosen to conduct the City's December 2009 run-off election, that a contract be authorized with Martin & Chapman for election services. (Funding Source: Election Fund)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** recommending to the City Council that the City Clerk conduct the City's December 2009 run-off election and that a contract be authorized with Martin & Chapman for election services.

#### **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 March 24, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, First Baptist Church

City Clerk’s Announcements — Items 12 and 14 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 acknowledging the importance of the upcoming 2010 Census and recognition of the Complete Count Committee. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5757, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation acknowledging the importance of the upcoming 2010 Census and recognition of the Complete Count Committee.

2. Presentation by Chuck Jones, Modesto Police Officers Association, regarding the Bloodhound Project. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Presentation made by Officer Chuck Jones, Modesto Police Officers Association regarding the Bloodhound Project.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

3. Consider appointing Donald Borgwardt to the Housing Rehabilitation Loan Committee as the representative of the Housing Authority of the County of Stanislaus. (Funding Source: Not Applicable)
  - Resolution appointing Donald Borgwardt to the Housing Rehabilitation Loan Committee as the representative of the Housing Authority of the County of Stanislaus recommended.

*City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

**ACTION:** **Resolution 2009-116 (Hawn/Keating;unan)** appointing Donald Borgwardt to the Housing Rehabilitation Loan Committee as the representative of the Housing Authority of the County of Stanislaus.

**PUBLIC COMMENT PERIOD**

Manuel Gonzales, 13<sup>th</sup> & G Street, spoke regarding the lack of parking spaces; he has received numerous parking tickets and would like a parking permit program. Mayor Ridenour referred matter to staff.

Loretta Carhart spoke regarding City buses and parking for the Baptist Church on 12<sup>th</sup> Street. Mayor Ridenour referred the parking matter to City Manager; bus service issue was referred to Dennis Turner.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 21**

**ACTION CONSENT ITEMS 4-11, 13, 15-21: (Lopez/Keating;unan)**

**ACTION Item 12: (Marsh/Keating;unan)**

**ACTION Item 14: (Keating/Marsh;unan)**

**CONSENT ITEMS**

Consent

4. Consider approving the minutes of the regular City Council meeting of March 10, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Lopez/Keating;unan)** approving the Minutes of the City Council meeting of March 10, 2009.

Consent

5. Consider approving final adoption of Ordinance No. 3505-C.S. amending Section 23-3-9 of the Zoning Map to Rezone from Medium-high Density Residential Zone (R-3) to Professional Office Zone (P-O) Property located at the Southeast corner of Oakdale Road and Peppermint Drive (Trinity Ventures LLC) (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3505-C.S amending Section 23-3-9 of the Zoning Map to Rezone from Medium-high Density Residential Zone (R-3) to Professional Office Zone (P-O) Property located at the Southeast corner of Oakdale Road and Peppermint Drive (Trinity Ventures LLC) recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Lopez/Keating;unan)** approving final adoption of **Ordinance No. 3505-C.S** amending Section 23-3-9 of the Zoning Map to Rezone from Medium-high Density Residential Zone (R-3) to Professional Office Zone (P-O) Property located at the Southeast corner of Oakdale Road and Peppermint Drive (Trinity Ventures LLC).

Consent

6. Consider approving final adoption of Ordinance No. 3506 -C.S. amending Section 23-3-9 of The Zoning Map to Rezone from Low Density Residential Zone (R-1) to Professional Office Zone (P-O) Property Located on the South Side of East Orangeburg Avenue East of Oakdale Rd (Trinity Ventures, LLC) (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3506-C.S. amending Section 23-3-9 Of The Zoning Map To Rezone From Low Density Residential Zone (R-1) To Professional Office Zone (P-O) Property Located On The South Side Of East Orangeburg Avenue East Of Oakdale Rd (Trinity Ventures, LLC) recommended.

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

**ACTION: Motion (Lopez/Keating;unan) approving final adoption of Ordinance No. 3506-C.S. amending Section 23-3-9 Of The Zoning Map To Rezone From Low Density Residential Zone (R-1) To Professional Office Zone (P-O) Property Located On The South Side Of East Orangeburg Avenue East Of Oakdale Rd (Trinity Ventures, LLC).**

Consent

7. Consider authorizing the award of bid and contract for the purchase of hydrochloric acid to Basic Chemical Solutions, LLC, Santa Fe Springs, CA, for an estimated annual cost not to exceed \$60,000. (The annual agreement shall be for a period of two (2) years with three (3) one-year extension options at the sole discretion of the City, for an estimated total cost over five years of \$300,000.) (Funding Source: Wastewater Funds)
- Resolution authorizing the award of bid and contract for the purchase of hydrochloric acid for the Public Works Department, to Basic Chemical Solutions, LLC, Santa Fe Springs, CA, for an estimated annual cost not to exceed \$60,000, and authorizing the Purchasing Manager to issue a purchase agreement for a period of two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated total cost over five years of \$300,000 recommended.

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

**ACTION: Resolution 2009-117 (Lopez/Keating;unan) authorizing the award of bid and contract for the purchase of hydrochloric acid for the Public Works Department, to Basic Chemical Solutions, LLC, Santa Fe Springs, CA, for an estimated annual cost not to exceed \$60,000, and authorizing the Purchasing Manager to issue a purchase agreement for a period of two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated total cost over five years of \$300,000.**

Consent

8. Consider authorizing the award of bid and contract for the purchase of a replacement 4,000 gallon water truck for the Public Works, Fleet Services Division, to Delta Truck Center, Modesto, CA, for a total cost of \$108,348. (Funding Source: Fleet Equipment Replacement Fund)
- Resolution authorizing the award of bid and contract for the purchase of a 4,000 gallon water truck for the Public Works Department, Fleet Services Division, to Delta Truck Center, Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for a total cost of \$108,348 recommended.

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

**ACTION: Resolution 2009-118 (Lopez/Keating;unan) authorizing the award of bid and contract for the purchase of a 4,000 gallon water truck for the Public Works**

Department, Fleet Services Division, to Delta Truck Center, Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for a total cost of \$108,348.

Consent

9. Consider accepting the Monthly Investment Report for January 2009. (Funding Source: Not Applicable)
- Motion accepting staff report on the Monthly Investment Report for January 2009 recommended.  
*Finance; Vanessa Ferrel, 577-5376, vferrel@modestogov.com*

**ACTION: Motion (Lopez/Keating;unan)** accepting staff report on the Monthly Investment Report for January 2009.

Consent

10. Consider amending the Fiscal Year 2008-09 operating budget to recognize new revenue into the Green Waste Diversion Fund and to move green waste related expenditures from the Storm Drain Fund to the Green Waste Diversion Fund. (Funding Source: Storm Drain Fund/Green Waste Diversion Fund)
- Resolution amending the Fiscal Year 2008-09 operating budget to reduce expenditures in Organization 5220 (Storm Drain Fund 6280) by \$473,592, to increase expenditures in Organization 4444 (Green Waste Diversion Fund 0370) by \$473,592 and reserves by \$89,908, and to estimate \$563,500 in additional revenue to Fund 0370, as more fully described on Exhibit "1" recommended.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-119 (Lopez/Keating;unan)** amending the Fiscal Year 2008-09 operating budget to reduce expenditures in Organization 5220 (Storm Drain Fund 6280) by \$473,592, to increase expenditures in Organization 4444 (Green Waste Diversion Fund 0370) by \$473,592 and reserves by \$89,908, and to estimate \$563,500 in additional revenue to Fund 0370, as more fully described on Exhibit "1".

Consent

11. Consider approving an extension of a Cooperative Work Agreement with the State of California's Department of Transportation for the Briggsmore Overcrossing Landscape enhancement project. (Funding Source: Not Applicable)
- Resolution approving an Extension of Cooperative Work Agreement No. 10-177 with the State of California Department of Transportation, and authorizing the City Manager, or his designee, to sign the Extension for the Cooperative Agreement recommended.  
*Parks, Recreation & Neighborhoods; Loren Holt, 571 5573, lholt@modestogov.com*

**ACTION: Resolution 2009-120 (Lopez/Keating;unan)** approving an Extension of Cooperative Work Agreement No. 10-177 with the State of California Department of Transportation, and authorizing the City Manager, or his designee, to sign the Extension for the Cooperative Agreement.

*Removed from Consent*

12. Consider approving the quarterly fuel adjustment to the maximum rate schedule, which will lower monthly residential rates by \$0.55 and commercial solid waste collection services by \$0.47 per cubic yard per month, and rescinding Resolution No. 2008-650. (Funding Source: Not Applicable)
- Resolution approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services and rescinding Resolution No. 2008-650 recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-121 (Marsh/Keating;unan)** approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services and rescinding Resolution No. 2008-650.

Consent

13. Consider amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to correct a clerical error in the salary range for Water Quality Control Operations Supervisor from range 436 to range 440. (Funding Source: Wastewater Fund)

- Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to correct the salary range for Water Quality Control Operations Supervisor from salary range 436 to salary range 440 recommended.

*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Resolution 2009-122 (Lopez/Keating;unan)** amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to correct the salary range for Water Quality Control Operations Supervisor from salary range 436 to salary range 440.

*Removed from Consent*

14. Consider approving a sole source contract to LC Action Police Supply, San Jose, California, for firearms upgrade and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: 2008 Edward Byrne Memorial Justice Assistance Grant )

- Resolution approving award of a sole source purchase to LC Action Police Supply, San Jose, California, for firearms upgrade; and authorizing the City Manager, or his designee, to execute the purchase; and authorizing the Purchasing Manager to issue a purchase order for the firearms, for an estimated total cost of \$47,285 recommended.

*Police; Dave Sundy, 558-6300, sundydave@modestopd.com*

**ACTION: Resolution 2009-123 (Keating/Marsh;unan)** approving award of a sole source purchase to LC Action Police Supply, San Jose, California, for firearms upgrade; and authorizing the City Manager, or his designee, to execute the purchase; and authorizing the Purchasing Manager to issue a purchase order for the firearms, for an estimated total cost of \$47,285.

Consent

15. Consider approving an agreement for the purchase of retired City of Modesto Police canine by its handler, Officer Perine. (Funding Source: General Fund Revenue)

- Resolution approving an Agreement for the purchase of retired City of Modesto Police canine, Leeda, by her handler, Officer Perine, and authorizing the City Manager, or his designee, to execute the Agreement with the officer for purchase of his police canine recommended.

*Police; Ron Cloward, 572-9664, clowardr@modestopd.com*

**ACTION: Resolution 2009-124 (Lopez/Keating;unan)** approving an Agreement for the purchase of retired City of Modesto Police canine, Leeda, by her handler, Officer Perine, and authorizing the City Manager, or his designee, to execute the Agreement with the officer for purchase of his police canine.

Consent

16. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of a pavement crack sealer for the Public Works Department, Street Maintenance Division. (Funding Source: Proposition 1B Funds)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of a pavement crack sealer for the Public Works Department, Street Maintenance Division recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION:** **Resolution 2009-125 (Lopez/Keating;unan)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of a pavement crack sealer for the Public Works Department, Street Maintenance Division.

Consent

17. Consider accepting the work by Ross Carroll, Inc. for the project titled “Snyder Avenue Improvements between Prescott Road and Carver Road” as complete and authorizing payment totaling \$630,836.95. (Total project cost to date is \$803,493.84) (Funding Source: Carver-Bangs/Pelandale-Snyder Community Facilities District Tax)
- Resolution accepting the work by Ross Carroll, Inc. for the project titled “Snyder Avenue Improvements between Prescott Road and Carver Road” 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 \$630,836.95 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION:** **Resolution 2009-126 (Lopez/Keating;unan)** accepting the work by Ross Carroll, Inc. for the project titled “Snyder Avenue Improvements between Prescott Road and Carver Road” 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 \$630,836.95.

Consent

18. Consider approving an Agreement Consenting to Common Use between the Modesto Irrigation District and the City of Modesto for the Rosemore Substation for the use of the City’s sewer easement at no cost to MID. (Funding Source: Not Applicable)
- Resolution approving an Agreement Consenting to Common Use between the Modesto Irrigation District and the City of Modesto regarding the construction of a 230,000 volt transmission line by the Modesto Irrigation District for the Rosemore Substation to use certain real property located within APN: 007-037-010 and 007-037-012, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION:** **Resolution 2009-127 (Lopez/Keating;unan)** approving an Agreement Consenting to Common Use between the Modesto Irrigation District and the City of Modesto regarding the construction of a 230,000 volt transmission line by the Modesto Irrigation District for the Rosemore Substation to use certain real property located within APN: 007-037-010 and 007-037-012, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider approving a Purchase Agreement with Karen R. Haberbush, Trustee, in the amount of \$65,000,

to acquire real property for the Emerald Trunk Line Rehabilitation Project. (Total estimated cost for this portion of the project work is \$68,325) (Funding Source: Wastewater Fund)

- Resolution approving a Purchase Agreement with Karen R. Haberbusch, Trustee of the Paso-Haberbusch Revocable Family Trust Dated August 31, 2007, for a 0.326-acre parcel located at 1850 Rouse Avenue (APN 037-053-040), in the amount of \$65,000 for the Emerald Trunk Line Rehabilitation 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 an Acceptance Form for the Grant Deed for the acquisition of a property located at 1850 Rouse Avenue, owned by Karen R. Haberbusch, Trustee of the Paso-Haberbusch Revocable Family Trust Dated August 31, 2007, (APN 037-053-040) to be purchased by the City of Modesto for the Emerald Trunk Line Rehabilitation Project recommended.
- Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Purchase Agreement for the Emerald Trunk Line Rehabilitation Project, including the preliminary cost estimate for closing costs recommended.

*Public Works; Violet Jakob, 571-5869, vjakab@modestogov.com*

**ACTION:** **Resolution 2009-128 (Lopez/Keating;unan)** approving a Purchase Agreement with Karen R. Haberbusch, Trustee of the Paso-Haberbusch Revocable Family Trust Dated August 31, 2007, for a 0.326-acre parcel located at 1850 Rouse Avenue (APN 037-053-040), in the amount of \$65,000 for the Emerald Trunk Line Rehabilitation Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION:** **Resolution 2009-129 (Lopez/Keating;unan)** authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a property located at 1850 Rouse Avenue, owned by Karen R. Haberbusch, Trustee of the Paso-Haberbusch Revocable Family Trust Dated August 31, 2007, (APN 037-053-040) to be purchased by the City of Modesto for the Emerald Trunk Line Rehabilitation Project.

**ACTION:** **Resolution 2009-130 (Lopez/Keating;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Purchase Agreement for the Emerald Trunk Line Rehabilitation Project, including the preliminary cost estimate for closing costs.

Consent

20. Consider approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application for \$1,286,251 to the Federal Aviation Administration (FAA). (Funding Source: Not Applicable)
- Resolution approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application for \$1,286,251 to the Federal Aviation Administration (FAA) recommended.

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

**ACTION:** **Resolution 2009-131 (Lopez/Keating;unan)** approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application for \$1,286,251 to the Federal Aviation Administration (FAA).

Consent

21. Consider approving the submittal of the Passenger Facility Charges (PFC) Application Update to the Federal Aviation Administration (FAA) to continue collecting PFC funding for the Modesto City-County Airport. (Funding Source: Airport Fund/PFC)

- Resolution approving the submittal of the Passenger Facility Charges (PFC) Application Update to the Federal Aviation Administration (FAA) to continue collecting PFC funding for the Modesto City-County Airport recommended.

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

**ACTION:** **Resolution 2009-132 (Lopez/Keating;unan)** approving the submittal of the Passenger Facility Charges (PFC) Application Update to the Federal Aviation Administration (FAA) to continue collecting PFC funding for the Modesto City-County Airport.

#### COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the Council in the Park program to be held on Saturday, May 28, 2009 at 10:00 a.m. at Marshall Park on the corner of Sutter and Chicago Streets.

#### CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff gave a report regarding the American Recovery & Reinvestment Act of 2009 and his trip to Washington, D.C. Jim Niskanen is the City's Coordinator for the project. A full Presentation will be presented at the April 7, 2009 council meeting.

#### WRITTEN COMMUNICATIONS

None.

#### HEARINGS

None.

#### NEW BUSINESS

22. Consider approving agreements between the City and 1) the Modesto City Fire Fighters' Association (MCFFA), and 2) the Modesto City Employees' Association (MCEA), relating to unpaid work furloughs; consider authorizing Retirement Incentive Program, Voluntary Separation Program and Severance Package upon layoff for all represented 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 approving Letters of Agreement between the City of Modesto and 1) the Modesto City Fire Fighters' Association (MCFFA) and 2) the Modesto City Employees' Association (MCEA); authorizing the City to extend the Retirement Incentive, Voluntary Separation Program and Severance Package to all represented employees and authorizing the City Manager to sign implementation documents recommended.

*Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com*

**ACTION:** **Resolution 2009-133 (O'Bryant/Marsh;unan)** approving Letters of Agreement between the City of Modesto and 1) the Modesto City Fire Fighters' Association (MCFFA) and 2) the Modesto City Employees' Association (MCEA); authorizing the City to extend the Retirement Incentive, Voluntary Separation Program and

Severance Package to all represented employees and authorizing the City Manager to sign implementation documents.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:15 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:

The Stanislaus Resource Recovery Facility 4040 Fink Road Crows Landing, California Negotiating parties: Eric Tashman, Counsel Julie Hannon, Acting Parks, Recreation & Neighborhoods Director Under negotiation: Price and terms of sale of property

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**ALLIANCE FREE ENTERPRISE CENTER**  
**1020 10th Street, Suite 102**  
**Modesto, California**

**Monday March 30, 2009, at 5:30 p.m.**

Roll Call-Present: Councilmembers Keating, Lopez  
Absent: Councilmember Marsh  
Also Present: Councilmember Hawn

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** None

**UNFINISHED BUSINESS**

1. Continued Study Session of the 2009 Urban Growth Review Update regarding the final vacant land inventory and absorption analysis, opportunities for future residential and economic development in follow-up to the February 9, 2009 Economic Development Committee meeting, and provide direction to staff. (Funding Source: Not Applicable)  
*Community & Economic Development; Brad Wall, (209) 577-5267, bwall@modestgov.com*

**ACTION:** **Motion (Keating/Lopez;Marsh absent)** requesting staff to bring forward at the April 30, 2009 meeting (i) as much information as possible regarding their projects (including areas that may have been ignored); (ii) include stakeholders information (to be combined into a report for particular areas); (iii) that new information will be interest-based; and (iv) returning to the Committee with concept of use it or lose it policy to areas seeking measure M or A policy which was discussed during the meeting. (Staff has been directed to provide this information to the Committee for review in sufficient time before the April 30, 2009 meeting.)

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:43 p.m.

## Minutes

City of Modesto  
**Safety & Communities Committee/  
Special City Council Workshop Meeting**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Monday, April 6, 2009 at 5:30**

Roll Call - Present: Committee Members Hawn, O'Bryant, Olsen

Absent: None

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

Tricia O'Brien, a Modesto Resident and a property crime victim, commented on property crimes in Modesto and presented a proposal on how the Modesto Police Department could implement changes to reduce the high levels of property crimes. The Committee referred this matter to Chief of Police, Roy Wasden, and also suggested she meet with City Manager, Greg Nyhoff.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None**

### CONSENT

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

None.

### NEW BUSINESS

1. Consider reviewing options and staff recommendations on the following amendments to the Modesto Municipal Code (MMC): Ordinance repealing Chapter 9 of Title 9 of the MMC entitled "Housing Code", and replacing with Chapter 9 of Title 9 of the MMC entitled "Property Maintenance Code"; Ordinance Repealing Chapter 8 of Title 9 of the MMC entitled "Dangerous Building Code" and replacing with Chapter 8 of Title 9 of the MMC entitled "Building Maintenance Code"; and ordinance amending chapter 12 of Title 4 of the MMC Relating to Community Preservation. (Funding Source: N/A)

*City Attorney and Community & Economic Development; Susana Alcala Wood, 577-5284, swood@modestogov.com*

**ACTION:** **Motion (Olsen/Hawn; unan)** approving staff recommendations and forwarding to Council for approval the following amendments to the Modesto Municipal Code (MMC): Ordinance repealing Chapter 9 of title 9 of the MMC entitled "Housing Code", and replacing with Chapter 9 of Title 9 of the MMC entitled "Property Maintenance Code"; Ordinance Repealing Chapter 8 of Title 9 of the MMC entitled "Dangerous Building Code" and replacing with Chapter 8 of Title 9 of the MMC entitled "Building Maintenance Code"; and ordinance amending Chapter 12 of Title 4 of the MMC relating to Community Preservation.

2. Consider an informational report regarding an update on the police department's Red Light Enforcement Program and recommend to Council approval for four additional intersections to be installed with red light camera systems. (Funding Source: Traffic Safety Reserve Fund)

*Police Department; Chris Fuzie, Police Lieutenant, 342-6161, fuziec@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; unan)** accepting the informational report regarding an update on the Police Department's Red Light Enforcement Program and forwarding to Council for approval four additional intersections to be installed with red light camera systems.

3. Consider accepting an update on the Downtown Entertainment District public safety cost and discussion on options to offset these expenses. (Funding Source: General Fund)

*Police Department; Ron Cloward, Police Lieutenant, 572-9664, clowardr@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; unan)** accepting the update of the Downtown Entertainment District public safety cost; and will explore further options: 1) use of parking garage revenues; 2) increase parking fees; and 3) create a recycling program to offset expenses.

### **COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 7:48 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday April 07, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk’s Announcements — Item 9 Removed from Consent

Declaration of Conflicts of Interest — Items 12, 25, 30 - Hawn

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation for Arbor Day on April 24, 2009. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation for Arbor Day on April 24, 2009.

2. Presentation of Proclamation to the California Transplant Donor Network proclaiming April 2009 as DMV/Donate Life California Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to the California Transplant Donor Network proclaiming April 2009 as DMV/Donate Life California Month.

3. Presentation of Earth Day in the Park in April on April 18, 2009 by Parks, Recreation and Neighborhoods. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Presentation made by Beverly McCullough, Parks, Recreation and Neighborhoods, regarding Earth Day in the Park in April on April 18, 2009.

4. Presentation of Proclamation that April is Alcohol Awareness month and April 19-25, 2009 is Youth Temperance Education Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation that April is Alcohol Awareness month and April 19-25, 2009 is Youth Temperance Education Week.

5. Presentation of Proclamation proclaiming the City of Modesto will not tolerate hate crimes. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, [kespinoza@modestogov.com](mailto:kespinoza@modestogov.com)*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming that the City of Modesto will not tolerate hate crimes.

6. Presentation by Mike Gorrasi, Vice President of the Modesto Nuts, regarding the Modesto Nuts Opening Day on April 9, 2009. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, [kespinoza@modestogov.com](mailto:kespinoza@modestogov.com)*

**ACTION:** Presentation made by Mike Gorrasi, Vice President of the Modesto Nuts, regarding the Modesto Nuts Opening Day on April 9, 2009.

7. Presentation regarding the American Recovery & Reinvestment Act of 2009. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5223, [gnyhoff@modestogov.com](mailto:gnyhoff@modestogov.com)*

**ACTION:** Presentation made by James E. Niskanen, City ARRA Administrator, regarding the American Recovery & Reinvestment Act of 2009.

#### **PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 8 through 25**

**ACTION CONSENT ITEMS 8; 10-11, 13-24 (Lopez/Marsh;unan)**

**ACTION Item 9: (Hawn/Keating;majority; Marsh no)**

**ACTION Item 12: (Keating/Lopez;unan. Hawn absent)**

**ACTION Item 25: (Keating/Lopez;unan. Hawn absent)**

#### **CONSENT ITEMS**

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

Consent

8. Consider approving the minutes of the regular City Council meeting of March 24, 2009. (Funding Source: Not Applicable)
- Motion approving recommended.

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

**ACTION: Motion (Lopez/Marsh;unan)** approving the Minutes of the City Council meeting of March 24, 2009.

*Removed from Consent*

9. Consider a resolution Supporting SB 295 (The AB 32 Regulatory Timeline Bill) (Funding Source: Not Applicable)
- Resolution Supporting SB 295 (The AB 32 Regulatory Timeline Bill) recommended.
- City Council; Mayor Ridenour, 571-5597, mayor@modestogov.com*

**ACTION: Resolution 2009-134 (Hawn/Keating;majority; Marsh no)** Supporting SB 295 (The AB 32 Regulatory Timeline Bill)

Consent

10. 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 2009-135 (Lopez/Marsh;unan)** 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

11. 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. 2)
- 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, 209-577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2009-136 (Lopez/Marsh;unan)** 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—*Councilmember Hawn absent due to conflict of interest*

12. Consider extending the current contract for HVAC service and repairs for the Modesto Centre Plaza with American Chiller Co., Modesto, CA, for two (2) additional years at the current contract terms, for an estimated annual cost of \$30,000, and over two years \$60,000. (Funding Source: 6700 Modesto Centre Plaza)
- Resolution extending the current contract for HVAC service and repairs for the Modesto Centre Plaza with American Chiller Co., Modesto, CA, for two (2) additional years at the current contract terms, for an estimated annual cost of \$30,000, and over two years \$60,000 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2009-137 (Keating/Lopez;unan. Hawn absent)** extending the current contract for HVAC service and repairs for the Modesto Centre Plaza with American Chiller Co., Modesto, CA, for two (2) additional years at the current contract terms, for an estimated annual cost of \$30,000, and over two years \$60,000.

Consent

13. Consider authorizing the award of bid and contract to Gilton Resource Recovery/Transfer Facility, Inc., Oakdale, CA, to receive street sweeping materials collected from City maintained streets and facilities. The annual agreement shall be for a period of two (2) years with three (3) one-year extension options at the sole discretion of the City, for an annual estimated cost of \$60,000, and total cost over five years of \$300,000. (Funding Source: Storm Drainage)
- Resolution authorizing the award of bid and contract for the furnishing of street sweeping material receiving services for the Public Works Department, Transportation Services Division, Urban Forestry Section, to Gilton Resource Recovery/Transfer Facility, Inc., Oakdale, CA, and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$60,000 recommended.

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

**ACTION: Resolution 2009-138 (Lopez/Marsh;unan)** authorizing the award of bid and contract for the furnishing of street sweeping material receiving services for the Public Works Department, Transportation Services Division, Urban Forestry Section, to Gilton Resource Recovery/Transfer Facility, Inc., Oakdale, CA, and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$60,000.

Consent

14. Consider approving the Monthly Budget Adjustment Report for March 2009. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2008-2009 annual budget recommended.

*Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Resolution 2009-139 (Lopez/Marsh;unan)** amending the Fiscal Year 2008-2009 annual budget.

Consent

15. Consider authorizing the award of bid and contract for the purchase of a replacement excavator for the Wastewater Division through Public Works, Fleet Services Division, to Mecom Equipment Company, Stockton, CA, for a total cost of \$172,804. (Funding Source: Wastewater Replacement Reserve)
- Resolution authorizing the award of bid and contract for the purchase of an excavator for the Public Works Department, Fleet Services Division, to Mecom Equipment Company, Stockton, CA, and authorizing the Purchasing Manager to issue a purchase order for a total cost of \$172,804 recommended.

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

**ACTION: Resolution 2009-140 (Lopez/Marsh;unan)** authorizing the award of bid and contract for the purchase of an excavator for the Public Works Department, Fleet Services Division, to Mecom Equipment Company, Stockton, CA, and

authorizing the Purchasing Manager to issue a purchase order for a total cost of \$172,804.

Consent

16. Consider approving an Amendment to the Agreement between the City of Modesto and Brown and Caldwell to provide wastewater rate analysis for the current and future years. (Funding Source: Wastewater Fund)
- Resolution approving an Amendment to the Agreement between the City of Modesto and Brown and Caldwell, dated May 23, 2006, for the purpose of providing wastewater rate analysis services recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION:** **Resolution 2009-141 (Lopez/Marsh;unan)** approving an Amendment to the Agreement between the City of Modesto and Brown and Caldwell, dated May 23, 2006, for the purpose of providing wastewater rate analysis services.

Consent

17. Consider approving an Agreement to purchase and install shade coverings on existing shade structures in Davis and Downey Community Parks for a total project cost of \$99,824. (Funding Source: Park Fund)
- Resolution approving an Agreement with North State Playgrounds (NSP3) for the purchase and installation of shade coverings on existing structures in Davis and Downey Community Parks, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

**ACTION:** **Resolution 2009-142 (Lopez/Marsh;unan)** approving an Agreement with North State Playgrounds (NSP3) for the purchase and installation of shade coverings on existing structures in Davis and Downey Community Parks, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider approving a request from The West Modesto King Kennedy Neighborhood Collaborative (WMKKNC) to allow the City of Modesto to serve as fiscal agent for a \$900,000 application to the California Legislated Safe Routes to School (SR2S) funding. This grant will support the development of a walking trail between California Avenue and Maze Avenue. (Funding Source: Not Applicable)
- Resolution approving the City of Modesto to serve as the fiscal agent for a grant application for \$900,000 in funding to the California Legislated Safe Routes to School (SR2S) funding for the development of the Helen White Memorial Trail recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION:** **Resolution 2009-143 (Lopez/Marsh;unan)** approving the City of Modesto to serve as the fiscal agent for a grant application for \$900,000 in funding to the California Legislated Safe Routes to School (SR2S) funding for the development of the Helen White Memorial Trail.

Consent

19. Consider approving a request for partial reduction in recreation programs for the balance of Fiscal Year 08/09. (Funding Source: Revenue to the General Fund)
- Resolution approving the partial reduction of current recreation programs for the balance of Fiscal

Year 08/09 and amend the 08/09 budget recommended.  
*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION:** **Resolution 2009-144 (Lopez/Marsh;unan)** approving the partial reduction of current recreation programs for the balance of Fiscal Year 08/09 and amend the 08/09 budget.

Consent

20. Consider awarding Non-Consensual Towing Franchises contracts to twenty-one (21) applicants as detailed in Attachment 1 (Resolution) to this Report. (Funding Source: General Fund Franchise Tow )
- Resolution awarding the Non-Consensual Towing Franchises contracts to twenty-one (21) towing companies, and authorizing the City Manager, or his designee, to execute the contracts recommended.

*Police; William Ryan, 342-9129, ryanwilliam@modestopd.com*

**ACTION:** **Resolution 2009-145 (Lopez/Marsh;unan)** awarding the Non-Consensual Towing Franchises contracts to twenty-one (21) towing companies, and authorizing the City Manager, or his designee, to execute the contracts.

Consent

21. Consider (i) approving a Purchase and Sale Agreement with Miner Joaquin Building Corporation, in the amount of \$78,500, to acquire real property for the Pelandale Avenue Widening project, (ii) authorizing the City Manager to sign Certificate of Acceptance Forms for the property acquisition. (Total estimated cost for this portion of the project work is \$79,327.35) (Funding Source: Capital Facility Fees)
- Resolution approving a Purchase and Sale Agreement with Miner Joaquin Building Corporation, for the acquisition of a portion of a parcel of land located at 4204 Dale Road near the Dale/Pelandale intersection (APN 078-018-035), in the amount of \$78,500 for the Pelandale 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 4204 Dale Road near the Dale/Pelandale intersection, owned by Miner Joaquin Building Corporation, (APN 078-018-035) to be purchased by the City of Modesto for the Pelandale Avenue Widening project recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION:** **Resolution 2009-146 (Lopez/Marsh;unan)** approving a Purchase and Sale Agreement with Miner Joaquin Building Corporation, for the acquisition of a portion of a parcel of land located at 4204 Dale Road near the Dale/Pelandale intersection (APN 078-018-035), in the amount of \$78,500 for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**Resolution 2009-147 (Lopez/Marsh;unan)** 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 4204 Dale Road near the Dale/Pelandale intersection, owned by Miner Joaquin Building Corporation, (APN 078-018-035) to be purchased by the City of Modesto for the Pelandale Avenue Widening project.

Consent

22. Consider approving an Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the project titled, "State Route 219 Widening from West of Dale Road to Morrow Road" project to comply with funding requirements. (Funding Source: Not Applicable)
- Resolution approving an Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the project titled, "State Route 219 Widening from West of Dale Road to Morrow Road" to comply with funding requirements recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION:** **Resolution 2009-148 (Lopez/Marsh;unan)** approving an Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the project titled, "State Route 219 Widening from West of Dale Road to Morrow Road" to comply with funding requirements.

Consent

23. Consider approving a short-list of hydrogeologists for underground water well designs and to identify methods of wellhead treatment. (Funding Source: Not Applicable)
- Resolution approving a short-list of hydrogeologists to be used on a rotating, as-needed basis, consisting of the following firms, Brown & Caldwell, URS, and West Yost Associates, Inc., to provide design services for underground water well designs and to identify methods of wellhead treatment, for a period not to exceed three years recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION:** **Resolution 2009-149 (Lopez/Marsh;unan)** approving a short-list of hydrogeologists to be used on a rotating, as-needed basis, consisting of the following firms, Brown & Caldwell, URS, and West Yost Associates, Inc., to provide design services for underground water well designs and to identify methods of wellhead treatment, for a period not to exceed three years.

Consent

24. Consider approving the City of Modesto's Sanitary Sewer Management Plan (SSMP). (Funding Source: Not Applicable)
- Resolution approving the City of Modesto's Sanitary Sewer Management Plan recommended.
- Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION:** **Resolution 2009-150 (Lopez/Marsh;unan)** approving the City of Modesto's Sanitary Sewer Management Plan.

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

25. Consider (i) approving an agreement with RRM Design Group for the preparation of a Preliminary Design Report for the Area 2 Storm Drain Cross Connections Removal project, in an amount not to exceed \$252,692, (ii) amending the Fiscal Year 2008-2009 Capital Improvement Program budget to fully fund the Agreement. Total estimated cost for preliminary design of the project is \$277,961. (Funding Source: Wastewater Fund)
- Resolution approving an agreement with RRM Design Group for the preparation of a Preliminary Design Report for Area 2 Storm Drain Cross Connections Removal for an amount not to exceed \$229,720 for the identified scope of services, plus \$22,972 for additional services (if needed), for a maximum total amount of \$252,692, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for the Preliminary Design Report for Area 2 Storm Drain Cross Connections Removal recommended.
- Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION:** **Resolution 2009-151 (Keating/Lopez;unan. Hawn absent)** approving an agreement with RRM Design Group for the preparation of a Preliminary Design Report for Area 2 Storm Drain Cross Connections Removal for an amount not to exceed \$229,720 for the identified scope of services, plus \$22,972 for additional services (if needed), for a maximum total amount of \$252,692, and authorizing the City Manager, or his designee, to execute the Agreement.

**Resolution 2009-152 (Keating/Lopez;unan. Hawn absent)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Agreement for the Preliminary Design Report for Area 2 Storm Drain Cross Connections Removal.

#### COUNCIL COMMENTS & REPORTS

Councilmember Lopez reported on Council in the Park at Marshall Park. Next Council in the Park will be in June 2009.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### UNFINISHED BUSINESS

26. Consider amending Section 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. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 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; Mark Averell, 577-5412, maverell@modestogov.com*

**ACTION:** **Motion (Marsh/Lopez;unan)** introducing an **Ordinance 3507-C.S.** amending Section 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.

27. Consider approving 1) an agreement between the City of Modesto and the Modesto Police Officers' Association (MPOA); 2) authorizing the implementation of furloughs in Modesto Police Non-Sworn Association (MPNSA) contingent upon an affirmative vote for mandatory furloughs; and, 3) directing the City Manager to implement layoffs in areas where furlough savings may not be realized. (Funding Source: General Fund and Other Funds Savings)
- Resolution approving a letter of agreement between the City of Modesto and the Modesto Police Officers' Association (MPOA) recommended.
  - Motion authorizing the implementation of furloughs in Modesto Police Non-Sworn Association (MPNSA) contingent upon an affirmative association vote for mandatory furloughs recommended.
  - Motion directing the City Manager to implement layoffs in areas where furlough savings may not be realized recommended.

*Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com*

**ACTION: Resolution 2009-153 (Hawn/Olsen;unan)** approving a letter of agreement between the City of Modesto and the Modesto Police Officers' Association (MPOA).

**Motion (Hawn/Olsen;unan)** authorizing the implementation of furloughs in Modesto Police Non-Sworn Association (MPNSA) contingent upon an affirmative association vote for mandatory furloughs.

**Motion (Hawn/Olsen;unan)** directing the City Manager to implement layoffs in areas where furlough savings may not be realized.

**Motion (Hawn/Olsen;unan)** authorizing the implementation of mandatory furloughs for any other bargaining unit whose Association notifies the City of an affirmative vote on furloughs, with an effective date of the furloughs to be the next payperiod following said notification to City but no sooner than the payperiod beginning April 14, 2009.

28. Consider approving (i) Purchase Agreement with Libitzky Holdings, in the amount of \$997,117, to acquire real property for the Downstream Water System Improvements, Tier 1-North Tank Project, and (ii) Agreement to Grant Revocable Conditional License of Egress with Libitzky Holdings. Total estimated cost for this portion of the project work is \$1,000,842. (Funding Source: Water Fund-CIP)
- Resolution approving (1) a Purchase Agreement with Libitzky Holdings, for a 6.3-acre parcel in fee and 2.33 acre portion for a temporary construction easement of a parcel located near the northeast corner of the Tully Road/Bangs Avenue intersection (APN 046-012-002), in the amount of \$997,117, and (2) Agreement to Grant Revocable Conditional License of Egress with Libitzky Holdings, for the Downstream Water System Improvements, Tier 1-North Tank Project, and authorizing the City Manager, or his designee, to execute said Agreements 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 for Temporary Construction Easement for the acquisition of a property located near the northeast corner of the Tully Road / Bangs Avenue intersection, owned by Libitzky Holdings, (APN 046-012-002) to be purchased by the City of Modesto for the Downstream Water System Improvements, Tier 1-North Tank Project recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-154 (Hawn/Keating;unan)** approving (1) a Purchase Agreement with Libitzky Holdings, for a 6.3-acre parcel in fee and 2.33 acre portion for a temporary construction easement of a parcel located near the northeast corner of the Tully Road/Bangs Avenue intersection (APN 046-012-002), in the amount of \$997,117, and (2) Agreement to Grant Revocable Conditional License of Egress with Libitzky Holdings, for the Downstream Water System Improvements, Tier 1-North Tank Project, and authorizing the City Manager, or his designee, to execute said Agreements and all related documents required to close escrow.

**Resolution 2009-155 (Hawn/Keating;unan)** authorizing the City Manager, or his designee, to sign Certificate of Acceptance Forms for the Grant Deed and Grant for Temporary Construction Easement for the acquisition of a property located near the northeast corner of the Tully Road / Bangs Avenue intersection, owned by Libitzky Holdings, (APN 046-012-002) to be purchased by the City of

## Modesto for the Downstream Water System Improvements, Tier 1-North Tank Project.

29. Consider (i) approving the plans and specifications for the project titled, “City of Modesto Water Quality Control Lab Remodel,” accepting the bid and approving a contract with Huff Construction Company, Inc. in the amount of \$670,982, (ii) amending the Fiscal Year 2008-2009 Capital Improvement Program budget to fully fund the project. Total estimated cost of this portion of the project is \$1,312,507. (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the City of Modesto Water Quality Control Lab Remodel project, accepting the bid, and approving a contract with Huff Construction Company, Inc. in the amount of \$670,982, for the City of Modesto Water Quality Control Lab Remodel project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget, in order to fully fund the construction contract and contingency, construction administration, and equipment acquisition costs for the City of Modesto Water Quality Control Lab Remodel project recommended.

*Public Works; Gary DeJesus, 577-6200, [gdejesus@modestogov.com](mailto:gdejesus@modestogov.com)*

**ACTION:** **Resolution 2009-156 (Marsh/Hawn;unan)** approving the plans and specifications for the City of Modesto Water Quality Control Lab Remodel project, accepting the bid, and approving a contract with Huff Construction Company, Inc. in the amount of \$670,982, for the City of Modesto Water Quality Control Lab Remodel project, and authorizing the City Manager, or his designee, to execute the contract.

**Resolution 2009-157 (Marsh/Hawn;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget, in order to fully fund the construction contract and contingency, construction administration, and equipment acquisition costs for the City of Modesto Water Quality Control Lab Remodel project.

## HEARINGS

*Published in the Modesto Bee on March 28, 2009—Councilmember Hawn absent due to conflict of interest*

30. Hearing to consider an application to amend Planned Development Zone, P-D(567), to allow a farmers market at the Kaiser medical facility located at 4601 Dale Road, submitted by Kaiser Foundation Hospitals. (Funding Source: Not Applicable)
- Motion introducing an Ordinance Amending Planned Development, P-D(567), to allow a farmers market at the Kaiser medical facility located at 4601 Dale Road (Kaiser Foundation Hospitals) recommended.
  - Resolution amending Sections 1 and 3 of Modesto City Council Resolution No. 2004-425 Entitled “A Resolution Approving A Development Plan For Planned Development Prezone, P-P-D(567)” (Kaiser Foundation Hospitals) recommended.

*Community & Economic Development; Philip Reed, 577-5267, [preed@modestogov.com](mailto:preed@modestogov.com)*

**ACTION:** **Motion (Keating/Marsh;unan. Hawn absent)** introducing an **Ordinance 3508-C.S.** amending Planned Development, P-D(567), to allow a farmers market at the Kaiser medical facility located at 4601 Dale Road (Kaiser Foundation Hospitals).

**Resolution 2009-158 (Keating/Marsh;unan. Hawn absent)** amending Sections 1 and 3 of Modesto City Council Resolution No. 2004-425 Entitled “A Resolution

Approving A Development Plan For Planned Development Prezone, P-P-D(567)"  
(Kaiser Foundation Hospitals).

*Published in the Modesto Bee on March 20, 2009*

31. Hearing to consider calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) (Annexation No. 1), canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2007-2 (Kiernan Business Park West). (Funding Source: CFD 2007-2 - Annexation No. 1)

- Resolution calling an election for the purpose of submitting the levy of the City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) special taxes to the qualified electors of the territory proposed to be annexed to the District (Annexation No. 1) recommended.
- Resolution canvassing the results of the April 7, 2009 election held within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West), and ordering annexation of the territory to the District (Annexation No. 1) recommended.

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

**ACTION: Resolution 2009-159 (Hawn/Lopez;unan)** calling an election for the purpose of submitting the levy of the City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) special taxes to the qualified electors of the territory proposed to be annexed to the District (Annexation No. 1).

**Resolution 2009-160 (Hawn/Lopez;unan)** canvassing the results of the April 7, 2009 election held within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West), and ordering annexation of the territory to the District (Annexation No. 1).

*Published in the Modesto Bee on March 25, 2009*

32. Hearing to consider an Appeal filed by Brady Post on behalf of Modesto Virtual to a decision denying an Application for a dance hall permit. (Funding Source: Not Applicable)

- Resolution denying the appeal of Brady Post, on behalf of Modesto Virtual, to a decision by the Chief of Police to deny an application for a dance hall permit, dba Modesto Virtual, for a dance hall permit application denial by the Police Chief recommended.

*Police; Ron Cloward, 572-9664, clowardr@modestopd.com*

*Recess at 8:20 p.m.*

*Councilmember O'Bryant left meeting at 8:20 p.m.*

*Reconvened at 8:30 p.m.*

**ACTION: Resolution 2009-161 (Hawn/Marsh;unan. O'Bryant absent)** denying the appeal of Brady Post, on behalf of Modesto Virtual, to a decision by the Chief of Police to deny an application for a dance hall permit, dba Modesto Virtual, for a dance hall permit application denial by the Police Chief.

*Published in the Modesto Bee on March 28, 2009*

33. Hearing to consider approving reductions to Modesto Area Express (MAX) bus service effective August 15, 2009, to save approximately \$104,000 in operating expenses during FY 2009/10. (Funding Source: Not Applicable)

- Resolution approving reductions to Modesto Area Express (MAX) bus service effective August 15, 2009, to save approximately \$104,000 in operating expenses during FY 2009/10 recommended.

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

**ACTION:** **Resolution 2009-162 (Keating/Olsen;unan. O’Bryant absent)** approving reductions to Modesto Area Express (MAX) bus service effective August 15, 2009, to save approximately \$104,000 in operating expenses during FY 2009/10.

#### NEW BUSINESS

34. Consider approving implementation of the proposed Consent Agenda Policy. (Funding Source: Not Applicable)

- Motion approving implementation of the Consent Agenda Policy recommended.

*City Attorney; Susana Alcala Wood, 209-577-5284, swood@modestogov.com*

**ACTION:** **Motion: (Olsen/Marsh; Hawn, Keating, Lopez, Mayor no; O’Bryant absent)** approving and adopting the proposed Consent Agenda Policy with the additions of: (i) that there be no known opposition to an item; (ii) that a Determination of Items Not Appropriate for Consent Calendar – add that if item went to Council Committee it receives unanimous support; and (iii) striking Section 5. **(Motion failed to carry; Mayor recommended bringing back to Council at a later date.)**

35. Consider adopting the VantageCare Retirement Health Savings Plan (RHS) to be administered by the International City Management Association-Retirement Corporation (ICMA-RC) for employees accepted for participation in the City's Retirement Incentive Program and Voluntary Separation Program. (Funding Source: Not Applicable)

- Resolution approving the adoption of the International City Management Association-Retirement Corporation (ICMA-RC) VantageCare Retirement Health Savings Plan effective April 15, 2009, and authorizing the City Manager or designee to execute necessary documents recommended.

*Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com*

**ACTION:** **Resolution 2009-163 (Hawn/Lopez;unan. O’Bryant absent)** approving the adoption of the International City Management Association-Retirement Corporation (ICMA-RC) VantageCare Retirement Health Savings Plan effective April 15, 2009, and authorizing the City Manager or designee to execute necessary documents.

36. Consider approving the following actions: 1) eliminate eight filled positions in the Gas Tax Fund due to lack of funding; 2) reallocate various positions from the Public Works Department to the Community and Economic Development Department (CEDD) to consolidate all traffic related functions within CEDD. (Funding Source: General Fund, Gas Tax Fund)

- Resolution approving a consolidation of all traffic-related functions in the Public Works and Community and Economic Development Departments under the Community and Economic Development Department recommended.
- Resolution amending the Fiscal Year 2008-09 Gas Tax operating budget to reduce expenditures through the elimination of eight allocated positions and related fleet equipment recommended.

*Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com*

**ACTION:** **Resolution 2009-164 (Hawn/Marsh;unan. O’Bryant absent)** approving a consolidation of all traffic-related functions in the Public Works and Community and Economic Development Departments under the Community and Economic Development Department.

**Resolution 2009-165 (Hawn/Marsh;unan. O’Bryant absent)** amending the Fiscal Year 2008-09 Gas Tax operating budget to reduce expenditures through the elimination of eight allocated positions and related fleet equipment.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:03 p.m.

**CLOSED SESSION**

*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: Wendell Jamon Jones v. City of Modesto, et al. U.S. District Court No. 1:08-CV-00396

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto City Firefighters Association

# MINUTES

City of Modesto

## **Special Finance Committee Meeting/ Special City Council Workshop Meeting**

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

**Monday, April 27, 2009 at 5:30 p.m.**

Roll Call: Present: Committee Chair Hawn, Vice-Chair Olsen (arrived at 5:38 pm), Marsh  
Absent: None

### **PUBLIC COMMENT**

**Three minute time limit per speaker**

None.

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

### **CONSENT ITEMS**

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

Consent

1. Consider recommended budget adjustments and refer to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Motion (Marsh/Hawn;Olsen absent)** approving recommended budget adjustments and forwarding to Council for consideration and approval.

Consent

2. Consider accepting staff recommendation to authorize the Finance Department Purchasing Manager to issue a Request for Proposal (RFP) for banking services and forward to City Council for approval. (Funding Source: Not Applicable)  
*Finance; Cheryl M. Detmar, 571-5174, cdetmar@modestogov.com*

**ACTION: Motion (Marsh/Hawn;Olsen absent)** approving accepting staff recommendation to authorize the Finance Department Purchasing Manager to issue a Request for Proposal (RFP) for banking services and forwarding to Council for consideration and approval.

Consent

3. Consider approving the attached list of consultants recommended by Public Works staff as the most qualified firms to complete the design of the Bus Maintenance Facility Project, and recommending staff issue an RFP to these firms for selection of one that would be recommended to the City Council for award of a design contract. (Funding Source: Federal Transit Administration and Local Transportation Fund)  
*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION:** **Motion (Marsh/Hawn;Olsen absent)** approving the list of consultants recommended by Public Works staff as the most qualified firms to complete the design of the Bus Maintenance Facility Project, and recommending staff issue an RFP to these firms for selection of one that would be recommended to the City Council for award of a design contract.

### UNFINISHED BUSINESS

4. Consider accepting staff report on the status of the Business License Code Enforcement Officer Pilot Project after first six months of implementation and approval to continue the program through Fiscal Year 2009/2010. (Funding Source: General Fund)  
*Finance; JoAnn Bertolotti, 571-5871, jbertolotti@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** accepting staff report on the status of the Business License Code Enforcement Officer Pilot Project after first six months of implementation and approval to continue the program through Fiscal Year 2009/2010.

5. Consider staff report on the annual review of water and wastewater rates to be considered as part of the budget review process for FY2010. (Funding Source: Water and Wastewater Enterprise Funds)  
*Public Works; Richard Ulm, 577-5215, rulm@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** accepting staff report and recommending to Council no rate increase.

6. Consider directing staff to continue working with the Turlock Irrigation District (TID) and the cities of Ceres, Hughson, and Turlock for the purpose of creating a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP). (Funding Source: Water Fund)  
*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan)** recommending forwarding to Council for consideration and approval the JPA governance model.

### NEW BUSINESS

7. Consider receiving informational report on the American Recovery and Reinvestment Act of 2009. (Funding Source: Not Applicable)

*City Manager's Office; Patrick Brooke, 571-5848, pbrooke@modestogov.com*

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:50 p.m.

AMENDED FOR CLERICAL ERROR



# MODESTO CITY COUNCIL

[www.modestogov.com](http://www.modestogov.com)

## MINUTES

City of Modesto

### CITY COUNCIL MEETING

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday April 28, 2009, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Claude Terry, First Baptist Church

City Clerk’s Announcements — None

Declaration of Conflicts of Interest — Hawn Items 5 and 23

Reports from Closed Session — City Attorney Wood reported on the Closed Session matters.

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming April 12-18, 2009 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 proclaiming April 12-18, 2009 as National Library Week in Stanislaus County.

### MISCELLANEOUS

Legislation  
Appointments

Other

2. Consider accepting with regret the resignation of Jeannie MacDonald from the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Jeannie MacDonald from the Golf Courses Advisory Committee recommended.  
*City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

**ACTION:** **Resolution 2009-166 (Hawn/Marsh;unan)** accepting with regret the resignation of Jeannie MacDonald from the Golf Courses Advisory Committee.

**PUBLIC COMMENT PERIOD**

Fire Chief Miguel gave an update on the swine flu epidemic.

Ana Rocha San Nicolas announced next weekend's Cinco de Mayo Parade on Saturday at Crow's Landing Road.

Joe Hernandez, Burt Zapata and Geronimo Carreon spoke in favor of cruising.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 15**

**ACTION CONSENT ITEMS 3-4; 5-15 (Hawn/Marsh;unan)**

**ACTION Item 5: (Marsh/Lopez;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 regular City Council meeting of April 7, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Hawn/Marsh;unan)** approving the Minutes of the City Council meeting of April 7, 2009.

Consent

4. Consider approving final adoption of Ordinance No. 3507-C.S. amending Section 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 (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3507-C.S amending Section 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.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan)** approving final adoption of **Ordinance 3507-C.S** amending Section 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.

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

5. Consider approving final adoption of Ordinance No. 3508-C.S. amending Section 2 of Ordinance No. 3356-C.S. entitled “An Ordinance amending Section 2-3-8 of the Zoning Map to Rezone from Prezone Specific Plan Overlay Zone, P-SP-O, to Prezone Planned Development Zone, P-P-D(567), and from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(567), property located on the west side of Dale Road North of Bangs Avenue (Kaiser Foundation Hospitals)” to allow a Farmers Market at the Kaiser Medical facility located at 4601 Dale Road (Kaiser Foundation Hospitals) (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance 3508-C.S. amending Section 2 of Ordinance No. 3356-C.S. entitled “An Ordinance amending Section 2-3-8 of the Zoning Map to Rezone from Prezone Specific Plan Overlay Zone, P-SP-O, to Prezone Planned Development Zone, P-P-D(567), and from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(567), property located on the west side of Dale Road North of Bangs Avenue (Kaiser Foundation Hospitals)” to allow a Farmers Market at the Kaiser Medical facility located at 4601 Dale Road (Kaiser Foundation Hospitals) recommended.

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

**ACTION: Motion (Marsh/Lopez;unan. Hawn absent)** approving final adoption of **Ordinance 3508-C.S.** amending Section 2 of Ordinance No. 3356-C.S. entitled “An Ordinance amending Section 2-3-8 of the Zoning Map to Rezone from Prezone Specific Plan Overlay Zone, P-SP-O, to Prezone Planned Development Zone, P-P-D(567), and from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(567), property located on the west side of Dale Road North of Bangs Avenue (Kaiser Foundation Hospitals)” to allow a Farmers Market at the Kaiser Medical facility located at 4601 Dale Road (Kaiser Foundation Hospitals).

Consent

6. Consider accepting the Monthly Investment Report for February 2009. (Funding Source: Not Applicable)
  - Motion accepting staff report on the Monthly Investment Report for February 2009 recommended.

*Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com*

**ACTION: Motion (Hawn/Marsh;unan)** accepting staff report on the Monthly Investment Report for February 2009.

Consent

7. Consider authorizing the Fire Department to participate in the purchase of radio communication equipment through the Salida Fire Protection District as Administrator and Host of the Assistance to Firefighters Grant. (The purchase price of this equipment is \$170,157.42, of which the City of Modesto’s twenty percent (20%) match is \$34,031.48.) (Funding Source: General Fund)
  - Resolution authorizing the Modesto Fire Department to participate in the purchase of radio communications equipment through the Salida Fire Protection District as Administrator and Host of the Assistance to Firefighters Grant recommended.
  - Resolution authorizing the City Manager to sign the Memorandum of Understanding between the Salida Fire District, as Administrator and Host of Assistance to Firefighters Grant, and the City of Modesto recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestogov.com*

**ACTION:** **Resolution 2009-167 (Hawn/Marsh;unan)** authorizing the Modesto Fire Department to participate in the purchase of radio communications equipment through the Salida Fire Protection District as Administrator and Host of the Assistance to Firefighters Grant.

**ACTION:** **Resolution 2009-168 (Hawn/Marsh;unan)** authorizing the City Manager to sign the Memorandum of Understanding between the Salida Fire District, as Administrator and Host of Assistance to Firefighters Grant, and the City of Modesto.

Consent

8. Consider approving an application for \$150,000 to the San Joaquin Valley Air Pollution Control District (SJVAPCD) for the REMOVE II grant program for the construction of Phase V of the Virginia Corridor Class I Bike Trail (Funding Source: Not applicable)
- Resolution approving an application in the amount of \$150,000 to the San Joaquin Valley Air Pollution Control District for the REMOVE II Grant Program for the construction of Phase V of the Virginia Corridor Class I Bike Trail recommended.
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION:** **Resolution 2009-169 (Hawn/Marsh;unan)** approving an application in the amount of \$150,000 to the San Joaquin Valley Air Pollution Control District for the REMOVE II Grant Program for the construction of Phase V of the Virginia Corridor Class I Bike Trail.

Consent

9. Consider approving a contract with Callander Associates for \$191,861 to provide the City with Construction Documents for Phase VI of the Virginia Corridor Project. (Funding Source: State Transportation Grant)
- Resolution approving a contract with Callander and Associates for \$191,861 to provide the City of Modesto with Construction Documents for Phase VI of the Virginia Corridor Project, and authorizing the City Manager, or his designee, to execute all necessary documents recommended.
  - Resolution amending the FY 08-09 Capital Improvement budget to transfer \$200,000 from 2300-310-A087-3133 to 2300-310-P366-3133 and appropriating \$200,000 in expenditures to 2300-310-P366-6010 to reflect funding for the Virginia Corridor Phase VI recommended.
- Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com*

**ACTION:** **Resolution 2009-170 (Hawn/Marsh;unan)** approving a contract with Callander and Associates for \$191,861 to provide the City of Modesto with Construction Documents for Phase VI of the Virginia Corridor Project, and authorizing the City Manager, or his designee, to execute all necessary documents.

**ACTION:** **Resolution 2009- 171 (Hawn/Marsh;unan)** amending the FY 08-09 Capital Improvement budget to transfer \$200,000 from 2300-310-A087-3133 to 2300-310-P366-3133 and appropriating \$200,000 in expenditures to 2300-310-P366-6010 to reflect funding for the Virginia Corridor Phase VI.

Consent

10. Consider rejecting the latest counter proposal from Covanta Stanislaus for a contract extension under new terms; authorizing the City Manager to execute a Notice of Extension of the Contract with Covanta Stanislaus for the operation of the Stanislaus Resource Recovery Facility through 2016 pursuant to Section 11.01 of the Service Agreement; and authorizing staff to continue negotiations with Covanta. (Funding Source: Stanislaus Waste-to-Energy JPA Resource Recovery Account)

- Resolution rejecting the latest counter proposal from Covanta Stanislaus for a contract extension under new terms, authorizing the City Manager to execute a Notice of Extension of the Contract with Covanta Stanislaus for the operation of the Stanislaus Resource Recovery Facility through 2016 pursuant to Section 11.01 of the Service Agreement, and authorizing staff to continue negotiations with Covanta recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-172 (Hawn/Marsh;unan)** rejecting the latest counter proposal from Covanta Stanislaus for a contract extension under new terms, authorizing the City Manager to execute a Notice of Extension of the Contract with Covanta Stanislaus for the operation of the Stanislaus Resource Recovery Facility through 2016 pursuant to Section 11.01 of the Service Agreement, and authorizing staff to continue negotiations with Covanta.

Consent

11. Consider authorizing the sole source purchase of twenty-four (24), Hadronex SmartCover Systems from 3T Equipment Company, Santa Rosa, CA, for a one-time purchase of \$86,016 and an annual service fee of \$14,400 for two years, for a total estimated cost of \$100,416. (Funding Source: Wastewater Fund)

- Resolution authorizing the Purchasing Manager to conduct a sole source procurement of twenty-four (24) Hadronex SmartCover Systems, for a one-time purchase of \$86,016 and an annual service fee of \$14,400 for two years from 3T Equipment Company, Santa Rosa, CA, for Public Works – Water Quality Control, and authorizing the Purchasing Manager to issue a purchase agreement for a total estimated cost of \$100,416 recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2009-173 (Hawn/Marsh;unan)** authorizing the Purchasing Manager to conduct a sole source procurement of twenty-four (24) Hadronex SmartCover Systems, for a one-time purchase of \$86,016 and an annual service fee of \$14,400 for two years from 3T Equipment Company, Santa Rosa, CA, for Public Works – Water Quality Control, and authorizing the Purchasing Manager to issue a purchase agreement for a total estimated cost of \$100,416.

Consent

12. Consider approving an agreement with NorthStar Engineering Group, Inc. (NorthStar) for the preparation of a Preliminary Design Report for the Carpenter Road Relief Trunk project, in an amount not to exceed \$634,449.60. (Total estimated cost for preliminary design of the project is \$697,894.60) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with NorthStar Engineering Group, Inc. for the preparation of a Preliminary Design Report for the Carpenter Road Relief Trunk project for an amount not to exceed \$576,772.60 for the identified scope of services, plus \$57,677.00 for additional services (if needed), for a maximum total amount of \$634,449.60, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-174 (Hawn/Marsh;unan)** approving an agreement with NorthStar Engineering Group, Inc. for the preparation of a Preliminary Design

Report for the Carpenter Road Relief Trunk project for an amount not to exceed \$576,772.60 for the identified scope of services, plus \$57,677.00 for additional services (if needed), for a maximum total amount of \$634,449.60, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

13. Consider authorizing the solicitation of Request for Proposals (RFP) to provide an airport terminal advertising and display service concession at the Modesto City-County Airport. (Funding Source: Not Applicable)
- Resolution authorizing the solicitation of Request for Proposals (RFP) to provide an airport terminal advertising and display service concession at the Modesto City-County Airport recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

**ACTION: Resolution 2009-175 (Hawn/Marsh;unan)** authorizing the solicitation of Request for Proposals (RFP) to provide an airport terminal advertising and display service concession at the Modesto City-County Airport.

Consent

14. Consider (i) approving transfer of Hangar #6 from Modesto Executive Air Charter to D.C. Air, LLC and (ii) extending the ground lease of Hangar #6 contingent upon the sale of Hangar #6 to D.C. Air, LLC. (Funding Source: Not Applicable)
- Resolution approving transfer of Hangar #6 from Modesto Executive Air Charter (MEAC) to D.C. Air, LLC recommended.
  - Resolution extending the ground lease on Hangar #6 contingent upon the sale of Hanger #6 to D.C. Air, LLC recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Resolution 2009-176 (Hawn/Marsh;unan)** approving transfer of Hangar #6 from Modesto Executive Air Charter (MEAC) to D.C. Air, LLC.

**ACTION: Resolution 2009- 177 (Hawn/Marsh;unan)** extending the ground lease on Hangar #6 contingent upon the sale of Hanger #6 to D.C. Air, LLC.

Consent

15. Consider (i) approving the plans and specifications for the project titled, "2009 Sanitary Lift Station Rehabilitation Project," accepting the bid, and approving a contract with BRC Construction, Inc. in the amount of \$447,700, (ii) finding that the project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report, (iii) amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the 2009 Sanitary Lift Station Rehabilitation Project. (Total estimated cost of the project is \$653,120.96) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the 2009 Sanitary Lift Station Rehabilitation Project, accepting the bid, and approving a contract with BRC Construction, Inc. in the amount of \$447,700, for the 2009 Sanitary Lift Station Rehabilitation project, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Jefferson Lift Station Improvements recommended.
  - Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget, in order to fully fund the 2009 Sanitary Lift Station Rehabilitation Project recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009- 178 (Hawn/Marsh;unan)** approving the plans and specifications for the 2009 Sanitary Lift Station Rehabilitation Project, accepting the bid, and approving a contract with BRC Construction, Inc. in the amount of \$447,700, for the 2009 Sanitary Lift Station Rehabilitation project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009- 179 (Hawn/Marsh;unan)** finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Jefferson Lift Station Improvements.

**ACTION: Resolution 2009-180 (Hawn/Marsh;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget, in order to fully fund the 2009 Sanitary Lift Station Rehabilitation Project.

#### COUNCIL COMMENTS & REPORTS

Councilmember Lopez gave a report on his trip to Aguascalientes, Mexico and thanked the Sister Cities.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### UNFINISHED BUSINESS

16. Consider (i) accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$383,423 to combat gang violence, and (ii) amending the Multi-Year 2008/09 Budget, estimating revenue of \$383,423 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence. (Funding Source: Grant Revenue)
  - Resolution accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$383,423 to combat gang violence; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents recommended.
  - Resolution amending the Multi-Year 2008/09 Budget, estimating revenue of \$383,423 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence recommended.

*Police; Gary Watts, 342-6144, wattsg@modestopd.com*

**ACTION: Resolution 2009-181 (Marsh/Lopez;unan)** accepting the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant, from the Governor's Office of Emergency Services (OES), for \$383,423 to combat gang violence; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents.

**ACTION: Resolution 2009-182 (Marsh/Lopez;unan)** amending the Multi-Year 2008/09 Budget, estimating revenue of \$383,423 from the California Gang Reduction, Intervention and Prevention (CalGRIP) Grant to combat gang violence.

17. Consider ratifying a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding through the Edward Byrne Justice Assistance Grant (JAG) Formula Program in the amount of \$1,082,445. (Funding Source: Grant Revenue)
- Resolution ratifying the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation Award authorizing a joint application with the County of Stanislaus, and authorizing the City Manager, or his designee, to execute the grant application upon award recommended.

*Police; Roy W. Wasden, 572-9501, wasdenr@modestopd.com*

**ACTION: Resolution 2009-183 (Marsh/Lopez;unan)** ratifying the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation Award authorizing a joint application with the County of Stanislaus, and authorizing the City Manager, or his designee, to execute the grant application upon award.

18. Consider entering into a five-year agreement between ValleyCrest and the City of Modesto to provide golf course maintenance services with two (2) five-year extensions, upon mutual agreement, at an annual cost in Fiscal Year 2009-10 of \$1,834,514. (Funding Source: Golf Fund)
- Resolution approving a five-year Agreement between ValleyCrest and the City of Modesto to provide golf course maintenance services at the City's three municipal golf courses, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION: Resolution 2009-184 (Hawn/Keating;unan)** approving a five-year Agreement between ValleyCrest and the City of Modesto to provide golf course maintenance services at the City's three municipal golf courses, and authorizing the City Manager, or his designee, to execute the Agreement.

19. Consider exercising extension option and entering into a five-year agreement between FM Golf and the City of Modesto to provide golf professional services. (Funding Source: Golf Fund)
- Resolution approving an Agreement between FM Golf and the City of Modesto to provide golf professional services at the three municipal golf courses, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION: Resolution 2009-185 (Hawn/Keating;unan)** approving an Agreement between FM Golf and the City of Modesto to provide golf professional services at the three municipal golf courses, and authorizing the City Manager, or his designee, to execute the Agreement.

20. Consider authorizing the City Manager, or his designee, to execute all related documents for the American Recovery and Reinvestment Act of 2009 and State Revolving Fund Loan Application in the amount of \$18,030,000 for water projects and \$15,350,000 for wastewater projects. (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, 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 authorizing submittal of an application to the State of California Department of Public Health for funding, and authorizing and directing the City Manager, or his designee, to cause the necessary data to be prepared and application to be signed and filed with the State of California Department of Public Health recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-186 (Hawn/Keating;unan)** authorizing the City Manager, or his designee, to sign and file, for and on behalf of the City of Modesto, 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 2009-187(Hawn/Keating;unan)** authorizing submittal of an application to the State of California Department of Public Health for funding, and authorizing and directing the City Manager, or his designee, to cause the necessary data to be prepared and application to be signed and filed with the State of California Department of Public Health.

21. Consider accepting the staff report updating the status of the Cape and Slurry Seal Project utilizing American Recovery and Reinvestment Act 2009 funds in the amount of \$3,211,414. (Funding Source: Not Applicable)

- Motion accepting the staff report updating the status of the Cape and Slurry Seal Project utilizing American Recovery and Reinvestment Act 2009 funds recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Motion (Hawn/Keating;unan)** accepting the staff report updating the status of the Cape and Slurry Seal Project utilizing American Recovery and Reinvestment Act 2009 funds.

22. Consider (i) approving a Purchase Agreement with Beard Land Improvement Company (Beard Land), in the amount of \$1,619,000, to acquire real property for the Downstream Water System Improvements, Tier 2-Industrial Tank Project, (ii) authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed, (iii) amending the Fiscal Year 2008-2009 Capital Improvement Program budget to fully fund the Agreement. (Total estimated cost for this portion of the project work is \$1,624,395.18) (Funding Source: Water Fund-CIP)

- Resolution approving a Purchase Agreement with Beard Land Improvement Company, for a 5.3-acre parcel located between 415 and 555 Codoni Avenue (APN 009-018-054), in the amount of \$1,619,000 for the Downstream Water System Improvements, Tier 2-Industrial Tank 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 an Acceptance Form for the Grant Deed for the acquisition of a property located between 415 and 555 Codoni Avenue, owned by Beard Land Improvement Company, (APN 009-018-054) to be purchased by the City of Modesto for the Downstream Water System Improvements, Tier 2-Industrial Tank Project recommended.

- Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Purchase Agreement for the Downstream Water System Improvements, Tier 2-Industrial Tank Project, including the preliminary cost estimate for closing costs recommended.  
*Public Works; Dean Phillips, 577-5620, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION:** **Resolution 2009-188 (Hawn/Keating;unan)** approving a Purchase Agreement with Beard Land Improvement Company, for a 5.3-acre parcel located between 415 and 555 Codoni Avenue (APN 009-018-054), in the amount of \$1,619,000 for the Downstream Water System Improvements, Tier 2-Industrial Tank Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION:** **Resolution 2009- 189(Hawn/Keating;unan)** authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a property located between 415 and 555 Codoni Avenue, owned by Beard Land Improvement Company, (APN 009-018-054) to be purchased by the City of Modesto for the Downstream Water System Improvements, Tier 2-Industrial Tank Project.

**ACTION:** **Resolution 2009-190 (Hawn/Keating;unan)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the Purchase Agreement for the Downstream Water System Improvements, Tier 2-Industrial Tank Project, including the preliminary cost estimate for closing costs.

## HEARINGS

*Councilmember Hawn absent due to conflict of interest*

*Published in the Modesto Bee on April 8, 2009*

23. Hearing to consider an application to amend Planned Development Zone, P-D(53), to allow all C-1 uses, including property located at 3500 Coffee Road, submitted by M & M Stone, Inc. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 2 of Ordinance No. 2046-C.S. Entitled “An Ordinance Amending Section 10-3-9 of the Zoning Map of the City of Modesto, Rezoning Certain Property Located Thereon. (Haig Berberian Rezoning – Commercial Shopping Center)” property located on the northeast corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M & M Stone, Inc.) recommended.
  - Resolution amending Section 2 of Modesto City Council Resolution No. 89-777 entitled “A Resolution Granting the Appeal Filed by Mid-Valley Engineering, Inc., relating to Condition No. 6 of Planning Commission Resolution No. 89-89, which Granted a Revised Development Plan and New Development Schedule for Planned Development Zone P-D(53), and Amending Sections 1 And 2 of City Council Resolution No. 68-1148 entitled “A Resolution Approving a Development Plan for Rezoned Planned Development Zone, P-D(53)” as Amended by Resolution Nos. 75-365, 75-442, 77-771 and 81-477. (Sylvan Square Shopping Center)” (M & M Stone, Inc.) recommended.
  - Resolution finding 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): Amendment to Planned Development Zone, P-D(53), property located on the northeast corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M & M Stone, Inc.) recommended.

*Community & Economic Development; Rita Doscher, 577-5267, [rdoscher@modestogov.com](mailto:rdoscher@modestogov.com)*

- ACTION:** **Motion (Marsh/Lopez;Hawn absent)** introducing **Ordinance No. 3509-C.S.** amending Section 2 of Ordinance No. 2046-C.S. Entitled “An Ordinance Amending Section 10-3-9 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning – Commercial Shopping Center)” property located on the northeast corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M & M Stone, Inc.)
- ACTION:** **Resolution 2009-191(Marsh/Lopez;Hawn absent)** amending Section 2 of Modesto City Council Resolution No. 89-777 entitled “A Resolution Granting the Appeal Filed by Mid-Valley Engineering, Inc., relating to Condition No. 6 of Planning Commission Resolution No. 89-89, which Granted a Revised Development Plan and New Development Schedule for Planned Development Zone P-D(53), and Amending Sections 1 And 2 of City Council Resolution No. 68-1148 entitled “A Resolution Approving a Development Plan for Prezoned Planned Development Zone, P-D(53)” as Amended by Resolution Nos. 75-365, 75-442, 77-771 and 81-477 (Sylvan Square Shopping Center)” (M & M Stone, Inc.)
- ACTION:** **Resolution 2009- 192 (Marsh/Lopez; Hawn absent)** finding 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): Amendment to Planned Development Zone, P-D(53), property located on the northeast corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M & M Stone, Inc.).

*Recess at 6:50 p.m.*

*Reconvene at 7:00 p.m.*

*Councilmember O’Bryant left the meeting at 7:00 p.m.*

*Published in the Modesto Bee on April 8, 2009*

24. Hearing to consider an Ordinance adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal Code (to regulate wireless telecommunication facilities within the City of Modesto, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code (to provide new variance provisions for telecom facilities), and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code (to address telecom facilities within the right-of-way of utility and railroad companies). (Funding Source: Not Applicable)
- Motion introducing an Ordinance adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal Code, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to regulation of wireless telecommunication facilities within the City of Modesto 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): Wireless Telecommunication Facilities Ordinance (City of Modesto) recommended.  
*Community & Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

- ACTION:** **Motion (Keating/Marsh;unan. O’Bryant absent)** introducing **Ordinance No. 3510-C.S.** adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal

Code, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to regulation of wireless telecommunication facilities within the City of Modesto (**with revisions requested by Council to allow cell towers at 70 feet high in commercial and industrial zones where not immediately adjacent to residential zones**).

**ACTION:** **Resolution 2009-193 (Keating/Marsh;unan. O’Bryant 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): Wireless Telecommunication Facilities Ordinance.

25. Hearing to consider adopting the proposed Neighborhood Compatibility Guidelines and Multi-Family Residential Design Guidelines and directing staff to prepare amendments to the Municipal Code as determined necessary for the effective implementation of said guidelines. (Funding Source: Not Applicable)

- Resolution adopting the “Neighborhood Compatibility Guidelines” and directing staff to prepare amendments to the Municipal Code as determined necessary for the effective implementation of said guidelines recommended.
- Resolution adopting the “Multi-Family Residential Design Guidelines” and directing staff to prepare amendments to the Municipal Code as determined necessary for the effective implementation of said guidelines recommended.

*Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION:** **Resolution 2009-194 (Marsh/Hawn;unan.;O’Bryant absent)** adopting the “Neighborhood Compatibility Guidelines” with the exception of page 16 (Exterior Materials) and directing staff to prepare amendments to the Municipal Code as determined necessary for the effective implementation of said Guidelines.

**ACTION:** **Motion (Olsen/Hawn;Keating,Lopez no;majority;O’Bryant absent)** adopting page 16 the “Neighborhood Compatibility Guidelines.”

**ACTION:** **Motion (Marsh/Hawn;unan. O’Bryant absent)** directing staff to further review the Neighborhood Compatibility Guidelines to include 300 feet notification.

**ACTION:** **Resolution 2009-195 (Hawn/Marsh;unan. O’Bryant absent)** adopting the “Multi-Family Residential Design Guidelines” and directing staff to prepare amendments to the Municipal Code as determined necessary for the effective implementation of said Guidelines.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 9:08 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to 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 REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Potential Sale of property located at: 800 E. Morris Avenue  
APN: 111-057-022 Negotiating parties: Julie Hannon, Acting Director, Parks, Recreation and Neighborhoods  
Under negotiation: Price and terms of sale of property.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Sale of surplus property located at: 1517 - 10th Street  
Modesto, CA APN: 105-047-002 Negotiating parties: Rich Ulm, Deputy Director of Public Works Under negotiation: Price and terms of sale of property.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -  
MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources;  
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, Robin Renwick, Human Resources Director;  
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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director;  
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –  
Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director;  
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –  
MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director;  
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) -  
MCCFA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director;  
Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**ALLIANCE FREE ENTERPRISE CENTER**  
**1020 10th Street, Suite 102**  
**Modesto, California**

**Thursday, April 30, 2009, at 3:00 p.m.**

Roll Call-Present: Councilmembers Keating, Lopez, Marsh

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** None

**UNFINISHED BUSINESS**

1. Consider accepting staff report regarding potential land areas to consider for an Advisory Vote (Modesto Citizens Advisory Growth Management Act of 1995) on the November 2009 municipal election ballot, in order to address the project future shortfall of vacant residential land inventory and to provide opportunities for economic development, and provide direction to staff. (Funding Source: Not Applicable)  
*Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION:** **Motion (Marsh/Lopez;unan)** recommending forwarding to Council the Kiernan/Carver and Kiernan/Carver North CPDs be included on the November 2009 municipal election ballot for a Measure M vote.

**ACTION:** **Motion (Lopez/Keating;Marsh no)** recommending forwarding to Council the Roselle/Claribel CPD (“Tivoli North”) be included on the November 2009 municipal election ballot for a Measure M vote.

**ACTION:** **Motion (Marsh/Lopez;unan)** recommending forwarding to Council the College West CPD be included on the November 2009 municipal election ballot for a Measure M vote.

**ACTION:** **Motion (Lopez/Marsh;unan)** recommending forwarding to Council the North McHenry Regional Commercial (west side Hetch-Hetchy CPD) be included on the November 2009 municipal election ballot for a Measure M vote.

Recommended “Follow-Up” Actions Intended to Promote Economic Development:

- ACTION:** **Motion (Marsh/Lopez;unan)** recommending staff pursue a change to the Sphere of Influence boundary to include Beckwith/Dakota CPD.
- ACTION:** **Motion (Marsh/Lopez;unan)** recommending staff pursue the possibility of changing the General Plan land use classification to promote economic development in this area along the Kiernan Avenue corridor regarding the Kiernan/Carver and Kiernan/Carver North CPDs.
- ACTION:** **Motion (Marsh/Lopez;unan)** recommending staff pursue the possibility of amending the General Plan regarding the Hetch-Hetchy CPD for possible future development that would result in enhanced revenue for the City.
- ACTION:** **Motion (Keating/Marsh;unan)** recommending staff pursue the possibility of amending the General Plan regarding the Roselle/Claribel CPD (“Tivoli North”) by re-designating some acreage from Village Residential to Regional Commercial.
- ACTION:** **Motion (Keating/Marsh;unan)** recommending staff pursue the possibility of amending the General Plan regarding Roselle/Claribel CPD and Village One CPD Business Park Triangles business park land use designation.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 4:33 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday May 05, 2009, at 5:30 p.m.**

Roll Call- Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, 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 — Hawn Item 5

Reports from Closed Session — City Attorney Wood reported Closed Session items cancelled.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation to the Stanislaus County Asthma Coalition proclaiming May as Asthma Awareness Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to the Stanislaus County Asthma Coalition proclaiming May as Asthma Awareness Month.

2. Presentation of Proclamation to Joyce Gandelman on behalf of the Stanislaus County Area on Aging proclaiming May 2009 Older Americans Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5579, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to Joyce Gandelman on behalf of the Stanislaus County Area on Aging proclaiming May 2009 Older Americans Month.

3. Presentation of Proclamation proclaiming May 10-16, 2009 Peace Officer Memorial Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming May 10-16, 2009 Peace Officer Memorial Week.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 13**

**ACTION CONSENT ITEMS 4, 6-13: ( Lopez/Hawn;unan.)**

**ACTION Item 5: (Lopez/Keating;unan. Hawn 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 regular City Council meeting of April 28, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Hawn;unan.)** approving the Minutes of the City Council meeting of April 28, 2009.

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

5. Consider approving final adoption of Ordinance 3509-C.S. Amending Section 2 of Ordinance No. 2046-C.S. Entitled “An Ordinance Amending Section 10-3-9 of the Zoning Map of the City Of Modesto, Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Commercial Shopping Center)” property located on the Northeast Corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M&M Stone, Inc.) (Funding Source: Not Applicable)
  - Motion approving the adoption of Ordinance No. 3509-C.S. Amending Section 2 of Ordinance No. 2046-C.S. Entitled “An Ordinance Amending Section 10-3-9 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Commercial Shopping Center)” property located on the Northeast Corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M&M Stone, Inc.) recommended.

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

**ACTION: Motion (Lopez/Keating; unan. Hawn absent)** approving final adoption of **Ordinance No. 3509-C.S.** amending Section 2 of Ordinance No. 2046-C.S. Entitled “An Ordinance Amending Section 10-3-9 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon. (Haig Berberian Prezoning - Commercial Shopping Center)” property located on the Northeast Corner of Coffee Road and Sylvan Avenue, 3500 Coffee Road (M&M Stone, Inc.)

Consent

6. Consider authorizing the award of bid and contract for the furnishing of pest control services for Citywide use, to True Value Pest Control, Turlock, CA. The purchase agreement shall be for a period of two (2) years with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$16,433, and over five years of \$79,065. (Funding Source: Various Funds)

- Resolution authorizing the award of bid and contract for the furnishing of pest control services for Citywide use, to True Value Pest Control, Turlock, CA, and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$16,433 recommended.

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

**ACTION:** **Resolution 2009-196 (Lopez/Hawn;unan.)** authorizing the award of bid and contract for the furnishing of pest control services for Citywide use, to True Value Pest Control, Turlock, CA, and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$16,433.

Consent

7. Consider approving an Identity Theft Prevention Program as required by the Fair and Accurate Credit Transaction Act. (Funding Source: Not Applicable)
- Motion approving an Identity Theft Prevention Program recommended.

*Finance; Leslie Curtin, 571-5889, lcurtin@modestogov.com*

**ACTION:** **Motion (Lopez/Hawn;unan.)** approving an Identity Theft Prevention Program.

Consent

8. Consider entering into an agreement between the Doubletree Hotel and the City of Modesto to provide catering and concessionaire services. (Funding Source: Centre Plaza Fund)
- Resolution approving an agreement between the City of Modesto and the Doubletree Hotel for catering and concessionaire services provided at the Modesto Centre Plaza, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Parks, Recreation & Neighborhoods; Vicki Rice, 577-6484, vrice@modestogov.com*

**ACTION:** **Resolution 2009-197 (Lopez/Hawn;unan.)** approving an agreement between the City of Modesto and the Doubletree Hotel for catering and concessionaire services provided at the Modesto Centre Plaza, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving the FY 2009-2010 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility in the amount of \$18,752,826. (Funding Source: Stanislaus Waste-to-Energy Executive Committee JPA Resource Recovery Account)
- Resolution approving the FY 2009-2010 Budget for the Stanislaus Resource Recovery (“Waste-to-Energy”) Facility, and rescinding Resolution No 2008-435 recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION:** **Resolution 2009-198 (Lopez/Hawn;unan.)** approving the FY 2009-2010 Budget for the Stanislaus Resource Recovery (“Waste-to-Energy”) Facility, and rescinding Resolution No 2008-435.

Consent

10. Consider approving a Second amendment to Agreement with SCS Engineers, Inc. in an amount up to \$242,000 for Site Assessment and Development of a Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill. (Funding Source: Carpenter Road Landfill Fund)
- Resolution approving a Second Amendment with SCS Engineers, Inc. for Site Assessment and Development of a Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill,

and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-199 (Lopez/Hawn;unan.)** approving a Second Amendment with SCS Engineers, Inc. for Site Assessment and Development of a Methane Gas Mitigation and Monitoring Plan for the Carpenter Road Landfill, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

11. Consider approving recommendations for allocating Housing and Urban Development (HUD) funding to public service agencies under the Community Development Block Grant (CDBG) and the Emergency Shelter Grant (ESG) programs for fiscal year 2009-2010 (Funding Source: HUD CDBG and ESG)
- Resolution allocating Housing and Urban Development (HUD) funding to public service agencies under the Community Development Block Grant (CDBG) and the Emergency Shelter Grant (ESG) programs for fiscal year 2009-2010 recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION: Resolution 2009-200 (Lopez/Hawn;unan.)** allocating Housing and Urban Development (HUD) funding to public service agencies under the Community Development Block Grant (CDBG) and the Emergency Shelter Grant (ESG) programs for fiscal year 2009-2010.

Consent

12. Consider 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, to extend the Contracting Authority of the City Manager for Public Works projects - McHenry Avenue Water System Upgrades project to an amount not to exceed \$450,000. (Funding Source: Water Fund)
- 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, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of water lines and equipment used for the McHenry Avenue Water System Upgrades project prior to the Caltrans paving project, to an amount not to exceed \$450,000 recommended.

*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Lopez/Hawn;unan.)** introducing **Ordinance No. 3511-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, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of water lines and equipment used for the McHenry Avenue Water System Upgrades project prior to the Caltrans paving project, to an amount not to exceed \$450,000

Consent

13. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of repairs and replacement parts for the Biofilter Rehabilitation at the Sutter Treatment plant, for a total estimated cost of \$357,080. (Funding Source: Wastewater Funds)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of repairs and replacement parts for the Biofilter Rehabilitation at the Sutter Treatment Plant, for a total estimated amount of \$357,080 recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION:** **Resolution 2009-201 (Lopez/Hawn;unan.)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of repairs and replacement parts for the Biofilter Rehabilitation at the Sutter Treatment Plant, for a total estimated amount of \$357,080.

#### COUNCIL COMMENTS & REPORTS

None.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### UNFINISHED BUSINESS

14. Consider approving the plans and specifications for the project titled, "2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection," accepting the bid and approving a contract with George Reed, Inc. in the amount of \$824,622. (Total estimated cost of the project is \$1,239,556.36) (Funding Source: Capital Grants, Gas Tax, Wastewater Fund)
- Resolution approving the plans and specifications for the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project, accepting the bid and approving a contract with George Reed, Inc. in the amount of \$824,622.00, for the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project recommended.
- Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION:** **Resolution 2009-202 (Marsh/Olsen;unan.)** approving the plans and specifications for the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project, accepting the bid and approving a contract with George Reed, Inc. in the amount of \$824,622.00, for the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION:** **Resolution 2009-203 (Marsh/Olsen;unan.)** amending the Fiscal Year 2008-2009 Capital Improvement Program budget in order to fully fund the 2007-2008 Pavement Rehabilitation Program H Street Reconstruction from 17th Street to Scenic Avenue and Burney Street Intersection project.

#### HEARINGS

*Published in the Modesto Bee on April 20, 2009*

15. Hearing to consider introducing three (3) Ordinances: (i) an Ordinance Repealing Chapter 9 of Title 9 of

the Modesto Municipal Code entitled "Housing Code," and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Property Maintenance Code; " (ii) an Ordinance Repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Dangerous Building Code" and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Building Maintenance Code; " and (iii) an Ordinance Amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation. (Funding Source: Not Applicable)

- Motion introducing an Ordinance Repealing Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Housing Code", and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Property Maintenance Code" recommended.
- Motion introducing an Ordinance Repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Dangerous Building Code" and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Building Maintenance Code" recommended.
- Motion introducing an Ordinance Amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation recommended.

*City Attorney and Parks, Recreation & Neighborhoods; Susana Alcala Wood, 577-5284, swood@modestogov.com*

**ACTION:** **Motion (Hawn/Olsen; unan.)** introducing **Ordinance No. 3512–C.S.** repealing Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Housing Code", and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Property Maintenance Code"

**ACTION:** **Motion (Hawn/Olsen; unan.)** introducing **Ordinance No. 3513–C.S.** repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Dangerous Building Code" and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Building Maintenance Code"

**ACTION:** **Motion (Hawn/Olsen; unan.)** introducing **Ordinance No. 3514–C.S.** amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation

*Published in the Modesto Bee on April 25, 2009*

16. Hearing to consider introducing an Ordinance amending Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code to increase the fines for illegal fireworks from \$750.00 to \$1,000.00. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Modesto Municipal Code, Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code - Administrative Remedies recommended.

*Fire; Michael Payton, 571-5876, mpayton@modestogov.com*

**ACTION:** **Motion (Marsh/Hawn; unan.)** introducing **Ordinance No. 3515–C.S.** amending Modesto Municipal Code, Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code - Administrative Remedies

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:06 p.m.

**CLOSED SESSION**

*All Closed Session Matters Cancelled*

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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 May 12, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk’s Announcements — Item 19 is a Hearing

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 11-17, 2009 as National Salvation Army Week. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming May 11-17, 2009 as National Salvation Army Week.

2. Presentation of Proclamation proclaiming the week of May 17 through May 23, 2009, as “National Public Works Week”. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming the week of May 17 through May 23, 2009, as “National Public Works Week.”

3. Presentation by Steve Ashman on behalf of Court Appointed Special Advocates (CASA). (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Presentation made by Steve Ashman on behalf of Court Appointed Special Advocates (CASA).

4. Presentation by Parks, Recreation & Neighborhoods regarding the Afterschool Program and funding received by AT&T for computers. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION:** Presentation made by Parks, Recreation & Neighborhoods regarding the Afterschool Program and funding received by AT&T for computers.

#### **PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 16**

**ACTION CONSENT ITEMS 5-16: (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 regular City Council meeting of May 5, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Lopez/Hawn;unan.)** approving the Minutes of the City Council meeting of May 5, 2009.

Consent

6. Consider approving final adoption of Ordinance No. 3510-C.S. adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal Code, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to regulation of wireless telecommunication facilities within the City of Modesto. (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3510-C.S adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal Code, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to regulation of wireless telecommunication facilities within the City of Modesto recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** **Motion (Lopez/Hawn;unan.)** approving final adoption of **Ordinance No. 3510-C.S** adding Article 31 to Chapter 2 of Title 10 of the Modesto Municipal Code, amending Article 25 of Chapter 2 of Title 10 of the Modesto Municipal Code and amending Section 10-2.2304 of Article 23 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to regulation of wireless telecommunication facilities within the City of Modesto.

Consent

7. Consider the final approval of Ordinance No. 3511–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, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of water lines and equipment used for the McHenry Avenue Water System Upgrades project prior to the Caltrans paving project, to an amount not to exceed \$450,000. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3511–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, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of water lines and equipment used for the McHenry Avenue Water System Upgrades project prior to the Caltrans paving project, to an amount not to exceed \$450,000 recommended.

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

**ACTION: Motion (Lopez/Hawn;unan.)** approving final adoption of **Ordinance No. 3511–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, to extend the Contracting Authority of the City Manager for Public Works projects consisting of the design, purchase, and installation of water lines and equipment used for the McHenry Avenue Water System Upgrades project prior to the Caltrans paving project, to an amount not to exceed \$450,000.

Consent

8. Consider the final adoption of three (3) Ordinances: (i) Ordinance No. 3512-C.S. Repealing Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Housing Code," and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled "Property Maintenance Code; " (ii) Ordinance No. 3513 –C.S. Repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Dangerous Building Code" and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled "Building Maintenance Code; " and (iii) Ordinance No. 3514 –C.S. Amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation. (Funding Source: Not Applicable )
- Motion approving the final adoption of Ordinance No. 3512–C.S. repealing Chapter 9 of Title 9 of the Modesto Municipal Code entitled “Housing Code”, and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled “Property Maintenance Code” recommended.
  - Motion approving the final adoption of Ordinance No. 3513–C.S. repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled “Dangerous Building Code” and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled “Building Maintenance Code” recommended.
  - Motion approving the final adoption of Ordinance No. 3514–C.S. amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation recommended.

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

**ACTION: Motion (Lopez/Hawn;unan.)** approving the final adoption of Ordinance No. **3512–C.S.** repealing Chapter 9 of Title 9 of the Modesto Municipal Code entitled “Housing Code”, and Replacing with Chapter 9 of Title 9 of the Modesto Municipal Code entitled “Property Maintenance Code.”

**ACTION: Motion (Lopez/Hawn;unan.)** approving the final adoption of **Ordinance No. 3513–C.S.** repealing Chapter 8 of Title 9 of the Modesto Municipal Code entitled “Dangerous Building Code” and Replacing with Chapter 8 of Title 9 of the Modesto Municipal Code entitled “Building Maintenance Code”

**ACTION: Motion (Lopez/Hawn;unan.)** approving the final adoption of **Ordinance No. 3514–C.S.** amending Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Community Preservation.

Consent

9. Consider the final adoption of Ordinance No. 3515–C.S. amending Modesto Municipal Code, Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code - Administrative Remedies. (Funding Source: Not Applicable)
- Motion approving the final adoption of Ordinance No. 3515–C.S. amending Modesto Municipal Code, Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code - Administrative Remedies recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Hawn;unan.)** approving the final adoption of **Ordinance No. 3515–C.S.** amending Modesto Municipal Code, Section 3-1.304 of Article 3 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code - Administrative Remedies.

Consent

10. Consider approving requirement that Candidates pay a \$500.00 deposit for their Candidate Statement at the time of filing their nomination papers, and pay the actual cost of printing their candidate statement in the sample ballot. (Funding Source: Not Applicable)
- Resolution requiring that candidates for the November 3, 2009, Regular Municipal Election pay a \$500.00 deposit as a Condition of Having his or her Candidate Statement included in the Voter Pamphlet and requiring the City Clerk to Bill Such Candidates for their Pro Rata Share of the Actual Cost of the Printing of such Statements after the Election recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2009-204 (Lopez/Hawn;unan.)** requiring that candidates for the November 3, 2009, Regular Municipal Election pay a \$500.00 deposit as a Condition of Having his or her Candidate Statement included in the Voter Pamphlet and requiring the City Clerk to Bill Such Candidates for their Pro Rata Share of the Actual Cost of the Printing of such Statements after the Election

Consent

11. Consider accepting the Finance Committee’s recommendation (i) directing the City Clerk to conduct the City’s December run-off election by mail; and (ii) authorizing a contract with Martin & Chapman for the December run-off election services. (Funding Source: Elections Fund)
- Resolution directing the City Clerk to conduct the December 8, 2009 run-off election, if needed, by mail recommended.
  - Resolution approving a contract with Martin & Chapman of Anaheim, California for professional services to conduct the December 8, 2009 City Council Run-Off Election using an all mail ballot in the amount of \$89,287.45 and authorizing the City Manager to execute the contract recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2009-205 (Lopez/Hawn;unan.)** directing the City Clerk to conduct the December 8, 2009 run-off election, if needed, by mail.

**ACTION: Resolution 2009-206 (Lopez/Hawn;unan.)** approving a contract with Martin & Chapman of Anaheim, California for professional services to conduct the

December 8, 2009 City Council Run-Off Election using an all mail ballot in the amount of \$89,287.45 and authorizing the City Manager to execute the contract.

Consent

12. Consider approving the Monthly Budget Adjustment Report for April 2009. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2008-2009 annual budget recommended.  
*Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Resolution 2009-207 (Lopez/Hawn;unan.)** amending the Fiscal Year 2008-2009 annual budget.

Consent

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

**ACTION: Motion (Lopez/Hawn;unan.)** accepting staff report on the Monthly Investment Report for March 2009.

Consent

14. Consider authorizing the Purchasing Division to issue a Request for Formal Bids (RFB) for the lease/purchase of a mobile trommel screen for an estimated total cost of \$320,000 over 5 years (Funding Source: Compost Fund)
- Resolution authorizing the Purchasing Division to issue formal bids (RFB) for the lease-purchase of a mobile trommel screen equipped with a contamination removal device, with preventive maintenance for a total estimated cost of \$320,000 recommended.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 538-2557, jreed@modestogov.com*

**ACTION: Resolution 2009-208 (Lopez/Hawn;unan.)** authorizing the Purchasing Division to issue formal bids (RFB) for the lease-purchase of a mobile trommel screen equipped with a contamination removal device, with preventive maintenance for a total estimated cost of \$320,000.

Consent

15. Consider approving the plans and specifications for the project titled, "Pelandale Avenue Drainage Pump Station," accepting the bid, and approving a contract with Preston Pipelines, Inc. in the amount of \$283,000. (Total estimated cost for this portion of the project is \$450,689) (Funding Source: Capital Facility Fees)
- Resolution approving the plans and specifications for the Pelandale Avenue Drainage Pump Station project, accepting the bid and approving a contract with Preston Pipelines, Inc. in the amount of \$283,000, for the Pelandale Avenue Drainage Pump Station project, and authorizing the City Manager, or his designee, to execute the contract recommended.  
*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-209 (Lopez/Hawn;unan.)** approving the plans and specifications for the Pelandale Avenue Drainage Pump Station project, accepting the bid and approving a contract with Preston Pipelines, Inc. in the amount of \$283,000, for the Pelandale Avenue Drainage Pump Station project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

16. Consider rejecting all bids for the project titled, "Yosemite Boulevard (S.R. 132) Water Line Replacement," and authorizing staff to immediately re-advertise a project with a reduced scope for the Yosemite Transmission Main project. (Funding Source: Water Fund-CIP)
- Resolution rejecting all bids for the Yosemite Boulevard (S.R. 132) Water Line Replacement project, and authorizing staff to immediately re-advertise a project with a reduced scope for the Yosemite Transmission Main project recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-210 (Lopez/Hawn;unan.)** rejecting all bids for the Yosemite Boulevard (S.R. 132) Water Line Replacement project, and authorizing staff to immediately re-advertise a project with a reduced scope for the Yosemite Transmission Main project.

#### COUNCIL COMMENTS & REPORTS

None.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### HEARINGS

*Published in the Modesto Bee on April 17, 2009*

17. Consider approving a Third Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute the Amendment. (Funding Source: Not Applicable)
- Resolution approving a Third Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute the Amendment recommended.
- Parks, Recreation & Neighborhoods; Rebecca Blanco, 5775368, rblanco@modestogov.com*

**ACTION: Resolution 2009-211 (Marsh/Lopez;unan.)** approving a Third Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute the Amendment.

*Published in the Modesto Bee on April 12, 2009 and Vida on April 22, 2009*

18. Consider approving the City of Modesto 2009-2010 HUD Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Shelter Grant (ESG) Funds, authorizing submission of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2009-2010 Annual Action Plan, and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the HUD. (Funding Source: Not Applicable)
- Resolution approving the City of Modesto 2009-2010 HUD Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Shelter Grant (ESG) Funds, authorizing submission of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2009-2010 Annual Action Plan, and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 5775368, rblanco@modestogov.com*

**ACTION:** **Resolution 2009-212 (Hawn/Marsh;unan.)** approving the City of Modesto 2009-2010 HUD Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Shelter Grant (ESG) Funds, authorizing submission of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2009-2010 Annual Action Plan, and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to HUD.

*Published in the Modesto Bee on May 1, 2009*

19. Consider approving submittal of two grant applications to the Federal Transit Administration (FTA) for public transit purposes: 1) for \$5,586,606 from the American Recovery and Reinvestment Act of 2009 (ARRA), and 2) \$2,558,400 from the FTA Section 5307 formula program for public transit purposes. (Funding Source: ARRA and FTA Section 5307)
- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$5,586,606 in American Recovery and Reinvestment Act (ARRA) of 2009 FTA Formula Funds for public transit purposes recommended.
  - Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$2,558,400 in Section 5307 Formula Funds for public transit purposes recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION:** **Resolution 2009-213 (Hawn/Keating;unan.)** approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$5,586,606 in American Recovery and Reinvestment Act (ARRA) of 2009 FTA Formula Funds for public transit purposes.

**ACTION:** **Resolution 2009-214 (Hawn/Keating;unan.)** approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$2,558,400 in Section 5307 Formula Funds for public transit purposes.

#### NEW BUSINESS

None.

#### 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*

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Margaret Shepherd v. City of Modesto, et al. U.S. District Court No. 08-CV-00128-OWW-DLB

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Acquisition of real property located at: 2804 Oakdale Road (5,486 sq feet), APN: 077-008-036, 2804 Oakdale Road (30,399 sq feet), APN: 077-008-037 Negotiating parties: Vickey Dion, Senior Civil Engineer, Julie Gillette, Property Agent Under negotiation: Price and terms of sale of property

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director, Human Resources; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Human Resources Director; 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, Robin Renwick, Human Resources Director; 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, Chair, Kristin Olsen, Vice Chair, Garrad Marsh  
Absent - None  
Also Present: Mayor Ridenour

#### MONDAY – MAY 18, 2009 @ 9:00 AM

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

None.

#### **NEW BUSINESS**

- Opening comments and workshop overview

**ACTION:** Mayor Ridenour made opening statements and gave an overview of upcoming revenues and reductions.

**ACTION:** City Manager Nyhoff gave a broad picture of the budget and workshop schedule.

- \$322.7 million budget: Proposed Budget Overview, Budget Goals, Fiscal Priorities, General Fund Programs, Reorganizations.
- Revenue Picture: Revenue Estimate for FY 2009-10, General Fund Major Revenues, Sales Tax, Property Tax, General Fund Proforma.
- Overview of Proposed New Revenue Recommendations.

- General Fund review

**ACTION:** Assistant Police Chief Harden gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** Fire Chief Miguel gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** Finance Director Padilla gave report on proposed budget reductions for City Council in FY 2009-2010.

**ACTION:** Human Resources Director Renwick gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** City Attorney Wood gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** City Clerk Lopez gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** City Auditor DeMattos gave report on proposed budget reductions in FY 2009-2010.

*Recess at 10:45 a.m.*

*Reconvene at 11:00 a.m.*

**ACTION:** Finance Director Padilla gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** Community & Economic Development Director Sinclair gave report on proposed budget reductions in FY 2009-2010.

*Recess at 12:00 p.m.*

*Reconvene at 1:00 p.m.*

**ACTION:** Parks, Recreation & Neighborhoods Acting Director Julie Hannon gave report on proposed budget reductions in FY 2009-2010.

**ACTION:** Public Works Director Nick Pinhey gave report on proposed budget reductions in FY 2009-2010.

*Recess at 2:40 p.m.*

*Reconvene at 2:55 p.m.*

**ACTION:** Parks, Recreation & Neighborhoods Acting Director Julie Hannon gave report on possible Golf Course Green Fee Increase or closing Golf Courses.

**ACTION:** Information Technology Director Gary Cook and Parks, Recreation & Neighborhoods Acting Director Julie Hannon gave reports on proposed budget reductions in FY 2009-2010 (Non-General Fund).

- Insurance funds review

**ACTION:** Risk Management Deputy Director Mary Akin gave report on the City's insurance funds.

- As time permits, items scheduled for discussion on subsequent days will be heard and discussed.

**ACTION:** None.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 3:58 p.m.

## 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, Chair, Garrad Marsh  
Absent - Kristin Olsen, Vice Chair  
Also Present: Mayor Ridenour, Janice Keating (left meeting at 11:30 am), Dave Lopez (left meeting at 10:15 am)

#### TUESDAY – MAY 19, 2009 @ 9:00 AM

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

Robert Stanford spoke regarding the budget reductions and possible closure of pools, and educating children about the dangers of swimming in canals.

#### **NEW BUSINESS**

- Budget clean-up

**ACTION:** Finance Director Padilla made opening comments, gave overview of today's Agenda and presented elements of the General Fund Proforma reductions which will be \$25.2 million.

**ACTION:** Finance Director Padilla presented Policy Discussion Items to the Committee.

- Transportation Related Funds
  - a. Gas Tax
  - b. LTF
  - c. Other – CMAQ, Transit, etc.

*Recess at 10:28 a.m.*

*Reconvene at 10:40 a.m.*

- ACTION:** Public Works Director Nick Pinhey gave Transportation Related Funds presentation: Surface Transportation Fund, Transit Fund, Airport Fund and Fleet Fund.
- ACTION:** Public Works Director Nick Pinhey gave Gas Tax Fund reductions presentation and Items for Council Consideration.
- ACTION:** Solid Waste Manager Joceyln Reed gave Compost Fund Review presentation.
- ACTION:** Public Works Director Nick Pinhey gave Utility Enterprise Funds Review: Water Fund presentation.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:00 p.m.

## 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, Chair, Kristin Olsen, Vice Chair, Garrad Marsh  
Absent - None

Also Present: Mayor Ridenour, Dave Lopez (left meeting at 7:00 p.m.)

#### WEDNESDAY – MAY 20, 2009 @ 5:30 PM

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

None.

#### NEW BUSINESS

- Wrap-up discussion on Enterprise Funds
  - a. Wastewater
  - b. Storm Drain

**ACTION:** Public Works Director Nick Pinhey gave Utility Enterprise Funds Review: Wastewater and Storm Drain presentations.

- Discussion follow-up items from earlier sessions
  - a. Finance
  - b. PR&N
  - c. Human Resources
  - d. City Attorney

**ACTION:** Purchasing Manager Mark Averell gave Centralized Purchasing Overview presentation.

**ACTION:** **Motion (Olsen/Marsh;unan)** accepting staff recommendations included in Proforma; continue working with Valley Crest; bring back further options to Finance Committee in 3 months, including status of fee increase.

**ACTION:** Finance Director Padilla gave updates on Human Resources and City Attorney follow-up items.

*Recess at 7:00 p.m.*

*Reconvene at 7:10 p.m.*

**ACTION:** Parks, Recreation & Neighborhoods Acting Director Julie Hannon gave update on follow-up items.

**ACTION:** **Motion (Marsh/Hawn; Olsen no)** in favor of subsidizing Leisure Bucks program in the amount of \$25,000.

**ACTION:** **Motion (Marsh/Hawn;unan)** in favor of restroom closures for Neighborhood Park Restrooms (will only be open on weekends) and Community Park Restrooms (open 7 days a week) eliminating three vacant positions (2 Maintenance Worker II, 1 Parks Crewleader).

**ACTION:** Assistant Police Chief Harden gave updated report on General Fund Recommended List.

**ACTION:** **Motion (Marsh/Hawn; Olsen no)** recommending staff recommendations from Police Department Recommended List.

- General Fund Outlook Discussion
  - a. Mayor/City Manager Comments

Mayor Ridenour announced additional reductions of 5%, 7% and 10% by all City departments.

- b. Review “Not Recommended Lists”
  - i. Fire Department
  - ii. Police Department

**ACTION:** Fire Chief Miguel gave report on Fire Department General Fund Not Accepted Reductions List.

**ACTION:** Assistant Police Chief Harden gave report on Police Department General Fund Not Accepted Reductions List.

- c. Review additional reductions proposed
  - i. Community & Economic Development
  - ii. Parks, Recreation & Neighborhoods

**ACTION:** Community & Economic Development Director Brent Sinclair gave report on additional General Fund reductions.

**ACTION:** Parks, Recreation & Neighborhoods Director Julie Hannon gave report on additional General Fund reductions.

**ACTION:** **Motion (Marsh/Hawn; unan)** keeping contract with Modesto Convention & Visitors Bureau with 13% of Transient Occupancy Tax.

**ACTION:** **Motion (Hawn/Marsh; unan)** accepting Mayor’s recommendations, with the exception of the CVB item; money savings to come from \$140,000 for two (2) Neighborhood Preservation Unit Officers.

- Committee Recommendations and Wrap-Up

**ACTION: Motion (Marsh/Olsen;unan)** accepting Policy Recommendations:

**Requested Finance Committee Actions:**

1. Spending and revenue recommendations included in FY 2009-10 proposed budget and budget clean-up

2. Policy Direction regarding:

General fund FY2009-10 reserve level

Funding for storm drian process

General Fund holiday in Employee benefit fund reimbursements

Equipment Replacement Resrve Usage policy

3. Approval of proposed reorganizations

4. Approval for City Manager to proceed with organizational changes related to Budget Management and Utility Planning & Resrouces Departments

Forward requested Finance Committee Actions to Council meeting on June 2, 2009 provisional budget; with potential to amend budget prior to July 1, 2009 to close \$5.8 million gap.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:00 p.m.

City of Modesto  
**Special Audit Committee Meeting/  
Special City Council Workshop Meeting**

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

**Tuesday, May 26, 2009 at 19:00 a.m.**

Roll Call: Present - Councilmembers Keating, Mayor Ridenour  
Absent - Councilmember O'Bryant

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Item # 1

**CONSENT ITEMS**

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

**CONSENT**

1. Consider review of travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Deputy Department Directors, Assistants and Division Chiefs for Quarters 2 and 3 2008/09. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com*

**ACTION:** Motion (Keating/Mayor Ridenour; O'Bryant absent) accepting the travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for Quarters 2 and 3 2008/09.

**UNFINISHED BUSINESS**

2. Consider accepting a staff report outlining the completion of a formal update of the City's purchasing policies and procedures. (Funding Source: Not Applicable)  
*Finance; Mark Averell, 577-5412, maverell@modestogov.com*

**ACTION:** Motion (Keating/Mayor Ridenour; O'Bryant absent) accepting staff report and approving items changing existing Council policy and forwarding to Council; items changing current City Manager directives and forwarding to City Manager for implementation.

## NEW BUSINESS

3. Consider recommendation to contract with Brown, Armstrong and Paulden for the City's financial audit for four years beginning with the Fiscal Year 2009-2010 with an option to extend one additional year, and forward to City Council for approval.  
(Funding Source: General)  
*Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (Mayor Ridenour/Keating; O'Bryant absent) recommending a contract with Brown, Armstrong and Paulden for the City's financial audit for four years beginning with the Fiscal Year 2009-2010 with an option to extend one additional year, and forwarding to City Council for approval.

4. Consider acceptances of external financial statement audit reports for Fiscal Year Ending June 30, 2008 from Maze and Associates. (Funding Source: General)  
*Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (Keating/Mayor Ridenour; O'Bryant absent) accepting external financial statement audit reports for Fiscal Year Ending June 30, 2008 from Maze and Associates.

5. Consider acceptance of City Auditor quarterly report, and forward to City Council for approval. (Funding Source: Not Applicable)  
*Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** Motion (Mayor Ridenour/Keating; O'Bryant absent) accepting City Auditor quarterly report and forwarding to City Council for approval.

## MATTERS TOO LATE FOR THE AGENDA

None.

**ADJOURNMENT**

This meeting adjourned at 10:00 a.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday May 26, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements Item 11 continued to June 23, 2009 Council meeting.

Declaration of Conflicts of Interest – None

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 14**  
**ACTION CONSENT ITEMS: 1-10; 12-14 (Lopez/Hawn; 7/0)**

**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 regular City Council meeting of May 12, 2009. (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 of the regular City Council meeting of May 12, 2009.

Consent

2. Consider approving an Addendum to Agreement with the Law Firm of Renne Sloan Holzman & Sakai, LLP authorizing the engagement of an Interim Human Resources Director/Consultant (in the amount not to exceed \$40,000). (Funding Source: General Fund)

- Resolution approving an Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP authorizing the engagement of a Human Resources Consultant, and authorizing the City Manager and the City Attorney to execute the Addendum to Agreement recommended.  
*City Attorney; Greg Nyhoff, 577-5223, gnyhoff@modestogov.com*

ACTION: Resolution 2009-215 (Lopez/Hawn; 7/0) approving an Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP authorizing the engagement of a Human Resources Consultant, and authorizing the City Manager and the City Attorney to execute the Addendum to Agreement.

Consent

3. Consider approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance 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 the proposed assessments to be held on July 07, 2009 recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) approving the City Engineer's annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

ACTION: Resolution 2009-216 (Lopez/Hawn; 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 the proposed assessments to be held on July 07, 2009.

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. (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 July 07, 2009 recommended.  
*Community & Economic Development; Bill Sandhu, 571-5589, bsandhu@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) 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.

ACTION: Resolution 2009-217 (Lopez/Hawn; 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 July 07, 2009.

Consent

5. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of rock, sand and gravel for the Public Works Department, for a one year agreement with four (4) one-

year extension options at the sole discretion of the City, for an estimated annual cost of \$302,615, and for an estimated cost over five years of \$1,513,075. (Funding Source: Central Stores Inventory)

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of rock, sand and gravel for the Public Works Department, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$302,615, and for an estimated cost over five years of \$1,513,075 recommended.

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

**ACTION:** Resolution 2009-218 (Lopez/Hawn; 7/0) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of rock, sand and gravel for the Public Works Department, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$302,615, and for an estimated cost over five years of \$1,513,075.

Consent

6. Consider awarding a contract for the purchase of a pavement crack sealing machine for the Public Works Department, Streets Division through the Fleet Services Division, to Ricker Machinery Co., Oakland, CA, for a total estimated cost of \$50,957. (Funding Source: Prop 1B Funds)

- Resolution authorizing the award of contract for the purchase of a pavement crack sealing machine to Ricker Machinery Co., Oakland, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated cost of \$50,957. recommended.

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

**ACTION:** Resolution 2009-219 (Lopez/Hawn; 7/0) authorizing the award of contract for the purchase of a pavement crack sealing machine to Ricker Machinery Co., Oakland, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated cost of \$50,957.

Consent

7. Consider approving guidelines for the Housing and Urban Development (HUD) funded Neighborhood Stabilization Program, for the purpose of allocating funds to organizations or individuals to purchase and rehabilitate foreclosed homes in order to stabilize neighborhoods. (Funding Source: Not Applicable)

- Resolution approving guidelines for the Housing and Urban Development (HUD) funded Neighborhood Stabilization Program, for the purpose of allocating funds to organizations or individuals to purchase and rehabilitate foreclosed homes in order to stabilize neighborhoods recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION:** Resolution 2009-220 (Lopez/Hawn; 7/0) approving guidelines for the Housing and Urban Development (HUD) funded Neighborhood Stabilization Program, for the purpose of allocating funds to organizations or individuals to purchase and rehabilitate foreclosed homes in order to stabilize neighborhoods.

Consent

8. Consider accepting the Status Report for John Thurman Field Improvements (Funding Source: Not Applicable)

- Motion accepting the Status Report for Thurman Field Improvements recommended.

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

**ACTION:** Motion (Lopez/Hawn; 7/0) accepting the Status Report for John Thurman Field Improvements.

Consent

9. Consider approving an agreement with AECOM USA, Inc. for the preparation of a Preliminary Design Report for the Wellhead Treatment Well #3 - PCE project, in an amount not to exceed \$54,918. (Total estimated cost for preliminary design of the project is \$60,410) (Funding Source: Water Fund-CIP)

- Resolution approving an agreement with AECOM USA, Inc. for the preparation of a Preliminary Design Report for Wellhead Treatment Well #3 - PCE for an amount not to exceed \$49,925 for the

identified scope of services, plus \$4,993 for additional services (if needed), for a maximum total amount of \$54,918, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Dean Phillips, 209-577-5260, dphillips@modestogov.com*

ACTION: Resolution 2009-221 (Lopez/Hawn; 7/0) approving an agreement with AECOM USA, Inc. for the preparation of a Preliminary Design Report for Wellhead Treatment Well #3 - PCE for an amount not to exceed \$49,925 for the identified scope of services, plus \$4,993 for additional services (if needed), for a maximum total amount of \$54,918, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of salt for an estimated annual cost of \$20,000 and the furnishing of transportation and disposal services for non-hazardous brine waste for the Public Works Department, Water Services Division, for an estimated annual cost of \$115,000, for a period of two years, with three one-year extension options at the sole discretion of the City. (Total estimated cost of \$135,000.) (Funding Source: Water Fund)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of salt to supply the Grayson Well Ion System for an estimated annual cost of \$20,000, and the furnishing of transportation and disposal services for non-hazardous brine waste from the Grayson Well site for the Public Works Department, Water Services Division, for an estimated annual cost of \$115,000, for a period of two years, with three one-year extension options at the sole discretion of the City recommended.

*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

ACTION: Resolution 2009-222 (Lopez/Hawn; 7/0) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of salt to supply the Grayson Well Ion System for an estimated annual cost of \$20,000, and the furnishing of transportation and disposal services for non-hazardous brine waste from the Grayson Well site for the Public Works Department, Water Services Division, for an estimated annual cost of \$115,000, for a period of two years, with three one-year extension options at the sole discretion of the City.

*Item continued to June 23, 2009*

11. Consider approving an Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch Property. (Funding Source: Potential Wastewater Fund Revenue)
- Resolution approving an Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch Property, and authorizing the City Manager, or his designee, to execute the Amendment to Lease Agreement recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

ACTION: Item continued to June 23, 2009.

Consent

12. Consider authorizing the sole brand procurement of Accu-Tab SI 3" Calcium Hypochlorite tablets for the Public Works Department, Water Services Division, from Clear Solutions West, Atwater, CA. (The agreement shall be 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 \$70,000 and a total cost over five (5) years of \$350,000.) (Funding Source: Water Fund)
- Resolution authorizing the sole brand procurement of Accu-Tab SI 3" Calcium Hypochlorite tablets for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, California and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$70,000, and a total cost over five (5) years of \$350,000 recommended.

*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

ACTION: Resolution 2009-223 (Lopez/Hawn; 7/0) authorizing the sole brand procurement of Accu-Tab SI 3"

Calcium Hypochlorite tablets for the Public Works Department, Water Operations Division, from Clear Solutions West, Atwater, California and authorizing the Purchasing Manager to issue a purchase agreement for two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$70,000, and a total cost over five (5) years of \$350,000.

Consent

13. Consider authorizing the submission of the City's Transportation Development Act (TDA) Transit Claim #2 for Fiscal Year 2008/2009 in the amount of \$6,959,832 to the Stanislaus Council of Governments (StanCOG). (Funding Source: Transportation Development Act Revenue)
- Resolution authorizing submission of the City's Transportation Development Act (TDA) Transit Claim #2 for Fiscal Year 2008/09 in the amount of \$6,959,832 to the Stanislaus Council of Governments (StanCOG) recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2009-224 (Lopez/Hawn; 7/0) authorizing submission of the City's Transportation Development Act (TDA) Transit Claim #2 for Fiscal Year 2008/09 in the amount of \$6,959,832 to the Stanislaus Council of Governments (StanCOG).

Consent

14. Consider directing staff to continue working with the Turlock Irrigation District (TID) and the cities of Ceres, Hughson, and Turlock for the purpose of creating a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP). (Funding Source: Water Fund)
- Resolution directing staff to continue working with the Turlock Irrigation District and the cities of Ceres, Hughson, and Turlock for the purpose of creating a Joint Powers Authority responsible for decisions pertaining to the future Regional Surface Water Supply Project recommended.
- Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

ACTION: Resolution 2009-225 (Lopez/Hawn; 7/0) directing staff to continue working with the Turlock Irrigation District and the cities of Ceres, Hughson, and Turlock for the purpose of creating a Joint Powers Authority responsible for decisions pertaining to the future Regional Surface Water Supply Project.

### COUNCIL COMMENTS & REPORTS

15. Consider authorizing Mayor Ridenour declare a severe fiscal hardship in the City of Modesto if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California. (Funding Source: Not Applicable)
- Resolution finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California recommended.
- City Council; Jim Ridenour, 571-5597, jridenour@modestogov.com*

ACTION: Resolution 2009-226 (Hawn/Keating; 7/0) finding a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

16. Consider accepting the report titled, "Source Water Protection Cost Allocation," approving the portion of the costs attributable to the Source Water Protection Program be funded through the Water Fund.

(Funding Source: Water Fund)

- Resolution approving the portion of the costs attributable to the Source Water Protection Program be funded through the Water Fund, and amending the Fiscal Year 2009-2010 operating budget recommended.

*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

ACTION: Resolution 2009-227 (Hawn/Marsh; 7/0) approving the portion of the costs attributable to the Source Water Protection Program be funded through the Water Fund, and amending the Fiscal Year 2009-2010 operating budget.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 5:55 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: City of Modesto v. McFadden Construction, et al. San Joaquin County Superior Court No. 39-2009-00209411-CU-BC-STK

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager; 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; 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; 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; Employee Organization: Modesto Police Non Sworn 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 LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager; 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; Employee Organization: Modesto City Firefighters Association

## MINUTES

**City of Modesto**  
**SPECIAL FINANCE COMMITTEE / WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Wednesday, May 27, 2009, at 5:30 p.m.**

Roll Call-Present: Committee members: Hawn, Olsen and Marsh

Absent: None

### PUBLIC COMMENTS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 4,  
(Item 5 removed from consent)**

### CONSENT

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

#### Consent

1. Consider recommended monthly budget adjustments and refer to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com*

**ACTION: Motion (Marsh/Olsen;unan)** approving recommended monthly budget adjustments and forwarding to City Council for consideration and approval.

Consent

2. Consider recommending to Council a public hearing to rescind Resolution No. 2005-583 (prior parking violation fine schedule), and adopt a new resolution increasing parking violation fines to allow the City of Modesto to recover additional state surcharges recently incurred by SB 425 and SB 1407. (Funding Source: General Fund Revenue, Parking Citations)  
*Police; William Ryan, 342-9129, ryanw@modestopd.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving a public hearing to rescind Resolution No. 2005-583 (prior parking violation fine schedule), and adopt a new resolution increasing parking violation fines to allow the City of Modesto to recover additional state surcharges recently incurred by SB 425 and SB 1407 and forwarding to City Council for consideration and approval.

Consent

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

**ACTION:** **Motion (Marsh/Olsen;unan)** accepting the Quarterly Water Meter/Automated Meter Reading (AMR) Program Update.

Consent

4. Consider recommending to Council various clarifications and changes to the City policies related to the application of water connection fees and the inflator index adopted in 2005. (Funding Source: Water Fund)  
*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving various clarifications and changes to the City policies related to the application of water connection fees and the inflator index adopted in 2005 and forwarding to City Council for consideration and approval.

*Removed from Consent*

Consent

5. Consider recommending acceptance of the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project Preliminary Design Report, and approving an agreement with Carollo Engineers, P.C. to prepare the final design of the project, in a not-to exceed amount of \$5,473,900 for the identified scope of services, plus \$273,695 for additional services (if needed) for a maximum total amount of \$5,747,595. (Funding Source: Wastewater Fund)  
*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** accepting the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Project Preliminary Design Report, and an agreement with Carollo Engineers, P.C. to prepare the final design of the project, in a not-to exceed amount of \$5,473,900 for the identified scope of services, plus \$273,695 for additional services (if needed) for a maximum total amount of \$5,747,595 and forwarding to City Council for consideration and approval.

**UNFINISHED BUSINESS**

6. Consider recommending to Council approval of a Memorandum of Understanding (MOU) and Lease Agreement with Modesto Irrigation District (MID) for a Renewable Resource Fuel Cell Co-Generation Facility at the Sutter Treatment Plant. (Funding Source: Potential Wastewater Fund Revenue)  
*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving a Memorandum of Understanding (MOU) and Lease Agreement with Modesto Irrigation District (MID) for a Renewable Resource Fuel Cell Co-Generation Facility at the Sutter Treatment Plant and forwarding to City Council for consideration and approval.

**NEW BUSINESS**

*Councilmember Marsh left the meeting at 6:25 p.m.*

7. Consider receiving an informational report on the American Recovery and Reinvestment Act of 2009. (Funding Source: N/A)  
*City Manager's Office; Patrick Brooke, 209-571-5848, pbrooke@modestogov.com*

**ACTION:** No action required. This was an informational report only.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:40 p.m.

## MINUTES

City of Modesto  
**Safety & Communities Committee/  
Special City Council Workshop Meeting**  
Second Floor, Room 2005  
Tenth Street Place, 1010 10th Street  
Modesto, California

**Monday, June 1, 2009 at 5:30**

Roll Call - Present: Committee Members Hawn, O'Bryant, Olsen

Absent: None.

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: 1**

### CONSENT

Consent

1. Consider recommending to City Council approval of the First Amendment to Agreement with Redflex Traffic Systems for a seven-year agreement, with option for a one two-year renewal. (Funding Source: Traffic Safety Fund)  
*Police; Chris Fuzie, 342-6161, fuziec@modestopd.com*

**ACTION: Motion (Olsen/Hawn;unan.)** approving the First Amendment to Agreement with Redflex Traffic Systems for a seven-year agreement, with option for a one two-year renewal and forwarding to City Council for consideration and approval.

The committee suggested that Mr. Estas talk with the City Attorney and review the cases submitted by Mr. Estas. Warrants adding additional language to the staff report.

### UNFINISHED BUSINESS

2. Consider accepting an updated informational report and direction on the cost of providing police services to the Downtown Entertainment District and various alternatives for offsetting this expense. (Funding Source: General Fund)  
*Police; Karen Rabb, 572-9501, rabbk@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn;unan.)** Committee to meet with the Downtown Improvement Committee, Finance, Parks Recreation and Neighborhoods and the City Attorney to

**COMMITTEE MEMBERS COMMENTS & REPORTS**

**MATTERS TOO LATE FOR THE AGENDA**

**ADJOURNMENT**

This meeting adjourned at     p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 02, 2009, at 5:30 p.m.**

**ACTION:**       **Motion (Hawn/Lopez; majority; Marsh, O’Bryant, Olsen absent)** approving Council meeting adjourned to Closed Session at 4:00 p.m for additional Closed Session matter:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Margaret Shepherd v. City of Modesto, et al. U.S. District Court No. 08-CV-00128-OWW-DLB

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk’s Announcements - Item 8 - Resolution added regarding golf fees

Declaration of Conflicts of Interest - Item 8 – Mayor Ridenour, Hawn, Keating - conflict of interest regarding various CIP projects

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation regarding Love Modesto by Jeff Pishney from Big Valley Grace Community Church.  
(Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Presentation regarding Love Modesto made by Jeff Pishney from Big Valley Grace.

**PUBLIC COMMENT PERIOD**

Jennifer Mullens, Graffiti Summer Downtown Committee, spoke regarding Graffiti Summer.

Debra Harper spoke regarding issues with Modesto Area Express.

**ACTION CONSENT ITEMS 2; 4-6 (Lopez/Hawn;unan.)**  
**ACTION Item 3: (Marsh/Lopez;unan.; Olsen absent)**

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6**

**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 regular City Council meeting of May 26, 2009. (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 of the regular City Council meeting of May 26, 2009.

Consent—*Councilmember Olsen absent due to conflict of interest*

3. Consider approving run-off election procedures and calling for a special election to be held on January 26, 2010 for the purpose of holding a run-off election that might otherwise have been held on December 8, 2009 in the event the December 2009 run-off election “fails.” (Funding Source: Elections Fund)
  - Resolution approving run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election in November 2009, and directing the City Attorney to file an action in Superior Court in the event that the December 8, 2009 run-off election “fails” recommended.
  - Resolution calling for a special election to be held on January 26, 2010 for the purpose of holding a run-off election that was previously scheduled for December 8, 2009 recommended.

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

**ACTION: Resolution 2009-228 (Marsh/Lopez; 6/0; Olsen absent due to conflict)** approving run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election in November 2009, and directing the City Attorney to file an action in Superior Court in the event that the December 8, 2009 run-off election “fails”.

**ACTION: Resolution 2009-229 (Marsh/Lopez; 6/0; Olsen absent due to conflict)** calling for a special election to be held on January 26, 2010 for the purpose of holding a run-off election that was previously scheduled for December 8, 2009.

Consent

4. Consider rejecting all bids for the project titled, “Traffic Operations Building-Tenant Improvements,” and authorizing staff to re-advertise the project at a future date when economic conditions improve and funds become available for this project. (Funding Source: Local Transportation Funds (LTF))
  - Resolution rejecting all bids for the project titled, “Traffic Operations Building-Tenant Improvements,” and authorizing staff to re-advertise the project at a future date when economic conditions improve and funds become available for this project recommended.

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

**ACTION: Resolution 2009-230 (Lopez/Hawn; 7/0)** rejecting all bids for the project titled, “Traffic Operations Building-Tenant Improvements,” and authorizing staff to re-advertise the project at a future date when economic conditions improve and funds become available for this project.

Consent

5. Consider adopting the 2009-2010 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation. (Funding Source: Various Funds)
  - Resolution establishing the calculation for the appropriation limit for the Fiscal Year 2009-2010 annual budget recommended.

*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2009-231 (Lopez/Hawn; 7/0)** establishing the calculation for the appropriation limit for the Fiscal Year 2009-2010 annual budget.

Consent

6. Consider approving a Request for Proposal (RFP) applications for the City of Modesto to apply to become a "Host City" for the Fourth Annual Amgen Tour of California. (Funding Source: Fund Development)
  - Resolution authorizing staff to submit a Request for Proposal (RFP) application for the City of Modesto to apply to become a Host City for the 4th Annual Amgen Tour of California, and authorizing the City Manager, or his designee, to sign the application and related documents recommended.

*Parks, Recreation & Neighborhoods; Andrew Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION: Resolution 2009-232 (Lopez/Hawn; 7/0)** authorizing staff to submit a Request for Proposal (RFP) application for the City of Modesto to apply to become a Host City for the 4th Annual Amgen Tour of California, and authorizing the City Manager, or his designee, to sign the application and related documents.

### COUNCIL COMMENTS & REPORTS

None.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

7. Consider authorizing the implementation of budget reduction strategies for Unrepresented City employees including Executives and Charter Officers. (Funding Source: General Fund and Other Funds)
  - Resolution suspending Management Leave Cashout for 2009 and implementing unpaid furlough in Fiscal Year 2009-10 for Unrepresented Management and Confidential Employees, including Charter Officers and Executives, effective June 2, 2009, and incorporating previously authorized benefits by amending Section 7 and 19 of Resolution No. 2007-386 and adding Sections 21, 22 and 23 recommended.

*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION: Resolution 2009-233 (Marsh/Keating; 7/0)** suspending Management Leave Cashout for 2009 and implementing unpaid furlough in Fiscal Year 2009-10 for Unrepresented Management and Confidential Employees, including Charter Officers and Executives, effective June 2, 2009, and incorporating previously authorized benefits by amending Section 7 and 19 of Resolution No. 2007-386 and adding Sections 21, 22 and 23.

### HEARINGS

*Published in the Modesto Bee on May 17, 2009—Mayor Ridenour, Councilmembers Hawn, Keating absent due to conflict of interest regarding various CIP projects*

8. Hearing to consider the Proposed Fiscal Year 2009-10 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Various Funds)
  - Motion to conduct a public hearing on the Proposed Operating Budget and the Capital Improvement Program for the 2009-10 fiscal year recommended.
  - Motion introducing an Ordinance adopting the 2009-10 Annual and Multi-Year Operating Budgets and the 2009-10 Capital Improvement Program for the City of Modesto and the related inter-fund

- transfers recommended.
  - Resolution amending the Fiscal Year 2008-09 General Fund Budget to reflect changes in revenue and expense assumptions since the last update and the costs associated with adopted policy items approved as part of the adoption of the Fiscal Year 2009-10 Proposed Operating Budget recommended.
  - Resolution approving Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the City Council Finance Committee as part of the Fiscal Year 2009-10 Budget development process recommended.
- Finance; Wayne Padilla, 577-5369, [wpadilla@modestogov.com](mailto:wpadilla@modestogov.com)*

**ACTION: Motion (Hawn/Marsh; 7/0)** to conduct a public hearing on the Proposed Operating Budget and the Capital Improvement Program for the 2009-10 fiscal year.

**ACTION: Motion (Hawn/Lopez; 7/0)** introducing Ordinance No. 3516-C.S. adopting the 2009-10 Annual and Multi-Year Operating Budgets and the 2009-10 Capital Improvement Program for the City of Modesto and the related inter-fund transfer.

**ACTION: Motion (Keating/Marsh; 6/0 Hawn absent due to conflict)** approving the Proposed Fiscal Year 2009-10 Operating Budget and Capital Improvement Program for the City of Modesto.

- Counter Reconstruction (Q237)
- 12th Street Retrofit (A012)
- Parking Garage Projects (P597)
- 9th Street Storm Drainage (N686)
- Fed Pavement Rehab H, I & 9th Streets (H151)
- Upgrade T/S 12/J& La Loma/Bur Seco (E664)
- Pedestrian & Bicyclist Safety Enhancement (E736)
- High Voltage Street Light Circuit Repair (E947)
- Traffic Signal Modifications (E965)
- Lighted Crosswalks-Secondary (E662)
- Fed Pavement Rehab 9th Sec (H404)
- Expand ATMS College Avenue (N064)
- Security – Well Site 2 (Secondary) (W721)

**ACTION: Motion (Lopez/Hawn; 6/0; Keating absent due to Conflict)** approving the Proposed Fiscal Year 2009-10 Operating Budget and Capital Improvement Program for the City of Modesto.

- Downstream Improvements Tier 1 PRVS (W361)

**ACTION: Motion (Lopez/Olsen; 6/0; Mayor absent due to Conflict)** approving the Proposed Fiscal Year 2009-10 Operating Budget and Capital Improvement Program for the City of Modesto.

- Floyd Avenue Between Roselle& Fine (X512)

**ACTION: Resolution 2009-234 (Hawn/Olsen; 7/0)** amending the Fiscal Year 2008-09 General Fund Budget to reflect changes in revenue and expense assumptions since the last update and the costs associated with adopted policy items approved as part of the adoption of the Fiscal Year 2009-10 Proposed Operating Budget.

**ACTION: Resolution 2009-235 (Hawn/Marsh; 7/0)** approving Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the City Council Finance Committee as part of the Fiscal Year 2009-10 Budget development process.

**ACTION: Resolution 2009-236 (Hawn/Olsen; 7/0)** establishing new rates the Municipal Nine-Hole Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course, establishing new rates for annual passes, establishing new rates for high school rounds and tournament play, and rescinding Resolution No. 2004-566.

*Published in the Modesto Bee on May 22, 2009*

9. Hearing to consider approving the proposed Fourth Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009. (Funding Source: Not Applicable)
- Resolution approving a Fourth Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute the Amendment recommended.
- Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov*

**ACTION: Resolution 2009-237 (Marsh/Keating; 7/0)** approving a Fourth Amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute the Amendment.

*Published in the Modesto Bee on May 26, 2009 and June 1, 2009*

10. Hearing to consider approving a Disposition and Development Agreement to encumber an additional amount of \$3,249,000 and execute any related documents between the Redevelopment Agency of the City of Modesto and EAH, Inc. for the proposed development of a 150 unit affordable housing complex also referred to as Archway Commons. (The total amount of funds committed by the Agreement will not to exceed \$6,749,000 and of this amount it will include the costs for land acquisition, as well as project pre-development and construction costs making the project fully funded.) (Funding Source: Redevelopment Agency Housing Set-Aside )
- Resolution approving a Disposition and Development Agreement (Agreement) between the Redevelopment Agency of the City of Modesto (Agency) and EAH, Inc. (Developer) for the proposed development of a 150 unit affordable housing complex also referred to as Archway Commons and authorizing the Executive Director of the Redevelopment Agency, or his designee, to execute the Agreement recommended.
- Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

**ACTION: Resolution 2009-238 (Hawn/Marsh; 7/0)** approving a Disposition and Development Agreement (Agreement) between the Redevelopment Agency of the City of Modesto (Agency) and EAH, Inc. (Developer) for the proposed development of a 150 unit affordable housing complex also referred to as Archway Commons and authorizing the Executive Director of the Redevelopment Agency, or his designee, to execute the Agreement.

*Published in the Modesto Bee on May 23, 2009*

11. Hearing to consider an increase in parking violation fines in order to allow the City of Modesto to recover additional state surcharges recently enacted by the State Legislature. (Funding Source: General Fund Revenue)
- Resolution rescinding Resolution No. 2005-583 and adopting of a new resolution to establish new parking violation fines in order to allow the City of Modesto to recover additional state surcharges recently enacted by the State Legislature recommended.
  - Resolution authorizing the City Manager to adjust the fine schedule for parking violations when necessary to incorporate changes in the fees mandated by the State and or County and collected by the City, previously authorized and approved by the City Council without further City Council Action recommended.
- Police; William Ryan, 342-9129, ryanw@modestopd.com*

**ACTION: Resolution 2009-239 (Marsh/Keating;7/0)** rescinding Resolution No. 2005-583 and adopting of a new resolution to establish new parking violation fines in order to allow the City of Modesto to recover additional state surcharges recently enacted by the State Legislature.

**ACTION: Resolution 2009-240 (Marsh/Keating; 7/0)** authorizing the City Manager to adjust the fine schedule for parking violations when necessary to incorporate changes in the fees mandated by the State and or County and collected by the City, previously authorized and approved by the City Council without further City Council Action.

**NEW BUSINESS**

12. Consider freezing Construction Cost Index (CCI) Annual Inflationary Adjustment for the 1999, 2003 and 2006 Capital Facilities Fees Programs (CFF) for fiscal year 2009-2010. (Funding Source: Capital Facilities Fee Revenue)
  - Resolution freezing the Construction Cost Index Annual Inflationary Adjustment for the 1999, 2003, and 2006 Capital Facilities Fees Programs for Fiscal Year 2009-2010 recommended.  
*Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

**ACTION: Resolution 2009-241 (Hawn/Lopez; 7/0)** freezing the Construction Cost Index Annual Inflationary Adjustment for the 1999, 2003, and 2006 Capital Facilities Fees Programs for Fiscal Year 2009-2010.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:30 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: Sale of surplus property located at: 720 Coldwell Avenue Modesto, CA, APN: 110-001-004, Negotiating parties: Julie Hannon, Acting Director, Parks, Recreation & Neighborhoods and Julia Gillette, Property Manager, on behalf of the City of Modesto, Brian Serna, Love Real Estate, on behalf of Purchaser, Steve Michael, Dave Hegarty, DuctTesters, Inc., on behalf of Purchaser, Under negotiation: Price and terms of sale of property

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Owens v. Ray Holton, Elsie Holton, Shane Minor, Jon Buehler, et al., Stanislaus Superior Court No. 631091

## MINUTES

City of Modesto

### ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

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

**Monday, June 08, 2009, at 5:30 p.m.**

Roll Call-Present: Janice Keating, Chair, Garrad Marsh, Vice Chair and Dave Lopez, member

Absent: None

Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue. This meeting is also noticed as a City Council workshop.

#### 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 receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)  
*Community & Economic Development; Tess Friedberg, 577-5228, tfriedberg@modestogov.com*

**ACTION: Motion (Lopez/Marsh;unan)** accepting the status report of development projects processed by the Community and Economic Development Department.

#### NEW BUSINESS

2. Consider providing staff with direction regarding the process for appointing or reappointing individuals to the City's various citizen advisory groups. (Funding Source: Not Applicable)  
*City Manager's Office; Judith Ray, Deputy City Manager, 571-5809, jray@modestogov.com*

**ACTION: Motion (Keating/Lopez;unan)** directing staff to draft a policy and bring back to the committee in August.

**ACTION: Motion (Keating/Marsh;unan)**

#### 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 June 09, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,  
Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk’s Announcements – None.

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood spoke regarding Closed Session matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Consider approving the Airport Advisory Committee 2008 Annual Report. (Funding Source: Not Applicable)
  - Motion approving Airport Advisory Committee 2008 Annual Report recommended.  
*Public Works; Jerome Thiele, 577-5319, Jthiele@modestogov.com*

**ACTION: Motion (Hawn/Marsh; 7/0)** approving the Airport Advisory Committee 2008 Annual Report.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

2. Consider accepting with regret the resignation of Brian Haddix from the Culture Commission. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Brian Haddix from the Culture Commission recommended  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2009-242 (Lopez/Marsh; 7/0)** accepting with regret the resignation of Brian Haddix from the Culture Commission.

**PUBLIC COMMENT PERIOD**

Tony Arguelles, MPOA President, spoke regarding negotiations and layoffs of Police Officers.

Eric Pena, MPOA, spoke regarding layoffs of Police Officers.

Jeff Perrine, spoke on behalf of Modesto Police Officers.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 10**

**ACTION CONSENT ITEMS 3-10: (Hawn/Keating;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 regular City Council meeting of June 2, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Keating; 7/0)** approving the minutes of the regular City Council meeting of June 2, 2009.

Consent

4. Consider approving the final adoption of Ordinance 3516-C.S. adopting the 2009-10 Annual and Multi-Year Operating Budgets and the 2009-10 Capital Improvement Program for the City of Modesto and the related inter-fund transfers. (Funding Source: Various Funds)
  - Motion approving final adoption of **Ordinance No. 3516-C.S.** adopting the 2009-10 Annual and Multi-Year Operating Budgets and the 2009-10 Capital Improvement Program for the City of Modesto and the related inter-fund transfers recommended.

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

**ACTION: Motion (Hawn/Keating; 7/0)** approving final adoption of **Ordinance No. 3516-C.S.** adopting the 2009-10 Annual and Multi-Year Operating Budgets and the 2009-10 Capital Improvement Program for the City of Modesto and the related inter-fund transfers.

Consent

5. Consider approving the Monthly Budget Adjustment Report for May 2009. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2008-2009 annual budget recommended.

*Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Resolution 2009-243 (Hawn/Keating; 7/0)** amending the Fiscal Year 2008-2009 annual budget.

Consent

6. Consider authorizing the submission of the City's Local Transportation Fund (LTF) Non-Transit Claim #2 for Fiscal Year 2008/2009 in the amount of \$1,510,330 to the Stanislaus Council of Governments (StanCOG). (Funding Source: LTF)
  - Resolution authorizing submission of the City's Local Transportation Fund Non-Transit Claim #2 for Fiscal Year 2008/09 in the amount of \$1,510,330 to the Stanislaus Council of Governments (StanCOG) recommended.

*Finance; Michael Clipper, 571-5118, mclipper@modestogov.com*

**ACTION: Resolution 2009-244 (Hawn/Keating; 7/0)** authorizing submission of the City's Local transportation Fund Non-Transit Claim #2 for Fiscal Year 2008/09 in the amount of \$1,510,330 to the Stanislaus Council of Governments (StanCOG).

Consent

7. Consider amending the Position Classification Plan for the City of Modesto and the Class Range Table for Public Safety Non-Sworn Classes to change the title of Police Crime Scene Investigator I/II to Police Identification Technician I/II. (Funding Source: Not Applicable)
- Resolution amending the Position Classification Plan for the City of Modesto to change the title of Police Crime Scene Investigator I/II to Police Identification Technician I/II recommended.
  - Resolution amending the Class Range Table for Public Safety Non-Sworn Classes to change the title of Police Crime Scene Investigator I/II to Police Identification Technician I/II recommended.
- Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION: Resolution 2009-245 (Hawn/Keating; 7/0)** amending the Position Classification Plan for the City of Modesto to change the title of Police Crime Scene Investigator I/II to Police Identification Technician I/II.

**ACTION: Resolution 2009-246 (Hawn/Keating; 7/0)** amending the Class Range Table for Public Safety Non-Sworn Classes to change the title of Police Crime Scene Investigator I/II to Police Identification Technician I/II.

Consent

8. Consider approving an agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$20,700 to provide training for 100 students in four-hour Force Options Simulator Courses and for another 100 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 \$20,700 to provide training for 100 students in four-hour Force Options Simulator courses and 100 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 2009-247 (Hawn/Keating; 7/0)** approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$20,700 to provide training for 100 students in four-hour Force Options Simulator courses and 100 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 amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects - 9th Street Water Main Replacement project to an amount not to exceed \$585,000. (Funding Source: Water Fund)
- 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, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water lines and equipment used for the 9th Street Water Main Replacement project prior to the Caltrans paving project, to an amount not to exceed \$585,000 recommended.
- Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Hawn/Keating; 7/0)** introducing **Ordinance No. 3517-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, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water lines and equipment used for the 9th Street Water Main Replacement project prior to the Caltrans paving project, to an amount not to exceed \$585,000.

Consent

10. Consider approving the plans and specifications for the Pelandale Avenue at Sisk Road and SR99

Northbound On Ramp Project, accepting the bid, and approving a contract with DSS Company dba Knife River Construction in the amount of \$598,920.65. (Total estimated cost of the project is \$1,516,463.67) (Funding Source: Streets Capital Facility Fees)

- Resolution approving the plans and specifications for the Pelandale Avenue at Sisk Road and SR99 Northbound On Ramp Project, accepting the bid, and approving a \$598,920.65 contract with DSS Company dba Knife River Construction for the Pelandale Avenue at Sisk Road and SR99 Northbound On Ramp Project, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-248 (Hawn/Keating; 7/0)** approving the plans and specifications for the Pelandale Avenue at Sisk Road and SR99 Northbound On Ramp Project, accepting the bid, and approving a \$598,920.65 contract with DSS Company dba Knife River Construction for the Pelandale Avenue at Sisk Road and SR99 Northbound On Ramp Project, and authorizing the City Manager, or his designee, to execute the contract.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Council in the Park to be held on June 20, 2009 at 10:00 a.m. at Kewin Park in Modesto.

### CITY MANAGER COMMENTS & REPORTS

None.

### NEW BUSINESS

11. Consider approving submittal of application for Energy Efficiency and Conservation Block Grant (EECBG) funds for energy efficiency projects under the American Recovery and Reinvestment Act in the amount of \$1,952,900 (Funding Source: American Recovery and Reinvestment Act )

- Resolution authorizing the Parks, Recreation and Neighborhoods Department to submit an application to the Department of Energy for Energy Efficiency and Conservation Block Grant funds in the amount of \$1,952,900; and authorizing the City manager, or his designee, to execute all necessary grant documents recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-249 (Lopez/Hawn; 7/0)** authorizing the Parks, Recreation and Neighborhoods Department to submit an application to the Department of Energy for Energy Efficiency and Conservation Block Grant funds in the amount of \$1,952,900; and authorizing the City manager, or his designee, to execute all necessary grant documents.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:00 p.m.

### CLOSED SESSION

*All Closed Session Matters heard prior to Council Meeting*

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Acquisition of a portion of a parcel on Pelandale Avenue and relinquishment of one excess portion of the same parcel located on American Avenue: Northwest Corner of Pelandale and American Avenue, Modesto, CA, APN: 078-018-021; Negotiating parties: Rich Ulm , Deputy Director, Public Works and Julia Gillette, Property Manager on behalf of the City of Modesto, Hans J. Wagner and Donald E. Wagner; Under negotiation: Price and terms of sale of property.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager; 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; 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; 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; Employee Organization: Modesto Police Non Sworn 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 LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager; 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; Employee Organization: Modesto City Firefighters Association

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday June 16, 2009, at 7:30 a.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Mayor Ridenour  
Absent: Olsen

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

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: There are no consent Items**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:10 a.m.

**CLOSED SESSION**

*Closed Session Matter Heard at 7:30 a.m.*

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) –  
MPOA Agency Negotiators: Greg Nyhoff, City Manager;  
Employee Organization: Modesto Police Officers' Association

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Chambers, Basement Level**  
**1010 10th Street**  
**Modesto, California**  
**Tuesday June 16, 2009, at 9:00 a.m.**

Roll Call: Present - Brad Hawn, Garrad Marsh  
Absent - Kristen Olsen

Also Present: Mayor Ridenour, Janice Keating

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None**

**UNFINISHED BUSINESS**

1. Consider recommending to the City Council amendments to the FY 2009-10 General Fund operating budget to further reduce expenditures with the goal of ending FY 2009-10 with a seven percent (7%) operating reserve. (Funding Source: General Fund Reductions)  
*Finance; Wayne Padilla, 571-5369, wpadilla@modestogov.com*

**ACTION:** **Motion (Keating/Mayor Ridenour; majority; Olsen absent)** accepting amendments to the Fiscal Year 2009-10 General Fun operating budget to further reduce expenditures with the goal of ending Fiscal Year 2009-10 with a seven percent (7%) operating reserve and forwarding to Council for consideration and approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:24 a.m.

**MINUTES**  
City of Modesto  
**Economic Development Committee/  
Special City Council Workshop Meeting**  
**Sixth Floor, Room 6105**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Thursday June 18, 2009, at 1:00 p.m.**

Roll Call - Present: Councilmembers Keating, Lopez, Marsh  
Absent: None

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

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** None

**UNFINISHED BUSINESS**

1. Consider reviewing the applications for appointment to the City of Modesto Planning Commission and recommending an appointment to the current vacancy. (Funding Source: Not Applicable)  
*City Manager; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION:** The Economic Development Committee recommended appointing Steve Carter to the City of Modesto Planning Commission and forwarding to Council for approval.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:07 p.m.

## MINUTES

City of Modesto

### **Special Finance Committee Meeting/ Special City Council Workshop Meeting**

Conference Room 2005 (Second Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Monday, June 22, 2009 at 5:30 p.m.**

Roll Call: Present: Committee Members Hawn, Marsh, Olsen

Also Present: None

Absent: None

#### **PUBLIC COMMENTS**

**Three minute time limit per speaker**

Doug Espy had questions regarding the incentive payments for the City of Modesto retirees.

#### **CONSENT ITEMS**

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

Consent

1. Consider recommended monthly budget adjustments for June 2009 and refer to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Motion (Marsh/Olsen;unan.)** approving the monthly budget adjustments for June 2009 and forwarding to City Council for consideration and approval.

#### **NEW BUSINESS**

2. Consider recommending to the Redevelopment Agency Board adoption of proposed Fiscal Year 2010 RDA Operating and CIP Budget (Funding Source: Redevelopment Agency)  
*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan.)** approving the Fiscal Year 2010 Redevelopment Agency Operating and CIP Budget and forwarding to Council for approval.

**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 June 23, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor  
Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Bob Irwin, Mill Creek Church

City Clerk’s Announcements - Item 11 removed from Consent

Declaration of Conflicts of Interest - None

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

**PUBLIC COMMENT PERIOD**

Carmen Sabatino spoke regarding the Mayor’s salary.

Loretta Carhart spoke regarding council salaries and City buses.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 18**

**ACTION CONSENT ITEMS 1-10; 12-18 (Hawn/Lopez;unan.)**

**ACTION ITEM 11: (O’Bryant/Marsh;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 regular City Council meeting of June 9, 2009. (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 of the regular City Council meeting of June 9, 2009.**

Consent

2. Consider approving final adoption of Ordinance No. 3517-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.  
(Funding Source: Not Applicable)

- Motion approving final adoption of Ordinance No. 3517-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 recommended.

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

**ACTION: Motion (Hawn/Lopez; 7/0)** approving final adoption of **Ordinance No. 3517-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

3. Consider approving the Department of Labor Employee Cost Index - Compensation Component for State and Local Government as the annual escalator index for the substandard and dangerous building fees, with an increase of 4.1% effective retroactive to July 1, 2008 and an increase of 3% effective July 1, 2009, with an annual increase on July 1 of each year thereafter. (Funding Source: Not Applicable)
  - Resolution adopting the Department of Labor Employee Cost Index – Compensation Component for State and Local Government as the annual escalator index for substandard and dangerous building fees, with an increase of 4.1% effective retroactive to July 1, 2008 and an increase of 3% effective July 1, 2009, and an annual increase on July 1 of each year thereafter recommended.

*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2009-250 (Hawn/Lopez; 7/0)** adopting the Department of Labor Employee Cost Index – Compensation Component for State and Local Government as the annual escalator index for substandard and dangerous building fees, with an increase of 4.1% effective retroactive to July 1, 2008 and an increase of 3% effective July 1, 2009, and an annual increase on July 1 of each year thereafter.

Consent

4. Consider approving a Standard Agreement for Consultant Services with Goodwin Consulting Group, Inc. (GCG) for the preparation of an Infrastructure Finance Plan for Kiernan Business Park East Specific Plan Area (Project) in an amount not to exceed \$48,000. (Funding Source: Kiernan Business Park East FMP/IFP )
  - Resolution approving a Standard Agreement for Consultant Services between the City of Modesto and Goodwin Consulting Group, Inc. for the preparation of an Infrastructure Finance Plan for the Kiernan Business Park East Specific Plan Area in an amount not to exceed \$48,000, and authorize the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution amending the multi-year account (2900-020-0261) and appropriating \$50,000, funded by Chopra Development Enterprises, for the preparation of an Infrastructure Financing Plan for the Kiernan Business Park East Specific Plan Area recommended.

*Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

**ACTION: Resolution 2009-251 (Hawn/Lopez; 7/0)** approving a Standard Agreement for Consultant Services between the City of Modesto and Goodwin Consulting Group, Inc. for the preparation of an Infrastructure Finance Plan for the Kiernan Business Park East Specific Plan Area in an amount not to exceed \$48,000, and authorize the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-252 (Hawn/Lopez; 7/0)** amending the multi-year account (2900-020-0261) and appropriating \$50,000, funded by Chopra Development Enterprises, for the preparation of an Infrastructure Financing Plan for the Kiernan Business Park East Specific Plan Area.

Consent

5. Consider accepting the Monthly Investment Report for April 2009. (Funding Source: Not Applicable)
  - Motion accepting the Monthly Investment Report for April 2009 recommended.

*Finance; Vanessa Ferrel, 577-5376, vferrel@modestogov.com*

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

Consent

6. Consider authorizing the award of contract for the furnishing of security guard services for Citywide use, to Guardsmark, GP, Sacramento, CA, for a term of one year, with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$378,000. (Funding Source: Various Funds)

- Resolution authorizing the award of contract for the furnishing of Citywide security guard services to Guardsmark, GP, Sacramento, CA, for a term of one year, with two (2) 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 \$378,000 recommended.

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

**ACTION: Resolution 2009-253 (Hawn/Lopez; 7/0)** authorizing the award of contract for the furnishing of Citywide security guard services to Guardsmark, GP, Sacramento, CA, for a term of one year, with two (2) 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 \$378,000.

Consent

7. Consider approving additional HOME Investment Partnership Program, Community Housing Development Organization (CHDO) set-aside funds in the amount of \$560,000 to Habitat for Humanity, Stanislaus to assist with pre-development and construction costs for the Hope Village single family housing project. (Funding Source: Not Applicable)

- Resolution approving additional HOME Investment Partnership Program, Community Housing Development Organization (CHDO) set-aside funds from FY 2007-2008 in the amount of \$560,000 to be allocated to Habitat for Humanity, Stanislaus, to assist with pre-development and construction costs for the Hope Village single family housing project recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-254 (Hawn/Lopez; 7/0)** approving additional HOME Investment Partnership Program, Community Housing Development Organization (CHDO) set-aside funds from FY 2007-2008 in the amount of \$560,000 to be allocated to Habitat for Humanity, Stanislaus, to assist with pre-development and construction costs for the Hope Village single family housing project.

Consent

8. Consider approving a Subordination Agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) for the acquisition of Cortney Manor, located at 901 California Avenue, Modesto. (Funding Source: HOME Entitlement Funds)

- Resolution approving a Subordination Agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) for the acquisition of Cortney Manor, located at 901 California Avenue, Modesto, and authorizing the City Manager, or his designee, to execute the Subordination Agreement and related documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-255 (Hawn/Lopez; 7/0)** approving a Subordination Agreement for the HOME loan provided to Stanislaus County Affordable Housing Corporation (STANCO) for the acquisition of Cortney Manor, located at 901 California Avenue, Modesto, and authorizing the City Manager, or his designee, to execute the Subordination Agreement and related documents.

Consent

9. Consider approving a Purchase and Sale Agreement between William Holmes and Kanthi Kiran and the City of Modesto for real property located at 720 Coldwell, with Assessor's Parcel Number 110-001-004, for the total sale of \$175,000. (Funding Source: General Fund Revenue)

- Resolution approving a Purchase and Sale Agreement between William Holmes and Kanthi Kiran and the City of Modesto for real property located at 720 Coldwell Avenue (APN 110-001-004); and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and any related documents recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION: Resolution 2009-256 (Hawn/Lopez; 7/0)** approving a Purchase and Sale Agreement between William Holmes and Kanthi Kiran and the City of Modesto for real property located at 720 Coldwell Avenue (APN 110-001-004); and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement and any related documents.

Consent

10. Consider approving an adjustment to the 2008/09 Compost Operations budget to transfer \$82,223 from the Compost Fund (6290) to the Fleet Fund (7210) to increase the amount set aside in the Fleet Fund for the purchase of an 18 yard, heavy duty dump truck, for a total estimated cost of \$135,000. (Funding Source: Compost Fund)

- Resolution approving an adjustment to the FY 2008/09 Compost Operations budget to transfer \$82,223 from the Compost Fund (6290) to the Fleet Fund (7210) to increase the amount set aside in the Fleet Fund for the purchase of an 18 yard, heavy duty dump truck, for a total estimated cost of \$135,000 recommended.

*Parks, Recreation & Neighborhoods; Nathan Gorth, 538-2557, ngorth@modestogov.com*

**ACTION: Resolution 2009-257 (Hawn/Lopez; 7/0)** approving an adjustment to the FY 2008/09 Compost Operations budget to transfer \$82,223 from the Compost Fund (6290) to the Fleet Fund (7210) to increase the amount set aside in the Fleet Fund for the purchase of an 18 yard, heavy duty dump truck, for a total estimated cost of \$135,000.

Removed from Consent

11. Consider approving a two-year standard agreement for contract services with Community Reinvestment Fund, Inc. (CRF) for loan servicing of existing and future loans 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. (Funding Source: CDBG, HOME and CFF)

- Resolution approving a two-year standard agreement for contract services with Community Reinvestment Fund, Inc. (CRF) for loan servicing of existing and future loans 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; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-258 (O'Bryant/Marsh; 7/0)** approving a two-year standard agreement for contract services with Community Reinvestment Fund, Inc. (CRF) for loan servicing of existing and future loans 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.

Consent

12. Consider accepting the City of Modesto's Equal Opportunity Plan for FY 2008/2009 – FY 2012/2013. (Funding Source: Not Applicable)

- Motion accepting the City of Modesto's Five-Year Equal Opportunity Plan for FY 2008/2009 – FY 2012/2013 recommended.

*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 7/0)** accepting the City of Modesto's Five-Year Equal Opportunity Plan for FY 2008/2009 – FY 2012/2013.

Consent

13. Consider (i) accepting the 2009 Alcoholic Beverage Control (ABC) Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control, and (ii) adjusting the Multi-Year 2009/10 Budget, estimating revenue of \$100,000 for the 2009 Alcoholic Beverage Control (ABC) Grant Project. (Funding Source: ABC Grant)
- Resolution accepting the 2009 Alcoholic Beverage Control (ABC) Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents recommended.
  - Resolution adjusting the 2009/2010 Operating Budget, estimating revenue of \$100,000 for the 2009 Alcoholic Beverage Control (ABC) Grant Project to combat alcohol related crimes recommended.
- Police; James Rokaitis, 572-9606, Rokaitisj@modestopd.com*

**ACTION: Resolution 2009-259 (Hawn/Lopez; 7/0)** accepting the 2009 Alcoholic Beverage Control (ABC) Grant Project in the amount of \$100,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents.

**ACTION: Resolution 2009-260 (Hawn/Lopez; 7/0)** adjusting the 2009/2010 Operating Budget, estimating revenue of \$100,000 for the 2009 Alcoholic Beverage Control (ABC) Grant Project to combat alcohol related crimes.

#### Consent

14. Consider approving the Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding through the Edward Byrne Justice Assistance Grant (JAG) Formula Program in the amount of \$263,334. (This is not an American Recovery and Reinvestment Act (ARRA) Grant.) (Funding Source: Grant Revenue)
- Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program FY 2009 Local Solicitation authorizing a joint application with the County of Stanislaus, and authorizing the City Manager, or his authorized designee, to execute the grant application upon award recommended.
  - Resolution amending the Multi-Year 2009/10 Operating Budget, estimating revenue of \$162,858 to the City of Modesto, and appropriating funds in organization 0420-190-2001, upon acceptance of the grant recommended.
- Police; Michael G. Harden, 572-9501, hardeng@modestopd.com*

**ACTION: Resolution 2009-261 (Hawn/Lopez; 7/0)** approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for the Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program FY 2009 Local Solicitation authorizing a joint application with the County of Stanislaus, and authorizing the City Manager, or his authorized designee, to execute the grant application upon award.

**ACTION: Resolution 2009-262 (Hawn/Lopez; 7/0)** amending the Multi-Year 2009/10 Operating Budget, estimating revenue of \$162,858 to the City of Modesto, and appropriating funds in organization 0420-190-2001, upon acceptance of the grant.

#### Consent

15. Consider authorizing the Purchasing Manager to issue formal Request for Bid (RFB) to rebuild the pump units of three Fixed Film Reactors at an estimated cost of \$215,700. (Funding Source: Wastewater Fund)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) to rebuild the pumps and motors of the Fixed Film Reactors at an estimated cost of \$215,700, with \$20,000 in staff time costs, for a total estimated cost of \$235,700 recommended.
- Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-263 (Hawn/Lopez; 7/0)** authorizing the Purchasing Manager to issue formal

Request for Bids (RFB) to rebuild the pumps and motors of the Fixed Film Reactors at an estimated cost of \$215,700, with \$20,000 in staff time costs, for a total estimated cost of \$235,700.

Consent

16. Consider approving an Amendment to Agreement with Pacific Design Associates, Inc. for design modifications of the plans for the project titled, "City of Modesto Water Quality Control Lab Remodel". (The total estimated cost of this portion of the project is \$6,260). (Funding Source: Wastewater Fund)
- Resolution approving the Amendment to Agreement with Pacific Design Associates, Inc. for design modifications of the plans for the City of Modesto Water Quality Control Lab Remodel project in an amount not to exceed \$6,260, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-264 (Hawn/Lopez; 7/0)** approving the Amendment to Agreement with Pacific Design Associates, Inc. for design modifications of the plans for the City of Modesto Water Quality Control Lab Remodel project in an amount not to exceed \$6,260, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

17. Consider approving (1) a Purchase and Sale Agreement between the City of Modesto and Austin Parks and Frances Parks, Trustees of the Austin and Frances Parks Family Trust, for property located at 1517 10th Street, in the amount of \$239,595.00, and (2) a Grant Deed. (Funding Source: Revenue to Water Fund & General Fund)
- Resolution approving (1) a Purchase and Sale Agreement With Escrow Instructions between the City of Modesto and Austin Parks and Frances Parks, Trustees of the Austin and Frances Parks Family Trust, a Trust for property located at 1517 10th Street, in the amount of \$239,595.00, and (2) a Grant Deed, and authorizing the City Manager, or his designee, to execute the Agreement, Grant Deed, and all related documents required to close escrow.

*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-265 (Hawn/Lopez; 7/0)** approving (1) a Purchase and Sale Agreement With Escrow Instructions between the City of Modesto and Austin Parks and Frances Parks, Trustees of the Austin and Frances Parks Family Trust, a Trust for property located at 1517 10th Street, in the amount of \$239,595.00, and (2) a Grant Deed, and authorizing the City Manager, or his designee, to execute the Agreement, Grant Deed, and all related documents required to close escrow.

Consent

18. Consider authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities (LCC), other cities, and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance Funds. (Funding Source: Not Applicable)
- Joint Resolution of the City Council and Redevelopment Agency of the City of Modesto authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance and Redevelopment Funds recommended.

*Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com*

**ACTION: Resolution 2009-266 (Hawn/Lopez; 7/0)** of the City Council and Redevelopment Agency of the City of Modesto authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance and Redevelopment Funds.

## COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Council in the Park held on June 20, 2009 at Kewin Park in Modesto.

## CITY MANAGER COMMENTS & REPORTS

None.

## UNFINISHED BUSINESS

19. Consider approving: (i) a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employees' Association (MCEA) for the term of June 23, 2009 to June 21, 2010; (ii) a Memorandum of Understanding with the City of Modesto and the Modesto Confidential and Management Association (MCMA) for the term of June 23, 2009 to June 21, 2010; and (iii) a modified Memorandum of Understanding with the Modesto City Fire Fighters' Association (MCFFA) for the term of December 26, 2006 to December 19, 2011. (Funding Source: General Fund and Other Funds)
- Resolution approving a tentative agreement between the City of Modesto and the Modesto City Employees' Association (MCEA) contingent upon an affirmative ratification by MCEA membership recommended.
  - Resolution approving a tentative agreement between the City of Modesto and the Modesto Confidential and Management Association (MCMA) contingent upon an affirmative ratification vote by MCMA membership recommended.
  - Resolution approving a restructured and extended Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) contingent upon an affirmative ratification vote by MCFFA membership recommended.

*Personnel; Mark Gregersen, 577-5401, mgregersen@modestogov.com*

**ACTION: Resolution 2009-267 (Lopez/Hawn; 7/0)** approving a tentative agreement between the City of Modesto and the Modesto City Employees' Association (MCEA) contingent upon an affirmative ratification by MCEA membership.

**ACTION: Resolution 2009-268 (Marsh/Olsen; 7/0)** approving a tentative agreement between the City of Modesto and the Modesto Confidential and Management Association (MCMA) contingent upon an affirmative ratification vote by MCMA membership.

**ACTION: Resolution 2009-269 (Marsh/Hawn; 7/0)** approving a restructured and extended Memorandum of Understanding between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) contingent upon an affirmative ratification vote by MCFFA membership.

20. Consider (i) accepting the Preliminary Design Report dated May 2009 as complete, (ii) approving an agreement with Carollo Engineers, P.C. to prepare the final design for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility, and (iii) amending the Fiscal Year 2009-2010 Capital Improvement Program budget to fully fund the Agreement. (Total estimated cost for final design of the project is \$6,006,195) (Funding Source: Wastewater Fund)
- Resolution accepting the Preliminary Design Report dated May 2009, for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment project as complete recommended.
  - Resolution approving an agreement with Carollo Engineers, P.C. for final design services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility in an amount not to exceed \$5,473,900 for the identified scope of services, plus \$273,695 for additional services (if needed) for a maximum total amount of \$5,747,595, 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 for Final Design Services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility, including Engineering/Design/Administration support

recommended.  
*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-270 (Hawn/Lopez; 7/0)** accepting the Preliminary Design Report dated May 2009, for the Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment project as complete.

**ACTION: Resolution 2009-271 (Hawn/Lopez; 7/0)** approving an agreement with Carollo Engineers, P.C. for final design services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility in an amount not to exceed \$5,473,900 for the identified scope of services, plus \$273,695 for additional services (if needed) for a maximum total amount of \$5,747,595, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-272 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Capital improvement Program budget in order to fully fund the Agreement for Final Design Services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility, including Engineering/Design/Administration support.

21. Consider accepting recommendations to amend the Fiscal Year 2009-2010 Operating Budget in order to identify sufficient savings to maintain a 7% unrestricted reserve in the General Fund. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2009-2010 Operating Budget to reflect changes in revenue and expense assumptions needed to bring the forecast unrestricted reserve in the General Fund to a 7% level recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

**ACTION: Resolution 2009-273 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Operating Budget to reflect changes in revenue and expense assumptions needed to bring the forecast unrestricted reserve in the General Fund to a 7% level.

**ACTION: Motion (Olsen/Hawn; 6/0; Keating, absent due to conflict)** approving amendment to Line 58 of the Budget and directing Julie Hannon, PRN, to report back to Finance Committee before September with a plan for maintaining the Parkettes, rather than closing the Parkettes, and other solutions.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:50 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, et al.; United States Court of Appeals for the Ninth Circuit; Nos. 07-16715; 07-17407; D.C. No. CV-04-06121-LJO; Eastern District of California, Fresno

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: The Sale or Lease of real property owned by the Agency located at:

1024 North 9th Street  
Modesto, CA  
Assessor's Parcel No. 029-009-021

1108 North 9th Street  
Modesto, CA  
Assessor's Parcel No. 029-009-010

1136 North 9th Street  
Modesto, CA  
Assessor's Parcel No. 029-009-023

1161 Carver Road  
Modesto, CA  
Assessor's Parcel No. 029-009-031

Negotiating parties: Julie Hannon, Director of Parks, Recreation & Neighborhoods; Under negotiation:  
Determination of Sale or Lease of property to EAH, Inc. for the development of Archway Commons

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday July 07, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren Church

City Clerk’s Announcements - Item 31 - continued to July 14, 2009 meeting.  
Item 32 - is being moved to last item of meeting.

Declaration of Conflicts of Interest – Item 24: Hawn, Marsh

Reports from Closed Session – City Attorney Wood reported on Closed Session Matters.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Consider supporting continued planning of a U.C. Merced Medical School. (Funding Source: Not Applicable)
  - Motion supporting continued planning of a U.C. Merced Medical School recommended.  
*Mayor; Jim Ridenour, 571-5597, jridenour@modestogov.com*

**ACTION: Motion (Marsh/Lopez; 7/0)** supporting continued planning of a U.C. Merced Medical School.

2. Consider accepting the status update for the State Route (SR) 99/Pelandale Avenue Interchange Project. (Funding Source: SR 99/Pelandale Avenue Interchange)
  - Motion accepting the progress report update for State Route 99/Pelandale Avenue Interchange Reconstruction Project recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Motion (Lopez/Keating; 7/0)** accepting the progress report update for State Route 99/Pelandale Avenue Interchange Reconstruction Project.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

3. Consider approving the appointment of Steven Carter to the City of Modesto Planning Commission. (Funding Source: Not Applicable)
  - Resolution appointing Steve Carter to the City of Modesto Planning Commission recommended.  
*City Manager; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Resolution 2009-274 (Hawn/Keating; 7/0)** appointing Steve Carter to the City of Modesto Planning Commission.

4. Consider accepting with regret the resignation of Phillip Hawley from the City of Modesto Golf Course Advisory Commission. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Phillip Hawley from the City of Modesto Golf Course Advisory Commission recommended.

*City Manager; Judith Ray, 577-5809, jray@modestogov.com*

**ACTION: Resolution 2009-275 (Lopez/Hawn; 7/0)** accepting with regret the resignation of Phillip Hawley from the City of Modesto Golf Course Advisory Commission.

5. Consider accepting with regret the resignation of Michael Ford from the City of Modesto Golf Course Advisory Commission (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Michael Ford from the City of Modesto Golf Course Advisory Commission recommended.

*City Manager; Judith Ray, 577-5809, jray@modestogov.com*

**ACTION: Resolution 2009-276 (Lopez/Keating; 7/0)** accepting with regret the resignation of Michael Ford from the City of Modesto Golf Course Advisory Commission.

#### **PUBLIC COMMENT PERIOD**

- Joanne Wilder spoke in opposition to the closure of park restrooms.
- Carmen Sabatino spoke regarding Alcoholic Beverage Control.
- Terry Platt acknowledged and thanked the City Manager for responding to his request for access to a crosswalk by the disabled.
- Douglas Whitfield, Central Seventh Day Adventist Church, spoke regarding safety issue at Tower Park; Mayor Ridenour referred Mr. Whitfield to Scott Humphrey, PRN.
- Louis Levin acknowledged the Jaycees on the Fourth of July Parade and the smoking of marijuana in the park; would like the City to look into banning smoking in public parks.
- Robert Stanford spoke regarding the problems at Tower Park.
- Unnamed speaker commented on homeless woman drinking; and why there are no pedestrian crossings at H Street.
- Loretta Carhart commented about bugs in apartments; referred to County Health and Brent Sinclair, CEDD.
- Kevin McCarty spoke regarding the homeless in Modesto.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 25**

**ACTION CONSENT ITEMS 6-23, 25: (Hawn/Lopez;unan.)**

**ACTION ITEM 24: (Lopez/Keating;unan. Hawn,Marsh 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

6. Consider approving the minutes of the regular City Council meeting of June 23, 2009. (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 of the regular City Council meeting of June 23, 2009.

Consent

7. Consider approving a contract for financial statement external auditors with Brown, Armstrong and Paulden. (Funding Source: General Fund)
- Resolution approving a contract with Brown, Armstrong and Paulden as financial statement auditors for the City of Modesto recommended.
- City Auditor; Frank DeMattos, 341-2941, [fdemattos@modestogov.com](mailto:fdemattos@modestogov.com)*

**ACTION: Resolution 2009-277 (Hawn/Lopez; 7/0)** approving a contract with Brown, Armstrong and Paulden as financial statement auditors for the City of Modesto.

Consent

8. Consider accepting the City Auditor Quarterly Report. (Funding Source: Not Applicable)
- Motion accepting the City Auditor's quarterly report recommended.
- City Auditor; Frank DeMattos, 341-2941, [fdemattos@modestogov.com](mailto:fdemattos@modestogov.com)*

**ACTION: Motion (Hawn/Lopez; 7/0)** accepting the City Auditor's quarterly report.

Consent

9. Consider accepting the external audit reports from Maze and Associates for the Fiscal Year ending June 30, 2008. (Funding Source: Not Applicable)
- Motion accepting the external audit reports from Maze and Associates for the Fiscal Year ending June 30, 2008 recommended.
- City Auditor; Frank DeMattos, 341-2941, [fdemattos@modestogov.com](mailto:fdemattos@modestogov.com)*

**ACTION: Motion (Hawn/Lopez; 7/0)** accepting the external audit reports from Maze and Associates for the Fiscal Year ending June 30, 2008.

Consent

10. Consider approving an agreement with Aaron Read & Associates (ARA) for lobbying efforts at the State level through June 30, 2010 in an amount not to exceed \$20,000. (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; Judith Ray, 571-5809, [jray@modestogov.com](mailto:jray@modestogov.com)*

**ACTION: Resolution 2009-278 (Hawn/Lopez; 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

11. Consider adopting a 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. (Funding Source: Community Facilities District Nos. 2003-1 (Fairview Village) and 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. (Funding: Community Facilities District Nos. 2003-1 (Fairview Village) and 2004-1 (Village One #2) special facilities tax revenues) recommended.  
*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

**ACTION: Resolution 2009-279 (Hawn/Lopez; 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. (Funding: Community Facilities District Nos. 2003-1 (Fairview Village) and 2004-1 (Village One #2) special facilities tax revenues).

Consent

12. Consider approving Amendment #1 to Task Order No. 1 to the Master Professional Services Agreement with Omni-Means, Ltd. in the amount of \$15,970, for a total amount not to exceed \$114,690. (Funding Source: Capital Facilities Fees)
- Resolution approving Amendment #1 to Task Order No. 1 to the Master Professional Services Agreement with Omni-Means, Ltd. in the amount of \$15,970, for a total amount not to exceed \$114,690, and authorizing the City Manager, or his designee, to execute the Amendment #1 to Task Order No. 1 recommended.
  - Resolution amending the Fiscal Year 2009-2010 operating budget and appropriating \$15,970 from Capital Facilities Fund 1390-140-0260-0242 to Multi-Year Account 1390-140-0266-0242 for the Amendment #1 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, 577-5211, agedney@modestogov.com*

**ACTION: Resolution 2009-280 (Hawn/Lopez; 7/0)** approving Amendment #1 to Task Order No. 1 to the Master Professional Services Agreement with Omni-Means, Ltd. in the amount of \$15,970, for a total amount not to exceed \$114,690, and authorizing the City Manager, or his designee, to execute the Amendment #1 to Task Order No. 1.

**ACTION: Resolution 2009-281 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 operating budget and appropriating \$15,970 from Capital Facilities Fund 1390-140-0260-0242 to Multi-Year Account 1390-140-0266-0242 for the Amendment #1 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

13. Consider approving the Monthly Budget Adjustment report for June 2009. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2008-2009 annual budget recommended.  
*Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com*

**ACTION: Resolution 2009-282 (Hawn/Lopez; 7/0)** Resolution amending the Fiscal Year 2008-2009 annual budget.

Consent

14. 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 2009-283 (Hawn/Lopez; 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.

Consent

15. Consider authorizing the award of bid and contract for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, to Preferred Pump & Equipment, Fresno, CA. (The purchase agreement shall be for a two (2) year period with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$103,878, and over five years of \$519,390.) (Funding Source: Water Fund)
- Resolution authorizing the award of bid and contract for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, to Preferred Pump & Equipment, Fresno, CA, and authorizing the Purchasing Manager to issue a purchase agreement for a two (2) year period, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$103,878 recommended.

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

**ACTION: Resolution 2009-284 (Hawn/Lopez; 7/0)** authorizing the award of bid and contract for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, to Preferred Pump & Equipment, Fresno, CA, and authorizing the Purchasing Manager to issue a purchase agreement for a two (2) year period, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$103,878.

Consent

16. Consider approving a continued agreement with Final Cut Media for a period of five (5) years in the sum of \$167,000 in years one through three (1–3), \$183, 700 in year four (4), and \$202,070 in year five (5) for the management of the Education and Government (EG) television master control room. (Funding Source: Funding Source: Education & Government Cable)
- Resolution approving an Agreement with Final Cut Media for a period of five years for the management of the Education and Government (EG) television master control room in the sum of \$167,000 in years one through three, \$183,700 in year four, and \$202,070 in year five; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Information Technology; Gary Cook, 577-5229, gcook@modestogov.com*

**ACTION: Resolution 2009-285 (Hawn/Lopez; 7/0)** approving an Agreement with Final Cut Media for a period of five years for the management of the Education and Government (EG) television master control room in the sum of \$167,000 in years one through three, \$183,700 in year four, and \$202,070 in year five; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving the First Amendment to Agreement with Redflex Traffic Systems for a seven-year agreement, with option for a one-year renewal. (Funding Source: Traffic Safety Fund)
- Resolution approving a First Amendment to an Agreement with Redflex Traffic Systems, Inc., for a seven-year agreement, with option for a one two-year renewal; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

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

**ACTION: Resolution 2009-286 (Hawn/Lopez; 7/0)** approving a First Amendment to an Agreement with Redflex Traffic Systems, Inc., for a seven-year agreement, with option for a one two-year renewal; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

18. Consider (i) amending the FY 2009-10 Operating Budget to appropriate \$131,000 from Storm Drain Fund Reserves to fund Stormwater Management Plan work; and (ii) approving an Agreement with Larry Walker Associates for Stormwater Management Plan work in an amount not to exceed \$300,000. (Funding Source: Storm Drain Fund)
- Resolution amending the 2009-10 Operating Budget to appropriate \$131,000 from Storm Drain

Fund Reserves to Account No. 6280-480-5314-0235 for Stormwater Management Plan work recommended.

- Resolution approving an Agreement with Larry Walker Associates for Stormwater Management Plan work in an amount not to exceed \$300,000 recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-287 (Hawn/Lopez; 7/0)** amending the 2009-10 Operating Budget to appropriate \$131,000 from Storm Drain Fund Reserves to Account No. 6280-480-5314-0235 for Stormwater Management Plan work.

**ACTION: Resolution 2009-288 (Hawn/Lopez; 7/0)** approving an Agreement with Larry Walker Associates for Stormwater Management Plan work in an amount not to exceed \$300,000.

Consent

19. Consider approving the plans and specifications for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project, accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$206,724. (Total estimated cost of the project is \$261,968) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project, accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$206,724 for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-289 (Hawn/Lopez; 7/0)** approving the plans and specifications for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project, accepting the bid, and approving a contract with Mid Cal Pipeline & Utilities, Inc. in the amount of \$206,724 for the Downstream Improvements Yosemite Boulevard (S.R. 132) Water Line Installation: Dry Creek to So. Santa Rosa project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

20. Consider accepting the work by Collins Electric Company, Inc. for the project titled "Modification of Traffic Signals at Three Locations: 12th/J Street, La Loma/Burney and Briggsmore/Carver" as complete and authorizing payment totaling \$353,624. (Total project cost to date is \$467,788.42) (Funding Source: CMAQ (Congestion Mitigation Air Quality) with Gas Tax and CFF (Capital Facilities Fees))

- Resolution accepting the work by Collins Electric Company, Inc. for the project titled "Modification of Traffic Signals at Three Locations: 12th/J Street, La Loma/Burney and Briggsmore/Carver" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$353,624 recommended.

*Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2009-290 (Hawn/Lopez; 7/0)** accepting the work by Collins Electric Company, Inc. for the project titled "Modification of Traffic Signals at Three Locations: 12th/J Street, La Loma/Burney and Briggsmore/Carver" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$353,624.

Consent

21. Consider approving the Prospective Bidder Prequalification Appeals Panel for Public Works' projects. (Funding Source: Not Applicable)

- Resolution approving the Prospective Bidder Prequalification Appeals Panel, for Public Works' projects, consisting of Nicholas Pinhey, Director of Public Works, Richard Ulm, Deputy Director of Public Works, and Mark Averell, Purchasing Manager recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-291 (Hawn/Lopez; 7/0)** approving the Prospective Bidder Prequalification Appeals Panel, for Public Works' projects, consisting of Nicholas Pinhey, Director of Public Works, Richard Ulm, Deputy Director of Public Works, and Mark Averell, Purchasing Manager.

Consent

22. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of water storage tank inspection services and repairs for an estimated annual cost of \$25,000 for a period of two years, with three one-year extension options, at the sole discretion of the City. (Total estimated cost over five years is \$125,000. ) (Funding Source: Water Fund)

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of water storage tank inspection services and repairs for a period of two years, with three one-year extension options, at the sole discretion of the City, for a total estimated annual cost of \$25,000 recommended.

*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Resolution 2009-292 (Hawn/Lopez; 7/0)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of water storage tank inspection services and repairs for a period of two years, with three one-year extension options, at the sole discretion of the City, for a total estimated annual cost of \$25,000.

Consent

23. Consider approving an Amendment to Agreement with West Yost Associates, Inc. in the amount of \$487,110 for final design and design support during construction services for the project titled, "Downstream Improvements Tier 1 – North Tank". (Total estimated cost for the final design portion of this project is \$609,273) (Funding Source: Water Fund-CIP)

- Resolution approving an Amendment to Agreement with West Yost Associates, Inc. for final design and design support during construction services for the project titled, "Downstream Improvements Tier 1 – North Tank" in the not-to-exceed amount of \$487,110, 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 fully fund the Amendment to Agreement for the Final Design of the Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvements project recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-293 (Hawn/Lopez; 7/0)** approving an Amendment to Agreement with West Yost Associates, Inc. for final design and design support during construction services for the project titled, "Downstream Improvements Tier 1 – North Tank" in the not-to-exceed amount of \$487,110, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

**ACTION: Resolution 2009-294 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Amendment to Agreement for the Final Design of the Modesto Regional Water Treatment Plant Phase Two Expansion – Tier One Downstream Improvements project.

Consent—*Councilmembers Hawn, Marsh absent due to conflict of interest*

24. Consider approving the submittal of the Functional Classification Change for various streets throughout the City of Modesto to the State of California, Department of Transportation. (Funding Source: Not Applicable)

- Resolution approving the submittal of the Functional Classification Change for various streets throughout the City of Modesto to the State of California, Department of Transportation recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-295 (Lopez/Keating; 5/0 Hawn, Marsh absent due to conflict of interest)** approving the submittal of the Functional Classification Change for various streets throughout the City of Modesto to the State of California, Department of Transportation.

Consent

25. Consider (1) accepting the Project Design Report, dated May 2008, for the Carpenter Road Bridge Seismic Retrofit project as complete, and (2) approving an agreement with Dokken Engineering for final design services, in an amount not to exceed \$302,775.56. (Total estimated cost for final design of the project is \$357,450.56) (Funding Source: Capital Grants, Streets Capital Facility Fees)
- Resolution accepting the Project Design Report, dated May 2008, for the Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project as complete recommended.
  - Resolution approving an agreement with Dokken Engineering for final design services for Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) in an amount not to exceed \$275,250.56 for the identified scope of services, plus \$27,525.00 for additional services (if needed) for a maximum total amount of \$302,775.56, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-296 (Hawn/Lopez; 7/0)** accepting the Project Design Report, dated May 2008, for the Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) project as complete.

**ACTION: Resolution 2009-297 (Hawn/Lopez; 7/0)** approving an agreement with Dokken Engineering for final design services for Carpenter Road Bridge Seismic Retrofit Contract No. BRLSZA-5059(064) in an amount not to exceed \$275,250.56 for the identified scope of services, plus \$27,525.00 for additional services (if needed) for a maximum total amount of \$302,775.56, and authorizing the City Manager, or his designee, to execute the Agreement.

### COUNCIL COMMENTS & REPORTS

Mayor Ridenour spoke regarding the status of the State budget.

Councilmember Lopez spoke regarding the Fourth of July Parade, Picnic in the Park, and the laser show.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

26. Consider accepting recommended updates/changes to the City's purchasing policies and procedures and authorizing the City Manager to implement said updates/changes. (Funding Source: Not Applicable)
- Motion accepting staff's recommended changes and updates to the City's purchasing policies and procedures and authorizing the City Manager to implement said changes recommended.
  - Motion introducing an Ordinance amending Sections 8-3.103, 8-3.203 and 8-3.401 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts recommended.

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

**ACTION: Motion (Hawn/Olsen; 7/0)** accepting staff's recommended changes and updates to the City's purchasing policies and procedures and authorizing the City Manager to implement said changes.

**ACTION: Motion (Hawn/Olsen; 7/0)** introducing **Ordinance No. 3518-C.S.** amending Sections 8-3.103, 8-3.203 and 8-3.401 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

27. Consider freezing the annual inflationary adjustment for Wastewater Capacity Charges and Water Connection Charges for Fiscal Year (FY) 2009-2010. (Funding Source: Wastewater Fund, Water Fund)
- Resolution freezing the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2009/2010, and authorizing the Director of Public Works to administratively apply an annual inflationary adjustment effective July 1, 2010, not to exceed the percent change in the Engineering News Record Construction Cost Index for the San Francisco region using April 2008 as the base year for the calculation recommended.
- Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-298 (Hawn/Lopez; 7/0)** freezing the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2009/2010, and authorizing the Director of Public Works to administratively apply an annual inflationary adjustment effective July 1, 2010, not to exceed the percent change in the Engineering News Record Construction Cost Index for the San Francisco region using April 2008 as the base year for the calculation.

28. Consider approving various clarifications and changes to the City policies related to the application of water connection fees and the inflator index adopted in 2005. (Funding Source: Water Fund)
- Resolution amending and restating Resolution No. 2005-492 clarifying policy issues on water connection fees and clarifying the application of the inflator index for fixed and volume based charges for water recommended.
- Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-299 (Hawn/Lopez; 7/0)** amending and restating Resolution No. 2005-492 clarifying policy issues on water connection fees and clarifying the application of the inflator index for fixed and volume based charges for water.

## HEARINGS

*Published in the Modesto Bee on June 26, 2009*

29. Hearing to consider the levy and collection of the proposed assessment for the City Engineer's 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 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; Bill Sandhu, 571-5589, bsandhu@modestogov.com*

**ACTION: Resolution 2009-300 (Hawn/Keating; 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 June 26, 2009*

30. Hearing to consider 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 Source: Landscape Maintenance to be funded by City of Modesto Community Facilities District 2004-1 in Village One No. 2)
- Resolution confirming the diagram and assessment, and ordering the levy and collection 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; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2009-301 (Hawn/Keating; 7/0)** confirming the diagram and assessment, and ordering the

levy and collection 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 June 26, 2009; continued to July 14, 2009 Council meeting*

31. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2009, and rescinding Resolution No. 2009-121. (Funding Source: Not Applicable)
- Continued to the July 14, 2009 Council meeting.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Continued to July 14, 2009 Council Meeting.

*Recess at 6:55 pm*

*Reconvene at 7:15 pm*

*Councilmember O'Bryant left meeting at 7:00 pm*

*Published in the Modesto Bee on June 17, 2009*

32. Hearing to consider accepting the 2009 Urban Growth Policy Review and adding Measure "M" Ballot Measures on the November, 2009 election. (Funding Source: General Fund Expenditure)
- Motion to accept the 2009 Urban Growth Policy Review 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 "Kiernan Avenue Corridor comprehensive planning districts including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD" in the Modesto Urban Area General Plan, provided the area is first annexed to the city. The area is generally bordered on the north by the city general plan boundary and the centerline of the future extension of Pirrone Road within the Salida CPD, on the east by the centerlines of Tully Road and McHenry Avenue, on the south by the centerlines of Kiernan and Bangs Avenues, and on the west by the centerlines of American Avenue and Stoddard Road 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 "College West Comprehensive Planning District" as described in the Modesto Urban Area General Plan, provided the area is first annexed to the city. The area is bordered on the east by the Union Pacific Railroad and the centerline of Poust Road extended north, on the south by the centerline of Shoemake Avenue and existing residential properties that front to Mozart Drive, and on the west by the centerline of Morse Road extended north 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 "130-acre regional commercial portion of the Hetch-Hetchy comprehensive planning district as described in the Modesto urban area general plan, provided the area is first annexed to the city. The area is bordered on the north by the centerline of Claribel road, on the east by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of McHenry Avenue 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 "northwest portion of the Roselle/Claribel Comprehensive Planning District" as described in the Modesto Urban Area General Plan, provided the area is first annexed to the city. The area is bordered on the north by the centerline of Claribel Road, on the east by Roselle Avenue, on the south by Claratina Avenue, and on the west by Oakdale Road 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the "Kiernan Avenue Corridor comprehensive planning districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD" 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the “College West Comprehensive Planning District” 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District” 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Northwest portion of the Roselle/Claribel Comprehensive Planning District” recommended.
- Resolution directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Kiernan Avenue Corridor comprehensive planning districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD” generally located, the unincorporated area is, generally bordered on the north by the city General Plan boundary and the centerline of the future extension of Pirrone Road within the Salida CPD, on the east by the centerlines of Tully Road and McHenry Avenue, on the south by the centerlines of Kiernan and Bangs Avenues, and on the west by the centerlines of American Avenue and Stoddard Road to the City Attorney for the purpose of preparing an impartial analysis of said Measure recommended.
- Resolution directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “College West Comprehensive Planning District” as described in the Modesto Urban Area General Plan, and generally located, the unincorporated area is bordered on the east by the Union Pacific Railroad and the centerline of Poust Road extended north, on the south by the centerline of Shoemake Avenue and existing residential properties that front to Mozart Drive, and on the west by the centerline of Morse Road extended north to the City Attorney for the purpose of preparing an impartial analysis of said Measure recommended.
- Resolution directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District” as described in the Modesto Urban Area General Plan and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of McHenry Avenue to the City Attorney for the purpose of preparing an impartial analysis of said Measure recommended.
- Resolution directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Northwest portion of the Roselle/Claribel Comprehensive Planning District” generally located in the unincorporated area as bordered on the north by the centerline of Claribel Road, on the east by the centerline of Roselle Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of Oakdale Road to the City Attorney for the purpose of preparing an impartial analysis of said Measure 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): 2009 Urban Growth Review, as required by the adopted Modesto Urban Area General Plan “Community Growth Strategy” recommended.

*Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

**ACTION: Motion (Keating/Hawn; 6/0 O’Bryant absent)** accepting the 2009 Urban Growth Policy Review recommended.

**ACTION: Resolution 2009-302 (Keating/Hawn; 6/0 O'Bryant absent)** 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 "Kiernan Avenue corridor comprehensive planning districts including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD" in the Modesto Urban Area General Plan, provided the area is first annexed to the city, The area is generally bordered on the north by the city general plan boundary and the centerline of the future extension of Pirrone Road within the Salida CPD, on the east by the centerlines of Tully Road and McHenry Avenue, on the south by the centerlines of Kiernan and Bangs Avenues, and on the west by the centerlines of American Avenue and Stoddard Road.

**ACTION: Resolution 2009-303 (Keating/Hawn; 6/0 O'Bryant absent)** 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 "College West Comprehensive Planning District" as described in the Modesto Urban Area General Plan, provided the area is first annexed to the city. The area is bordered on the east by the Union Pacific Railroad and the centerline of Poust Road extended north, on the south by the centerline of Shoemake Avenue and existing residential properties that front to Mozart Drive, and on the west by the centerline of Morse Road extended north.

**ACTION: Resolution 2009-304 (Keating/Hawn; 6/0 O'Bryant absent)** 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 "130-acre regional commercial portion of the Hetch-Hetchy comprehensive planning district as described in the Modesto urban area general plan, provided the area is first annexed to the city. The area is bordered on the north by the centerline of Claribel road, on the east by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of McHenry Avenue

**ACTION: Resolution 2009-305 (Keating/Hawn; 6/0 O'Bryant absent)** 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 "northwest portion of the Roselle/Claribel Comprehensive Planning District" as described in the Modesto Urban Area General Plan, provided the area is first annexed to the city. The area is bordered on the north by the centerline of Claribel Road, on the east by Roselle Avenue, on the south by Claratina Avenue, and on the west by Oakdale Road

**ACTION: Resolution 2009-306 (Keating/Hawn; 6/0 O'Bryant absent)** 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the "Kiernan Avenue Corridor comprehensive planning districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD"

**ACTION: Resolution 2009-307 (Keating/Hawn; 6/0 O'Bryant absent)** 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the "College West Comprehensive Planning District".

**ACTION: Resolution 2009-308 (Keating/Hawn; 6/0 O'Bryant absent)** 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the "130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District".

**ACTION: Resolution 2009-309 (Keating/Hawn; 6/0 O'Bryant absent)** 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the "Northwest portion of the Roselle/Claribel Comprehensive Planning District .

**ACTION: Resolution 2009-310 (Keating/Hawn; 6/0 O'Bryant absent)** directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban

Area General Plan, commonly referred to as the “Kiernan Avenue Corridor comprehensive planning districts, including the Kiernan/Carver North CPD, a portion of the Kiernan/Carver CPD and a portion of the Salida CPD” generally located, the unincorporated area is, generally bordered on the north by the city General Plan boundary and the centerline of the future extension of Pirrone Road within the Salida CPD, on the east by the centerlines of Tully Road and McHenry Avenue, on the south by the centerlines of Kiernan and Bangs Avenues, and on the west by the centerlines of American Avenue and Stoddard Road to the City Attorney for the purpose of preparing an impartial analysis of said Measure.

**ACTION: Resolution 2009-311 (Keating/Hawn; 6/0 O’Bryant absent)** directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “College West Comprehensive Planning District” as described in the Modesto Urban Area General Plan, and generally located, the unincorporated area is bordered on the east by the Union Pacific Railroad and the centerline of Poust Road extended north, on the south by the centerline of Shoemake Avenue and existing residential properties that front to Mozart Drive, and on the west by the centerline of Morse Road extended north to the City Attorney for the purpose of preparing an impartial analysis of said Measure.

**ACTION: Resolution 2009-312 (Keating/Hawn; 6/0 O’Bryant absent)** directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “130-acre Regional Commercial portion of the Hetch-Hetchy Comprehensive Planning District” as described in the Modesto Urban Area General Plan and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of McHenry Avenue to the City Attorney for the purpose of preparing an impartial analysis of said Measure

**ACTION: Resolution 2009-313 (Keating/Hawn; 6/0 O’Bryant absent)** directing the City Clerk to transmit a copy of the advisory Measure considering the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Northwest portion of the Roselle/Claribel Comprehensive Planning District” generally located in the unincorporated area as bordered on the north by the centerline of Claribel Road, on the east by the centerline of Roselle Avenue, on the south by the centerline of Claratina Avenue, and on the west by the centerline of Oakdale Road to the City Attorney for the purpose of preparing an impartial analysis of said Measure.

**ACTION: Resolution 2009-314 (Keating/Hawn; 6/0 O’Bryant 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): 2009 Urban Growth Review, as required by the adopted Modesto Urban Area General Plan “Community Growth Strategy”

**ACTION: Motion (Hawn/Marsh;majority, Keating, Lopez no; O’Bryant absent)** approving the Hetch-Hetchy Comprehensive Planning District with the added language in Item F of the 2009 Urban Growth Review that would mirror the Kiernan/Carver language that would require future study for the corridor to be commercial and job creating.

**ACTION: Resolution 2009-315 (Hawn/Marsh; majority, Keating, Lopez no; O’Bryant absent)** 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 “830-acre Village Residential portion of the Hetch- Hetchy Comprehensive Planning District” as described in the Modesto Urban Area General Plan, provided the area is first annexed to the City. The area is generally bordered on the north by the centerline of Claribel Road, on the east by the centerline of Oakdale Road, on the south by the centerline of Claratina Avenue, and on the west by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue.

**ACTION: Resolution 2009-316 (Hawn/Marsh; majority, Keating, Lopez no; O’Bryant absent)** directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain

area of the Modesto Urban Area General Plan, commonly referred to as the “830-acre Village Residential portion of the Hetch-Hetchy Comprehensive Planning District” as described in the Modesto Urban Area General Plan and generally located, the unincorporated area is, bordered on the north by the centerline of Claribel Road, on the east by the centerline of Oakdale Road, on the south by the centerline of Claratina Avenue, and on the west by an imaginary line 0.25 miles (approximately 1,250 feet) east of the centerline of McHenry Avenue to the City Attorney for the purpose of preparing an impartial analysis of said measure.

**ACTION: Resolution 2009-317 (Hawn/Marsh; majority, Keating, Lopez no; O’Bryant absent) 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 a certain area of the Modesto Urban Area General Plan, commonly referred to as the “830-acre Village Residential portion of the Hetch-Hetchy Comprehensive Planning District”.**

### NEW BUSINESS

33. Consider authorizing the Purchasing Manager to solicit bids and issue purchasing agreements for maintenance contracts/support agreements throughout the Fiscal Year 2009–2010 through “sole source” purchases and formal bid processes for the cumulative budgeted amount of \$1,124,503. (Funding Source: Funding Source: Information Technology Repair and Maintenance Funds)
- Resolution authorizing the Purchasing Manager to solicit bids and issue purchasing agreements for maintenance contracts/support agreements throughout Fiscal Year 2009-2010, through “sole source” purchases, and formal and informal bid processes recommended.
- Information Technology; Gary Cook, 577-5229, gcook@modestogov.com*

**ACTION: Resolution 2009-318 (Hawn/Lopez; 7/0) authorizing the Purchasing Manager to solicit bids and issue purchasing agreements for maintenance contracts/support agreements throughout Fiscal Year 2009-2010, through “sole source” purchases, and formal and informal bid processes recommended.**

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

Meeting adjourned at 9:15 pm

### 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: Easements for Primary Outfall Rehabilitation; Acquisition of real property located at:

2501 W. Hackett Road  
Modesto, CA  
APN: 017-043-010

2381 S. Carpenter Road  
Modesto, CA  
APN: 017-042-003

Carpenter Road  
APN: 056-028-010

3230 Vivian Road  
Modesto, CA  
APN: 017-043-023

Quisenberry Road  
Modesto, CA  
APN: 017-062-029 & 001, 017-061, -021 and 004

Negotiating parties: Rich Ulm, Deputy Director, Public Works; Violet Jakab, Senior Civil Engineer

Under negotiation: Purchase Price of various parcels

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: *City of Modesto, et al. v. Dow Chemical Company, et al.*; San Francisco Superior Court Nos. 999345 and 999643

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager; 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; 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; Employee Organization: Modesto Police Management Association

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday July 14, 2009, at 5:30 p.m.**

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, O’Bryant, Olsen, Mayor Ridenour  
Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk’s Announcements – Item Nos. 21 and 25 continued to August 5, 2009  
Item No. 29 removed from Agenda

Declaration of Conflicts of Interest – None

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of the 2008 Annual Road Report by Nick Pinhey, Public Works. (Funding Source: Not Applicable)  
*Public Works ; Nick Pinhey, 577-5205, npinhey@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 6/0; Marsh absent)** accepting the 2008 Annual Road Report given by Nick Pinhey, Public Works.

2. Presentation of Proclamation, proclaiming August 4, 2009 as “National Night Out.” (Funding Source: Not Applicable)  
*Police; Rosie Fabela, 341-2987, fabelar@modestopd.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming August 4, 2009 as National Night Out.

3. Presentation of Proclamation proclaiming August 1, 2009 as Law Enforcement Appreciation Day. (Funding Source: Not Applicable)  
*Police; Tami Dodge, 572-9640, dodget@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming August 1, 2009 as Law Enforcement Day.

**PUBLIC COMMENT PERIOD**

Ray Pefferini would like to meet with the Mayor regarding trees. The Mayor will have a meeting scheduled for August.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 19**

**ACTION CONSENT ITEM NOS. 4-19 (Hawn/Lopez; 6/0; Marsh, 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 regular City Council meeting of July 7, 2009. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 6/0; Marsh, absent)** approving the Minutes of the City Council meeting of July 7, 2009.

Consent

5. Consider approving final adoption of Ordinance No. 3518-C.S amending Sections 8-3.103, 8-3.203 and 8-3.401 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts. (Funding Source: Not Applicable)
- Motion approving final adoption of Ordinance No. 3518-C.S amending Sections 8-3.103, 8-3.203 and 8-3.401 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 6/0; Marsh, absent)** approving final adoption of **Ordinance No. 3518-C.S.** amending Sections 8-3.103, 8-3.203 and 8-3.401 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

Consent

6. Consider approving an extension of the banking agreement with Bank of the West until February 1, 2010. (Funding Source: Various Fund)
- Resolution approving an extension to an agreement between the City of Modesto and Bank of the West for banking services including payables, payroll, cashiering, and investments, and authorizing the City Manager to execute the extension to said agreement recommended.
- City Manager; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Resolution 2009-319 (Hawn/Lopez; 6/0; Marsh absent)** approving an extension to an agreement between the City of Modesto and Bank of the West for banking services including payables, payroll, cashiering, and investments, and authorizing the City Manager to execute the extension to said agreement.

Consent

7. Consider accepting the Final Subdivision Map for Hope Village located at the eastern end of Houser Lane for the purpose of a private subdivision by Habitat for Humanity. (Funding Source: Not Applicable)
- Resolution approving the Final Subdivision Map of Hope Village located at the eastern end of Houser Lane, authorizing the City Manager to execute the Subdivision Agreement, and authorizing the City Manager and the City Clerk to sign the final map and record it with Stanislaus County Recorder's Office recommended.
- Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

**ACTION: Resolution 2009-320 (Hawn/Lopez; 6/0; Marsh absent)** approving the Final Subdivision Map of

Hope Village located at the eastern end of Houser Lane, authorizing the City Manager to execute the Subdivision Agreement, and authorizing the City Manager and the City Clerk to sign the final map and record it with Stanislaus County Recorder's Office.

Consent

8. Consider authorizing the award of bid and contract for the furnishing of an elevator upgrade for the Eleventh Street parking garage, for the Parks, Recreation and Neighborhoods Department, Parking Services Division, to Elevator Technology, Inc., El Dorado Hills, CA, for a total cost of \$108,068.50. (Funding Source: Parking Services Division)
- Resolution authorizing the award of bid and contract for the furnishing of an elevator upgrade for the Eleventh Street parking garage, for the Parks, Recreation and Neighborhoods Department, Parking Services Division, to Elevator Technology, Inc., El Dorado Hills, CA, and authorizing the City Manager, or his designee, to issue an agreement for a total cost of \$108,068.50 recommended.  
*Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2009-321 (Hawn/Lopez; 6/0; Marsh absent)** authorizing the award of bid and contract for the furnishing of an elevator upgrade for the Eleventh Street parking garage, for the Parks, Recreation and neighborhoods Department, Parking Services Division, to Elevator Technology, Inc., El Dorado Hills, CA, and authorizing the City Manager, or his designee, to issue an agreement for a total cost of \$108,068.50.

Consent

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

**ACTION: Motion (Hawn/Lopez; 6/0; Marsh absent)** accepting the final staff report on the Monthly Investment Report for May 2009.

Consent

10. Consider approving an Emergency Home Repair Program/Disabled Access Assistance Program (EHRP/DAAP) loan in the amount of \$67,296 for Shirley L. Ordahl of 1417 Del Monte Avenue, Modesto. (Funding Source: Funding: Community Development Block Grant Revolving Loan Fund)
- Resolution approving an Emergency Home Repair Program/Disabled Access Assistance Program loan in the amount of \$67,296 for Shirley L. Ordahl of 1417 Del Monte Avenue, Modesto; and authorizing the City Manager, or his designee, to execute all documents recommended.  
*Parks, Recreation & Neighborhoods; Cheryl Davis, 577-5311, cdavis@modestogov.com*

**ACTION: Resolution 2009-322 (Hawn/Lopez; 6/0; Marsh absent)** approving an Emergency Home Repair Program/Disabled Access Assistance Program loan in the amount of \$67,296 for Shirley L. Ordahl of 1417 Del Monte Avenue, Modesto; and authorizing the City Manager, or his designee, to execute all documents.

Consent

11. Consider approving an increase in Health premium contributions for Unrepresented Management and Confidential employees to parallel the health contributions recently negotiated with MCMA & MCEA. [General Fund Reserve, Other Fund Reserves] (Funding Source: General Funder Reserve and Other Fund Reserves.)
- Resolution granting health contribution changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 21, 2009, and amending Section 1 of Resolution No. 2008-506 recommended.
  - Resolution amending the Fiscal Year 09-10 Operating Budget to transfer \$27,715 from General Fund Reserves and \$4,014 from Other Funds reserves, to various salary and benefit accounts to provide funding for health benefit changes for Unrepresented Management and Confidential employees, including Charter Officers and Executives recommended.  
*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Resolution 2009-323 (Hawn/Lopez; 6/0; Marsh absent)** granting health contribution changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 21, 2009, and amending Section 1 of Resolution No.2008-506.

**ACTION: Resolution 2009-324 (Hawn/Lopez; 6/0; Marsh absent)** amending the Fiscal Year 09-10 Operating Budget to transfer \$27,715 from General Fund Reserves and \$4,014 from Other Funds reserves, to various salary and benefit accounts to provide funding for Health benefit changes for Unrepresented Management and Confidential employees, including Charter Officers and Executives.

Consent

12. Consider authorizing the submission of the City's Transportation Development Act (TDA)/Local Transportation Fund (LTF) Transit Claim for Fiscal Year 2009-2010 in the amount of \$7,309,755 to the Stanislaus Council of Governments (StanCOG). (Funding Source: TDA Revenue)
- Resolution authorizing submission of the City's Transportation Development Act (TDA)/Local Transportation Fund (LTF) Transit Claim for Fiscal Year 2009-2010 in the amount of \$7,309,755 to the Stanislaus Council of Governments (StanCOG) recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2009-325 (Hawn/Lopez; 6/0; Marsh absent)** authorizing submission of the City's Transportation Development Act (TDA)/Local Transportation Fund (LTF) Transit Claim for Fiscal Year 2009-2010 in the amount of \$7,309,755 to the Stanislaus Council of Governments (StanCOG).

Consent

13. Consider accepting the work by George Reed, Inc. for the project titled "Virginia Corridor Phase III with Downstream Water System Improvements" as complete and authorizing payment of amounts totaling \$3,379,784.23. (Total project cost for Phase III is \$4,608,546.91) (Funding Source: Capital Grants, CFF, and Water CIP funds)
- Resolution accepting the work by George Reed, Inc. for the project titled "Virginia Corridor Phase III with Downstream Water System Improvements" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$3,379,784.23 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestgov.com*

**ACTION: Resolution 2009-326 (Hawn/Lopez; 6/0; Marsh absent)** accepting the work by George Reed, Inc. for the project titled "Virginia Corridor Phase III with Downstream Water System Improvements" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$3,379,784.23.

Consent

14. Consider approving (1) a Cost Sharing Agreement for associated task items of work to share certain project costs between the cities of Ceres, Hughson, Modesto, and Turlock in the development of the Regional Surface Water Supply Project (RSWSP), (2) an agreement with Horizon Water and Environmental, LLC (Horizon) for peer review services of the California Environmental Quality Act (CEQA) work products completed to date for the RSWSP, in an amount not to exceed \$10,000, and (3) authorizing the City Manager to execute any future amendments to the cost sharing agreement or tasks related to the project for amounts not to exceed \$50,000 for each firm. (Funding Source: Wastewater Fund)
- Resolution approving a Cost Sharing Agreement for associated task items of work to share certain project costs between the cities of Ceres, Hughson, Modesto, and Turlock in the development of the Regional Surface Water Supply Project and authorizing the City Manager, or his designee, to execute the agreement recommended.
  - Resolution approving an agreement with Horizon Water and Environment, LLC for peer review services of the California Environmental Quality Act work products completed to date for the

Regional Surface Water Supply Project, in an amount not to exceed \$10,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution authorizing the City Manager, or his designee, to execute any future amendments to the cost sharing agreement or tasks related to the project for amounts not to exceed \$50,000 for each firm recommended.

*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-327 (Hawn/Lopez; 6/0; Marsh absent)** approving a Cost Sharing Agreement for associated task items of work to share certain project costs between the cities of Ceres, Hughson, Modesto, and Turlock in the development of the Regional Surface Water Supply Project and authorizing the City Manager, or his designee, to execute the agreement.

**ACTION: Resolution 2009-328 (Hawn/Lopez; 6/0; Marsh absent)** approving an agreement with Horizon Water and Environment, LLC for peer review services of the California Environmental Quality Act work products completed to date for the Regional Surface Water Supply Project, in an amount not to exceed \$10,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-329 (Hawn/Lopez; 6/0; Marsh absent)** authorizing the City Manager, or his designee, to execute any future amendments to the cost sharing agreement or tasks related to the project for amounts not to exceed \$50,000 for each firm.

#### Consent

15. Consider approving a “no cost” Second Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the State Route 219 Widening from West of Dale Road to Morrow Road project. (Funding Source: Not Applicable)
- Resolution approving a Second Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the project titled, “State Route 219 Widening from West of Dale Road to Morrow Road,” to comply with federal grant funding requirements, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-330 (Hawn/Lopez; 6/0; Marsh absent)** approving a Second Amendment to Agreement for Construction Management Services with TRS Consultants, Inc. for the project titled, “State Route 219 Widening from West of Dale Road to Morrow Road,” to comply with federal grant funding requirements, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

#### Consent

16. Consider approving an Airport Lease Agreement with Modesto Aviation, Inc., to provide flight school training operations and related services as a Fixed Base Operator (FBO) at Modesto City-County Airport. (Funding Source: Leased facilities and increased flight operations)
- Resolution approving an Airport Lease Agreement with Modesto Aviation, Inc., to provide flight school training operations and related services as a Fixed Base Operator (FBO) at Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION: Resolution 2009-331 (Hawn/Lopez; 6/0; Marsh absent)** approving an Airport Lease Agreement with Modesto Aviation, Inc., to provide flight school training operations and related services as a Fixed Base Operator (FBO) at Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement .

#### Consent

17. Consider (1) approving payment of a 1% sales tax rate increase in the amount of \$45,324.84 for the purchase of the Membrane Bioreactor Equipment, and (2) approving payment of a 1% sales tax rate increase in the amount of \$3,235.33 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project. Total sales tax increase for both is \$48,560.17. (The total estimated sales tax is \$406,692) (Funding Source: Wastewater Fund)
- Resolution authorizing payment of a 1% sales tax rate increase in the amount of \$45,324.84 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project recommended.
  - Resolution authorizing payment of a 1% sales tax rate increase in the amount of \$3,235.33 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project recommended.
- Public Works; Kris Ohlson, 577-5423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2009-332 (Hawn/Lopez; 6/0; Marsh absent)** authorizing payment of a 1% sales tax rate increase in the amount of \$45,324.84 for the purchase of the Membrane Bioreactor Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project.

**ACTION: Resolution 2009-333 (Hawn/Lopez; 6/0; Marsh absent)** authorizing payment of a 1% sales tax rate increase in the amount of \$3,235.33 for the purchase of the Oxidation Aeration and Mixing Equipment for the Phase 1A Tertiary Wastewater Treatment Facility Project.

#### Consent

18. Consider (1) approving additional scope to the Phase 1A Tertiary Wastewater Treatment Facility project to replace the failed 36-inch outfall pipeline, (2) approving an increase in the Director of Public Works' authority to issue change orders by \$400,000 for the additional scope, and (3) approving an Amendment to Agreement with Consolidated CM, Inc. for construction management services in the not-to-exceed amount of \$176,059. (Total estimated project cost is \$25,984,252) (Funding Source: Wastewater Fund)
- Resolution approving additional scope to the Phase 1A Tertiary Wastewater Treatment Facility project for the emergency replacement of the existing 36-inch outfall pipeline to be assigned to Pacific Mechanical Corporation by Contract Change Order recommended.
  - Resolution approving an increase of the Director of Public Works' Authority to issue change orders on the Phase 1A Tertiary Wastewater Treatment Facility project from six percent (6%) (\$1,148,914) to eight percent (8%) (\$1,448,914) of the original contract price with Pacific Mechanical Corporation recommended.
  - Resolution approving an Amendment to the Agreement with Consolidated CM for Construction Management Services of the Phase 1A Tertiary Wastewater Treatment Facility in the not-to-exceed amount of \$176,059, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement recommended.
  - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to increase the Director's authority for the construction contract with Pacific Mechanical Corporation and to fully fund the Amendment to Agreement with Consolidated CM, Inc. for Construction Management Services for Phase 1A Tertiary Wastewater Treatment Facility project recommended.
- Public Works; Kris Ohlson, 577-2423, [kohlson@modestogov.com](mailto:kohlson@modestogov.com)*

**ACTION: Resolution 2009-334 (Hawn/Lopez; 6/0; Marsh absent)** approving additional scope to the Phase 1A Tertiary Wastewater Treatment Facility project for the emergency replacement of the existing 36-inch outfall pipeline to be assigned to Pacific Mechanical Corporation by Contract Change Order.

**ACTION: Resolution 2009-335 (Hawn/Lopez; 6/0; Marsh absent)** approving an increase of the Director of Public Works' Authority to issue change orders on the Phase 1A Tertiary Wastewater Treatment Facility project from six percent (6%) (\$1,148,914) to eight percent (8%) (\$1,448,914) of the original contract price with Pacific Mechanical Corporation.

**ACTION: Resolution 2009-336 (Hawn/Lopez; 6/0; Marsh absent)** approving an Amendment to the Agreement with Consolidated CM for Construction Management Services of the Phase 1A Tertiary Wastewater

Treatment Facility in the not-to-exceed amount of \$176,059, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

**ACTION: Resolution 2009-337 (Hawn/Lopez; 6/0; Marsh absent)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to increase the Director's authority for the construction contract with Pacific Mechanical Corporation and to fully fund the Amendment to Agreement with Consolidated CM, Inc. for Construction Management Services for Phase 1A Tertiary Wastewater Treatment Facility project.

Consent

19. Consider approving an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase 1 in an amount not to exceed \$668,321.83. (Total estimated project cost for Phase 1: \$12,668,820.83) (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase 1 in an amount not to exceed \$668,321.83, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-338 (Hawn/Lopez; 6/0; Marsh absent)** approving an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase 1 in an amount not to exceed \$668,321.83, and authorizing the City Manager, or his designee, to execute the Agreement.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

20. Consider approving (1) an agreement with Brown and Caldwell for design support during construction for the project titled, "Emerald Trunk Line Rehabilitation," in the amount of \$413,698, and (2) the plans and specifications for the project, accepting the bid, and approving a contract with K.J. Woods Construction, Inc. in the amount of \$5,694,000. (Total estimated cost for construction and design support during construction of the project is \$7,851,733.52) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell for design support during construction of the Emerald Trunk Rehabilitation Project in an amount not to exceed \$376,089 for the identified scope of services, plus \$37,609 for additional services (if needed), for a maximum total amount of \$413,698, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving the plans and specifications for the Emerald Trunk Line Rehabilitation Project, accepting the bid and approving a contract with K.J. Woods Construction, Inc. in the amount of \$5,694,000, for the Emerald Trunk Line Rehabilitation 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 Agreement for Emerald Trunk Rehabilitation Project recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-339 (Lopez/Hawn; 6/0; Marsh absent)** approving an agreement with Brown and Caldwell for design support during construction of the Emerald Trunk Rehabilitation Project in an amount not to exceed \$376,089 for the identified scope of services, plus \$37,609 for additional services (if needed), for a

maximum total amount of \$413,698, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-340 (Lopez/Hawn; 6/0; Marsh absent)** approving the plans and specifications for the Emerald Trunk Line Rehabilitation Project, accepting the bid and approving a contract with K.J. Woods Construction, Inc. in the amount of \$5,694,000, for the Emerald Trunk Line Rehabilitation Project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-341 (Lopez/Hawn; 6/0; Marsh absent)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Agreement for Emerald Trunk Rehabilitation Project.

## HEARINGS

*Published in the Modesto Bee on June 26, 2009; Continued from July 7, 2009; Continued to August 5, 2009*

21. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2009, and rescinding Resolution No. 2009-121. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION:** Continued to August 5, 2009.

*Published in the Modesto Bee on July 3, 2009 and Vida En Valle on July 1, 2009*

22. Hearing to consider approving the City Manager or his designee to execute all related documents and authorize staff to submit an application to the Department of Housing & Urban Development (HUD) for \$25.0 million in funding through the Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act, 2009 (Public Law 111-005)(Recovery Act ). (Funding Source: US Department of Housing and Urban Development, Community Development Block Grant Neighborhood Stabilization Program Revenue)
- Resolution authorizing staff to submit an application to the United States Department of Housing & Urban Development (HUD) for \$25.0 million in funding through the Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act, 2009 (Public Law 111-005) (Recovery Act ), and authorizing the City Manager, or his designee, execute all related documents recommended.
- Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION: Resolution 2009-342 (Hawn/Keating; 6/0; Marsh absent)** authorizing staff to submit an application to the United States Department of Housing & Urban Development (HUD) for \$25.0 million in funding through the Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act, 2009 (Public Law 111-005) (Recovery Act ), and authorizing the City Manager, or his designee, execute all related documents.

*Published in the Modesto Bee on July 3, 2009*

23. Hearing to consider approving ball field lighting fees of \$30.00 per hour at Beyer, Davis, Downy, Mellis, Beard Brook and Thurman ball fields. (Funding Source: Not Applicable)
- Resolution approving a fee of \$30 per hour for ball field lights at Beyer, Mellis, Downey, Davis, Beard Brook and Thurman Parks recommended.
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION: Resolution 2009-343 (Lopez/Keating; 6/0; Marsh absent)** approving a fee of \$30 per hour for ball field lights at Beyer, Mellis, Downey, Davis, Beard Brook and Thurman Parks.

*Published in the Modesto Bee on July 3, 2009*

24. Hearing to consider approving submittal of a grant application to the Federal Transit Administration (FTA) for \$1,205,346 in Congestion Mitigation and Air Quality (CMAQ) funds for the new bus

maintenance facility. (Funding Source: Potential Revenue: FTA CMAQ Funds)

- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,205,346 in Congestion Mitigation and Air Quality (CMAQ) funds for the new Bus Maintenance Facility project, and authorizing the City Manager, or is designee, to execute all grant application and grant agreement documents recommended.

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

**ACTION: Resolution 2009-344 (O'Bryant/Lopez; 6/0; Marsh absent)** approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,205,346 in Congestion Mitigation and Air Quality (CMAQ) funds for the new Bus Maintenance Facility project, and authorizing the City Manager, or is designee, to execute all grant application and grant agreement documents.

*Published in the Modesto Bee on July 3, 2009; Continued to August 5, 2009*

25. Hearing to consider approving the transfer of \$125,000 from Airport Reserves into a Capital Improvement Project (6320-700-A026-7631) to pay for the implementation of a paid parking system and related security improvements. (Funding Source: Airport Reserves)

*Public Works ; Dennis Turner, 577-2906, dturner@modestogov.com*

**ACTION:** Continued to August 5, 2009

#### NEW BUSINESS

26. Consider appointing a voting delegate for the 2009 League of California Cities Annual Conference to be held in San Jose, CA, September 16-18, 2009. (Funding Source: Not Applicable)

- Motion appointing Mayor Ridenour as a voting delegate for the 2009 League of California Cities Annual Conference to be held in San Jose, CA, September 16-18, 2009 recommended.

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

**ACTION: Motion (Olsen/O'Bryant; 6/0; Marsh absent)** appointing Mayor Ridenour as a voting delegate for the 2009 League of California Cities Annual Conference to be held in San Jose, CA, September 16-18, 2009.

27. Consider approving (1) an agreement with HDR Engineering, Inc. for design support during construction of the project titled "El Rio Sewer Replacement," in the amount of \$51,027, and (2) the plans and specifications for the project, accepting the bid, and approving a contract with D.A. Wood Construction, Inc. in the amount of \$963,739.88 for the El Rio Sewer Replacement Project. (Total estimated cost for construction and design support during construction of the project is \$1,258,701.86) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with HDR Engineering, Inc. for design support during construction for El Rio Sewer Replacement in an amount not to exceed \$51,027, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving the plans and specifications for the El Rio Sewer Replacement project, accepting the bid and approving a contract with D.A. Wood Construction, Inc. in the amount of \$963,739.88, for the El Rio Sewer Replacement project, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-345 (Lopez/Hawn; 6/0; Marsh absent)** approving an agreement with HDR Engineering, Inc. for design support during construction for El Rio Sewer Replacement in an amount not to exceed \$51,027, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-346 (Lopez/Hawn; 6/0; Marsh absent)** approving the plans and specifications for the El Rio Sewer Replacement project, accepting the bid and approving a contract with D.A. Wood Construction,

Inc. in the amount of \$963,739.88, for the El Rio Sewer Replacement project, and authorizing the City Manager, or his designee, to execute the contract.

28. Consider approving the a Letter of Agreement between the City of Modesto and the Modesto Police Management Associations (MPMA) for unpaid work furloughs and other costs saving measures for FY 09-10. (Funding Source: General Fund and Other Funds)
- Resolution approving a tentative agreement between the City of Modesto and the Modesto Police Management Association.  
*Personnel; Mark Gregersen, 577-5401, mgregersen@modestogov.com*

**ACTION: Resolution 2009-347 (Olsen/Keating; 6/0; Marsh absent)** approving a tentative agreement between the City of Modesto and the Modesto Police Management.

*Removed from Agenda*

29. Consider approving ballot language for a ballot measure implementing recommendation from the 2007-2008 Charter Review Commission to present a Charter Amendment to the Voters that would eliminate the need to conduct run-off elections for the November 2011 Election. (Funding Source: Elections Fund)
- Resolution calling for a measure to be placed on the November 3, 2009 Election Ballot for the purpose of submitting to the electors of the City of Modesto for vote, by motion of the Council, a measure that would eliminate the need to conduct run-off elections in City Council elections recommended.
  - Resolution directing the City Clerk to transmit a copy of the measure 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 individual Councilmember, to file written arguments in favor of or in opposition to the measure recommended.  
*City Attorney; Susana Wood, 577-5284, swood@modestogov.com*

**ACTION:** Removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:15 p.m.

**CLOSED SESSION**

*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: *Sue McClelland v. City of Modesto, County of Stanislaus, et al.*; United States District Court for the Eastern District of California; Case No. 1:09-CV-01031

## MINUTES

City of Modesto

### **Special Finance Committee Meeting/ Special City Council Workshop Meeting**

Conference Room 6825 (Sixth Floor)  
Tenth Street Place  
1010 10<sup>th</sup> Street, Modesto, California

**Friday, July 31, 2009 at 12:00 p.m.**

Roll Call: Present: Committee Members Dunbar, Hawn, Olsen

#### **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.**

##### Consent

1. Consider acceptance of the COPS Hiring Recovery Program (CHRP) Grant in the amount of \$4,474,782 from the U.S. Department of Justice, Office of Community Oriented Policing, for 13 police officers for three years and make recommendations to Council. (Funding Source: Federal COPS Hiring Recovery Grant)  
*City Manager; Greg Nyhoff, 577-5244, gnyhoff@modestogov.com*

**ACTION: Motion (Marsh/Olsen;unan.)** recommending acceptance of the COPS Hiring Recovery Program (CHRP) Grant in the amount of \$4,474,782 from the U.S. Department of Justice, Office of Community Oriented Policing, for 13 police officers for three years and forwarding to Council for approval.

##### Consent

2. Consider discussion on the State Budget and funding scenarios regarding Proposition 1A delays. (Funding Source: Not Applicable)  
*City Manager; Greg Nyhoff, 577-5244, gnyhoff@modestogov.com*

**ACTION:** Staff directed to return to next Finance Committee meeting with more information.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 12:55 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday August 05, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements: Item 21 - hearing cancelled  
Items 22 and 23 - to be heard after Item 19

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 appointments to various Citizen Advisory Groups as recommended by the Council's Economic Development Committee. (Funding Source: Not Applicable)
  - Resolution appointing Richard Anderson to the Citizens Advisory Committee on Recycling recommended.
  - Resolution appointing Tony Tam to the Citizens Advisory Committee on Recycling recommended.
  - Resolution appointing Zachary Sharp to the Citizens Advisory Committee on Recycling recommended.
  - Resolution appointing Kathleen Ennis to the Citizens Advisory Committee on Recycling recommended.
  - Resolution appointing Alita Roberts to the Citizens Housing & Community Development Committee recommended.
  - Resolution appointing Amanda Fisher to the Culture Commission recommended.
  - Resolution appointing Craig Chamberlin to the Disabled Access Appeals Board recommended.
  - Resolution appointing Amandeep Bahia to the Equal Opportunity/Disability Commission recommended.
  - Resolution appointing Nicholas Sottero to the Equal Opportunity/Disability Commission recommended.
  - Resolution appointing Bob Arivett to the Golf Courses Advisory Committee recommended.
  - Resolution appointing Richard Horning to the Golf Courses Advisory Committee recommended.
  - Resolution appointing Kit Jory to the Golf Courses Advisory Committee recommended.
  - Resolution appointing Joel Mensonides to the Golf Courses Advisory Committee recommended.
  - Resolution appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee recommended.
  - Resolution appointing Denzil Walker to the Landmark Preservation Commission recommended.

- Resolution appointing Jack Dooley to the Landmark Preservation Commission recommended.  
*City Manager; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Resolution 2009-348 (Hawn/Lopez; 7/0)** appointing Richard Anderson to the Citizens Advisory Committee on Recycling.

**ACTION: Resolution 2009-349 (Hawn/Lopez; 7/0)** appointing Tony Tam to the Citizens Advisory Committee on Recycling.

**ACTION: Resolution 2009-350 (Hawn/Lopez; 7/0)** appointing Zachary Sharp to the Citizens Advisory Committee on Recycling.

**ACTION: Resolution 2009-351 (Hawn/ Lopez; 7/0)** appointing Kathleen Ennis to the Citizens Advisory Committee on Recycling.

**ACTION: Resolution 2009-352 (Hawn/Lopez; 7/0)** appointing Alita Roberts to the Citizens Housing & Community Development Committee.

**ACTION: Resolution 2009-353 (Hawn/Lopez; 7/0)** appointing Amanda Fisher to the Culture Commission.

**ACTION: Resolution 2009-354 (Hawn/Lopez; 7/0)** appointing Craig Chamberlin to the Disabled Access Appeals Board.

**ACTION: Resolution 2009-355 (Hawn/Lopez; 7/0)** appointing Amandeep Bahia to the Equal Opportunity/Disability Commission.

**ACTION: Resolution 2009-356 (Hawn/Lopez; 7/0)** appointing Nicholas Sottero to the Equal Opportunity/Disability Commission.

**ACTION: Resolution 2009-357 (Hawn/Lopez; 7/0)** appointing Bob Arivett to the Golf Courses Advisory Committee.

**ACTION: Resolution 2009-358 (Hawn/Lopez; 7/0)** appointing Richard Horning to the Golf Courses Advisory Committee.

**ACTION: Resolution 2009-359 (Hawn/Lopez; 7/0)** appointing Kit Jory to the Golf Courses Advisory Committee.

**ACTION: Resolution 2009-360 (Hawn/Lopez; 7/0)** appointing Joel Mensonides to the Golf Courses Advisory Committee.

**ACTION: Resolution 2009-361 (Hawn/Lopez; 7/0)** appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee.

**ACTION: Resolution 2009-362 (Hawn/Lopez; 7/0)** appointing Denzil Walker to the Landmark Preservation Commission.

**ACTION: Resolution 2009-363 (Hawn/Lopez; 7/0)** appointing Jack Dooley to the Landmark Preservation Commission.

2. Consider accepting with regret the resignation of Daniel Park from the Entertainment Commission. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Daniel Park from the Entertainment Commission recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2009-364 (Hawn/Keating; 7/0)** accepting with regret the resignation of Daniel Park from the Entertainment Commission.

### **PUBLIC COMMENT PERIOD**

Emerson Drake spoke regarding the Northwest Corridor and requested an update be brought to the next Council meeting. Mayor Ridenour will bring forward at first meeting in September.

Robert Stanford spoke regarding the recent victims of violence and crime in his neighborhood.

Debra Harper spoke regarding harassment by Modesto Area Express employees.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 19**

### **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 regular City Council meeting of July 14, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Hawn; 7/0)** approving minutes of the regular City Council meeting of July 14, 2009.

Consent

4. Consider approving a Second Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP to include engagement of Human Resources consultant, and authorizing the City Manager and the City Attorney to execute the Second Addendum to Agreement. (Funding Source: Human Resources Department)
  - Resolution approving a Second Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP to include engagement of Human Resources consultant, and authorizing the City Manager and the City Attorney to execute the Second Addendum to Agreement recommended.

*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION: Resolution 2009-365 (Lopez/Hawn; 7/0)** approving a Second Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP to include engagement of Human Resources consultant, and authorizing the City Manager and the City Attorney to execute the Second Addendum to Agreement.

Consent

5. Consider accepting the public improvements for the Bank of Stockton in the Kiernan Business Park South area, located at the northeast corner of Pelandale Avenue and Dale Road. (Funding Source: Developer Funding and Capital Facilities Fees)
  - Resolution approving the public improvements for the Bank of Stockton located in the Kiernan Business Park South area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.

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

**ACTION: Resolution 2009-366 (Lopez/Hawn; 7/0)** approving the public improvements for the Bank of Stockton located in the Kiernan Business Park South area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

6. Consider accepting the public improvements for the Carmax project located on the northeast corner of McHenry and Claratina Avenues. (Funding Source: Developer Funding)
- Resolution accepting the public improvements for the Carmax project located on the northeast corner of McHenry and Claratina Avenues, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.  
*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

**ACTION: Resolution 2009-367 (Lopez/Hawn; 7/0)** accepting the public improvements for the Carmax project located on the northeast corner of McHenry and Claratina Avenues, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

7. Consider accepting the performance of the Water Refunding Certificates of Participation and the 2008 Lease Revenue Bonds. (Funding Source: Not Applicable)
- Motion accepting staff report on the performance of the Water Refunding Certificates of Participation and the 2008 Lease Revenue Bonds recommended.  
*Finance; Judith Ray, 571-5809, jray@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 7/0)** accepting staff report on the performance of the Water Refunding Certificates of Participation and the 2008 Lease Revenue Bonds.

Consent

8. Consider approving amendments to the FY 2009-10 Capital Improvement Program (CIP) budget. (Funding Source: Various Funds)
- Resolution approving changes to the Fiscal Year (FY) 2009-10 Capital Improvement Program (CIP) budget to include changes to projects made during the last six months of FY 2008-2009 which did not appear in the Adopted Capital Improvement Program budget as per attached exhibit recommended.  
*Finance; Diane Rambo, 577-5369, drambo@modestogov.com*

**ACTION: Resolution 2009-368 (Lopez/Hawn; 7/0)** approving changes to the Fiscal Year (FY) 2009-10 Capital Improvement Program (CIP) budget to include changes to projects made during the last six months of FY 2008-2009 which did not appear in the Adopted Capital Improvement Program budget as per attached exhibit.

Consent

9. Consider supporting a request from The Association of United Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 3, 2009, from 9:00 am to 7:00 pm (amplified music from 10:00 am – 4:00 pm only). (Funding Source: Not Applicable )
- Resolution approving a request from The Association of United Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 3, 2009 recommended.  
*Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2008-369 (Lopez/Hawn; 7/0)** approving a request from The Association of United

Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 3, 2009.

Consent

10. Consider supporting a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pride Day, to be held on September 19, 2009, from 11:00 am to 7:00 pm. (Funding Source: Not Applicable )
- Resolution approving a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pride Day, to be held on September 19, 2009 recommended.
- Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

**ACTION: Resolution 2009-370 (Lopez/Hawn; 7/0)** approving a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pride Day, to be held on September 19, 2009.

Consent

11. Consider accepting a \$65,500 grant from the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Remove II Program, specifically the Bicycle Infrastructure Component. (Funding Source: Grant)
- Resolution accepting a grant in the amount of \$65,500 from the San Joaquin Valley Air Pollution Control District Remove II Program, and authorizing the City Manager, or his designee, to sign the appropriate grant documents recommended.
- Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION: Resolution 2009-371 (Lopez/Hawn; 7/0)** accepting a grant in the amount of \$65,500 from the San Joaquin Valley Air Pollution Control District Remove II Program, and authorizing the City Manager, or his designee, to sign the appropriate grant documents.

Consent

12. Consider amending the job specification for Rate and Fee Analyst and changing the salary range from range 435 to range 427. (Funding Source: Water/Wastewater Funds)
- Resolution amending the Classification Plan for the City of Modesto to amend the classification of Rate and Fee Analyst recommended.
  - Resolution amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Rate and Fee Analyst from salary range 435 to salary range 427 recommended.
- Personnel and City Manager; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Resolution 2009-372 (Lopez/Hawn; 7/0)** amending the Classification Plan for the City of Modesto to amend the classification of Rate and Fee Analyst.

**ACTION: Resolution 2009-373 (Lopez/Hawn; 7/0)** amending the Class Range Table for Represented Management and Confidential Non-Sworn Classes to change the salary range for Rate and Fee Analyst from salary range 435 to salary range 427.

Consent

13. Consider approving a Memorandum of Understanding (MOU) and Lease Agreement with Modesto Irrigation District (MID) for a Renewable Resource Fuel Cell Co-Generation Facility at the Sutter Treatment Plant. (Funding Source: Potential Wastewater Fund Revenue)

- Resolution approving a Memorandum of Understanding (MOU) and Lease Agreement with Modesto Irrigation District (MID) for a Renewable Resource Fuel Cell Co-Generation Facility at the Sutter Treatment Plant; and authorizing the City Manager, or his designee, to execute the MOU and Lease Agreement recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2009-374 (Lopez/Hawn; 7/0)** approving a Memorandum of Understanding (MOU) and Lease Agreement with Modesto Irrigation District (MID) for a Renewable Resource Fuel Cell Co-Generation Facility at the Sutter Treatment Plant; and authorizing the City Manager, or his designee, to execute the MOU and Lease Agreement.

Consent

14. Consider approving the plans and specifications for the Ellison Drive Sanitary Pipeline Replacement project, accepting the bid, and approving a contract with Preston Pipelines, Inc. in the amount of \$541,718. (Total estimated cost of the project is \$737,373.99) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Ellison Drive Sanitary Pipeline Replacement project, accepting the bid, and approving a contract with Preston Pipelines, Inc. in the amount of \$541,718 for the Ellison Drive Sanitary Pipeline Replacement project, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-375 (Lopez/Hawn; 7/0)** approving the plans and specifications for the Ellison Drive Sanitary Pipeline Replacement project, accepting the bid, and approving a contract with Preston Pipelines, Inc. in the amount of \$541,718 for the Ellison Drive Sanitary Pipeline Replacement project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

15. Consider accepting the work by McFadden Construction, Inc. for the project titled "Neighborhood Center at Marshall Park" as complete, and authorizing payment of amounts totaling \$4,786,874.29. (Total project cost for this project is \$5,814,894.33) (Funding Source: CA Jobs Housing Balance Grant, CDBG, HUD Section 108, Parks CFF and Fire General Fund)
- Resolution accepting the work by McFadden Construction, Inc. for the project titled "Neighborhood Center at Marshall Park" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$4,786,874.29 recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-376 (Lopez/Hawn; 7/0)** accepting the work by McFadden Construction, Inc. for the project titled "Neighborhood Center at Marshall Park" as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$4,786,874.29.

Consent

16. Consider approving three (3) License Agreements between the City of Modesto and Modesto Irrigation District (MID) for the Virginia Corridor 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 Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, 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.

- 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 6 (McHenry Avenue) for the Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, as described in Exhibits A and B of the License Agreement, 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 (MID) for the purpose of obtaining permission to make improvements within MID Lateral 6 (Wells Avenue) for the Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, as described in Exhibits A and B of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-377 (Lopez/Hawn; 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 Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, as described in Exhibits A, B, and C of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-378 (Lopez/Hawn; 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 6 (McHenry Avenue) for the Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, as described in Exhibits A and B of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-379 (Lopez/Hawn; 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 6 (Wells Avenue) for the Virginia Corridor project and the City's water distribution system to use certain real property located within APNS: 007-037-010 and 007-037-012, as described in Exhibits A and B of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving (i) an incentive-based agreement with Sixel Consulting Group (SCG) to provide air service development work for Modesto City-County Airport, and (ii) submittal of a grant application to the U.S. Department of Transportation for the Small Community Air Service Development Program. (Funding Source: Airport Fund, potential new revenues)
- Resolution approving an incentive based agreement with Sixel Consulting Group to provide air service development work with the goal to secure additional airline service for Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving submittal of a grant application to the U.S. Department of Transportation for the Small Community Air Service Development Program recommended.

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

**ACTION: Resolution 2009-380 (Lopez/Hawn; 7/0)** approving an incentive based agreement with Sixel Consulting Group to provide air service development work with the goal to secure additional airline service for Modesto City-County Airport, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-381 (Lopez/Hawn; 7/0)** approving submittal of a grant application to the U.S. Department of Transportation for the Small Community Air Service Development Program.

Consent

18. Consider accepting an Airport Improvement Program Grant Offer in the amount of \$1,305,000 from the Federal Aviation Administration (FAA) for projects submitted in Grant Application #34. (Funding Source: Airport Capital Improvement Fund - 5% match)
- Resolution accepting an Airport Improvement Program Grant Offer (AIP Project No. pending) in the amount of \$1,305,000 from the Federal Aviation Administration (FAA) for projects submitted in Grant Application #34, and authorizing the City Manager, or his designee, to execute the acceptance of the Grant recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION: Resolution 2009-382 (Lopez/Hawn; 7/0)** accepting an Airport Improvement Program Grant Offer (AIP Project No. pending) in the amount of \$1,305,000 from the Federal Aviation Administration (FAA) for projects submitted in Grant Application #34, and authorizing the City Manager, or his designee, to execute the acceptance of the Grant .

Consent

19. Consider authorizing the City Manager, or Deputy City Manager, to execute all related documents for the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009 Funding Agreement in the amount of \$800,000 for the Wellhead Treatment and Blending Lines – Wells 283 & 236. (Funding Source: Water Fund)
- Resolution authorizing City Manager, or his designee, to sign funding agreement and amendments and all related documents, except as noted otherwise herein, for funding under the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009, upon receipt and approval of the funding agreement by the City Manager; authorizing City Manager, or his designee, to sign all certifications and reports required for such funding; authorizing City Manager, or his designee, to approve claims for reimbursement; authorizing Senior Civil Engineer responsible for the Project to execute budget and expenditure summary; authorizing City Manager, or his designee, to sign the contractor's release form, and Senior Civil Engineer responsible for the Project to sign the certification of project completion; and dedicating revenues from water fund as the source of revenue to repay said loan recommended.
- Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-383 (Lopez/Hawn; 7/0)** authorizing City Manager, or his designee, to sign funding agreement and amendments and all related documents, except as noted otherwise herein, for funding under the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009, upon receipt and approval of the funding agreement by the City Manager; authorizing City Manager, or his designee, to sign all certifications and reports required for such funding; authorizing City Manager, or his designee, to approve claims for reimbursement; authorizing Senior Civil Engineer responsible for the Project to execute budget and expenditure summary; authorizing City Manager, or his designee, to sign the contractor's release form, and Senior Civil Engineer responsible for the Project to sign the certification of project completion; and dedicating revenues from water fund as the source of revenue to repay said loan.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**HEARINGS**

*Published in the Modesto Bee on June 26, 2009; Continued from July 7, 2009 and July 14, 2009*

20. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective August 1, 2009, and rescinding Resolution No. 2009-121. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential and commercial solid waste collection services and rescinding Resolution No. 2009-121 recommended.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-384 (Lopez/Hawn; 7/0)** approving adjustments to the maximum rate schedule for City residential and commercial solid waste collection services and rescinding Resolution No. 2009-121.

*Published in the Modesto Bee on July 3, 2009; Continued from July 14, 2009 - Hearing has been cancelled.*

21. Hearing to consider approving the transfer of \$125,000 from Airport Reserves into a Capital Improvement Project (6320-700-A026-7631) to pay for the implementation of a paid parking system and related security improvements. (Funding Source: Airport Reserves)
- Hearing cancelled.  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

### NEW BUSINESS

22. Consider (1) approving a Cost Sharing Agreement for associated task items of work to share certain costs between the cities of Ceres and Modesto for the development of a Regional Wastewater System Feasibility Study (Study), and authorizing the City Manager to execute the Agreement; (2) approving the transfer of \$50,000 from Wastewater Fund Reserves into a Capital Improvement Project to pay for the proposed Study; (3) authorizing issuance of a Request For Proposals (RFP) to secure professional services to complete the proposed Study; and (4) authorizing the City Manager, or his designee, to execute any future amendments to the Cost Sharing Agreement or tasks related to the Study for amounts not to exceed \$50,000, (Funding Source: Wastewater Fund)
- Resolution approving a Cost Sharing Agreement for associated task items of work to share certain costs between the cities of Ceres and Modesto for the development of a Regional Wastewater System Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving the transfer of \$50,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-480-B120) to pay for a Regional Wastewater System Feasibility Study recommended.
  - Resolution authorizing the issuance of a Request for Proposals to secure professional services to complete a Regional Wastewater System Feasibility Study recommended.
  - Resolution authorizing the City Manager, or his designee, to execute any future amendments to the Cost Sharing Agreement or tasks related to the Study for amounts not to exceed \$50,000 recommended.  
*Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com*

**ACTION: Resolution 2009-385 (Hawn/Marsh; 7/0)** approving a Cost Sharing Agreement for associated task items of work to share certain costs between the cities of Ceres and Modesto for the development of a Regional Wastewater System Feasibility Study, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-386 (Hawn/Marsh; 7/0)** approving the transfer of \$50,000 from Wastewater Fund Reserves to Capital Improvement Account (6210-480-B120) to pay for a Regional Wastewater System Feasibility Study.

**ACTION: Resolution 2009-387 (Hawn/Marsh; 7/0)** authorizing the issuance of a Request for Proposals to secure professional services to complete a Regional Wastewater System Feasibility Study.

**ACTION: Resolution 2009-388 (Hawn/Marsh; 7/0)** authorizing the City Manager, or his designee, to execute

any future amendments to the Cost Sharing Agreement or tasks related to the Study for amounts not to exceed \$50,000.

23. Consider acceptance of the COPS Hiring Recovery Program (CHRP) Grant in the amount of \$4,474,782 from the U.S. Department of Justice, Office of Community Oriented Policing, for funding for a total of 13 police officer positions for three years. (Funding Source: Federal COPS Hiring Recovery Grant)
- Resolution accepting the Cops Hiring Recovery Program (CHRP) Grant in the amount of \$4,474,782, from the United States Department Of Justice, Office of Community Oriented Policing, to fund 13 Police Officer Positions for three years; and authorizing the City Manager, or his designee, to execute the necessary Grant documents.
  - Resolution amending the Fiscal Year 2009/2010 operating budget estimating revenue of \$4,474,782, and appropriating funds in organization 0415-190-2973 upon acceptance of the Cops Hiring Recovery Program Grant recommended.
- Police; Michael G. Harden, 572-9501 , hardenm@modestopd.com*

**ACTION: Resolution 2009-389 (Olsen/Lopez; 7/0)** accepting the Cops Hiring Recovery Program (CHRP) Grant in the amount of \$4,474,782, from the United States Department Of Justice, Office of Community Oriented Policing, to fund 13 Police Officer Positions for three years; and authorizing the City Manager, or his designee, to execute the necessary Grant documents.

**ACTION: Resolution 2009-390 (Olsen/Lopez; 7/0)** amending the Fiscal Year 2009/2010 operating budget estimating revenue of \$4,474,782, and appropriating funds in organization 0415-190-2973 upon acceptance of the Cops Hiring Recovery Program Grant.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

ACTION: This meeting adjourned at 6:50 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: *City of Modesto v. Bright Development, et al.*, Stanislaus County Superior Court No. 627722

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Greg Nyhoff, City Manager; Employee Organization: Modesto Police Non Sworn Association

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday August 11, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour  
Absent: Councilmember O'Bryant

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements – Item 2 removed from Consent; will be heard together with Item 9

Declaration of Conflicts of Interest – None

Reports from Closed Session - There were no Closed Session matters

**PUBLIC COMMENT PERIOD**

Robert Stanford spoke regarding support for community and family of child recently killed; raising awareness and support.

Berry Jackson spoke regarding the lack of watering at Ashby Parkette. He was referred to Julie Hannon, Director of Parks, Recreation & Neighborhoods.

Attorney Joe Carcione spoke regarding the dangers of low flow river by Ninth Street Bridge.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8**

**ACTION CONSENT ITEMS 1, 3-8: (Lopez/Keating; 6/0; O'Bryant absent)**  
**ITEM 2: (Hawn/Keating; 5/0; O'Bryant, Olsen absent)**

**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 special City Council meeting of August 5, 2009 (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/Keating; 6/0; O'Bryant absent)** approving the minutes of the special City Council meeting of August 5, 2009.

*Removed from Consent*

2. Consider approving support for Senate Bill (SB) 532, necessary component to facilitate the North County Corridor SR 108 East Route Adoption. (Funding Source: Not Applicable)
  - Resolution approving support for Senate Bill 532, as a necessary component to facilitate the North County Corridor State Route 108 East Route Adoption recommended.  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Resolution 2009-391 (Hawn/Keating; 5/0; O’Bryant, Olsen absent)** approving support for Senate Bill 532, as a necessary component to facilitate the North County Corridor State Route 108 East Route adoption.

Consent

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

**ACTION: Motion (Lopez/Keating; 6/0; O’Bryant absent)** accepting staff report on the Monthly Investment Report for June 2009.

Consent

4. Consider approving an allocation of HOME Investment Partnership Program entitlement funds in the amount of \$1,000,000.00 for the development of a 150-unit affordable housing complex also referred to as Archway Commons, and authorizing the City Manager, or his designee, to execute the agreement and related documents. (Funding Source: Home Entitlement Funds)
  - Resolution approving a Home Loan Agreement between the City of Modesto and EAH, Inc. for the allocation of HOME Investment Partnership Program Entitlement funds in the amount of \$1,000,000.00 for the development of a 150-unit affordable housing complex, also referred to as Archway Commons, and authorizing the City Manager, or his designee, to execute the agreement and related documents recommended.  
*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, [caverell@modestogov.com](mailto:caverell@modestogov.com)*

**ACTION: Resolution 2009-392 (Lopez/Keating; 6/0; O’Bryant absent)** approving a Home Loan Agreement between the City of Modesto and EAH, Inc. for the allocation of HOME Investment Partnership Program Entitlement funds in the amount of \$1,000,000.00 for the development of a 150-unit affordable housing complex, also referred to as Archway Commons, and authorizing the City Manager, or his designee, to execute the agreement and related documents.

Consent

5. Consider accepting the work by California Trenchless, Inc. for the “Celeste/Rose/Scenic Sanitary Sewer Improvements Project” as complete. (Total project cost is \$4,774,857.66) (Funding Source: Wastewater Fund)
  - Resolution accepting the work by California Trenchless, Inc. for the Celeste/Rose/Scenic Sanitary Sewer Improvements 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 \$3,852,501.84 recommended.  
*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-393 (Lopez/Keating; 6/0; O’Bryant absent)** accepting the work by California Trenchless, Inc. for the Celeste/Rose/Scenic Sanitary Sewer Improvements 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 \$3,852,501.84.

Consent

6. Consider approving the Prospective Bidder Prequalification List for the Primary Outfall Rehabilitation Project. (Funding Source: Not Applicable)
- Resolution approving the Prospective Bidder Prequalification List for the Primary Outfall Rehabilitation Project consisting of the following contractors: Colich & Sons L.P.; Ebert McGuire and Hester; Insituform Technologies, Inc.; Kenny Construction Company; Michels Corporation dba Michels Pipeline Construction; and Spiniello Companies recommended.  
*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-394 (Lopez/Keating; 6/0; O'Bryant absent)** approving the Prospective Bidder Prequalification List for the Primary Outfall Rehabilitation Project consisting of the following contractors: Colich & Sons L.P.; Ebert McGuire and Hester; Insituform Technologies, Inc.; Kenny Construction Company; Michels Corporation dba Michels Pipeline Construction; and Spiniello Companies.

Consent

7. Consider (i) approving an Amendment to Agreement with West Yost Associates, Inc. (WYA) in an amount not to exceed \$121,690 for additional services related to the Engineer's Report for Water Rate and Connection Fee Update Study, (ii) approving an Amendment to Agreement with FCS Group, Inc. (FCS Group) in an amount not to exceed \$71,232 for additional services to conduct an Update to the Water Rate and Capacity Charge Study. (Total estimated costs related to this portion of work related to updating water rates and fees are \$713,300) (Funding Source: Water Fund-CIP)
- Resolution approving an Amendment to Agreement with West Yost Associates, Inc. for additional services related to the Engineer's Report for Water Rate and Connection Fee Update Study in an amount not to exceed \$121,690, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
  - Resolution approving an Amendment to Agreement with FCS Group, Inc. for additional services to conduct an Update to the Water Rate and Capacity Charge Study in an amount not to exceed \$57,515 for the identified scope of services, plus \$13,717 for additional services (if needed), for a maximum total amount of \$71,232, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.  
*Public Works; Jack Bond, 577-5424, jbond@modestogov.com*

**ACTION: Resolution 2009-395 (Lopez/Keating; 6/0; O'Bryant absent)** approving an Amendment to Agreement with West Yost Associates, Inc. for additional services related to the Engineer's Report for Water Rate and Connection Fee Update Study in an amount not to exceed \$121,690, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

**ACTION: Resolution 2009-396 (Lopez/Keating; 6/0; O'Bryant absent)** approving an Amendment to Agreement with FCS Group, Inc. for additional services to conduct an Update to the Water Rate and Capacity Charge Study in an amount not to exceed \$57,515 for the identified scope of services, plus \$13,717 for additional services (if needed), for a maximum total amount of \$71,232, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

8. Consider approving the Federal Fiscal Year (FFY) 2009/2010 Disadvantaged Business Enterprise (DBE) Race-Conscious Implementation Program Plan Agreement for Federally-Funded Street, Airport, Transit and Parks projects and establishing an Annual Anticipated DBE Participation Level (AADPL) for FFY 2009/2010 of 5.93%. (Funding Source: Various capital improvement projects)
- Resolution approving the Federal Fiscal Year (FFY) 2009/2010 Disadvantaged Business Enterprise (DBE) Race-Conscious Implementation Program Plan Agreement for Federally-Funded Street, Airport, Transit and Parks projects and establish an Annual Anticipated DBE Participation Level (AADPL) for FFY 2009/2010 of 5.93%; and authorizing the City Manager, or his designee, to execute the Annual Submittal Form recommended.  
*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-397 (Lopez/Keating; 6/0; O'Bryant absent)** approving the Federal Fiscal Year (FFY) 2009/2010 Disadvantaged Business Enterprise (DBE) Race-Conscious Implementation Program Plan Agreement for Federally-Funded Street, Airport, Transit and Parks projects and establish an Annual Anticipated DBE Participation Level (AADPL) for FFY 2009/2010 of 5.93%; and authorizing the City Manager, or his designee, to execute the Annual Submittal Form.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez gave an update on Partners in Paint.

### CITY MANAGER COMMENTS & REPORTS

None.

*Councilmember Olsen left meeting at 6:45 p.m.*

### UNFINISHED BUSINESS

9. Consider approving support of the realignment of State Route (SR) 108 as a necessary component to facilitate the North County Corridor SR 108 East Route Adoption. (Funding Source: Not Applicable)
  - Resolution approving support of the realignment of State Route 108, as a necessary component to facilitate the North County Corridor SR 108 East Route Adoption recommended.  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Resolution 2009-398 (Hawn/Keating; 5/0; O'Bryant, Olsen absent)** approving support of the realignment of State Route 108, as a necessary component to facilitate the North County Corridor SR 108 East Route adoption.

### HEARINGS

*Published in the Modesto Bee on July 7, 2009; August 3, 2009 and August 10, 2009*

10. Hearing to consider approving an Amended and Restated Disposition and Development Agreement (Amended Agreement) and executing related documents between the Redevelopment Agency (Agency) of the City of Modesto and EAH, Inc. (Developer) for the proposed development of a 150 unit affordable housing complex also referred to as Archway Commons. (Funding Source: Redevelopment Agency Housing Set-Aside)
  - Resolution approving an Amended and Restated Disposition and Development Agreement with EAH, Inc. providing financial assistance not to exceed \$6,749,000 for the proposed development of a 150-unit affordable housing complex, also referred to as Archway Commons recommended.  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION: Resolution 2009-399 (Hawn/Marsh; 5/0; O'Bryant, Olsen absent)** approving an Amended and Restated Disposition and Development Agreement with EAH, Inc. providing financial assistance not to exceed \$6,749,000 for the proposed development of a 150-unit affordable housing complex, also referred to as Archway Commons.

*Published in the Modesto Bee on July 31, 2009*

11. Hearing to consider approving submittal of two grant applications to the Federal Transit Administration (FTA) requesting: (1) \$453,406 from the Job Access and Reverse Commute (JARC) program, and (2) \$218,719 from the New Freedom (NF) program. (Funding Source: Potential Revenue: FTA)
  - Resolution approving submittal of grant applications to the Federal Transit Administration (FTA) requesting \$453,406 in FTA Job Access and Reverse Commute funds and \$218,719 in FTA New Freedom funds; 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 2009-400 (Marsh/Keating; 5/0; O'Bryant, Olsen absent)** approving submittal of grant applications to the Federal Transit Administration (FTA) requesting \$453,406 in FTA Job Access and Reverse Commute funds and \$218,719 in FTA New Freedom funds; and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

12. Hearing to consider adopting a Resolution Determining that the Public Interest and Necessity Require the Acquisition of a portion of the real property and real property interests, specifically, a three (3) month extension of the existing temporary construction easement, located on the following parcel for the Pelandale Avenue at Sisk/SR 99 Improvement Project (the "Project"): Northeast Corner of Pelandale Avenue and Sisk Road, Modesto, California, Assessor's Parcel Number: 135-29-019. (Funding Source: Streets Capital Facility Fees)

- Resolution determining that the public interest and necessity require the acquisition of a three-month extension of an existing temporary construction easement. Property Owner: Bright Development, a California Corporation, Property Address: Northeast Corner of Pelandale Avenue and Sisk Road, Modesto, California, Assessor's Parcel Number: 135-29-019 (portion) recommended.

*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-401 (Hawn/Marsh; 5/0; O'Bryant, Olsen absent)** determining that the public interest and necessity require the acquisition of a three-month extension of an existing temporary construction easement. Property Owner: Bright Development, a California Corporation, Property Address: Northeast Corner of Pelandale Avenue and Sisk Road, Modesto, California, Assessor's Parcel Number: 135-29-019 (portion).

#### NEW BUSINESS

13. Consider approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Non Sworn Association (MPNSA) for unpaid work furloughs and other matters for FY 09-10. (Funding Source: General Fund Reserve and Other Fund Reserves.)

- Resolution approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Non Sworn Association for a term of June 23, 2009 through June 21, 2010 recommended.

*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

**ACTION: Resolution 2009-402 (Lopez/Marsh; 5/0; O'Bryant, Olsen absent)** approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Non Sworn Association for a term of June 23, 2009 through June 23, 2010.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

This meeting adjourned at 7:14 p.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Thursday August 13, 2009, at 5:30 p.m.**

Roll Call Present: Brad Hawn, Chair, Kristen Olsen, Vice Chair

Absent: Garrad Marsh

*Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue. This meeting is also noticed as a City Council workshop.*

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 & 5**

**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 staff's recommendation to issue Request for Proposals (RFP) for Third Party Administration (TPA) for the Workers' Compensation and General Liability Programs. (Funding Source: Not Applicable)  
*Personnel; Mary Akin, 5775251, makin@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** approving staff's recommendation to issue Request for Proposals (RFP) for Third Party Administration (TPA) for the Workers' Compensation and General Liability Programs and forwarding to City Council for consideration and approval.

*Removed from consent*

2. Consider recommending approval of changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport (Airport), effective October 1, 2009. (Funding Source: Not Applicable)  
*Public Works; Jerome Thiele, 577-5319, Jthiele@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** recommending approval of changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport (Airport), effective October 1, 2009 and

forwarding to City Council for consideration and approval.

*Removed from consent*

3. Consider recommending approval of an Agreement with VBN Architects (VBN) to prepare the final design of the Bus Maintenance Facility Project in a not-to exceed amount of \$651,011, and forwarding on to the full Council for consideration. (Total estimated cost of the design portion of this project is \$1,486,276) (Funding Source: Federal Transit Administration and Local Transportation Fund)  
*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** recommending approval of an Agreement with VBN Architects (VBN) to prepare the final design of the Bus Maintenance Facility Project in a not-to exceed amount of \$651,011, and forwarding to the City Council for consideration and approval.

Consent

4. Consider acceptance of the quarterly update on the Water Meter/Automated Meter Reading (AMR) Program (Funding Source: Water Fund and Capital Improvement Program)  
*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** accepting the quarterly update on the Water Meter/Automated Meter Reading (AMR) Program.

Consent

5. Consider recommending approval of an Agreement with Harris & Associates (Harris) for professional services to assist City Staff with the Proposition 218 Process related to the Water Rate and Capacity Charge update, in the not-to exceed amount of \$50,589. (Funding Source: Water Fund)  
*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** recommending approval of an Agreement with Harris & Associates (Harris) for professional services to assist City Staff with the Proposition 218 Process related to the Water Rate and Capacity Charge update, in the not-to exceed amount of \$50,589 and forwarding to City Council for consideration and approval.

*Removed from consent*

6. Monthly Budget Adjustment Report - August 2009 (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Olsen/Hawn; Marsh absent)** accepting the Monthly Budget Adjustment Report - August 2009 and forwarding to City Council for consideration and approval.

#### UNFINISHED BUSINESS

7. Consider accepting a Report on the American Recovery and Reinvestment Act of 2009. (Funding Source: Not Applicable)  
*Information Technology; Patrick Brooke, 571-5848, pbrooke@modestogov.com*

**ACTION: Motion (Hawn/Olsen; Marsh absent)** accepting a Report on the American Recovery and

Reinvestment Act of 2009.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

# MINUTES

City of Modesto  
**Special Audit Committee Meeting/  
Special City Council Workshop Meeting**  
Second Floor, Room 2005  
**Tenth Street Place, 1010 10th Street**  
Modesto, California

**Monday, August 24, 2009 at 10:30 a.m.**

Roll Call: Present - Councilmember Keating, Mayor Ridenour  
Absent - Councilmember O'Bryant

**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. Presentation of Audit Report on Payroll Signatures (Funding Source: Not Applicable)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** **Motion (Mayor Ridenour/Keating; O'Bryant absent)** directing staff to return to the Audit Committee within 45 days with clear recommendations and a Management Response from the City Manager.

2. Discussion of Strategic and Audit Plan for Fiscal Year 2009-2010 (Funding Source: Not Applicable)  
*City Auditor; Frank DeMattos, 341-2941, fdemattos@modestogov.com*

**ACTION:** The City Manager advised the Audit Committee that staff will return in 45 days with timeline; the City Auditor will proceed with his current audit plan pursuant to previous Council direction.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:50 a.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday September 01, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, First Baptist Church of Modesto

City Clerk's Announcements - Item 18 to be heard after Item 16.

Declaration of Conflicts of Interest - None

Reports from Closed Session - : City Attorney Wood reported on Closed Session matter.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation proclaiming September 2009 as National Preparedness Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

ACTION: Mayor Ridenour presented a Proclamation proclaiming September 2009 as National Preparedness Month.

2. Presentation of the City of Modesto Water Meter Project. (Funding Source: Not Applicable)  
*Finance; James Miguel, 571-5809, jmiguel@modestogov.com*

ACTION: Acting Deputy City Manager Jim Miguel gave a presentation regarding the City of Modesto Water Meter Project.

ACTION: Tom Maher spoke regarding charges for water; sent letter referenced under Written Communications.

**PUBLIC COMMENT PERIOD**

Debra Harper spoke regarding invocation at Council meetings and the November election.

Joel Campos spoke regarding lack of sidewalks in the City of Modesto. Mayor Ridenour referred Mr. Campos to Brent Sinclair, Community & Economic Development Director.

Loretta Carhart spoke regarding properties that do not have pesticide control.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 14**

## **ACTION CONSENT ITEMS 3-14 (Marsh/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 regular City Council meeting of August 11, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Marsh/Hawn; 7/0)** approving the minutes of the City Council meeting of August 11, 2009.

#### Consent

4. Consider authorizing the award of bid and contract for the purchase of two (2) replacement dump trucks for the Compost Division and Water Division through the Public Works Department, Fleet Services Division, to the following companies, Valley Peterbilt, Turlock, CA, for a total estimated cost of \$113,902 and Delta Truck Center, Modesto, CA, for a total estimated cost of \$109,647. (Funding Source: Fleet Replacement Fund)
  - Resolution authorizing the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division, to Valley Peterbilt, Turlock, CA, for a total estimated cost of \$113,902 and Delta Truck Center, Modesto, CA, for a total estimated cost of \$109,647 and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$223,549 recommended.  
*Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

**ACTION: Resolution 2009-403 (Marsh/Hawn; 7/0)** authorizing the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division, to Valley Peterbilt, Turlock, CA, for a total estimated cost of \$113,902 and Delta Truck Center, Modesto, CA, for a total estimated cost of \$109,647 and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$223,549.

#### Consent

5. Consider approving the Monthly Budget Adjustment Report for August 2009. (Funding Source: Various Funds)
  - Resolution amending the Fiscal Year 2008-2009 and Fiscal Year 2009-2010 annual budgets recommended.  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Resolution 2009-404 (Marsh/Hawn; 7/0)** amending the Fiscal Year 2008-2009 and Fiscal Year 2009-2010 annual budgets.

#### Consent

6. Consider approving an Agreement with CPS Human Resource Services (CPS) to conduct the recruitment for the vacant position of Director of Human Resources at a not to exceed cost of \$24,500 (\$16,000 for professional fees plus a maximum of \$8,500 for expenses) and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: General Fund)
  - Resolution approving an Agreement with CPS Human Resource Services (CPS) to conduct the recruitment for the position of Director of Human Resources; and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Personnel; Mark Gregersen, 571-5872, mgregersen@modestogov.com*

**ACTION: Resolution 2009-405 (Marsh/Hawn; 7/0)** approving an Agreement with CPS Human Resource Services (CPS) to conduct the recruitment for the position of Director of Human Resources; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving a Memorandum of Understanding (MOU) with Stanislaus County Office of Education for one-full-time Modesto Police Officer's/School Resource Officer's (SRO) salary and benefits at Petersen Alternative Center for Education (P.A.C.E.) 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 to provide direct law enforcement services, expertise and training; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.
- Police; Pat Kimes, 572-9565, kimesp@modestopd.com*

**ACTION: Resolution 2009-406 (Marsh/Hawn; 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 to provide direct law enforcement services, expertise and training; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

8. Consider approving an agreement with Modesto City Schools (MCS) to provide the services of four School Police Officers to provide direct law enforcement services (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 11 school sites; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Police; Pat Kimes, 572-9565, kimesp@modestopd.com*

**ACTION: Resolution 2009-407 (Marsh/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 11 school sites; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider (i) accepting the Selective Traffic Enforcement Program (STEP) Grant in the amount of \$298,770 from the Office of Traffic Safety (OTS), and (ii) amending the 2009/10 Operating Budget and Multi-Year Grant Budget, estimating revenue of \$298,770 for the Selective Traffic Enforcement Program (STEP) Grant. (Funding Source: State Grant)
- Resolution accepting the Selective Traffic Enforcement Program (STEP) Grant in the amount of \$298,770 from the Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and motorcycle collisions/violations, while also reducing collisions with speed, DUI, and failure to yield violations; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents recommended.
  - Resolution amending the Fiscal Year 2009/2010 Operating and Multi-Year Grant Budget to reflect revenue and expenses in the amount of \$298,770 related to the Selective Traffic Enforcement Program (STEP) Grant to increase enforcement for speed, DUI, and motorcycle collisions/violations recommended.
- Police; Chris Fuzie, 342-6161, fuziechris@modestopd.com*

**ACTION: Resolution 200-408 (Marsh/Hawn; 7/0)** accepting the Selective Traffic Enforcement Program (STEP) Grant in the amount of \$298,770 from the Office of Traffic Safety (OTS) to increase enforcement for

speed, DUI, and motorcycle collisions/violations, while also reducing collisions with speed, DUI, and failure to yield violations; and authorizing the City Manager, or his authorized designee, to execute the necessary award documents.

**ACTION: Resolution 2009-409 (Marsh/Hawn; 7/0)** amending the Fiscal Year 2009/2010 Operating and Multi-Year Grant Budget to reflect revenue and expenses in the amount of \$298,770 related to the Selective Traffic Enforcement Program (STEP) Grant to increase enforcement for speed, DUI, and motorcycle collisions/violations.

Consent

10. Consider accepting the work by Sunworld for the project titled "Pamela Monterosso Park" as complete and authorizing payment totaling \$523,984.97. (Total project cost to date is \$725,586.93) (Funding Source: Capital Grants-Parks)

- Resolution accepting the work by Sunworld for the project titled "Pamela Monterosso Park" 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 \$523,984.97 recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-410 (Marsh/Hawn; 7/0)** accepting the work by Sunworld for the project titled "Pamela Monterosso Park" 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 \$523,984.97.

Consent

11. Consider approving the plans and specifications for the RSA (Runway Safety Area) Enhancement and Apron Rehabilitation project, accepting the bid, and approving a contract with George Reed, Inc. in the amount of \$702,772.50. (Total estimated cost of the project is \$1,117,883.68) (Funding Source: Special Aviation Funds)

- Resolution approving the plans and specifications for the RSA Enhancement and Apron Rehabilitation project, accepting the bid, and approving a contract with George Reed, Inc. in the amount of \$702,772.50 for the RSA Enhancement and Apron Rehabilitation 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 contract for the RSA (Runway Safety Area) Enhancement and Apron Rehabilitation Project recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-411 (Marsh/Hawn; 7/0)** approving the plans and specifications for the RSA Enhancement and Apron Rehabilitation project, accepting the bid, and approving a contract with George Reed, Inc. in the amount of \$702,772.50 for the RSA Enhancement and Apron Rehabilitation project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-412 (Marsh/Hawn; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the contract for the RSA (Runway Safety Area) Enhancement and Apron Rehabilitation Project.

Consent

12. Consider authorizing the City Manager to execute Caltrans' right-of-way certifications for federally funded projects. (Funding Source: Not Applicable)

- Resolution authorizing the City Manager, or his designee, to execute right-of-way certifications for federally funded projects recommended.

*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-413 (Marsh/Hawn; 7/0)** authorizing the City Manager, or his designee, to execute right-of-way certifications for federally funded projects.

Consent

13. Consider introducing Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code to increase the City Manager's authority for the construction of bus stop improvements in the amount of \$675,000 or less annually. (Funding Source: FTA Grants, Proposition 1B, Local Transportation Funds)
- 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 to extend the Contracting Authority of the City Manager for Public Works projects for the construction of bus stop improvements in the amount of \$675,000 or less annually recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Motion (Marsh/Hawn; 7/0) introducing Ordinance No. 3519-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 to extend the Contracting Authority of the City Manager for Public Works projects for the construction of bus stop improvements in the amount of \$675,000 or less annually.

Consent

14. Consider approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed) with Hans J. Wagner and Donald E. Wagner, trustee of Donald E. Wagner Trust, in the amount of \$30,500, to acquire additional permanent right-of-way required for the Pelandale Avenue Widening Project. (Funding Source: Street Capital Facility Fees)
- Resolution approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed) between the City of Modesto and Hans J. Wagner and Donald E. Wagner, trustee of Donald E. Wagner Trust, et al, in the amount of \$30,500, for the acquisition of a portion of property located at the northwest corner of Pelandale Avenue (APN: 078-018-021) and the granting of excess property on American Avenue (APN: 078-018-021), for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the Agreement, a Grant Deed conveying excess property, and all related documents required to close escrow recommended.
  - Resolution authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a portion of property located at the northwest corner of Pelandale Avenue (APN: 078-018-021), owned by Hans J. Wagner and Donald E. Wagner, trustee of Donald E. Wagner Trust, et al, to be purchased by the City of Modesto for the Pelandale Avenue Widening project recommended.
- Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-414 (Marsh/Hawn; 7/0)** approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed) between the City of Modesto and Hans J. Wagner and Donald E. Wagner, trustee of Donald E. Wagner Trust, et al, in the amount of \$30,500, for the acquisition of a portion of property located at the northwest corner of Pelandale Avenue (APN: 078-018-021) and the granting of excess property on American Avenue (APN: 078-018-021), for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the Agreement, a Grant Deed conveying excess property, and all related documents required to close escrow.

**ACTION: Resolution 2009-415 (Marsh/Hawn; 7/0)** authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant Deed for the acquisition of a portion of property located at the northwest corner of Pelandale Avenue (APN: 078-018-021), owned by Hans J. Wagner and Donald E. Wagner, trustee of Donald E. Wagner Trust, et al, to be purchased by the City of Modesto for the Pelandale Avenue Widening project.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced the September 12, 2009 basketball game between Fire and Police sponsored by the Modesto Jaycees.

## CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff thanked Police Chief Harden for the work by Modesto Police Department and surrounding area police officers on late Sunday night; Chief Harden gave an update on the drive-by shooting.

### WRITTEN COMMUNICATIONS

15. Request by Tom Maher to discuss City Water and Meters (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

Mr. Maher previously spoke under Acknowledgments and Presentations.

### UNFINISHED BUSINESS

16. Consider approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Cape & Slurry Seal on Various Streets". (Total estimated cost for this project is \$3,211,414) (Funding Source: American Recovery and Reinvestment Act (ARRA) of 2009)
- Resolution approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Cape & Slurry Seal on Various Streets" which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010 recommended.
  - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction activities for the ARRA funded Cape/Slurry Seal Project recommended.  
*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-416 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the construction activities for the ARRA funded Cape/Slurry Seal Project recommended.

**ACTION: Resolution 2009-417 (Hawn/Lopez; 7/0)** approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Cape & Slurry Seal on Various Streets" which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010.

*Recess at 6:50 p.m.*

*Reconvene at 7:05 p.m.*

### HEARINGS

*Published in the Modesto Bee on August 12, 2009*

17. Hearing to consider approving an application to amend the General Plan to re-designate property located in the Kiernan/Carver Comprehensive Planning District, on the east side of Dale Road, between Kiernan Avenue and Bangs Road, from Business Park (BP) to Mixed Use (MU), and to amend the Kiernan Business Park Specific Plan to provide for mixed use and medium-high density residential development on the east side of Dale Road, between Kiernan Avenue and Bangs Road, and consider certifying an environmental impact report (EIR) related to the above-described application. (Funding Source: Not Applicable)
- Resolution making certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Kiernan Business Park Specific Plan Amendment No. 4 (SCH# 2007062071) recommended.
  - Resolution approving an amendment to the Modesto Urban Area General Plan regarding the

Kiernan Business Park Specific Plan Amendment No. 4, property located on the east side of Dale Road, between Kiernan Avenue and Bangs Avenue (Chopra) recommended.

- Resolution approving Specific Plan Amendment No. 4 to the Kiernan Business Park Specific Plan to facilitate the development of mixed use and medium high density residential development (Chopra) recommended.

*Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com*

**ACTION: Resolution 2009-418 (Marsh/Hawn; 7/0)** making certain findings concerning mitigation measures, adopting a mitigation monitoring and reporting program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Kiernan Business Park Specific Plan Amendment No. 4 (SCH# 2007062071)

**ACTION: Resolution 2009-419 (Marsh/Hawn; 7/0)** approving an amendment to the Modesto Urban Area General Plan regarding the Kiernan Business Park Specific Plan Amendment No. 4, property located on the east side of Dale Road, between Kiernan Avenue and Bangs Avenue (Chopra)

**ACTION: Resolution 2009-420 (Marsh/Hawn; 7/0)** approving Specific Plan Amendment No. 4 to the Kiernan Business Park Specific Plan to facilitate the development of mixed use and medium high density residential development (Chopra)

#### NEW BUSINESS

18. Consider approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Street Overlay and ADA Curb Ramp Improvements". (Total estimated cost for this project is \$3,269,225) (Funding Source: American Recovery and Reinvestment Act (ARRA) of 2009)
- Resolution approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Street Overlay and ADA Curb Ramp Improvements" which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010 recommended.
  - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the design activities for the ARRA funded Street Overlay and ADA Curb Ramp Improvements Project recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-421 (Hawn/Lopez; 7/0)** approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Street Overlay and ADA Curb Ramp Improvements" which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010

**ACTION: Resolution 2009-422 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the design activities for the ARRA funded Street Overlay and ADA Curb Ramp Improvements Project.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

This meeting adjourned at 7:40 p.m.

#### CLOSED SESSION

*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: City of Modesto, et al. v. Dow Chemical Company, et al. San Francisco Superior Court Nos. 999345 and 999643

*Closed session matter cancelled.*

CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION Exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code. One potential case.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday September 08, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor  
Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements

Declaration of Conflicts of Interest

Reports from Closed Session - : City Attorney Wood reported on Closed Session matter

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation proclaiming September 8, 2009 as International Literacy Day. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

**ACTION:** No action taken.

2. Presentation of the Modesto Garden Club's Annual Report for Fiscal Year 2008-09. (Funding Source: Not Applicable)
  - Motion accepting Modesto Garden Club's Annual Report for FY 2008-09 recommended.  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION:** Penny Benny, President of the Garden Club gave a presentation regarding the Modesto Garden Club's Annual Report for FY 2008-2009.

3. Presentation of Proclamation in support of the Diploma in Every Hand program. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation in support of the Diploma in Every Hand Program.

**PUBLIC COMMENT PERIOD**

**ACTION:** Joel Campos spoke regarding annexation issues and lack of sidewalks and gutters on Lassen Avenue in the City of Modesto.

**ACTION:** Mike Lynch representing the California High Speed Rail Authority announced that a hearing regarding the Sacramento to Merced route will be tentatively held on October 28, 2009 in the basement chambers.

**ACTION:** Debra Harper spoke regarding Modesto City buses and the November election

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 13**

**ACTION CONSENT ITEMS 4-8, 10-13: (Hawn/Lopez; 7/0)**

**ITEM 9: (Hawn/Marsh; 7/0)**

**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 regular City Council meeting of September 1, 2009. (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 of the City Council meeting of September 1, 2009.

Consent

5. Consider approving final adoption of Ordinance No. 3519-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 to extend the Contracting Authority of the City Manager for Public Works projects for the construction of bus stop improvements in the amount of \$675,000 or less annually (Funding Source: Not Applicable)
  - Motion approving final adoption of Ordinance No. 3519-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 to extend the Contracting Authority of the City Manager for Public Works projects for the construction of bus stop improvements in the amount of \$675,000 or less annually recommended.

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

**ACTION:** Motion (Hawn/Lopez; 7/0) approving final adoption of Ordinance No. 3519-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 to extend the Contracting Authority of the City Manager for Public Works projects for the construction of bus stop improvements in the amount of \$675,000 or less annually.

Consent

6. Consider authorizing the award of bid and contract for the purchase of one replacement bin loader truck for the Street Sweeping Division through the Public Works, Fleet Services Division, to Interstate Truck Center, LLC, Stockton, CA, for a total estimated cost of \$149,179 (Funding Source: Fleet Replacement Fund)
  - Resolution authorizing the award of bid and contract for the purchase of one bin loader truck for the

Public Works Department, Fleet Services Division, to Interstate Truck Center, LLC, Stockton, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$149,179 recommended.

*Finance; Meagan Torres, 571-1839, mtorres@modestogov.com*

**ACTION:** Resolution 2009-423 (Hawn/Lopez; 7/0) authorizing the award of bid and contract for the purchase of one bin loader truck for the Public Works Department, Fleet Services Division, to Interstate Truck Center, LLC, Stockton, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$149,179.

#### Consent

7. Consider approving a License Agreement with the Modesto Irrigation District (“District”) for utilization of a forty (40) foot portion of its rights-of-way, as described in Exhibit A and as shown on Exhibit B (the “License Area”), solely for the purpose of installing, operating and maintaining a Class I bicycle trail, landscaping and related improvements across the District’s Cavil Drain right-of-way that is within the former Union Pacific Railroad right-of-way corridor, and authorizing the City Manager to execute the agreements. (Funding Source: Not Applicable)
  - Resolution approving a License Agreement with the Modesto Irrigation District for utilization of a 40-foot portion of its right-of-way, for the purpose of installing, operating and maintaining a Class I bicycle trail; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

**ACTION:** Resolution 2009-424 (Hawn/Lopez; 7/0) approving a License Agreement with the Modesto Irrigation District for utilization of a 40-foot portion of its right-of-way, for the purpose of installing, operating and maintaining a Class I bicycle trail; and authorizing the City Manager, or his designee, to execute the Agreement.

#### Consent

8. Consider approving an eligible vendor list for appraisal services to assist the City of Modesto with the preparation and review process of appraisal and acquisition documents, related to the Housing and Urban Development (HUD) funded Neighborhood Stabilization Program (NSP). (Funding Source: Community Development Block Grant Neighborhoods Stabilization Program Entitlement Revenues)
  - Resolution approving the Citizens Housing and Community Development Committee’s recommended list of appraisers to be used on a rotating, as-needed basis, to assist the City with the preparation and review process of appraisal and acquisition documents, related to the Neighborhood Stabilization Program recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION:** Resolution 2009-425 (Hawn/Lopez; 7/0) approving the Citizens Housing and Community Development Committee’s recommended list of appraisers to be used on a rotating, as-needed basis, to assist the City with the preparation and review process of appraisal and acquisition documents, related to the Neighborhood Stabilization Program.

#### *Removed from Consent*

9. Consider approving a Purchase and Sale Agreement between Acacia Memorial Park Association of Modesto and the City of Modesto for real property located at 800 E. Morris Avenue, with Assessor’s Parcel Number 111-057-022, for the total sale of \$400,000. (Funding Source: General Fund Revenue)
  - Resolution approving a Purchase and Sale Agreement between Acacia Memorial Park Association of Modesto and the City of Modesto for real property located at 800 E. Morris Avenue (APN 111-057-022) ); and authorizing the City Manager, or his designee, to execute the Purchase and Sale

Agreement, Grant Deed and any related documents recommended.  
*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION:** Resolution 2009-426 (Hawn/Marsh; 7/0) approving a Purchase and Sale Agreement between Acacia Memorial Park Association of Modesto and the City of Modesto for real property located at 800 E. Morris Avenue (APN 111-057-022); and authorizing the City Manager, or his designee, to execute the Purchase and Sale Agreement, Grant Deed and any related documents.

ACTION: Item as pulled from consent - council distributed corrected copy of the agreement.

Consent

10. Consider authorizing the Citizen's Housing and Community Development Committee (CH&CDC) to approve Statement of Qualifications submitted for the Housing and Urban Development (HUD) funded Neighborhood Stabilization Program; and also to review and approve funding associated with the Neighborhood Stabilization Program for the purchase and rehabilitation of foreclosed homes. (Funding Source: Community Development Block Grant Neighborhood Stabilization Program Entitlement)
- Resolution authorizing Citizen's Housing and Community Development Committee to approve Statement of Qualifications submitted for the Housing and Urban Development funded Neighborhood Stabilization Program, and also to review and approve funding associated with the Neighborhood Stabilization Program for the purchase and rehabilitation of foreclosed homes; and authorizing the City Manager, or his designee, to execute the required documents recommended.  
*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION:** Resolution 2009-427 (Hawn/Lopez; 7/0) authorizing Citizen's Housing and Community Development Committee to approve Statement of Qualifications submitted for the Housing and Urban Development funded Neighborhood Stabilization Program, and also to review and approve funding associated with the Neighborhood Stabilization Program for the purchase and rehabilitation of foreclosed homes; and authorizing the City Manager, or his designee, to execute the required documents.

Consent

11. Consider approving the report responding to the Stanislaus County Civil Grand Jury regarding leasing practices at the Modesto City/County Airport, and authorizing the Mayor execute the response letter to the Grand Jury. (Funding Source: Not Applicable)
- Resolution approving the report responding to the Stanislaus County 2008-2009 Civil Grand Jury Report regarding leasing practices at the Modesto City/County Airport, and authorizing the Mayor to execute the response letter to the Grand Jury recommended.  
*Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

**ACTION:** Resolution 2009-428 (Hawn/Lopez; 7/0) approving the report responding to the Stanislaus County 2008-2009 Civil Grand Jury Report regarding leasing practices at the Modesto City/County Airport, and authorizing the Mayor to execute the response letter to the Grand Jury.

Consent

12. Consider finding that the Roselle Avenue Widening Project between Floyd Avenue and Sylvan Avenue is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181). (Funding Source: Not Applicable)
- Resolution finding that the Roselle Avenue Widening Project between Floyd Avenue and Sylvan

Avenue is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181) recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION:** Resolution 2009-429 (Hawn/Lopez; 7/0) finding that the Roselle Avenue Widening Project between Floyd Avenue and Sylvan Avenue is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181)

#### Consent

13. Consider authorizing change orders in the amount of \$112,406.28 for the Claratina Avenue Extension between Coffee Road and Oakdale Road project; and accepting the work by Teichert Construction for the project as complete and authorizing payment of amounts totaling \$1,195,914.33. (Total estimated construction cost is \$1,459,984.09) (Funding Source: Capital Facility Fees)
- Resolution authorizing change orders in the amount of \$112,406.28 for the “Claratina Avenue Extension between Coffee Road and Oakdale Road” project recommended.
  - Resolution accepting the work by Teichert Construction for the project titled “Claratina Avenue Extension between Coffee Road and Oakdale Road” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$1,195,914.33 recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION:** Resolution 2009-430 (Hawn/Lopez; 7/0) authorizing change orders in the amount of \$112,406.28 for the “Claratina Avenue Extension between Coffee Road and Oakdale Road” project.

**ACTION:** Resolution 2009-431 (Hawn/Lopez; 7/0) accepting the work by Teichert Construction for the project titled “Claratina Avenue Extension between Coffee Road and Oakdale Road” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$1,195,914.33.

*Councilmember Keating left the meeting at 5:45 p.m.*

#### **COUNCIL COMMENTS & REPORTS**

**ACTION:** Councilmember Lopez reported that the Modesto Jaycees are putting together a fund raiser for the Fourth of July Parade. The Fire and Police Departments are volunteering their time and having a basketball games entitled "guns and hoses". The basketball game will be held on Saturday, June 12, 2009 at 6:00 p.m. at the Modesto Junior College stadium.

#### **CITY MANAGER COMMENTS & REPORTS**

#### **HEARINGS**

*Published in the Modesto Bee and Vida on August 19, 2009*

14. Hearing to consider approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2008-2009, and authorize the City Manager or designee to execute all documents related to the submission of the CAPER, and authorize staff to forward the report to the Department of Housing and Urban Development (HUD) for their review and approval. (Funding Source: Not Applicable)
- Resolution approving the City of Modesto Consolidated Annual Performance and Evaluation Report

(CAPER) for Fiscal Year 2008-2009, authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER, and authorizing staff to forward the report to the Department of Housing and Urban Development (HUD) for their review and approval recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

**ACTION:** Resolution 2009-432 (Lopez/Marsh; 6/0; Keating, absent) approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2008-2009, authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER, and authorizing staff to forward the report to the Department of Housing and Urban Development (HUD) for their review and approval.

*Published in the Modesto Bee on August 28, 2009*

15. Hearing to consider approving submittal of a grant application to the Federal Transit Administration (FTA) for \$4.5 Million in Congestion Mitigation and Air Quality (CMAQ) funds for the new Bus Maintenance Facility. (Funding Source: Potential Revenue – Transit Fund)
- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4.5 Million in Congestion Mitigation and Air Quality (CMAQ) 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 2009-433 (Olsen/Marsh; 6/0; Keating, absent) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4.5 Million in Congestion Mitigation and Air Quality (CMAQ) 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.

*Published in the Modesto Bee on August 28, 2009*

16. Hearing to consider approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport (Airport), effective October 1, 2009. (Funding Source: Airport Revenue)
- Resolution approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective October 1, 2009, and rescinding Resolution No. 2008-291 recommended.

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

**ACTION:** Resolution 2009-434 (Marsh/Lopez; 6/0; Keating, absent) approving changes to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport, effective October 1, 2009, and rescinding Resolution No. 2008-291.

## **MATTERS TOO LATE FOR THE AGENDA**

### **ADJOURNMENT**

**ACTION:** The meeting adjourned at 6:08 p.m.

### **CLOSED SESSION**

**ACTION:** Closed session matter removed from agenda.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Easements for Primary Outfall Rehabilitation Project, Acquisition of real property located at: Quisenberry Road, Modesto, CA, APN: 017-062-029, Negotiating parties: Rich Ulm, Deputy Director, Public Works, Violet Jakab, Senior Civil Engineer, Under negotiation: Acquisition of permanent facility easement, permanent access easement and temporary construction easement

**MINUTES**  
**City of Modesto**  
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL**  
**WORKSHOP**

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

**Thursday September 10, 2009, at 5:30 p.m.**

Roll Call Present: Brad Hawn, Vice Chair and Kristen Olsen Committee Member

Absent: Will O'Bryant, Chair

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:**

**CONSENT**

None.

**NEW BUSINESS**

1. Consider acceptance of the 2008 Annual Modesto Police Department's Internal Affairs/Complaints Report. (Funding Source: Not Applicable)  
*Police; Dan Shrader, Police Sergeant, 572-9612, shraderd@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; O'Bryant absent)** accepting the 2008 Annual Modesto Police Department's Internal Affairs/Complaints Report.

2. Consider acceptance of an informational report regarding Modesto's Crime Statistics for January through June 2009 as compared to January through June 2008. (Funding Source: Not Applicable)  
*Police; Michael Zahr, Police Captain, 342-6142, Zahrm@modestopd.com*

**ACTION:** **Motion (Olsen/Hawn; O'Bryant absent)** accepting an informational report regarding Modesto's Crime Statistics for January through June 2009 as compared to January through June 2008.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:57 p.m.

## MINUTES

City of Modesto

### ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005

Tenth Street Place, 1010 10th Street

Modesto, California

Monday September 14, 2009, at 5:30 p.m.

Roll Call Present: Janice Keating, Chair, Garrad Marsh, Vice Chair and Dave Lopez, member

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 recommending City Council approval of a policy revision for Citizen Advisory Group Appointments excluding the Entertainment Commission. (Funding Source: Not Applicable)  
*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Lopez/Marsh; unan)** recommending and forwarding to Council approval of a policy revision for Citizen Advisory Group Appointments excluding the Entertainment Commission.

Consent

2. Consider receiving status report of development projects processed by Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, AICP, 577-5267, hbsinclair@modestogov.com*

**ACTION: Motion (Lopez/Marsh; unan)** accepting status report of development projects processed by Community and Economic Development Department.

*Removed from Consent*

3. 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. (Funding Source: Traffic Operations (Gas Tax) - 0700)  
*Community & Economic Development; Jeffrey L. Barnes, Traffic Engineer, 577-5468, jbarnes@modestogov.com*

**ACTION:** **Motion (Marsh/Lopez; unan)** recommending and forwarding to Council approval of 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.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:45 p.m.

## MINUTES

City of Modesto

### **Special Joint Finance Committee Meeting/ And Citizens Redevelopment Advisory Commission Workshop**

Conference Room 2001 (Second Floor)

Tenth Street Place

1010 10<sup>th</sup> Street, Modesto, California

**Monday, September 21, 2009 at 3:00 p.m.**

Roll Call: Present: Finance Committee Members Hawn, Marsh; Citizens Redevelopment Advisory Commission Members Pratt, Hayes, Varni  
Absent: Finance Committee Member Olsen; Citizens Redevelopment Advisory Commission Members Brunn, Slater, Maisetti, Daniel, Hedgepeth, Navarro, Gillum and Reed

#### **PUBLIC COMMENT**

**Three minute time limit per speaker**

None.

#### **TALKING POINTS**

1. Possibilities for Expansion of RDA Boundary
  - a. Expansion of Existing Area
  - b. Creation of New Areas
  - c. Lower McHenry/Yosemite Avenues
  - d. Tallow Plant
2. Long-Range Planning
  - a. Identify Projects from Master Plan and Prioritize
  - b. Integrating Master Plan with General Plan and Capital Improvements Plan
3. Loan Repayment Strategies
  - a. Explanation of Loan Repayment Options
  - b. Early Loan Repayment vs. Investment Opportunity
4. New Paradigm for Business Development
  - a. Partnering with Others to Promote, Attract, Retain and Expand Business

**ACTION:** No reportable action.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 4:30 p.m.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, September 21, 2009, at 5:30 p.m.**

Roll Call Present: Committee Members Hawn, Marsh, Olsen

Absent: None

*Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue. This meeting is also noticed as a City Council workshop.*

**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.

1. Consider recommending that Council authorize the Public Works Department to contribute to the Central Valley Salinity Coalition Inc. (CVSC) in the amount of \$25,000, and approve Nick Pinhey's nomination as the City's designee for the CVSC Board. (Funding Source: Wastewater Fund)  
*Public Works; Gary DeJesus, 209-577-6200, gdejesus@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan.)** authorizing the Public Works Department to contribute to the Central Valley Salinity Coalition Inc. in the amount of \$25,000 and approving Nick Pinhey's nomination as the City's designee for the CVSC Board.

2. Oral report on issues related to formation of a Joint Powers Authority (JPA) responsible for decisions pertaining to the future Regional Surface Water Supply Project (RSWSP). (Funding Source: Water Fund)  
*Public Works; Richard Ulm, 577-5261, rulm@modestogov.com*

**ACTION:** No reportable action.

**NEW BUSINESS**

3. Consider research of current tax sharing agreements and consider options for future agreements; direct

staff to negotiate a tax sharing agreement with Stanislaus County. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION:** **Motion (Hawn/Marsh; unan.)** directing staff to return to the Finance Committee in sixty (60) days with more information regarding actual amounts going to the County and City from the tax sharing agreements and cost benefit analyses; and returning to the Finance Committee every thirty (30) days thereafter with updated information.

4. Consider recommending that the Council support staff's proposal implementing cost saving measures by the City's golf course maintenance provider, ValleyCrest, Inc, to reduce expenditures at the City's golf courses and directing staff to return with additional golf program reductions to reduce the General Fund subsidy to the Golf Fund. (Funding Source: Golf Fund)  
*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6480, lforester@modestogov.com*

**ACTION:** **Motion (Marsh/Olsen;unan)** approving staff's proposed cost savings measures by the City's golf course maintenance provider, Valley Crest, Inc. to reduce expenditures at the City's golf courses and directing staff to return to the Finance Committee in sixty (60) days with additional gold program reductions.

5. Consider accepting a status report on the irrigation and maintenance of parkettes and consider staff's recommendations regarding the funding for park and parkette maintenance. (Funding Source: General Fund)  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

**ACTION:** **Motion (Olsen/Marsh;unan.)** accepting the status report on the irrigation and maintenance of parkettes and directing staff to move forward with the sale of Elk Park and Moose Park.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 7:35 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday September 22, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, 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 21 - Hawn, Lopez (various)

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation proclaiming September 8, 2009 as International Literacy Day. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation proclaiming September 8, 2009 as International Literacy Day.

2. Presentation of a \$1,000 check from Hi-Tec USA to the City of Modesto Parks, Recreation and Neighborhoods Department's Fund Development Program. (Funding Source: Not Applicable)
  - Motion accepting a check from Hi-Tec USA to the City's Fund Development Program recommended.  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION:** Mayor Ridenour accepted a \$1,000 check from Hi-Tec USA for the City of Modesto Parks, Recreation and Neighborhoods Department's Fund Development Program.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

3. Consider accepting the resignations of Richard Horning from the Golf Courses Advisory Committee and Amanda Fisher from the Culture Commission. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Amanda Fisher from the City of Modesto Culture Commission recommended.
  - Resolution accepting with regret the resignation of Richard Horning from the City of Modesto Golf Courses Advisory Committee recommended.

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

**ACTION: Resolution 2009-435 (Hawn/Olsen; 7/0)** accepting with regret the resignation of Amanda Fisher from the City of Modesto Culture Commission.

**ACTION: Resolution 2009-436 (Hawn/Olsen; 7/0)** accepting with regret the resignation of Richard Horning from the City of Modesto Golf Courses Advisory Committee.

### **PUBLIC COMMENT PERIOD**

Debra Harper spoke regarding the Drug Tip Hotline.

Susana Mendieta-Beasley invited everyone to attend International Heritage Festival on Saturday, October 3, 2009 at Gallo Center for the Arts.

Emerson Drake spoke regarding City weekly meeting information available in the Modesto Bee; he would also like Council to review the Tin Cup Ordinance.

### **CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 19**

#### **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 regular City Council meeting of September 8, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Lopez; 7/0)** approving the City Council minutes of September 8, 2009.

Consent

5. Consider approving the appointment of members to the Capital Improvement Program Task Force (CIP Task Force). (Funding Source: Not Applicable)
  - Resolution approving the appointment of Brad Hawn, Chris Tyler , Kevin Young , Ron Jeske, Michael Brinton, Jim Miguel, Nick Pinhey, Brent Sinclair, Julie Hannon, Rich Ulm, Bill Sandhu, Jeff Barnes, Vickey Dion, and Amy Gedney to the Capital Improvement Program Task Force recommended.

*Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com*

**ACTION: Resolution 2009-437 (Hawn/Lopez; 7/0)** approving the appointment of Brad Hawn, Chris Tyler , Kevin Young , Ron Jeske, Michael Brinton, Jim Miguel, Nick Pinhey, Brent Sinclair, Julie Hannon, Rich Ulm, Bill Sandhu, Jeff Barnes, Vickey Dion, and Amy Gedney to the Capital Improvement Program Task Force.

Consent

6. Consider authorizing the award of bid and contract for the purchase of rock, sand and gravel for the Public Works Department, to Central Valley Concrete, Inc., Merced, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$306,314, and for an estimated cost over five years of \$1,531,570. (Funding Source: Central Stores Inventory)
  - Resolution authorizing the award of bid and contract for the purchase of rock, sand and gravel for

the Public Works Department, to Central Valley Concrete, Inc., Merced, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$306,314, and for an estimated cost over five years of \$1,531,570 recommended.

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

**ACTION: Resolution 2009-438 (Hawn/Lopez; 7/0)** authorizing the award of bid and contract for the purchase of rock, sand and gravel for the Public Works Department, to Central Valley Concrete, Inc., Merced, CA, for a one year agreement with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$306,314, and for an estimated cost over five years of \$1,531,570.

Consent

7. Consider accepting the Monthly Investment Report for July 2009. (Funding Source: Not Applicable)

- Motion accepting staff report on the Monthly Investment Report for July 2009 recommended.

*Finance; Vanessa Ferrel, 577-5376, vferrel@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 7/0)** accepting staff report on the Monthly Investment Report for July 2009.

Consent

8. Consider authorizing the award of bid and contracts for the purchase of three (3) pick up trucks and one utility truck for the Wastewater Division and Water Division through the Public Works Department, Fleet Services Division, to the following companies: Downtown Ford, Sacramento, CA, for an estimated total cost of \$38,733, and Serramonte Ford, Colma, CA, for an estimated total cost of \$90,262. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of bid and contracts for the purchase of three (3) pickup trucks and one utility truck for the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA, for an estimated total cost of \$38,733, and Serramonte Ford, Colma, CA, for an estimated total cost of \$90,262; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for a total estimated cost of \$128,995 recommended.

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

**ACTION: Resolution 2009-439 (Hawn/Lopez; 7/0)** authorizing the award of bid and contracts for the purchase of three (3) pickup trucks and one utility truck for the Public Works Department, Fleet Services Division, to Downtown Ford, Sacramento, CA, for an estimated total cost of \$38,733, and Serramonte Ford, Colma, CA, for an estimated total cost of \$90,262; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for a total estimated cost of \$128,995.

Consent

9. Consider authorizing five (5) designated City of Modesto staff to serve as General Services Administration (GSA) surplus property screeners. (Funding Source: Various Funds)

- Resolution authorizing five (5) designated City of Modesto staff to serve as General Services Administration surplus property screeners recommended.

*Finance; Mark L. Averell, 577-4512, maverell@modestogov.com*

**ACTION: Resolution 2009-440 (Hawn/Lopez; 7/0)** authorizing five (5) designated City of Modesto staff to serve as General Services Administration surplus property screeners.

Consent

10. Consider authorizing the award of bid and contract for the purchase and installation of laboratory equipment for the Public Works Department, Water Quality Control Division, to Shimadzu Scientific Instruments, Pleasanton, CA, and Varian, Inc., Walnut Creek, CA, for an estimated total cost of \$256,402.95. (Funding Source: Water Quality Control Division)

- Resolution authorizing the award of bids and contracts for the purchase and installation of laboratory equipment for the Public Works Department, Water Quality Control Division, to

Shimadzu Scientific Instruments, Pleasanton, CA and Varian, Inc, Walnut Creek, CA; and authorizing the City Manager, or his designee, to issue contracts for an estimated total cost of \$256,402.95 recommended.

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

**ACTION: Resolution 2009-441 (Hawn/Lopez; 7/0)** authorizing the award of bids and contracts for the purchase and installation of laboratory equipment for the Public Works Department, Water Quality Control Division, to Shimadzu Scientific Instruments, Pleasanton, CA and Varian, Inc, Walnut Creek, CA; and authorizing the City Manager, or his designee, to issue contracts for an estimated total cost of \$256,402.95.

Consent

11. Consider authorizing the award of bid and contract for the purchase of three (3) replacement vertical mixed-flow propeller pumps at the Jennings Road Treatment Plant for the Public Works Department, Wastewater Division, to JM Squared Associates, Inc., Concord, CA, for an estimated total cost of \$196,291. (Funding Source: Sewer Fund)
- Resolution authorizing the award of bid and contract for the purchase of three (3) vertical mixed-flow pumps for the Public Works Department, Wastewater Division, to JM Squared Associates, Inc., Concord, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$196,291 recommended.

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

**ACTION: Resolution 2009-442 (Hawn/Lopez; 7/0)** authorizing the award of bid and contract for the purchase of three (3) vertical mixed-flow pumps for the Public Works Department, Wastewater Division, to JM Squared Associates, Inc., Concord, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$196,291.

Consent

12. Consider approving an application for \$350,000 to the Recreational Trails Program Fund for the construction and installation of the Arroyo Willow and Cottonwood Trails in the Tuolumne River Regional Park (TRRP) Gateway Parcel. (Funding Source: :Grant Revenue)
- Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*
- Resolution approving an application in the amount of \$350,000 to the Recreational Trails Program to fund the construction and installation of the Arroyo Willow and Cottonwood Trails in the Tuolumne River Regional Park Gateway Parcel; and authorizing the City Manager, or his designee, to sign all appropriate grant documents recommended.

**ACTION: Resolution 2009-443 (Hawn/Lopez; 7/0)** approving an application in the amount of \$350,000 to the Recreational Trails Program to fund the construction and installation of the Arroyo Willow and Cottonwood Trails in the Tuolumne River Regional Park Gateway Parcel; and authorizing the City Manager, or his designee, to sign all appropriate grant documents.

Consent

13. Consider approving an amendment to the City's financial policies authorizing the City Manager or his designee to approve the allocation of private donations and grants made through the Fund Development Program in the Parks, Recreation and Neighborhoods (PR&N) Department per the donor's specified request. (Funding Source: Grants and donations)
- Resolution amending the City's Financial Policies to authorize the City Manager or his designee to approve the allocation of private donations and grants made through the Fund Development Program of the Parks, Recreation, & Neighborhoods Department for programming, facility preservation, special events and park maintenance per the donor's specified request recommended.

*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION: Resolution 2009-444 (Hawn/Lopez; 7/0)** amending the City's Financial Policies to authorize the City Manager or his designee to approve the allocation of private donations and grants made through the Fund

Development Program of the Parks, Recreation, & Neighborhoods Department for programming, facility preservation, special events and park maintenance per the donor's specified request.

Consent

14. Consider approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services, and rescinding Resolution No. 2009-384. (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, 2009, including fuel cost; and rescinding Resolution No. 2009-384 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 209-577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Resolution 2009-445 (Hawn/Lopez; 7/0)** approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2009, including fuel cost; and rescinding Resolution No. 2009-384.

Consent

15. Consider approving an Agreement between the City of Modesto and Miwall Corporation for the removal and purchase of expended brass shell casings from the Tactical Gun Firing Range; and amending the Fiscal Year 2009/2010 Operating Budget in the amount of \$7,000 for brass/lead exchange. (Funding Source: General Fund)
- Resolution approving an Agreement between the City of Modesto and Miwall Corporation for the removal and purchase of expended bulk brass shell casings from the Tactical Gun Firing Range; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution amending the Fiscal Year 2009/2010 Operating Budget to appropriate revenues and expenditures of \$7,000 for brass/lead exchange recommended.
- Police; Jolene Gonzales, 342-6147, [gonzalesj@modestopd.com](mailto:gonzalesj@modestopd.com)*

**ACTION: Resolution 2009-446 (Hawn/Lopez; 7/0)** approving an Agreement between the City of Modesto and Miwall Corporation for the removal and purchase of expended bulk brass shell casings from the Tactical Gun Firing Range; and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-447 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009/2010 Operating Budget to appropriate revenues and expenditures of \$7,000 for brass/lead exchange.

Consent

16. Consider approving an on-call list for Closed Circuit Television (CCTV) Inspection Services for various Capital Improvement Program (CIP) projects involving wastewater and storm water collection systems. (Funding Source: Various CIP)
- Resolution approving an on-call list for Closed Circuit Television (CCTV) Inspection Services for wastewater collection systems and storm water collection systems consisting of the following firms: IPI, Coastline Water Resources, and Nor Cal Pipeline Inspection, for a period not to exceed three years recommended.
- Public Works; Jesse Franco, 571-5175, [jfranco@modestogov.com](mailto:jfranco@modestogov.com)*

**ACTION: Resolution 2009-448 (Hawn/Lopez; 7/0)** approving an on-call list for Closed Circuit Television (CCTV) Inspection Services for wastewater collection systems and storm water collection systems consisting of the following firms: IPI, Coastline Water Resources, and Nor Cal Pipeline Inspection, for a period not to exceed three years.

Consent

17. Consider approving a Memorandum of Understanding (MOU) with the City of Ripon (Ripon) that provides for the City of Modesto to act as the recipient of Federal Transit Administration (FTA) formula funds on behalf of the City of Ripon. (Funding Source: Not Applicable)

- Resolution approving a Memorandum of Understanding with the City of Ripon for the City of Modesto to act as the recipient of Federal Transit Administration Section 5307 formula funds on behalf of the City of Ripon, 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 2009-449 (Hawn/Lopez; 7/0)** approving a Memorandum of Understanding with the City of Ripon for the City of Modesto to act as the recipient of Federal Transit Administration Section 5307 formula funds on behalf of the City of Ripon, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

#### Consent

18. Consider approving the plans and specifications for the project titled, "2009 Sanitary Sewer Collection System Replacement," accepting the bid and approving a contract with Fermin Sierra Construction, Inc. in the amount of \$467,430. (Total estimated cost of the project is \$647,166.60) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the project titled, "2009 Sanitary Sewer Collection System Replacement," accepting the bid and approving a contract with Fermin Sierra Construction, Inc. in the amount of \$467,430, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; Pete Kambel, 577-5444, pkambel@modestogov.com*

**ACTION: Resolution 2009-450 (Hawn/Lopez; 7/0)** approving the plans and specifications for the project titled, "2009 Sanitary Sewer Collection System Replacement," accepting the bid and approving a contract with Fermin Sierra Construction, Inc. in the amount of \$467,430, and authorizing the City Manager, or his designee, to execute the contract.

#### Consent

19. Consider appointing Laura Anhalt, Water Quality Control Plant Manager, to represent the City of Modesto as a board member for Reclamation District No. 2091. (Funding Source: Not Applicable)

- Motion appointing Laura Anhalt, Water Quality Control Plant Manager, to represent the City of Modesto as a board member for Reclamation District No. 2091 recommended.

*Public Works; Gary DeJesus, 571-5542, gdejesus@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 7/0)** appointing Laura Anhalt, Water Quality Control Plant Manager, to represent the City of Modesto as a board member for Reclamation District No. 2091.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Councilmember in the Park on Saturday at Graceada Park at 10:00 a.m.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

20. Consider approving the plans and specifications for the project titled, "Park Lighting Upgrade at 6 Sites," accepting the bid and approving a contract with Modesto Executive Electric, Inc. in the amount of \$237,692.15. (Total estimated cost of the project is \$330,615.19) (Funding Source: Capital Facilities Fees)

- Resolution approving the plans and specifications for the project titled, "Park Lighting Upgrade at 6 Sites," accepting the bid and approving a contract with Modesto Executive Electric, Inc. in the

amount of \$237,692.15, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com*

**ACTION: Resolution 2009-451 (Olsen/Keating; 7/0)** approving the plans and specifications for the project titled, "Park Lighting Upgrade at 6 Sites," accepting the bid and approving a contract with Modesto Executive Electric, Inc. in the amount of \$237,692.15, and authorizing the City Manager, or his designee, to execute the contract.

21. Consider (i) approving a new Capital Improvement Program (CIP) account for design of the project titled, "Street Overlay and ADA Curb Ramp Improvements", (ii) approving a prioritized street list for the project. (Total estimated design costs for this project is \$200,000) (Funding Source: Local Transportation (LTF) Funds-Streets & Roads)
- Resolution approving a new Capital Improvement Program account for the design of the project titled, "Street Overlay and ADA Curb Ramp Improvements", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010 recommended.
  - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the design activities for the design of "Street Overlay and ADA Curb Ramp Improvements" project recommended.
  - Resolution approving a prioritized street list for the "Street Overlay and ADA Curb Ramp Improvements" project recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-452 (Hawn/Marsh; 7/0)** approving a new Capital Improvement Program account for the design of the project titled, "Street Overlay and ADA Curb Ramp Improvements", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010.

**ACTION: Resolution 2009-453 (Hawn/Marsh; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fund the design activities for the design of "Street Overlay and ADA Curb Ramp Improvements" project.

**ACTION: Resolution 2009-454 (Hawn/Marsh; 7/0)** approving a prioritized street list for the "Street Overlay and ADA Curb Ramp Improvements" project.

**ACTION: Resolution 2009-455 (Marsh/Keating; 5/0; Hawn,Lopez absent due to conflict)** approving a prioritized street list for the "Street Overlay and ADA Curb Ramp Improvements" project.

- Hackberry, 9<sup>th</sup> and I Streets
- Maynell

22. Consider reallocating the Finance Department's Budget Division to the City Manager's Office and amending the City's Classification Plan to delete the classifications of Budget and Financial Analysis Administrator at salary range 442 and Budget Officer at salary range 438. In exchange, a new classification of Budget Manager at salary range 2452 is also being recommended (Funding Source: General Fund/Water Fund)
- Motion directing staff to take the necessary steps to discuss impacts of this reorganization with affected employee bargaining units to be effective by October 12, 2009 recommended.
  - Resolution amending the fiscal year 2009-2010 operating budget to approve the proposed reorganization of the Budget Division in the Finance Department including creating the position of Budget Manager, deleting the positions of Budget Officer, and Budget and Financial Analysis Administrator and amending the necessary budgets to implement this reorganization recommended.

*City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION: Motion (Lopez/Keating; 7/0)** directing staff to take the necessary steps to discuss impacts of this reorganization with affected employee bargaining units to be effective by October 12, 2009.

**ACTION: Resolution 2009-456 (Lopez/Keating; 7/0)** amending the fiscal year 2009-2010 operating budget to approve the proposed reorganization of the Budget Division in the Finance Department including creating the position of Budget Manager, deleting the positions of Budget Officer, and Budget and Financial Analysis Administrator and amending the necessary budgets to implement this reorganization.

23. Consider staff recommendations relating to the reorganization of the Human Resources Department. (The recommendations are to delete the filled position of Deputy Director of Human Resources from the Human Resources Division, delete the filled position of Administrative Office Assistant (AOA) II Confidential in the Risk Management Division, and to create the position of Human Resources Analyst I/II in the Human Resources Division, for a net savings to the Human Resources Department of approximately \$120,000 per fiscal year and \$100,000 for the nine remaining months of fiscal year 2009-10.) (Funding Source: Insurance Administration Fund)
- Motion accepting staff's recommendation relating to the reorganization of the Human Resources Department recommended.
  - Resolution amending the Fiscal Year 2009-2010 Operating Budget to recognize new General Fund Revenue of \$38,653 in the Human Resources Department and decrease the salary and benefit accounts in the Human Resources Department and the Risk Management Division, effective October 12, 2009 recommended.

*Personnel; Mark Gregersen, 571-5126, mgregersen@modestogov.com*

**ACTION: Motion (Hawn/Keating; 7/0)** accepting staff's recommendation relating to the reorganization of the Human Resources Department.

**ACTION: Resolution 2009-457 (Hawn/Keating; 7/0)** amending the Fiscal Year 2009-2010 Operating Budget to recognize new General Fund Revenue of \$38,653 in the Human Resources Department and decrease the salary and benefit accounts in the Human Resources Department and the Risk Management Division, effective October 12, 2009.

#### NEW BUSINESS

24. Consider approving the Fiscal Year 2009/10 Planning Division Work Program. (Funding Source: Not Applicable)
- Motion approving the Fiscal Year 2009/10 Planning Division Work Program recommended.
- Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Motion (Marsh/Keating; 7/0)** approving the Fiscal Year 2009/10 Planning Division Work Program.

25. Consider approving the proposed Work Program for the 2009 Urban Growth Review Follow-Up Actions/General Plan Amendments. (Funding Source: General Fund)
- Motion to approve the Work Program for the 2009 Urban Growth Review Follow-Up Actions/General Plan Amendment recommended.
- Community & Economic Development; Paul Liu, 209-577-5267, pliu@modestogov.com*

**ACTION: Motion (Hawn/Marsh; 7/0)** approving the Work Program for the 2009 Urban Growth Review Follow-Up Actions/General Plan Amendment.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

This meeting adjourned at 7:08 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 a portion of a parcel located at:  
1218 Bangs Avenue, Modesto, CA, APN: 046-002-001, Negotiating parties: Rich Ulm, Deputy  
Director, Public Works, Julia Gillette, Property Agent, Under negotiation: Price and terms of sale of property

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Rose Lenzo v. City of Modesto, et al. Stanislaus Superior Court No. 628149

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday October 06, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements – Items 7 and 14 Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session – No Closed Session Matters

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Proclamation to the Human Relations/Equal Opportunity Disability Commission proclaiming October 2009 as National Disability Employment Awareness Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to the Human Relations/Equal Opportunity Disability Commission proclaiming October 2009 as National Disability Employment Awareness Month.

2. Presentation of Proclamation to the Hispanic Leadership Council proclaiming September 15-October 15, 2009 as National Hispanic Heritage Month. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION:** Mayor Ridenour presented a Proclamation to Acting Deputy City Manager Jim Miguel on behalf of the Hispanic Leadership Council proclaiming September 15-October 15, 2009 as National Hispanic Heritage Month.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

3. Consider accepting the resignation of Dan Parks from the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Dan Parks from the City of Modesto Housing Rehabilitation Loan Committee.  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION: Resolution 2009-458 (Marsh/Keating; 7/0)** accepting with regret the resignation of Dan Parks from the City of Modesto Housing Rehabilitation Loan Committee.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 16**

**ACTION CONSENT ITEMS 4-6, 8-13, 15-16 (Hawn/Lopez;unan)**

**ACTION Item 7 (Hawn/Lopez;unan)**

**ACTION Item 14 (Keating/Olsen;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 regular City Council meeting of September 22, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Lopez; 7/0)** approving the September 22, 2009 City Council minutes.

Consent

5. Consider approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for relocating a City water main within MID right-of-way. (Funding Source: Not applicable)
  - Resolution approving a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of obtaining permission to make improvements within Modesto Irrigation District Lateral No. 3 for the City's water distribution system to use certain real property, as described in Exhibits A and B of the License Agreement; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Miguel Alvarez, 577-5348, malvarez@modestogov.com*

**ACTION: Resolution 2009-459 (Hawn/Lopez; 7/0)** approving a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of obtaining permission to make improvements within Modesto Irrigation District Lateral No. 3 for the City's water distribution system to use certain real property, as described in Exhibits A and B of the License Agreement; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. 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. (Funding Source: Traffic Operations (Gas Tax) - 0700)
  - Motion introducing an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code 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 L. Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 7/0)** introducing **Ordinance No. 3520-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 to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.

*Removed from Consent*

7. Consider authorizing the award of contract for the purchase of one sewer inspection truck for the Water Quality Control Division through the Public Works Department, Fleet Services Division, to Advanced Infrastructure Technologies, Gardena, CA, for an estimated total cost of \$277,372. (Funding Source: Wastewater Fund)

- Resolution authorizing the award of contract for the purchase of one sewer inspection truck for the Water Quality Control Division through the Public Works Department, Fleet Services Division, to Advanced Infrastructure Technologies, Gardena, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$277,372 recommended.

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

**ACTION: Resolution 2009-460 (Hawn/Lopez; 7/0)** authorizing the award of contract for the purchase of one sewer inspection truck for the Water Quality Control Division through the Public Works Department, Fleet Services Division, to Advanced Infrastructure Technologies, Gardena, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$277,372.

Consent

8. Consider authorizing an agreement with Barton Overhead Door for the repair and maintenance of the Fire Department apparatus bay door systems at an annual estimated cost of \$25,000. (Agreement is for two (2) years with three (3) one-year extensions for a total estimated cost over five years of \$125,000). (Funding Source: General Fund)

- Resolution authorizing the award of bid and Agreement for the repair and maintenance of the Fire Department apparatus bay door systems to Barton Overhead Door, Modesto, California, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual cost of \$25,000, and potential five (5) year cost of \$125,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestogov.com*

**ACTION: Resolution 2009-461 (Hawn/Lopez; 7/0)** authorizing the award of bid and Agreement for the repair and maintenance of the Fire Department apparatus bay door systems to Barton Overhead Door, Modesto, California, for a two (2) year Agreement with three (3) one-year extension options, for an estimated annual cost of \$25,000, and potential five (5) year cost of \$125,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

9. Consider approving a request from STANCO to amend the loan conditions for the HOME loan agreement with the City of Modesto for the development of Bennet Place Apartments (\$940,427) and Meadow Glen Apartments (\$713,162). (Funding Source: HOME Investment Partnership Program (HOME))

- Resolution approving an Amendment to City of Modesto Home Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc., an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc., and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Bennet Place Apartments; and authorizing the City Manager, or his designee, to execute the Amendments and any related documents recommended.
- Resolution approving an Amendment to City of Modesto Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc.,

an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc., and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Meadow Glen Apartments; and authorizing the City Manager, or his designee, to execute the Amendments and any related documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-462 (Hawn/Lopez; 7/0)** approving an Amendment to City of Modesto Home Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc., an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc., and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Bennet Place Apartments; and authorizing the City Manager, or his designee, to execute the Amendments and any related documents.

**ACTION: Resolution 2009-463 (Hawn/Lopez; 7/0)** approving an Amendment to City of Modesto Loan Agreement Home Investment Partnerships Program between the City of Modesto and Stanislaus County Affordable Housing, Inc., an Amendment to the Regulatory Agreement between the City of Modesto and Stanislaus County Affordable Housing, Inc., and an Amendment to the Promissory Note between the City of Modesto and Stanislaus County Affordable Housing, Inc. for the development of the Meadow Glen Apartments; and authorizing the City Manager, or his designee, to execute the Amendments and any related documents.

Consent

10. Consider approving one additional Equipment Operator position at the Compost Facility for an annual estimated cost of \$60,000 salary and benefits. (Funding Source: Compost Fund)
- Motion amending the position allocation in the Parks, Recreation, & Neighborhoods Department adopted by the City Council as part of the FY 2009-10 budget to allocate a new Equipment Operator position in Org. 5222 of the Compost Fund recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Motion (Hawn/Lopez; 7/0)** amending the position allocation in the Parks, Recreation, & Neighborhoods Department adopted by the City Council as part of the FY 2009-10 budget to allocate a new Equipment Operator position in Org. 5222 of the Compost Fund.

Consent

11. Consider authorizing the City Manager, or his designee, to sign Memorandums of Understanding with Neighborhood Stabilization Program (NSP) participants per the Housing and Urban Development (HUD) funded NSP guidelines previously adopted by the City Council. (Funding Source: Community Development Block Grant Neighborhood Stabilization Program Entitlement Revenues)
- Resolution authorizing the City Manager, or his designee, to sign Memorandums of Understanding with Neighborhood Stabilization Program (NSP) participants per the Housing and Urban Development (HUD) funded NSP guidelines previously approved by the City Council.

*Parks, Recreation and Neighborhoods ; Rebecca Blanco, 577-5368 , rblanco@modestogov.com*

**ACTION: Resolution 2009-464 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign Memorandums of Understanding with Neighborhood Stabilization Program (NSP) participants per the Housing and Urban Development (HUD) funded NSP guidelines previously approved by the City Council.

Consent

12. Consider approving a three-year Lease Agreement with the Arthur M. McElroy Marital Trust for the Modesto Police Department Evidence and Property Facility located at 1124 F Street, for \$30,000 annually. (Funding Source: General Fund: Police Department Rental of Real Property)
- Resolution approving a Lease Agreement between the City of Modesto and Elizabeth L. McElroy and Roger Alan McElroy, as Trustees of the Arthur M. McElroy Marital Trust, for the property located at 1124 F Street, Modesto, California; and authorizing the City Manager, or his designee, to

execute the Lease Agreement recommended.  
*Police; William Ryan, 342-9129, ryanw@modestopd.com*

**ACTION: Resolution 2009-465 (Hawn/Lopez; 7/0)** approving a Lease Agreement between the City of Modesto and Elizabeth L. McElroy and Roger Alan McElroy, as Trustees of the Arthur M. McElroy Marital Trust, for the property located at 1124 F Street, Modesto, California; and authorizing the City Manager, or his designee, to execute the Lease Agreement.

Consent

13. Consider accepting a mini-grant in the amount of \$19,080 from the California Office of Traffic Safety for the "Click It or Ticket Mini-Grant Program" for overtime seat belt enforcement operations. (Funding Source: Grant Fund Revenues 0410)

- Resolution accepting a mini-grant in the amount of \$19,080 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the "Click It or Ticket Mini-Grant Program" for overtime seat belt enforcement; and authorizing the City Manager, or his designee, to execute the necessary documents recommended.
- Resolution amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate \$19,080 for revenue and expenses from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California "Click It or Ticket Mini-Grant Program" for overtime seat belt enforcement operations recommended.

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

**ACTION: Resolution 2009-466 (Hawn/Lopez; 7/0)** accepting a mini-grant in the amount of \$19,080 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the "Click It or Ticket Mini-Grant Program" for overtime seat belt enforcement; and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: Resolution 2009-467 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate \$19,080 for revenue and expenses from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California "Click It or Ticket Mini-Grant Program" for overtime seat belt enforcement operations.

*Removed from Consent*

14. Consider approving an Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch Property to extend the lease expiration date to December 31, 2010. (Funding Source: Potential Wastewater Fund Revenue)

- Resolution approving an Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch Property to extend the Lease expiration date to December 31, 2010, and authorizing the City Manager, or his designee, to execute the Amendment to Lease Agreement recommended.

*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-468 (Keating/Olsen; 7/0)** approving an Amendment to Lease Agreement with Pahrump Heifer Ranch for the Jennings Ranch Property to extend the Lease expiration date to December 31, 2010, and authorizing the City Manager, or his designee, to execute the Amendment to Lease Agreement.

Consent

15. Consider approving an Agreement with Kimley-Horn and Associates, Inc. (KHA) for design support during construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation in the amount of \$48,873. (Total estimated cost for construction and design support during construction of the project is \$1,166,756.68) (Funding Source: Federal Aviation Administration Capital Grant and County Aircraft Tax Fund)

- Resolution approving an Agreement with Kimley-Horn and Associates, Inc. (KHA) for design support during construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation

in the amount of \$48,873, 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 for Design Support during Construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation project recommended.

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

**ACTION: Resolution 2009-469 (Hawn/Lopez; 7/0)** approving an Agreement with Kimley-Horn and Associates, Inc. (KHA) for design support during construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation in the amount of \$48,873, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-470 (Hawn/Lopez; 7/0)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget in order to fully fund the Agreement for Design Support during Construction for Runway Safety Area (RSA) Enhancement and Apron Rehabilitation project.

#### Consent

16. Consider approving Agreements for various Grants of Permanent Sewer Facilities Easements, Permanent Access Easements, and Grants of Temporary Construction Easements with five property owners to acquire real property for the Primary Outfall Rehabilitation Project Phase 1. Total estimated land/right-of-way expenditures for the property acquisition portion of the project are \$170,185. (Funding Source: Wastewater Fund)

- Resolution approving a Purchase Agreement with Tony D. Alamo, Daniel Alamo, Joseph Alamo, and Nelia A. Alamo, for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), in the amount of \$8,200 for the Primary Outfall Rehabilitation Project Phase 1, 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 Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1 recommended.
- Resolution approving a Temporary Construction Easement Agreement with The Aldo and Dorothy Bava Family Partnership, for the Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), in the amount of \$16,000 for the Primary Outfall Rehabilitation Project Phase 1, 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 an Acceptance Form for Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1 recommended.
- Resolution approving a Purchase Agreement with Naga Sridhar Kataru and Padmaja Vemula, for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), in the amount of \$10,852 for the Primary Outfall Rehabilitation Project Phase 1, 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 Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1 recommended.
- Resolution approving a Purchase Agreement with Velma Joyce Bozarth, Louis Martinho and Betty

Ann Martinho, for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), in the amount of \$36,000 for the Primary Outfall Rehabilitation Project Phase 1, 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 Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1 recommended.
- Resolution approving a Temporary Construction Easement Agreement with Joe F. Pinheiro and Gloria J. Pinheiro, for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), in the amount of \$3,600 for the Primary Outfall Rehabilitation Project Phase 1, 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 an Acceptance Form for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1 recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-471 (Hawn/Lopez; 7/0)** approving a Purchase Agreement with Tony D. Alamo, Daniel Alamo, Joseph Alamo, and Nelia A. Alamo, for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), in the amount of \$8,200 for the Primary Outfall Rehabilitation Project Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow

**ACTION: Resolution 2009-472 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at Quisenberry Road, Modesto, California (APN: 017-062-029), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.

**ACTION: Resolution 2009-473 (Hawn/Lopez; 7/0)** approving a Temporary Construction Easement Agreement with The Aldo and Dorothy Bava Family Partnership, for the Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), in the amount of \$16,000 for the Primary Outfall Rehabilitation Project Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2009-474 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign an Acceptance Form for Grant of Temporary Construction Easement for a portion of real property located at Carpenter Road, Modesto, California (APN: 056-028-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.

**ACTION: Resolution 2009-475 (Hawn/Keating; 7/0)** approving a Purchase Agreement with Naga Sridhar Kataru and Padmaja Vemula, for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), in the amount of \$10,852 for the Primary Outfall Rehabilitation Project Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2009-476 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and (2) Grant of Temporary

Construction Easement for a portion of real property located at 2381 S. Carpenter Road, Modesto, California (APN: 017-042-003), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.

**ACTION: Resolution 2009-477 (Hawn/Lopez; 7/0)** approving a Purchase Agreement with Velma Joyce Bozarth, Louis Martinho and Betty Ann Martinho, for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), in the amount of \$36,000 for the Primary Outfall Rehabilitation Project Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

**ACTION: Resolution 2009-478 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign Acceptance Forms for the (1) Grant of Permanent Sewer Facilities Easement and a Permanent Access Easement, and (2) Grant of Temporary Construction Easement for a portion of real property located at 2501 W. Hackett Road, Modesto, California (APN: 017-043-010), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.

**ACTION: Resolution 2009-479 (Hawn/Lopez; 7/0)** approving a Temporary Construction Easement Agreement with Joe F. Pinheiro and Gloria J. Pinheiro, for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), in the amount of \$3,600 for the Primary Outfall Rehabilitation Project Phase 1, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow

**ACTION: Resolution 2009-480 (Hawn/Lopez; 7/0)** authorizing the City Manager, or his designee, to sign an Acceptance Form for the Grant of Temporary Construction Easement for a portion of real property located at 3230 Vivian Road, Modesto, California (APN: 017-043-023), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project Phase 1.

### COUNCIL COMMENTS & REPORTS

Councilmember Lopez commented on Council in the Park at Graceada Park on Saturday, September 26, 2009; possible next Council in the Park in January 2010.

### CITY MANAGER COMMENTS & REPORTS

None.

### UNFINISHED BUSINESS

17. Consider eliminating the blue bag recycling program and pursuing the enhancement of organics diversion and other waste reduction strategies. (Funding Source: Not Applicable)
  - Resolution approving the elimination of the blue bag recycling program, and pursuing the enhancement of organics diversion and other waste reduction strategies recommended.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-481 (Lopez/Hawn; 7/0)** approving the elimination of the blue bag recycling program, and pursuing the enhancement of organics diversion and other waste reduction strategies.

18. Consider accepting the Preliminary Design Report for the Claus Road Rehabilitation from the south side of the Claus Road Bridge over Dry Creek to 1,535' south of Creekwood Drive, dated August 20, 2009, as complete. (Funding Source: Federal RSTP and Gas Tax)
  - Resolution accepting the Preliminary Design Report, dated August 20, 2009, for the Claus Road Rehabilitation from the south side of the Claus Road Bridge over Dry Creek to 1,535' south of Creekwood Drive as complete recommended.

*Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

**ACTION: Resolution 2009-482 (Hawn/Keating; 7/0)** accepting the Preliminary Design Report, dated August 20, 2009, for the Claus Road Rehabilitation from the south side of the Claus Road Bridge over Dry Creek to 1,535' south of Creekwood Drive as complete.

#### **NEW BUSINESS**

19. Consider authorizing the award of bid and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, for a two (2) year period with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,551,090, and over five (5) years of \$7,755,450. (Funding Source: Fleet Services)
- Resolution authorizing the award of bid and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, for a two (2) year period with three (3) one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue the agreement for an estimated annual cost of \$1,551,090 recommended.

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

**ACTION: Resolution 2009-483 (Marsh/Lopez; 7/0)** authorizing the award of bid and contract for the furnishing of fuel card-lock services for the Public Works Department, Fleet Services Division, to Boyett Petroleum, Modesto, CA, for a two (2) year period with three (3) one-year extension options, at the sole discretion of the City, and authorizing the City Manager, or his designee, to issue the agreement for an estimated annual cost of \$1,551,090.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:35 p.m.

# MINUTES

## City of Modesto

### ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005

Tenth Street Place, 1010 10th Street

Modesto, California

Monday October 12, 2009, at 5:30 p.m.

Roll Call Present: Committee Members Keating, Lopez

Absent: Marsh

#### 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.

1. Consider appointing Brad Pitts as a member of the Housing Rehabilitation Loan Committee (HRLC).  
(Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION:** Motion (Lopez/Keating; Marsh absent) appointing Brad Pitts as a member of the Housing Rehabilitation Loan Committee (HRLC) and forwarding to Council for approval.

2. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)  
*Community & Economic Development; Sherry Bertolotti, 577-5278, sbertolotti@modestogov.com*

**ACTION:** **Motion (Lopez/Keating; Marsh absent)** accepting the status report of development projects processed by the Community and Economic Development Department.

#### UNFINISHED BUSINESS

3. Consider reviewing fees for special solid waste collection programs and consider a recommendation to the Council to eliminate Cathode Ray Tube (CRT) collection by the City's licensed solid waste haulers. (Funding Source: Not Applicable)  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION:** **Motion (Lopez/Keating; Marsh absent)** recommending elimination of Cathode Ray Tube (CRT) collection by the City's licensed solid waste haulers and forwarding to Council for approval.

#### NEW BUSINESS

4. Consider (i) directing staff to initiate a trial customer service outreach program, starting with our Planning Dept, to their applicants requesting services and (ii) trial follow up outreach, to same customers, upon completion of process from the City Manager with feedback request. (Sample letters attached.) (Discussion to include: (1) What level of customer should receive outreach? (2) Does the Committee or staff have any additions/changes to language in sample outreach letter? (3) Does the Committee or staff have any suggestions for additions/changes to questions for follow up in sample feedback request from City Manager? (4) Is this a good program to expand to other City Departments and if so which ones?) (Funding Source: Not Applicable)  
*City Council; Janice Keating, 577-5597, jkeating@modestogov.com*

**ACTION:** The Committee recommended that staff initiate a trial customer service outreach program, starting with the City's Planning Department, at the direction of the City Manager.

#### 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 October 13, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour  
Absent: Councilmember O'Bryant

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements – Item 12 continued to October 27, 2009 Council meeting.

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 appointment of Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution appointing Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee. *Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION: Resolution 2009-484 (Marsh/Hawn; 6/0; O'Bryant, absent)** appointing Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee.

2. Consider accepting the fiscal year 2008-2009 Parks, Recreation and Neighborhoods Department Fund Development Report. (Funding Source: Donations)
  - Resolution accepting the Fiscal Year 2008-2009 Parks, Recreation and Neighborhoods Department Fund Development Report recommended. *Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION: Resolution 2009-485 (Olsen/Hawn; 6/0; O'Bryant, absent)** accepting the Fiscal Year 2008-2009 Parks, Recreation and Neighborhoods Department Fund Development Report.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 11**

**ACTION CONSENT ITEMS 3-11: (Lopez/Hawn; 6/0; O'Bryant, 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 regular City Council meeting of October 6, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 6/0; O'Bryant, absent)** approving the October 6, 2009 City Council Minutes.

Consent

4. Consider approving final adoption of Ordinance 3520-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 3520-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 recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 6/0; O'Bryant, absent)** approving final adoption of **Ordinance No. 3520-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.

Consent

5. Consider approving a policy revision for Citizen Advisory Group Appointments, excluding the Entertainment Commission. (Funding Source: Not Applicable)
  - Resolution approving a policy revision for Citizen Advisory Group Appointments, excluding the Entertainment Commission recommended.  
*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2009-486 (Lopez/Hawn; 6/0; O'Bryant, absent)** approving a policy revision for Citizen Advisory Group Appointments, excluding the Entertainment Commission.

Consent

6. Consider approving a Consent to Common Use Agreement between the Modesto Irrigation District (MID) and the City of Modesto regarding the installation of street improvements on the west side of Conant Avenue between Rumble Road and Eicher Avenue along the Goldsworthy Right of Way for the purpose of providing sidewalk, curb, gutter, and street lighting. (Funding Source: Capital Grants (Gas Tax))
  - Resolution approving a Consent to Common Use Agreement between the Modesto Irrigation District and the City of Modesto regarding the installation of street improvements on the west side of Conant Avenue between Rumble Road and Eicher Avenue along the Goldsworthy Right of Way for the purpose of providing sidewalk, curb, gutter, and street lighting; and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com*

**ACTION: Resolution 2009-487 (Lopez/Hawn; 6/0; O'Bryant, absent)** approving a Consent to Common Use Agreement between the Modesto Irrigation District and the City of Modesto regarding the installation of street improvements on the west side of Conant Avenue between Rumble Road and Eicher Avenue along the

Goldsworthy Right of Way for the purpose of providing sidewalk, curb, gutter, and street lighting; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

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

**ACTION: Resolution 2009-488 (Lopez/Hawn; 6/0; O'Bryant, absent)** amending the Fiscal Year 2009-2010 annual budget.

Consent

8. Consider staff's proposal implementing cost saving measures by the City's golf course maintenance provider, ValleyCrest, Inc. to reduce expenditures by \$102,715 at the City's golf courses and reduce the General Fund subsidy to the Golf Fund. (Funding Source: Golf Fund)
- Resolution approving an Addendum to the Agreement between the City of Modesto and ValleyCrest Golf Course Maintenance; and authorizing the City Manager, or his designee, to execute the Addendum recommended.  
*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com*

**ACTION: Resolution 2009-489 (Lopez/Hawn; 6/0; O'Bryant, absent)** approving an Addendum to the Agreement between the City of Modesto and ValleyCrest Golf Course Maintenance; and authorizing the City Manager, or his designee, to execute the Addendum.

Consent

9. Consider approving the Fifth and Final Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$8,338 for wastewater-specific services (Funding Source: Wastewater Fund)
- Resolution approving the Final Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$8,338, for a total amount not to exceed \$52,338 for FY 2009-10, and authorizing the City Manager, or his designee, to execute the Final Amendment to the Agreement recommended.  
*Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-490 (Lopez/Hawn; 6/0; O'Bryant, absent)** approving the Final Amendment to the On-Call Engineering Services Agreement with Carollo Engineers in the amount of \$8,338, for a total amount not to exceed \$52,338 for FY 2009-10, and authorizing the City Manager, or his designee, to execute the Final Amendment to the Agreement.

Consent

10. Consider approving a License Agreement with Modesto Irrigation District (MID) for the six-lane Pelandale Widening project. (Funding Source: Not Applicable)
- Resolution approving a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of ingress, egress, and basin improvements within MID Lateral No. 6 for the six-lane Pelandale Avenue Widening project to use certain real property, as described in Exhibits A and B of the License Agreement; and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Public Works; Julia Gillette, 577-5399, jgillette@modestogov.com*

**ACTION: Resolution 2009-491 (Lopez/Hawn; 6/0; O'Bryant, absent)** approving a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of ingress, egress, and basin improvements within MID Lateral No. 6 for the six-lane Pelandale Avenue Widening project to use certain real property, as described in Exhibits A and B of the License Agreement; and authorizing the City Manager, or his

designee, to execute the Agreement.

Consent

11. Consider authorizing the Public Works Department to contribute to the Central Valley Salinity Coalition Inc. (CVSC) in the amount of \$25,000 and approving Nick Pinhey's nomination as the City's designee for the Central Valley Salinity Coalition Inc. Board. (Funding Source: Wastewater Fund)
  - Resolution authorizing the Public Works Department to contribute \$25,000 to the Central Valley Salinity Coalition Inc., and approve Nick Pinhey's nomination as the City's designee for the Central Valley Salinity Coalition Inc. Board recommended.  
*Public Works; Gary DeJesus, 577-5200, gdejesus@modestogov.com*

**ACTION: Resolution 2009-492 (Lopez/Hawn; 6/0; O'Bryant, absent)** authorizing the Public Works Department to contribute \$25,000 to the Central Valley Salinity Coalition Inc., and approve Nick Pinhey's nomination as the City's designee for the Central Valley Salinity Coalition Inc. Board.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

*Continued to October 27, 2009 Council Meeting*

12. Consider approving (i) an Agreement with Brown and Caldwell for design support during construction for the project titled, "Primary Outfall Rehabilitation-Phase I" in the amount of \$363,357 and (ii) the plans and specifications for the project, accepting the bid, and approving a contract with Colich & Sons L.P. in the amount of \$7,870,609. (Total estimated cost for construction and design support during construction of the project is \$9,998,531.80) (Funding Source: Wastewater Fund)
  - Resolution approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project-Phase I in an amount not to exceed \$330,325 for the identified scope of services, plus \$33,032 for additional services (if needed), for a maximum total amount of \$363,357, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving the plans and specifications for the Primary Outfall Rehabilitation Project-Phase I, accepting the bid and approving a contract with Colich & Sons L.P. in the amount of \$7,870,609 for the Primary Outfall Rehabilitation Project-Phase I, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Primary Outfall Rehabilitation Project-Phase I recommended.  
*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION:** Matter continued to the October 27, 2009 Council meeting.

13. Consider approving an Agreement with VBN Architects (VBN) to prepare the final design of the Bus Maintenance Facility Project in an amount not to exceed \$716,112. (Total estimated cost of the design portion of this project is \$1,438,919) (Funding Source: Federal Transit Administration and Local Transportation Funds)
  - Resolution approving an Agreement with VBN Architects to prepare the final design of the Bus Maintenance Facility Project in an amount not to exceed \$651,011 for the identified scope of services, plus \$65,101 for additional services (if needed), for a maximum total amount of \$716,112,

and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-493 (Hawn/Lopez; 5/1; Keating, no, O'Bryant, absent)** approving an Agreement with VBN Architects to prepare the final design of the Bus Maintenance Facility Project in an amount not to exceed \$651,011 for the identified scope of services, plus \$65,101 for additional services (if needed), for a maximum total amount of \$716,112, and authorizing the City Manager, or his designee, to execute the Agreement.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The meeting adjourned at 6:05 p.m.

**CLOSED SESSION**

*All Closed Session Matters Heard Prior to 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 LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Sue McClelland v. City of Modesto, County of Stanislaus, et al. United States District Court for the Eastern District of California Case No. 1:09-CV-01031

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, October 26, 2009, at 5:30 p.m.**

Roll Call Present: Committee Members Hawn, Marsh, Olsen

Absent: None

*Council has not delegated directive or final approval authority to the Committees. Committee actions are recommendations to the full City Council, not final decisions on an issue. This meeting is also noticed as a City Council workshop.*

**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. Consider accepting the Water Metering Program Update–1st Quarter, FY 2009-10. (Funding Source: Not Applicable)  
*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan.)** accepting the Water Metering Program Update–1st Quarter, FY 2009-10.

Consent

2. Consider approving the Monthly Budget Adjustment Report for October 2009. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Olsen/Marsh;unan.)** approving the Monthly Budget Adjustment Report for October 2009 and forwarding to Council for consideration and approval.

**UNFINISHED BUSINESS**

3. Report on the American Recovery and Reinvestment Act of 2009. (Funding Source: Not Applicable)  
*City Manager; Patrick Brooke, 571-5848, pbrooke@modestogov.com*

**ACTION:** No reportable action. This was an informational report only.

**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 October 27, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – Item Nos. 17 and 22 continued to the November 4, 2009 Council meeting; November 3, 2009 Election Day; Council meeting will be held on November 4, 2009

Declaration of Conflicts of Interest – None

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation by Finance regarding City of Modesto awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for FY 2008. (Funding Source: Not Applicable)  
*Finance; DeAnna Herrera, 577-5387, dherrera@modestogov.com*

**ACTION:** Presentation made by Deputy City Manager Jim Miguel to the Finance Department regarding City of Modesto awarded the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for FY 2008. Sandy McKean received a Certificate of Achievement.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

- 2 Consider approving the appointment of Jennifer Allsup to the Entertainment Commission as recommended by the Council's Safety & Communities Committee. (Funding Source: Not Applicable)
  - Resolution appointing Jennifer Allsup to the Entertainment Commission recommended.  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION: Resolution 2009-494 (Hawn/Olsen;unan.)** appointing Jennifer Allsup to the Entertainment Commission.

**PUBLIC COMMENT PERIOD**

Everett Pope representing Aqua Bistro and Lounge and his permit submitted to the Entertainment Commission; requesting to meet with City Attorney. Mayor Ridenour referred Mr. Pope to Julie Hannon, Parks, Recreation & Neighborhoods and Susana Alcala Wood, City Attorney.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 18**

**ACTION CONSENT ITEMS 3-16; 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

3. Consider approving the minutes of the regular City Council meeting of October 13, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Hawn/Lopez;unan.)** approving the October 13, 2009 City Council Minutes.

Consent

- 4 Consider approving the 2010 City Council Meeting Calendar and Revised 2009 City Council Meeting Calendar. (Funding Source: Not Applicable)
  - Resolution approving the 2010 City Council Meeting Calendar and revising the 2009 City Council Meeting Calendar recommended.

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

**ACTION: Resolution 2009-495 (Hawn/Lopez;unan.)** approving the 2010 City Council Meeting Calendar and revising the 2009 City Council Meeting Calendar.

Consent

5. Consider accepting the Monthly Investment Report for August 2009. (Funding Source: Not Applicable)
  - Motion accepting staff report on the Monthly Investment Report for August 2009 recommended.

*Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com*

**ACTION: Motion (Hawn/Lopez;unan.)** accepting staff report on the Monthly Investment Report for August 2009.

Consent

6. Consider approving the purchase and sale agreement and related documents to sell the City's Proposition 1A receivable (property tax) to California Statewide Communities Development Authority. (Funding Source: General Fund)
  - Resolution approving a purchase and sale agreement and related documents with respect to the sale of the City's Proposition 1A receivable from the State to California Statewide Communities Development Authority, and directing and authorizing certain other actions in connection therewith recommended.

*Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

**ACTION: Resolution 2009-496 (Hawn/Lopez;unan.)** approving a purchase and sale agreement and related documents with respect to the sale of the City's Proposition 1A receivable

from the State to California Statewide Communities Development Authority, and directing and authorizing certain other actions in connection therewith.

Consent

7. Consider authorizing an agreement with Mission Linen for the provision of linen services to the Fire Department at an annual estimated cost of \$26,140. Agreement is for two (2) years with three (3) one-year extensions for a total estimated cost over five years of \$130,700. (Funding Source: General Fund)
- Resolution authorizing the award of bid and approving an Agreement for linen services for the Modesto Fire Department with Mission Linen for two years, with three (3) one-year extension options, for an estimated annual cost of \$26,140, and potential five (5) year cost of \$130,700; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com*

**ACTION: Resolution 2009-497 (Hawn/Lopez;unan.)** authorizing the award of bid and approving an Agreement for linen services for the Modesto Fire Department with Mission Linen for two years, with three (3) one-year extension options, for an estimated annual cost of \$26,140, and potential five (5) year cost of \$130,700; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider (i) authorizing an agreement with Cascade Fire for Personal Protective Equipment – Group 2 – for the Fire Department at an annual estimated cost of \$10,000. Agreement is for two years with three one-year extensions for a total estimated cost over five years of \$50,000; (ii) authorizing an agreement with Jaeco Fire for Personal Protective Equipment – Groups 4b; and 5 – for the Fire Department at an annual estimated cost of \$5,000. Agreement is for two years with three one-year extensions for a total estimated cost over five years of \$25,000; (iii) authorizing an agreement with L.N. Curtis for Personal Protective Equipment – Groups 1; 3 a, b, d & e; 4 c; 7; 8 b and c – for the Fire Department at an annual estimated cost of \$59,000. Agreement is for two (2) years with three one-year extensions for a total estimated cost over five years of \$295,000; (iv) authorizing an agreement with The Mallory Company for Personal Protective Equipment – Groups 3 c; 4a; 7; 8 a – for the Fire Department at an annual estimated cost of \$2,000. Agreement is for two years with three one-year extensions for a total estimated cost over five years of \$10,000.; and (v) authorizing an agreement with Witmer Public Safety for Personal Protective Equipment – Group 5 – for the Fire Department at an annual estimated cost of \$5,000. Agreement is for two years with three one-year extensions for a total estimated cost over five years of \$25,000. (Funding Source: General Fund)
- Resolution authorizing the award of bid and approving a two (2) year agreement with Cascade Fire for Personal Protective Equipment – Group 2 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$10,000, and a potential five year cost of \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution authorizing the award of bid and approving a two (2) year agreement with Jaeco Fire for Personal Protective Equipment – Groups 4 b; and 5 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$5,000, and a potential five year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution authorizing the award of bid and approving a two (2) year agreement with L.N. Curtis for Personal Protective Equipment – Groups 1; 3 a, b, d & e; 4 c; 7; 8 b and c – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$59,000, and a potential five year cost of \$295,000 and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution authorizing the award of bid and approving a two (2) year agreement with The Mallory Company for Personal Protective Equipment – Groups 3 c; 4a; 7; 8 a – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$2,000, and a potential five year cost of \$10,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

- Resolution authorizing the award of bid and approving a two (2) year agreement with Witmer Public Safety for Personal Protective Equipment – Group 5 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$5,000. Agreement is for two (2) years with three (3) one-year extensions for a total estimated cost over five years of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com*

**ACTION: Resolution 2009-498 (Hawn/Lopez;unan.)** authorizing the award of bid and approving a two (2) year agreement with Cascade Fire for Personal Protective Equipment – Group 2 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$10,000, and a potential five year cost of \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement

**ACTION: Resolution 2009-499 (Hawn/Lopez;unan.)** authorizing the award of bid and approving a two (2) year agreement with Jaeco Fire for Personal Protective Equipment – Groups 4 b; and 5 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$5,000, and a potential five year cost of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-500 (Hawn/Lopez;unan.)** authorizing the award of bid and approving a two (2) year agreement with L.N. Curtis for Personal Protective Equipment – Groups 1; 3 a, b, d & e; 4 c; 7; 8 b and c – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$59,000, and a potential five year cost of \$295,000 and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-501 (Hawn/Lopez;unan.)** authorizing the award of bid and approving a two (2) year agreement with The Mallory Company for Personal Protective Equipment – Groups 3 c; 4a; 7; 8 a – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$2,000, and a potential five year cost of \$10,000, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-502 (Hawn/Lopez;unan.)** authorizing the award of bid and approving a two (2) year agreement with Witmer Public Safety for Personal Protective Equipment – Group 5 – for the Fire Department, with three (3) one-year extension options, for an annual estimated cost of \$5,000. Agreement is for two (2) years with three (3) one-year extensions for a total estimated cost over five years of \$25,000, and authorizing the City Manager, or his designee, to execute the Agreement.

#### Consent

9. Consider approving an agreement with Anschutz Entertainment Group (AEG) to be a Host City for a Stage Four finish for the 2010 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 four finish for the 2010 Amgen Tour of California; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com*

**ACTION: Resolution 2009-503 (Hawn/Lopez;unan.)** approving an agreement with AEG Cycling, LLC for the City of Modesto to be a Host City for a stage four finish for the 2010

Amgen Tour of California; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider amending the Housing Authority of Stanislaus County HOME loan agreement with the City of Modesto for the acquisition of Palm Valley Apartments to include a project budget and timeline and authorizing the City Manager, or his designee, to execute the amendment to the agreement and related documents. (Funding Source: HOME Entitlement Funds)

- Resolution approving an Amendment to the Housing Authority of Stanislaus County HOME Loan Agreement with the City of Modesto for the acquisition of the Palm Valley Apartments to include a project budget and timeline; and authorizing the City Manager, or his designee, to execute the Amendment and related documents recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-504 (Hawn/Lopez;unan.)** approving an Amendment to the Housing Authority of Stanislaus County HOME Loan Agreement with the City of Modesto for the acquisition of the Palm Valley Apartments to include a project budget and timeline; and authorizing the City Manager, or his designee, to execute the Amendment and related documents.

Consent

11. Consider approving Addendum No. 1 to the “Agreement Between the City of Modesto and the County of Stanislaus Relating to the Administration, Development, and Operation of A Sanitary Landfill”, which relates to the Geer Road Landfill, authorizing the County to issue a Request for Qualifications (RFQ) for a potential solar farm ground lease at the Geer Road Landfill Site. (Funding Source: Not Applicable)

- Resolution approving Addendum No. 1 to the “Agreement Between the City of Modesto and the County of Stanislaus Relating to the Administration, Development, and Operation of A Sanitary Landfill” and authorizing the City Manager, or his designee, to execute the Addendum recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-505 (Hawn/Lopez;unan.)** approving Addendum No. 1 to the “Agreement Between the City of Modesto and the County of Stanislaus Relating to the Administration, Development, and Operation of A Sanitary Landfill” and authorizing the City Manager, or his designee, to execute the Addendum.

Consent

12. Consider approving the job specification for Budget Manager to correct a clerical error in Resolution 2009-456. (Funding Source: Not Applicable)

- Resolution amending the Position Classification Plan for the City of Modesto to establish the classification of Budget Manager for the City of Modesto recommended.

*Personnel; Kelly Daggett, 571-5872, kdaggett@modestogov.com*

**ACTION: Resolution 2009-506 (Hawn/Lopez;unan.)** amending the Position Classification Plan for the City of Modesto to establish the classification of Budget Manager for the City of Modesto.

Consent

13. Consider accepting the COPS 2009 Technology Grant in the amount of \$500,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project. (Funding

Source: Federal Police Grant)

- Resolution accepting the Community Oriented Policing Services 2009 Technology grant in the amount of \$500,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
- Resolution amending the Fiscal Year 2009/10 Multi-Year Budget, estimating revenue of \$500,000 from the Community Oriented Policing Services 2009 Technology grant to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project recommended.
- Resolution authorizing the Purchasing Manager, or his designee, to issue formal Request for Bids for the purchase and installation of equipment and system engineering to begin the build out of a regional radio interoperability system, for the City of Modesto and Stanislaus County, at an estimated total cost of \$500,000 recommended.

*Police; Lucian Thomas, 552-3901, thomasl@modestopd.com*

**ACTION: Resolution 2009-507 (Hawn/Lopez;unan.)** accepting the Community Oriented Policing Services 2009 Technology grant in the amount of \$500,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project; and authorizing the City Manager, or his designee, to execute the necessary grant documents

**ACTION: Resolution 2009-508 (Hawn/Lopez;unan.)** amending the Fiscal Year 2009/10 Multi-Year Budget, estimating revenue of \$500,000 from the Community Oriented Policing Services 2009 Technology grant to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project

**ACTION: Resolution 2009-509 (Hawn/Lopez;unan.)** authorizing the Purchasing Manager, or his designee, to issue formal Request for Bids for the purchase and installation of equipment and system engineering to begin the build out of a regional radio interoperability system, for the City of Modesto and Stanislaus County, at an estimated total cost of \$500,000.

Consent

14. Consider accepting a mini-grant from the Office of Traffic Safety (OTS) Sobriety Checkpoint Mini-Grant Program in the amount of \$35,791.52 for overtime to conduct sobriety checkpoints. (Funding Source: Grant Fund Revenues 0410)
  - Resolution accepting a mini-grant in the amount of \$35,791.52 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 the necessary grant documents recommended.
  - Resolution amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of \$35,791.52 to conduct sobriety checkpoints recommended.

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

**ACTION: Resolution 2009-510 (Hawn/Lopez;unan.)** accepting a mini-grant in the amount of \$35,791.52 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 the necessary grant documents.

**ACTION: Resolution 2009-511 (Hawn/Lopez;unan.)** amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures of \$35,791.52 to conduct sobriety checkpoints.

Consent

15. Consider accepting an award from the Department of Justice (DOJ) under the Fiscal Year 2009 Bulletproof Vest Partnership solicitation for \$3,118 for armor vests. (Funding Source: General Fund 3508 – Federal Police Grant)
- Resolution accepting an award of \$3,118 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests recommended.
  - Resolution amending the Fiscal Year 2009/10 Multi-Year Budget to estimate revenue of \$3,118 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 2009-512 (Hawn/Lopez;unan.)** accepting an award of \$3,118 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, for armor vests

**ACTION: Resolution 2009-513 (Hawn/Lopez;unan.)** amending the Fiscal Year 2009/10 Multi-Year Budget to estimate revenue of \$3,118 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriate funds for the Purchase of Bulletproof Vests.

Consent

16. Consider approving the plans and specifications for the 3200 Nightingale Drive - Building Demolition project, accepting the bid, and approving a contract with Delta Oilfield Services, Inc. in the amount of \$15,750. (Total estimated cost of the project is \$54,730) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the 3200 Nightingale Drive - Building Demolition project, accepting the bid, and approving a contract with Delta Oilfield Services, Inc. in the amount of \$15,750 for the 3200 Nightingale Drive - Building Demolition project, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Hahn Lift Station Relocation/Reconstruction recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-514 (Hawn/Lopez;unan.)** approving the plans and specifications for the 3200 Nightingale Drive - Building Demolition project, accepting the bid, and approving a contract with Delta Oilfield Services, Inc. in the amount of \$15,750 for the 3200 Nightingale Drive - Building Demolition project, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-515 (Hawn/Lopez;unan.)** finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Hahn Lift Station Relocation/Reconstruction.

*Continued to November 4, 2009 Council Meeting*

17. Consider approving an agreement with Holmes International for the development and implementation of a Fats, Oil, and Grease (FOG) Control and Prevention Program in an amount not to exceed \$50,000. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Holmes International for the development and implementation of a Fats, Oil and Grease Control and Prevention Program in an amount not to exceed \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION:** This item continued to the November 4, 2009 Council meeting.

Consent

18. Consider (1) awarding two contracts for the purchase and installation of Cleaire Longview diesel engine particulate filters to A-Z Bus Sales, Inc., Sacramento CA, for a cost of \$26,475 and to Cummins West, Inc. San Leandro, CA, for a cost of \$127,913, for a combined total of \$154,388., and (2) approving a budget adjustment to recognize \$74,032 in grant funds received from the State Office of Homeland Security to reimburse the costs for video systems on transit busses. (Funding Source: Federal Transit Administration, Local Transportation Fund, Proposition 1B-Transit)

- Resolution authorizing the award of bid and contract for purchase and installation of Cleaire Longview diesel engine particulate filters to A-Z Bus Sales, Inc., Sacramento CA, for an estimated total cost of \$26,475 and to Cummins West, Inc. San Leandro, CA, for an estimated total cost of \$127,913; and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$154,388 recommended.
- Resolution amending the Fiscal Year 2009-2010 budget to move \$74,032 from revenue Account No. 6540-165-1600-3218 (Fixed-Route Bus Operations) to Account No. 6510-165-A131-6070 (Fixed-Route Bus Purchases) recommended.

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

**ACTION: Resolution 2009-516 (Hawn/Lopez;unan.)** authorizing the award of bid and contract for purchase and installation of Cleaire Longview diesel engine particulate filters to A-Z Bus Sales, Inc., Sacramento CA, for an estimated total cost of \$26,475 and to Cummins West, Inc. San Leandro, CA, for an estimated total cost of \$127,913; and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$154,388.

**ACTION: Resolution 2009-517 (Hawn/Lopez;unan.)** amending the Fiscal Year 2009-2010 budget to move \$74,032 from revenue Account No. 6540-165-1600-3218 (Fixed-Route Bus Operations) to Account No. 6510-165-A131-6070 (Fixed-Route Bus Purchases).

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

19. Consider establishing a Capital Improvement Program project for the installation of agricultural wells at various community park sites to be funded with an inter-fund loan of \$350,000 from the Water Fund to the General Fund and repaid by the General Fund in seven annual payments of \$50,000 plus interest. (Funding Source: Water Fund Loan)

- Resolution establishing a new Capital Improvement Program project titled “Agricultural Wells – Community Parks” and approving an inter-fund loan between the City’s Water Fund and General Fund to fund the project to be repaid by the General Fund through an annual transfer in the amount

of \$50,000 recommended.

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

**ACTION: Resolution 2009-518 (Lopez/Olsen;unan.)** establishing a new Capital Improvement Program project titled “Agricultural Wells – Community Parks” and approving an inter-fund loan between the City’s Water Fund and General Fund to fund the project to be repaid by the General Fund through an annual transfer in the amount of \$50,000.

20. Consider amending the City’s Fiscal Year 2009-10 operating budget to create the new department of Utility Planning and Projects (UP & P) with funding and staffing as described within this report. (Funding Source: Water, Wastewater, Storm Drain Funds)
- Resolution approving a reorganization of the Public Works Department into two departments: the Public Works Department and Utility Planning and Projects Department, effective November 10, 2009 recommended.
  - Resolution amending Fiscal Year 2009/10 Budget and approving the transfer of \$62,225 from Water Fund Reserves (6100-800-8000-8003) and \$67,194 from Wastewater Fund Reserves (6210-800-8000-8003) to meet additional funding requirements for the Utility Planning and Projects Department (6100-440-5001) recommended.
  - Resolution amending the Position Classification Plan for the City Modesto to create the classifications of: Director of Utility Planning and Projects, Deputy Director of Utility Planning and Projects, and amend the job specification for the Director of Public Works recommended.
  - Resolution amending Exhibit "A" of Resolution No. 2007-384 to amend the Class Range Table for Executive Management to establish the Director Of Utility Planning and Projects at Salary Range 1422 recommended.
  - Resolution amending Exhibit “A” of Resolution No. 2007-384 to amend the Class Range Table for Unrepresented Management And Confidential Non-Sworn Classes to delete Deputy Director of Public Works – Engineering and establish the classification of Deputy Director of Utility Planning And Projects at Salary Range 2455 recommended.
  - Motion amending the position allocation for the new Utility Planning and Projects Department – Capital Improvement Services Division - Engineering Design (0300-420-4112) to allocate one (1) new Administrative Office Assistant II recommended.
  - Resolution approving a reorganization of the Public Works Department into two departments: the Public Works Department and Utility Planning and Projects Department, effective November 10, 2009 recommended.

*Public Works; Nick Pinhey, 577-5205, npinhey@modestogov.com*

**ACTION: Resolution 2009-519 (Hawn/Marsh;unan.)** approving a reorganization of the Public Works Department into two departments: the Public Works Department and Utility Planning and Projects Department, effective November 10, 2009.

**ACTION: Resolution 2009-520 (Hawn/Marsh;unan.)** amending Fiscal Year 2009/10 Budget and approving the transfer of \$62,225 from Water Fund Reserves (6100-800-8000-8003) and \$67,194 from Wastewater Fund Reserves (6210-800-8000-8003) to meet additional funding requirements for the Utility Planning and Projects Department (6100-440-5001).

**ACTION: Resolution 2009-521 (Hawn/Marsh;unan.)** amending the position classification plan for the City of Modesto to establish the classification of Director of Utility Planning and Projects, Deputy Director of Utility Planning and Projects, amend the classification of Director of Public Works, and delete the classification of Deputy Director of Public Works – Engineering.

**ACTION: Resolution 2009-522 (Hawn/Marsh;unan.)** amending Exhibit "I" of Resolution No. 2007-384 to amend the Class Range Table for Executive Management to establish the Director Of Utility Planning and Projects at Salary Range 1422.

**ACTION: Resolution 2009-523 (Hawn/Marsh;unan.)** amending Exhibit "A" of Resolution No. 2007-384 to amend the Class Range Table for Unrepresented Management And Confidential Non-Sworn Classes to delete Deputy Director of Public Works – Engineering and establish the classification of Deputy Director of Utility Planning And Projects at Salary Range 2455.

**ACTION: Motion (Hawn/Marsh;unan.)** amending the position allocation for the new Utility Planning and Projects Department – Capital Improvement Services Division - Engineering Design (0300-420-4112) to allocate one (1) new Administrative Office Assistant II.

21. Consider approving the plans and specifications for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, accepting the bid, and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$4,458,366. (Total estimated construction costs of the project are \$5,555,039.20) (Funding Source: Water Fund-CIP)
  - Resolution approving the plans and specifications for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, accepting the bid, and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$4,458,366 for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-524 (Marsh/Lopez;unan.)** approving the plans and specifications for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, accepting the bid, and approving a contract with A. Teichert & Son, Inc. dba Teichert Construction in the amount of \$4,458,366 for the Downstream Water System Improvements-Tier 1, North Tank Water Transmission Mains project, and authorizing the City Manager, or his designee, to execute the contract.

*Continued to November 4, 2009 Council Meeting*

22. Consider approving (i) an Agreement with Brown and Caldwell for design support during construction for the project titled, "Primary Outfall Rehabilitation-Phase I" in the amount of \$363,357 and (ii) the plans and specifications for the project, accepting the bid, and approving a contract with Colich & Sons L.P. in the amount of \$7,870,609. (Total estimated cost for construction and design support during construction of the project is \$9,998,531.80) (Funding Source: Wastewater Fund)
  - Resolution approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project-Phase I in an amount not to exceed \$330,325 for the identified scope of services, plus \$33,032 for additional services (if needed), for a maximum total amount of \$363,357, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving the plans and specifications for the Primary Outfall Rehabilitation Project-Phase I, accepting the bid and approving a contract with Colich & Sons L.P. in the amount of \$7,870,609 for the Primary Outfall Rehabilitation Project-Phase I, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Primary Outfall Rehabilitation Project-Phase I recommended.

*Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION:** This item continued to the November 4, 2009 Council meeting.

**HEARINGS**

*Published in the Modesto Bee on October 7, 2009*

23. Consider approving the Facilities Master Plan and Infrastructure Finance Plan, FMP/IFP, for the Kiernan Business Park East area. (Funding Source: Not Applicable)
- Resolution approving the Kiernan Business Park Specific Plan Amendment No. 4 (Kiernan Business Park East) Facilities Master Plan and Infrastructure Financing Plan for the infrastructure necessary to support the development of approximately 153 acres located north of Pelandale Avenue, east of Dale Road, west of the future expansion of American Avenue, and south of Kiernan Avenue recommended.

*Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

**ACTION: Resolution 2009-525 (Hawn/Lopez;unan.)** approving the Kiernan Business Park Specific Plan Amendment No. 4 (Kiernan Business Park East) Facilities Master Plan and Infrastructure Financing Plan for the infrastructure necessary to support the development of approximately 153 acres located north of Pelandale Avenue, east of Dale Road, west of the future expansion of American Avenue, and south of Kiernan Avenue **(with drainage basins as shown to be modified as development occurs.)**

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:30 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, Mark Gregersen, Interim Director of Human Resources; 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, Mark Gregersen, Interim Director of Human Resources; 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, Mark Gregersen, Interim Director of Human Resources; 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, Mark Gregersen, Interim Director of Human Resources; Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Mark Gregersen, Interim Director of Human Resources; Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPMA Agency Negotiators: Greg Nyhoff, City Manager, Mark Gregersen, Interim Director of Human Resources; 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, Mark Gregersen, Interim Director of Human Resources; Employee Organization: Modesto City Firefighters Association

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

Title: City Manager  
City Attorney  
City Clerk  
City Auditor

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, et al.. United States Court of Appeals for the Ninth Circuit Nos. 07-16715; 07-17407 D.C. No. CV-04-06121-LJO Eastern District of California, Fresno

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Wednesday November 04, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, 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 Agenda

Declaration of Conflicts of Interest – None

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 6**

**ACTION CONSENT ITEMS 1-6 (Lopez/Hawn;unan.)**

**CONSENT ITEMS**

Consent

1. Consider approving the minutes of the regular City Council meeting of October 27, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 7/0) approving the October 27, 2009 City Council minutes.**

Consent

2. Consider authorizing the award of proposal and contract for the purchase and installation of seven (7) pay-per-space parking machines for the Public Works Department, Fleet Services Division, to Bay Cities Automatic Gates, San Carlos, CA, for an estimated total cost of \$131,669.48. (Funding Source: CIP)
  - Resolution authorizing the award of proposal and contract for the purchase and installation of seven (7) pay-per-space parking machines for the Public Works Department, Fleet Services Division, to Bay Cities Automatic Gates, San Carlos, CA, and authorizing the Purchasing Manager, or his

designee, to issue a purchase order for an estimated total cost of \$131,669.48. recommended.  
*Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

**ACTION: Resolution 2009-526 (Lopez/Hawn; 7/0)** authorizing the award of proposal and contract for the purchase and installation of seven (7) pay-per-space parking machines for the Public Works Department, Fleet Services Division, to Bay Cities Automatic Gates, San Carlos, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$131,669.48.

Consent

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

**ACTION: Resolution 2009-527 (Lopez/Hawn; 7/0)** amending the Fiscal Year 2009-2010 annual budget.

Consent

4. Consider approving staff's recommendation to accept the report on Xclamation Fest 2009 held on July 18, 2009 in downtown Modesto by Chris Ricci Presents, Inc. (Funding Source: No City funds are expended. Promoter reimburses City for use of City staff)
  - Resolution accepting the report on Xclamation Fest 2009 held on July 18, 2009, in downtown Modesto recommended.  
*Parks, Recreation & Neighborhoods and Police; Lisa Forester, 577-6480, lforester@modestogov.com*

**ACTION: Resolution 2009-528 (Lopez/Hawn; 7/0)** accepting the report on Xclamation Fest 2009 held on July 18, 2009, in downtown Modesto.

Consent

5. Consider approving the purchase of three police canines and the associated costs for their purchase and amending the Fiscal Year 2009-2010 budget in the amount of \$22,600. (Funding Source: Seized Forfeitures)
  - Motion approving the purchase of three police canines and the associated costs for their purchase, and authorizing the City Manager, or his designee, to execute the necessary documents recommended.
  - Resolution amending the Fiscal Year 2009-2010 Budget, estimating revenue of \$22,600 from asset forfeitures to Police Operations for the purchase of three police canines and the associated costs for their purchase recommended.  
*Police; Ron Cloward, 572-9664, clowardr@modestopd.com*

**ACTION: Motion (Lopez/Hawn; 7/0)** approving the purchase of three police canines and the associated costs for their purchase, and authorizing the City Manager, or his designee, to execute the necessary documents.

**ACTION: Resolution 2009-529 (Lopez/Hawn; 7/0)** amending the Fiscal Year 2009-2010 Budget, estimating revenue of \$22,600 from asset forfeitures to Police Operations for the purchase of three police canines and the associated costs for their purchase.

Consent

6. Consider approving a five-year lease agreement with Stanislaus County for Stanislaus Regional Transit (StaRT) to use the Modesto Transportation Center. (Funding Source: Transit Fund)
  - Resolution approving an Agreement with Stanislaus County for the lease of space at the City of Modesto Transportation Center; and authorizing the City Manager, or his designee, to execute the Agreement recommended.  
*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2009-530 (Lopez/Hawn; 7/0)** approving an Agreement with Stanislaus County for the lease of space at the City of Modesto Transportation Center; and authorizing the City Manager, or his designee, to execute the Agreement.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**UNFINISHED BUSINESS**

*Removed from Agenda*

7. Consider approving an agreement with Holmes International for the development and implementation of a Fats, Oil, and Grease (FOG) Control and Prevention Program in an amount not to exceed \$50,000. (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Holmes International for the development and implementation of a Fats, Oil and Grease Control and Prevention Program in an amount not to exceed \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works ; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION:** Matter removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:35 p.m. and returned to Closed Session matter regarding employee evaluations.

**CLOSED SESSION**

*Closed Session Matters Heard Prior to and After Meeting*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Manager  
City Attorney  
City Clerk  
City Auditor

**MINUTES**  
**City of Modesto**  
**ECONOMIC DEVELOPMENT COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday November 09, 2009, at 5:30 p.m.**

Roll Call Present: Janice Keating, Chair; Garrad Marsh, Vice Chair; and Dave Lopez, member

Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2**

**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. Consideration of Applicants/Reappointments to Planning Commission and Board of Zoning Adjustment (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION:** **Motion (Keating/Lopez;unan.)** scheduling a Special Economic Development Committee meeting, in order to conduct Planning Commission and Board of Zoning Adjustment re-interviews on November 24, 2009 from 10:00 a.m. to 12:00 p.m. (15 minute time slot for each candidate)

Planning Commission:

- Ted Brandvold;
- Carolina Bernal;
- Dennis Smith;
- Dan Park; and
- Jason McCoy

Board of Zoning Adjustment:

- Ryan Swehla; and
- Will Grover

*Direction from Committee that for each candidate contacted for the Planning Commission, the committee would like the question asked "should candidate not be chosen for Planning Commission would they consider appointment to the Board of Zoning Adjustment?"*

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 (Lopez/Marsh)** accepting status report of development projects processed by the Community and Economic Development Department

**MATTERS TOO LATE FOR THE AGENDA**

None..

**ADJOURNMENT**

This meeting adjourned at 5:58 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 10, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen  
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Bob Irwin, Mill Creek Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest – None

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

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider accepting the resignation of Cleo Griffith from the City of Modesto Culture Commission.  
(Funding Source: Not Applicable)
  - Resolution accepting with regret the resignation of Cleo Griffith from the City of Modesto Culture Commission recommended.  
*Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

**ACTION: Resolution 2009-531 (Lopez/Keating; 6/0; Mayor Ridenour absent)** accepting with regret the resignation of Cleo Griffith from the City of Modesto Culture Commission.

**PUBLIC COMMENT PERIOD**

George Murphy spoke regarding alley access near Briggsmore Avenue and cars speeding through alleys. Vice Mayor Olsen referred Mr. Murphy to Brent Sinclair, Community & Economic Development Director.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 10**

**ACTION CONSENT ITEMS 2-10: (Lopez/O'Bryant;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

2. Consider approving the minutes of the special City Council meeting of November 4, 2009. (Funding Source: Not Applicable)
  - Motion approving recommended.

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

**ACTION: Motion (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** approving the minutes of the November 4, 2009 Council meeting.

Consent

3. Consider amending the Capital Improvement Program Task Force Membership and approving the Capital Improvement Program Policies and Procedures. (Funding Source: Not Applicable)
  - Resolution amending the Capital Improvement Program Task Force Membership and approving the Capital Improvement Program Policies and Procedures recommended.

*Community & Economic Development; H. Brent Sinclair, 577-5228, bsinclair@modestogov.com*

**ACTION: Resolution 2009-532 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** amending the Capital Improvement Program Task Force Membership and approving the Capital Improvement Program Policies and Procedures.

Consent

4. Consider awarding a contract for the purchase of three (3) pickup trucks for the Water Division through the Public Works Department, Fleet Services Division, to Heritage Ford, Modesto, CA for an estimated total cost of \$73,712. (Funding Source: Fleet Replacement Fund)
  - Resolution authorizing the award of contract for the purchase of three (3) pickup trucks for the Public Works Department, Fleet Services Division, to Heritage Ford, Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$73,712 recommended.

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

**ACTION: Resolution 2009-533 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** authorizing the award of contract for the purchase of three (3) pickup trucks for the Public Works Department, Fleet Services Division, to Heritage Ford, Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$73,712.

Consent

5. Consider review of the City's special solid waste collection program fees and consider elimination of Cathode Ray Tube (CRT) collection by the City's licensed solid waste haulers. (Funding Source: Not Applicable)
  - Resolution approving the elimination of the Cathode Ray Tube collection program that is currently operated by the licensed solid waste haulers recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-534 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** approving the elimination of the Cathode Ray Tube collection program that is currently operated by the licensed solid waste haulers.

Consent

6. Consider approving an Agreement with HDR Engineering, Inc. for professional services related to the Stanislaus Waste-to-Energy Facility. (Funding Source: Not Applicable)
  - Resolution approving an Agreement with HDR Engineering, Inc. for professional services related to the Stanislaus Waste-to-Energy Facility, in an amount not-to-exceed \$105,355; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-535 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** approving an Agreement with HDR Engineering, Inc. for professional services related to the Stanislaus Waste-to-Energy Facility, in an amount not-to-exceed \$105,355; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving the purchase of surveillance equipment for the Modesto Narcotics Enforcement Team (MNET) and paying for members of the unit to attend the California Narcotic Officer's Association conference and amending the fiscal year 2009/10 budget \$10,381.02. (Funding Source: Seized Forfeitures)
- Resolution amending the Fiscal Year 2009/2010 budget estimating revenue of \$10,381.02 from Asset Forfeitures to police investigations and training for the purchase of surveillance equipment and to send eight officers to narcotics training recommended.  
*Police; Michael Harris, 572-9550, harrism@modestopd.com*

**ACTION: Resolution 2009-536 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** amending the Fiscal Year 2009/2010 budget estimating revenue of \$10,381.02 from Asset Forfeitures to police investigations and training for the purchase of surveillance equipment and to send eight officers to narcotics training.

Consent

8. Consider approving an amendment to an agreement with MV Transportation, Inc. (MV), to authorize the City Manager to make no reduction to MV's payment rate during periods when the Consumer Price Index (CPI) is negative. (Funding Source: Transit Funds)
- Resolution approving Amendment No. 1 to Fixed-Route Transit System Operations Agreement with MV Transportation, Inc. recommended.  
*Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

**ACTION: Resolution 2009-537 (Lopez/O'Bryant; 6/0; Mayor Ridenour absent)** approving Amendment No. 1 to Fixed-Route Transit System Operations Agreement with MV Transportation, Inc.

Consent

9. Consider approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed, Temporary Construction Easement) with William R. Luchessa, trustee of the William R. Luchessa 2004 Trust, dated July 7, 2004, as to an undivided ½ interest and Natividad Luchessa, as successor trustee of the Alvin Luchessa and Natividad Luchessa 2004 Trust dated July 26, 2004, as to an undivided ½ interest, in the amount of \$32,101, for the acquisition of a portion of property located at 1218 Bangs Avenue (APN: 046-002-001) for additional permanent right-of-way and incidental rights required for the Pelandale Avenue Widening project. (Funding Source: Street Capital Facility Fees)
- Resolution adopting findings required under the Williamson Act relating to acquisition of land within an agricultural preserve, approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed, Temporary Construction Easement) with William R. Luchessa, trustee of the William R. Luchessa 2004 Trust, dated July 7, 2004, as to an undivided ½ interest and Natividad Luchessa, as successor trustee of the Alvin Luchessa and Natividad Luchessa 2004 Trust dated July 26, 2004, as to an undivided ½ interest, in the amount of \$32,101.00, for the acquisition of a portion of property located at 1218 Bangs Avenue (APN: 046-002-001) for additional permanent right-of-way and incidental rights required for the Pelandale 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 execute a Certificate of Acceptance Form for the Grant Deed for the acquisition of a portion of property located at 1218 Bangs Avenue (APN: 046-002-001), owned by William R. Luchessa, trustee of the William R. Luchessa 2004 Trust, as to an undivided ½ interest and Natividad Luchessa, as successor trustee of the Alvin Luchessa and Natividad Luchessa 2004 Trust to be purchased by the City of Modesto for the Pelandale Avenue Widening project recommended.

*Public Works; Rich Ulm, 577-5261, rulm@modestogov.com*

**ACTION: Resolution 2009-538 (Lopez/O’Bryant; 6/0; Mayor Ridenour absent)** adopting findings required under the Williamson Act relating to acquisition of land within an agricultural preserve, approving an Agreement for Purchase and Sale of Real Property (Fee, Grant Deed, Temporary Construction Easement) with William R. Luchessa, trustee of the William R. Luchessa 2004 Trust, dated July 7, 2004, as to an undivided ½ interest and Natividad Luchessa, as successor trustee of the Alvin Luchessa and Natividad Luchessa 2004 Trust dated July 26, 2004, as to an undivided ½ interest, in the amount of \$32,101.00, for the acquisition of a portion of property located at 1218 Bangs Avenue (APN: 046-002-001) for additional permanent right-of-way and incidental rights required for the Pelandale 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 2009-539 (Lopez/O’Bryant; 6/0; Mayor Ridenour absent)** 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 1218 Bangs Avenue (APN: 046-002-001), owned by William R. Luchessa, trustee of the William R. Luchessa 2004 Trust, as to an undivided ½ interest and Natividad Luchessa, as successor trustee of the Alvin Luchessa and Natividad Luchessa 2004 Trust to be purchased by the City of Modesto for the Pelandale Avenue Widening project.

Consent

- 10. Consider authorizing (i) the sole source procurement for the repair or replacement of a Siemens Screw Pump for the Sutter Treatment Plant from Siemens Water Technologies, Thomasville, GA., and authorizing the Purchasing Manager to issue a purchase order for the repair or replacement for a total cost not to exceed \$900,000 and (ii) the transfer of \$500,000 from Capital Improvement Project 6210-480-B576-6052 - Renewal/Replacement Sutter TP and the transfer of \$400,000 from Wastewater Reserves 6210-800-8000-8003 to a new Capital Improvement Project account 6210-480-B191-6070 - Siemens Screw Pump Repair. (Funding Source: Wastewater Fund)
  - Resolution authorizing the sole source procurement for the repair or replacement of a Siemens Screw Pump for the Sutter Treatment Plant from Siemens Water Technologies, Thomasville, GA., and authorizing the Purchasing Manager to issue a purchase order for the repair or replacement for a total cost not to exceed \$900,000 recommended.
  - Resolution authorizing the transfer of \$500,000 from Capital Improvement Project 6210-480-B576-6052 - Renewal/Replacement Sutter TP and the transfer of \$400,000 from Wastewater Reserves 6210-800-8000-8003 to a new Capital Improvement Project account 6210-480-B191-6070 - Siemens Screw Pump Repair recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2009-540 (Lopez/O’Bryant; 6/0; Mayor Ridenour absent)** authorizing the sole source procurement for the repair or replacement of a Siemens Screw Pump for the Sutter Treatment Plant from Siemens Water Technologies, Thomasville, GA., and authorizing the Purchasing Manager to issue a purchase order for the repair or replacement for a total cost not to exceed \$900,000.

**ACTION: Resolution 2009-541 (Lopez/O’Bryant; 6/0; Mayor Ridenour absent)** authorizing the transfer of \$500,000 from Capital Improvement Project 6210-480-B576-6052 - Renewal/Replacement Sutter TP and the transfer of \$400,000 from Wastewater Reserves 6210-800-8000-8003 to a new Capital Improvement Project account 6210-480-B191-6070 - Siemens Screw Pump Repair.

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

## UNFINISHED BUSINESS

11. Consider approving (i) the plans and specifications for the project titled, "Wellhead Treatment and Blending Lines – Wells 283 & 236", accepting the bid and approving a contract with Conco-West, Inc. in the amount of \$940,300, and (ii) a new Capital Improvement Program (CIP) account for the project titled, "ARRA Wells 283 & 236 Blending". (Total estimated cost for this project is \$1,260,044.67) (Funding Source: American Recovery and Reinvestment Act of 2009 (ARRA) Environment-Water)
- Resolution approving the plans and specifications for the project titled, "Wellhead Treatment and Blending Lines – Wells 283 & 236", contingent upon receipt of executed Second Amendment to Funding Agreement with California Department of Public Health (CDPH), accepting the bid and approving a contract with Conco-West, Inc. in the amount of \$940,300, and authorizing the City Manager, or his designee, to execute the contract recommended
  - Resolution approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Wellhead Treatment and Blending Lines – Wells 283 & 236", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010 recommended.
  - Resolution amending the Fiscal Year 2009-2010 Capital Improvement Program budget, as per executed Funding Agreement and Amendment to Funding Agreement with California Department of Public Health (CDPH), and contingent upon receipt of executed Second Amendment to Funding Agreement with CDPH, in order to fully fund the design and construction activities for the ARRA funded Wells 283 & 236 Blending Project recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-542 (Lopez/Keating; 6/0; Mayor Ridenour absent)** approving the plans and specifications for the project titled, "Wellhead Treatment and Blending Lines – Wells 283 & 236", contingent upon receipt of executed Second Amendment to Funding Agreement with California Department of Public Health (CDPH), accepting the bid and approving a contract with Conco-West, Inc. in the amount of \$940,300, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-543 (Lopez/Keating; 6/0; Mayor Ridenour absent)** approving a new Capital Improvement Program (CIP) account for the project titled, "ARRA Wellhead Treatment and Blending Lines – Wells 283 & 236", which did not appear in the Adopted Capital Improvement Program for Fiscal Year 2009-2010.

**ACTION: Resolution 2009-544 (Lopez/Keating; 6/0; Mayor Ridenour absent)** amending the Fiscal Year 2009-2010 Capital Improvement Program budget, as per executed Funding Agreement and Amendment to Funding Agreement with California Department of Public Health (CDPH), and contingent upon receipt of executed Second Amendment to Funding Agreement with CDPH, in order to fully fund the design and construction activities for the ARRA funded Wells 283 & 236 Blending Project.

12. Consider rejecting all bids for the Primary Outfall Rehabilitation Project-Phase I and authorizing City staff to immediately re-advertise a project with a reduced scope for the Primary Outfall Rehabilitation Project-Phase I (Funding Source: Wastewater Fund)
- Resolution rejecting all bids for the Primary Outfall Rehabilitation Project-Phase I and authorizing staff to immediately revise the plans and specifications, and re-advertise a project with a reduced scope for the Primary Outfall Rehabilitation Project-Phase I recommended.
- Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-545 (Lopez/Marsh; 6/0; Mayor Ridenour absent)** rejecting all bids for the Primary Outfall Rehabilitation Project-Phase I and authorizing staff to immediately revise the plans and specifications, and re-advertise a project with a reduced scope for the Primary Outfall Rehabilitation Project-Phase I.

## NEW BUSINESS

13. Consider approving (i) a Joint Powers Agreement between the County of Stanislaus, and the cities of Modesto, Hughson, Patterson, Ceres and Waterford, to establish the Stanislaus Animal Services Agency for the joint operation and management of the animal shelter for a twenty-five year agreement, with an estimated cumulative debt service cost to the City of Modesto of \$5,874,265; and (ii) approving a Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to shelter capital costs and the disposition of the Finch Road Animal Shelter. (Funding Source: General Fund)
- Resolution approving a Joint Powers Agreement between the County of Stanislaus, and the cities of Modesto, Hughson, Patterson, Ceres, and Waterford, to establish the Stanislaus Animal Services Agency for the joint operation and management of the animal shelter for a twenty-five year agreement, with an estimated cumulative debt service cost to the City of Modesto of \$5,874,265; and authorizing the Mayor, or his authorized designee, to execute the Agreement recommended.
  - Resolution approving a Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to shelter capital costs and the disposition of the Finch Road Animal Shelter, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.

*Police; Joel Broumas, 572-9821, broumasj@modestopd.com*

**ACTION: Resolution 2009-546 (Keating/Lopez; 5/0; Hawn, Mayor Ridenour absent)** approving a Joint Powers Agreement between the County of Stanislaus, and the cities of Modesto, Hughson, Patterson, Ceres, and Waterford, to establish the Stanislaus Animal Services Agency for the joint operation and management of the animal shelter for a twenty-five year agreement, with an estimated cumulative debt service cost to the City of Modesto of \$5,874,265; and authorizing the City Manager, or his authorized designee, to execute the Agreement.

**ACTION: Resolution 2009-547 (Keating/Lopez; 5/0; Hawn, Mayor Ridenour, absent)** approving a Memorandum of Understanding between the County of Stanislaus and the City of Modesto relating to shelter capital costs and the disposition of the Finch Road Animal Shelter, and authorizing the City Manager, or his authorized designated, to execute the Memorandum of Understanding.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting was adjourned at 6:10 p.m.

#### **CLOSED SESSION**

*Closed Session Matter Heard Prior to 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.

**MINUTES**  
**City of Modesto**  
**FINANCE COMMITTEE / COUNCIL**  
**WORKSHOP**  
**Second Floor, Room 2005**  
**1010 10th Street**  
**Modesto, California**  
**Monday, November 23, 2009, at 5:30 p.m.**

Roll Call Present: Committee Members Hawn, Marsh

Absent: Committee Member 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 the Monthly Budget Adjustment Report for November 2009 and refer to City Council for consideration and approval. (Funding Source: Various Funds)  
*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

**ACTION: Motion (Marsh/Hawn; Olsen absent)** accepting the Monthly Budget Adjustment Report for November 2009 and forwarding to City Council for consideration and approval

**NEW BUSINESS**

2. Consider recommending to Council payment options for the supplemental payment of the Education Revenue Augmentation Fund (ERAF) payment for the Redevelopment Agency. (Funding Source: Redevelopment Agency Funds)  
*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Motion (Marsh/Hawn; Olsen absent)** recommending to Council payment Option No. 3, as modified, for the supplemental payment of Education Revenue Augmentation Fund (ERAF) payment for the Redevelopment Agency.

3. Consider the formation of a multi-disciplinary Comprehensive Fee Task Force for the purpose of

coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan. (Funding Source: Not Applicable)  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION:** **Motion (Marsh/Hawn; Olsen absent)** approving the formation of a multi-disciplinary Comprehensive Fee Task Force for the purpose of coordinating all development related fee proposals and aligning all fee structures with the goals and policies of the General Plan and Strategic Plan., with the exception of “Representative from community organization” and replacing with “Three (3) at-large members of the public” and forwarding to Council as recommended by the Economic Development Committee.

4. Consider amending 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 the construction, expansion, renovation, modification, maintenance, repair, replacement, and improvement of streets, water, wastewater, and storm drain lines and associated appurtenances, including service connections associated with new development. (The City Manager may approve and authorize all contracts for such projects involving an expenditure of City funds in the amount not to exceed Three Hundred Thousand Dollars (\$300,000)). (Funding Source: Water, Wastewater, Storm Drain, and Various Street Funding)  
*Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com*

**ACTION:** Continued to the December 10, 2009 Finance Committee Meeting.

5. Consider updating the Committee on the status of the Water System Engineer’s Report and the scheduling of two stakeholder workshops. (Funding Source: Not Applicable)  
*Public Works; Jack Bond, 577-5424, jbond@modestogov.com*

**ACTION:** **Motion (Marsh/Hawn; Olsen absent)** accepting the Water System Engineer’s Report and the scheduling of two stakeholder workshops on December 4, 2009 and December 17, 2009.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 6:50 p.m.

**MINUTES**  
**City of Modesto**  
**SPECIAL ECONOMIC DEVELOPMENT COMMITTEE/  
COUNCIL WORKSHOP**  
**Sixth Floor Room 6105**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 24, 2009, at 10:00 a.m.**

Roll Call Present: Janice Keating, Chair, Garrad Marsh, Vice Chair and Dave Lopez, member

Absent: None

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** None.

**CONSENT**

None.

**UNFINISHED BUSINESS**

1. Consider interviews with applicants for the Planning Commission and Board of Zoning Adjustment Committee and recommend appointment to City Council. (Funding Source: Not Applicable)  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION: Motion (Marsh/Lopez;unan.)** reappointing Ryan Swehla and Will Grover to the Board of Zoning Adjustment.

**ACTION: Motion (Lopez/Marsh;unan.)** reappointing Ted Brandvold to the Planning Commission.

**ACTION: Motion (Lopez/Marsh;unan.)** appointing Jason McCoy to the Planning Commission.

***Direction from Committee to Staff:***

- 1) Clarification on participation for joint Board of Zoning Adjustment and Planning Commission meeting. Allow for day meeting;
- 2) Amendment to sign Ordinance to allow “grouping”; and
- 3) Institute yearly re-orientation Board of Zoning Adjustment members and parameters.

**ADJOURNMENT**

This meeting adjourned at 12:00 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday November 24, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen, Mayor Ridenour  
Absent: None

Pledge of Allegiance to the Flag

Invocation: Claude Terry, First Baptist Church

City Clerk's Announcements - Item No. 9 Removed from Consent

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 3, 2009 election. (Funding Source: Not Applicable)
  - Resolution adopting the certification of canvass of votes from the November 3, 2009 election recommended.  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION: Resolution 2009-548 (Lopez/Marsh; 7/0)** adopting the certification of canvass of votes from the November 3, 2009 election recommended.

2. Oath of Office of Modesto City School Board Members. (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 Modesto City School Board Members Sue Zwahlen, Ruben A. Villalobos, Nancy Cline and Cindy Marks.

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

3. Presentation of Proclamation declaring free parking zones in all City-owned parking lots and garages in downtown Modesto from 7:00 a.m. on Friday, November 27, 2009 through 7:00 a.m. on Saturday, November 29, 2009. (Funding Source: Not Applicable)  
*Public Works ; Dennis Turner, 341-2906 , dturner@modestogov.com*

**ACTION:** Mayor Ridenour presented Proclamation declaring free parking zones in all City-owned parking lots and garages in downtown Modesto from 7:00 a.m. on Friday, November 27, 2009 through 7:00 a.m. on Saturday, November 29, 2009.

**PUBLIC COMMENT PERIOD**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 10**

**ACTION CONSENT ITEMS 4-8, 10: (Lopez/Hawn;unan.)**

**ACTION ITEM 9: (Hawn/Keating;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 regular City Council meeting of November 10, 2009. (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 of the November 10, 2009 Council meeting.

Consent

5. Consider approving a Third Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP in the amount of \$84,000, to include engagement of Human Resources consultant, and authorizing the City Manager and the City Attorney to execute the Addendum to Agreement. (Funding Source: General Fund)
  - Resolution approving a Third Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP authorizing the engagement of a Human Resources Consultant, and authorizing the City Manager and the City Attorney to execute the Third Addendum to Agreement recommended.

*City Manager's Office and City Attorney; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com*

**ACTION: Resolution 2009-549 (Lopez/Hawn; 7/0)** approving a Third Addendum to the Agreement with the Law Firm of Renne Sloan Holtzman & Sakai, LLP authorizing the engagement of a Human Resources Consultant, and authorizing the City Manager and the City Attorney to execute the Third Addendum to Agreement.

Consent

6. Consider accepting the Monthly Investment Report for September 2009. (Funding Source: Not Applicable)
  - Motion accepting staff report on the Monthly Investment Report for September 2009 recommended.

*Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com*

**ACTION: Motion (Lopez/Hawn; 7/0)** accepting staff report on the Monthly Investment Report for September 2009.

Consent

7. Consider approving an application for \$1 million to the 2010-2011 Bicycle Transportation Account Program for the continued development of the Virginia Corridor Project. (Funding Source: Grant Revenue. There is a 10% match (\$100,000) which will be funded by proceeds of the Federal SAFETE LU grant of \$3 million which has been awarded to fund the Virginia Corridor Project )
  - Resolution approving an application in the amount of \$1 million to the Fiscal Year 2010–2011 Bicycle Transportation Account Program to fund the continued development of the Virginia Corridor Project; and authorizing the City Manager, or his designee, to execute any necessary documents recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

**ACTION: Resolution 2009-550 (Lopez/Hawn; 7/0)** approving an application in the amount of \$1 million to the Fiscal Year 2010–2011 Bicycle Transportation Account Program to fund the continued development of the Virginia Corridor Project; and authorizing the City Manager, or his designee, to execute any necessary documents.

Consent

8. Consider approving a Purchase and Sale Agreement between JP Morgan and Chase Bank and the City of Modesto for real property located at 1712 Saint Charlotte for \$98,782; reconveyance of that property to Borges Construction, a for-profit NSP program participant and (ii) entering into future Purchase and Sales Agreements for real property acquisitions between the City of Modesto and JP Morgan and Chase Bank to facilitate NSP-related property acquisitions by for-profit program participants. (Funding Source: Neighborhood Stabilization Program Funds)
- Resolution approving (1) a Purchase and Sale Agreement between JP Morgan and Chase Bank (Seller) and the City of Modesto (Purchaser) for real property located at 1712 Saint Charlotte Lane, Modesto, for the purchase price of \$98,782.00; (2) the subsequent transfer of title to Borges Construction, a for-profit Neighborhood Stabilization Program (NSP) participant/recipient in consideration for execution of NSP Loan Agreement, Promissory Note, Deed of Trust and Regulatory Agreement; and (3) authorizing the City Manager, or his designee, to sign a certificate of acceptance, required transfer documents, loan documents and all related documents to complete and close the transaction recommended.
  - Resolution authorizing the City Manager, or his designee, to execute future purchase/sale agreements, NSP loan documents and all related documents for NSP funded transactions approved by a subcommittee of the Citizen's Housing & Community Development Committee (CH&CDC) based on previously approved criteria and guidelines recommended.

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

**ACTION: Resolution 2009-551 (Lopez/Hawn; 7/0)** approving (1) a Purchase and Sale Agreement between JP Morgan and Chase Bank (Seller) and the City of Modesto (Purchaser) for real property located at 1712 Saint Charlotte Lane, Modesto, for the purchase price of \$98,782.00; (2) the subsequent transfer of title to Borges Construction, a for-profit Neighborhood Stabilization Program (NSP) participant/recipient in consideration for execution of NSP Loan Agreement, Promissory Note, Deed of Trust and Regulatory Agreement; and (3) authorizing the City Manager, or his designee, to sign a certificate of acceptance, required transfer documents, loan documents and all related documents to complete and close the transaction.

**ACTION: Resolution 2009-552 (Lopez/Hawn; 7/0)** authorizing the City Manager, or his designee, to execute future purchase/sale agreements, NSP loan documents and all related documents for NSP funded transactions approved by a subcommittee of the Citizen's Housing & Community Development Committee (CH&CDC) based on previously approved criteria and guidelines.

*Removed from Consent*

9. Consider approving a contract not to exceed \$52,420.00 with Bay Area Economics for preparation of the City of Modesto's Five-Year Consolidated Plan (2010-2015) and Analysis of Impediments to Fair Housing Choice and the Fiscal Year 2010-2011 Annual Action Plan. (Funding Source: Community Development Block Grants)
- Resolution approving an Agreement with Bay Area Economics for preparation of the City of Modesto's Five-Year Consolidated Plan (2010-2015), Analysis of Impediments to Fair Housing Update, and Annual Action Plan for Fiscal Year 2010-2011, and authorizing the City Manager, or his designee, to sign the Agreement and any related documents recommended.
  - Resolution appropriating \$52,420 from the Community Development Block Grant reserves to fund preparation of the Five-Year Consolidated Plan (2010-2015), Analysis of Impediments to Fair Housing Choice, and the Annual Action Plan for Fiscal Year 2010-2011 recommended.

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

**ACTION: Resolution 2009-553 (Hawn/Keating; 7/0)** approving an Agreement with Bay Area Economics for preparation of the City of Modesto's Five-Year Consolidated Plan (2010-2015), Analysis of Impediments to Fair Housing Update, and Annual Action Plan for Fiscal Year 2010-2011, and authorizing the City Manager, or his designee, to sign the Agreement and any related documents.

Consent

10. Consider approving an agreement with Brown and Caldwell for design services for the Well Remediation at Well 226 project in the amount of \$104,500. (Total estimated cost for the design portion of the project is \$114,500) (Funding Source: Water Fund-CIP)

- Resolution approving an agreement with Brown and Caldwell for design service for the Well Remediation at Well 226 project in an amount not to exceed \$95,000 for the identified scope of services, plus \$9,500 for additional services (if needed), for a maximum total amount of \$104,500, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

**ACTION: Resolution 2009-554 (Lopez/Hawn; 7/0)** approving an agreement with Brown and Caldwell for design service for the Well Remediation at Well 226 project in an amount not to exceed \$95,000 for the identified scope of services, plus \$9,500 for additional services (if needed), for a maximum total amount of \$104,500, and authorizing the City Manager, or his designee, to execute the Agreement.

#### COUNCIL COMMENTS & REPORTS

None.

#### CITY MANAGER COMMENTS & REPORTS

None.

#### HEARINGS

*Published in the Modesto Bee on October 24, 2009*

11. Consider (i) approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2009-2010 and (ii) amending the FY 2009-2010 annual operating and capital improvement budgets to reflect approved changes and carryover funds to the HUD Annual Action Plan and authorizing the Finance Director to take the necessary steps to implement the provisions of this resolution. (Funding Source: CDBG, Revolving Loan and NSP Funds)

- Resolution approving an amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010, and authorizing the City Manager, or his designee, to execute related documents recommended.
- Resolution amending the FY 2009-2010 annual operating and capital improvement budgets to reflect approved changes and carryover funds to the HUD Annual Action Plan, and authorizing the Finance Director, or his designee, to take the necessary steps to implement the provisions of this resolution recommended.

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

**ACTION: Resolution 2009-555 (Keating/Hawn; 7/0)** approving an amendment to the Department of Housing & Urban Development Annual Action Plan for Fiscal Year 2009-2010, and authorizing the City Manager, or his designee, to execute related documents.

**ACTION: Resolution 2009-556 (Keating/Hawn; 7/0)** amending the FY 2009-2010 annual operating and capital improvement budgets to reflect approved changes and carryover funds to the HUD Annual Action Plan, and authorizing the Finance Director, or his designee, to take the necessary steps to implement the provisions of this resolution.

*Published in the Modesto Bee on November 6, 2009*

12. Consider approving and amending the Fiscal Year (FY) 2009/2010 Special Revenue Fund 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 (SLESF). (Funding Source: Special Revenue Fund-Operation Blocks Grant)
- Resolution approving the expenditure of \$100,000 from the City of Modesto's Fiscal Year 2009/2010 allocation 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 2009/2010 Multi-Year Budget to appropriate revenues and expenditures for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution recommended.

*Police; Michael G. Harden, 572-9501, hardeng@modestopd.com*

**ACTION: Resolution 2009-557 (Lopez/Marsh; 7/0)** approving the expenditure of \$100,000 from the City of Modesto's Fiscal Year 2009/2010 allocation 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 2009-558 (Lopez/Marsh; 7/0)** amending the Fiscal Year 2009/2010 Multi-Year Budget to appropriate revenues and expenditures for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution.

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 5:50 p.m.

#### **CLOSED SESSION**

#### *Closed Session Matter Removed From Agenda*

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Mark Gregersen, Interim Human Resources Director and Dania Torres Wong Employee Organization: Modesto Police Officers' Association

#### *Closed Session Matter Heard Prior to Meeting*

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

Property: Acquisition of property located at:  
1712 Saint Charlotte Lane  
Modesto, CA  
APN: 056-094-056

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

Under negotiation: Price and terms of sale of property

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING\***  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 01, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Vice Mayor Olsen  
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren

City Clerk's Announcements – Item 6 Removed from Consent

Declaration of Conflicts of Interest – None

Reports from Closed Session - None

**MISCELLANEOUS**

Legislation  
Appointments  
Other

1. Consider approving the reappointments of David Tanner and Joel Mensonides to the City of Modesto Golf Courses Advisory Committee. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of David Tanner to the City of Modesto Golf Courses Advisory Committee recommended.
  - Resolution approving the reappointment of Joel Mensonides to the City of Modesto Golf Courses Advisory Committee recommended.

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

**ACTION: Resolution 2009-559 (Lopez/Hawn; 6/0; Mayor Ridenour absent)** approving the reappointment of David Tanner to the City of Modesto Golf Courses Advisory Committee.

**ACTION: Resolution 2009-560 (Lopez/Hawn; 6/0; Mayor Ridenour absent)** approving the reappointment of Joel Mensonides to the City of Modesto Golf Courses Advisory Committee.

2. Consider approving the reappointment of Alexandra Hoffman to the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Alexandra Hoffman to the City of Modesto Housing Rehabilitation Loan Committee recommended.

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

**ACTION: Resolution 2009-561 (Lopez/Hawn; 6/0; Mayor Ridenour absent)** approving the reappointment of Alexandra Hoffman to the City of Modesto Housing Rehabilitation Loan Committee.

**PUBLIC COMMENT PERIOD**

None.

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

**ACTION CONSENT ITEMS 3-5;7-9: (Hawn/Keating;unan.; Mayor Ridenour absent)**

**ACTION ITEM 6: (Hawn/Keating; 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

3. Consider approving the minutes of the regular City Council meeting of November 24, 2009. (Funding Source: Not Applicable)
- Motion approving recommended.  
*City Council; Stephanie Lopez, 577-5597, slopez@modestogov.com*

**ACTION: Motion (Hawn/Keating; 6/0; Mayor Ridenour absent)** approving the November 24, 2009 City Council minutes.

Consent

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

**ACTION: Resolution 2009-562 (Hawn/Keating; 6/0; Mayor Ridenour absent)** amending the Fiscal Year 2009-2010 annual budget.

Consent

5. Consider approving the quarterly fuel adjustment to the maximum rate schedule for City residential and commercial solid waste collection services, and rescinding Resolution No. 2009-445. (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 January 1, 2010, including fuel cost; and rescinding Resolution No. 2009-445 recommended.  
*Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION: Resolution 2009-563 (Hawn/Keating; 6/0; Mayor Ridenour absent)** approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2010, including fuel cost; and rescinding Resolution No. 2009-445.

*Removed from Consent*

6. Consider approving an agreement with Holmes International for development and implementation of a Fats, Oils, and Grease (FOG) Control and Prevention Program in an amount not to exceed \$50,000. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with Holmes International for development and implementation of a Fats, Oils, and Grease Control and Prevention Program in an amount not to exceed \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

**ACTION: Resolution 2009-564 (Hawn/Keating; 6/0; Mayor Ridenour absent)** approving an Agreement with Holmes International for development and implementation of a Fats, Oils, and Grease Control and Prevention Program in an amount not to exceed \$50,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider approving an amendment to agreement with Stantec Consulting Inc. (Stantec) for design services of the Scenic Lift Station project in the amount of \$29,857. (Total estimated cost for the final design portion of the project is \$173,244) (Funding Source: Wastewater Fund)
  - Resolution approving an amendment to agreement with Stantec Consulting Inc. for design services of Scenic Lift Station project in the amount of \$29,857 for additional services not included in the original agreement, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

*Public Works; William Wong, 571-5801, wwong@modestogov.com*

**ACTION: Resolution 2009-565 (Hawn/Keating; 6/0; Mayor Ridenour absent)** approving an amendment to agreement with Stantec Consulting Inc. for design services of Scenic Lift Station project in the amount of \$29,857 for additional services not included in the original agreement, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

8. Consider accepting the work by Preston Pipelines, Inc. for the “Rose-Celeste Lift Station Project” as complete. Total project cost is \$2,364,407.85. (Funding Source: Wastewater Fund)
  - Resolution accepting the work by Preston Pipelines, Inc. for the Rose-Celeste Lift 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 \$1,648,345.56 recommended.

*Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

**ACTION: Resolution 2009-566 (Hawn/Keating; 6/0; Mayor Ridenour absent)** accepting the work by Preston Pipelines, Inc. for the Rose-Celeste Lift 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 \$1,648,345.56.

Consent

9. Consider approving an agreement with West Yost Associates, Inc. (West Yost) for design services for Well Remediation at Well 21 project in the amount of \$161,026. (Total estimated cost for the design portion of the project is \$175,026) (Funding Source: Water Fund-CIP)
  - Resolution approving an agreement with West Yost Associates, Inc. (West Yost) for design services for Well Remediation at Well 21 project in an amount not to exceed \$146,387 for the identified scope of services, plus \$14,639 for additional services (if needed), for a maximum total amount of \$161,026, 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 2009-567 (Hawn/Keating; 6/0; Mayor Ridenour absent)** approving an agreement with West Yost Associates, Inc. (West Yost) for design services for Well Remediation at Well 21 project in an amount not to exceed \$146,387 for the identified scope of services, plus \$14,639 for additional services (if needed), for a maximum total amount of \$161,026, and authorizing the City Manager, or his designee, to execute the Agreement.

## COUNCIL COMMENTS & REPORTS

None.

### CITY MANAGER COMMENTS & REPORTS

None.

### HEARINGS

*Published in the Modesto Bee on November 11, 2009*

10. Hearing to consider the application to rezone from General Commercial (C-2) to Planned Development Zone, P-D(590) to allow a seven-story mixed-use development that includes commercial space, professional office space, residential units and parking; submitted by Paul B. Draper. (Funding Source: Not Applicable)
- Motion introducing an ordinance amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D (590), property located on the southwest side of 10th Street between G and H Streets. (Paul B. Draper) recommended.
  - Resolution approving a Development Plan for Planned Development Zone, P-D(590). (Paul B. Draper) recommended.
  - Resolution adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (SCH No. 2009052001): Amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D(590), property located on the southwest side of 10th Street between G and H Streets. (Paul B. Draper) recommended.
- Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com*

**ACTION: Motion (Marsh/Keating; 6/0; Mayor Ridenour absent)** introducing **Ordinance No. 3521-C.S.** amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D (590), property located on the southwest side of 10th Street between G and H Streets (Paul B. Draper).

**ACTION: Resolution 2009-568 (Marsh/Keating; 6/0; Mayor Ridenour absent)** approving a Development Plan for Planned Development Zone, P-D(590) (Paul B. Draper) .

**ACTION: Resolution 2009-569 (Marsh/Keating; 6/0; Mayor Ridenour absent)** adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (SCH No. 2009052001): Amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D(590), property located on the southwest side of 10th Street between G and H Streets (Paul B. Draper).

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:42 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 8, 2009, at 5:30 p.m.**

Roll Call - Present: Committee Members Hawn, Olsen

Absent: Committee Member O'Bryant

**PUBLIC COMMENTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: No Consent Items**

**CONSENT**

None.

**NEW BUSINESS**

1. Consider supporting staff recommendation to accept the work plan and philosophy for the Neighborhood Preservation Unit (NPU) to the Community & Economic Development Department Building Safety Division. (Funding Source: General Fund)  
*Community & Economic Development; Will Crew, 577-5231, wcrew@modestogov.com*

**ACTION:** **Motion (Olsen/Hawn; O'Bryant absent)** supporting staff recommendation to accept the work plan and philosophy for the Neighborhood Preservation Unit (NPU) to the Community & Economic Development Department Building Safety Division.

**COMMITTEE MEMBERS COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 6:47 p.m.

**MINUTES**  
City of Modesto  
**CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Tuesday December 08, 2009, at 5:30 p.m.**

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen, Mayor Ridenour  
Absent: Councilmembers O'Bryant

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements – The next Council meeting is **Monday, December 14, 2009**

Declaration of Conflicts of Interest - None

Reports from Closed Session – None

1. Comments from outgoing Councilmembers Keating and O'Bryant. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** Comments were made by outgoing Councilmembers Keating and Mayor Ridenour on behalf of Councilmember O'Bryant.

2. Oath of Office of City Councilmembers Geer, Muratore and Olsen. (Funding Source: Not Applicable)  
*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

**ACTION:** City Clerk Stephanie Lopez administered the Oath of Office to Councilmembers Geer, Muratore and Olsen.

**PUBLIC COMMENT PERIOD**

Attorney Joseph Carcione spoke regarding the Dennett Dam at the Ninth Street Bridge.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: There were no Consent Items**

**COUNCIL COMMENTS & REPORTS**

None.

**CITY MANAGER COMMENTS & REPORTS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 5:50 p.m.

**MINUTES**  
City of Modesto  
**SPECIAL CITY COUNCIL MEETING**  
**Chambers, Basement Level**  
**Tenth Street Place, 1010 10th Street**  
**Modesto, California**  
**Monday, December 14, 2009, 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 - Geer, Muratore and Mayor Ridenour - Item 6

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation on the Modesto Police Department's Gang Violence Prevention Strategies. (Funding Source: Not Applicable)
  - Motion accepting an informational report on Modesto Police Department's Gang Violence Strategies recommended.  
*Police; Michael G. Harden, 342-6122, hardenm@modestopd.com*

**ACTION: Motion (Hawn/Marsh; 7/0)** accepting informational report on the Modesto Police Department's Gang Violence Prevention Strategies.

**MISCELLANEOUS**

Legislation  
Appointments  
Other

2. Consider approving the appointment of Lee Hedgepath to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
  - Resolution approving the appointment of Lee Hedgepath to the Downtown Improvement District Advisory Board recommended.  
*City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com*

**ACTION: Resolution 2009-570 (Hawn/Marsh; 7/0)** approving the appointment of Lee Hedgepath to the Downtown Improvement District Advisory Board.

3. Consider approving the reappointment of Ted Brandvold and appointment of Jason McCoy to the City of Modesto Planning Commission. (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Ted Brandvold to the City of Modesto Planning Commission recommended.

- Resolution approving the appointment of Jason McCoy to the City of Modesto Planning Commission recommended.  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Resolution 2009-571 (Marsh/Lopez; 7/0)** approving the reappointment of Ted Brandvold to the City of Modesto Planning Commission.

**ACTION: Resolution 2009-572 (Marsh/Lopez; 7/0)** approving the appointment of Jason McCoy to the City of Modesto Planning Commission.

4. Consider approving the reappointments of Will Grover and Ryan Swehla to the City of Modesto Board of Zoning Adjustment (BZA). (Funding Source: Not Applicable)
  - Resolution approving the reappointment of Will Grover to the City of Modesto Board of Zoning Adjustment (BZA) recommended.
  - Resolution approving the reappointment of Ryan Swehla to the City of Modesto Board of Zoning Adjustment (BZA) recommended.  
*Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

**ACTION: Resolution 2009-573 (Lopez/Olsen; 7/0)** approving the reappointment of Will Grover to the City of Modesto Board of Zoning Adjustment (BZA).

**ACTION: Resolution 2009-574 (Lopez/Olsen; 7/0)** approving the reappointment of Ryan Swehla to the City of Modesto Board of Zoning Adjustment (BZA).

#### **PUBLIC COMMENT PERIOD**

Jeremiah Williams congratulated newly elected Councilmembers Geer, Muratore and Olsen.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 12**

**ACTION CONSENT ITEMS 5; 7-12: (Lopez/Hawn;unan.)**

**ACTION CONSENT ITEM 6: (Hawn/Olsen; majority; Geer, 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 meetings of December 1, 2009 and December 8, 2009. (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 1, 2009 City Council minutes.

Consent

*Mayor Ridenour was absent and Councilmembers Geer and Muratore were not yet sworn into office at December 1, 2009 meeting whereat this Ordinance was introduced*

6. Consider approving the final adoption of Ordinance No. 3521-C.S. amending Section 32-3-9 of the

Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D (590), property located on the southwest side of 10th Street between G and H Streets (Paul B. Draper). (Funding Source: Not Applicable)

- Motion approving the final adoption of Ordinance No. 3521-C.S. amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D (590), property located on the southwest side of 10th Street between G and H Streets (Paul B. Draper) recommended.

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

**ACTION: Motion (Hawn/Olsen; majority; Muratore, Geer, Mayor Ridenour absent)** approving the final adoption of **Ordinance No. 3521-C.S.** amending Section 32-3-9 of the Zoning Map to rezone from General Commercial, C-2, to Planned Development Zone, P-D (590), property located on the southwest side of 10th Street between G and H Streets (Paul B. Draper).

Consent

7. Consider accepting the annual report for the Fiscal Year ending June 30, 2009, 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, 2009, for the Redevelopment Agency of the City of Modesto recommended.

*Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Resolution 2009-575 (Lopez/Hawn; 7/0)** accepting the annual report for the Fiscal Year ending June 30, 2009, for the Redevelopment Agency of the City of Modesto.

Consent

8. Consider declaring the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) ("CFD 2009-1") and authorizing the levy of a special tax within CFD No. 2009-1. (Funding Source: Community Facilities District No. 2009-1)

- Resolution declaring the City Council's intention to establish City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and to authorize the levy of a special tax within said Community Facilities District recommended.
- Resolution declaring the City Council's intent to incur bonded indebtedness in an amount not to exceed \$40,000,000 within proposed City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) recommended.

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

**ACTION: Resolution 2009-576 (Lopez/Hawn; 7/0)** declaring the City Council's intention to establish City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East) and to authorize the levy of a special tax within said Community Facilities District.

**ACTION: Resolution 2009-577 (Lopez/Hawn; 7/0)** declaring the City Council's intent to incur bonded indebtedness in an amount not to exceed \$40,000,000 within proposed City of Modesto Community Facilities District No. 2009-1 (Kiernan Business Park East).

Consent

9. Consider (i) authorizing the City Manager to accept an \$40,000.00 grant on behalf of the City of Modesto Fire Department awarded by the E & J Gallo Winery and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents; (ii) amending the 2009-2010 Fiscal Year Operating Budget to establish grant revenue (\$40,000) and appropriate in account number 0100-180-1810-0308; and (iii) authorizing the purchase of the grant-funded items through use of the competitive bidding process, or via sole-source were deemed acceptable, for an estimated total cost of \$40,000. (Funding Source: Not Applicable)

- Resolution accepting a \$40,000.00 grant on behalf of the Modesto Fire Department awarded by the

E & J Gallo Winery, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents recommended.

- Resolution amending the Fiscal Year 2009-2010 Operating Budget to establish grant revenue (\$40,000) and appropriate in account number 0100-180-1810-0308 recommended.
- Resolution authorizing the purchase of new nozzles and all associated appliances for the Modesto Fire Department through use of the competitive bidding process, or via sole source where deemed acceptable, for an estimated total cost of \$40,000 recommended.

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

**ACTION: Resolution 2009-578 (Lopez/Hawn; 7/0)** accepting a \$40,000.00 grant on behalf of the Modesto Fire Department awarded by the E & J Gallo Winery, and authorizing the City Manager, or his designee, to execute any necessary grant acceptance documents.

**ACTION: Resolution 2009-579 (Lopez/Hawn; 7/0)** amending the Fiscal Year 2009-2010 Operating Budget to establish grant revenue (\$40,000) and appropriate in account number 0100-180-1810-0308.

**ACTION: Resolution 2009-580 (Lopez/Hawn; 7/0)** authorizing the purchase of new nozzles and all associated appliances for the Modesto Fire Department through use of the competitive bidding process, or via sole source where deemed acceptable, for an estimated total cost of \$40,000.

Consent

10. Consider authorizing the City Manager or his designee to sign a Letter Agreement and any other related documents outlining the terms and conditions under which the City of Modesto will release Ms. Lola Hudson from obligations related to the repayment of two housing rehabilitation loans in the amount of \$101,351 and accepting a Grant Deed in Lieu of Foreclosure from Ms. Hudson for property located at 1704 Oregon Drive, Modesto. (Funding Source: Community Development Block Grants)
  - Resolution approving a Letter Agreement and accepting a Grant Deed in Lieu of Foreclosure from Lola M. Hudson, for the property located at 1704 Oregon Drive, Modesto; and authorizing the City Manager, or his designee, to execute (i) the Letter of Agreement, (ii) Certificate of Acceptance, (iii) Substitution of Trustee and Full Reconveyance, and (iv) all other documents required to complete or close the transaction recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

**ACTION: Resolution 2009-581 (Lopez/Hawn; 7/0)** approving a Letter Agreement and accepting a Grant Deed in Lieu of Foreclosure from Lola M. Hudson, for the property located at 1704 Oregon Drive, Modesto; and authorizing the City Manager, or his designee, to execute (i) the Letter of Agreement, (ii) Certificate of Acceptance, (iii) Substitution of Trustee and Full Reconveyance, and (iv) all other documents required to complete or close the transaction.

Consent

11. Consider amending the Operating Budget for Fiscal Year 2008-09 to reduce the salary and benefits budget in the Traffic Safety Fund and increase the salary and benefits budget in the Traffic Offender Fund in the amount of \$414,802. (Funding Source: Traffic Offender Fund 0610)
  - Resolution amending the Operating Budget for Fiscal Year 2008-09 to reduce the Traffic Safety Fund salary and benefits budget by \$414,802 and increase the Traffic Offender Fund salary and benefits budget by \$207,976, which reflects the amount expended with the remainder \$206,826 going to Traffic Offender Fund's fund balance recommended.

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

**ACTION: Resolution 2009-582 (Lopez/Hawn; 7/0)** amending the Operating Budget for Fiscal Year 2008-09 to reduce the Traffic Safety Fund salary and benefits budget by \$414,802 and increase the Traffic Offender Fund salary and benefits budget by \$207,976, which reflects the amount expended with the remainder \$206,826 going to Traffic Offender Fund's fund balance.

Consent

12. Consider approving an Agreement with Harris & Associates (Harris) for professional services to assist City staff with the Proposition 218 Process related to updating Water Rates and Capacity Charges in an amount not to exceed \$50,589. (Total estimated costs for this portion of work related to the Proposition 218 process for water rates are \$50,589.) (Funding Source: Water Fund-CIP)
- Resolution approving an Agreement with Harris & Associates for Professional Services Related to the Proposition 218 Process For Water Rates in an amount not to exceed \$45,990.00 for the identified scope of services, plus \$4,599.00 for additional services (if needed), for a maximum total amount of \$59,589.00, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Utility Planning & Projects; Jack Bond, 577-5424, jbond@modestogov.com*

**ACTION: Resolution 2009-583 (Lopez/Hawn; 7/0)** approving an Agreement with Harris & Associates for Professional Services Related to the Proposition 218 Process For Water Rates in an amount not to exceed \$45,990.00 for the identified scope of services, plus \$4,599.00 for additional services (if needed), for a maximum total amount of \$59,589.00, 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 (i) an agreement with Brown and Caldwell for design support during construction for the "Primary Outfall Rehabilitation Project - Phase I" in the amount of \$246,880 and (ii) the plans and specifications for the project, accepting the bid, and approving a contract with Ebert McGuire and Hester in the amount of \$3,857,000. (Total estimated cost for construction and design support during construction of the project is \$5,568,289.83) (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project-Phase I in an amount not to exceed \$224,436 for the identified scope of services, plus \$22,444 for additional services (if needed), for a maximum total amount of \$246,880, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
  - Resolution approving the plans and specifications for the Primary Outfall Rehabilitation Project-Phase I, accepting the bid and approving a contract with Ebert McGuire and Hester in the amount of \$3,857,000 for the Primary Outfall Rehabilitation Project-Phase I, and authorizing the City Manager, or his designee, to execute the contract recommended.
  - Resolution finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Primary Outfall Rehabilitation Project-Phase I recommended.
- Utility Planning and Projects; Violet Jakab, 571-5869, vjakab@modestogov.com*

**ACTION: Resolution 2009-584 (Hawn/Lopez; 7/0)** approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project-Phase I in an amount not to exceed \$224,436 for the identified scope of services, plus \$22,444 for additional services (if needed), for a maximum total amount of \$246,880, and authorizing the City Manager, or his designee, to execute the Agreement.

**ACTION: Resolution 2009-585 (Hawn/Lopez; 7/0)** approving the plans and specifications for the Primary Outfall Rehabilitation Project-Phase I, accepting the bid and approving a contract with Ebert McGuire and Hester in the amount of \$3,857,000 for the Primary Outfall Rehabilitation Project-Phase I, and authorizing the City Manager, or his designee, to execute the contract.

**ACTION: Resolution 2009-586 (Hawn/Lopez; 7/0)** finding that the following project is within the scope of the project covered by the Modesto Wastewater Master Plan Master Environmental Impact Report (SCH NO. 2006052076): Primary Outfall Rehabilitation Project-Phase I.

### HEARINGS

*Published in the Modesto Bee on November 29, 2009*

14. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2008-2009 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 2008-2009 and making findings related to each of the fee categories recommended.
- Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com*

**ACTION: Resolution 2009-587 (Hawn/Marsh; 7/0)** accepting the Capital Facilities Fees Annual Report for Fiscal Year 2008-2009 and making findings related to each of the fee categories.

### NEW BUSINESS

15. Consider (i) re-programming and accepting Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$3,938,795, with new funding of \$197,944 and authorizing the City Manager, or his designee, to execute the necessary grant documents; and (ii) amending the Fiscal Year 09/10 Capital Improvement Program (CIP) budget to remove, modify, and add CIPs and appropriate additional match funding in the amount of \$4,396,266 (\$3,938,795 CMAQ grant and \$457,471 City match). (Funding Source: CMAQ - Congestion Mitigation Air Quality)
- Resolution re-programming and accepting Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$3,938,795, with new funding of \$197,944 and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
  - Resolution amending the Fiscal Year 09/10 Capital Improvement Program (CIP) budget to remove, modify, and add CIPs and appropriate additional match funding in the amount of \$4,396,266 (\$3,938,795 CMAQ grant and \$457,471 City match) recommended.
- Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

**ACTION: Resolution 2009-588 (Olsen/Lopez; 7/0)** re-programming and accepting Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$3,938,795, with new funding of \$197,944 and authorizing the City Manager, or his designee, to execute the necessary grant documents.

**ACTION: Resolution 2009-589 (Olsen/Lopez; 7/0)** amending the Fiscal Year 09/10 Capital Improvement Program (CIP) budget to remove, modify, and add CIPs and appropriate additional match funding in the amount of \$4,396,266 (\$3,938,795 CMAQ grant and \$457,471 City match).

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 6:32 p.m.

**CLOSED SESSION**

*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: City of Modesto v. Authority for California Cities Excess Liability, Insurance Company of the State of Pennsylvania, et al. San Francisco Superior Court No. CGC-08-478374