

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 2, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Robert Segerhammar, Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

ACTION: (Mensinger/Siefkin, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of December 26, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Appeal by Sheila H. Duckworth to Planning Commission decision regarding rezoning from R-1 to R-2 property on the south side of Floyd west of Coffee Road.
(Resolution setting hearing February 13, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1 adopted setting hearing. (Clerk to handle)

HEARINGS

4:00 p.m.

3. Hearing on amendment of Zoning Regulations - enforcement of conditions of use permits, variances, planned development zones. No. 1

ACTION: By motion (Dunlap/Mensing, unan.) Ord. 1791-C.S. introduced. (Clerk to handle)

4. Hearing on amendment of Zoning Regulations - duplexes on corner lots in the R-1 zones. No. 2

ACTION: By motion (Dunlap/Siefkin, unan.) Ord. 1792-C.S. introduced. (Clerk to handle)

5. Hearing on amendment of Zoning Regulations - recreation vehicle parking on driveways. No. 3

ACTION: By motion (Lang/Siefkin, majority, Dunlap - no) Ord. 1793-C.S. introduced. (Clerk to handle)

6. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

UNFINISHED BUSINESS

7. Further consideration of problems at the Modesto Club, P-D(45). Racquet
(Memo with agenda. Staff recommends 10:00 p.m. closing for non-Racquet Club events, Sunday through Thursday; 11:00 p.m. closing for non-Racquet Club events Friday and Saturday. (Motion directing staff needed.)

ACTION: By motion (Lang/Mayor Davies, majority, Mensinger, Siefkin-no) Fred Earle's recommendations (a through e, pages 4 & 5 in the 12/22/78 memo from the Director of Planning) were approved, to apply to both Modesto Racquet Club and non-Racquet Club activities. (Planning to handle)

NEW BUSINESS

CONSENT

8. Consider authorizing the City of Modesto joining in an amicus curiae brief to be filed by the City of Vallejo in Condon v. City of San Mateo. (Memo with agenda. Motion authorizing joining in amicus curiae brief needed.)

ACTION: By motion, joining in an amicus curiae brief approved. (Attorney)

CONSENT

9. Consider adoption of a resolution authorizing the City of Modesto to sponsor a grant application to Region K Office of Criminal Justice Planning from the Stanislaus Women's Refuge Center. (Memorandum with agenda. Resolution approving grant application needed.)

ACTION: Res. 79-2 adopted approving grant application. (Police to handle)

CONSENT

10. Consider request of Elmo Wilson Sr., etal for approval of relocation of vehicular and pedestrian accessway in P-D(125). (Memo with agenda. Resolution approving relocation of vehicular and pedestrian accessway needed.)

ACTION: Res. 79-3 adopted approving relocation. (Planning to handle)

CONSENT

11. Consider leasing part of Lincoln School site to City Hospital. (Memo with agenda. Preparation of lease previously approved by the City Council. The lease would be for up to 5 years at an average rent of \$500 per month if the lease went the full term. The lease provides cancellation rights to both parties. Resolution approving the lease needed.)

ACTION: Res. 79-4 adopted approving the lease. (P/T to handle)

CONSENT

12. Recommend vacation and abandonment of Grove Avenue between McHenry Avenue and the existing barrier 160 feet west of McHenry Avenue. (On December 5, 1978, the Planning Commission adopted Resolution 78-240 recommending to the City Council the vacation and abandonment of Grove Avenue between McHenry Avenue and the existing barrier 160 feet west of McHenry Avenue. Resolution of intention to vacate and abandon, and setting date for public hearing on February 6, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 1383-S.P., and Res. of Intent 379 adopted setting date for hearing. (Clerk to handle)

CONSENT

13. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map - Land Bank Financial Services. (On December 19, 1978, the Planning Commission adopted Resolution 78-256 recommending to the City Council an amendment to Section 31-3-9 of the Zoning Map to rezone from R-1 to P-D(210) for a 21-unit single-story elderly housing complex property located north of Vine Street, west of Franklin Street. Resolution setting public hearing on February 13, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-5 adopted setting hearing. (Clerk to handle)

CONSENT

14. Recommend to Council an amendment to Section 10-3-9 and 15-3-9 of the Zoning Map- Naraghi Farms.
(On December 19, 1978 the Planning Commission adopted Resolution 78-254 recommending to the City Council an amendment to Sections 10-3-9 and 15-3-9 of the Zoning Map to rezone from R-1 and a portion of P-D(153) to Planned Development Zone, P-D(211), property located on the west side of Oakdale Road, between Sylvan Avenue and Floyd Avenue. Resolution setting public hearing on January 23, 1979 at 7:30 p.m. (Hearing No. 9) needed.)

ACTION: Res. 79-6 adopted setting hearing. (Clerk to handle)

CONSENT

15. Recommend to Council an amendment to Section 19-3-10 of the Zoning Map - Mid Cal Land Development.
(On December 19, 1978, the Planning Commission adopted Resolution 78-251 recommending to the City Council an amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 to R-3 property located at the northeast corner of Claus Road and Orangeburg Avenue. Resolution setting public hearing on February 13, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-7 adopted setting hearing. (Clerk to handle)

CONSENT

16. Recommend to Council an amendment to Section 20-3-9 of the Zoning Map - Roy Campbell.
(On December 19, 1978, the Planning Commission adopted Resolution 78-250 recommending to the City Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to P-D(213) to allow a two-story condominium project located on the north side of Griswold Avenue, west of McHenry Avenue. Resolution setting public hearing on February 13, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-8 adopted setting hearing. (Clerk to handle)

CONSENT

17. Recommend to Council an amendment to Section 13-3-8 of the Zoning Map - Hian Investments.
(On December 19, 1978, the Planning Commission adopted Resolution 78-255 recommending to the City Council an amendment to Section 13-3-8 of the Zoning Map to rezone from R-1 to P-D(212) property located on the northeast side of Sisk Road, northwest of Brenner Way, and denying a portion of the application requesting rezoning from R-1 to P-D property located at the northwest corner of Brenner Way and Lou Ann Drive. Resolution setting public hearing on February 13, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-9 adopted setting hearing. (Clerk to handle)

CONSENT

18. Recommend to Council an amendment to Section 30-3-9 of the Zoning Map - Carolyn Crawford.
(On December 19, 1978, the Planning Commission adopted Resolution 78-253 denying the application of Carolyn Crawford to rezone from R-1 to R-3 property located at the northwest corner of Maze Boulevard and Emerald Avenue, and recommending to the City Council that the subject property be rezoned from R-1 to R-2. Resolution setting public hearing on February 13, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-10 adopted setting hearing. (Clerk to handle)

/ **CONSENT**

19. Uninhabited annexation to the City of Modesto - Cheatham Drive Annexation.
(On September 27, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-11 adopted annexing and certifying review. (Clerk/
Planning to handle)

CONSENT

20. Consider recommendation of appointment of Bill Cameron to Deferred Compensation Plan Committee and designation of Richard Hosegood as Chairman.
(Memo with agenda. Resolution making appointments needed.)

ACTION: Res. 79-12 adopted making appointments. (Mgr. to handle)

21. Modesto-Ceres Sphere of Influence Boundary.
(Memo with agenda. Resolution endorsing one or more boundary options and recommending same to the City of Ceres and LAFCO needed.)

ACTION: Res. 79-13 adopted (Siefkin/Dunlap, majority, Lang, Mayor Davies-no), approving Option 3. (Planning to handle)

MISCELLANEOUS

22. Legislation

None

23. Appointments

None

24. Matters too late for the agenda

None

Adjourned at 6:45 p.m. to executive session to consider property acquisition and then to Monday, January 8, 1979, 7:30 a.m., at Howard's Restaurant, 1312 McHenry Avenue, Modesto, for a meeting with Senator John Garamendi.

ATTEST:

Norrie Coyle
NORRINE COYLE, City Clerk 1/2/79

Modesto City Council
Adjourned Regular Council
Meeting
January 8, 1979

The Modesto City Council met pursuant to adjournment at 7:30 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California, with State Senator John Garamendi.

Present: Councilmembers Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

Absent: Councilmembers Kullijian

Various pieces of State legislation that would affect Modesto were discussed with Senator Garamendi.

The meeting adjourned at 8:45 a.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 9, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Gary Redfern, Unity Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

ACTION: (Lang/Kullijian, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the January 2, 1979 City Council meeting. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Resolution from Farm-City Advisory Committee concerning support for vocational agriculture programs in the schools.

ACTION: Res. 79-14 (Elliott/Mensinger, unan.) supporting vocational agriculture programs in the schools. (Clerk to handle)

CONSENT

3. Appeal by Dennis E. Wilson, Mid-Valley Engineering, Inc. to a decision of the Environmental Assessment Committee regarding the requirement of an environmental impact report concerning Modesto Development property at Scenic and Claus. (Resolution setting hearing January 16, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-15 adopted setting hearing. (Clerk to handle).

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for removal of obstructions in Airport Clear Zone on River Road - Parcels D-1, D-2 and D-3.
(Suggested bid opening: January 30, 1979 at 11:00 a.m. This project is to satisfy Federal Aviation Administration requirements in Airport Clear Zone Area. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$19,000; Contract \$18,000; Engineering & Inspection \$1,000; funds are budgeted.)

ACTION: Res. 79-16 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of subtrunk sewer extension in East Orangeburg Avenue between Glenbrook and Prospect.
(Suggested bid opening: January 30, 1979 at 11:05 a.m. The extension of the subtrunk sewer will provide sewer service for Goldcoast subdivision, east of Claus Road. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$154,300; Contract \$146,300; Engineering \$8,000; funds are budgeted.)

ACTION: Res. 79-17 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider award of contract to RACO, Inc. for the construction of the Sonoma trunk sewer extension.
(Bids were opened on January 2, 1979. The low bid of \$32,092, submitted by RACO, Inc. is 2% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to RACO, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-18 adopted awarding contract. (P.W. to handle)

CONSENT

7. Consider award of contract for the installation of draperies at the Modesto City Hall.
(Bids were opened on December 12, 1978. The low bid (Alternate No. 1), submitted by Contract Carpet is considered complete and acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. The contract will include lined, full length draperies on the east and west side of the building except on the east side of the 4th floor where the Conference Room will be the only room with drapes. Additional reductions on the east side of the 1st, 2nd and 3rd floors will be negotiated by change order. This will result in a net cost of approximately \$16,500. Memo with agenda. Resolution awarding contract to Contract Carpet Co. needed. Est. Cost: \$23,414; funds are budgeted.)

ACTION: Res. 79-19 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider acceptance of George Reed, Inc.'s contract for the construction of Scenic Drive - Rose Avenue intersection as complete. (Original contract: \$126,161) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$127,444.24; funds are budgeted.)

ACTION: Res. 79-20 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. ✓ Consider waiving formal bid procedure by five affirmative votes and authorize the purchase of peripheral computer equipment from Hewlett-Packard for the total price of \$7,819.42. (Memorandum with agenda. Resolution waiving formal bid and authorizing purchase needed. Estimated cost: \$7,819.42; funds are budgeted.)

ACTION: Res. 79-21 adopted waiving formal bid. (Finance to handle)

HEARINGS

7:30 p.m.

10. Hearing on amendment to Section 16-3-9 of Zoning Map to rezone from R-1 to P-D property located at the northwest corner of Briggsmore and Coffee Road to permit expansion of an existing church complex, a private school and related facilities. (Calvary Temple) No. 1

ACTION: By motion (Elliott/Kullijian, unan.) Ord. No. 1794-C.S. introduced.
Res. 79-22 adopted (Elliott/Kullijian, unan.) approving development plan.
Res. 79-23 adopted (Elliott/Kullijian, unan.) certifying review of environmental impact. (Clerk/Planning to handle)

11. Hearing to consider a revision to Planned Development Zone, P-D(73) to allow a new master plan, property located at the northeast corner of Briggsmore Avenue and Coffee Road. (Memorial Hospital) Councilmember Mensinger excused due to a conflict of interest. No. 2

ACTION: By motion (Lang/Elliott, unan., Mensinger absent) Ord. No. 1795-C.S. introduced.

Res. 79-24 adopted (Lang/Elliott, unan., Mensinger absent) approving development plan.

Res. 79-25 adopted (Lang/Elliott, unan., Mensinger absent) certifying review of environmental impact. (Clerk/Planning)

12. Hearing on appeal by Rule Enterprises to a Planning Commission decision regarding rezoning the northwest corner of Oakdale Road and Lancey Drive from P-0 to P-D. No. 3

ACTION: Res. 79-26 adopted (Lang/Dunlap, majority; Elliott, Kullijian, Mayor Davies - no) denying appeal. (Clerk to handle)

13. Hearing on amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Floyd Avenue west of MacGregor Court. (Ethen & Carolyn Whitman) No. 4

Councilmember Lang excused due to a conflict of interest.

ACTION: By motion (Elliott/Kullijian, unan., Lang absent) Ord. 1796-C.S. introduced.

Res. 79-27 adopted (same vote) certifying review of environmental impact. (Clerk/Planning to handle)

14. Hearing of Necessity to acquire Setliff Bros. Services' property for Tuolumne River Regional Park development. No. 5

ACTION: A resolution to acquire the property and a motion to continue this item to get further information both failed to carry. By motion (Kullijian/Lang, majority) ^{Dunkley, Mensinger, Siskin, no} it was determined that the property would not be acquired. (P.R. to handle)

15. Hearing on vacation and abandonment of a portion of the 20-foot public alley in Block 68, bounded by 10th, 11th and J Streets as requested by Bank of America. No. 6

ACTION: By motion (Lang/Mensinger, unan.) Council indicated its intention to abandon the alley. (Planning to handle)

16. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

ORDINANCES

17. Consider a change in the Modesto Plumbing Code which would abate the use of clean running potable water as a cooling medium. (This is an energy and water conservation measure. Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion (Lang/Kullijian, unan.) Option B, to allow the Code to remain as is, was approved. (P.W. to handle)

NEW BUSINESS

CONSENT

18. Consider agreement with Modesto Fruit Exchange, a corporation, for the acquisition of an avigation easement for the Modesto City-County Airport/Harry Sham field. (Continued on next page.)

CONSENT

18. (Continued from Page 4.)
(The grantors have agreed to sell the aviation easement which contains 57,320[±] square feet for \$2,825. This is a value arrived at by the grantor's appraiser, Robert Ford and Associates. The City's appraisal was \$2,150 with a date of valuation of May, 1977. The new value is based on a later valuation date. The easement is required by the Federal Aviation Administration. The easement is located off runway 10L at the northerly end of the airport. This is the last of seven easements required at this location. Resolution approving agreement and accepting easement needed. Estimated cost: \$2,825 easement; \$400 escrow; \$3,225 total; funds are budgeted.)

ACTION: Res. 79-28 adopted approving agreement. (P.W. to handle)

CONSENT

19. Consider approving an agreement with the California Highway Patrol which would allow the Modesto Police Department to use CHP radio frequencies for emergencies.
(Memorandum with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-29 adopted approving agreement. (Police to handle)

CONSENT

20. Consider acceptance of a grant offer from the Federal Aviation Administration to raise the grant offer for the proposed Crash Fire Rescue Station at the Modesto City-County Airport/Harry Sham Field, from \$169,194 to \$392,873.
(The F.A.A. is increasing its grant offer to construct the proposed Airport Crash Fire Rescue Station. It is recommended the City accept this grant offer. Memo with agenda. Resolution accepting grant offer needed.)

ACTION: Res. 79-30 adopted accepting grant offer. (P.W. to handle)

CONSENT

21. Uninhabited annexation to the City of Modesto - Crows Landing Road Annexation.
(On November 29, 1978, LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-31 adopted annexing and certifying review. (Clerk/Planning)

CONSENT

22. Uninhabited annexation to the City of Modesto - Dale-Snyder Annexation.

(The Local Agency Formation Commission has authorized this annexation without notice and hearing on November 29, 1978. The annexation area is subject to a California Land Conservation contract. The contract was protested by the City and LAFCO upheld the City's protest. The City at this time should elect not to succeed to the contract. Resolution annexing the area and certifying review of environmental impact and resolution electing not to succeed to the California Land Conservation contract needed.)

ACTION: Res. 79-32 adopted annexing the area and certifying review.
Res. 79-33 adopted electing not to succeed to the California Land Conservation contract. (Clerk/Planning to handle)

CONSENT

23. Uninhabited annexation to the City of Modesto - Briggs-Wheatley Annexation.

(On November 29, 1978, LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-34 adopted annexing and certifying review. (Clerk/Planning to handle)

CONSENT

24. Set date for public hearing - Annexation of inhabited territory - Orchard Neighborhood Annexation.

(The Local Agency Formation Commission approved this annexation on November 29, 1978. A portion of the annexation area is subject to California Land Conservation contracts (5). The City of Modesto protested these contracts and LAFCO upheld the City's protest. If the annexation is approved, the City should elect not to succeed to the contracts. Resolution setting date for public hearing on February 27, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-35 adopted setting hearing. (Clerk to handle)

CONSENT

25. Set date for public hearing - Annexation of inhabited territory - Kansas Avenue No. 2 Annexation.

(On November 29, 1978, LAFCO approved this annexation. Resolution setting date for public hearing on February 27, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-36 adopted setting hearing. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Mills Gardens subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Rodney R. Johnson and Susan P. Johnson, husband and wife.
(The subdivision agreement has been signed and all fees paid. Mills Gardens subdivision is located on the south side of Floyd Avenue at MacDougal Street. It contains 1.262 acres. Resolution approving final map needed.)

ACTION: Res. 79-37 adopted approving final map. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

27. Consider approval of appropriation transfer from General Reserve for permanent barricades along certain McHenry Avenue side streets. (Memorandum with agenda. Resolution approving appropriation transfer needed. Estimated Cost: \$5,000; funds are budgeted.)

ACTION: Res. 79-38 adopted approving appropriation transfer.
(Finance to handle)

MISCELLANEOUS

28. Legislation

None

29. Appointments

None

30. Matters too late for the agenda

None

Adjourned at 11:00 p.m. to executive session to discuss an employee relations matter, and then to Friday, January 12, 1979, 12:30 p.m. at the Sportsmen of Stanislaus Club, 819 Sunset Avenue, Modesto, for a meeting with Phyllis Lamphere, E.D.A. Regional Director.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Council
Meeting
January 12, 1979

The Modesto City Council met pursuant to adjournment at 12:30 p.m. at the Sportsmen of Stanislaus Club, 819 Sunset Avenue, Modesto, California, with Phyllis Lamphere, E.D.A. Regional Director.

Present: Councilmembers Dunlap, Elliott, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Kullijian, and Lang

The purpose of the meeting was to discuss the necessity of constructing a parking structure downtown and the need for an E.D.A. grant to assist with the financing of the construction. Bill Nichols made a report on the Downtown Plan and Doug Carmody discussed the status of parking and traffic in the downtown area. At Mrs. Lamphere's request, several downtown property owners and businessmen discussed their plans for investment and expansion of the properties and businesses if additional parking could be provided.

The meeting adjourned at 2:45 p.m.

ATTEST: *Norrine Coyze*
NORRINE COYZE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 16, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Kenneth Bird, Airport Assembly of God

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 14, 17, 18, 19, 20, 21, 22, 23, 24, 26

ACTION: (Kullijian/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

PRESENTATIONS

1. Presentation of Suggestion Awards.

(Fire Dept.)

- (1) \$12.50 to Ron Mendoza and \$12.50 to Phillip Jenkins/(\$25 total award) for suggestion that a timer be installed in the alarm light circuit of each of the five stations as well as the new fire station upon completion. There is a considerable amount of savings in electrical costs.
- (2) \$150 award to Gregg Miller (Public Works) for suggestion that all of the series circuit street lighting be billed on a flat rate formula as opposed to the present metered method. There is an estimated annual savings of over \$7,000.
- (3) \$25 award to John Martin (Public Works) for suggestion on the use of a gear removal and installation tool when servicing Econolite electromechanical traffic signal controllers. There is a considerable amount of annual savings for the City of Modesto.

ACTION: Mayor presented awards to employees John Martin and Gregg Miller and said awards would be given to Ron Mendoza and Phillip Jenkins.

MINUTES

CONSENT

2. Approval of minutes of the adjourned regular City Council meeting of January 8, 1979, and the regular meeting of January 9, 1979. (Motion approving needed.)

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

COMMUNICATIONS

3. Letter from Gerald Short, Modesto Bee, regarding a City of Modesto advertisement in the Bee's annual "Agriculture, Business and Industry Review Edition."

(Motion directing staff needed.)

ACTION: By motion (Elliott/Mensing, unan.) City will not participate this year.

BIDS

CONSENT

4. Consider award of contract for the construction of waterline extensions on Woodland Avenue, Lillian Drive, Floyd Avenue, and at Snyder and Prescott.

(Bids were opened on January 9, 1979. The low bid of \$51,971.40, submitted by Joe Martin Pipeline, Inc. is 12% below the engineer's estimate and considered acceptable. It is, therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-39 adopted awarding contract. (P.W. to handle)

CONSENT

5. Consider declaring BDS Computer Corporation low bidder meeting City specifications and authorizing the purchase of one data processing line printer for the total price of \$31,058. (Memorandum with agenda. Resolution declaring BDS Computer Corporation low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-40 adopted authorizing purchase. (Finance to handle)

CONSENT

6. Consider waiving formal bid procedures and authorizing the purchase of one printing system from A. B. Dick Company for the total purchase price of \$30,169.57. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-41 adopted waiving formal bid procedure. (Finance)

CONSENT

7. Consider issuance of a purchase order to Kier Crane Company for dredging the drainage ditch and chlorine contact basin at the Wastewater Treatment Plant Pond Site. (Dirt and debris have eroded into the drainage ditch at the Remote Pond Site. The chlorine contact basin is in need of cleaning to provide a more efficient operation of chlorination. It is recommended formal bids be waived by 5 affirmative votes and a purchase order for the total price of \$9,000 be issued to Kier Crane Company Memo with agenda. Resolution waiving formal bid procedures and authorizing issuance of a purchase order needed. Funds are budgeted

ACTION: Res. 79-42 adopted waiving formal bid procedure. (P.W. to handle)

HEARINGS

4:00 p.m

8. Hearing regarding amendments to Conflict of Interest Codes to add the position of "Arborist" to the Parks and Recreation Department Code and delete the position of "Lead Building Inspector" and add "Supervising Building Inspector" to the Public Works Department Code. No. 1

ACTION: Res. 79-43 adopted (Dunlap/Elliott, unan) adding position of "Arborist" to Conflict of Interest Code for P/R Department.
Res. 79-44 adopted (same vote) adding position of "Supervising Building Inspector" to Public Works Department Code. (Clerk)

9. Hearing on amendment to Modesto Municipal Code Section 10-2.3507 regarding abatement deadline for signs made nonconforming by rezoning actions. No. 2

ACTION: Motion introducing Ord. No. 1797-C.S. (Lang/Elliott, unan.) amending Municipal Code. (Clerk to handle)

10. Hearing on amendment to Section 19-3-9 of the Zoning Map to rezone from R-2 and R-3 to P-0 property located on the southwest corner of W. Orangeburg Avenue and Martin Avenue. No. 3
(U. Z. Brannon)

ACTION: Motion introducing Ord. 1798-C.S. (Kullijian/Lang, unan.) rezoning
Res. 79-45 adopted (same vote) certifying review of Environmental Impact. (Clerk/Planning to handle)

11. Hearing on amendment to Section 7-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of Standiford Avenue west of Shawnee Drive. No. 4
(James D. Haub)

ACTION: Motion introducing Ord. 1799-C.S. (Lang/Kullijian, unan.) rezoning
Res. 79-46 adopted (same vote) certifying review of Environmental Impact. (Clerk/Planning to handle)

12. Hearing on appeal by Dennis Wilson, Mid-Valley Engineering, Inc. to a decision of the Environmental Assessment Committee regarding the requirement of an environmental impact report concerning Modesto Development property at Scenic and Claus.

No. 5

ACTION: Res. 79-47 adopted (Kullijian/Elliott, majority; Mensinger, Siefkin, Mayor Davies - no) granting appeal and overruling Environmental Assessment Committee decision. (Planning to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

14. Final adoption of the following:

- a. Ord. No. 1791-C.S. amending Zoning regulations concerning P-D zones.
- b. Ord. No. 1792-C.S. relating to permitted uses in the low density residential zone.

(Motion approving needed.)

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

15. Final adoption of Ord. No. 1793-C.S. relating to permitted locations of recreational vehicles and boats.
(Motion approving needed.)

ACTION: By motion (Lang/Kullijian, majority; Dunlap-no) Ordinance approved.
(Clerk to handle)

16. Consider proposal to adopt an ordinance which would establish the Orchard Drainage Area.
(The General Plan requires all newly annexed neighborhoods to be served with positive storm drain systems. The proposal describes the system and specifies the fees. Proposal with agenda. Estimated cost: \$210,000 (this fiscal year); funds are budgeted.)

ACTION: By motion (Elliott/Lang, unan.) Ord. 1800-C.S. introduced establishing Orchard Drainage Area. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider cancellation of the lease with Thrifty Rent-A-Car to do business at the Modesto City-County Airport/Harry Sham Field. (A letter dated December 8, 1978 has been received from Mr. Richard L. Schneider and Elise D. Schneider, dba Thrifty Rent-A-Car, to cancel their lease with the City. It is recommended the lease agreement be terminated as of December 31, 1978. Memo with agenda. Resolution cancelling lease agreement needed.)

ACTION: Res. 79-48 adopted cancelling lease agreement. (P.W. to handle)

CONSENT

18. Recommendation from the Planning Commission for the appointment of Charles Jolitz to the Board of Zoning Adjustment as a representative of the Planning Commission. (On January 2, 1979, the Planning Commission adopted a resolution recommending to the City Council the reappointment of Charles Jolitz to the Board of Zoning Adjustment, as a representative of the Planning Commission for one year, his term to expire December 31, 1979. Resolution appointing Charles Jolitz to the B.Z.A. needed.)

ACTION: Res. 79-49 adopted appointing Charles Jolitz to the B.Z.A. (Planning to handle)

CONSENT

19. County Referral of Open Space Contract No. 79-3624, Hashem Naraghi, northeast corner of Floyd and Oakdale Road. (Memo and map with agenda. Resolution expressing recommendation of opposition needed.)

ACTION: Res. 79-50 adopted expressing recommendation of opposition. (Planning to handle)

CONSENT

20. Consider revision in Position Classification Plan to add positions of Arborist and Maintenance Worker and amending Laborer (Unclassified) and consider adoption of a resolution amending salary schedules and fixing compensation for the two new positions in City service. (Resolution adding and revising position classifications in the Position Classification Plan and resolution amending salary schedules and fixing compensation for positions needed.)

ACTION: Res. 79-51 adopted adding and revising Position Classification Plan
Res. 79-52 adopted amending salary schedules & fixing compensation for positions. (Personnel to handle)

CONSENT

21. Consider a resolution authorizing City Manager to sign agreement to reinstate Neighborhood Youth Advisor Program at Mark Twain Junior High School. (Memorandum with agenda. Resolution authorizing City Manager to sign agreement needed. Estimated cost: \$7,812 for remainder of F.Y. 78-79 to be funded from salary savings.)

ACTION: Res. 79-53 adopted authorizing City Manager to sign agreement. (Manager to handle)

CONSENT

22. Consider request for water service to property outside City limits at 2124 Woodland Avenue, located on the southeast corner of Woodland Avenue and Rosemore Avenue. Owners: Godfrey F. Cesmat and Hellen M. Cesmat
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-54 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider authorizing the City Manager to sign an easement agreement with Modesto Irrigation District.
(The northerly terminus of the Sonoma Trunk Sewer is at the south side of the Modesto Irrigation District Lateral #3, northeast of the intersection of Oakdale Road and Briggsmore Avenue. This easement will allow for the installation of the trunk sewer across the Modesto Irrigation Lateral No. 3. Resolution authorizing City Manager to sign agreement with M.I.D. needed.)

ACTION: Res. 79-55 adopted authorizing City Manager to sign agreement.
(P.W. to handle)

CONSENT

24. Request for refund of business license tax - J. C. Insurance.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 79-56 adopted authorizing refund. (Finance to handle)

REPORTS

25. Report on recycling activities by Ecology Action Educational Institute.
(Report will be made by Clifford C. Humphrey.)

Councilmember Mensinger excused due to a conflict of interest.
ACTION: Res. 79-57 adopted (Lang/Siefkin, unan., Mensinger absent)
appropriating transfer of funds. (Finance to handle)

CONSENT

26. Presentation of Financial Statement for December, 1978.
(Copies of report with agenda. Motion accepting report needed.)

ACTION: By motion, report acknowledged.

1/16/79

MISCELLANEOUS

27. Legislation

None

28. Appointments

None

29. Matters too late for the agenda

Councilmember Dunlap mentioned that Tuolumne River Regional Park Committee will meet 1/22/79 and suggested the reconsideration of Setliff Bros. property acquisition for park entrance.

Adjourned at 6:05 p.m., to 12:00 noon on Friday, January 19, 1979, at The Big Yellow House on 3105 McHenry Avenue to meet with State Senator Zenovich.

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

Modesto City Council
Adjourned Regular Council
Meeting
January 19, 1979

The Modesto City Council met pursuant to adjournment at 12:00 Noon, at the Big Yellow House, McHenry Avenue, Modesto, California, with State Senator George Zenovich.

Present: Councilmembers Dunlap, Elliott, Lang, Siefkin,
Mayor Davies

Absent: Councilmembers Kullijian, Mensinger

Various pieces of State legislation that would affect Modesto were discussed with Senator Zenovich.

The meeting adjourned at 1:30 p.m.

ATTEST:


JUDY C. HALL
Acting City Clerk

1/19/79

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 23, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Mensing, Siefkin, Mayor Davies

Absent: Councilmember Kullijian

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 18, 21, 22,
23, 24, 25, 26, 27, 29, 30,
31, 32
ACTION: (Dunlap/Siefkin, unan.,
Kullijian absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular City Council meeting of January 12, 1979, and of the regular meeting of January 16, 1979. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Pete Pappas, President, Big Valley Broadcasting, Inc. requesting to keep a nonconforming sign for at least one year on the premises of Scorpios Restaurant at 1608 J Street.

ACTION: By motion (Lang/Dunlap, unan., Kullijian absent) permission was given to keep the sign for a year from the date it was placed, approximately November 15, 1979. (P.W. to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for Lakewood Avenue sewer trunk trench repair - Phase II. (Funds were budgeted in the C.I.P. to repair a 10-year old sewer trench on Lakewood between Scenic and Orangeburg. Since we were unsure of the extent of the repair needed, an initial contract to repair approximately 500 feet of the trench was awarded, and that work is under way. On the basis of information now gained in that work, we need to proceed with a second contract to complete the repair work on the trunk sewer between Scenic and Orangeburg. Suggested bid opening: February 6, 1979 at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$55,000 (Contr. \$49,875; Contg. & Engr. \$5,125); funds are budgeted.)

ACTION: Res. 79-58 adopted calling for bids. (P.W. to handle)

CONSENT

4. Consider approving specifications and authorizing call for bids to be opened February 13, 1979, at 2:00 p.m. for furnishing one comminutor-macerator. (The equipment will be installed at the Water Quality Control Plant to digest large solid materials found in sewage waste such as rags, cans, bottles, etc. Resolution approving specifications and bid call needed. Estimated cost: \$7,200; funds are budgeted.)

ACTION: Res. 79-59 adopted calling for bids. (Finance to handle)

5. Consider award of contract for remodeling of McHenry Mansion. (Three bids to remodel the McHenry Mansion were received. Staff is reviewing the bids and will make recommendation concerning award of bid at Council meeting. Resolution awarding bid as recommended by staff at Council meeting needed.)

ACTION: Res. 79-60 (Mensingher/Elliott, unan., Kullijian absent) awarding contract to S.P.M. & Development Company for \$94,444.00. (P.W./P.R. to handle)

CONSENT

6. Consider award of contract for the construction of HCDA removal of architectural barriers - Phase II. (Bids were opened on January 9, 1979. The lowest bid contained an error. (See memo with agenda.) The second lowest bid of \$28,900, submitted by W. Gale Fisher, Inc., which is 6.8% below the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution allowing Morrow and Waggoner to withdraw their bid, and awarding contract to W. Gale Fisher, Inc. needed. Estimated cost: \$30,400 (\$28,900 Contract \$1,500 Engr.); funds are budgeted.)

ACTION: Res. 79-61 adopted allowing Morrow & Waggoner to withdraw, and awarding contract to W. Gale Fisher, Inc. (P.W. to handle)

CONSENT

7. Consider acceptance of Joe Martin's contract for the construction of waterlines in Sisk Road. (Original contract: \$10,951.20) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$10,298.40; funds are budgeted.)

ACTION: Res. 79-62 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

8. Annex Woodland Mercy Addition to the Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 79-63 adopted (Lang/Dunlap, unan., Kullijian absent) annexing to Sewer District. (Clerk to handle)

9. Hearing on amendment to Sec. 30-3-9 of the Zoning Map to rezone from P-D(182) to M-1 property located between Carpenter Road and Reno Avenue, north of Kansas Avenue. No. 2
(Carpenter-Reno Development Group)

ACTION: By motion, (Siefkin/Mensing, unan., Kullijian absent) Ord.1801-C.S. introduced rezoning. (Clerk/Planning to handle)
Res. 79-64 adopted (same vote) rezoning. (Clerk/Planning to handle)

10. Hearing on amendment to Sec. 28-3-9 of the Zoning Map to rezone from P-D(121) to C-1 property located on the northeasterly side of 15th Street between G and H Streets. No. 3
(Martin Optical)

ACTION: By motion (Lang/Siefkin, unan., Kullijian absent) Ord. 1802-C.S. introduced rezoning. (Clerk/Planning to handle)
Res. 78-65 adopted (same vote) certifying E.I.R. (Clerk/Planning)

11. Hearing on amendment to Sec. 21-3-9 of the Zoning Map to rezone from R-2 to P-D(209) for a 20-unit condominium residential complex, property located at the northeast corner of E. Orangeburg Avenue and Yarmouth Drive. No. 4
(Jim Corn)

ACTION: By motion (Lang/Elliott, unan., Kullijian absent) Ord. 1803-C.S. introduced rezoning. (Clerk/Planning to handle)
Res. 79-66 adopted (same vote) approving development plan.
Res. 79-67 adopted (same vote) certifying E.I.R. (Clerk/Planning to handle)

12. Appeal by Gordon Berg to a Planning Commission decision concerning rezoning property on the south side of Rumble Road between Conant Avenue and Lou Ann Drive.

No. 5

ACTION: Res. 79-68 (Lang/Dunlap, unan., Kullijian absent) upholding Planning Commission decision. (Planning to handle)

13. Appeal by John Tatoyan, President of The Tire Store, to a Planning Commission decision concerning rezoning property on Standiford Avenue.

No. 6

ACTION: By motion, Ord. 1804-C.S. introduced (Lang/Mensinger, unan., Kullijian absent) amending P-D(172) (Clerk/Planning to handle)
Res. 79-69 adopted (same vote) granting appeal. (Clerk/Planning)

14. Hearing on amendment to Sec. 22-3-9 of the Zoning Map to rezone from R-1 to P-0 property located on the east side of Coffee Road south of Briggsmore Avenue.
(Marion and Helen Rampley)

No. 7

ACTION: By motion (Lang/Elliott, unan., Kullijian absent) Ord. 1805-C.S. introduced approving rezoning. (Clerk/Planning to handle)
Res. 79-70 adopted (same vote) certifying E.I.R. (Clerk/Planning)

15. Hearing on amendment to Sec. 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of W. Roseburg Avenue east of Tully Road.
(Land Bank Financial Services)

No. 8

ACTION: By motion (Siefkin/Mensinger, unan., Kullijian absent) Ord. 1806-C.S. introduced approving rezoning. (Clerk/Planning)
Res. 79-71 adopted (same vote) certifying E.I.R. (Clerk/Planning)

16. Hearing on amendment to Sec. 10-3-9 and 15-3-9 of the Zoning Map to rezone from R-1 and a portion of P-D(153) to P-D(211) property located on the west side of Oakdale Road between Sylvan and Floyd Avenue.
(Naraghi)

No. 9

ACTION: By motion (Siefkin/Dunlap, unan., Kullijian absent) Ord. 1807-C.S. introduced approving rezoning. (Clerk/Planning to handle)
Res. 79-72 adopted (same vote) approving development plan.
Res. 79-73 adopted (same vote) certifying E.I.R. (Clerk/Planning)

17. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

18. Final adoption of Ord. No. 1794-C.S., reclassifying property from R-1 to P-D(208), Calvary Temple Assembly of God. (Motion approving needed.)

ACTION: By motion, Ord. 1794-C.S. adopted. (Clerk to handle)

19. Final adoption of Ord. No. 1795-C.S. relating to plan change, P-D(73), Memorial Hospital. (Motion approving needed.) Councilmember Mensinger excused due to a conflict of interest.

ACTION: By motion (Lang/Elliott, unan., Kullijian & Mensinger absent) Ord. 1795-C.S. adopted. (Clerk to handle)

20. Final adoption of Ord. No. 1796-C.S., reclassifying property from R-1 to R-2, Ethen and Carolyn Whitman. (Motion approving needed.) Councilmember Lang excused due to a conflict of interest.

ACTION: By motion (Mensinger/Siefkin, unan., Kullijian and Lang absent) Ord. 1796-C.S. adopted (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

21. City Council initiation of an amendment to P-D(45) - Modesto Racquet Club. (Memo with agenda. Changes deal primarily with the hours of operation discussed by the City Council on January 2, 1979. Resolution initiating amendment to P-D(45) needed.)

ACTION: Res. 79-74 adopted initiating amendment. (Planning to handle)

NEW BUSINESS

CONSENT

22. Recommend to Council an amendment to P-D(166) - Leo Michaelides. (On January 15, 1979 the Planning Commission adopted Res. No. 79-20 recommending to the City Council an amendment to the motel/restaurant portion of P-D(166) located on Sisk Road north of Beekwith-Standiford interchange on Freeway 99. Resolution setting public hearing on Tuesday, February 20, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-75 adopted setting hearing. (Clerk to handle)

CONSENT

23. Set public hearing to consider adjustment in garbage service charges. (Garbage operations are reviewed annually. Where net revenue to garbage company is determined to be less than 10% of asset value, adjustments in service charges to correct the deficiency are in order. Resolution setting hearing on Tuesday, February 6, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-76 adopted setting hearing. (Clerk to handle)

CONSENT

24. Consider resolutions accepting two parcels of Stanislaus County Tax Deeded land presently being used by the City as drainage basins. The County erred on the original subdivision maps in not requiring the dedication of the two basins.
(On October 8, 1978 the Council passed a resolution objecting to the tax sale of two parcels of land as the first step in acquiring these parcels per Division I, Part 6, Chapter 8 of the Revenue and Taxation Code. The County has processed the tax deeds and will record the deeds upon the City's acceptance along with payment of the stipulated purchase price of \$400 and advertising cost of \$54. Two Resolutions authorizing City Manager to sign a Certificate of Acceptance and consent to recordation needed. Estimated cost: \$400 Stipulated Purchase Price; \$54 Cost of Advertising; \$454 Total; funds are budgeted.)

ACTION: Res. 79-77 adopted approving agreemt. (Alder Creek Court, Parcel 1550-1)
Res. 79-78 adopted approving agreemt. (Rimrock Way, Parcel 1546-1)
(P.W. to handle)

CONSENT

25. Consider approval of the final map of Sherwood Gardens subdivision. Subdividers: Contek Associates.
(All fees are paid. A subdivision agreement is not required since the reason for filing this map is to create a condominium development from an existing apartment complex. All public improvements are existing. Resolution approving final map needed.)

ACTION: Res. 79-79 adopted approving final map. (Clerk to handle)

CONSENT

26. Establishment of a new City fund known as the McHenry Mansion Restoration Fund and the appropriation of \$150,000 for the restoration of the mansion.
(Memo with agenda. Introduction of ordinance establishing new fund needed, and resolution authorizing transfer and appropriation of \$150,000 needed.)

ACTION: By motion, Ord. No. 1808-C.S. introduced establishing McHenry Mansion Restoration Fund.
Res. 79-80 adopted authorizing transfer. (Clerk/Finance to handle)

CONSENT

27. Consider P. G. & E. Application 58546 for rate increase.
(Memo with agenda. Residential gas rates would increase 13% - 13.5%. It is recommended that this be left to the P.U.C. Motion acknowledging receipt of the report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

29. Consider approval of the final map of Chiloquin Villas subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: Lawson L. Martin and Shirley A. Martin, and Kenneth L. Graham and Sandra Joyce Graham. (The subdivision agreement has been signed and all fees paid. Chiloquin Villas subdivision is located on the north side of Scenic Drive between Rose Avenue and Brook Vale Drive. It contains 0.886 acres. Resolution approving final map needed.)

ACTION: Res. 79-81 adopted approving final map. (Clerk to handle)

CONSENT

30. Housing Maintenance Program Target Area No. 2 (Near North Side) - Supplemental Public Improvements. (Memo with agenda requesting approval of use of Community Development Block Grant Funds to install 75 feet of curb, gutter and sidewalk on the south side of Lucerne Avenue between Boden and Sunrise. Motion approving supplemental improvements needed. Estimated cost: \$1,100; funds are budgeted.)

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

REPORTS

CONSENT

31. Modesto Chamber of Commerce Quarterly Report - October, November & December, 1978. (Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of the report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

32. Consider a transfer of funds from General Fund Reserve to Police Department to cover costs of extraditing prisoners from out of state. (Funds budgeted for Fiscal Year 78-79 for extradition of prisoners has been totally expended due to above average number of persons returned to the State of California for trial. The amount of transfer is \$2,500 and is reimbursed by the State. Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-82 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

33. Legislation

None

34. Appointments

None

35. Matters too late for the agenda

None

Adjourned at 10:10 p.m.

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 6, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang,
Mensinger, Siefkin, Acting Mayor Dunlap

Absent: Mayor Davies

Pledge of Allegiance to the Flag

Invocation: Rev. Wilson Yost, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 15, 19, 20, 21,
ACTION: (Lang/Kullijian, unan., Mayor Davies absent) 22, 23, 24, 25, 26, 27, 28, 29,
30, 31, 32, 33, 34

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the January 19, 1979 adjourned regular meeting, and the January 23, 1979, regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Appeal by Teamsters Local 748 to a decision of the Board of Building Appeals.

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) this item was held over to the February 13, 1979, Council meeting. (Clerk)

CONSENT

3. Request by Joseph Rodger Clifford Marks to file a late claim against the City of Modesto.
(Resolution denying request needed.)

ACTION: Res. 79-83 adopted denying request. (Clerk to handle)

4. Letter from Gene Cox, owner of Modesto Bowl, regarding the Modesto Municipal Code provision regulating hours of operation of bowling alleys.

ACTION: By motion (Lang/Siefkin, unan., Mayor Davies absent) staff directed to prepare the necessary amendment to the Code to eliminate the restriction on hours of operation. (Atty. to handle)

CONSENT

5. Letter from Curtis Coad, Local Agency Formation Commission, regarding a joint Council-LAFCO meeting regarding the sphere of influence boundary between Modesto and Ceres.
(Motion directing staff to work with Mr. Coad on a meeting date needed.)

ACTION: By motion, staff directed to work with Curt Coad on a meeting date. (Planning to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for Sonoma Park landscaping and irrigation system.
(Bid opening: February 27, 1979 at 11:00 a.m. The project includes the installation of lawn areas, trees and shrubs and the installation of a complete sprinkler system including the electrical service at Sonoma Park. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$65,450 (Contract \$59,500; Engr. & Contg. \$5,950); funds are budgeted.)

ACTION: Res. 79-84 adopted calling for bids. (P.W. to handle)

CONSENT

7. Approve plans and specifications and call for bids for the construction of Mellis Park basketball court.
(Bid opening: February 20, 1979 at 11:00 a.m. The project includes the construction of a concrete slab court, basketball pole and backboard plus the necessary stripping. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$10,900 (Contract \$10,400; Engr. \$500); funds are budgeted.)

ACTION: Res. 79-85 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened February 27, 1979 at 2:15 p.m. for two tractor mowers and fourteen garg mowers.
(Equipment will be used by the Parks and Recreation Department to mow fairways at Dryden and Municipal Golf Courses. Equipment will not replace any like equipment presently in operation. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$31,578; funds are budgeted.)

ACTION: Res. 79-86 adopted calling for bids. (Finance)

CONSENT

9. Approve plans and specifications and call for bids for outside milling work for exterior restoration of McHenry Mansion. (Bid opening: February 20, 1979 at 11:05 a.m. This project includes all special milling work including wood columns, wood balusters, wood brackets, moldings, etc. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$25,000; funds are budgeted.)

ACTION: Res. 79-87 adopted calling for bids. (P.R. to handle)

CONSENT

10. Consider award of contract for the construction of subtrunk sewer extension in East Orangeburg from Glenbrook to Prospect. (Bids were opened on January 30, 1979. The low bid of \$86,334, submitted by Western Pipeline Co., Inc. is 42% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Western Pipeline Co., Inc. needed. Funds are budgeted.)

ACTION: Res. 79-88 adopted awarding contract. (P.W. to handle)

CONSENT

11. Consider award of contract for the removal of obstructions in Airport Clear Zone on River Road - Parcels D-1, D-2, and D-3. FAA-ADAP # 8-06-0153-02. (Bids were opened on January 30, 1979. The low bid of \$11,800, submitted by Modesto Sand & Gravel, Inc., is 34% below the engineer's estimate and considered acceptable. It is, therefore recommended by the Public Works Department that the contract be awarded to Modesto Sand & Gravel, Inc. Resolution awarding contract to Modesto Sand & Gravel, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-89 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider accepting Ferrero Electric, Inc.'s contract for modification of traffic signals on Briggsmore at College and Tully as complete. (Memo with agenda. Final contract cost is \$15,282 of which \$13,753.80 will be reimbursed to the City by the Federal government. Resolution accepting contract and authorizing City Clerk to file Notice of Completion needed. Funds are budgeted.)

ACTION: Res. 79-90 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Biben's Nursery's contract for the installation of playground equipment at Revard Park as complete. (Original contract: \$29,635)
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$28,347.10; funds are budgeted.)

ACTION: Res. 79-91 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider rejection of bids received from Lakeside Truck Body Company and Denair Manufacturing, Inc. for truck lift gates; authorize new call for bids, to be opened February 27, 1979 at 2:00 p.m. for furnishing seven truck lift gates.
(Both firms failed to correctly interpret and meet City specification Resolution rejecting bids and authorizing new call for bids needed. Estimated cost: \$5,523; funds are budgeted.)

ACTION: Res. 79-92 adopted rejecting bids and authorizing new call for bids. (Finance to handle)

CONSENT

15. Consider acceptance of Joe Martin's contract for construction of waterline extension on Blue Bird Avenue and Pelandale Avenue. (Original contract: \$29,868)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$31,504.40 funds are budgeted.)

ACTION: Res. 79-93 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

16. Hearing on vacation and abandonment of Grove Avenue between McHenry Avenue and the existing barrier 160 feet west of McHenry Avenue. No. 1

ACTION: By motion (Elliott/Kullijian, unan., Mayor Davies absent) intention was indicated to close the street. (Atty. to handle)

17. Annual review of garbage service charges No. 2

ACTION: Res. 79-94 adopted (Kullijian/Siefkin, Mayor Davies absent) approving new rates. (P.W. to handle)

18. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

ACTION: Councilmember Elliott introduced three government class students from Modesto High School.

ORDINANCES

CONSENT

19. Final adoption of the following:

- a. Ord. No. 1797-C.S. concerning abatement deadline for signs made nonconforming by rezoning actions.
 - b. Ord. No. 1798-C.S. rezoning from R-2 and R-3 to P-0 property located on the corner of W. Orangeburg Avenue and Martin. (U.Z. Brannon)
 - c. Ord. No. 1799-C.S. rezoning from R-1 to R-2 property on Standiford Avenue west of Shawnee Drive. (James D. Haub)
 - d. Ord. No. 1800-C.S. adopting a drainage plan for the Orchard Drainage Area.
 - e. Ord. No. 1801-C.S. rezoning from P-D(182) to M-1 property located north of Kansas Avenue between Carpenter and Reno Avenue (Carpenter Reno Development Group)
 - f. Ord. No. 1802-C.S. rezoning from P-D(121) to C-1 property located on 15th Street between G and H Streets. (Martin Optical)
 - g. Ord. No. 1803-C.S. rezoning from R-2 to P-D(209) property located on E. Orangeburg Avenue and Yarmouth Drive for a 20-unit condominium. (Jim Corn)
 - h. Ord. No. 1804 C.S. amending P-D(172) located on Standiford Avenue to allow a tire store/automobile service center. (John Tatoyan)
 - i. Ord. No. 1805-C.S. rezoning from R-1 to P-0 property located on Coffee Road south of Briggsmore. (Marion and Helen Rampley)
 - j. Ord. No. 1806-C.S. rezoning from R-1 to R-2 property located on the north side of W. Roseburg Avenue east of Tully Road. (Land Bank Financial Services)
 - k. Ord. No. 1807-C.S. rezoning from R-1 and a portion of P-D(153) to P-D(211) property located on the west side of Oakdale Road between Sylvan and Floyd Avenue. (Naraghi)
- (1.) Amendment to Resolution approving P-D(211), Naraghi Farms, to add condition to require right of way dedication. (Memo with agenda. Resolution amending conditions of approval needed.)

ACTION: Res. 79-95 adopted amending conditions of approval.

- 1. Ord. No. 1808-C.S. establishing the McHenry Mansion Restoration Fund.

(Motion adopting needed.)

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

CONSENT

20. Consider an Ordinance Amending Section 5-1.302 of Article 3 of Chapter 1 of Title V of the Modesto Municipal Code Relating to Enforcement of Health and Sanitation Regulations.
(Memo of explanation with agenda. Introduction of ordinance needed.)

ACTION: Ord. No. 1809-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

21. Consider revised Federal Aid Urban-D Program for Modesto-Ceres Urbanized Area.
(The program had to be revised to conform to federal funding limitations, and to set aside funds for proposed Modesto projects. Resolution approving revised FAU-D program needed.)

ACTION: Res. 79-96 adopted approving revised FAU-D program. (P.W. to handle)

CONSENT

22. Consider acceptance of improvements in Westridge No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Paul M. and Liberty Zagaris)
(Westridge No. 2 subdivision is located north of Woodland Avenue and east of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-97 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

23. Consider acceptance of improvements in Westridge No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Paul M. and Liberty Zagaris)
(Westridge No. 3 subdivision is located north of Woodland Avenue and west of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-98 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

24. Consider request for water and sewer service for property outside City limits at 533 Lincoln Avenue. Owners: Arnold C. Dickens, Helen J. Dickens and Modesto Irrigation District.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-99 adopted approving agreement. (P.W. to handle)

CONSENT

25. Resolution and order of the Council of the City of Modesto providing for a general municipal election to be held on Tuesday, March 6, 1979, and designating precincts and polling places and appointing elections officers for said general municipal election.
(This is an election to elect a Mayor, 3 Councilmembers and 3 members to the Modesto Board of Education. Memo with agenda. Resolution designating precincts and polling places, appointing election officers and directing City Clerk to canvass votes needed.)

ACTION: Res. 79-100 adopted designating precincts and polling places, appointing election officers, and directing City Clerk to canvass votes. (Clerk to handle)

CONSENT

26. Consider authorizing City Manager to sign an underground license and an underground permit with the Tidewater Southern Railroad Co. at their Standiford Avenue crossing.
(The underground license and permit are required in order to cross the Tidewater Southern Railroad right of way enabling the City to make final waterline connections at Standiford and Union. Resolution authorizing City Manager to sign Underground License needed; Resolution authorizing City Manager to sign Underground permit needed. Estimated cost: \$100; funds are budgeted.)

ACTION: Res. 79-101 adopted authorizing City Manager to sign Underground License.
Res. 79-102 adopted authorizing City Manager to sign Underground Permit. (P.W. to handle)

CONSENT

27. Consider approving agreement with Capital Construction Company for the purchase of 0.26⁺ acres of right of way needed for Claus Road-Yosemite to Briggsmore project.
(Capital Construction Company has agreed to settle for the appraised value of \$4,200 plus \$147 interest. The interest is required by a right of entry agreement signed July 31, 1978 and approved by the City Council 8-14-78. This project is a City-County endeavor with the County being the lead agency. This is the last of four City parcels acquired. Resolution approving agreement needed. Estimated cost: \$4,200 (\$147 Interest; \$4,347 Total); funds are budgeted.)

ACTION: Res. 79-103 adopted approving agreement.

CONSENT

28. Consider joining in an amicus curiae brief in the case of County of Fresno v. Malmstrom, which is a proceeding to test the effect of Proposition 13 on Improvement Districts and Assessment Proceedings.
(Motion authorizing joining in amicus curiae brief needed.)

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

CONSENT

29. Consider the following:

- a. Withdrawing Winmoore Way Annexation from the Industrial Fire District.
- b. Withdrawing East Coolidge No. 2 Annexation from the McHenry-Dry Creek Fire District.
- c. Withdrawing Cheatham Drive Annexation from the Burbank-Paradise Fire District.

(Effective dates of annexations: Winmoore Way - 1-9-79; East Coolidge No. 2 - 1-10-79; Cheatham Drive - 1-17-79. Three resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-104 adopted withdrawing Winmoore Way from Fire Dist.
Res. 79-105 adopted withdrawing East Coolidge No. 2 from Fire Dist.
Res. 79-106 adopted withdrawing Cheatham Drive from Fire Dist.
(Clerk to handle)

CONSENT

30. Consider determining that the public interest and convenience require that the following annexations be annexed to Modesto Municipal Sewer District No. 1:

- a. Winmoore Way Annexation
- b. East Coolidge No. 2 Annexation
- c. Cheatham Drive Annexation

(Effective dates of annexations: Winmoore Way - 1-9-79; East Coolidge No. 2 - 1-10-79; Cheatham Drive - 1-17-79. Resolution setting hearing for Winmoore Way Annexation on March 27, 1979 at 7:30 p.m. (Hearing No. 1); resolution setting hearing for East Coolidge No. 2 Annexation on March 27, 1979 at 7:30 p.m. (Hearing No. 2); resolution setting hearing for Cheatham Drive Annexation on March 27, 1979 at 7:30 p.m. (Hearing No. 3) needed.) (Five affirmative votes needed.)

ACTION: Res. 79-107 adopted setting hearing (Winmoore Way Addition)
Res. 79-108 adopted setting hearing (E. Coolidge No. 2 Addition)
Res. 79-109 adopted setting hearing (Cheatham Drive Addition)

CONSENT

31. Consider approval of the final map of Vinewood Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Vinewood Apartments, a limited partnership. (The subdivision agreement has been signed and all fees paid. Vinewood Subdivision is located south of Standiford Avenue between Hahn Drive and Conant Avenue. It contains 6.108 acres. Resolution approving final map needed.)

ACTION: Res. 79-110 adopted approving final map. (Clerk to handle)

CONSENT

32. Consider amending Personnel Rules implementing recognition and decertification process, etc.
(Memo with agenda. Resolution amending Personnel Rules needed.)

ACTION: Res. 79-111 adopted amending Personnel Rules. (Mgmt. Services to handle)

CONSENT

33. Consider agreement with State modifying 5th and H Streets signals.
(Memo with agenda. Project involves lengthening a mast arm for a signal at southeast corner of intersection. Resolutions approving the agreement and transferring the funds needed. Estimated cost: \$4,800.)

ACTION: Res. 79-112 adopted approving agreement. (P.T. to handle)
Res. 79-113 adopted approving appropriation transfer. (P.T.)

CONSENT

34. Consider an appropriation transfer, the waiver of formal bidding procedures, and the issuance of a purchase order to Reed's Trenching, Inc. for emergency repairs to the trunk sewer on Santa Rosa Avenue at Oregon Drive.
(The 24" Santa Rosa Avenue trunk sewer failed, necessitating emergency replacement. It is recommended \$16,750 be transferred from the Sewer Service Fund General Reserve and a purchase order of \$16,041.23 be issued to Reed's Trenching Inc. Memo with agenda. Resolution approving an appropriation transfer needed, and a resolution approving a purchase order to Reed's Trenching, Inc. needed.)

ACTION: Res. 79-114 adopted approving appropriation transfer.
Res. 79-115 adopted approving a purchase order to Reed's Trenching.

MISCELLANEOUS

35. Legislation

None

36. Appointments

None

37. Matters too late for the agenda

None

Adjourned to executive session at 4:25 p.m. to consider property acquisition with the announcement that Council would not return to open session.

Adjournment

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 13, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies

Absent: Councilmember Elliott

Pledge of Allegiance to the Flag

Invocation: Chaplain Doug Schrum, Vintage Faire Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 7, 9, 10, 11, 12, 13,
21, 22, 23, 24, 25, 26, 27, 28,
ACTION: (Dunlap/Mensingher, unan., 29, 30, 31, 32, 33, 34, 35, 36,
Elliott absent) 37, 38, 39

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the February 6, 1979 City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Appeal by Teamsters Local 748 to a decision of the Board of Building Appeals. (Carried over from February 6, 1979 meeting.)

ACTION: Res. 79-116 adopted (Kullijian/Lang, unan., Elliott absent)
setting hearing February 27, 1979, 7:30 p.m. (Hearing No. 4)
(Clerk to handle)

3. Petition from residents in the John Muir Park area regarding problems in the park.

ACTION: By order of the Chair, this matter was referred to the staff to work on a solution to the problems. (P.R./Police/P.W. to handle)

4. Letter from Modesto Kiwanis Club regarding repair and restoration of the Boy Scout Clubhouse in Enslin Park. City Attorney Elwyn Johnson was excused due to a conflict of interest.

ACTION: By motion (Mensingher/Kullijian, unan., Elliott absent) approval was given for Modesto Kiwanis Club to proceed. (P.R. to handle)

5. Letter from Modesto Civic Theatre requesting closure of Sycamore and Park Avenues during the Shakespeare in the Park performance in August.

ACTION: By motion (Dunlap/Kullijian, unan., Elliott absent) City Manager directed to work with Modesto Civic Theatre in closing the streets. (Mgr. to handle)

6. Letter from D. Hudson, President, P.M. L., Inc., requesting that Council waive the one-year waiting period so they may reapply for rezoning of property on Carver Road.

ACTION: Res. 79-117 adopted (Kullijian/Lang, unan., Elliott absent) one year waiting period waived. (Clerk to handle)

CONSENT

7. Letter from Cliff Humphrey thanking the City Council for the \$20,000 contribution.
(Motion acknowledging receipt needed.)

ACTION: By motion, receipt of letter acknowledged.

8. Letter from the Stanislaus County Fourth of July Committee requesting assistance with the parade, picnic, and fireworks program and for funds for the celebration.

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) intention was declared to approve the request. (Mgr. to handle)

CONSENT

9. Letters from Calvin Moorad and Sam and Joe Randy appealing a Planning Commission decision regarding a time extension on P-D(141). (Resolution setting hearing March 13, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-118 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened March 13, 1979 at 2:00 p.m. for purchasing automotive and heavy equipment. (Equipment list with agenda.)
(Equipment is required by the Public Works Service Division and will be assigned to various departments. Revenues for the Service Division Fund are derived from equipment rental charges made to departments using the equipment. Resolution approving specifications and authorizing call for bids needed. Est. cost: \$136,620; funds are budgeted)

ACTION: Res. 79-119 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for repainting street light poles and mast arms.
(This project is budgeted to paint rusted street light poles. Suggested bid opening: February 27, 1979 at 11:05 a.m. Memo with agenda. Resolution approving plans and specification and calling for bids needed. Estimated cost: \$19,550 (Contract \$17,775; Engr. & Contg. \$1,775); funds are budgeted.)

ACTION: Res. 79-120 adopted calling for bids. (P.W. to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for construction of Claus Road storm drain.
(This project will provide positive storm drainage to the 255 acre Claus Road Drainage District. Suggested bid opening: March 13, 1979 at 2:05 p.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$310000 (Contract \$246,840; Engr. & Reimb. Subdivider \$63,160); funds are budgeted.)

ACTION: Res. 79-121 adopted calling for bids. (P.W. to handle)

CONSENT

13. Consider award of contract for Lakewood Avenue sewer trunk trench repair, phase II.
(Bids were opened February 6, 1979. The low bid of \$41,182.50, submitted by the Flintkote Co., is 17.4% below the engineer's estimate and is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding contract to the Flintkote Co. needed. Estimated cost: \$43,242.50 (Contract \$41,182.50; Engr. \$2,060.00); funds are budgeted.)

ACTION: Res. 79-122 adopted awarding contract. (P.W. to handle)

Mayor Davies was excused from the meeting at 8:35 p.m.

HEARINGS

7:30 p.m.

14. Hearing on appeal by Sheila H. Duckworth to Planning Commission decision regarding rezoning from R-1 to R-2 property on the south side of Floyd west of Coffee Road.

No. 1

ACTION: Res. 79-123 adopted (Lang/Kullijian, unan., Elliott and Mayor Davies absent) denying appeal. (Clerk to handle)

15. Hearing on amendment to Sec. 31-3-9 of the Zoning Map to rezone from R-1 to P-D(210) for a 21-unit single story elderly housing complex located north of Vine and west of Franklin St. (Land Bank Financial Services) No. 2

ACTION: By motion (Kullijian/Lang, unan., Elliott, Mayor Davies absent) Ord. No. 1810-C.S. introduced. (Clerk/Planning to handle)
Res. 79-124 adopted (same vote) approving development plan.
Res. 79-125 adopted (same vote) certifying environmental assessment review. (Clerk/Planning to handle)

16. Hearing on amendment to Sec. 19-3-10 of the Zoning Map to rezone from R-1 to R-3 property located at the northeast corner of Claus Road and Orangeburg Avenue. (Mid Cal Land Development) No. 3

ACTION: A resolution denying requested zoning and certifying review of environmental assessment failed to carry. (Siefkin/Lang, Kullijian, Mensinger, Acting Mayor Dunlap-no; Elliott and Mayor Davies absent)
By motion (Lang/Kullijian, unan., Elliott, Mayor Davies absent) this item carried over to the February 20, 1979, meeting. (Clerk)

17. Hearing on amendment to Sec. 13-3-8 of the Zoning Map to rezone from R-1 to P-D(212) property located on the northeast side of Sisk Road, northwest of Brenner Way and denying a portion of the application requesting rezoning from R-1 to P-D located at the northwest corner of Brenner Way and Lou Ann Drive. (Hian Investments) No. 4

ACTION: By motion (Kullijian/Lang, majority, Siefkin-no, Elliott, Mayor Davies absent) Ord. No. 1811-C.S. introduced. (Clerk/Planning)
Res. 79-126 adopted (same vote) approving development plan.
Res. 79-127 adopted (same vote) certifying environmental assessment review. (Clerk/Planning to handle)

18. Hearing on application of Carolyn Crawford to rezone from R-1 to R-3 property located on the northwest corner of Maze and Emerald Avenue and Planning Commission recommendation that property be rezoned from R-1 to R-2. No. 5

ACTION: By motion (Lang/Siefkin, unan., Elliott, Mayor Davies absent) Ord. No. 1812-C.S. introduced (Clerk/Planning to handle)
Res. 79-128 adopted (same vote) certifying environmental assessment review. (Clerk/Planning to handle)

19. Hearing on amendment to Sec. 20-3-9 of the Zoning Map to rezone from R-1 to P-D(213) to allow a two-story condominium project, property located on the north side of Griswold Avenue west of McHenry. (Roy Campbell) No. 6

ACTION: By motion (Kullijian/Siefkin, unan., Elliott, Mayor Davies absent) Ord. No. 1813-C.S. introduced (Clerk/Planning to handle)
Res. 79-129 adopted (same vote) approving development plan.
Res. 79-130 adopted (same vote) certifying environmental assessment review.

20. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

21. Final adoption of Ord. No. 1809-C.S. relating to enforcement of health and sanitation regulations.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1809-C.S. adopted. (Clerk to handle)

CONSENT

22. An ordinance repealing Section 4-1.201 of Article 2 of Chapter 1 of Title IV of the Modesto Municipal Code relating to permissible hours for bowling alleys.
(This ordinance has been prepared as a result of the Council's consideration of this matter at its meeting on February 6, 1979. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1814-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

23. Consider the following:

- a. Withdrawing Crows Landing Road Annexation from the Industrial Fire District.
- b. Withdrawing Dale-Snyder Annexation from the Salida Fire District.
- c. Withdrawing Briggs-Wheatley Annexation from Burbank-Paradise Fire District.

(The effective date of these annexations is January 25, 1979. Resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-131 adopted withdrawing Crows Landing Rd. from Fire Dist.
Res. 79-132 adopted withdrawing Dale-Snyder from Fire Dist.
Res. 79-133 adopted withdrawing Briggs-Wheatley from Fire Dist. (Clerk to handle)

CONSENT

24. Consider determining that the public interest and convenience require that the following annexations be annexed to Modesto Municipal Sewer District No. 1:

- a. Crows Landing Road
- b. Dale-Snyder
- c. Briggs-Wheatley

(The effective date of these annexations is January 25, 1979. Resolutions setting hearings on Tuesday, April 3, 1979 at 4:00 p.m. needed. Crows Landing Road - Hearing No. 1; Dale-Snyder - Hearing No. 2; Briggs-Wheatley - Hearing No. 3.) (Five affirmative votes needed.)

ACTION: Res. 79-134 adopted setting hearing on Crows Landing Road Addition
Res. 79-135 adopted setting hearing on Dale-Snyder Addition
Res. 79-136 adopted setting hearing on Briggs-Wheatley Addition

CONSENT

25. Adoption of resolution of application for annexation of the Collier-Trombetta Annexation.

(The proposed annexation is a developed 18.061 acre island containing 66 dwelling units located between Coffee Road and McHenry Ave., south of Briggsmore Avenue. Pursuant to annexation legislation, the City Council may initiate annexation proceedings for islands of less than 100 acres and the annexation may be completed without a protest hearing or election if approved by the LAFCO and the Board of Supervisors. Plan for providing services and map with agenda. Resolution of application initiating annexation proceedings needed.)

ACTION: Res. 79-137 adopted initiating annexation proceedings. (Planning to handle)

CONSENT

26. Uninhabited annexation to the City of Modesto - Woodland-Barium Annexation.

(The Local Agency Formation Commission has authorized this annexation without notice and hearing on January 24, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-138 adopted annexing and certifying review of environmental impact. (Clerk/Planning)

CONSENT

27. Uninhabited annexation to the City of Modesto - Kansas Avenue No. 3. (The Local Agency Formation Commission has authorized this annexation without notice and hearing on January 24, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-139 adopted annexing and certifying review of environmental impact. (Clerk/Planning)

CONSENT

28. Consider approval of final map of Vintage Faire No. 5 subdivision. Subdivider: Joseph Trombetta (All fees are paid. A subdivision agreement is not required since this subdivision is a resubdivision of Vintage Faire No. 3 for which all improvements are already bonded. Resolution approving final map needed.)

ACTION: Res. 79-140 adopted approving final map. (Clerk to handle)

CONSENT

29. Consider approval of final map of Shasta Estates No. 2 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers - Joaquin Construction Co., Inc., a California Corp. (The subdivision agreement has been signed and all fees paid. Shasta Estates No. 2 subdivision is located north of Torrid Avenue between Yellowstone Avenue and Shasta Avenue. It contains 7.177 acres. Resolution approving final map needed.)

ACTION: Res. 79-141 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider approval of the final map of Shasta Estates No. 3 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers - Joaquin Construction Co., Inc., a California Corp. (The subdivision agreement has been signed and all fees paid. Shasta Estates No. 3 subdivision is located north of Torrid Avenue and west of Diablo Avenue. It contains 10.893 acres. Resolution approving final map needed.)

ACTION: Res. 79-142 adopted approving final map. (Clerk to handle)

CONSENT

31. Consider approval of the final map of Good Karma Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Mike G. Fisher and Patricia J. Fisher, husband and wife. (The subdivision agreement has been signed and all fees paid. Good Karma Estates is located on the west side of Roselawn Avenue, south of Rouse Avenue. It contains 2.999 acres. Resolution approving final map needed.)

ACTION: Res. 79-143 adopted approving final map. (Clerk to handle)

CONSENT

32. Set date for public hearing: Approval of Fifth Year Community Development Block Grant application to HUD. (On January 25, 1979, the Citizens Housing and Community Development Committee held a meeting regarding the proposed application and approved it. Resolution setting public hearing for February 27, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-144 adopted setting hearing. (Clerk to handle)

CONSENT

33. Adoption of a resolution requesting the County Assessor to provide an estimate of assessed values as provided by the Government Code. (Memo with agenda. Resolution requesting estimate needed.)

ACTION: Res. 79-145 adopted requesting estimate. (Finance to handle)

CONSENT

34. Consider acceptance of improvements in Oakshire Terrace subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Wolverine Building Service and Charles B. Walter (Oakshire Terrace is located west of El Vista Avenue and south of Edgebrook Drive. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-145 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

35. Consider sale of improvements from four parcels of land acquired for Del Webb Soccer Field.
(Memo with agenda. Bid opening: March 20, 1979 at 10:00 a.m. Resolution approving specifications and calling for bids needed.)

ACTION: Res. 79-147 adopted calling for bids. (P.W./Clerk to handle)

CONSENT

36. Consider assignment of Silvoir Aviation's fixed base operator lease to the Executive Skyways at the Modesto City-County Airport/Harry Sham Field.
(A request has been received to assign the Silvoir Aviation lease to Executive Skyways. Information concerning the new owners and managers of Executive Skyways along with a financial statement reflecting current assets and liabilities has been reviewed by the staff. Memo with agenda. Resolution authorizing assignment of lease needed.)

ACTION: Res. 79-148 adopted authorizing assignment of lease. (P.W. to handle)

CONSENT

37. Amendment to 1978-79 operating budget to provide money for Junior Golf Program.
(In years past the S.O.S. Club conducted a Celebrity Golf Tournament on the Dryden Golf Course. The proceeds were placed in trust with the City to sponsor and promote a George Maroney Junior Golf Tournament and instructional program for youth. This is the sixth program for youth. A transfer of \$275 to be paid to the golf professional to organize and conduct the George Maroney Junior Golf Tournament and clinics, and \$258 for awards (a total of \$533) is needed from City Trust Fund to the General Fund Donations Account and then appropriated to General Fund Recreation Division of the Parks & Recreation Department in the Junior Golf Program Account. Resolution amending budget needed.)

ACTION: Res. 79-149 adopted amending budget. (Finance to handle)

CONSENT

38. Consider request for sewer service to property outside City limits at 2020 Lance Street, located on the south side of Lance Street between Phoenix Street and Brookfield Drive. Owners: Harold L. Cassel and Joy M. Cassel.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-150 adopted approving agreement. (P.W. to handle)

REPORTS

CONSENT

39. Presentation of Financial Statement for January, 1979.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

40. Legislation

ACTION: AB86 - By motion (Mensingher/Siefkin, unan., Elliott & Mayor Davies absent) supported items 1,2,3,4, & 10 and opposed 5,6,7,8 & 9
SB114- By motion (Kullijian/Lang, unan., Elliott & Mayor Davies absent) opposed.
SB174- By motion (Lang/Kullijian, unan., Elliott & Mayor Davies absent) supported. (Mgmt. Services)

41. Appointments

ACTION: Res. 79-151 adopted (Lang/Kullijian, unan., Elliott & Mayor Davies absent) appointing the following persons to the Youth Commission: Dale Kuykendall, Anthony Varni, Tami Lillie, Allison Foster; and Mark Fenton (reappointed). (Clerk to handle)

42. Matters too late for the agenda

a. Consideration of contract for milling work on McHenry Mansion.
ACTION: Res. 79-152 adopted (Mensingher/Siefkin, unan., Elliott, Mayor Davies absent) approving specifications and issuance of a purchase order for milling work for McHenry Mansion.
By motion (Mensingher/Siefkin, unan., Elliott, Mayor Davies absent) intention indicated to reject bids for milling work for McHenry Mansion to be received and opened on February 20, 1979. (P.W.)

Adjourned at 10:35 to executive session to consider an employee relations matter with the announcement that Council would not return to open session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 20, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent:

Pledge of Allegiance to the Flag

Invocation: Rev. Dennis Conrad, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 17

ACTION: (Dunlap/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the February 13, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from the Camellia Society of Modesto requesting the City to again contribute the Sweepstakes Trophy.
(Resolution approving request needed. Estimated cost: \$50; funds are budgeted.)

ACTION: Res. 79-152 adopted approving request. (Finance to handle)

BIDS

CONSENT

3. Consider declaring Disposable Waste Systems low bidder meeting City specifications and authorizing the purchase of one comminutor-macerator for the total price of \$6,431.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-153 adopted authorizing purchase. (Finance to handle)

CONSENT

4. Consider approving increase in the amount of Purchase Order #92956, Sonoma School storm drain, from \$3,410 to \$3,650.
(Field conditions required an additional 10 L.F. of pipe that was not shown on the plans. Memo with agenda. Resolution approving increase in purchase order amount needed. Final cost: \$3,650; funds are budgeted.)

ACTION: Res. 79-154 adopted approving increase in purchase order amount.
(P.W. to handle)

CONSENT

5. Consider acceptance of General Electric Company's contract for radio communications system for local government as complete.
(Original contract: \$66,850)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete. Final cost: \$66,900.88; funds are budgeted.)

ACTION: Res. 79-155 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

6. Amendment to P-D(166) on Sisk Road north of Beckwith-Standiford Interchange on Freeway 99

No. 1

ACTION: Res. 79-156 adopted (Lang/Kullijian, unan.) amending P-D(166)
(Planning to handle)

7. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

UNFINISHED BUSINESS

8. Continued consideration of amendment to Sec. 19-3-10 of the Zoning Map to rezone from R-1 to R-3 property located on the northeast corner of Claus Road and Orangeburg Avenue.
(Mid-Cal Land Development)
(Carried over from the February 13, 1979 meeting.)

ACTION: Res. 79-167 adopted (Dunlap/Siefkin, majority, Elliott, Kullijian, Mensinger-no) denying rezoning. (Clerk to handle)

NEW BUSINESS

CONSENT

9. Recommend amendment to City of Modesto Standard Specifications pertaining to street improvements adjacent to single-family, duplex, triplex, and four-plex lots created by parcel maps in developed areas.
(On February 5, 1979, the Planning Commission adopted Resolution 79-27 recommending to the City Council an amendment to City of Modesto Standard Specifications pertaining to street improvements adjacent to single-family, duplex, triplex, and four-plex lots created by parcel maps in developed areas. Resolution amending Standard Specifications needed.)

ACTION: Res. 79-157 adopted amending Standard Specifications. (Planning to handle)

CONSENT

10. Consider a resolution establishing policy directive relating to official parking in the City Hall parking lots, and rescinding Resolution No. 69-356. Memorandum with agenda. Resolution establishing policy relating to official parking needed.)

ACTION: Res. 79-158 adopted establishing policy. (P.T. to handle)

CONSENT

11. Consider agreement between the Del Este Water Company and the City of Modesto for temporary water service to the Del Este water service area in west Modesto.
(Del Este Water Company has several wells out of service in the area and is in need of supplemental supplies until a permanent new source can be developed and placed on-line. See memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-159 adopted approving agreement. (P.W. to handle)

CONSENT

12. Consider amendment to agreement with Jenks & Harrison for services in connection with preparation of Project Report on City's Wastewater Treatment and Disposal Facilities.
(Our current agreement provides for funding in the amount of \$24,000 for preparation of Supplemental Project Report dealing with use of plant effluent for irrigation. Work beyond the original scope, primarily in the area of soils investigations to meet State and EPA concerns, resulted in added costs. It is recommended that an amendment to the agreement be approved, increasing the costs for additional studies (Work Item I-2, Par. III, Compensation) be increased from \$24,000 to \$30,000. 87½% of this cost will be borne by State and Federal grants. Resolution approving agreement needed. Estimated cost: \$30,000; funds are budgeted.)

ACTION: Res. 79-160 adopted approving agreement. (P.W. to handle)

CONSENT

13. Consider amendment to agreement with J. B. Gilbert & Associates in connection with preparation of Supplemental EIR on Wastewater Treatment Facilities Plan.
(The work effort of J. B. Gilbert & Associates in preparing Supplemental EIR on our Wastewater Facilities Plan has increased due to additional work required to satisfy State and EPA concerns. It is recommended an amendment to our agreement be approved providing for an increase in the cost of work by an amount of \$5,952. 85½% of this cost will be borne by State and Federal grants. Resolution approving agreement needed. Estimated cost: \$5,952; funds are budgeted.)

ACTION: Res. 79-161 adopted approving agreement. (P.W. to handle)

CONSENT

14. Consider agreement with Charles L. Tocalino, Trustee, for the purchase of property needed for an interim bus passenger shelter and parking lot at the northeast corner of 9th and I Street.
(Mr. Tocalino has agreed to sell the property, for \$58,000. While this is more than our original appraised value of the property, it is, according to our appraiser, representative of the current property value. Resolution approving agreement needed. Estimated cost: \$58,000 cost; \$1,500 escrow; \$59,500 Total; funds are budgeted.)

ACTION: Res. 79-162 adopted approving agreement. (P.W. to handle)

CONSENT

15. Regulation of City's Workers's Compensation Self-Insurance Program. (Memo with agenda. Resolution confirming the authority of the City Manager to act on behalf of the City of Modesto in the management of the City's self-insurance program for worker's compensation liabilities needed.)

ACTION: Res. 79-163 adopted confirming the authority of the City Manager. (Mgr. to handle)

16. Consider approval of combination park/fire station facility at Beyer Neighborhood Park property for Fire Station 7 site. (Previous site considered for Fire Station 7 site was Oakdale Road north of Sylvan and involves a property cost of \$64,000. Combination park/fire station facility on Beyer Neighborhood Park property would eliminate this additional cost. Motion approving combination park/fire station facility at Beyer Neighborhood Park property needed.)

ACTION: By motion (Dunlap/Kullijian, Unan.) this item held over to the March 6, 1979, meeting. (Clerk to handle)

CONSENT

17. Consider approval of agreement with Foundation Engineers, Inc. for the soils investigation for the west trunk sewer. (The staff invited proposals from 5 soil engineering firms for the soil investigation of the west trunk sewer right of way. The soils report is necessary for the final design of the west trunk sewer. Hiring the soil engineer is a responsibility of the City as outlined in the engineering agreement with MacKay & Soms, the engineering firm designing the west trunk. Based on the selection committee's screening criteria, three firms were interviewed. It was decided that the Foundation Engineers, Inc. are best qualified at this time to do the work; therefore, it is recommended that the City enter into agreement with them for these services. Resolution approving agreement with the Foundation Engineers, Inc. needed. Estimated cost: \$9,728; funds are budgeted.)

ACTION: Res. 79-164 adopted approving agreement. (P.W. to handle)

MISCELLANEOUS

18. Legislation
By motion (Dunlap/Siefkin, unan.) S.B. 95 supported.
By motion (Lang/Siefkin, unan.) A.B. 129 supported.
19. Appointments
None
20. Matters too late for the agenda
a. Cost of living increase
Res. 79-165 adopted (Elliott/Dunlap, unan.) approving cost of living increase.
Res. 79-166 adopted (Elliott/Kullijian, unan.) revising the salary schedule for Police Sergeants. (Mgmt. Ser.)

Adjourned at 4:20 p.m.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 27, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2A, 3, 4, 5, 11, 12, 14, 15, 16, 17, 18, 19, 20

ACTION: Removed from Consent: 13

(Dunlap/Siefkin, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of February 20, 1979. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Mark Olds and Joyce J. Skeen regarding waste water treatment facilities.

ACTION: Mark Olds and Jim Victor requested information regarding the project of strengthening the wastewater treatment facility. Ross Campbell gave a brief report.

CONSENT

- 2A. Appeal by San Joaquin First Federal Savings and Loan Association to a decision of the Board of Zoning Adjustment regarding interpretation of the City of Modesto's sign ordinance. (Resolution setting hearing for March 20, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-168 adopted setting hearing. (Clerk to handle)

2/27/79

BIDS

CONSENT

3. Call for bids for hydromulching and irrigation system at Tuolumne River Regional Park.
(Bid opening: March 13, 1979 at 11:00 a.m. This project will provide hydromulching and irrigation system in designated areas of the Tuolumne River Regional Park. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$15,455 (Contract \$14,100; Engr. \$1,355); funds are budgeted.)

ACTION: Res. 79-169 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

4. Consider award of contract for the construction of Mellis Park basketball court.
(Bids were opened on February 20, 1979. The low bid of \$9,200, submitted by L. E. McGraw Construction, is 11.5% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department and Parks and Recreation that the contract be awarded to them. Resolution awarding contract to L. E. McGraw Construction needed. Estimated cost: \$9,700 (Contract \$9,200; Engr. Insp. \$500); funds are budgeted.)

ACTION: Res. 79-170 adopted awarding contract to L.E. McGraw. (P.W. to handle)

CONSENT

5. Consider declaring the following equipment surplus to City needs and authorizing the Purchasing Officer to advertise and sell to the highest bidder:

- a. 1971 7' flail mower
- b. 1966 post-hole digger
- c. 1968 scoopmobile
- d. 1 Gamewell Fire Alarm System

(Memorandum with agenda. Resolution declaring property surplus and authorizing sale needed.)

ACTION: Res. 79-171 adopted declaring property surplus and authorizing sale. (Finance to handle)

HEARINGS

7:30 p.m.

6. Hearing on annexation of inhabited territory -
Orchard Neighborhood Annexation

No. 1

ACTION: Res. 79-172 adopted (Elliott/Dunlap, unan.) annexing Orchard Neighborhood Annexation. (Clerk to handle)
Res. 79-173 adopted (Elliott/Dunlap, unan.) electing not to succeed to the Williamson Contract. (Clerk to handle)

7. Hearing on annexation of inhabited territory - Kansas Avenue No. 2 Annexation No. 2

ACTION: Res. 79-174 adopted (Kullijian/Lang, unan.) annexing. (Clerk to handle)

8. Hearing on approval of Fifth Year Community Development Block Grant application to HUD No. 3

ACTION: Res. 79-175 adopted (Kullijian/Lang, unan.) (Clerk to handle)

9. Hearing on appeal by Teamsters Local 748 to a decision of the Board of Building Appeals regarding the repair of the building at 1222 I Street No. 4

ACTION: By motion (Dunlap/Mensing, unan.) the public hearing was continued to March 27, 1979, 7:30 p.m. (Hearing No. 6). (Clerk to handle)

10. Matters for the good of the community. (These may be presented by interested persons in the audience.)

ACTION: Mayor Davies requested a staff report on a problem Lori Carhart brought up regarding some plants. (Police to handle)

ORDINANCES

CONSENT

11. Final adoption of the following ordinances:

- a. Ord. No. 1810-C.S. rezoning from R-1 to P-D(210) property north of Vine, west of Franklin St. (Land Bank Financial Services)
- b. Ord. No. 1811-C.S. amending P-D(212) property located northwest of Brenner Way. (Hian Investments)
- c. Ord. No. 1812-C.S., as corrected, rezoning from R-1 to R-2 property on Maze and Emerald. (Carolyn Crawford)

CONSENT

11. Final adoption of ordinances (Continued):

- d. Ord. No. 1813-C.S. rezoning from R-1 to P-D(213) property on Griswold west of McHenry. (Roy Campbell)
- e. Ord. No. 1814-C.S. relating to permissable hours for bowling alleys.

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

- 12. Consider Muir Trail Girl Scout Council request to use City parks for the 1979 Girl Scout Day Camp program.**
(Beard Brook Park with picnic shelter: June 18 - 22, 1979, 8 a.m. - 4 p.m.; T. B. Scott Park with Modesto Community Service Center kitchen: June 18 - 22, 1979, 8 a.m. - 4 p.m.; Tuolumne River Regional Park: June 18, 1979, 8 a.m. - June 22, 1979, 5 p.m. (overnight). Motion granting request needed.)

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

- 13. Consider Yosemite Area Council, Boy Scouts of America request to use the Tuolumne River Regional Park for Cub Scout Day Camp August 6 - August 10, 1979, from 8:30 a.m. to 4:00 p.m. daily.**
(Motion granting request needed.) Councilmember Elliott excused due to a conflict of interest because of his membership on the Yosemite Area Council's Executive Council.

ACTION: By motion (Dunlap/Lang, unan., Elliott absent) request granted. (P.R.)

CONSENT

- 14. Consider approving lease agreement with E. Dwain Robertson for lease of the former Bomberger house located on future Dry Creek Park area.**

(This is a month-to-month tenancy. The rent is \$200 per month with lessee paying taxes, utilities and maintenance. Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 79-176 adopted approving lease agreement. (P.W. to handle)

CONSENT

15. Recommend vacation and abandonment of the 10-foot public walkway in Block 6015 between Greenwood Drive and the alley west of Tully Road.

(On January 15, 1979, the Planning Commission adopted Resolution 79-21 recommending to the City Council the vacation and abandonment of the 10-foot public walkway in Block 6015 between Greenwood Drive and the alley west of Tully Road. Resolution of intention to vacate and abandon and setting date for public hearing on March 27, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 1384-S.P. and Res. of Intent 380 adopted setting hearing.
(Clerk to handle)

CONSENT

16. Recommend vacation and abandonment of street right of way at the northerly corner of Washington and "M" Streets.

(On January 15, 1979, the Planning Commission adopted Resolution 79-22 recommending to the City Council the vacation and abandonment of street right of way at the northerly corner of Washington and "M" Streets. Resolution of intention to vacate and abandon and setting date for public hearing on March 27, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 1385-S.P. and Res. of Intent 381 adopted setting hearing.
(Clerk to handle)

CONSENT

17. Consider amending Personnel Rule 13.
(Memo with agenda. Resolution amending Personnel Rule 13 needed.)

ACTION: Res. 79-177 adopted amending Personnel Rule 13. (Mgmt. Services)

CONSENT

18. Consider joining in an amicus curiae brief in the case of Toso vs. City of Santa Barbara which relates to an inverse condemnation action.

(Memo with agenda. Motion authorizing joining in amicus curiae brief needed.)

ACTION: By motion, authorization given to join amicus curiae brief. (Atty.)

CONSENT

19. Consider approval of the final map of Kingswood Estates No. 4 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers - Rule Enterprises, Inc.
(The subdivision agreement has been signed and all fees paid. Kingswood Estates No. 4 is located east of Coffee Road and south of Sylvan Avenue. It contains 20.880 acres. Resolution approving final map needed.)

ACTION: Res. 79-178 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

20. Annual CATV System Performance Test
(Reports with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

21. Legislation

ACTION: By motion (Dunlap/Lang, unan.) AB-301 supported.

22. Appointments

None

23. Matters too late for the agenda

- a. Joint Council - LAFCO Meeting:

The City Manager said a joint City Council-LAFCO meeting has been set for March 1.

Adjourned at 8:40 p.m. to executive session to discuss property acquisition and then to Thursday, March 1, 1979, at 3:30 p.m. in the County Administrator's Office in the County Administration Building, 1100 H Street, Modesto, for a joint City Council - Local Agency Formation Commission meeting.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
March 1, 1979, 3:30 P.M.

The Council of the City of Modesto met pursuant to adjournment at 3:30 p.m. in Conference Room A of the County Administration Building, 1100 H Street, Modesto, California, with the Local Agency Formation Commission.

Present: Councilmembers Dunlap, Elliott, Lang, Mensinger,
Siefkin, Mayor Davies

Absent: Councilmember Kullijian

There was a discussion of the area between Modesto and Ceres and in which the City's "Sphere of Influence", the so-called "No Man's Land" should be included. The position of the City of Modesto was presented by Modesto's Director of Planning and Community Development. A general discussion ensued of various boundary lines that have been proposed.

The meeting adjourned at 4:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 6, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

**Invocation: Rev. Larry Hensmier, First Christian Church
Councilmember Elliott introduced Mrs. Elliott.**

**CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 9,
11, 12, 13, 14, 15, 16, 17,
18, 19, 20, 21**

ACTION: (Dunlap/Kullijian, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

- 1. Approval of minutes of City Council meeting of February 27, 1979.
(Motion approving needed.)**

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

- 2. Letter from Building Industry Association of Central California regarding waterlines and water hook-up fees.
(Resolution setting hearing March 20, 1979 at 4:00 p.m. (Hearing No. 2) needed.)**

ACTION: Res. 79-179 adopted setting hearing. (Clerk to handle)

CONSENT

- 3. Letter from Ralph Morgan & Associates appealing a decision of the Planning Commission regarding rezoning the northeast corner of Needham and Sycamore Avenues.
(Resolution setting hearing April 10, 1979 at 7:30 p.m. (Hearing No. 1) needed.)**

ACTION: Res. 79-180 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Block 6074. (Suggested bid opening: March 20, 1979 at 11:05 a.m. This project consists of the replacement of the southern half of the water main in Block 6074. The existing 6" steel line is almost beyond repair. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$6,185; (Contract \$4,935; Engrg. \$1,250); funds are budgeted.)

ACTION: Res. 79-181 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Almond Street. (Suggested bid opening: March 20, 1979 at 11:00 a.m. This project consists of replacing an old 4" C.I.P. main which is located directly under a row of street trees. The roots from the street trees are crushing the line. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$15,391.50 (Contract \$13,230; Engrg. \$2,161.50); funds are budgeted.)

ACTION: Res. 79-182 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

6. Consider award of contract for Sonoma Park landscaping and irrigation system. (Bids were opened February 27, 1979. The low bid of \$56,727, submitted by Grover Landscaping, Inc., is 4.7% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to them. Resolution awarding contract to Grover Landscaping, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-183 adopted awarding contract. (P.W. to handle)

CONSENT

7. Consider awarding Item I, tractor mowers, and Item II, gang mowers, to H. V. Carter for the total purchase price of \$21,259.36 and \$7,780.17, respectively. (Memorandum with agenda. Resolution awarding contract for purchase of equipment needed. Funds are budgeted.)

ACTION: Res. 79-184 adopted awarding contract. (Finance to handle)

(These may be presented by interested persons in the audience.)

- a) Request by Guarantee Savings and Loan Association for waiver of one year waiting period for submitting new rezoning application for property on the southwest corner of Orangeburg and Oakdale Road.

ACTION: Res. 79-185 adopted (Lang/Mensingers, unan.) waiving one-year waiting period.

ORDINANCES

CONSENT

9. Consider adopting an ordinance regulating towing companies that participate on the Police Department rotation towing list. Consider adopting a resolution setting rates that tow companies can charge for services rendered as a result of being called by the police.

(Memorandum with agenda. Motion introducing ordinance and resolution setting the rates needed.)

ACTION: By motion, Ord. No. 1815-C.S. introduced.
Res. 79-186 adopted setting the rates. (Clerk to handle)

UNFINISHED BUSINESS

10. Further consideration of approval of combination park/fire station facility at Beyer Neighborhood Park property for Fire Station 7 site.

(Previous site considered for Fire Station 7 site was Oakdale Road north of Sylvan and involves a property cost of \$64,000. Combination park/fire station facility on Beyer Neighborhood Park property would eliminate this additional cost. Motion approving combination park/fire station facility at Beyer Neighborhood Park property.)

ACTION: By motion (Kullijian/Mensingers, unan.) approved combination park/fire station facility at Beyer Neighborhood Park property.

NEW BUSINESS

CONSENT

11. Consider agreement with Hazel J. Chubbuck for the purchase of 0.023 $\frac{1}{2}$ acres of right of way needed for the Orangeburg - Collier to Coffee project.

(Mrs. Chubbuck has agreed to settle for the appraised value of \$2,046.50. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-187 adopted approving agreement. (P.W. to handle)

CONSENT

12. Consider agreement with Randy S. Krum for the purchase of 0.040 $\frac{1}{2}$ acres of right of way needed for the Orangeburg - Collier to Coffee project.

(Mr. Krum has agreed to settle for the appraised value of \$3,647.50. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-188 adopted approving agreement. (P.W. to handle)

CONSENT

13. Consider approving agreement with Merlin T. and Sherry K. Denlinger for the purchase of 2,250[±] s.f. of right of way needed on Floyd Avenue. (The Denlingers have agreed to settle for the appraised value of \$1,450. This is one of two parcels needed to allow the City to complete the mandatory sidewalk program on Floyd from Vicki Drive to Coffee, south side. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-189 adopted approving agreement. (P.W. to handle)

CONSENT

14. Consider submission of application amendment to UMTA grant CA-05-4102 FY 77-78.
(Memo with agenda. Another \$16,515 is needed from UMTA for bus operation expenditure reimbursement (FY 77-78). Resolution authorizing submission of amendment application to UMTA revising grant No. CA-05-4102 needed.)

ACTION: Res. 79-190 adopted authorizing submission of amended application. (P.T. to handle)

CONSENT

15. Consider approval of agreement with Mid-Valley Engineering for design of Orchard area drainage facility.
(The Public Works staff is not available to perform final design on this project, and Mid-Valley submitted a proposal and was interviewed by the staff. The agreement has been negotiated, and we recommend that it be approved for the City Manager's signature. The agreement provides for a maximum payment of \$25,000 to Mid-Valley. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-191 adopted approving agreement. (P.W. to handle)

CONSENT

16. Recommend tax-exempt residential mortgage revenue bond financing concept be referred to Public Projects Committee for study and recommendation.
(Memoranda with agenda. Motion referring to Public Projects Committee for study and recommendation needed.)

ACTION: By motion, this item referred to Public Projects Committee. (Mgr. to handle)

CONSENT

17. Consider authorizing City Manager to sign Associate Party Agreement between the City of Modesto and "Principal Parties" and the Pacific Telephone and Telegraph Company thereby initiating participation of the City in the Underground Service Alert (U.S.A.) organization. (U.S.A. is a new one-number call center, a communication method by which excavators, by making just one call, can have below ground facilities of participating organizations located prior to the start of digging operations. The first cost includes installation costs of equipment, equipment rental and a monthly fee based on population. This cost is \$1,703. Future annual costs will reflect equipment rental charges and a monthly fee based on population. Subsequent annual costs will be less the initial installation fee but will fluctuate according to increases in population. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-192 adopted approving agreement. (P.W. to handle)

CONSENT

18. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map - Richard Peterson.
(On February 20, 1979, the Planning Commission adopted Resolution 79-37 recommending to the City Council an amendment to Section 31-3-9 of the Zoning Map to rezone from R-1 to P-D(214) property located on the south side of California Avenue, west of Panama to allow one and two-story zero lot line residential project. Resolution setting public hearing on Tuesday, March 27, 1979 at 7:30 p.m. (Hearing No. 7) needed.)

ACTION: Res. 79-193 adopted setting hearing. (Clerk to handle)

CONSENT

19. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map - Dan Bodily.
(On February 20, 1979, the Planning Commission adopted Resolution 79-38 recommending to the City Council an amendment to Section 31-3-9 of the Zoning Map to prezone to P-P-D(215) property located on the south side of California Avenue to allow zero lot line residential development. Resolution setting hearing on Tuesday, March 27, 1979 at 7:30 p.m. (Hearing No. 8) needed.)

ACTION: Res. 79-194 adopted setting hearing. (Clerk to handle)

(On February 20, 1979, the Planning Commission adopted Resolution 79-35 recommending to the City Council an amendment to Section 8-3-9 of the Zoning Map to rezone from R-1 to P-D(216) property located on the east side of Tully Road, north of the Hetch Hetchy right of way to allow a 30-unit multiple-family and one and two-story zero lot line single-family subdivision. Resolution setting hearing on Tuesday, March 27, 1979 at 7:30 p.m. (Hearing No. 9) needed.)

ACTION: Res. 79-195 adopted setting hearing. (Clerk to handle)

CONSENT

21. Consider revision in Position Classification Plan to amend description of Arborist and delete Police Services Supervisor, and consider adoption of a resolution establishing salary schedules and fixing compensation for positions in City service.
(Memo with agenda. Resolution revising and deleting position classifications in the Position Classification Plan and resolution establishing salary schedules and fixing compensation for positions needed.)

ACTION: Res. 79-196 adopted revising Position Classification Plan.
Res. 79-197 adopted establishing salary schedules. (Mgmt. Services to handle)

REPORTS

22. Report on Creekside School.
(Mr. Jack George, Principal of Creekside School, addressed the City Council at its December 4, 1978, meeting with concerns as to the status of Creekside School and, in particular, was requesting consideration of an extension of his lease and adjustment of his rent. Motion acknowledging receipt of report and providing staff direction as to how to proceed needed.)

ACTION: By motion (Lang/Elliott, unan.) this item held over to March 20, 1979, at Mr. George's request. (Clerk to handle)

MISCELLANEOUS

23. Legislation

ACTION: By motion (Lang/Kullijian, unan.) SCA 5 supported.
By motion (Siefkin/Mensing, unan.) AB 227 supported with conditions
By motion (Elliott/Lang, unan.) AB 361 opposed. (Mgmt. Services)

24. Appointments

None

25. Matters too late for the agenda

- a. D.I.D. Sidewalk Sale and Arts & Crafts Faire.

ACTION: By motion (Lang/Mensing, unan.) sale and faire approved.
(Planning to handle)

Adjourned at 4:15 p.m. to Tuesday, March 13, 1979, at 7:00 p.m. in the City Council Chambers to certify results of March 6 election.

ATTEST: *Norrine Coyle*

NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
March 13, 1979

The Council of the City of Modesto met pursuant to adjournment at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: Councilmembers: Dunlap
(Councilmembers Elliott and Kullijian arrived at 7:05 p.m.)

Res. 79-197A was adopted (Lang/Siefkin, unan., Dunlap, Elliott and Kullijian absent) conforming the canvass of votes cast at the General and Special Municipal Election held March 6, 1979, and declaring the results of said election.

The City Clerk then administered the oath of office to the following:

Mayor

Peggy Mensinger

Councilmembers

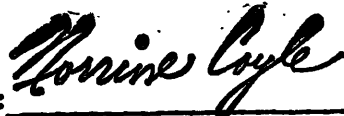
Robert T. Elliott
Frank Muratore
Susan D. Siefkin

Board of Education

Steven M. Grenbeaux
Harriette Kirschen
Carol Whiteside

There being no further business to come before the Council, the meeting was adjourned at 7:25 p.m.

ATTEST:



NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA
CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 13, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 8, 9, 10,
11, 12, 13, 14, 15, 16, 17,
ACTION: (Lang/Kullijian, unan.) 18, 19, 20, 21

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular City Council meeting of March 1, 1979, and the regular meeting of March 6, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Request by Great American Insurance Co. to file a late claim on behalf of Dr. Richard Howard, Dr. Rodney Cornelsen, and Dr. S. Rush Bailey for water damage to Doctor's Medical Building at 1400 Florida Avenue.
(Resolution rejecting claim needed.)

ACTION: Res. 79-198 adopted rejecting claim. (Clerk to handle)

BIDS

CONSENT

3. Approval of plans and specifications and call for bids for Project No. 9 - replacement of curbs and drive approaches at various locations. (This project is required to repair, for proper drainage, curbs and drive approaches damaged by City street trees. Suggested bid opening date: March 27, 1979 at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$17,550 (Contract \$16,700; Engr. \$850); funds are budgeted.)

ACTION: Res. 79-199 adopted calling for bids. (P.W. to handle)

CONSENT

4. Consider declaring Denair Manufacturing low bidder meeting City specifications and authorize the purchase of seven truck liftgates for the total price of \$4,521.15. (Memorandum with agenda. Resolution accepting the bid of Denair Manufacturing needed. Funds are budgeted.)

ACTION: Res. 79-200 adopted accepting the bid of Denair Manufacturing. (Finance to handle)

HEARINGS

7:30 p.m.

5. Hearing on appeal from Calvin Moorad and Sam and Joe Randy to a Planning Commission decision regarding a time extension on P-D(141).

ACTION: By motion (Kullijian/Siefkin, unan.) hearing continued to April 10, 1979, 7:30 p.m. (Clerk to handle)

- 5A. Matters for the good of the community. (These may be presented by interested persons in the audience.) Mayor Mensinger introduced John deBoer, member of the Farm-City Advisory Committee. Mayor Mensinger presented a 5-year service pin to Garth Lipsky.

NEW BUSINESS

6. Discussion of procedure for filling the vacancy in Chair 2 on the City Council. (Memo with agenda.)

ACTION: By motion (Elliott/Kullijian, unan.) Council determined that the vacancy will be filled by appointment, Council will act as a committee in all matters pertaining to the appointment, and applicants should prepare letters and have them to the City Clerk's Office by 12:00 noon Tuesday, March 20, 1979, for Council review.

By motion (Elliott/Kullijian, unan.) it was decided that this Council meeting would be adjourned to Tuesday, Mar. 20, 3:00 p.m. to interview applicants for the City Council vacancy. (Clerk to handle)

3/13/79

CONSENT

7. Consider setting a hearing of necessity to acquire one remaining parcel of land from Marion T. Merrell, et ux, for the Del Webb Soccer Field project.
(The City has acquired 11 parcels of land for Del Webb Park expansion. One parcel remains to be acquired. Further negotiations are not expected to produce any results. Resolution setting hearing on April 10, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-201 adopted setting hearing. (Clerk to handle)

CONSENT

8. Consider approving agreement with Sheila H. Duckworth for the purchase of 1,130⁺ s. f. of right of way.
(Sheila H. Duckworth has agreed to sell the required right of way for the appraised value of \$2,000. This is the last of two parcels required so that the City can proceed with the mandatory sidewalk program on Floyd Avenue from Vicki Drive to Coffee, south side. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-202 adopted approving agreement. (P.W. to handle)

CONSENT

9. Consider approving agreement with C.L.S. Investments for the purchase of 0.26⁺ acres of right of way needed for Standiford - Tully to McHenry project.
(C.L.S. Investments has agreed to sell the required property for the appraised value of \$1,820. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-203 adopted approving agreement. (P.W. to handle)

CONSENT

10. Consider approving agreement with Nancy E. Morgan for the purchase of 0.046 acres of right of way needed for the Orangeburg - Collier to Coffee project.
(Mrs. Morgan has agreed to settle for the appraised value of \$1,150. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-204 adopted approving agreement. (P.W. to handle)

CONSENT

11. Consider request for consent to assignment of lease from Grissom Pontiac, Inc. to Charles M. Delaire, Sr.
(Lease is for "Old Corporation Yard" which is being used in part for a body repair shop. The lease expires September 22, 1979. References of new lessee have been checked. Resolution authorizing City Manager's consent to assign the lease needed.)

ACTION: Res. 79-205 adopted authorizing City Manager's consent. (P.W. to handle)

CONSENT

12. Consider LAFCO referral of Reno Avenue Annexation.
(Property owners have requested the annexation of a 2.43 acre parcel located on the west side of Reno Avenue north of Kansas Avenue. LAFCO has referred the proposed annexation to the City Council for review and response. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-206 adopted responding favorably to the proposed annexation.
(Clerk to handle)

CONSENT

13. Consider special capital equipment financing proposal.
(Report with agenda. Three resolutions authorizing City Manager to sign lease-purchase contracts with the Bank of America needed; resolution waiving formal bid and authorizing purchase of two packer trucks from C & C Trailer and Body Co. needed; resolution waiving formal bid and authorizing purchase of two claw loaders from Edward R. Bacon needed; resolution authorizing necessary appropriation adjustments needed. Estimated cost: \$190,343.60 (See Chart I on attached report.)

ACTION: Res. 79-207 adopted authorizing lease-purchase contract for AB Dick 1600 Printer.
Res. 79-208 adopted authorizing lease-purchase contract for Burroughs 1855 Computer.
Res. 79-209 adopted authorizing lease-purchase contract for Xerox 4500 Copier.
Res. 79-210 adopted waiving formal bid for two packer trucks.
Res. 79-211 adopted waiving formal bid for two claw loaders.
Res. 79-212 adopted authorizing necessary appropriation adjustments.
(Finance to handle)

CONSENT

14. Recommend to Council an amendment to Section 20-3-9 of the Zoning Map.
(On February 26, 1979, the Planning Commission adopted Resolution 79-47 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-2 and P-0 to Planned Development Zone P-D(217) property located on the southeast corner of W. Granger and Florida Avenues (National Medical Development). Resolution setting public hearing on April 10, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-213 adopted setting hearing. (Clerk to handle)

CONSENT

15. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map.
(On February 26, 1979, the Planning Commission adopted Resolution 79-49 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the southwest corner of East Orangeburg and Ford Avenues (John Cearley). Resolution setting public hearing on April 3, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-214 adopted setting hearing. (Clerk to handle)

CONSENT

16. Consider withdrawing Woodland-Barium Annexation and Kansas Avenue No. 3 Annexation from the Woodland Fire District.
(The effective date of the Woodland-Barium Annexation is February 28, 1979, and the effective date of the Kansas Avenue No. 3 Annexation is March 5, 1979. Resolutions withdrawing Woodland-Barium Annexation and Kansas Avenue No. 3 Annexation from the Woodland Fire District needed.)

ACTION: Res. 79-215 adopted withdrawing Woodland-Barium from Woodland Fire District. (Clerk to handle)

Res. 79-216 adopted withdrawing Kansas Avenue No. 3 from Woodland Fire District. (Clerk to handle)

CONSENT

17. Consider determining that the public interest and convenience require that the following annexations be annexed to Modesto Municipal Sewer District No. 1:

- a. Woodland-Barium Annexation
- b. Kansas Avenue No. 3 Annexation

(The effective date of the Woodland-Barium Annexation is February 28, 1979, and the effective date of the Kansas Avenue No. 3 Annexation is March 5, 1979. Resolution setting hearing on May 1, 1979 at 4:00 p.m. (Hearing No. 1) for Woodland-Barium Annexation needed, and resolution setting hearing on May 1, 1979 at 4:00 p.m. (Hearing No. 2) for Kansas Avenue No. 3 Annexation needed.) (Five affirmative votes needed.)

ACTION: Res. 79-217 adopted annexing Woodland-Barium Addition to Sewer District.

Res. 79-218 adopted annexing Kansas Avenue No. 3 Addition to Sewer District. (Clerk to handle)

CONSENT

18. Consider approval of the closure of East Orangeburg Avenue from Glenbrook to Claus Road during the construction of a subtrunk sewer extension in connection with the construction of sewer subtrunk extension in East Orangeburg Avenue from Glenbrook to Prospect.
(The contractor, Western Pipeline, has requested that they be allowed to close East Orangeburg from Glenbrook to Claus Road. This is requested because the trench, spoil pile, and equipment at the site will use most of the space and make passage by the public hazardous. Memo with agenda. Motion authorizing the closure of East Orangeburg Avenue from Glenbrook to Claus Road needed.)

ACTION: By motion, closure of East Orangeburg Avenue authorized. (P.W. to handle)

CONSENT

19. Consider authorizing Risk Manager to represent City in small claims tort actions.
(Memo with agenda. Resolution needed.)

ACTION: Res. 79-219 adopted authorizing Risk Mgr. to represent City in small claims tort actions. (Mgmt. Services to handle)

CONSENT

20. Presentation of Midyear Budget Report and approval of appropriation transfers and amendment of budget making necessary adjustments. (Report with agenda. Three resolutions approving appropriation transfers needed and one resolution amending the budget needed.)

ACTION: Res. 79-220 adopted redistributing equipment rental charges.
Res. 79-221 adopted redistributing appropriations between 8 utility accounts and implement other mid-year general fund adjustmt
Res. 79-222 adopted transferring available Capital Project balances to General Reserves per mid-year budget report. (Finance)
Res. 79-223 adopted amending the budget. (Finance to handle)

CONSENT

21. Presentation of Financial Statement for February, 1979. (Copies of report will be presented at meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

22. Legislation

ACTION: By motion (Lang/Siefkin, unan.) SB21, SB22, SB23 supported. (Mgmt. Services)

23. Appointments

None

24. Matters too late for the agenda

Councilmember Elliott clarified a statement in the Modesto Bee in which he was incorrectly quoted regarding filling the Council vacancy.

Adjourned at 8:35 p.m. to Tuesday, March 20, 1979, at 3:00 p.m. in the City Council Chambers.



ATTEST: _____
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
March 20, 1979

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: Councilmembers: None

Fifteen of the twenty-eight City Council candidates who wished to make oral presentations before the Council were heard. The remaining candidates will be heard at the end of the regular Council meeting.

The meeting was adjourned at 4:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Invocation: Rev. Dennis Conrad, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 21

ACTION: (Siefkin/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.) With unanimous consent of the Council, item 23, Election of Vice-Mayor, was taken up out of order.

ACTION: Res. 79-224 (Siefkin/Elliott, unan.) adopted electing Councilmember Kullijian Vice-Mayor for a one-year term. (Clerk to handle)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular City Council meeting of March 13, 1979, at 7:00 p.m., and the regular meeting of March 13, 1979, at 7:30 p.m. (Motion approving needed.)

ACTION: By motion, minutes approved.

CONSENT

2. Letter from Mid-Valley Engineering appealing the Planning Commission's denial of a rezoning to P-D on the southwest corner of Standiford Avenue and Carver Road. (Resolution setting hearing on Tuesday, April 17, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-225 adopted setting hearing. (Clerk to handle)

3. Letter from Gerald L. Deeter regarding the work of the Better Business Bureau in Modesto.

ACTION: By motion (Lang/Siefkin, unan.) the letter was referred to the staff for a report. (Finance to handle)

4. Letter from Carmen Sabatino regarding report on utility tax.

ACTION: A brief report was made by the City Manager. No action taken.

3/20/79

BIDS

5. Consider award of contract for repainting various street light poles and mast arms.
(Bids were opened on February 27, 1979. The low bid submitted by Les Griggs Painting, Inc., which is 33% under the engineer's estimate is considered acceptable. Therefore, it is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Les Griggs Painting, Inc. needed. Estimated cost: \$15,000 (\$11,850 Contract; \$3,150 Insp. & Contg.); funds are budgeted.)

ACTION: Res. 79-226 adopted (Lang/Kullijian, majority, Siefkin-no) rejecting bids and calling for new bids to be opened April 10, 1979, 11:00 a.m.
(P.W. to handle)

CONSENT

6. Consider award of contract for construction of the Claus Road storm drain.
(Bids were opened March 13, 1979. The low bid, submitted by Credence Construction Company, is \$127,852.00 and 43% below the engineer's estimate. The Public Works Department considers the bid acceptable and recommends that the contract be awarded to Credence Construction. Resolution awarding contract to Credence Construction Company needed. Estimated cost: \$191,012 (\$127,852 Contract; \$63,160 Engr. & Reimburse Subdivider); funds are budgeted.)

ACTION: Res. 79-227 adopted awarding contract. (P.W. to handle)

CONSENT

7. Consider award of contract for hydromulching and irrigation system at Tuolumne River Regional Park.
(Bids were opened March 13, 1979. The low bid of \$8,804.99, submitted by Harold Fries, dba Fries Landscape Company, is 37.5% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to him. Resolution awarding contract to Fries Landscape Company needed. Estimated cost: \$8,804.99; funds are budgeted.)

ACTION: Res. 79-228 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider rejection of all bids and authorizing a new call for bids to be opened April 10, 1979 at 2:00 p.m. for furnishing millwork for McHenry Mansion.
(Memorandum with agenda. Resolution rejecting bids and authorizing new call for bids needed. Estimated cost: \$45,000; funds are budgeted.)

ACTION: Res. 79-229 adopted rejecting bids and authorizing new call for bids.
(Finance to handle)

ADDENDUM

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 20, 1979 AT 4:00 P.M.

BIDS

4:05 P.M.

- 8A. Oral bidding on buildings located at 519, 521, 525,
529 and 617 South Sunset Avenue in the City of Modesto

ACTION: Res. 79-230 adopted (Elliott/Muratore, unan.) selling
Item No. 3, 525 S. Sunset, to Frank J. Azevedo, Jr.
for \$1.00.

Res. 79-231 adopted (Elliott/Muratore, unan.) selling
Item No. 4, 529 S. Sunset Avenue, to Jim Christiansen
for \$5.00.

(P.W. to handle)

HEARINGS

4:00 p.m.

9. Appeal by San Joaquin First Federal Savings and Loan Association to a decision of the Board of Zoning Adjustment regarding interpretation of the City of Modesto's sign ordinance.

No. 1

ACTION: Res. 79-232 adopted (Siefkin/Elliott, majority, Lang-no) denying appeal. (P.W. to handle)

10. Informal public hearing requested by Building Industry Association concerning waterlines and water hook-up fees.

No. 2

Mayor Mensinger excused due to a conflict of interest. Vice-Mayor Kullijian conducted the hearing.

ACTION: By motion (Lang/Muratore, majority, Elliott-no) this item referred to staff to determine whether the staff and/or builders were aware that the new rates were in effect. (P.W. to handle)

11. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

12. Requirement for construction of curbs and/or sidewalks at the locations listed below. (77/02/12 - 79/01/03)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting hearing on April 10, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

- a. Curb and sidewalk at 2701 Brenner Way, Lot 1 of Block 7255.
(Clarence E. Wright)
- b. Curb along Fourth Street at 404 'J' Street, a portion of Block 17.
(Horace Kennedy)
- c. Curb at 910 Fourth Street, Lot 21 of Block 17.
(Maud Webb Thomas)
- d. Sidewalk at 928 Hackberry Avenue, a portion of Block 719.
(Michael P. Abernathy)

CONSENT

12. Requirement for construction of curbs and/or sidewalks (Continued).

- e. Sidewalk at 916 Hackberry Avenue, a portion of Block 719.
(Shirley E. Merenda)
- f. Sidewalk along Hackberry Avenue at 630 W. Fairmont Avenue, a portion of Block 719. (Glen E. Probasco)
- g. Sidewalk at 1024 Oakdale Road, a portion of Block 1421.
(James Merenda)
- h. Sidewalk at 1052 Oakdale Road, a portion of Block 1421.
(Joseph S. Merenda)
- i. Sidewalk at 1094 Oakdale Road, a portion of Block 1421.
(Vincenzo Merenda)
- j. Curb along Wright Street at 302 Orange Avenue, a portion of Block 51
(Donald Montez)
- k. Curb and sidewalk along W. Rumble Road and Prescott Road at 2113 W. Rumble Rd., por. of Block 13403. (Richard S. Cicarelli)
- l. Curb and sidewalk at 2035 W. Rumble Road, a portion of Block 13317.
(Billie O. Freese)
- m. Curb and sidewalk at 2102 Sherwood Avenue, a portion of Block 6811.
(Edwin C. Cline)
- n. Curb along Sierra Drive at 816 Sierra Drive, a portion of Block 327.
(Victor M. Brown)
- o. Curb at 810 Sierra Drive, a portion of Block 327.
(Shirley J. Prescott)

ACTION: Res. 79-233 adopted setting hearing. (Clerk to handle)

CONSENT

13. Consider annexations to the City of Modesto.
(LAFCO has requested that the City Council provide a formal response to annexation proposals. The following annexations are proposed:

- 1. California No. 1 Annexation
- 2. Lincoln-Penny No. 2 Annexation

(Memo with agenda. Two resolutions responding favorably to the proposed annexations needed.)

ACTION: Res. 79-234 adopted responding favorably to California No. 1 Annex.
Res. 79-235 adopted responding favorably to Lincoln-Penny No. 2 Annex.
(Clerk to handle)

CONSENT

14. Consider approval of agreement with Tidewater Southern Railroad Company for widening of Standiford crossing. (Public Works is preparing plans to widen Standiford Avenue from Tully Road to McHenry Avenue. The agreement is necessary to insure the widening is performed as required by Public Utilities Commission. The agreement basically provides for the City to reimburse the Railroad \$16,200 for relocation work the Railroad must do. Resolution approving agreement needed. Estimated cost: \$16,200; funds are budgeted.)

ACTION: Res. 79-236 adopted approving agreement. (P.W. to handle)

CONSENT

15. Recommend Unclassified Use Permit, Brethren/Therapeutic Homes, Inc. (On February 26, 1979, the Planning Commission adopted Resolution 79-48 recommending to the City Council an Unclassified Use Permit be granted to Modesto Church of the Brethren/Therapeutic Homes, Inc. for a private school at the southeast corner of Rosedale Avenue and Sierra Drive. Resolution setting public hearing on April 17, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-237 adopted setting hearing. (Clerk to handle)

CONSENT

16. Consider agreement with Fernando Bustamante for the purchase of his real property located on the east side of Sunset Avenue between Rouse Avenue and South Avenue. The property is to be used as part of an addition to Del Webb Soccer Field. (This parcel is the 11th of 12 parcels to be acquired for the expansion of Del Webb Soccer Field. Mr. Bustamante agreed to settle for the appraised value of \$28,500. The property is unimproved bare land and consists of 1.1¹/₂ acres. Resolution accepting property and approving the agreement needed. Estimated cost: \$28,500 plus \$500 estimated escrow, \$29,000 total; funds are budgeted.)

ACTION: Res. 79-238 adopted approving agreement. (P.W. to handle)

CONSENT

17. Consider request for consent to assignment of lease from Arnold C. Dickens & Helen J. Dickens to Donald H. Scott and Margaret D. Scott. (Lease is for the "peach orchard portion" of the former Bomberger property. Lease expires October 31, 1979 and is for a percentage of the crop. Mr. Scott has other agricultural leases with the City. Area is future Dry Creek Park. Resolution authorizing City Manager's consent to assign the lease needed.)

ACTION: Res. 79-239 adopted authorizing City Manager's consent to assign lease. (P.W. to handle)

CONSENT

18. Adoption of Resolution of Application for Annexation of the Morning-side-September Annexation.
(The proposed annexation is a developed 18,942-acre island located on the east side of Oakdale Road at Morningside Drive. Pursuant to annexation legislation, the City Council may initiate annexation proceedings for islands of less than 100 acres. If approved by LAFCO, the Stanislaus County Board of Supervisors will hold a public hearing and make the final determination. Memo and map are attached. Resolution of application initiating annexation proceedings needed.)

ACTION: Res. 79-240 adopted initiating annexation proceedings. (Clerk)

CONSENT

19. Consider annexations to the City of Modesto.
(LAFCO has requested that the City Council provide a formal response to annexation proposals. The following annexations are pending before LAFCO:
1. Coffee-Rumble Annexation
 2. Shackelford School Annexation
 3. Scenic-Claus Annexation
 4. Sunnyside Annexation

(Memos, maps and questionnaires with agenda. Four resolutions responding favorably to the proposed annexations needed.)

ACTION: Res. 79-241 adopted responding favorably to Coffee-Rumble Annex.
Res. 79-242 adopted responding favorably to Shackelford School Annex.
Res. 79-243 adopted responding favorably to Scenic-Claus Annex.
Res. 79-244 adopted responding favorably to Sunnyside Annex.
REPORTS (Clerk to handle)

20. Report on Creekside School.
(Mr. Jack George, Principal of Creekside School, addressed the City Council at its December 4, 1978, meeting with concerns as to the status of Creekside School and, in particular, was requesting consideration of an extension of his lease and adjustment of his rent. This item was carried over from the March 6, 1979 Council meeting at Mr. George's request. Motion acknowledging receipt of report and providing staff direction as to how to proceed needed.)

ACTION: By motion (Kullijian/Elliott, unan.) staff directed to prepare lease agreement for Council consideration. (Atty. to handle)

APPROPRIATION TRANSFERS

CONSENT

21. Resolution to approve an appropriation transfer from the Housing and Community Development Act General Reserve to cover the cost of the Permanent Relocation Program.
(The transfer is necessary to adjust the budget appropriations to reflect actual and anticipated expenditures. Memo and draft resolution with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-245 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

22. Legislation

None

23. Election of Vice-Mayor

This item was taken up immediately after the action on the consent items.

24. Appointments

None

25. Matters too late for the agenda

None

The Council recessed at 6:25 p.m. and then resumed interviewing Council candidates at 6:35 p.m.

Councilmember Lang was excused at 7:25 p.m.

Meeting adjourned at 7:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent:

Invocation: Rev. Greg Langley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 25, , 29, 30, 31, 32
DROPPED FROM CONSENT: 28

ACTION: (Lang/Siefkin, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular City Council meeting of March 20, 1979, and the regular meeting of March 20, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Presentation of paintings by Central California Art League.

ACTION: Three paintings by Margaret Woolley, Dr. Evelyn Mayman, and Maida Ghilotti, were presented to the City by Clarice Selby on behalf of the Central California Art League.

3. Letter from SOSA regarding Dial-A-Ride service.
(Memo from Parking and Traffic on the letter with agenda. Motion directing staff needed.)

Dropped from the agenda at Walt Thompson's request.

CONSENT

4. Notice by Gerald Oberkamper of his resignation from the Farm-City Advisory Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 79-245 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

5. Appeal by Mid-Valley Engineering to a Planning Commission decision concerning rezoning property on Olivero Road west of Tidewater Southern Railroad (Jim Lamatis).
(Resolution setting hearing April 24, 1979 at 7:30 p.m. (Hearing No.1) needed.)

ACTION: Res. 79-247 adopted setting hearing. (Clerk to handle)

CONSENT

6. Appeal by Mid-Valley Engineering to a decision by the Planning Commission regarding rezoning property at the corner of Scenic and Claus Road (Modesto Development).
(Resolution setting hearing May 8, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-248 adopted setting hearing. (Clerk to handle)

7. Letter from David Pierce Butler of Sanders & Associates requesting waiver of one year waiting period for applying for rezoning of P-D(133).

ACTION: Res. 79-249 adopted (Lang/Kullijian, unan.) waiving one-year waiting period. (Planning to handle)

BIDS

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened April 17, 1979 at 2:00 p.m. for furnishing ten portable radios. (Radios are required for the Police Department and will not replace any like equipment. Equipment is needed to maintain a level of availability so that each officer or detective may carry a radio on duty to maintain contact with the Communications Center when they are away from their patrol cars. Resolution authorizing call for bids needed. Estimated cost: \$13,500; funds are budgeted.)

ACTION: Res. 79-250 adopted authorizing call for bids. (Finance to handle)

CONSENT

9. Consider waiving formal bid procedures and authorizing the purchase of twenty-six police patrol cars from the California State Department of General Services for the total purchase price of \$182,819.42. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-251 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

10. Consider award of contract for the construction of waterline extension in Block 6074.
(Bids were opened on March 20, 1979. The low bid of \$4,260, submitted by Joe Martin Pipeline, Inc. is 10% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-252 adopted awarding contract. (P.W. to handle)

CONSENT

11. Consider award of contract for the construction of waterline extension in Almond Street.
(Bids were opened on March 20, 1979. The low bid of \$12,246, submitted by Joe Martin Pipeline, Inc., is 7% below the engineer's estimate and is considered acceptable. It is, therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding the contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-253 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider acceptance of George Reed, Inc.'s contract to asphalt concrete resurface various City streets - Spring 1978 as complete.
(Original Contract: \$140,672.19)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete and authorizing release of 10% retention needed. Final cost: \$143,764.72; funds are budgeted.)

ACTION: Res. 79-254 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of RACO, Inc.'s contract for the construction of Sonoma subtrunk sewer extension as complete. (Original Contract: \$32,092)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$21,349.05; funds are budgeted.)

ACTION: Res. 79-255 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider issuance of a purchase order to Valley Building Specialties for the furnishing and installation of Koolshade sun screens on fourth floor City Hall windows.
(The fourth floor southerly and westerly facing windows of City Hall have solar heat transmission and glare which makes working conditions unsatisfactory. The Koolshade sun screens will help minimize this problem. Memo with agenda. Resolution authorizing issuance of purchase needed. Estimated cost: \$4,873; funds are budgeted.)

ACTION: Res. 79-256 adopted authorizing issuance of purchase. (Finance)

HEARINGS

7:30 p.m.

15. Annex Winmoore Way Annexation to Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 79-257 adopted (Elliott/Siefkin, unan.) annexing to Sewer District No. 1. (Clerk to handle)

16. Annex East Coolidge No. 2 Annexation to Modesto Municipal Sewer District No. 1 No. 2

ACTION: Res. 79-258 adopted (Kullijian/Siefkin, unan.) annexing to Sewer District No. 1. (Clerk to handle)

17. Annex Cheatham Drive Annexation to Modesto Municipal Sewer District No. 1 No. 3

ACTION: Res. 79-259 adopted (Muratore/Siefkin, unan.) annexing to Sewer District No. 1. (Clerk to handle)

18. Vacation and abandonment of the 10-foot public walkway in Block 6015 between Greenwood Drive and the alley west of Tully Road No. 4

ACTION: Adopted Res. 1386-S.P. (Lang/Muratore, unan.) abandoning. (Clerk/P.W. to handle)

19. Vacation and abandonment of street right of way at the northerly corner of Washington and "M" Streets No. 5

ACTION: Adopted Res. 1387-S.P. (Siefkin/Kullijian, unan.) abandoning. (Clerk/P.W. to handle)

20. ✓ Continued hearing on appeal by Teamsters Local 748 to a decision of the Board of Building Appeals regarding repair of their building at 1222 "I" Street Councilmember Muratore excused since he was not on the City Council at the time the hearing was started. No. 6

ACTION: Res. 79-260 adopted (Siefkin/Elliott, unan., Muratore absent) granting the appeal. (P.W. to handle)

21. Hearing on amendment to Sec. 31-3-9 of the Zoning Map to rezone from R-1 to P-D(214) property located on the south side of California Avenue, west of Panama to allow a one and two-story zero lot line residential project (Richard Peterson). No. 7

ACTION: By motion (Kullijian/Muratore, unan.) Ord. 1816-C.S. adopted approving rezoning.
Res. 79-261 adopted (Kullijian/Muratore, unan.) approving plan.
Res. 79-262 adopted (Kullijian/Muratore, unan.) certifying environmental Assessment Review. (Clerk/Planning)

22. Hearing on amendment to Sec. 31-3-9 of the Zoning Map to prezone to P-P-D(215) property located on the south side of California Avenue to allow zero lot line residential development (Dan Bodily) No. 8

ACTION: By motion (Lang/Kullijian, unan.) Ord. 1817-C.S. adopted approving rezoning.
Res. 79-263 adopted (Lang/Kullijian, unan.) approving plan.
Res. 79-264 adopted (Lang/Kullijian, unan.) certifying environmental Assessment Review. (Clerk/Planning to handle)

23. Hearing on amendment to Sec. 8-3-9 of the Zoning Map to rezone from R-1 to P-D(216) property located on the east side of Tully Road, north of the Hetch Hetchy right of way to allow 30-unit multiple-family and one and two-story zero lot line single-family subdivision (Hasco Development) No. 9

ACTION: By motion (Muratore/Kullijian, unan.) Ord. 1818-C.S. adopted approving rezoning.
Res. 79-265 adopted (Muratore/Kullijian, unan.) approving plan.
Res. 79-266 adopted (Muratore/Kullijian, unan.) certifying environmental Assessment Review. (Clerk/Planning to handle)

24. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

ACTION: Mayor Mensinger introduced John Funnell, member of the Farm-City Advisory Committee.

CONSENT

25. Final adoption of Ord. No. 1815-C.S. concerning towing services.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1815-C.S. adopted. (Clerk to handle)

NEW BUSINESS

26. Consider making financial offer to State to facilitate Jennie Street bridge construction and associated traffic matters.
(Memo with agenda. It is recommended that City offer up to \$75,000 to pay for an environmental impact report on implementing Jennie-Grand and 14th-15th Streets couplets. Resolution authorizing Mayor to make the offer needed. Funds will be requested at time agreement is ready for approval in 1979-80 fiscal year C.I.P. budget.)

ACTION: Res. 79-267 adopted (Siefkin/Elliott, unan.) authorizing Mayor to make offer. (Manager to handle)

27. Consider annual Economic Development Program update for 1979-80. (Each year the City of Modesto submits projects to the Overall Economic Development Committee for Stanislaus County to be included in the Overall Economic Development Program. Inclusion with the OEDP allows City projects to potentially become eligible for Federal EDA funding. Motion approving projects to be submitted needed.)

ACTION: By motion (Lang/Siefkin, unan.) projects approved. (Manager to handle)

28. Consider agreements with Alvin G. Wallis and Beverly A. Wallis; Victor R. Wright and Doris L. Wright and Glen E. Dorrity and Ann M. Dorrity for the purchase of 0.091[±], 0.069[±] and 0.086[±] acres of right of way needed for the Standford - Tully to 300' west of Carver project. (Grantors have agreed to settle for the appraised amounts of \$5,700, \$7,000 and \$5,650 plus, the City installing curbs and gutters. Memo with agenda. Three resolutions approving agreements needed. Estimated cost: Wallis \$5,700 + int.= \$5,999.25; Wright \$7,000 + int.= \$7,367.50; Dorrity \$5,650 + int.= \$5,966.40; City force \$300; Total \$19,633.15; funds are budgeted.)

ACTION: Res. 79-268 adopted (Kullijian/Siefkin, unan.) approving agreement with Alvin G. & Beverly A. Wallis,
Res. 79-269 adopted (same vote) approving agreement with Victor R. & Doris L. Wright.
Res. 79-270 adopted (same vote) approving agreement with Glen E. & Ann M. Dorrity.
Res. 79-271 adopted (same vote) approving agreement with Paul H. and Blanche I. Balsbaugh for irrigation rights. (P.W. to handle)

CONSENT

29. Consider approving agreement with Donald R. Andrews and Eldora E. Andrews for the purchase of property at 600-11th Street for housing Fire Prevention Bureau and consider approving appropriation transfer of \$23,732 to pay for the purchase. (Memo with agenda. Resolution approving agreement, resolution approving appropriation transfer and resolution certifying review of environmental assessment needed. Estimated cost: \$72,500 purchase price; \$2,000 escrow and City costs; \$74,500 total; \$50,768 is budgeted.)

ACTION: Res. 79-272 adopted approving agreement.
Res. 79-273 adopted approving appropriation transfer.
Res. 79-274 adopted certifying Environmental Assessment Review. (P.W./Finance to handle)

CONSENT

30. Employee Group Health Insurance - Amendment for Pregnancy and Obstetrical Benefits.
(Memo with agenda. Resolution amending contract with California Blue Shield needed. Estimated cost: \$980; funds are budgeted.)

ACTION: Res. 79-275 adopted amending contract. (Mgmt. Services to handle)

CONSENT

31. Consider acceptance of improvements in Hollywood Park No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Norman J. Winsor, Lola Jean Winsor, Fritz Hutcheson and Betty L. Hutcheson)
(Hollywood Park No. 2 subdivision is located north of Standiford Avenue and east of Tully Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-276 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

32. Request for refund of business license tax - Albers Feed Farm Supply.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 79-277 adopted approving refund. (Finance to handle)

MISCELLANEOUS

33. Legislation

None

34. Appointments

None

35. Matters too late for the agenda

- a. It was agreed that the Council would meet with Congressman Coelho on Wednesday, April 18, 1979, with the time and place to be worked out by staff. (Manager to handle)
- b. There was a discussion regarding procedure to be followed on Monday evening during the public interview of the Council candidates.
- c. Staff requested information on SB-4 in time for the April 3, 1979, meeting. (Mgmt. Services to handle)

Adjourned at 10:20 p.m. to executive session to consider an employee relations matter and then to Monday, April 2, 1979, 7:30 p.m., in the Council Chambers.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
April 2, 1979

The Council of the City of Modesto met pursuant to adjournment at 7:30 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmembers: None

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

Council candidates Merrill Alexander, George Bairey, Tom Bright and John Sutton answered questions by nine citizens.

The meeting was adjourned at 9:10 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 3, 1979, AT 4:00 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger
Councilmember Kullijian arrived at 4:05 p.m.

Absent:

Pledge of allegiance to the Flag

Invocation: Elder Ansel Bristol, Central Seventh Day Adventist

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 21, 22, 23, 24, 25,
DROPPED FROM AGENDA: 40, 29, 26 27, 30, 31, 32, 33, 34,
REMOVED FROM CONSENT: 39 35, 36, 37, 38,

ACTION: (Lang/Kullijian, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

42a - Appointment of Councilmember to fill vacant Chair No. 2.

This item was taken out of order by unanimous consent of the Council.

ACTION: Res. 79-278 (Lang/Muratore, unan.) appointing Thomas Bright to fill Chair 2 for the unexpired term ending March, 1981.

Councilmember Kullijian was excused at 4:10 p.m. due to illness.

CONSENT

1. Approval of minutes of the March 27, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

2. Request by Carmen Sabatino for a report on the utility tax.

ACTION: By motion (Lang/Siefkin, unan., Kullijian absent) staff was directed to prepare information on a possible increase in the minimum exemptions on the utility tax to be considered during the budget sessions. (Finance to handle)

3. Letter from Mike Treto, W. W. Construction Co., regarding restrictions on property at 721 Standiford Avenue.

ACTION: Res. 79-279 (Elliott/Siefkin, unan., Kullijian absent) condition 16 set by the Planning Commission not be changed. (P.W. to handle)

4. Letter from Dennis Wilson, Mid-Valley Engineering, concerning tree removal on the corner of Lucerne and Kimble Street.

ACTION: By motion (Elliott/Lang, unan., Kullijian absent) this matter referred to staff to work out a suitable solution.

5. Letter from James Robert Higgs, Stanislaus Safe Energy Committee, requesting assistance with the Solar Faire and "Run for the Sun" activities.

ACTION: By motion (Elliott/Siefkin, unan., Kullijian absent) this matter referred to staff to study and report back to Council. (Mgr.)

CONSENT

6. Letter from Cornelius Nabers resigning from the Human Rights Commission (Resolution accepting resignation with regret needed.)

ACTION: Res. 79-280 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

7. Letters from the Modesto Chamber of Commerce requesting that funds be budgeted for tourism development and for advertising and promotion. (Motion referring to proper budget session needed.)

ACTION: By motion, letters referred to proper budget session. (Finance to handle)

BIDS

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened April 24, 1979 at 2:15 p.m. for furnishing one catch basin cleaner truck.
(Vehicle will be assigned to Public Works Service Division and used by street crews to clean out catch basins and rock wells. Equipment will not replace similar vehicle presently on hand. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$88,000; funds are budgeted.)

ACTION: Res. 79-281 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened April 24, 1979 at 2:00 p.m. for furnishing fire fighting equipment.
(Equipment will be used to outfit two 1500 gpm pumper trucks presently on order with Van Pelt Company of Oakdale. Equipment will not replace any like equipment presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$18,000; funds are budgeted.)

ACTION: Res. 79-282 adopted calling for bids. (Finance)

CONSENT

10. Consider approval of plans and specifications and call for bids for the construction of waterline extension at East Orangeburg Avenue and Claus Road.

(Suggested bid opening: April 24, 1979 at 11:00 a.m. The extension of this main will provide water service to the Goldcoast subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$37,769 (\$35,494 Contract; \$2,275 Engineering and Materials); funds are budgeted.)

ACTION: Res. 79-283 adopted calling for bids. (P.W. to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for construction of Fire Station No. 8.

(Suggested bid opening: May 1, 1979 at 2:45 p.m. This airport Fire Station will provide rescue fire protection for structures, vehicles and aircraft at the Modesto City-County Airport. The agreement with the Empire Fire District is due to end June 30, 1979. Therefore, the City will become solely responsible for the fire protection at the Airport. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$462,840 total (Contract \$440,800; Engineering \$22,040) (\$392,679 FAA; \$70,161 City); funds are budgeted.)

ACTION: Res. 79-284 adopted calling for bids. (P.W. to handle)

CONSENT

12. Consider award of contract for Project No. 9 - replacement of curbs and drive approaches at various locations.

(Bids were opened on March 27, 1979. The low bid of \$15,018, submitted by S.P.M. Development Co., which is 9.7% below the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to S.P.M. Development Company needed. Estimated cost: \$15,081 Contract; \$850 Engr.; \$15,931 Total; funds are budgeted.)

ACTION: Res. 79-285 adopted awarding contract. (P.W. to handle)

CONSENT

13. Consider acceptance of George Reed, Inc.'s contract for public improvements - Housing Target Area No. 1 - Phase III as complete.

(Original contract: \$39,876.50)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$41,083.30; funds are budgeted.)

ACTION: Res. 79-286 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of RACO, Inc.'s contract to construct a subtrunk sewer in Blue Bird Drive as complete. (Original contract and final cost: \$29,457.25)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-287 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider approval of the issuance of a purchase order to Industrial Electrical Company to install an electrolier in the parking lot at Davis Park.
(The light is needed to light the parking lot area and discourage vandalism at Davis Park and eliminate a nuisance area. Resolution authorizing City staff to issue purchase order to Industrial Electrical Company needed. Total cost: \$4,290; funds are budgeted.)

ACTION: Res. 79-288 adopted authorizing the City staff to issue purchase order. (Finance to handle)

HEARINGS

4:00 p.m.

16. Annex Crows Landing Road Annexation to Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 79-289 adopted (Siefkin/Elliott, unan., Kullijian absent) annexing Crows Landing Road Addition to the Modesto Sewer District. (Clerk to handle)

17. Annex Dale-Snyder Annexation to Modesto Municipal Sewer District No. 1 No. 2

ACTION: Res. 79-290 adopted (Muratore/Siefkin, unan., Kullijian absent) annexing Dale-Snyder Addition to the Modesto Sewer District. (Clerk to handle)

18. Annex Briggs-Wheatley Annexation to Modesto Municipal Sewer District No. 1 No. 3

ACTION: Res. 79-291 adopted (Lang/Elliott, unan., Kullijian absent) annexing Briggs-Wheatley Addition to the Modesto Sewer District. (Clerk to handle)

19. Hearing on amendment to Sec. 21-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the southwest corner of East Orangeburg and Ford Avenues. (John Cearley)

No. 4

ACTION: By motion (Siefkin/Elliott, unan., Kullijian absent) Ord. 1819-C.S. rezoning introduced.

Res. 79-292 adopted (Siefkin/Elliott, unan., Kullijian absent) certifying Environmental Review.

20. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

21. Consider acceptance of improvements in Beyerwood East No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods.
(Developer: Stonewood Development Company)
(Beyerwood East No. 1 subdivision is located on the north side of Sylvan Avenue west of Oakdale Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-293 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

22. Consider setting a hearing of necessity to acquire one remaining parcel of right of way from L. R. Van Horn, Jr. for the Standiford Avenue - Tully to McHenry widening project.
(The City has acquired three parcels of land for the Standiford Avenue - Tully to McHenry street widening project. One parcel remains to be acquired. Hearing is required so July 1, 1979 right of way certification date may be met. Resolution setting hearing on May 1, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-294 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider agreement with Modesto Irrigation District to grant M.I.D five easement parcels in the Dry Creek Park area.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-295 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider request for sewer service to property outside City limits at 2319 September Drive, located on the northwest corner of September Drive and Randy Avenue. Owners: Dannie F. Beachler and Fanny M. Beachler.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-296 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider approval of the final map of Sylvan Meadows No. 2 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Stone Bros. & Associates)
(The subdivision agreement has been signed and all fees paid. Sylvan Meadows No. 2 subdivision is located north of Sylvan Avenue and west of Coffee Road. It contains 5.210 acres. Resolution approving final map needed.)

ACTION: Res. 79-297 adopted approving final map. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Fig Gardens subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: CBC Development Co. and CW Development Co.)
(The subdivision agreement has been signed and all fees paid. Fig Gardens subdivision is located at the northeast corner of west Orangeburg Avenue and Yarmouth Drive. It contains 1.428 acres. Resolution approving final map needed.)

DROPPED FROM AGENDA

CONSENT

27. Consider response to LAFCO regarding Orangeburg-Claus No. 3 Annexation.
(Memo with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-298 adopted responding favorably to the proposed annexation. (Planning to handle)

28. Recommend to Council that the City not purchase a park site in the vicinity of Burbank School.
(On February 26, 1979, the Planning Commission adopted Resolution 79-45 recommending to the City Council that the City not purchase a neighborhood park site in the vicinity of Burbank School. Motion reaffirming Planning Commission recommendation or motion referring matter to staff for further study needed.)

ACTION: Res. 79-299 adopted (Elliott/Lang, unan., Kullijian absent) setting informal hearing April 24, 1979, 7:30 p.m. (Hearing No. 6) (Clerk to handle)

CONSENT

29. Recommendation to the City Council of Revenue Sharing projects.
(On March 19, 1979, the Planning Commission adopted Resolution 79-67 recommending to the City Council approval of Revenue Sharing projects proposed for fiscal year 1979-80. Resolution setting public hearing on April 24, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

DROPPED FROM AGENDA

CONSENT

30. Recommend to Council an amendment to Section 24-3-9 of the Zoning Map. (Orangeburg Plaza Group)
(On March 19, 1979, the Planning Commission adopted Resolution 79-76 recommending to the Council an amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 and R-2 to P-D(220) property located at the southwest corner of Claus Road and E. Orangeburg Avenue to allow a 36-unit zero lot line subdivision and a 40-unit apartment complex. Resolution setting public hearing on April 24, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-300 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend to Council an amendment to P-D(21) to allow professional offices in place of apartments. (Tully Manor Investment Trust)
(On February 26, continued to March 19, 1979, the Planning Commission adopted Resolution 79-60 recommending to the Council an amendment to P-D(21) to allow professional offices in place of apartments on Woodrow Avenue east of Tully Road. Resolution setting public hearing on May 1, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-301 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map. (Stan Galas - Sundial Lodge)
(On March 19, 1979, the Planning Commission adopted Resolution 79-72 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-3 to P-D(219) property located on the east side of McHenry Avenue between Helen Avenue and Hintze Avenue, to allow expansion of the Sundial Lodge. Resolution setting public hearing on April 24, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-302 adopted setting hearing.

(Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Section 24-3-9 of the Zoning Map. (Modesto Development)
(On March 19, 1979, the Planning Commission adopted Res. 79-68, 79-69 and 79-70 which respectively recommended to the City Council as follows: amend Section 24-3-9 of the Zoning Map to prezone to P-D(218) to allow 2-story townhouse; denial of request to prezone to P-D to permit neighborhood shopping center and professional offices (appealed to Council); and denial of R-1 to P-D to permit professional offices and recommendation of R-3 instead; on property located on the west side of Claus Road north of Scenic Drive. Resolution setting public hearing on May 8, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-303 adopted setting hearing.

(Clerk to handle)

CONSENT

34. Recommend to Council an amendment to P-D(45). (Modesto Racquet Club)
(On March 19, 1979, the Planning Commission adopted Resolution 79-71 recommending to the Council an amendment to P-D(45) to clarify use of facilities, amend hours of operation, and provide for the monitoring of evening hours of operation of the Modesto Racquet Club. Resolution setting public hearing on April 24, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-304 adopted setting hearing.

(Clerk to handle)

CONSENT

35. Consider option to buy property for 11th Street Garage. (Memo with agenda. Property is on 11th between I & J Streets south of City parking lot. The cost of the option is \$1. The cost of the property is \$130,000. Resolution approving the option and the payment of the \$1 needed. Funds are budgeted.)

ACTION: Res. 79-305 adopted approving the option & payment of \$1.00. (P.T. to handle)

CONSENT

36. Agreement renewal with Modesto Baseball Club, Inc.
(The one-year agreement with the Modesto Baseball Club, Inc., has terminated as of January 1, 1979, and this will renew the agreement for a period of one year and continue thereafter on a year to year basis until terminated by either party. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-306 adopted approving agreement. (P.R. to handle)

CONSENT

37. Consider approval of Citizens Participation Plan.
(Memo with agenda. Resolution approving plan needed.)

ACTION: Res. 79-307 adopted approving plan. (Planning to handle)

REPORTS

CONSENT

38. Consider staff report on construction of sidewalks on Sunrise from Lucerne to Roseburg.
(Residents on Sunrise petitioned the Council regarding construction of sidewalks. The Council directed the staff to further study the project. Report and schedule of work with agenda. Motion acknowledging receipt of report needed. Estimated cost: \$50,000; funds are budgeted.)

ACTION: By motion, receipt of report acknowledged.

39. Report regarding the letter received from Mr. Gerald Deeter, Area Service Coordinator of Better Business Bureau of Mid-Counties, Inc.
(The request of Better Business Bureau of Mid-Counties, Inc. was referred to staff. Report with agenda. Motion acknowledging receipt of report and authorizing the list of new businesses to be given to the Better Business Bureau of Mid-Counties, Inc. at no cost needed.)

ACTION: By motion (Lang/Siefkin, unan., Kullijian absent) acknowledged receipt of report and approved staff recommendation. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

40. Consider appropriation transfers to fund additional Service Division personnel and equipment parts needed in conjunction with the forthcoming expanded bus services.
(The forthcoming bus service expansion will more than double operating time. In order to handle the necessary maintenance work, four additional mechanics are needed. In addition, four buses are in need of new engines and transmissions. The four 1968 model buses are in need of repainting. Memo with agenda. Resolution approving appropriation transfer needed.)
DROPPED FROM AGENDA.

MISCELLANEOUS

41. Legislation

By motion (Siefkin/Lang, unan., Kullijian absent) SB-4 supported.
By motion (Siefkin/Elliott, unan., Kullijian absent) SB-186 opposed)
(Mgmt. Serv. to handle)

42. Appointments

- a. Appointment of Councilmember to fill vacant Chair No. 2. (Handled earlier in the meeting)
- b. Appointment to Human Rights Commission:
Res. 79-308 adopted (Lang/Elliott, unan., Kullijian absent) appointing Dale Kuykendall as Youth Commission representative to the Human Rights Commission, term to expire 12/1/79. (Clerk to handle)
- c. Reappointment to Citizens Housing and Community Development Committee:
Res. 79-309 (Elliott/Lang, unan., Kullijian absent) reappointing William Ulm to the Citizens Housing and Community Development Committee, Seat 3, term to expire 6/30/82. (Clerk to handle)
- d. Mayor Mensinger announced she had appointed Martha Cowdrey to the Greater Modesto Community Foundation, replacing Jack Jones who did not wish to be reappointed.

43. Matters too late for the agenda.

- a. Mayor Mensinger announced Cal Trans is holding a series of meeting concerning Amtrak service and Modesto will be represented at the meeting being held in Fresno.
- b. Consideration of P-D(141) Development schedule:
Res. 79-310 adopted (Lang/Siefkin, unan., Kullijian absent) amending development plan to amend condition 13. (Planning to handle)

Adjourned at 5:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 10, 1979, AT 7:30 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: Councilmember Lang

Pledge of allegiance to the Flag

Invocation: Rev. Joseph Valenzuela, Baptist Temple

Oath of Office: Council-Appointee Thomas A. Bright

The oath of office was administered to Mr. Bright by the City Clerk.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28,

DROPPED FROM CONSENT: 10 29, 30, 31, 33, 35

ACTION: (Siefkin/Muratore, unan., Lang absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the adjourned regular City Council meeting of April 2, 1979, and the regular meeting of April 3, 1979. (Motion approving needed.)

ACTION: By motion, minutes approved.

CONSENT

2. Letter from Eusebio Ramirez resigning from the Rehabilitation Loan Pool Subcommittee. (Resolution accepting resignation with regret needed.)

ACTION: Res. 79-311 adopted accepting resignation with regret. (Clerk to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the construction of waterline extension at Floyd and Oakdale. (Suggested bid opening: May 1, 1979 at 11:00 a.m. The extension of this main will provide water for the commercial development at the corner of Floyd and Oakdale. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$44,978 (\$41,884 Contract; \$3,094 Engr. & Mat'ls); funds are budgeted.)

ACTION: Res. 79-312 adopted calling for bids. (P.W. to handle)

4/10/79

CONSENT

4. Consider approval of plans and specifications and call for bids for waterline extensions in Standiford Avenue for the Vineyard subdivision and in Woodland Avenue for Shasta Estates subdivision.
(Suggested bid opening: May 1, 1979 at 11:05 a.m. These water main extensions will provide water for the Vineyard subdivision and Shasta Estates subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$12,779 (\$10,708 Contract; \$2,071 Engr. & Mat'l); funds are budgeted.)

ACTION: Res. 79-313 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider acceptance of W. Gale Fisher, Inc.'s contract for H.C.D.A. removal of architectural barriers - Phase II as complete. (Original contract and final cost: \$28,900)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-314 adopted accepting work as complete. (Clerk to handle)

CONSENT

6. Consider the following actions: 1) rejection of bids on Items 1d and 6a and authorize new bids to be opened May 1, 1979 at 2:05 p.m. for furnishing two 1/2 ton pickup trucks and one walk-through van; 2) award 1a - light utility pickup, 1b - light utility pickup with tool box, 2a - four detective sedans, 3a - two animal control cab and chassis and, 5a - police van to Maggini Chevrolet for the total purchase price of \$56,084.60; 3) award 1c - light utility pickup w/camper shell to G & W Ford for the total price of \$6,047.00; 4) award 4a - 3/4 ton pickup and 7a - utility hydraulic truck to Dow Hammond for the total purchase price of \$21,597.62. (Memorandum with agenda. 1) Resolution rejecting bids on Items 1d and 6a and authorizing call for new bids needed. 2) Resolution awarding Items 1a, 1b, 2a, 3a, and 5a to Maggini Chevrolet needed.* 4) Resolution awarding Items 4a and 7a to Dow Hammond needed. Estimated cost: \$83,729.22; funds are budgeted.)
*3) Resolution awarding Item 1c to G & W Ford.

ACTION: Res. 79-315 adopted rejecting bids on Items 1d and 6a and calling for new bids.
Res. 79-316 adopted awarding Items 1a, 1b, 2a, 3a, & 5a to Maggini Chevrolet.
Res. 79-317 adopted awarding Item 1c to G & W Ford.
Res. 79-318 adopted awarding Items 4a and 7a to Dow Hammond.

(Finance to handle)

CONSENT

7. Consider authorizing the purchase of three traffic counters from Fieldings for the total price of \$3,784.20.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-319 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider approving increase in the amount of purchase order #91928 for State performed services on the Oakdale Road project from \$3,000 to \$8,000 and waiving formal bids.

(The amount of tests required on the project were substantially greater than those originally estimated. It is necessary to have the formal bid requirement waived since the work must be performed by the State. Memo with agenda. Resolution approving purchase order increase and waiver of formal bids needed. Funds are budgeted.)

ACTION: Res. 79-320 adopted approving purchase order increase. (Finance to handle)

HEARINGS

7:30 p.m.

9. Hearing on appeal by Ralph Morgan & Associates to a decision by the Planning Commission regarding rezoning property on the northeast corner of Needham and Sycamore Avenues. No. 1

ACTION: Res. 79-321 adopted (Elliott/Siefkin, majority, Muratore-no, Lang-absent) denying the appeal.

By motion (Elliott/Muratore, majority, Siefkin-no, Lang-absent) the matter of zoning on the north side of Needham Avenue was referred to the staff for study and report. (Planning to handle)

CONSENT

10. Hearing of necessity to acquire one remaining parcel of land from Marion T. Merrell, et ux for the Del Webb Soccer Field project. (A request to appear had not been filed with the City Clerk by the March 31, 1979 deadline.) No. 2

ACTION: Res. 79-322 adopted (Elliott/Kullijian, unan., Lang absent) approving acquisition. (P.W. to handle)

11. Hearing on amendment to Section 20-3-9 of the Zoning Map to rezone from R-2 and P-0 to Planned Development Zone, P-D(217) property located on the southeast corner of W. Granger and Florida Avenues. (National Medical Development) No. 3

ACTION: By motion (Elliott/Bright, unan., Lang absent) Ord. 1820-C.S. adopted rezoning.
Res. 79-323 adopted (same vote) approving plan.
Res. 79-324 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

12. Hearing on requirement for construction of curbs and/or sidewalks at the following locations:

No. 4

Curb and sidewalk at 2701 Brenner Way, Lot 1 of Block 7255.
(Clarence E. Wright)

Curb along Fourth Street at 404 'J' Street, a portion of Block 17.
(Horace Kennedy)

Curb at 910 Fourth Street, Lot 21 of Block 17.
(Maud Webb Thomas)

Sidewalk at 928 Hackberry Avenue, a portion of Block 719.
(Michael P. Abernathy)

Sidewalk at 916 Hackberry Avenue, a portion of Block 719.
(Shirley E. Merenda)

Sidewalk at 1024 Oakdale Road, a portion of Block 1421.
(James Merenda)

Sidewalk at 1052 Oakdale Road, a portion of Block 1421.
(Joseph S. Merenda)

Sidewalk at 1094 Oakdale Road, a portion of Block 1421.
(Vincenzo Merenda)

Curb along Wright Street at 302 Orange Avenue, a portion of Block 513
(Donald Montez)

Curb and sidewalk along W. Rumble Road and Prescott Road at 2113 W.
Rumble Rd., por. of Block 13403. (Richard S. Cicarelli)

Curb and sidewalk at 2035 W. Rumble Road, a portion of Block 13317.
(Billie O. Freese)

Curb and sidewalk at 2102 Sherwood Avenue, a portion of Block 6811.
(Edwin C. Cline)

Curb along Sierra Drive at 816 Sierra Drive, a portion of Block 327.
(Victor M. Brown)

Curb at 810 Sierra Drive, a portion of Block 327.
(Shirley J. Prescott)

ACTION: Res. 79-325 adopted (Kullijian/Siefkin, unan., Lang absent) ordering the work of construction of improvements along certain streets in the City of Modesto. (P.W. to handle)

13. Hearing on appeal from Calvin Moorad / Sam
and Joe Randy to Planning Commission decision
regarding a time extension on P-D(141)
(Continued from March 13, 1979.)

ACTION: Res. 79-326 adopted (Elliott/Siefkin, unan., Lang absent) granting one year extension of development plan and eliminating bond requirement.
(P.W./Planning to handle)

14. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

15. Final adoption of the following:

- a. Ord. No. 1816-C.S. rezoning from R-1 to P-D(214) property on California Avenue west of Panama. (Richard Peterson)
- b. Ord. No. 1817-C.S. rezoning to P-P-D(215) property on California Avenue. (Dan Bodily)
- c. Ord. No. 1818-C.S. rezoning from R-1 to P-D(216) property on Tully Road north of Hetch Hetchy right of way. (Hasco Development)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider adoption of a resolution claiming City of Modesto share of Federal Aid Safer Off-System Program Funds.
(\$44,011 in Federal Highway Administration Funds is expected to be available to the City. It is contemplated that these funds would partially finance a canal crossing project. Resolution claiming \$44,011 in Safer Off-System Funds for City of Modesto needed.)

ACTION: Res. 79-327 adopted claiming Modesto's share of funds. (P.W. to handle)

CONSENT

17. Consider agreement with State of California to replace traffic signal controllers on Needham Avenue.
(Existing traffic signal controllers at "K" and "L" Streets are obsolete mechanical devices. Propose to replace them with solid state controls. Signals are on State route and are jointly owned by City and State. Agreement specifies cost sharing. Resolution authorizing execution of agreement needed. Estimated cost: \$7,500; funds are budgeted.)

ACTION: Res. 79-328 adopted authorizing execution of agreement. (P,T. to handle)

CONSENT

18. Consider agreement with Mused A. Zokari for sale of excess improvements located at Del Webb Park.
(Buyer has agreed to remove improvements and clean remaining lot of concrete and debris. Memo with agenda. Resolution approving sale needed.)

ACTION: Res. 79-329 adopted approving sale. (P,W. to handle)

CONSENT

19. Consider approval of agreement with Turlock Irrigation District to discharge storm water into T.I.D. Lateral No. 1 from a City subdivision.
(The Gold Vineyard subdivision engineer has designed a drainage system which discharges into the T.I.D. canal in lieu of construction rockwells. This system is acceptable to the Public Works Department, and we recommend the agreement be approved. Resolution approving agreement needed.)

ACTION: Res. 79-330 adopted approving agreement. (P,W. to handle)

CONSENT

20. Consider request for sewer service to property outside City limits at 1413 Garden Street, located on the north side of Garden Street between Sutter Avenue and Colorado Avenue. Owners: George Smith and Laura V. Smith.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-331 adopted approving agreement. (P,W. to handle)

CONSENT

21. Personnel Rule - Amendment to Rule 17.20 "Designation of Management and Confidential Employees."
(Memo with agenda. Resolution approving amendment needed.)

ACTION: Res. 79-332 adopted approving amendment. (Mgmt. Services to handle)

CONSENT

22. Consider determining that the public interest and convenience require that Kansas Avenue No. 2 Annexation and Orchard Neighborhood Annexation be annexed to Modesto Municipal Sewer District No. 1.
(The effective date of both annexations is March 23, 1979. Resolution setting hearing for Kansas Avenue No. 2 Annexation on June 5, 1979 at 4:00 p.m. (Hearing No. 1) needed, and resolution setting hearing for Orchard Neighborhood Annexation on June 5, 1979 at 4:00 p.m. (Hearing No. 2) needed.) (Five affirmative votes needed.)

ACTION: Res. 79-333 adopted setting hearing for Kansas Avenue No. 2 Annexation.
Res. 79-334 adopted setting hearing for Orchard Neighborhood Annexation.

CONSENT

23. Consider the following:

(Clerk to handle)

- a. Withdrawing Kansas Avenue No. 2 Annexation from Woodland Fire District.
- b. Withdrawing Orchard Neighborhood Annexation from McHenry-Dry Creek Fire District.

(The effective date of both annexations is March 23, 1979. Resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-335 adopted withdrawing Kansas Ave. No. 2 from Woodland Fire Dist.

Res. 79-336 adopted withdrawing Orchard Neighborhood from McHenry-Dry Creek Fire District.
(Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Randy Park subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdividers: Joe Randy and Mary V. Randy and Mark Randy and Mary Randy (Randy Park subdivision is located south of Briggsmore Avenue, north of Evergreen Avenue and west of Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-337 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider early hiring of Service Division personnel, purchasing replacement diesel engines and transmissions, and repainting the exterior of buses in conjunction with the forthcoming expanded bus service.
(The forthcoming bus service expansion will more than double operating time. In order to handle the necessary maintenance work, four additional mechanics are needed. In addition, four buses are in need of new engines and transmissions. The four 1968 model buses are in need of minor body work and repainting. Memo with agenda. (The hours of operation and bus routes remain to be confirmed by the Council Transportation Committee.) Motion approving hiring of personnel, resolution waiving formal bids and approving purchase of engines and transmissions, and resolution approving specifications and call for bids for body work and painting needed. Estimated cost: \$64,000; funds are budgeted.)

ACTION: By motion, hiring of personnel approved.

Res. 79-338 adopted waiving bids and approving purchase.

Res. 79-339 adopted approving plans and specs.

(P.W. to handle)

CONSENT

26. Recommend to Council an amendment to Section 8-4-9 of the Zoning Map. (Al Sarina and Gene Herron)
(On March 19, 1979, the Planning Commission adopted Resolutions 79-74A, 79-74B, 79-74C, which respectively recommended to the City Council as follows: Rezoned from R-1 to H-1 on the west side of Crows Landing Road south of Imperial; denied a request to rezone from R-1 to R-3 and recommended rezoning to R-2, property located on Algen Avenue, west of Crows Landing Road; and recommended rezoning from R-1 to P-D(221) to allow zero lot line residential development; and denied rezoning from R-1 to R-2 property located west of Crows Landing Road, south of Imperial Avenue. Resolution setting public hearing May 8, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-340 adopted setting hearing.

(Clerk to handle)

CONSENT

27. Consider resolution approving new insurance coverages and consider approving appropriation transfer.
(Memo with agenda, Resolution approving new insurance coverages and resolution approving appropriation transfer needed. Estimated cost: \$106,000.)

ACTION: Res. 79-341 adopted approving new insurance coverages.
Res. 79-342 adopted approving appropriation transfer.

(Mgmt. Services/
Finance to handle)

CONSENT

28. Consider approval of final map of Sylvan Meadows East No. 6 subdivision. Developers: Stone Brothers and Associates
(All fees are paid. A subdivision agreement is not required because this is a re-subdivision of Sylvan Meadows East No. 4 and all improvements are constructed and accepted. It contains 2.772 acres. Resolution approving final map needed.)

ACTION: Res. 79-343 adopted approving final map.

(Clerk to handle)

CONSENT

29. Adoption of a resolution granting approvals to the Modesto Jaycees for a "Picnic in the Park" and a parade and fireworks display to celebrate July 4, 1979, in the City of Modesto, subject to certain conditions.
(A letter from the Stanislaus County Fourth of July Committee requesting assistance with the parade, picnic and fireworks program and for funds for the celebration was considered by the Council at its meeting of February 13, 1979, and by motion, intention was declared to approve the request and referred to staff for preparation of necessary resolution. Adoption of resolution needed. Funds are budgeted.)

ACTION: Res. 79-344 adopted granting approval. (P.R./P.W./Police/Fire to handle)

CONSENT

30. Council approval of application by the Housing Authority for a preliminary HUD loan for 100 units of low rent housing to be built within city limits.
(HUD requests local jurisdiction approval of the Housing Authority's application to HUD. The Modesto electorate authorized low rent housing in the June, 1972, November, 1978 and March, 1979 elections, in conformity with State Constitution requirements. Draft resolution with agenda. Resolution approving application for preliminary loan for low rent public housing needed.)

ACTION: Res. 79-345 adopted approving application for loan. (Planning to handle)

CONSENT

31. Consider approval of pre-application for money from the FAA Airport Development Aid Program (ADAP) for funding of general aviation access road.
(The current year C.I.P. includes access road to general aviation side of Airport. The estimated cost of the project is \$77,000, with the funding to be share 80% ADAP funds, 10% City funds, 10% County funds. Memo with agenda. Resolution approving pre-application and resolution amending the budget to re-estimate grant revenue and appropriate additional funds needed. Estimated cost: \$77,120.)

ACTION: Res. 79-346 adopted approving pre-application.
Res. 79-347 adopted amending budget.

(P.W./Finance to handle)

CONSENT

33. Resolution approving certificate of City Treasurer and authorizing facsimile signature and seal on bonds and facsimile signature on coupons - Improvement District No. 23, light McHenry Avenue from Briggsmore to the north City limits. (Adoption of resolution needed.)

ACTION: Res. 1388-S.P. adopted approving certificate of City Treasurer and authorizing facsimile signature and seal on bonds and coupons. (Finance)

REPORTS

CONSENT

34. Presentation of Financial Statement for March 1979.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

35. Consider staff report which proposes revised priorities and policies on street light modernization.
(Each year a contract is let to install a limited number of new street lights and to modernize existing lights. Changing economics and energy conditions make it desirable to change the current policies and priorities. Memo with agenda. Motion directing staff to proceed as recommended needed.)

ACTION: By motion, staff directed to proceed as recommended. (P.W. to handle)

MISCELLANEOUS

36. Legislation

ACTION: By motion (Kullijian/Siefkin, unan., Lang absent), AB-545 supported. (Mgmt. Services)

37. Appointments

ACTION: Res. 79-349 adopted (Kullijian/Siefkin, unan., Lang absent) approving appointments to Council Committees. (See Exhibit A) (Clerk to handle)

38. Matters too late for the agenda

None

Adjourned at 10:05 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 79-349

A RESOLUTION APPROVING APPOINTMENTS TO COUNCIL COMMITTEES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Councilmembers are hereby appointed to the following designated committees, to serve two-year terms:

| | |
|--|---|
| Animal Control Committee | Bright, Chairperson Muratore |
| Appointments Committee | Mensinger, Chairperson Elliott Siefkin |
| Chamber of Commerce Board of Directors Liaison | Elliott |
| Cities-County Committee | Kullijian (Mensinger alternate) |
| Council-Supervisors Liaison Committee | Mensinger Muratore |
| Criminal Justice Planning Board - Region K | Kullijian |
| Downtown Renaissance Committee | Mensinger, Chairperson Lang Siefkin |
| Economic Development Act Committee | Lang (Muratore alternate) |
| Housing & Community Development Committee | Kullijian, Chairperson |
| Housing Maintenance & Counseling Sub-Committee | Lang, Chairperson |
| Housing Loan Pool Sub-Committee | Bright |
| League of California Cities/Central Valley Division Executive Committee | Lang Siefkin |
| Public Projects Committee | Siefkin, Chairperson Elliott Bright |
| School Site & Facilities Tax Advisory Committee | Elliott |
| Senior Center Committee | Kullijian, Chairperson Lang Muratore |

Sister City Committee Liaison

Bright

**Stanislaus Area Association
of Governments**

**Bright (Elliott alternate)
Lang (Kullijian alternate)
Muratore (Siefkin alternate)**

**Stanislaus County Manpower
Planning Advisory Board**

Elliott (Kullijian alternate)

**Transportation & Traffic
Committee**

**Muratore, Chairperson
(Siefkin alternate)**

**Tuolumne River Regional
Park Committee**

**Mensingher
Bright**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1979, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers: Bright, Elliott, Kullijian, Muratore, Siefkin,
Mayor Mensinger**

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 17, 1979, AT 4:00 P.M.

Roll Call - Present - Councilmembers Bright, Elliott,
Siefkin, Mayor Mensinger

Lang, Muratore,

Absent - Councilmember Kullijian

Pledge of allegiance to the Flag

Invocation: Rev. Larry Lewis, Herald General Baptist

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10, 11, 12,
Removed from Consent: 4 13, 17, 18, 19, 20, 21, 22, 23, 24, 25,
Dropped from agenda: 6 26, 27, 28, 29, 31, 32

(Lang/Siefkin, unan., Kullijian absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

PRESENTATIONS

1. Suggestion Awards - Clarence Nicholes (\$15.00), Parks & Recreation Department, for suggestion on the weekly activity work sheets to be changed for the mow crew. This will condense the paper work from 41 sheets to two sheets a week. The paper savings is a good factor of this suggestion, since we are all looking for ways to save paper. Charles Gilstrap (\$150.00), Parks & Recreation Department, for suggestion on a swimming pool controller to be installed on our park swimming pools. This is an excellent energy savings suggestion, in that it would save over \$15,000 annually to the City in energy costs. Jerry Mize, (\$20.00), Public Works Department, for suggestion on the use of a coupling that was devised when blowing a line through a conduit or blowing it clear of dirt or water instead of the present way of holding a high pressure air hose to a conduit by hand. This suggestion has a good safety factor. William Nicholson and John Beezley (\$10.00), Public Works Department suggested that the City should make racks to hold the barricades that are used in the Public Works Department. The racks would permit a neater and orderly appearance in the City Corporation Yard, which is always an improvement. (Mayor to present awards. Estimated cost: \$195.00; funds are budgeted.)

The awards were presented by Mayor Mensinger.

MINUTES

CONSENT

2. Approval of minutes of the April 10, 1979, City Council meeting. (Motion approving needed.)

ACTION: By motion, minutes approved.

4/17/79

COMMUNICATIONS

3. Letter from Paul Freitas concerning problems in the Highway Village area.

ACTION: No action taken by the City Council at this time.

CONSENT

4. Letter from Laurence H. Martin requesting a hearing concerning the Planning Commission's approval of an addition to an Empire Union School District site. (Resolution setting hearing on May 8, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: By motion (Siefkin/Elliott, unan., Kullijian, absent) acknowledged withdrawal of request by Empire Union Elementary School District for City School Site and Facilities Tax funds.

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened May 1, 1979 at 2:20 p.m. for furnishing annual requiring for ready-mixed concrete. (Materials to be used for various Parks and Recreation and Public Works projects. Resolution authorizing call for bids needed. Estimated cost: \$15,000; funds will be budgeted.)

ACTION: Res. 79-350 adopted calling for bids.

(Finance to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the renovation of pump station No. 6. (This work will consist of a new pump, gas engine, and enclosure. This work is needed because the existing equipment is worn out and the building is in need of major repair. Suggested bid opening: May 8, 1979 at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$96,875 (\$88,802.08 Contract; \$8,072.92 Engineering); funds are budgeted.)

Dropped from agenda.

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened May 1, 1979 at 2:00 p.m. for furnishing seasonal requirements of liquid anhydrous ammonia. (Material to be used in treating industrial and residential sewage. Resolution authorizing call for bids needed. Estimated cost: \$25,700; funds will be budgeted.)

ACTION: Res. 79-351 adopted authorizing call for bids.

(Finance to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids on annual requirements of traffic line paint to be opened at 2:30 p.m., May 1, 1979. (Traffic line paint to be used in marking streets and City parking lots. Resolution authorizing call for bids needed. Estimated cost: \$30,500; funds will be budgeted.)

ACTION: Res. 79-352 adopted authorizing call for bids. (Finance to handle)

CONSENT

9. Consider award of contract for the repainting of various street light poles and mast arms. (Bids were opened on April 10, 1979. The low bid of \$8,532, submitted by Don L. Davis, Inc., is 48% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Don L. Davis, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-353 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider the following:
(a) Declaring Bartley Milling Co. low bidder and authorize the purchase of redwood milling for the McHenry Mansion for the total purchase price of \$57,883.82
(b) Amending the budget and authorize the transfer of \$15,000 into the McHenry Mansion Restoration Account.
(Memorandum with agenda. (a) Resolution authorizing purchase needed. (b) Resolution approving transfer of funds needed. Funds are partially budgeted.)

ACTION: Res. 79-354 adopted authorizing purchase of redwood milling from Bartley Milling Co.
Res. 79-355 adopted amending the budget and authorizing transfer.
(Finance/P. & R. to handle)

CONSENT

11. Consider acceptance of the contract of Mac's Backhoe Service for construction of waterline extensions in Conant Avenue and Standiford Avenue. (Original contract: \$31,413.85)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$29,721.55; funds are budgeted.)

ACTION: Res. 79-356 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider waiving formal bid procedure by five affirmative votes and authorizing Billington Welding to reline the holding tank on the City's vactor truck #40298 for an estimated \$7,000.
(Memorandum with agenda. Resolution waiving formal bid procedure and authorizing Billington Welding to reline holding tank on vactor truck needed. Funds are budgeted.)

ACTION: Res. 79-357 adopted waiving formal bid procedure. (Finance to handle)

CONSENT

- 13. Consider approval of purchase order for \$5,000 to J. H. Kleinfelder & Associates to perform soils investigation for Orchard Storm Drainage Project. (Proposals were received from two local professional soils investigation engineers who are qualified to perform the work. The estimated costs were \$5,000 and \$7,773.60. We recommend that the proposal of J. H. Kleinfelder be accepted by approving a purchase order to them for their estimate. Resolution approving purchase order to J. H. Kleinfelder and Associates needed. Funds are budgeted.)

ACTION: Res. 79-358 adopted approving purchase order. (P.W. to handle)

HEARINGS

4:00 p.m.

- 14. Appeal of Mid Valley Engineering to Planning Commission denial of rezoning to P-D on southwest corner of Standiford Avenue and Carver Road (Piccinini) (Letter from Dennis Wilson requesting continuance with agenda.)

No. 1

ACTION: By motion (Siefkin/Muratore, unan., Kullijian absent) hearing continued to May 22, 1979, 7:30 p.m. (Hearing No. 1) (Clerk to handle)

- 15. Unclassified Use Permit to allow a private school for a maximum of 30 children in Grades K through 6, utilizing the existing church building at the southeast corner of Rosedale Avenue and Sierra Drive and proposed new parking and classroom facilities on the east side of Rosedale Avenue, south of the church. (Brethren/Therapeutic Homes, Inc.)

No. 2

ACTION: Res. 79-359 adopted (Elliott/Lang, unan., Kullijian absent) approving use permit.

- 16. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

- 17. Final adoption of Ord. No. 1819-C.S. rezoning from R-1 to R-2 property located at the southwest corner of Orangeburg Avenue and Ford Avenue. (Motion adopting needed.)

ACTION: By motion, Ord. No. 1819-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

18. Stanislaus Safe Energy Committee's proposal for permission to hold Solar Faire and Run for the Sun.
(Memo with agenda. Motion approving staff recommendations needed.)

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

NEW BUSINESS

CONSENT

19. Consider proposal for revised fee schedule for plan checking of parcel maps and subdivision maps.
(The existing fees were established on June 7, 1976. The proposed fee schedule reflects cost increases. Memo with agenda. Resolution adopting revised fee schedule needed.)

ACTION: Res. 79-360 adopted adopting revised fee schedule. (Planning to handle)

CONSENT

20. Consider cooperative agreement with Stanislaus County to widen and reconstruct Paradise Road from Carpenter to Ellen.
(County is lead agency. City share of cost is \$110,000 in fiscal year 1980-81 for right of way, and \$319,000 in fiscal year 1981-82 for construction. Revised CIP project request with agenda. Agreement specifies responsibilities and cost sharing. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-361 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider approval of the filing of an application with the State of California Public Utilities Commission for widening of existing Needham Street crossing across tracks of the Tidewater Southern Railway Company and appointing signatory officials.
(This application is needed as part of the Kansas-Needham Connection Project and involves the realignment of Needham across the Tidewater Southern Railroad Tracks. No funding necessary at this time. Resolution approving application and appointing signatory officials needed.)

ACTION: Res. 79-362 adopted approving application. (P.W. to handle)

CONSENT

22. Consider request for sewer service to property outside City limits at 431 Briggs Avenue, located on the north side of Briggs Avenue between Franklin Street and Wheatley Avenue. Owners: John R. Beatty and Emma Beatty.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to City limits, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-363 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider Water Conservation Program for summer, 1979.
(Staff recommends adoption of a Water Conservation Program again this summer, including a Council resolution prohibiting outside watering of landscaped areas from 4:00 p.m. until 8:00 p.m., June 1, 1979 through September 15, 1979, each day except Sunday. Memo with agenda. Adoption of resolution needed. Estimated cost: \$4,618; funds are budgeted.)

ACTION: Res. 79-364 adopted approving water conservation program. (P.W. to handle)

CONSENT

24. Consider response to LAFCO regarding two annexations.

1. Dale-Snyder No. 2, southeast corner of Dale and Snyder.
2. Snyder Avenue No. 2, south side of Snyder, southeast of Dale.

(Memo and questionnaire with agenda. Two resolutions responding favorably to the proposed annexations needed.)

ACTION: Res. 79-365 adopted responding favorably to Dale-Snyder No. 2 Annexation.
Res. 79-366 adopted responding favorably to Snyder Avenue No. 2 Annexation.

(Clerk to handle)

CONSENT

25. Set date for public hearing - annexation of uninhabited territory, Sunnyside Annexation.

(On March 21, 1979, LAFCO approved this annexation. Resolution setting date date for public hearing on June 12, 1979 at 7:30 p.m. needed.)

ACTION: Res. 79-367 adopted setting date for public hearing. (Clerk to handle)

CONSENT

26. Uninhabited annexation to the City of Modesto - Scenic-Claus Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on March 21, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-368 adopted annexing and certifying review of environmental impact.
(Clerk to handle)

CONSENT

27. Uninhabited annexation to the City of Modesto - Shackelford School Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on March 21, 1979. Resolution annexing.

ACTION: Res. 79-369 adopted annexing. (Clerk to handle)

CONSENT

28. Adoption of resolution to apply for \$25,244 block grant under the Roberti-Z'berg Urban Open Space and Recreation Program Act for Muncy Neighborhood Park development.
(Memo with agenda. Resolution approving application needed. Estimated cost: \$8,414 (25% matching amount).)

ACTION: Res. 79-370 adopted approving application. (P.R. to handle)

CONSENT

- 28a. Transfer of \$65,414 from General Reserve to Muncy Neighborhood Park - Stage I.
(Memo with agenda. Resolution amending budget to adjust appropriations and estimate revenues needed.)

ACTION: Res. 79-371 adopted amending budget. (Finance to handle)

CONSENT

29. Uninhabited annexation to the City of Modesto - Reno Avenue Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on March 21, 1979. Resolution annexing needed.)

ACTION: Res. 79-372 adopted annexing. (Clerk to handle)

REPORTS

30. Report on developer participation in traffic signal costs.
(Memo with agenda. Five options to cover costs offered. No firm consensus of support for any given option has been expressed by developers as a group or the Planning Commission as a group. Motion directing staff of what further study is desired needed.)

ACTION: By motion (Siefkin/Lang, unan., Kullijian absent) staff directed to develop information on what the effects would be if the public paid 100%, private developers paid 100%, or some other option between the two, of the costs of traffic signals, canal crossings, railroad crossings, Hetch Hetchy crossings, and curb and gutter along Briggsmore. (Planning to handle)

CONSENT

APPROPRIATION TRANSFERS

31. Appropriation transfer of \$14,387 from General Reserve.
(Funds needed for replacement of the Davis Park ballfield light standards which were destroyed by vandals. Memo with agenda. Resolution approving appropriation transfer needed. Estimated total cost of repairs: \$32,000; funds are partially budgeted.)

ACTION: Res. 79-373 adopted approving appropriation transfer, (Finance to handle)

CONSENT

32. Appropriation transfer of \$225 from the General Fund General Reserve to the City Clerk and Auditor's budget to provide funds to repair the City seal. (Memo with agenda. Resolution approving appropriation transfer needed. Estimated cost: \$225.)

ACTION: Res. 79-374 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

33. Legislation

- ACTION:** By motion (Lang/Siefkin, unan., Kullijian absent) S.B. 47 supported.
By motion (Siefkin/Lang, unan., Kullijian absent) S.B. 246 and SB 131 opposed.
By motion (Siefkin/Muratore, unan., Kullijian absent) S.B. 221 opposed.
By motion (Lang/Siefkin, unan., Kullijian absent) S.B. 481 supported.

34. Appointments

- a. Election of Vice-Mayor.
(The Modesto Charter provides that "At the second meeting of the Council following the election or appointment of a member to the Council, the Council shall elect one of its members as Vice Mayor..." Resolution electing Vice Mayor needed.)

ACTION: Res. 79-375 adopted (Bright/Siefkin, unan., Kullijian absent) Councilmember Kullijian re-elected Vice Mayor. (Clerk to handle)

35. Matters too late for the agenda

None

Adjourned at 5:45 to / executive session to consider an employee relations matter, and then to Wednesday, April 18, 1979, 7:30 a.m., at Howard's Restaurant, 1312 McHenry Avenue, Modesto, for a meeting with Congressman Tony Coelho.

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
April 18, 1979

The Council of the City of Modesto met pursuant to adjournment at 7:30 a.m., at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California.

Present: Councilmembers Bright, Elliott, Muratore, Mayor Mensinger

Absent: Councilmembers Kullijian, Lang, Siefkin

Also Present: Congressman Coelho

There was a discussion of the grant for the parking garage, the use of revenue sharing, C.E.T.A., and other federal funds, AMTRAK, wage and price controls, buses, park grants, and other matters concerning federal laws and regulations.

The meeting adjourned at 8:45 a.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 24, 1979, AT 7:30 P.M.

Roll Call - Present - Councilmembers Bright, Elliott, Lang, Muratore,
Siefkin, Mayor Mensinger
Councilmember Siefkin arrived at 8:30 p.m.
Absent - Councilmember Kullijian

Pledge of allegiance to the Flag

Invocation: Jon Venema - First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17,
18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28

ACTION: Lang/Muratore, unan., Kullijian and Siefkin absent

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular City Council meeting of April 17, 1979, and the adjourned meeting of April 18, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from W. E. Russell resigning from Housing and Community Development Neighborhood Advisory Committee No. 2, effective April 13, 1979.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 79-376 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

3. Letter from Modesto Youth Theatre requesting that \$5,000 be included in the 1979-80 budget for their activities.
(Motion referring to proper budget session needed.)

ACTION: By motion, request referred to proper budget session. (Finance to handle)

CONSENT

4. Letter from Mid-Valley Engineering appealing a decision of the Planning Commission concerning zoning on Sheldon and Carver Road. (Modesto Development)
(Resolution setting hearing on May 15, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-377 adopted setting hearing. (Clerk to handle)

CONSENT

5. Letter from Head Rest, Inc. requesting that \$20,000 be included in the 1979-80 budget for their activities.
(Motion referring to proper budget session needed.)

ACTION: By motion, request referred to proper budget session. (Finance to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for the installation of the McHenry Museum fire alarm system.
(Suggested bid opening: May 15, 1979 at 2:00 p.m. This project consists of installing smoke detector, rate of temperature rise detector, manual pull boxes and warning bells. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$9,800 (Contract \$9,000; Engineering \$800); funds are budgeted.)

ACTION: Res. 79-378 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider directing staff to prepare specifications and bid documents, and appropriation transfer to provide for rental of memory typewriter for Word Processing Center.
(Motion directing staff to prepare specifications and bid documents needed and resolution approving appropriation transfer needed.)

ACTION: By motion, staff directed to prepare specs., etc.
Res. 79-379 adopted approving appropriation transfer. (Mgmt. Services/Finance to handle)

CONSENT

8. Consider acceptance of Chet Cummins Construction's contract for the construction of utility building at Revard Park as complete. (Original contract: \$39,536)
(All work on this project has been completed to the satisfaction of the Public Works Department and the Parks and Recreation Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$39,507.37; funds are budgeted.)

ACTION: Res. 79-380 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of The Flintkote Company's contract to construct canal crossings at MID Lateral No. 7 at Prescott Road and Cheyenne Way as complete. (Original contract: \$159,600)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete, and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$159,600; funds are budgeted.)

ACTION: Res. 79-381 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of Brown Sheet Metal and Mechanical, Inc.'s contract to remodel lift station at Thousand Oaks Park as complete. (Original contract: \$104,303)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$105,996; funds are budgeted.)

ACTION: Res. 79-382 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

11. Appeal by Mid-Valley Engineering to a decision by the Planning Decision regarding rezoning of property located on Olivera and west of Tidewater Southern Railroad. (Jim Lamatis) No. 1

ACTION: By motion Ord. No. 1821-C.S. rezoning (Elliott/Lang, majority, Mensinger - no, Kullijian and Siefkin absent) introduced.
Res. 79-383 adopted certifying environmental assessment. (Clerk/Planning to handle)
(Elliott/Lang, majority, Mensinger - no Kullijian, Siefkin absent)

12. Hearing on amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 and R-2 to P-D(220) property located at the southwest corner of Claus Road and E. Orangeburg to allow a 36-unit zero lot line subdivision and a 40-unit apartment complex. (Orangeburg Plaza Group) No. 2

ACTION: By motion, Ord. No. 1822-C.S. rezoning introduced (Muratore/Elliott, unan., Kullijian and Siefkin absent)
Res. 79-384 adopted approving development plan (Muratore/Elliott, unan., Kullijian and Siefkin absent)
Res. 79-385 adopted certifying review of environmental assessment. (same vote)
(Clerk/Planning to handle)

13. Hearing on amendment to P-D(45) to clarify use of facilities, amend hours of operation, and provide for the monitoring of evening hours of operation of the Modesto Racquet Club No. 3

ACTION: By motion Ord. No. 1823-C.S. amending P-D(45) introduced. (Lang/Bright, unan., Kullijian, Siefkin absent)
Res. 79-386 adopted amending development plan (Lang/Bright, unan., Kullijian, Siefkin absent)

By motion, staff directed to review the situation during the summer, 1979, to determine whether or not there are any problems. (Clerk/Planning to handle)

14. Hearing on amendment to Section 21-3-9 of the Zoning Map to rezone from R-3 to P-D(219) property located on the east side of McHenry Avenue between Helen Avenue and Hintze Avenue to allow expansion of the Sundial Lodge. (Stan Galas - Sundial Lodge) (A letter has been received from the Galas family's attorney requesting a continuance of the hearing.) No. 4

ACTION: By motion (Muratore/Lang, unan., Kullijian, Siefkin absent) hearing continued to June 12, 1979, 7:30 p.m. (Hearing No. 2) (Clerk to handle)

15. Informal public hearing concerning park site in Burbank School vicinity. No. 5

ACTION: By motion (Elliott/Muratore, Majority, Bright-no, Kullijian absent) it was determined not to purchase a park site in the immediate vicinity of Burbank School.

16. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

ACTION: Councilmember Lang introduced Riverbank City Councilmember Lou Regalado

ORDINANCES

CONSENT

17. Final adoption of Ord. No. 1820-C.S. rezoning from R-2 and P-0 to P-D(217) property on W. Granger and Florida Avenue. (National Medical Development) (Motion adopting needed.)

ACTION: By motion, Ord. 1820-C.S. adopted. (Clerk to handle)

NRW BUSINESS

CONSENT

18. Renewal of food concession at Beard Brook Park.
(Mr. Charles Wright has requested the renewal of his contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding the concession has been most satisfactory, and it is recommended that the contract be renewed for one year (5-1-79 to 4-30-80). All the terms and conditions which applied under the last agreement will remain in force, except that the hold harmless and insurance provisions have been updated, and the following exceptions made in Appendix A as requested by Mr. Wright: #1 Soft Drinks - increase from 30¢ to 35¢; #5 Snow Cones - increase from 25¢ to 30¢. Resolution approving agreement needed.)

ACTION: Res. 79-387 adopted approving agreement. (P/R to handle)

CONSENT

19. Consider approval of agreement with Mid-Valley Engineering to perform design work for reconstruction of Morris Avenue - College to McHenry.
(The Public Works staff cannot schedule this design within the next 18 months, and after evaluating the local engineering firms, we have negotiated this agreement with Mid-Valley Engineering. Resolution approving agreement needed. Estimated cost - engineering: \$12,000; funds are budgeted.)

ACTION: Res. 79-388 adopted approving agreement. (P.W. to handle)

CONSENT

20. Amendment to "Procedures for Implementing School Site and Facilities Tax."
(Memo with agenda. Resolution amending Procedures for Implementing School Site and Facilities Tax needed.)

ACTION: Res. 79-389 adopted amending Procedures for Implementing School Site and Facilities Tax. (Planning to handle)

CONSENT

21. Consider accepting \$501,240 UMTA grant offer for five new transit coaches and related items.
(Memo with agenda. Grant covers buses, fare boxes, patron shelters, and two-way radios. Resolution accepting grant offer needed. Estimated total cost: \$626,550; funds are budgeted.)

ACTION: Res. 79-390 adopted accepting grant offer. (P.T. to handle)

CONSENT

22. Consider approval of the continued closure of East Orangeburg Avenue from Glenbrook Way to Claus Road during the construction of a subtrunk sewer extension and the Claus Road storm drain for an extended period of time. (A subtrunk sewer line has been installed in E. Orangeburg Avenue, and by a motion Council authorized closure of E. Orangeburg Avenue until April 6, 1979. Soil conditions have prevented the contractor from properly compacting the road to date. An additional contract has been let to install storm drainage in this same road. It is desirable to let this road remain closed for an extended period of time. Memo with agenda. Motion approving the continuation of the closure of East Orangeburg Avenue from Glenbrook to Claus Road until the completion of construction of a subtrunk sewer and a storm drain line in E. Orangeburg Avenue needed.)

ACTION: By motion, E. Orangeburg Avenue closure continued until sewer and storm drain are completed. (P.W. to handle)

CONSENT

23. Consider approval of the final map of Union Square subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Rule Enterprises (The subdivision agreement has been signed and all fees paid. Union Square subdivision is located north of Standiford Avenue and west of McHenry Avenue. It contains 6.05 acres. Resolution approving final map needed.)

ACTION: Res. 79-391 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider approval of the final map of Greenwood Estates No. 6 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Weeks Real Estates and Stewart and Jasper Poultry Ranch. (The subdivision agreement has been signed and all fees paid. Greenwood Estates No. 6 subdivision is located north of Standiford Avenue and west of McHenry Avenue. It contains 11.589 acres. Resolution approving final map needed.)

ACTION: Res. 79-392 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider request for sewer service to property outside City limits at 1025 Kansas Avenue, located on the north side of Kansas Avenue between Emerald Avenue and Lone Palm Avenue. Owners: Olup Nelson and Viola Nelson, Melfin G. Nelson and Larry Dean Nelson (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-393 adopted approving agreement. (P.W. to handle)

CONSENT

26. Consider setting hearing regarding amendments to Conflict of Interest Code for the Police Department.
(The position of "Supervising Clerk II" needs to be deleted, the position of "Administrative Analyst" needs to be added, and "Captain" should be changed to "Police Records Supervisor" in the Police Department's Conflict of Interest Code. Resolution setting public hearing May 15, 1979, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-394 adopted setting public hearing. (Clerk to handle)

CONSENT

27. A resolution granting approval to El Concilio de Stanislaus County for the Spanish Speaking for the use of Beard Brook Park and a parade to celebrate Cinco de Mayo, subject to certain conditions.
(Memo with agenda. Resolution approving recommendations needed.)

ACTION: Res. 79-395 adopted approving recommendations. (P.R. to handle)

APPROPRIATION TRANSFERS

CONSENT

28. Transfer of \$171,791 from General Reserve to Woodland Neighborhood Park/Land Acquisition.
(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-396 adopted approving appropriation transfer.

MISCELLANEOUS

29. Legislation

- ACTION: By motion (Elliott/Lang, unan., Kullijian absent) AB 313 supported.
By motion (Elliott/Lang, unan., Kullijian absent) SB 332 opposed
By motion (Siefkin/Elliott, unan., Kullijian absent) AB 469 opposed.
By motion (Siefkin/Bright, unan., Kullijian absent) AB 881 supported.
By motion (Siefkin/Lang, unan., Kullijian absent) AB 1691 supported.

30. Appointments
None

31. Matters too late for the agenda

- a. By motion (Lang/Siefkin, unan., Kullijian absent) Council declared its intention to continue the hearing on the Piccinini proposal from May 22, 1979, to June 5, 1979, 4:00 p.m. (Hearing No. 3) (Clerk to handle)
- b. Res. 79-397 adopted (Elliott/Muratore, unan., Kullijian absent) approving agreement with Air Pacific for commuter service between Modesto and San Francisco (P.W. to handle)

Adjourned at 9:20 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 1, 1979 AT 4:00 P.M.

Roll Call - Present - Councilmembers, Bright, Elliott, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent - Councilmember Kullijian

Pledge of allegiance to the Flag

Invocation: Rev. Bob Segerhammar - Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16,
17, 19, 20, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31

ACTION: Lang/Siefkin, unan., Kullijian
absent

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the April 24, 1979, Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Modesto Symphony Orchestra requesting \$5,500 be included in the 1979-80 budget for their programs.
(Motion referring to proper budget session needed.)

ACTION: By motion, request referred to proper budget session. (Finance to handle)

CONSENT

3. Letter from St. Paul's Episcopal Church appealing a Planning Commission decision concerning a financial institution and curbs and gutters in P-D(147).
(Resolution setting hearing on June 12, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-398 adopted setting hearing. (Clerk to handle)

CONSENT

4. Letter from residents of Barbara Way requesting abandonment of a walkway between 1725 and 1801 Barbara Way.
(Motion referring to Planning Commission needed.)

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

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Vintage Grove subdivision.
(Suggested bid opening: May 22, 1979 at 11:05 a.m. The extension of this main line will provide water service for Vintage Grove subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$38,279 (Contract \$35,980; Engineering & Materials \$2,299); funds are budgeted.)

ACTION: Res. 79-399 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for reconstruction of downtown alleys in Blocks 56, 63, 84, 85, 86, 92, 93 and 94.
(This project is funded one-third by property owners, one-third by Downtown Improvement District and one-third by City appropriations. Suggested bid opening date: May 15, 1979 at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$99,000 (Construction \$90,000; Engineering & Contg.); funds are budgeted.)

ACTION: Res. 79-400 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of aircraft parking ramp drain.
(Suggested bid opening: May 15, 1979 at 11:00 a.m. The installation of this drain will provide storm drainage for the General Aviation Area Fixed Base Operators. Resolution approving plans and specifications and call for bids needed, and resolution amending the fiscal year 1978-79 budget to adjust appropriations and revenue estimates needed. Estimated cost: \$36,810 (Contract \$35,060; Engineering \$1,750).

ACTION: Res. 79-401 adopted calling for bids. (P.W. to handle)
Res. 79-402 adopted amending the fiscal year budget. (Finance to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Carpenter Road.
(Suggested bid opening: May 22, 1979 at 11:00 a.m. The extension of this line will provide water for Westgate Village mobilehome subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$65,281 (Contract \$61,695; Engineering and Materials \$3,585); funds are budgeted.)

ACTION: Res. 79-403 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider authorizing the purchase of ten portable radios and one battery charger from the General Electric Company for the total price of \$10,461.14. (Memorandum with agenda. Resolution authorizing purchase needed. Estimated cost: \$10,461.14); funds are budgeted.)

ACTION: Res. 79-404 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider award of contract for the construction of waterline extension at East Orangeburg Avenue and Claus Road.
(Bids were opened on April 24, 1979. The low bid of \$28,498.80, submitted by Joe Martin Pipeline, Inc., is 20% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to him. Resolution awarding contract to Joe Martin Pipeline, Inc. needed. Estimated cost: \$28,498.80; funds are budgeted.)

ACTION: Res. 79-405 adopted awarding contract. (P.W. to handle)

HEARINGS

4:00 p.m.

11. Consider annexation of Woodland-Barium Addition to Modesto Municipal Sewer District No. 1. No. 1

ACTION: Res. 79-406 adopted (Lang/Muratore, unan., Kullijian absent) annexing to Sewer District No. 1 (Clerk to handle)

12. Consider annexation of Kansas Avenue No. 3 Addition to Modesto Municipal Sewer District No. 1. No. 2

ACTION: Res. 79-407 adopted (Muratore/Elliott, unan., Kullijian absent) annexing to Sewer District No. 1 (Clerk to handle)

13. Hearing of Necessity to acquire L. R. Van Horn, Jr. property for the Standiford - Tully to McHenry project. No. 3

ACTION: Res. 79-408 adopted (Elliott/Siefkin, unan., Kullijian absent) acquiring property. (P.W. to handle)

14. Hearing to consider an amendment to P-D(21) to allow professional offices in place of apartments on Woodrow Avenue east of Tully Road. (Tully Manor Investment Trust) No. 4

ACTION: Res. 79-409 adopted (Lang/Muratore, majority, Siefkin and Mayor Mensinger-no. Kullijian absent) approving. (Clerk/Planning to handle)

15. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

ACTION: None

ORDINANCES

CONSENT

16. Amend Modesto Municipal Code sections relating to speed limits.
(Memo with agenda. The changes update speed limits which are expiring; change some limits due to changed conditions or traffic; and put some non-radar enforceable limits into the radar enforceable category. Introduction of ordinance changing speed limits needed. Estimated cost: \$400; funds are budgeted.)

ACTION: By motion, Ord. No. 1824-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider approval of the final map of Dutchollow No. 1 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Paul M. Zagaris and Liberty M. Zagaris.
(The subdivision agreement has been signed and all fees paid. Dutchollow No. 1 subdivision is located south of Snyder Avenue and East of Dale Road. It contains 23.181 acres. Resolution approving final map needed.)

ACTION: Res. 79-410 adopted approving final map. (Clerk to handle)

18. Consider crossing gates at Tidewater crossing of Tully Road.
(Memo with agenda. Parking and Traffic Director recommends that we forego the offer of Federal assistance and not install the gates. Motion directing staff needed. Estimated cost: \$4,000. Funds would be transferred if City Council wants to proceed.)

ACTION: By motion (Muratore/Bright, unan., Kullijian absent) this matter continued so the staff can obtain further information. (Atty/P.T. to handle)

CONSENT

19. Consider approval of the issuance of a purchase order to Howk Well & Equipment Company, Inc. to install a submersible pump and motor in the existing well at Mancini Park.
(The pump and motor is needed to supply irrigation water for Mancini Park. The total cost for this project is \$4,965.00. Resolution authorizing City staff to issue purchase order to Howk Well & Equipment Co., Inc. needed. Funds are budgeted.)

ACTION: Res. 79-411 adopted authorizing purchase order. (P.W./Finance to handle)

CONSENT

20. Consider lease agreement with Dennis Simms for the lease of the former Simms house, 645 N. McClure Road, part of proposed Dry Creek Park.
(This is a new lease with the same tenant. The term is from May 1, 1979 to April 30, 1980. The monthly rent has been raised from \$187.50 per month to \$225 per month. Tenant is to pay taxes and maintain the property as well as do minor repairs. Resolution approving agreement needed.)

ACTION: Res. 79-412 adopted approving agreement. (P.W. to handle)

21. Consider requesting from Empire Fire Protection District an extension of agreement for emergency aircraft services at airport.
(Memo of explanation with agenda. Resolution requesting the Empire Fire District Board of Directors to extend agreement needed.)

ACTION: Res. 79-413 adopted (Lang/Elliott, unan., Kullijian absent) extending agreement.
(Fire to handle)

CONSENT

22. Consider adopting a resolution authorizing the City Manager to sign hold harmless training agreements for the Police Department.
(Memorandum with agenda. Resolution approving hold harmless training agreements needed.)

ACTION: Res. 79-414 adopted approving/hold harmless training agreements by Manager.
signing of
(Police to handle)

CONSENT

23. Consider a resolution approving an increase in the mileage reimbursement rate for persons authorized to use private vehicles for City business.
(Memorandum with agenda. Resolution approving increase in mileage reimbursement rate needed.)

ACTION: Res. 79-415 adopted approving increase in mileage reimbursement rate.
(Mgmt. Services to handle)

CONSENT

24. Recommend to Council an amendment to Section 2-3-8 of the Zoning Map - JWJ Development.
(On April 16, 1979, the Planning Commission adopted Resolutions 79-105 and 79-106 recommending to the City Council an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2 and from R-1 to P-D(222) to allow zero-lot line subdivision, property located on the south side of Pelandale west of Dale Road. Resolution setting public hearing on June 5, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-416 adopted setting hearing. (Clerk to handle)

CONSENT

25. Recommend to Council an amendment to Sections 25-3-9 and 26-3-9 of the Zoning Map - Rule Enterprises.
(On April 16, 1979, the Planning Commission adopted Resolution 79-108 recommending to the City Council an amendment to Sections 25-3-9 and 26-3-9 of the Zoning Map to rezone from R-1 to P-D(223) to allow a 217 unit two-story residential apartment development property located at the northwest corner of Lincoln and Yosemite. Resolution setting public hearing on June 5, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-417 adopted setting hearing. (Clerk to handle)

CONSENT

26. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map- Ray Miller.
(On April 16, 1979, the Planning Commission adopted Resolution 79-102 recommending to the City Council an amendment to Section 21-3-9 of the Zoning Map to rezone from C-1 and R-2 to P-D(224) to allow existing commercial/office development and construction of an 11-unit 2-story residential condominium property located on the south side of E. Fairmont west of Coffee. Resolution setting public hearing on May 22, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-418 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Roland D. Logan.
(On April 16, 1979, the Planning Commission adopted Resolution 79-103 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the northwest corner of E. Granger Avenue and Honeysuckle Drive. Resolution setting public hearing on May 22, 1979, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-419 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend to Council an amendment to Section 14-3-9 of the Zoning Map - Donald R. Gonsalves.
(On April 16, 1979, the Planning Commission adopted Resolution 79-109 recommending to the City Council an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the east side of Oakdale Road south of Merle Avenue. Resolution setting public hearing on June 5, 1979 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-420 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to P-D(147) - St. Paul's Episcopal Church. (On April 16, 1979, the Planning Commission adopted Resolution No. 79-109 recommending to the City Council an amendment to P-D(147) to allow utilization of the church facilities for a maximum 95-child day care nursery, increase elderly housing to 100 units, and denied a request to include a bank or other financial institution in the professional office portion of P-D(147) located at the south-east corner of Briggsmore and Oakdale Road. Resolution setting public hearing on June 12, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-421 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to Council the adoption of a specific plan for Roselle Avenue between Briggsmore Avenue and Floyd Avenue. (On April 16, 1979, the Planning Commission adopted Resolution 79-111 recommending to the City Council the adoption of a specific plan for Roselle Avenue between Briggsmore Avenue and Floyd Avenue. Resolution setting public hearing on May 22, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-422 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

31. Transfer of \$54,217 from General Reserve to Northwest McHenry Neighborhood Park Land Acquisition. (Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-423 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

32. Legislation

By motion (Stefkin/Lang, unan., Kullijian absent) S.B. 463 supported,
By motion (Lang/Siefkin, unan., Kullijian absent) S.B. 470 opposed,
By motion (Stefkin/Elliott, unan., Kullijian absent) AB 808 opposed.
By motion (Stefkin/Lang, unan., Kullijian absent) AB 849 supported.

By motion (Lang/Siefkin, unan., Kullijian absent) AB 1233 opposed.

33. Appointments

ACTION: Res. 79-424 adopted (Lang/Bright, unan., Kullijian absent) reappointing Alfonso Pelayo and Helen White to the Human Rights Commission, term to expire 5/1/79,

Res. 79-425 adopted (same vote) reappointing Lew Franklin, Jr., Dirk Hoek, and David Kamrar to the DID Board of Directors, term to expire 3/28/79.

Res. 79-426 adopted (same vote) reappointing Harold Lutes and Robert Schmidt to the Farm-City Advisory Committee, term to expire 5/1/79.

34. Matters too late for the agenda

- a. Extension of 10" water main on Lone Palm Avenue.
ACTION: Res. 79-427 adopted (Lang/Bright, unan., Kullijian absent) approving agreement with property owners on Lone Palm Avenue (Mastagni, et. al) north of Woodland Avenue, for extension of a 10" water main on Lone Palm Avenue. (P.W. to handle)
- b. There was a discussion of the negotiations regarding the Modesto Wastewater Treatment Facilities Draft E.I.S. Council agreed that the staff should handle the negotiations. (P.W. to handle)

The Meeting Adjourned at 5:30 p.m.

ATTEST:



NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 8, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Lang

Pledge of allegiance to the Flag

Invocation: Rev. Joe Wright, Calvary Temple

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 20, 21, 22, 24, 25, 26,
ACTION: Siefkin/Muratore, unan., 27, 28, 29
Lang absent

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the May 1, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Petition submitted by Richard N. Shaffer concerning continued closure of Bridle Path Lane.

ACTION: By motion (Elliott/Kullijian, unan., Lang absent) Planning Director's recommendation that no action be taken at this time accepted.

CONSENT

3. Request by Craig Michaelson for permission to file a late claim for injuries in an accident on April 30, 1978.
(Resolution rejecting claim needed.)

ACTION: Res. 79-428 adopted rejecting claim.

BIDS

CONSENT

4. Consider approving specifications for swimming pool chlorine and muratic acid for fiscal year 1979/80 and authorizing call for bids.
(These are annual requirements for liquid and tablet chlorine and muratic acid for use in City owned and operated swimming and wading pools. Resolution authorizing call for bids to be opened May 22, 1979 at 2:00 p.m. needed. Estimated cost: \$4,000; funds will be budgeted.)

ACTION: Res. 79-429 adopted authorizing call for bids. (Finance to handle)

CONSENT

5. Consider approving specifications and authorize call for bids for furnishing annual requirements of dry cell batteries.
(An annual requirement, this bid is a cooperative purchasing venture with several other tax supported agencies. The batteries are purchased intermittently throughout fiscal year by Central Stores and distributed to using departments. Resolution authorizing call for bids to be opened May 22, 1979, at 2:15 p.m. needed. Estimated City portion of cost: \$3,500; funds will be budgeted.)

ACTION: Res. 79-430 adopted calling for bids. (Finance to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the construction of aircraft parking apron at the Modesto City-County Airport.
(Suggested bid opening: May 29, 1979 at 11:00 a.m. This aircraft parking apron will provide additional aircraft parking facilities for the general aviation portion of the Modesto City-County Airport. Resolution approving plans and specifications and authorizing bid call needed. Estimated cost: \$128,866 (Const. \$121,866; \$7,000 Eng.); funds are budgeted.)

ACTION: Res. 79-431 adopted calling for bids. (P.W. to handle)

CONSENT

7. a) Consider amending current year budget to allow for accelerated purchase of a 1500 gpm fire pumper scheduled for purchase during the 1979-80 fiscal year;
b) Consider approval of specifications and authorize call for bids to be opened May 29, 1979, at 2:00 p.m. for furnishing one 1500 gpm fire pumper.
(Memorandum with agenda. Resolution authorizing call for bids and resolution authorizing transfer from the General Reserve needed. Estimated cost: \$125,000.)

ACTION: Res. 79-432 adopted calling for bids. (Finance/Fire to handle)
Res. 79-433 adopted authorizing transfer from General Reserve. (Finance/Fire)

CONSENT

8. Consider award of contract for the construction of waterline extensions in Standiford Avenue for Vineyard Subdivision and in Woodland Avenue for Shasta Estates Subdivision.
(Bids were opened on May 1, 1979. The low bid of \$9,339.50, submitted by Joe Martin Pipeline, Inc., is 13% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-434 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for the construction of waterline extension at Floyd and Oakdale.
(Bids were opened on May 1, 1979. The low bid of \$37,634, submitted by Joe Martin Pipeline, Inc., is 10% below the engineer's estimate and considered acceptable. It is therefore recommended by the Public Works Department that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 79-435 adopted accepting bid & awarding contract. (P.W. to handle)

CONSENT

10. Consider declaring PureGro Company low bidder and authorize the purchase of liquid anhydrous ammonia for \$170.92 per ton.
(Memorandum with agenda. Resolution declaring PureGro Company low bidder and authorizing purchase needed. Estimated cost: \$24,500; funds will be budgeted.)

ACTION: Res. 79-436 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider acceptance of William Mineni's contract to construct wading pool at Revard Park as complete. (Original contract and final cost: \$39,080)
(All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-437 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of The Flintkote Company's contract for improvements of Hahn Drive at MID Lateral No. 7 as complete. (Original contract; \$49,500)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost; \$50,856.30; funds are budgeted.)

ACTION: Res. 79-438 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider acceptance of E & S Electrical's contract for street light modernization - County Housing Authority - Block 3010 as complete. (Original contract: \$28,845.50) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$27,833.30; funds are budgeted.)

ACTION: Res. 79-439 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Lee White Paving Company's contract for Lakewood Avenue sewer trench repair as complete. (Original contract: \$10,965) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$12,965; funds are budgeted.)

ACTION: Res. 79-440 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider authorizing the purchase of a new brush chipper cutting head and associated parts from Asplundh Equipment Company for the total price of \$4,568.26. (Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-441 adopted authorizing purchase. (Finance to handle)

CONSENT

16. Consider approval of change orders for radio communication system for Fire Department in the amount of \$14,255.12 for additional equipment. (Contractor: Motorola, Inc.) (Memo with agenda. Resolution approving change orders needed; funds are budgeted.)

ACTION: Res. 79-442 adopted approving change orders. (P.W. to handle)

17. a) Hearing appeal by Mid-Valley Engineering to a Planning Commission decision concerning Cedar Brook Planned Development located on Scenic and Claus (Commercial) (Modesto Development) No. 1
- b) Consider amendment to Sec. 24-3-9 of the Zoning Map to prezone to P-P-D(218) to 2-story townhouse; denial of request to prezone to P-D to permit neighborhood shopping center and professional offices; and denial of R-1 to P-D to permit professional offices and recommendation of R-3 instead, property on the west side of Claus Road, north of Scenic. No. 2

- ACTION: a) By motion (Elliott/Kullijian, unan., Lang absent) Ord. 1825-C.S. introduced pre zoning to P-D(218) for residential development.
Res. 79-443 adopted (Elliott/Kullijian, unan., Lang absent) approving development plan for P-D(218) and certifying review of Environmental Assessment.
- b) By motion (Kullijian/Elliott, unan., Lang absent) Ord. 1826-C.S. introduced pre zoning to R-3.
Res. 79-444 adopted (Elliott/Kullijian, unan., Lang absent) certifying review of Environmental Assessment for R-3 pre zoning.
By motion (Kullijian/Elliott, majority, Siefkin, Mensinger-no, Lang absent) Ord. 1827-C.S. introduced pre zoning to P-D(226) for neighborhood shopping center and office complex.
Res. 79-445 adopted (Muratore/Kullijian, majority, Siefkin, Mayor Mensinger - no, Lang absent) overruling the Planning Commission and granting appeal and pre zoning for shopping center and office complex; approving the development plan for P-D(226); and certifying the review of Environmental Assessment.

18. Hearing to consider amendment to Sec. 8-4-9 of the Zoning Map to rezone from R-1 to H-1 on the west side of Crows Landing Road south of Imperial; deny a request to rezone from R-1 to R-3 and recommend rezoning to R-2, property located on Algen Avenue, west of Crows Landing Road; and recommend rezoning from R-1 to P-D(221) to allow zero lot line residential development; and deny rezoning from R-1 to R-2 property located west of Crows Landing Road, south of Imperial Avenue. (Al Sarina and Gene Herron)

ACTION: By motion (Siefkin/Kullijian, unan., Lang absent) Ord. 1828-C.S. introduced approving rezoning from R-1 to H-1,

Res. 79-446 adopted (same vote) certifying environmental review.

By motion (Siefkin/Kullijian, unan., Lang absent) Ord. 1829-C.S. introduced rezoning rezoning from R-1 to R-2.

Res. 79-447 adopted (same vote) certifying environmental review.

By motion (Siefkin/Kullijian, unan., Lang absent) Ord. 1830-C.S. introduced approving rezoning from R-1 to P-D(221).

Res. 79-448 adopted (same vote) approving plan.

Res. 79-449 adopted (same vote) certifying environmental review.

19. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

20. Final adoption of the following:

- a) Ord. No. 1822-C.S. rezoning from R-1 & R-2 to P-D(220) property on Claus and E. Orangeburg (Orangeburg Plaza Group)
- b) Ord. No. 1823-C.S. relating to P-D(45), Modesto Racquet Club.

(Motion adopting needed.)

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

CONSENT

21. Consider lease agreement with Jack George for Creekside Private School property. (Agreement has been prepared in accordance with Council direction and signed by Mr. Jack George for the Creekside Private School property. Agreement provides for leasing of the property for a 5-year period through June 30, 1984. Rental will be at \$675 per month and will escalate annually, with the last year's rental being \$820 per month. City is to proceed with repairs to roof trusses and gas service, and reroof Primary Education Building, plus other minor repairs. All other repairs and maintenance during term of agreement are responsibility of lessee. Resolution approving agreement needed.)

ACTION: Res. 79-450 adopted approving agreement, (P.W. to handle)

CONSENT

22. Further consideration of construction of sidewalks on Sunrise from Lucern to Roseburg Avenue.
(Residents on Sunrise petitioned the Council regarding construction of sidewalks. The Council directed the staff to further study the project. Report and schedule of work with agenda. Citizens along Sunrise Avenue will be notified of the informal hearing to be set for May 22, 1979 at 7:30 p.m. Resolution setting informal hearing on May 22, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-451 adopted setting hearing. (P.W. to handle)

NEW BUSINESS

23. Consider lowering weight limit on 7th Street Bridge and decision not to apply for federal bridge replacement funds.
(Lowering the weight limit on the bridge to 5 tons (Pickup trucks) would extend the life of the bridge. Although federal funds for the bridge replacement are available, the matching City funds should be committed to constructing new bridges at other crossings. Memo with agenda. Resolution requesting Caltrans to impose weight limit on bridge needed, and motion concurring with temporary weight limitations and decision not to apply for federal funds needed.)

ACTION: Res. 79-452 adopted (Kullijian/Siefkin, unan., Lang absent) requesting Caltrans to impose weight limit.
By motion (same vote) concurred with temporary weight limitations and decision not to apply for federal funds.

CONSENT

24. Consider setting date for public hearing on a federal operating assistance grant application (Bus Operations FY 1979-80).
(Memo with agenda. It is recommended that a public hearing be held on Tuesday, June 26, 1979 at 7:30 p.m. (Hearing No. 1). Resolution setting hearing needed.)

ACTION: Res. 79-453 adopted setting hearing, (Clerk to handle)

CONSENT

25. Consider approval of annual claim for Local Transportation Funds.
(Each year the City makes a claim to SAAG for its apportionment of Local Transportation Funds. This is a claim for \$2,138,762. Resolution authorizing submission of the Annual Transportation Claim needed.)

ACTION: Res. 79-454 adopted authorizing submission of the Annual Transportation Claim.
(Finance to handle)

CONSENT

26. Consider the acceleration of purchases of specific items proposed in next year's budget.

(Report with agenda. Resolution approving appropriation transfer from the General Reserve needed. Estimated cost: \$102,641)

ACTION: Res. 79-455 adopted approving appropriation transfer. (Finance to handle)

CONSENT

27. Claim for \$25,300 non-motorized money for bicycle lane projects and amendment to the 1978-79 budget to appropriate said \$25,300.

(Memo with agenda. Resolution authorizing City Manager to file claim for non-motorized money and resolution amending the fiscal year 1978-79 budget needed.)

ACTION: Res. 79-456 adopted authorizing Manager to file claim. (Finance to handle)

Res. 79-457 adopted amending fiscal year budget. (Finance to handle)

CONSENT

28. Consider acceptance of improvements in Beyerwood East No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Stonewood Development Company)

(Beyerwood East No. 2 subdivision is located north of Sylvan Avenue and west of Oakdale Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-458 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

29. Consider approval of final map of Fig Gardens subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: CBC Development Co. and CW Development Co.)

(The subdivision agreement has been signed and all fees paid. Fig Gardens subdivision is located at the northeast corner of West Orangeburg Avenue and and Yarmouth Drive. It contains 1.428 acres. Resolution approving final map needed.)

ACTION: Res. 79-459 adopted approving final map. (Clerk to handle)

MISCELLANEOUS

30. Legislation

ACTION: SB84 supported (Siefkin/Elliott, unan., Lang absent)
SB142 supported. (Bright/Elliott, unan., Lang absent)
SB606 supported. (Kullijian/Muratore, majority, Bright, Elliott-no, Lang absent)
AB809 opposed (Siefkin/Muratore, majority, Kullijian-no, Lang absent)
AB1145 opposed (Siefkin/Elliott, unan., Lang absent)

31. Appointments

None

32. Matters too late for the agenda

Councilmember Siefkin said the Council had been invited to attend the Elks Club meeting tonight for the presentation of proceeds of their Bingo games to various charities.

Adjourned at 11:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 15,

1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Bright

Pledge of allegiance to the Flag

Invocation: Rev. Larry Hansmier, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 9, 10, 12, 13,
14, 15, 20, 23, 24, 25, 26, 27, 28, 29, 30,

ACTION: Siefkin/Lang, unan. Bright absent, 31

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of May 8, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Petition from citizens requesting the Council to adopt a rent stabilization ordinance.

ACTION: By motion (Elliott/Lang, unan., Bright absent) the matter of rent stabilization for mobile home parks was referred to staff for study and report back.
(Manager to handle)

3. Request from Frede Samuels for City support of the Black History Museum.

ACTION: By motion (Kullijian/Siefkin, unan., Bright absent) request referred to staff to determine what options would be available to help with the Black History Museum.
(Mgr. to handle)

CONSENT

4. Request from Modesto Band of Stanislaus County that \$2,150 for the summer band concerts and \$500 for the band's Cal-Expo performance be included in the 1979-80 budget.
(Motion referring to proper budget session needed.)

ACTION: By motion, referred to proper budget session. (Finance to handle)

CONSENT

5. Letter from Human Rights Commission regarding a letter being proposed to be sent to State legislators concerning school funding.
(Motion approving Human Rights Commission's intent to send letter needed.)

ACTION: By motion, approval given to Human Rights Commission to send letter.
(Mgmt. Services to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for the construction of streets, curb & gutter at Stockard Coffee Park and Lakewood Park.
(Bid opening: June 5, 1979 at 11:00 a.m. The project provides for the completion of the existing one half paved streets adjacent to Stockard Coffee Park and Lakewood Park.
(Resolution approving plans and specifications and calling for bids needed.
Estimated cost: \$47,364 (Contract \$41,009; Engr. & Contg. \$6,355); funds are budgeted.)

ACTION: Res. 79-460 adopted calling for bids. (P.W. to handle)

CONSENT

7. Approve plans and specifications and call for bids for the replacement of ballpark lighting at Davis Park.
(Bid opening: June 12, 1979 at 2:00 p.m. This project will replace the ballpark lighting damaged by vandalism at Davis Park. Resolution approving plans and specifications and call for bids required. Estimated cost: \$31,000 (Contract \$28,450; Engr. & Contg. \$2,550); funds are budgeted.)

ACTION: Res. 79-461 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider approving specifications and authorize call for bids to be opened June 5, 1979 at 2:00 p.m. for furnishing annual lamp requirements.
(An annual requirement, the bid is a cooperative venture with several other tax supported agencies. The lamps are purchased through Central Stores and sold to using departments. Resolution authorizing call for bids needed.
Estimated cost (City portion) \$12,000; funds will be budgeted.)

ACTION: Res. 79-462 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened on June 5, 1979 at 2:10 p.m. for furnishing the City's annual requirements of rock, sand, and gravel products for the 1979-80 fiscal year.
(Rock, sand, and gravel products are used for waterline extensions, new construction, park site developments, and maintenance and repairs by the Public Works and Parks & Recreation Departments. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$27,000; funds will be budgeted.)

ACTION: Res. 79-463 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider purchasing fire fighting equipment as follows:

- a. Authorize the purchase of Items 1, 2, 3, 5, 16, 17, 20, 31 and 35 from Jorgensen & Company for the total price of \$4,967.43
- b. Authorize the purchase of Items 12, 13, 14, 19, 21, 22, 23, 26, 29, 37, 38 and 40 from Halprin Supply for the total price of \$1,850.29
- c. Authorize the purchase of Items 4, 6, 7, 8, 9, 10, 11, 15, 27, 28, 30, 32, 33, 34 and 41 from Capital Fire for the total price of \$21,314.47
- d. Authorize the purchase of Items 24, 36 and 43 from Western Fire for the total price of \$314.25.

(Memorandum with agenda. Four resolutions authorizing purchase of fire fighting equipment from Jorgensen, Halprin, Capital and Western Companies. Estimated cost: \$28,446.44; funds are budgeted.)

- ACTION: Res. 79-464 adopted authorizing purchase of items in No. 10(a).
Res. 79-465 adopted authorizing purchase of items in No. 10(b).
Res. 79-466 adopted authorizing purchase of items in No. 10(c).
Res. 79-467 adopted authorizing purchase of items in No. 10(d) (Finance)

11. Consider declaring American Transit Mix low bidder and authorize purchase of ready-mixed concrete at the following prices for the 1979-80 fiscal year:
4 sack mix - \$30.90 cu. yd.; 5 sack mix - \$34.50 cu. yd.; 6 sack mix - \$38.00 cu. yd.

(Memorandum with agenda. Resolution declaring American Transit Mix low bidder and authorizing purchase of ready-mixed concrete at the bid prices needed. Estimated cost: \$15,000; funds will be budgeted.)

Mayor Mensinger excused due to a conflict of interest.

- ACTION: Res. 79-468 adopted (Lang/Elliott, unan., Bright and Mayor Mensinger absent) authorizing purchase. (Finance to handle)

CONSENT

12. Consider declaring Pervo Paint Company overall low bidder and authorizing the purchase of traffic line paint for the following prices:

Red - \$6.93 gal.; White - \$4.64 gal.; Yellow - \$5.06 gal.

(Memorandum with agenda. Resolution declaring Pervo Paint Company low bidder and authorizing purchase of traffic line paint needed. Estimated cost: \$33,400; funds will be budgeted.)

- ACTION: Res. 79-469 adopted authorizing purchase. (Finance to handle)

CONSENT

13. Consider the transfer of \$13,000 from the Sewer Service Fund Reserve to the Vacuum Truck Account. Consider declaring Dow Hammond low bidder on Item I and authorize the purchase of one diesel powered catch basin cleaner truck (Vacuum Truck) for the total price of \$100,570.68.

(Memorandum with agenda. Resolution approving transfer needed, and resolution authorizing purchase needed. Estimated cost: \$100,570.68; funds are partially budgeted.)

- ACTION: Res. 79-470 adopted approving appro. transfer of \$13,000 from Sewer Service Fund Reserve to the Vacuum Truck Account.
Res. 79-471 adopted authorizing purchase of one catch basin cleaner truck. (Finance to handle)

CONSENT

14. Consider acceptance of Valley Slurry Seal Company's contract for heater remix slurry seal of "I" Street from Fir to Eighth as complete. (Original contract: \$28,934)

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$28,397.50); funds are budgeted.)

ACTION: Res. 79-472 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of contract of George Reed, Inc. as complete for public improvements - Housing Target Area No. 2. (Original contract: \$99,782.25)

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$104,398.43; funds are budgeted.)

ACTION: Res. 79-473 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

16. Hearing regarding amendment to Conflict of Interest Code for the Police Department to delete the position of "Supervising Clerk II," add the positions of "Administrative Analyst," and "Police Records Commander", and change "Captain" to "Police Captain" and "Records Supervisor" to "Police Records Supervisor".

No. 1

ACTION: Res. 79-474 adopted (Elliott/Kullijian, unan., Bright absent) amending Conflict of Interest Code for Police Department. (Clerk to handle)

17. Hearing on appeal by Mid-Valley to Planning Commission decision concerning zoning on Sheldon and Carver Road. (Modesto Development)

No. 2

ACTION: Res. 79-475 adopted (Lang/Siefkin, majority, Elliott-no, Bright absent) denying the appeal. A motion to amend the Resolution to approve R-2 on the single lot at 3233 Carver failed to carry.

18. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

ORDINANCES

19. Final adoption of Ord. No. 1821-C.S. rezoning from R-1 to M-1 property located on Olivera Road west of Tidewater Southern Railroad tracks.
(Jim Lamatis)
(Motion adopting needed.)

ACTION: By motion (Kullijian/Elliott, majority, Mensinger-no, Bright absent)
Ord. No. 1821-C.S. adopted. (Clerk to handle)

CONSENT

20. Final adoption of Ord. 1824-C.S. relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1824-C.S. adopted. (Clerk to handle)

NEW BUSINESS

21. Presentation of preliminary plans, specifications and estimate of proposed 11th Street garage.
(The architect, Bob Engle, will make a presentation and answer questions/comments. Motion referring the matter to the staff and interested parties needed.)

ACTION: By motion (Lang/Kullijian, unan., Bright absent) staff directed to proceed with plans for a 6-story parking garage. (P.T. to handle)

22. Presentation of the 1979-80 Preliminary Budget.
(Copies of the Preliminary Budget will be distributed at the Council meeting. Resolution setting public hearing on June 12th at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-476 adopted (Elliott/Kullijian, unan., Bright absent) setting hearing.
By motion (Elliott/Kullijian, unan. Bright absent) proposed schedule for study sessions approved. (Clerk/Finance to handle)

CONSENT

23. Consider lease agreement with Custom Exec Air Inc. for an air taxi operation at the Modesto City-County Airport.
(An agreement with Custom Exec Air, similar to other air taxi operations at the airport, has been prepared and signed by the applicant. The agreement provides for minimum landing fees paid on a monthly basis. The agreement is on a month-to-month basis and will continue until terminated by either party as set forth in the agreement. Resolution approving agreement needed.)

ACTION: Res. 79-477 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider request for consent to assignment of lease from Executive Skyways to Executive Skyways, Incorporated.
(Lease is for Hangar #1, Suite "B" of Office Building #2 and 18 aircraft tie-down spaces. The lease expires June 30, 1980. The original lease to Silvair Aviation was assigned to Executive Skyways and approved by Council February 13, 1979. Since this time Executive Skyways has incorporated. This assignment is in conjunction with their new reorganization. References of new lessees have been checked. Resolution approving assignment of the lease needed.)

ACTION: Res. 79-478 adopted approving assignment. (P.W. to handle)

CONSENT

25. Consider request for sewer service to property outside City limits at 311 Trask Lane, located on the southwest corner of Bellamy Street and Trask Lane.
Owners: Ralph F. Hatton and Darlene R. Hatton.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-479 adopted approving agreement. (P.W. to handle)

CONSENT

26. Consider request for sewer service to property outside City limits at 1122 Garden Avenue, located on the south side of Garden Avenue between Sutter Avenue and Colorado Avenue. Owners: Mused A. Zokari and Dine Zokari
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-480 adopted approving agreement. (P.W. to handle)

CONSENT

27. Consider request for sewer service to property outside City limits at 812 Lombardo Avenue, located on the south side of Lombardo Avenue between Anthony Avenue and Romeo Avenue. Owners: Antonio Valdez and Esther L. Valdez
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-481 adopted approving agreement. (P.W. to handle)

28. Recommend to Council an amendment to Section 30-3-9 of the Zoning Map - Errol Vrh. (On May 7, 1979, the Planning Commission adopted Resolution No. 79-124 recommending to the Council an amendment to Section 30-3-9 of the Zoning Map to rezone from R-1 to P-D, property located on the northeast corner of Carpenter Road and Elm Avenue. Resolution setting public hearing on June 12, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-482 adopted setting hearing. (Clerk to handle)

CONSENT

29. Amend position classification descriptions for Assistant Planner, Associate Planner and Senior Planner. (Memo with agenda. Resolution amending position classification descriptions needed.)

ACTION: Res. 79-483 adopted amending position classification descriptions. (Mgmt. Services to handle)

REPORTS

CONSENT

30. Presentation of Financial Statement for April, 1979 (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

31. Report from Modesto Chamber of Commerce on activities of the January - March, 1979 quarter. (Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

32. Legislation

None

33. Appointments

None

34. Matters too late for the agenda

Mayor Mensinger said she had been requested to announce that this week is National Handicapped Awareness Week and asked people not to park in spaces designated for the handicapped.

Adjourned at 6:15 p.m. to executive session to consider an employee relations matter and then to Howard's Restaurant, 1312 McHenry Avenue, Modesto for a meeting with the Board of Directors of the Modesto Irrigation District.

ATTEST: Norrine Coyle
149-68 NORRINE COYLE City Clerk

Modesto City Council
Adjourned Regular Meeting
May 15, 1979

The Council of the City of Modesto met pursuant to adjournment at 6:30 p.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California, for a joint meeting with the Modesto Irrigation District Board of Directors.

Present: Councilmembers: Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmembers: Bright

There was a report by members of the Modesto Irrigation District staff on the status of the District's power and water supply. They also discussed the need for the bond issue to be on the ballot on June 5, 1979, and requested City support.

The City staff reported on the City's conservation program and the ground water situation, and gave an update on the Orchard Neighborhood drainage project.

The meeting was adjourned at 9:15 p.m.

ATTEST: _____

Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 22,

1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 5, 6, 7, 8, 9, 10, 11, 12, 13,
Removed from Consent: 39 23, 24, 26, 27, 28, 29, 30, 31, 32, 33,
34, 35, 36, 37, 38

ACTION: (Lang/Elliott, unan.,
Mayor Mensinger absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the regular Council meeting of May 15, 1979, and the adjourned regular meeting of May 15, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from John D. (Don) Hynes regarding endorsement of the Modesto Irrigation District's "Peak Power Plant" revenue bond issue to be taken to the voters on June 5, 1979.

ACTION: Res. 79-484 adopted (Lang/Elliott, unan., Mayor Mensinger absent) M.I.D. Bond Issue for the proposed power plant endorsed. (Attorney to handle)

3. Letter from Elmo Wilson, Sr., concerning repairing parking lot next to the Strand Theater.

ACTION: By motion (Muratore/Siefkin, unan., Mayor Mensinger absent) matter referred to staff for preparation of a resolution, (Atty./P.T. to handle)

4. Letter from Richard L. Harriman, representing Modesto Coaliton of car clubs, regarding "Graffiti '79."

ACTION: By motion (Elliott/Lang, unan., Mayor Mensinger absent) the matter was referred to the staff to prepare a resolution approving the parade permit and staff directed to obtain \$200,000 additional insurance for the City for the event. (Atty./Police to handle)

CONSENT

5. Letter from W. R. Tomson, Modesto Bus Advertising Service, requesting City to enter into an agreement with him to allow him to place advertising inside the City buses and bus shelters. (Motion referring to Council Transportation Committee needed.)

ACTION: By motion, request referred to Transportation Committee. (Mgr. to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for reroofing Fire Station No. 1. (Bid opening: June 5, 1979 at 11:05 a.m. The project provides for the removal of the existing roofing, adjusting existing roof drains, adding two new roof drains and reroofing of Fire Station No. 1. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$9,500 (Contract \$9,000; Engr. & Contg. \$500); funds are budgeted.

ACTION: Res. 79-485 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened on June 12, 1979 at 2:10 p.m. for furnishing the City's annual requirements of liquid and emulsified asphalts. (Materials will be used by the Public Works Department for City street repair projects. Materials will be purchased intermittently throughout the 1979-80 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$12,500; funds will be budgeted.)

ACTION: Res. 79-486 adopted authorizing call for bids. (Finance to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened June 12, 1979 at 2:30 p.m. for furnishing annual requirements of liquid chlorine. (An annual requirement, this is a cooperative venture with the cities of Oakdale and Turlock. The chlorine gas is used in treating industrial and residential sewage and is purchased intermittently throughout the year. Resolution authorizing call for bids needed. Estimated cost: \$130,000 City portion; funds will be budgeted.)

ACTION: Res. 79-487 adopted authorizing call for bids. (Finance to handle)

CONSENT

9. Consider declaring Best Chevrolet low bidder on Item I and sole bidder on Item II and authorize the purchase of two ½-ton pickups for the total price of \$11,478 and one walk-through van for the total price of \$8,843.98. (Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-488 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider declaring Western Truck and Corvette low bidder and authorize the purchase of City bus body work painting services for the total purchase price of \$7,126. (Memorandum with agenda. Resolution authorizing purchase of service needed. Funds are budgeted.)

ACTION: Res. 79-489 adopted authorizing purchase of service. (Finance to handle)

CONSENT

11. Consider award of contract for the installation of McHenry Museum fire alarm system. (Bids were opened May 15, 1979. The low bid of \$6,518, submitted by American District Telegraph Company of San Francisco is 27.6% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to them. Resolution awarding contract to American District Telegraph Company needed. Estimated cost: \$7,318 (Contract \$6,518; Engr. & Contg. \$800); funds are budgeted.)

ACTION: Res. 79-490 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider acceptance of the Flintkote Company's contract for Lakewood Avenue sewer trunk trench repair - Phase II, as complete. (Original contract: \$41,182.50) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$41,038; funds are budgeted.)

ACTION: Res. 79-491 adopted accepting work -s complete. (Clerk to handle)

CONSENT

13. Consider acceptance of Modesto Sand and Gravel, Inc.'s contract for removal of obstructions in airport clear zone on River Road - Parcels D-1, D-2 and D-3, FAA-ADAP #8-06-0153-02, as complete. (Original contract and final cost: \$11,800) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-492 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

14. Continued appeal of Mid-Valley Engineering to Planning Commission denial of rezoning to P-D on southwest corner of Standiford Avenue and Carver Road. (Piccinini) (Continued from April 17, 1979 meeting. On April 24, 1979, Council indicated its intention to continue this hearing to June 5, 1979, at 4:00 p.m.)

No. 1

ACTION: By motion (Lang/Bright, unan., Mayor Mensinger absent) hearing continued to June 5, 1979, 4:00 p.m.) (Clerk to handle)

- 15a. Hearings on orders to repair commercial alleys at the following locations, Project No. 1: Vice Mayor Kullijian excused due to a conflict of interest. By motion, (Lang/Siefkin, unan., Mayor Mensinger absent) Councilmember Elliott was elected Mayor Pro Tempore.

No. 2

Block 84 - Bounded by 12th Street/11th Street - J Street/I Street

Block 92 - Bounded by 12th Street/13th Street -- K Street/J

Block 94 - Bounded by 12th Street/13th Street -- I Street/H Street

Block 85 - Bounded by 11th Street/12th Street -- K Street/J Street

Block 86 - Bounded by 11th Street/12th Street -- L Street/K Street

Block 63 - Bounded by 10th Street/11th Street -- O Street/N Street

Block 93 - Bounded by 12th Street/13th Street -- J Street/I Street

Block 56 - Bounded by 9th Street/10th Street -- J Street/I Street

ACTION: Res. 79-493 adopted (Muratore/Bright, unan., Mayor Mensinger, Vice Mayor Kullijian absent) ordering repair to commercial alleys.

15b. Consider award of contract for the reconstruction of downtown alleys in Blocks 56, 63, 84, 85, 86, 92, 93 & 94. (Memo with agenda. Resolution awarding contract to Flintkote Co.; and resolution transferring funds needed. Estimated cost: \$113,453 (Cont. \$103,139; Engr. \$10,314); funds are partially budgeted.)

ACTION: Res. 79-494 adopted (Muratore/Siefkin, unan., Mayor Mensinger, Vice Mayor Kullijian absent) awarding contract to Flintkote Company. (P.W. to handle)
Res. 79-494a adopted (same vote) approving appropriation transfer.

16. Hearing to consider the adoption of a specific plan for Roselle Avenue between Briggsmore and Floyd Avenues. No. 3

ACTION: By motion, Ord. No. 1831-C.S. introduced (Siefkin/Muratore, unan., Mayor Mensinger absent) approving curvilinear design.
Res. 79-495 adopted (Lang/Bright, unan., Mayor Mensinger absent) certifying environmental assessment review.
By motion (Siefkin/Kullijian, unan., Mayor Mensinger absent) property owners are to be reimbursed for any property needed over 50' as recommended by Planning Commission. (Clerk to handle)

17. Hearing to consider amendment to Sec. 21-3-9 of Zoning Map to rezone from C-1 and R-2 to P-D(224) property located on the south side of E. Fairmont, west of Coffee. (Ray Miller) No. 4

ACTION: By motion (Muratore/Elliott, unan., Mayor Mensinger absent) Ord. 1832-C.S. introduced.
Res. 79-496 adopted (same vote) approving plan.
Res. 79-497 adopted (same vote) certifying environmental assessment review.
(Clerk/Planning to handle)

18. Hearing to consider amendment to Sec. 16-3-9 of Zoning Map to rezone from R-1 to P-0 property on the northwest corner of E. Granger and Honeysuckle. (Roland Logan) No. 5

ACTION: By motion (Lang/Muratore, majority, Siefkin-no, Mayor Mensinger absent) Ord. 1833-C.S. introduced.
Res. 79-498 adopted (same vote) certifying environmental assessment review.
(Clerk/Planning to handle)

19. Informal hearing concerning sidewalks on Sunrise from Lucern to Roseburg Avenue. No. 6

ACTION: By motion (Elliott/Lang, unan., Mayor Mensinger absent) the City is to proceed with the program of requiring curb and gutter on the west side of Sunrise, and curb, gutter and sidewalk on the east side of Sunrise Avenue. (P.W. to handle)

20. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

21. Final adoption of Ordinance No. 1825-C.S. and Ordinance No. 1826-C.S. rezoning property at the corner of Scenic and Claus Road to P-PD(218) to permit construction of 271 townhouses and recreation facilities and to R-3. (Modesto Development) (Motion adopting needed.)

ACTION: By motion (Bright/Elliott, unan., Mayor Mensinger absent) Ord. 1825-C.S. and Ord. 1826-C.S. adopted. (Clerk to handle)

22. Final adoption of Ord. No. 1827-C.S. rezoning to P-PD(226) property located at Scenic and Claus Road for construction of a shopping center and professional office complex. (Modesto Development) (Motion adopting needed.)

ACTION: By motion (Bright/Muratore, majority, Siefkin-no, Mayor Mensinger absent) Ord. No. 1827-C.S. adopted. (Clerk to handle)

CONSENT

23. Final adoption of Ordinances No. 1828-C.S., No. 1829-C.S. and No. 1830-C.S., rezoning property on Crows Landing Road and Imperial from R-1 to H-1, R-3 and P-D(221). (Sarina and Herron) (Motion adopting needed.)

ACTION: By motion, Ordinances 1828-C.S., 1829-C.S. and 1830-C.S. adopted. (Clerk to handle)

CONSENT

24. Consider amendment to Municipal Code and adoption of resolution relating to establishment of revised T-hangar storage policy at City-County Airport. (T-hangar storage policy at the Airport has been under review by the staff and interested parties for several months. Modification of the storage policy is deemed appropriate at this time. Memo with agenda. Motion introducing ordinance regarding repairs on aircraft in hangars needed, and resolution adopting T-hangar storage policy needed.)

ACTION: By motion, Ord. No. 1834-C.S. introduced.

Res. 79-499 adopted approving T-hangar storage policy. (Clerk/P.W. to handle)

UNFINISHED BUSINESS

Councilmember Lang excused at 10:10 p.m.

25. Further consideration of crossing gates at Tidewater Southern crossing of Tully Road.

(Memos with agenda. At its meeting of 5/1/79, the Council asked for further information. Project not recommended. Resolution declining the offer and approving the present design of this crossing without crossing protection, or a motion to accept the offer needed. Estimated cost: \$4,000; funds will be transferred.)

ACTION: Res. 79-500 adopted (Elliott/Siefkin, unan., Mayor Mensinger, Lang absent) declining offer.

NEW BUSINESS

CONSENT

26. Consider agreement with Modesto Irrigation District to give City license to discharge storm drain water into M.I.D. Lateral No. 3.
(Much storm drain water accumulates at the south end of Winning Way and at the Briggsmore/Tully intersection. The project consists of installation of an electrically operated storm drain pump to discharge this water into the M.I.D. canal. Memo with agenda. Adoption of resolution approving agreement needed. Estimated cost: \$50,000; funds are budgeted.)

ACTION: Res. 79-501 adopted approving agreement. (P.W. to handle)

CONSENT

27. Resolution approving the project agreement for the Land and Water Conservation Fund Program.
(On April 23, 1979, the City was notified that its grant application for Muncy Neighborhood Park, under the Land and Water Conservation Fund Program, was approved in the amount of \$57,912. The Federal government now requires that the City Council adopt a resolution to agree to the terms of the agreement and authorize its execution. Resolution agreeing to terms of grant agreement needed. Estimated cost: \$312,836 (project total); funds are budgeted.)

ACTION: Res. 79-502 adopted agreeing to terms of grant agreement. (P.R. to handle)

CONSENT

28. Consider approval of the annual recreation agreement between the County of Stanislaus and the City of Modesto.
(This agreement is similar to agreements entered into between the County and the City in previous years. The agreement provides that the County will allocate and transfer to the City \$40,638.83 for expenditures by the City on community recreation for the fiscal year 1978-79. This is an increase of \$4,860.63 from last year's allocation. Resolution authorizing agreement needed.)

ACTION: Res. 79-503 adopted authorizing agreement. (P.R. to handle)

CONSENT

29. Consider declaring the following material and equipment surplus to City needs:
(a) 50 cords of wood; (b) turn-out gear; (c) brush chipper; (d) tractor;
(e) pneumatic tire roller, and authorize the Purchasing Officer to advertise and sell to the highest bidder.
(Memorandum with agenda. Resolution declaring property surplus and authorizing sale needed.)

ACTION: Res. 79-504 adopted declaring property surplus and authorizing sale.
(Finance to handle)

CONSENT

30. Consider rescinding five Resolutions of Necessity for Orangeburg/Collier to Coffee street widening project.
(Six Resolutions of Necessity were adopted by the Council at its December 4, 1978 meeting. Five owners have settled or agreed to settle. The other property owner has not agreed to settle so staff is proceeding with condemnation. Resolutions are no longer necessary. Memo with agenda. Resolutions rescinding five Resolutions of Necessity needed)

ACTION: Res. 79-505 adopted rescinding Resolution of Necessity 78-1228 (Morgan)
Res. 79-506 adopted rescinding Resolution of Necessity 78-1230 (Black)
Res. 79-507 adopted rescinding Resolution of Necessity 78-1229 (Krum)
Res. 79-508 adopted rescinding Resolution of Necessity 78-1231 (Schurtz)
Res. 79-509 adopted rescinding Resolution of Necessity 78-1232 (Cipponeri)
(P.W. to handle)

CONSENT

31. Request for advance authorization of converted CETA position.
(Memo with agenda. Resolution approving request needed. Estimated cost: \$4,600; funds are budgeted.)

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

CONSENT

32. Consider the following:
a. Withdrawal of Scenic-Claus Annexation from McHenry Dry Creek Fire District.
b. Withdrawal of Shackelford School Annexation from Industrial Fire District.
c. Withdrawal of Reno Avenue Annexation from Woodland Fire District.
(The effective date for these annexations is May 7, 1979. Three resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-510 adopted withdrawing Scenic-Claus from Fire District.
Res. 79-511 adopted withdrawing Shackelford School from Fire District.
Res. 79-512 adopted withdrawing Reno Avenue Annexation from Fire District.
(Clerk to handle)

CONSENT

33. Consider determining that the public interest and convenience require that the following annexations be annexed to Modesto Municipal Sewer District No. 1:
a. Scenic-Claus Annexation
b. Shackelford School Annexation
c. Reno Avenue Annexation
(The effective date for these annexations is May 7, 1979. Three resolutions setting public hearings as follows needed: (Five affirmative votes needed.)
a. Scenic-Claus - July 10, 1979 at 7:30 p.m. (Hearing No. 1)
b. Shackelford School - July 10, 1979 at 7:30 p.m. (Hearing No. 2)
c. Reno Avenue - July 10, 1979 at 7:30 p.m. (Hearing No. 3)

ACTION: Res. 79-513 adopted annexing Scenic-Claus Annexation to the Sewer District.
Res. 79-514 adopted annexing Shackelford School Annexation to the Sewer District.
Res. 79-515 adopted annexing Reno Avenue Annexation to the Sewer District.

(Clerk to handle)

CONSENT

34. Adoption of resolution of application for annexation of the Blue Gum-Rosemore Annexation.
(The proposed annexations is a substantially developed 22.208-acre island located south of Blue Gum, east of Rosemore. Pursuant to annexation legislation, the City Council may initiate annexation proceedings for islands of less than 100 acres. If approved by LAFCO, the Stanislaus County Board of Supervisors will hold a public hearing and make the final determination. Memo and map with agenda. Adoption of resolution of application initiating annexation proceedings needed.)

ACTION: Res. 79-516 adopted initiating annexation proceedings. (Planning to handle)

CONSENT

35. Uninhabited annexation to the City of Modesto - California No. 1 Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on April 25, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-517 adopted annexing and certifying review of environmental impact.
(Clerk to handle)

CONSENT

36. Uninhabited annexation of the City of Modesto - Coffee-Rumble Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on April 25, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-518 adopted annexing and certifying review of environmental impact.
(Clerk to handle)

CONSENT

37. Uninhabited annexation to the City of Modesto - Lincoln-Penny No. 2 Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on April 25, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-519 adopted annexing and certifying review of environmental impact.
(Clerk to handle)

CONSENT

38. Uninhabited annexation to the City of Modesto - Orangeburg-Claus No. 3 Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on April 25, 1979. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 79-520 adopted annexing and certifying review of environmental impact.
(Clerk to handle)

39. Consider joining in Amicus Curiae briefs in the following cases:
- (a) Woodland Hills Residents Assn., Inc. et al. v. City Council of Los Angeles, which relates to disqualification of elected officials.
 - (b) Walnut Properties, Inc. v. City of Long Beach, which relates to "adult entertainment" zoning ordinances.
 - (c) City of Santa Barbara v. Adamson, which relates to the definition of "family" in zoning ordinances.
- (Explanatory information with agenda. Motions authorizing participation needed.)

ACTION: By motion (Siefkin/Elliott, unan., Mayor Mensinger, Lang absent) approved joining in Amicus Curiae briefs (b) and (c). (Atty. to handle)

MISCELLANEOUS

40. Legislation
(Items carried over from May 15, 1979, meeting.)

ACTION: By motion (Elliott/Bright, unan., Mayor Mensinger, Lang absent) SB 675 supported.
By motion (Elliott/Muratore, unan., Mayor Mensinger, Lang absent) SB 516 opposed.
By motion (Muratore/Siefkin, unan., Mayor Mensinger, Lang absent) AB1519 opposed.
By motion (Muratore/Siefkin, unan., Mayor Mensinger, Lang absent) AB 618 supported.
By motion (Siefkin/Bright, unan., Mayor Mensinger, Lang absent) SB 382 supported.
By motion (Siefkin/Muratore, unan., Mayor Mensinger, Lang absent) SB 858 supported.
By motion (Bright/Elliott, unan., Mayor Mensinger, Lang absent) SB 1096 opposed.

41. Appointments adopted

ACTION: Res. 79-521/(Elliott/Kullijian, unan., Mayor Mensinger, Lang absent) appointing Bessie Bresciani to Chair 5 from Chair 6 of the Rehabilitation Loan Pool Subcommittee.
Res. 79-522 adopted (Elliott/Kullijian, unan., Mayor Mensinger, Lang absent) appointing Elwood Walstrom to Chair 6 of the Rehabilitation Loan Pool Subcommittee.
(Clerk to handle)

42. Matters too late for the agenda

- a. By motion (Siefkin/Elliott, unan., Mayor Mensinger, Lang absent) request by McHenry Mansion Fund Raising Committee request to print a brochure and use City's bulk mailing permit approved. (P.R. to handle)
- b. By motion (Muratore/Siefkin, unan., Mayor Mensinger, Lang absent) preparation of Amicus Curiae briefs in the People vs, Superior Court (Frost) and City of Redondo Beach vs, Superior Court cases approved. (Atty. to handle)

Adjourned at 10:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 5,

1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Wilson Yost, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46

ACTION: (Lang/Muratore, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the regular Council meeting of May 22, 1979. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Appeal by Guarantee Savings and Loan to Planning Commission decision regarding rezoning from R-2 to P-0 property located at Oakdale Road and East Orangeburg. (Resolution setting hearing July 3, 1979, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-523 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from Charles E. Jolitz resigning from the Planning Commission and Board of Zoning Adjustment. (Resolution accepting resignation needed.)

ACTION: Res. 79-524 adopted accepting resignation. (Clerk to handle)

- 3A. Letter from Tom Sutter, Sutco Construction Co., regarding sewer service in the Veneman Avenue/Dale Road area.

ACTION: By motion (Elliott/Kullijian, unan.) staff directed to review the situation and determine how far north the 39" trunk could be extended without requiring an advisory election. (P.W./Atty to handle)

CONSENT

4. Letter from Ruben Hampton requesting permission to file a late claim. (Resolution denying request needed.)

ACTION: Res. 79-525 adopted denying request. (Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for storm drainage facility, Tully - Briggsmore - Winning area. (This project will provide drainage into the Modesto Irrigation District Lateral No. 3 for a major problem area. Suggested bid opening date: June 26, 1979 at 2:05 p.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$49,913.85 (\$47,913.85 Const.; \$2,000 Engr.); funds are budgeted.)

ACTION: Res. 79-525 adopted approving plans and calling for bids. (P.W. to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened June 26, 1979, at 2:00 p.m., for furnishing three Community Services compact cars. (Required by the Police Department, the three compact cars will provide transportation for five Community Services officers to gather cold evidence. Funding for this project is as follows: (1) 90% Law Enforcement Assistance Administration Grant; (2) 5% State of California; (3) 5% City of Modesto. Resolution authorizing call for bids needed. Estimated cost: \$13,200; funds will be budgeted.)

ACTION: Res. 79-527 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of subtrunk sewer in California Avenue. (Suggested bid opening date: June 26, 1979 at 11:00 a.m. The extension of this subtrunk sewer line will provide sewer service to the West Gate Mobile Home Park. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$107,205 (\$98,271.25 Contract; \$8,933.75 Engr.); funds are budgeted.)

ACTION: Res. 79-528 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider award of contract for the construction of Fire Station No. 8 at Modesto City-County Airport/Harry Sham Field - FAA-ADAP #6-06-0153-06. (Bids were opened on May 22, 1979 at 2:45 p.m. The low bid of \$416,650, submitted by L. E. McGraw Construction is 5% below the engineer's estimate and considered acceptable. The Federal Aviation Administration has approved the award of this contract. It is, therefore, recommended by the Public Works Department and the Fire Department that the contract be awarded to them, including Alternate No. 1. Resolution awarding contract to L. E. McGraw Construction needed. Funds are budgeted.)

ACTION: Res. 79-529 adopted awarding contract. (P.W./Fire to handle)

CONSENT

9. Consider declaring Pool Patio 'N Things low bidder on liquid swimming pool chlorine at \$.75 gal. and Crystal Pool Service low bidder on chlorine tablets at \$.87 each and muratic acid at \$.94 gal. (Memorandum with agenda. 2 resolutions authorizing purchases needed. Estimated cost: \$3,200; funds will be budgeted.)

ACTION: Res. 79-530 adopted authorizing purchase from Pool Patio 'N Things.

Res. 79-531 adopted authorizing purchase from Crystal Pool Service.

(Finance to handle)

CONSENT

10. Consider award of contract for the construction of aircraft parking ramp drain. (Bids were opened on May 22, 1979 at 11:15 a.m. The low bid of \$31,236, submitted by George Reed, Inc. is 11% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to George Reed, Inc. needed; funds are budgeted.)

ACTION: Res. 79-532 adopted awarding contract. (P.W. to handle)

CONSENT

11. Consider award of contract for the construction of waterline extension in Carpenter Road. (Bids were opened on May 22, 1979 at 11:00 a.m. The low bid of \$54,816, submitted by Mac's Backhoe Service is 11% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 79-533 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider award of contract for the construction of waterline extension at Dale and Snyder.
(Bids were opened on May 22, 1979 at 11:05 a.m. The low bid of \$33,077, submitted by Mac's Backhoe Service is 8% below the engineer's estimate and considered acceptable. It is, therefore, suggested by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 79-534 adopted awarding contract. (P.W. to handle)

CONSENT

13. Consider acceptance of Fries Landscape Company's contract for hydromulching and irrigation system at Tuolumne River Regional Park as complete. (Original contract: \$8,804.99)
(All work on this project has been completed to the satisfaction of the Public Works and Parks and Recreation Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$9,474.99; funds are budgeted.)

ACTION: Res. 79-535 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Credence Construction Company's contract to construct Claus Road storm drain as complete. (Original contract: \$127,852)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$138,169; funds are budgeted.)

ACTION: Res. 79-536 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of Stanislaus Paving's contract for construction of waterline extension in W. Union Avenue for Bloomfield No. 3 and Prescott Road and Union Avenue for Hollywood Park No. 2. (Original contract: \$16,514.23)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$15,960.88; funds are budgeted.)

ACTION: Res. 79-537 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider authorizing the purchase of reclamite material and spreading services from Sheldon Oil Co. for the total price of \$4,368.90. (Three informal bids were received. (Bid tabulation with agenda.) Reclamite is an oil product which is spread on street surfaces for preventive maintenance. Each treatment adds 3 to 5 years to the life of a street and costs about 1/3 cent per square foot. Resolution authorizing purchase of reclamite material and spreading services needed. Funds are budgeted.)

ACTION: Res. 79-538 adopted authorizing purchase. (Finance)

CONSENT

17. Consider waiving formal bid by five affirmative votes and authorize the purchase of six Fischer-Porter traffic counters from Fieldings Company for the total purchase price of \$7,568.40 (Memo with agenda. Resolution waiving formal bid and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-539 adopted waiving formal bid and authorizing purchase. (Finance to handle)

CONSENT

18. Consider waiving formal bid procedures and authorize the purchase of trees from the following vendors:

- 1) Monrovia Nursery \$11,045.20
- 2) Saratoga Horticulture Foundation 4,577.50
- 3) L. E. Cooke 2,098.80

(Memo with agenda. Three resolutions authorizing purchase of trees needed. Estimated cost: \$17,721.50; funds are budgeted.)

ACTION: Res. 79-540 adopted authorizing purchase from Monrovia Nursery.
Res. 79-541 adopted authorizing purchase from Saratoga Horticulture Foundation
Res. 79-542 adopted authorizing purchase from L.E. Cooke (Finance to handle)

HEARINGS

4:00 p.m.

19. Annex Kansas Avenue No. 2 Annexation to Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 79-543 adopted (Lang/Kullijian, unan.)annexing to Sewer District. (Clerk to handle)

20. Annex Orchard Neighborhood Annexation to Modesto Municipal Sewer District No. 1 No. 2

ACTION: Res. 79-544 adopted (Muratore/Elliott, unan.) annexing to Sewer District. (Clerk to handle)

21. Continued appeal of Mid-Valley Engineering to Planning Commission denial of rezoning to P-D on southwest corner of Standiford Avenue and Carver Road (Piccinini). (Continued from April 17, 1979 meeting. On April 24, 1979, Council indicated its intention to continue this hearing to June 5, 1979, at 4:00 p.m.)

No. 3

Councilmember Elliott left the meeting at 5:50 p.m.

ACTION: Res. 79-545 adopted (Lang/Siefkin, majority, Muratore-no, Elliott absent) denying the appeal. (Clerk to handle)

22. Hearing to consider amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2, and from R-1 to P-D(222), property located on the north side of Snyder Avenue, west of Honey Creek Road. (JWJ Development) (A letter has been received requesting that P-D(222) be withdrawn from consideration.)

No. 4

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) Ord. No. 1835-C.S. introduced rezoning.

Res. 79-546 adopted (same vote) certifying environmental assessment.

By motion, withdrawal of the P-D application acknowledged (same vote) (Clerk/Planning to handle)
No. 5

23. Hearing to consider amendment to Section 25-3-9 and 26-3-9 of the Zoning Map to rezone from R-1 to P-D(223) property on the northwest corner of Lincoln and Yosemite. (Rule Enterprises)

ACTION: By motion (Kullijian/Siefkin, unan., Elliott absent) Ord. 1836-C.S. introduced rezoning.

Res. 79-547 adopted (same vote) approving plan.

Res. 79-548 adopted (same vote) certifying environmental assessment.

(Clerk/Planning to handle)

24. Hearing to consider amendment to Section 14-3-9 of Zoning Map to rezone from R-1 to P-0 property on the east side of Oakdale, south of Merle Avenue. (Donald Gonsalves)

No. 6

ACTION: By motion (Muratore/Lang, unan., Elliott absent) Ord. No. 1837-C.S. introduced rezoning.

Res. 79-549 adopted (same vote) certifying environmental assessment.

(Clerk/Planning to handle)

25. Matters for the good of the community.
(These may be presented by interested persons in the audience.)
Colleen Bare, Chairperson of the Culture Commission presented the Commission's request that the City purchase the "Sears" site (two block area) designated as the Community Center site to hold for possible construction later. No action taken.

ORDINANCES

26. Final adoption of Ord. No. 1833-C.S. rezoning property on E. Granger and Honeysuckle from R-1 to P-O (Roland D. Logan).
(Motion adopting needed.)

ACTION: By motion (Kullijian/Lang, majority, Siefkin, Mayor Mensinger - no, Elliott absent) Ord. No. 1833-C.S. adopted. (Clerk to handle)

CONSENT

27. Final adoption of the following:
- Ord. No. 1831-C.S. adopting a plan for Roselle Avenue between Briggsmore and Floyd.
 - Ord. No. 1832-C.S. rezoning from C-1 and R-2 to P-D(224) property on E. Fairmont and Coffee (Ray Miller).
 - Ord. No. 1834-C.S. relating to repairs on aircraft in hangars.
(Motion adopting needed.)

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

UNFINISHED BUSINESS

CONSENT

28. Consider adoption of resolution approving a parade permit for the Central California Coalition of Car Clubs for "Graffiti '79" Saturday night, June 16, 1979, between the hours of 8:00 p.m. and 12 midnight, in the City of Modesto, subject to certain conditions.
(A copy of the proposed resolution with agenda. Resolution needed.)

ACTION: Res. 79-550 adopted approving permit. (Atty./Police to handle)

NEW BUSINESS

CONSENT

29. Consider adopting resolution commending the Modesto Police Reserves for contributions to community welfare and safety.
(Resolution needed.)

ACTION: Res. 79-551 adopted commending the Modesto Police Reserves. (Clerk to handle)

CONSENT

30. Consider entering into a three-year agreement with Lowry, Guelfo, Pimentel and Deckard to perform the City of Modesto's outside audit.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: Maximum of \$12,000 for 79-80 Fiscal Year (including audit of grant funds); funds will be budgeted.)

ACTION: Res. 79-552 adopted approving agreement. (Clerk to handle)

CONSENT

31. Consider authorizing the City Manager to sign a letter agreement with the Modesto Bee to print and publish the official advertising for the City for a one-year period ending June 30, 1980.
(Memorandum with agenda. Resolution approving agreement with the Modesto Bee needed. Estimated cost: \$15,000; funds will be budgeted.)

ACTION: Res. 79-553 adopted approving agreement. (Finance to handle)

CONSENT

32. Consider approving agreement with Capital Construction Co. for the purchase of 0.06⁺ acres of right of way needed for Claus Road - Yosemite to Briggsmore project.
(Capital Construction has agreed to settle for the appraised value of \$900. This project is a City/County endeavor with the County being the lead agency. This is the last of the parcels needed to be acquired by the City for this project. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-554 adopted approving agreement. (P.W. to handle)

CONSENT

33. Consider agreement with Hertz Corporation for a car rental activity at City-County Airport.
(An existing agreement with the Hertz Corporation for a car rental activity at the City-County Airport has expired and a new agreement negotiated. The new agreement provides for a three-year term beginning September 1, 1978, and provides for space in the terminal building and parking space for eight vehicles. The rental is 7-1/2% of gross but not less than \$200 per month. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-555 adopted approving agreement. (P.W. to handle)

CONSENT

34. Consider approval of the final map of Evergreen Park subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: RDR Properties. (The subdivision agreement has been signed and all fees paid. Evergreen Park is located south of Evergreen Avenue and west of Carver Road. It contains 6.594 acres. Resolution approving final map needed.)

ACTION: Res. 79-556 adopted approving final map. (Clerk to handle)

CONSENT

35. Consider approving payment of \$3,500 to the Mabel M. Shurtz Conservatorship for right of way needed for the Orangeburg-Collier to Coffee project. (The Conservatorship, with the approval and confirmation of the court, has agreed to settle for \$3,500. Memo with agenda. Resolution approving payment needed. Funds are budgeted.)

ACTION: Res. 79-557 adopted approving purchase. (P.W. to handle)

CONSENT

36. Consider application for Federal Historic Preservation Grants-in-Aid funds for the restoration of the McHenry Mansion. (Grant funds for historic preservation are available through this federal program on a one-to-one, federal-local match basis. Staff recommends application for \$100,000 under the program. Resolution approving application needed. Estimated cost: \$100,000.)

ACTION: Res. 79-558 adopted approving application. (P.R. to handle)

CONSENT

37. Setting of public hearing to consider rate increases for CATV service in Modesto. (Memo with agenda. Resolution setting public hearing on June 26, 1979, at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-559 adopted setting hearing. (Clerk to handle)

CONSENT

38. Recommend to Council an amendment to Section 20-3-9 of the Zoning Map - La Conte & Santrizos. (On May 21, 1979, the Planning Commission adopted Resolution No. 79-137 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to P-0 property located at the southwest corner of W. Orangeburg and Alma Avenues. Resolution setting public hearing June 26, 1979, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-560 adopted setting hearing. (Clerk to handle)

CONSENT

39. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map - Richards, Tallent and Durosette - I.
(On May 21, 1979, the Planning Commission adopted Resolution No. 79-135 recommending to the Council an amendment to Section 22-3-9 of the Zoning Map to rezone from P-0 to Planned Development Zone, P-D(228) property located on the east side of Coffee Road, south of Brighton Avenue. Resolution setting public hearing June 26, 1979, at 7:30 p.m. (Hearing No. 4) needed.)

ACTION; Res. 79-561 adopted setting hearing. (Clerk to handle)

CONSENT

40. Recommend to the Council the granting of an Unclassified Use Permit Amendment, Neighborhood Church of Modesto.
(On May 21, 1979, the Planning Commission adopted Resolution No. 79-136 recommending to the Council the granting of an Unclassified Use Permit amendment to Neighborhood Church of Modesto for construction of a second-story office addition, property located at the southeast corner of Tully Road and Woodrow Avenue. Resolution setting public hearing June 26, 1979, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION; Res. 79-562 adopted setting hearing. (Clerk to handle)

CONSENT

41. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map - Rule Enterprises.
(On May 21, 1979, the Planning Commission adopted Resolution No. 79-134 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(229) for a one-story professional office complex property located on the west side of Coffee south of Chadwick Court. Resolution setting public hearing June 26, 1979, at 7:30 p.m. (Hearing No. 6)

ACTION; Res. 79-563 adopted setting hearing. (Clerk to handle)

CONSENT

42. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map - James Corn.
(On May 21, 1979, the Planning Commission adopted Resolution No. 79-133 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(227), to allow 13-unit 2-story condominium on the north side of E. Orangeburg Avenue east of Sunrise Avenue, east of John Sutter School. Resolution setting public hearing June 26, 1979, at 7:30 p.m. (Hearing No. 7) needed.)

ACTION; Res. 79-564 adopted setting hearing. (Clerk to handle)

CONSENT

43. Recommend to Council amendments and additions to the Zoning Regulations - Omnibus No. 5.
(On May 21, 1979, the Planning Commission adopted Resolution No. 79-138 recommending to the Council certain amendments and additions to the Zoning Regulations of the Modesto Municipal Code. Resolution setting public hearing July 3, 1979, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-565 adopted setting hearing. (Clerk to handle)

REPORTS

44. Public Projects Committee Recommendations for Implementation of Measure A into Growth Policy.
(Memos from Public Projects Committee and staff with agenda. Resolution adopting revised Urban Growth Policy needed.)

ACTION: Res. 79-566 adopted (Siefkin/Bright, unan., Elliott absent) adopting policy.
(Planning to handle)

CONSENT

45. Presentation of the Four-Year Capital Improvement Program and the Planning Commission's recommendations.
(Memo from Planning Commission with agenda. Copies of the C.I.P. will be presented at the meeting. A public hearing is scheduled for June 12 at 7:30 p.m. in conjunction with the operating budget and the revenue sharing projects. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

46. Consider appropriation transfer from Recreation Division budget to Word Processing Center budget for additional part-time salaries (due to illness).
(Due to illnesses of regular employees, additional funding is needed in the Word Processing Center for part-time clerical assistance to the end of the fiscal year. Resolution approving appropriation transfer needed. Estimated cost: \$3,000.)

ACTION: Res. 79-567 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

47. Legislation

None

48. Appointments

ACTION: Res. 79-568 adopted (Lang/Muratore, unan., Elliott absent) appointing Carol Davis to the Planning Commission, replacing Frank Muratore, term to expire 1/1/80; and Ron Simi to the Planning Commission replacing Charles Jolitz, term to expire 1/1/83. (Clerk to handle)
Mayor Mensinger appointed Councilmembers Siefkin, Bright, and Muratore as a Committee to study the appointment procedures and make recommendations to the Council on changes or improvements, if any seem desirable.
(Manager to handle)

49. Matters too late for the agenda

- a. By motion (Kullijian/Bright, unan., Elliott absent) staff directed to meet with service station owners to work out a method of alerting auto drivers about the availability of gasoline. (Mgr. to handle)

Adjourned at 6:55 p.m. to executive session to consider an employee relations matter and then to Wednesday, June 6, 1979, at 3:00 p.m. in the Council Chambers.

ATTEST:



NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger
(Councilmember Kullijian arrived at 3:15 p.m.)
(Councilmember Lang arrived at 3:55 p.m.)
(Councilmember Muratore arrived at 3:05 p.m.)

Absent: Councilmembers: None

The City Manager announced that he expects confirmation of approval of the City's application for a grant for a parking structure.

The following budgets were reviewed:

| | (Fund - Dept.) |
|--|----------------|
| City Council | 101 - 70 |
| City Manager | 101 - 80 |
| Management Services | 101 - 90 |
| Personnel | 101 - 100 |
| Word Processing | 101 - 110 |
| Administrative Services | 101 - 120 |
| C.E.T.A. Fund Title II | 219 - 20 |
| C.E.T.A. Fund Title VI | 219 - 60 |
| Self Insurance Fund | 750 |
| Risk Management | 750 - 40 |
| City Attorney | 101 - 130 |
| City Clerk | 101 - 140 |
| Finance | 101 - 150 |
| Central Stores | 511 - 151 |
| Planning | 101 - 180 |
| Downtown Improvement District | 218 - 60 |
| Housing & Community Development | 224 - 185 |
| Fire | 101 - 210 |
| Staff was requested to report to the Council on the possibility of returning to the weed cleaning program. | |
| Disaster and Civil Defense | 101 - 211 |
| Police | 101 - 220 |
| Stanislaus Drug Enforcement | 101 - 222 |
| Animal Control | 101 - 223 |

The meeting was adjourned at 5:00 p.m. to 3:00 p.m., Thursday, June 7, 1979, in the Council Chambers.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin,
Mayor Mensinger

Absent: Councilmember : Kulljian

Presentations were made by representatives of the Symphony, Cal Relays, Youth Theatre and Head Rest. Council requested a copy of the budget for Head Rest's Youth Services Division.

The following budgets were reviewed:

| | <u>(Fund - Dept.)</u> |
|--------------------------|-----------------------|
| Parks and Recreation | |
| Administration | 101 - 270 |
| McHenry Museum | 101 - 290 |
| McHenry Museum | 101 - 291 |
| King - Kennedy Center | 101 - 300 |
| Recreation | 101 - 320 |
| Maddux Youth Center | 101 - 330 |
| Community Service Center | 101 - 340 |
| Parks | 101 - 350 |
| Street Trees | 101 - 360 |
| 6-Hole Golf Course | 101 - 370 |
| Dryden Gold Course | 101 - 380 |

Staff was asked to get the Council information on what the general City overhead would be on the expenditures at the gold courses.

| | |
|-------------------------|-----------|
| Senior Citizen's Center | 101 - 390 |
|-------------------------|-----------|

The meeting was adjourned at 5:00 p.m. to 3:00 p.m., Monday, June 11, 1979, in the Council Chambers.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

6/7/79

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger


Absent: Councilmembers: Elliott

The following budgets were reviewed:

| | <u>(Fund - Dept.)</u> |
|------------------------------|-----------------------|
| Public Works: | |
| Engineering & Administration | 101 - 410 |
| Building Inspection | 101 - 420 |
| Electrical | 101 - 430 |
| Streets | 101 - 510 |
| Garden Refuse | 101 - 540 |
| City Hall | 101 - 550 |
| Water | 211 - 500 |
| Sewerage | 212 - 520 |
| Airport | 230 - 460 |
| Bus Maintenance | 350 - 490 |
| Service Division | 512 - 480 |
| Parking and Traffic: | |
| General Fund | 101 - 560 |
| Parking Fund | 209 - 570 |
| Bus Services | 350 - 590 |
| Insurance and Retirement | 101 - 640 |
| Miscellaneous Unclassified | 101 - 650 |
| Bond Redemption and Interest | |
| Capital Improvement Program: | |
| Public Works: | |
| Water | |
| Sewers | |

The meeting was adjourned at 5:00 p.m.

ATTEST:



NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 12, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Elliott

Pledge of allegiance to the Flag

Invocation: Rabbi Samuel Graudenz, Congregation Beth Shalom

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 25, 26, 27, 28, 29, 30, 31,
32, 33, 34

ACTION: (Kullijian/Lang, unan.,
Elliott absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular June 5, 1979, Council meeting and the adjourned regular meeting of June 6, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Kal Shannon regarding a wheelchair access ramp.

ACTION: By motion (Lang/Muratore, unan., Elliott absent) the matter was referred to the staff for study and report on June 26, if possible. (Mgr. to handle)

CONSENT

3. Request by David A. Wood to file a late claim.
(Memo with agenda. Resolution approving request needed.)

ACTION: Res. 79-569 adopted approving request. (Clerk to handle)

CONSENT

4. Appeal by Stan Azevedo, owner of Tree Frog Tavern, appealing a decision of the Board of Zoning Adjustment concerning expansion of his building.
(Resolution setting hearing July 10, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-570 adopted setting hearing. (Clerk to handle)

CONSENT

5. Letter from Charles Plaster resigning from the Board of Building Appeals effective immediately.
(Resolution accepting with regret needed.)

ACTION: Res. 79-571 adopted accepting with regret. (Clerk to handle)

BIDS

CONSENT

6. Consider calling for dual bids of five new transit buses.
(Memo with agenda. Cost differences between the two types of buses (Conventional vs. advanced design) make the call for dual bids worthwhile. A \$30,000 per coach savings is possible. Motion directing staff to prepare the necessary documents to call for dual bids on buses. Estimated cost: \$510,500; funds are budgeted.)

ACTION: By motion, staff directed to prepare necessary documents. (P.T. to handle)

CONSENT

7. Consider approval of plans and specifications for the construction of waterline extension in California Avenue from Carpenter to Panama.
(The extension of this main will provide water service to the West Gate Mobile Home Park. Resolution approving plans and specifications and call for bids on July 3, 1979 at 11:10 a.m. needed. Estimated cost: \$75,504 (Contract \$70,004; Engineering \$5,500) funds are budgeted.)

ACTION: Res. 79-572 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the slurry seal of various streets - 1979.
(This project will place an asphalt seal on about twenty miles of City streets. Suggested bid opening: June 26, 1979 at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$165,310 (Const. \$157,438; Engr. \$7,872); funds are budgeted.)

ACTION: Res. 79-573 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for street light modernization - Orange Avenue post top area.
(This is the first project to update lighting in the old post top areas. Suggested bid opening: July 10, 1979 at 2:00 p.m. Resolution approving plans and specs and calling for bids needed. Estimated cost: \$101,889 (Contract \$84,889; Engr. & Contg. \$17,000); funds are budgeted.)

ACTION: Res. 79-574 adopted calling for bids. (P.W. to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the renovation of Pump Station No. 6.
(This work will consist of a new pump, gas engine, and enclosure. This work is needed because the existing equipment is worn out and the building is in need of major repair. Suggested bid opening: July 3, 1979 at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$96,875 (Contract \$88,802.08; Engineering \$8,072.92. Funds will be requested after the bids have been opened and the amount needed is known.)

ACTION: Res. 79-575 adopted calling for bids. (P.W. to handle)

CONSENT

11. Consider declaring Van Pelt Fire Trucks sole bidder and authorize the purchase of one new 1500 gpm fire pumper for the total purchase price of \$114,288.14.
(Memorandum with agenda. Resolution declaring Van Pelt sole bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-576 adopted authorizing purchase. (Finance to handle)

CONSENT

12. Consider declaring Valley Electric the distributor offering the greatest catalog discounts and authorize the purchase of Hercules brand batteries for 52% off list price and Eveready brand batteries for 40% off list price.
(Memorandum with agenda. Resolution authorizing purchase of batteries needed. Estimated cost: \$3,500; funds are budgeted.)

ACTION: Res. 79-577 adopted authorizing purchase. (Finance to handle)

CONSENT

13. Consider award of contract for construction of streets, curb and gutter at Stockard Coffee Park and Lakewood Park.
(Bids were opened June 5, 1979. The low bid of \$38,672.14, submitted by Morrow & Waggoner, Inc., is 5.7% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to them. Estimated cost: \$42,977.14 (Contract \$38,672.14; Engr. & Contg. \$4,305); funds are budgeted.)

ACTION: Res. 79-578 adopted awarding contract. (P.W. to handle)

CONSENT

14. Consider award of contract for the reroofing of Fire Station No. 1.
(Bids were opened June 5, 1979. The low bid of \$8,576, submitted by Central Valley Roofing Company is 4.7% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Fire Departments that the contract be awarded to them. Resolution awarding contract to Central Valley Roofing Co. needed. Estimated cost: \$9,076 (Contract \$8,576; Engr. & Contg. \$500); funds are budgeted.)

ACTION: Res. 79-579 adopted awarding contract. (P.W. to handle)

CONSENT

- 15. Consider authorizing ABC Construction to install curb and sidewalk at 2035 W. Rumble Road for the total price of \$4,239. (Billie O. Freese) (The installation of curb and sidewalk at this property has been requested as part of the Mandatory Sidewalk Program. Four informal bids were obtained. The cost of the work will be financed through the sidewalk special account. The property owner will repay the City in cash or through a tax lien. Resolution authorizing purchase order to ABC Construction needed. Funds are budgeted.)

ACTION: Res. 79-580 adopted authorizing purchase. (P.W. to handle)

CONSENT

- 16. Consider acceptance of Contract Carpet Company's contract for installation of draperies at Modesto City Hall as complete. (Original contract: \$23,414) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$16,554; funds are budgeted.)

ACTION: Res. 79-581 adopted accepting work as complete. (Clerk to handle)

CONSENT

- 17. Consider acceptance of L. E. McGraw Construction's contract for the construction of Fire Station No. 6 as complete. (Original contract: \$283,480) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$284,684.65; funds are budgeted.)

ACTION: Res. 79-582 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

- 18. Hearing on annexation to the City of Modesto of uninhabited territory - Sunnyside Annexation No. 1

ACTION: Res. 79-583 adopted (Lang/Siefkin, unan., Elliott absent) approving. (Clerk to handle)

- 19. Continued hearing on amendment to Sec. 21-3-9 of the Zoning Map to rezone from R-3 to P-D(219) property located on the east side of McHenry Avenue between Helen Ave. and Hintze Ave. to allow expansion of the Sundial Lodge. (Stan Galas) (Continued from April 24, 1979 Council meeting.) No. 2

ACTION: By motion (Kullijian/Lang, majority, Siefkin-no, Elliott-absent) Ord. 1838-C.S. introduced rezoning.
 Res. 79-584 adopted (same vote) approving plan.
 Res. 79-585 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

20. Hearing to consider amendment to P-D(147) to allow utilization of church facilities for day-care nursery, elderly housing, on property located on the southeast corner of Briggsmore and Oakdale Road (St. Paul's Episcopal Church) No. 3

ACTION: By motion (Siefkin/Bright, majority, Kullijian, Lang-no, Elliott-absent) Ord. No. 1839-C.S. introduced amending P-D(147).
Res. 79-586 adopted (same vote) amending development plan and certifying review of environmental assessment. (Clerk/Planning to handle)

21. Hearing to consider appeal of St. Paul's Episcopal Church to Planning Commission decision concerning a financial institution and curbs and gutters in P-D(147). No. 4

ACTION: Res. 79-587 adopted (Siefkin/Bright, majority, Kullijian, Lang-no, Elliott-absent), denying appeal and requiring curb and gutter at the time of construction. (Planning/P.W. to handle)

22. Hearing on operating budget, Capital Improvement Program and Revenue Sharing Projects for 1979-80. No. 5

No action taken.

23. Hearing on amendment to Sec. 30-3-9 of the Zoning Map to rezone from R-1 to P-D property located on the northeast corner of Carpenter Road and Elm Avenue for a furniture showroom and warehouse. (Errol Vrh) No. 6

ACTION: By motion (Lang/Kullijian, majority, Siefkin, Mayor Mensinger-no, Elliott absent) Ord. 1840-C.S. introduced rezoning.
Res. 79-588 adopted (same vote) approving plan.
Res. 79-589 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

24. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

Mayor Mensinger introduced Joe Kollmeyer, a member of the Farm-City Advisory Committee.

UNFINISHED BUSINESS

CONSENT

25. Consider letter agreement with Elmo Wilson, Sr., for improving Parking Lot #34 (next to Strand Theater).
(Letter agreement with agenda. Building would be removed and lot paved at no cost to City. Resolution approving letter agreement needed.)

ACTION: Res. 79-590 adopted approving letter agreement. (P.T. to handle)

NEW BUSINESS

CONSENT

26. Consider authorizing City Manager to sign Pacific Gas and Electric Company agreement to relocate gas service at Pump Station No. 6 located at the southwest corner of East Morris and Melrose Avenue.
(The remodeling of Pump Station No. 6 will require the moving of the gas meter. P. G. & E. will perform the work. Resolution approving agreement needed. Estimated cost: \$107; funds are budgeted.)

ACTION: Res. 79-591 adopted approving agreement. (P.W. to handle)

CONSENT

27. Consider request for water service to property outside City limits at 1009 Dover Avenue, located on the north side of Dover Street, between Church Lane and Midway Avenue. Owner: John A. Huggins
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-592 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider agreement with Marion T. Merrell and Evelyn E. Merrell for the purchase of a 31,590- s.f. lot improved with two small rental houses. The property is required for Del Webb Soccer Field parking. This is the last property required for the project.
(Memo with agenda. The Merrells have agreed to settle for \$52,000 and the City assuming the remainder of a 1-year residential lease. Since the property is not needed until after July 1, 1980, assumption of the lease will not affect the City's plans. Resolution approving agreement needed. Estimated cost: \$53,000 (\$52,000 purchase; \$1,000 estimated escrow); funds are budgeted.)

ACTION: Res. 79-593 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider request for a mid-block crosswalk across Coralwood Drive east of McHenry.
(Memo with agenda. The crosswalk is recommended because Coralwood is a half mile long with no intervening intersections for pedestrian crossing. Resolution establishing a mid-block crosswalk across Coralwood Drive 1,005 feet east of McHenry needed. Estimated cost: \$70 (Crosswalk \$20; Advance Signs \$50); funds are budgeted.)

ACTION: Res. 79-594 adopted establishing crosswalk. (P.T. to handle)

CONSENT

30. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - Trombetta.
(On May 29, 1979, the Planning Commission adopted Resolution No. 79-143 recommending to the Council an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-3, property located on the west side of Prescott Road, north of Standiford Avenue. Resolution setting public hearing on July 3, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-595 adopted setting public hearing. (Clerk to handle)

CONSENT

31. Recommend to Council an amendment to Section 30-3-9 of the Zoning Map - R. T. Hughes Company.
(On May 29, 1979, the Planning Commission adopted Resolution No. 79-146 recommending to the Council an amendment to Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(230), property located on the northwest corner of Kansas and Lone Palm Avenue. Resolution setting public hearing on July 10, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-596 adopted setting public hearing. (Clerk to handle)

CONSENT

32. Recommend to Council and amendment to Section 19-3-10 of the Zoning Map - Mid-Cal Land Development.
(On June 4, 1979, the Planning Commission adopted Resolution No. 79-156 recommending to the Council an amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 to P-D(231), property located on the east side of Claus Road, north of East Orangeburg Avenue. Resolution setting public hearing on July 3, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-597 adopted setting public hearing. (Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Section 23-3-9 of the Zoning Map - Planning Commission initiated - Gary Davis.
(On May 29, 1979, the Planning Commission adopted Resolution No. 79-142 recommending on the Council an amendment to Section 23-3-9 of the Zoning Map to rezone from P-D(170) to R-1 and R-2, property located on the north side of Scenic Drive, east of Oakdale Road. Resolution setting public hearing on July 3, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-598 adopted setting public hearing. (Clerk to handle)

CONSENT

34. Recommend to Council an amendment to a portion of Planned Development Zone P-D(172) - R. T. Hughes Co.
(On May 29, 1979, the Planning Commission adopted Resolution No. 79-145 recommending to the Council an amendment to a portion of P-D(172), property located on the northwest corner of Standiford Avenue and Colonial Drive. Resolution setting public hearing on July 10, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-599 adopted setting public hearing. (Clerk to handle)

REPORTS

35. Report by the Council's Downtown Renaissance Committee.

ACTION: By motion (Siefkin/Lang, unan., Elliott absent) Ord. No. 1841-C.S. introduced amending Code.

By motion (same vote) recommendations approved. (P.T. to handle)

CONSENT

36. Presentation of Financial Statement for May, 1979.
(Copies of the report will be presented at the meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

37. Legislation

ACTION: By motion (Siefkin/Lang, unan., Elliott absent) SB-295 supported.
By motion (Siefkin/Lang, unan., Elliott absent) AB-1798 supported.
(Mgmt. Services to handle)

38. Appointments

None

39. Matters too late for the agenda

Councilmember Kullijian suggested starting evening meetings at 7:00 p.m.

Mayor Mensinger said the Council had been invited to attend an Auto Faire at Modesto Junior College on June 16, 1979.

The meeting adjourned at 11:40 p.m. to executive session to consider an employee relations matter and returned at 11:55 p.m.

ACTION: Res. 79-600 adopted (Siefkin/Muratore, unan., Elliott absent) approving Memorandum of Understanding with the Police Association.

Adjourned at 12:00 midnight, to Wednesday, June 13, 1979, 3:00 p.m., in the City Council Chambers.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Kullijian, Lang, Muratore, Siefkin,
Mayor Mensinger

Absent: Councilmembers: Elliott

The following sections of the Capital Improvement Program were reviewed:

Public Works:
Streets
Street Lights
Airport
Service Pool Equipment

Community Housing Improvement
Downtown Area Improvements
Fire Equipment and Facilities
Parks and Recreation

(Councilmember Siefkin left the meeting at 4:30 p.m.)
(Councilmember Lang left the meeting at 4:45 p.m.)

Schools - Site and Facilities
Traffic Signals
Parking Facility
Bus Service Facilities and Equipment
Other Equipment and Facilities

The meeting adjourned at 5:05 p.m. to Thursday, June 14, 1979, at 3:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Bright, Lang, Muratore, Siefkin, Mayor Mensinger
(Councilmember Bright arrived at 3:10 p.m.)

Absent: Councilmembers Elliott, Kullijian

The following matters were considered:

Chamber of Commerce
Head Rest
Modesto Youth Theater
Utility Users Tax
D.I.D. additions
Neece Drive guard rail replacement
On-Street parking meter revenue revision
Management Services' C.I.P. projects
Tuolumne River Regional Park
Golf revenue expenditures
Staff was requested to provide a report on golf fees options and what the cost of water would be for the golf courses. (P.R. to handle)

Fire company staffing
Employee softball allocation
Police Department communications
Curb, gutter and landscaping along Briggsmore

The meeting was adjourned at 5:10 p.m. to Monday, June 18, 1979, at 3:00 p.m.

ATTEST: _____


NORRINE COYLE City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California,

Present: Councilmembers Bright, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: Councilmember Elliott

The following items were discussed;

Music and Promotion Budget

ACTION: By motion (Lang/Siefkin, unanimous, Elliott absent) approval was given to items in the Music and Promotion budget, including the additional \$500 for the Modesto Symphony for one year, the additional \$5,000 requested for Industry, Business and Jobs, and deleting the amount for Employees' Softball due to liability problems.

Head Rest

ACTION: By motion (Siefkin/Lang, unanimous, Elliott absent) approval given to the Head Rest budget, including the \$2,000 supplemental request, and requested staff to pursue the questions that have been raised regarding the equity of support from various sources for consideration at the budget session in 1980.

Fire Department Personnel

ACTION: By motion (Lang/Bright, unanimous, Elliott absent) approval given to the additional manpower requested, phased in over a three-year period as recommended by the Chief.

By motion (Siefkin/Lang, unanimous, Elliott absent) staff directed to continue developing a sprinkler ordinance for Council consideration.

Utility Users Tax

ACTION: By motion (Siefkin/Muratore, unanimous, Elliott absent) approval given to the proposed Utility Users Tax changes and staff requested to devise a procedure for notifying the public of the refund available to people with low incomes.

Capital Improvement Program

ACTION: By motion (Lang/Siefkin, unanimous, Elliott absent), the Capital Improvement Program was approved based on Council discussions during the budget study sessions.

The meeting adjourned at 5:20 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 19, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Elliott

Pledge of allegiance to the Flag

Invocation: Father Michael Kelly, Our Lady of Fatima Church

Mayor Mensinger said that Congressman Coelho had just announced that the grant for the downtown parking garage had been approved.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 7, 8, 9, 10, 11, 12, 13,

Dropped from agenda: 25

14, 15, 17, 18, 19, 20, 21, 23, 24,
26, 27, 28, 29

ACTION: (Kullijian/Siefkin, unan., Elliott absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the adjourned regular meetings of June 7, and June 11, the regular meeting of June 12, and the adjourned regular meeting of June 13, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Phillip Morrison, Modesto Elks Lodge #1282, regarding a change in the Bingo Ordinance.

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) request was approved and staff directed to prepare Ordinance amendment to limit play to 12 cards per night.
(Atty. to handle)

3. Letter from Samuel A. Oppenheim regarding a campaign spending limit.

ACTION: By order of the Chair, the City Attorney was requested to prepare information for the Council regarding Court cases and what, if any, options the Council might have.
(Atty. to handle)

CONSENT

4. Appeal by Gregory Development Company to a decision of the Planning Commission concerning P-D(133).
(Resolution setting hearing on July 17, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-601 adopted setting hearing.

(Clerk to handle)

CONSENT

5. Appeal by Bob Scott, R. T. Hughes Co., to a Planning Commission decision concerning rezoning property on the southwest corner of Rose Avenue and Angelene Drive.
(Resolution setting hearing on July 10, 1979 at 7:30 p.m. (Hearing No. 7) needed.)

ACTION: Res. 79-602 adopted setting hearing. (Clerk to handle)

6. Letter from Bob Taro requesting permission to hold a weekly Farmers' market on 16th Street between H and I Streets.

ACTION: By motion (Muratore/Siefkin, unan., Elliott absent) request approved and staff directed to prepare the necessary documents. (Planning to handle)

CONSENT

7. Request by the attorneys for Todd A. Presley for permission to file a late claim.
(Resolution denying request needed.)

ACTION: Res. 79-603 adopted denying request. (Clerk to handle)

BIDS

CONSENT

8. Consider rejecting bids and authorize new call for bids to be opened on July 10, 1979 at 2:00 p.m. for furnishing annual lamp requirements.
(Memorandum with agenda. Resolution rejecting bids and authorizing new bid call needed. Estimated cost: City portion - \$12,000; funds are budgeted.)

ACTION: Res. 79-604 adopted rejecting bids and authorizing new bid call.
(Finance to handle)

CONSENT

9. Consider sale of house to be moved from land acquired for Brighton Avenue realignment.
(Memo with agenda. Bid opening: July 17, 1979 at 10:00 a.m. Resolution calling for bids and approving specification and notice to bidders needed.)

ACTION: Res. 79-605 adopted calling for bids. (P.W. to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for construction of additional rip rap on oxidation pond levee.
(Suggested bid opening: July 10, 1979 at 11:05 a.m. This project will provide erosion protection at various locations on existing levees at the oxidation ponds. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$15,025 (Contract \$13,725; Engr. \$1,300); funds are budgeted.)

ACTION: Res. 79-606 adopted calling for bids. (P.W. to handle)

CONSENT

11. Approve plans and specifications and call for bids for installation of irrigation and landscaping at East LaLoma Park.
(Bid opening: July 10, 1979 at 11:00 a.m. This project will provide for a complete irrigation system and landscaping including trees, lawns and shrubs at East LaLoma Park. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$91,717 (Contract \$87,350; Engr. & Contg. \$4,367); funds are budgeted.)

ACTION: Res. 79-607 adopted calling for bids. (P.W. to handle)

CONSENT

12. Consider award of contract for the construction of aircraft tie-down at the Modesto City-County Airport - CAAP Project No. 1-78-1.
(Bids were opened on May 29, 1979 at 11:00 a.m. The low bid of \$106,856.60, submitted by George Reed is 12% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-608 adopted awarding contract. (P.W. to handle)

CONSENT

13. Consider award of contract for the replacement of ballpark lighting at Davis Park.
(Bids were opened June 12, 1979. The low bid submitted by Modesto Industrial Electrical Co., Inc., dba Industrial Electrical Co., is 19.40% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Industrial Electrical Co. needed. Estimated cost: \$ 25,481 (Contract \$22,931; Engr. & Contg. \$2,550); funds are budgeted.)

ACTION: Res. 79-609 adopted awarding contract. (P.W. to handle)

CONSENT

14. Consider declaring various street lighting equipment surplus to City needs and authorize the Purchasing Officer to advertise and sell to the highest bidder. (Inventory sheet with agenda.)
(Equipment has become surplus as a result of the street light conversion program to energy efficient high pressure sodium lights. A report of sale will be submitted to the City Manager. Resolution declaring street lighting equipment surplus property and authorizing sale needed.)

ACTION: Res. 79-610 adopted declaring street lighting equipment surplus property and authorizing sale. (Finance to handle)

CONSENT

15. Consider acceptance of L. E. McGraw Construction's contract for the construction of Mellis Park basketball court as complete. (Original contract: \$9,828) (All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete. Final cost: \$9,943; funds are budgeted.)

ACTION: Res. 79-611 adopted accepting work as complete. (Clerk to handle)

16. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

Mayor Mensinger introduced members of Boy Scout Troops 117 and Scoutmaster and Mrs. John Andrews.

ORDINANCES

CONSENT

17. Final adoption of the following:

- a. Ord. No. 1835-C.S. rezoning from R-1 to R-2 property located on Snyder Avenue and Honey Creek Road. (JWJ Development)
- b. Ord. No. 1836-C.S. rezoning from R-1 to P-D(223) property on Lincoln and Yosemite. (Rule Enterprises.)
- c. Ord. No. 1837-C.S. rezoning from R-1 to P-0 property on Oakdale Road and Merle Avenue. (Donald Gonsalves)
- d. Ord. No. 1841-C.S. repealing the Parking Meter Zoning Map.

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

18. Consider resolution waiving escalation of bond redemption charges for residential, commercial, and industrial properties for fiscal year 1979-80. (Annually the City must take action concerning escalation of bond redemption charges for sewer service. It is recommended that escalation of those charges be waived for fiscal year 1979-80. Memo with agenda. Resolution waiving escalation of bond redemption charges for fiscal year 1979-80 needed.)

ACTION: Res. 79-612 adopted waiving escalation of bond redemption charges for fiscal year 1979-80.

CONSENT

19. Consider request for sewer service to property outside City limits at 936 Paradise Road, located on the southeast corner of Paradise Road and Wade Avenue. Owners: Modesto Irrigation District
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-613 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider submittal of preapplication to the Federal Aviation Administration for grant funds to overlay Runway 28R/10L with a porous friction coat including marking and striping at the Modesto City-County Airport.
(This project will provide a 2" overlay of porous asphaltic concrete which will provide positive braking action during wet weather conditions. Memo with agenda. Resolution approving submittal of preapplication needed. Estimated cost: \$127,400; funds are budgeted.)

ACTION: Res. 79-614 adopted approving submittal of preapplication. (P.W. to handle)

CONSENT

21. Consider grant agreement in the amount of \$125,000 for construction of general aviation parking apron expansion at the Modesto City-County Airport.
(Bids for the parking apron expansion have been received, reviewed, and approved by the State. A resolution approving signing of the grant agreement by the City Manager is recommended. Memo with agenda. Resolution authorizing City Manager to execute the agreement on behalf of the City needed.)

ACTION: Res. 79-615 adopted authorizing City Manager to execute agreement.
(P.W. to handle)

22. Adoption of the 1979-80 Operating Budget and the first year of the Four-Year Capital Improvement Program.
(A report will be distributed at the meeting. It will include adjustments to the 1979-80 Preliminary Budget which have been reviewed and recommended by the City Council, including the first year of the Four-Year Capital Improvement Program and other adjustments based on updated information. Introduction of ordinance adopting budget needed.)

ACTION: By motion (Lang/Siefkin, unan., Elliott absent) Ord. No. 1842-C.S. introduced.
By order of the Chair staff directed to prepare information regarding quick change traffic signals. (P.T. to handle)

CONSENT

23. Consider agreement with Allen Grant, Inc., a California Corporation, to acquire .111⁺ acres of right of way needed for the Riverside/Yosemite traffic signal project.
(The grantors have agreed to dedicate the required right of way in return for the City installing street improvements as part of its project. This does not include sidewalk except at the curb return. It does consist of paving, curbs and gutter. This is one of two parcels required from this grantor. Negotiations are continuing for the other parcel. Resolution approving agreement needed. Estimated improvement cost: \$5,200; funds are budgeted.)

ACTION: Res. 79-616 adopted approving agreement. (P.W. to handle)

CONSENT

24. Uninhabited annexation to the City of Modesto - Snyder No. 2 Annexation. (The Local Agency Formation Commission approved this annexation on May 23, 1979 and authorized the City Council to proceed without notice and hearing. A portion of the annexation area is subject to California Land Conservation Contracts. The City of Modesto protested these contracts and LAFCO upheld the City's protest. At this time, the City should elect not to succeed to the contracts. Resolution annexing territory and resolution electing not to succeed to California Land Conservation Contracts needed.)

ACTION: Res. 79-617 adopted annexing Snyder No. 2 Addition.

Res. 79-617A adopted electing not to succeed to California Land Conservation Contracts. (Clerk to handle)

CONSENT

25. Consider adding to the current general liability insurance coverage to include the transit buses for the remainder of the current policy year.
(Memorandum with agenda. Resolution approving the addition of transit buses to the current general liability insurance coverage needed. Estimated cost: \$10,691.52; funds are budgeted.)

DROPPED FROM AGENDA

CONSENT

26. Consider renewing agreement with Gates, McDonald Company for administration of workers' compensation claims under the City of Modesto's self-insurance program.
(Memorandum with agenda. Resolution approving renewal of service agreement needed. Estimated cost: \$12,500; funds are budgeted.)

ACTION: Res. 79-618 adopted approving renewal of service agreement. (Mgmt. Services to handle)

CONSENT

27. Establish Contingency Account in the Special Fund for Capital Outlays for "Land Acquisition and Other Capital Needs" and adjust the 1978-79 budget.
(Memo with agenda. Resolution establishing account and adjusting budget needed.)

ACTION: Res. 79-619 adopted establishing account. (Finance to handle)

28. Consider adoption of resolution electing not to succeed to California Land Conservation Contract pertaining to the Lincoln-Penny No. 2 Annexation to the City of Modesto.
(This contract was previously protested by the City and the protests have been upheld by LAFCO. The City should now exercise its option not to succeed to the contract. Resolution electing not to succeed to Land Conservation Act Contract needed.)

ACTION: Res. 79-620 adopted electing not to succeed to Land Conservation Act Contract.
(Clerk to handle)

CONSENT

29. Resolution setting public hearing to consider a proposed cooperation agreement with the Stanislaus County Housing Authority covering 400 units of low-income housing approved at the November 7, 1978, election.
(The Housing Authority has requested this agreement and State law requires a public hearing before it can be approved. Resolution setting public hearing on July 17, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-621 adopted setting hearing. (Clerk to handle)

REPORTS

30. Consider design for trunk sewer extension in the Veneman/Dale Road area. (At its June 5 meeting the Council considered a request by Tom Sutter to review proposed plan for trunk sewer construction in the Veneman Avenue/Dale Road area. Staff is completing its review and will make presentation at the Council meeting. Memo will be distributed prior to the meeting. Motion directing staff on alterantive design for trunk sewer needed.)

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) approved staff recommendation.

MISCELLANEOUS

31. Legislation

ACTION: By motion (Muratore/Siefkin, unan., Elliott absent) SB-462 opposed.
By motion (Lang/Siefkin, unan., Elliott absent) AB-853 supported.
By motion (Kullijian/Siefkin, unan., Elliott absent) AB-449 opposed.
By motion (Lang/Siefkin, unan., Elliott absent) AB-1693 supported.
By motion (Siefkin/Lang, unan., Elliott absent) AB-1343 opposed.

32. Appointments

None

33. Matters too late for the agenda

Mayor Mensinger said she had been asked for permission to use her name on letterhead having to do with support of the New Melones Dam. There were no objections.

Adjourned at 5:15 p.m. to executiye session to consider an employee relations matter and then to Friday, June 22, 1979, 8:00 a.m, Howards, 1312 McHenry Avenue, Modesto, for a meeting with Assemblyman Carmen Perino.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 22, 1979

The Modesto City Council met pursuant to adjournment at 8:00 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California to meet with Assemblyman Carmen Perino.

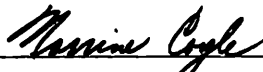
Present: Councilmembers Bright, Lang, Siefkin, Vice Mayor Kullijian

Absent: Councilmembers Elliott, Muratore, Mayor Mensinger

Various pieces of state legislation that would effect Modesto were discussed with Assemblyman Perino.

The meeting adjourned at 9:35 a.m.

ATTEST:



NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Bright, Elliott, Siefkin, Mayor Mensinger Lang,

Absent: Councilmembers Kullijian and Muratore

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 18, 21, 22, 23,
Dropped from agenda: 26 24, 25, 27, 28

ACTION: (Lang/Siefkin, unan., Kullijian and Muratore absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular Council meetings of June 14, and June 18, and the regular Council meeting of June 19, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Buzz Rasmussen, President of Modesto Kiwanis Club, concerning their Boy Scout Building improvement project.

ACTION: A report on the project was made by Louis Myles, Chairman of the project committee. He and the Modesto Kiwanis Club members were thanked and commended by the Council.

3. Letter from Jack Tingley requesting use of one of the City's swimming pools.

ACTION: By motion (Elliott/Lang, unan., Kullijian and Muratore absent) staff directed to continue the present City policy on the use of swimming pools, and to see if the Modesto Racquet Club Aquatics could be accommodated within that policy, with fees and insurance to cover the City's costs and risk.
(P.R. to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Lamatis Industrial Center.
(Suggested bid opening: July 17, 1979 at 11:00 a.m. This water main is required in order to provide domestic water and fire protection to the Lamatis Industrial Park. Resolution approving plans and specifications and call for bids. Estimated cost: \$114,751 (Contract \$107,858; Engineering \$6,893); funds are budgeted.)

ACTION: Res. 79-622 adopted calling for bids, (P.W. to handle)

CONSENT

5. Consider calling for bids for 10 bus passenger shelters.
(Memo with agenda. Bus passenger shelters provided through an approved UMTA grant (#CA-05-0030). Resolution calling for bids to be received on August 10, 1979 at 2:00 p.m. needed. Estimated cost: \$20,000; funds are budgeted.)

ACTION: Res. 79-623 adopted calling for bids. (P. & T. to handle)

CONSENT

6. Consider declaring the All Pure Chemical Company low bidder and authorize the purchase of liquid chlorine for \$174 per ton.
(Memorandum with agenda. Resolution awarding bid needed. Estimated cost: \$122,000; funds are budgeted.)

ACTION: Res. 79-624 adopted awarding bid. (Finance to handle)

CONSENT

7. Consider waiving formal bid procedure and authorize the purchase of plastic can liners from Zellerbach Paper Co. for the purchase price of \$5,955.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing the purchase needed; funds are budgeted.)

ACTION: Res. 79-625 adopted waiving formal bid procedures. (Finance to handle)

HEARINGS

7:30 p.m.

8. Hearing on a federal operating assistance grant application (Bus Operations FY 1979-80)

No. 1

ACTION: Res. 79-626 adopted (Lang/Siefkin, unan., Kullijian, Muratore absent) authorizing filing of grant application. (P.T. to handle)

9. Hearing to consider rate increases for CATV service in Modesto No. 2

ACTION: Res. 79-627 adopted (Lang/Elliott, unan., Kullijian, Muratore absent) approving increased rates as recommended effective July 1, 1979.
(Finance to handle)

10. Hearing to consider amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to P-0 property located at the southwest corner of W. Orangeburg and Alma Avenues (La Conte & Santrizos) No. 3

Mayor Mensinger excused due to a conflict of interest. By motion (Siefkin/Lang, unan. Kullijian, Muratore absent) Councilmember Elliott elected Mayor Pro Tem.

ACTION: By motion, Ord. No. 1843-C.S. introduced (Lang/Bright, unan., Kullijian, Muratore and Mayor Mensinger absent)

Res. 79-628 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

11. Hearing to consider amendment to Section 22-3-9 of the Zoning Map to rezone from P-0 to Planned Development Zone, P-D(228), property located on the east side of Coffee Road, south of Brighton Avenue (Richards, Tallent & Durosette) No. 4

ACTION: By motion (Lang/Elliott, unan., Kullijian, Muratore absent) Ord. No. 1844-C.S. introduced.

Res. 79-629 adopted (same vote) approving plan.

Res. 79-630 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

12. Hearing to consider granting an Unclassified Use Permit amendment to Neighborhood Church of Modesto for construction of a second-story office addition, property located at the southeast corner of Tully Road and Woodrow Avenue No. 5

ACTION: Res. 79-631 adopted (Siefkin/Lang, unan., Kullijian, Muratore absent) granting amendment.
(Clerk to handle)

13. Hearing to consider amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(229) for a one-story professional office complex property located on the west side of Coffee south of Chadwick Court (Rule Enterprises) No. 6

ACTION: By motion (Lang/Elliott, unan., Kullijian, Muratore absent) Ord. 1845-C.S. introduced.

Res. 79-632 adopted (same vote) approving plan.

Res. 79-633 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

14. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(227) to allow 13-unit 2-story condominium on the north side of E. Orangeburg Avenue east of Sunrise Avenue, east of John Sutter School.
(James Corn)

No. 7

ACTION: By motion (Lang/Siefkin, unan., Kullijian, Muratore absent) Ord. No. 1846-C.S. introduced.

Res. 79-634 adopted (same vote) approving plan.

Res. 79-635 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

15. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

By mutual consent of the Council, this item was taken up after item 9.

Ron Bowers, Chairman of Graffiti Night Coalition, expressed gratitude to the Council for permitting the Graffiti Night activity.

ORDINANCES

16. Final adoption of the following:

- (a) Ord. No. 1838-C.S. rezoning from R-3 to P-D(219) property located east of McHenry between Helen Avenue and Hintze Avenue for expansion of the Sundial Lodge (Stan Galas)
(Motion approving needed.)

ACTION: By motion (Lang/Bright, majority, Siefkin-no, Kullijian, Muratore absent) Ord. No. 1838-C.S. adopted, (Clerk to handle)

- (b) Ord. No. 1839-C.S. amending P-D(147) to permit use of land for a day-care nursery and for elderly housing. (St. Paul's Episcopal Church)
(Motion approving needed.)

ACTION: By motion (Bright/Siefkin, unan., Kullijian, Muratore absent) Ord. No. 1839-C.S. adopted. (Clerk to handle)

- (c) Ord. No. 1840-C.S. rezoning from R-1 to P-D(225) property located on Carpenter Road and Elm Avenue (Errol Vrh)
(Motion approving needed.)

ACTION: By motion (Elliott/Lang, majority, Siefkin-no, Kullijian, Muratore absent) Ord. 1840-C.S. adopted. (Clerk to handle)

17. Consider increase in taxi rates/charges.

(Memo with agenda. Increase would be from present rate of 90 cents/mile to \$1.20/mile. Environmental Assessment Committee reviewed this matter and concluded that taxi rate increases do not constitute a project requiring environmental review. Introduction of ordinance changing the rates needed.)

ACTION: By motion (Siefkin/Elliott, unan., Kullijian, Muratore absent) Ord. No. 1847-C.S. introduced increasing rates/charges, eliminating trunk rates and the word "hand" preceding "baggage".

CONSENT

18. Amendment of the utility users tax ordinance changing the annual income which is eligible for exemption from \$4,500 to \$6,300 and the maximum amount of the refund from \$10 to \$20.
(The Council approved staff's recommended changes at its June 18, 1979 meeting. Motion introducing ordinance needed.)

ACTION: By motion, Ord. No. 1848-C,S, introduced. (Clerk to handle)

UNFINISHED BUSINESS

19. Decisions on plans for proposed 11th Street parking garage.
(Memo with agenda. Plans seem satisfactory but Council direction is needed on a few items. Motion directing staff needed. Estimated cost: \$1,750,000; funds are budgeted.)

ACTION: By motion (Lang/Bright, unan., Kullijian, Muratore absent) it was determined that there would be no alley access, restrooms will be provided, painting is to be an alternate in the call for bids, and there are to be four levels to which two more levels could be added later. (P.T. to handle)

NEW BUSINESS

20. Consider taking necessary actions to implement Memoranda of Understanding and Spring Job Audit.
(The City staff has completed the annual Spring Job Audit and has or will be entering into Memoranda of Understanding with its employee organizations. The Job Audit and some of the items agreed upon in the Memoranda of Understanding require Council action to implement. Memorandum with agenda.)

ACTION: Res. 79-636 adopted (Siefkin/Bright, unan., Kullijian, Muratore absent) approving a Memorandum of Understanding with the Modesto City Employees' Asso.

Res. 79-637 adopted (same vote) establishing salary schedules and fixing compensation for positions in the City service.

Res. 79-638 adopted (same vote) amending the Position Classification Plan for the City of Modesto.

Res. 79-639 adopted (same vote) amending the Personnel Rules of the City of Modesto.

Res. 79-640 adopted (same vote) establishing uniform allowance for Police Department personnel.

Res. 79-641 adopted (same vote) amending the City's Mandatory Deferred Compensation Plan.

Res. 79-642 adopted (same vote) authorizing City Manager to sign amendment to City Health Insurance Agreement to provide pregnancy coverage for dependents of employees.

Res. 79-643 adopted (same vote) changing the amount paid by the City towards employees' dependent health insurance coverage.
(Management Services to handle)

CONSENT

21. Consider amendment to City of Modesto Files Manual.
(Memorandum with agenda. Resolution amending Files Manual.)

ACTION: Res. 79-644 adopted amending Files Manual. (Mgmt. Services to handle)

CONSENT

22. Consider response to LAFCO regarding annexation of the Sutter-Figaro Annexation.
(Memo and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-645 adopted responding favorably to the proposed annexation.
(Planning to handle)

CONSENT

23. Consider response to LAFCO regarding the Claus-Parker Annexation.
(Memo, map, and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-646 adopted responding favorably to the proposed annexation.
(Planning to handle)

CONSENT

24. Consider approving lease agreement with Executive Skyways, Inc. for a Budget-Rent-A-Car concession at the general aviation side of the Modesto City-County Airport.
(The lease is for 5 automobile parking spaces on the general aviation side of the Airport. Budget-Rent-A-Cars will be rented from this location. The lease is for one year effective July 1, 1979 until June 30, 1980. Lease is for 7- $\frac{1}{2}$ % of the gross or a minimum of \$300 per month. This rate is consistent with the rate charged other car rental concessions at the Airport. Resolution approving agreement needed.)

ACTION: Res. 79-647 adopted approving agreement. (P.W. to handle)

CONSENT

25. Establishing flat rate water service charges to schools.
(Water service charges are established on a flat rate basis by resolution to schools. Since rates were last established the following changes have occurred: Modesto City Schools has connected the new Lakewood School to the City's water system. Empire Union School District has connected the new Sipherd School to the City's water system. Sylvan Union School District has made a decrease in the area irrigated at Coleman F. Brown School. No City funds are involved. Adoption of three resolutions needed.)

ACTION: Res. 79-648 adopted establishing flat rate water service charges to Modesto City School District.
Res. 79-649 adopted establishing flat rate water service charges to Empire Union School District.
Res. 79-650 adopted establishing flat rate water service charges to Sylvan Union School District.
(P.W. to handle)

with agenda. Resolution approving insurance needed. Estimated cost: \$31,200; funds are budgeted.)

DROPPED FROM AGENDA

REPORTS

CONSENT

27. Staff study and report on wheelchair access ramp.
(Mr. Kal Shannon appeared before the Council on June 12, 1979 to discuss wheelchair access ramps. Council directed the staff to study and report on the subject on June 26, 1979 if possible. Mr. Shannon's survey was received on June 15, 1979, so staff has not had sufficient time to fully digest the study. It is expected that the staff will be able to report to the Council on July 3, 1979. Motion acknowledging interim report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFER

CONSENT

28. Consider appropriation transfer of \$2,000 from the General Reserve to Postage account for bulk mailings required before the end of this fiscal year.
(An additional amount is needed for the mailing of water bills and mill tax notices on June 29, 1979. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-651 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

29. Legislation

By motion (Lang/Elliott, unan., Kullijian, Muratore absent) AB-1167 supported.
By motion (Siefkin/Lang, unan., Kullijian, Muratore absent) SB-1182 supported.
By motion (Siefkin/Bright, unan., Kullijian, Muratore absent) S.J.R. 5 supported.
By motion (Lang/Elliott, unan., Kullijian, Muratore absent) SB-418 supported.

30. Appointments

None

31. Matters too late for the agenda

None

Adjourned at 9:55 p.m.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 3,

1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Bright

Pledge of allegiance to the Flag

Invocation: Rev. Jim Talley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
19, 20, 21, 22, 23, 24, 25, 26, 27, 28,
29, 30, 32, 33, 37

Removed from Consent: 31

- ACTION: (Kullijian/Lang, unan., Bright absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular Council meeting of June 22, 1979, and the regular meeting of June 26, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Albert W. Evans of Stewart Title of Modesto requesting use of the parking lot at 12th and I Streets.

ACTION: By motion (Siefkin/Elliott, unan., Bright absent) request denied.

CONSENT

3. Appeal by Mid-Valley Engineering to a decision by the Planning Commission concerning the tentative subdivision map for the Wilshire Heights Subdivision.
(Resolution setting hearing July 24, 1979 at 7:30 p.m. (Hearing No.) needed.)

ACTION: Res. 79-652 adopted setting hearing. (Clerk to handle)

CONSENT

4. Letter from Ken Miller, Manager of Modesto Court Room, regarding amendment to Section 5-2.404 of the Municipal Code concerning massage establishments. (Motion referring to staff for report and recommendation.)

ACTION: By motion, request referred to staff for report and recommendation. (Atty. to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications for construction of curb and gutter on Briggsmore from Tully to McHenry. (Suggested bid opening: July 24, 1979 at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$20,804 (Contract \$19,352.55; Engr. \$1,451.45); funds are budgeted.)

ACTION: Res. 79-653 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider approving specifications and authorize call for bids to be opened July 24, 1979 at 2:00 p.m. for furnishing one rotary mower. (For the Service Division, the mower will be dispatched to the Parks Division during the mowing season which normally lasts eight months. The mower will replace two triplex reel type mowers presently in service. Resolution approving specification and authorizing call for bids needed. Estimated cost: \$7,000; funds are budgeted.)

ACTION: Res. 79-654 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider award of contract for the construction of subtrunk sewer in California Avenue. (Bids were opened on June 26, 1979. The low bid of \$101,955; submitted by Western Pipeline Co., Inc. is 9% above the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Western Pipeline Co., Inc. needed. Funds are budgeted.)

ACTION: Res. 79-655 adopted awarding contract to Western Pipeline Co. (P.W. to handle)

CONSENT

8. Consider award of contract to Joe Martin for construction of storm drainage facility: Tully - Briggsmore - Winning Area. (Bids were opened on June 26, 1979 and the low bid of Joe Martin, which is 10.7% over the engineer's estimate, is considered acceptable. It is, therefore, recommended that the contract be awarded to them. This project will eliminate the most hazardous flood area by pumping storm water into MID Lateral No. 3. Resolution awarding contract needed. Estimated cost: \$48,616.50; funds are budgeted.)

ACTION: Res. 79-656 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider declaring Flintkote low bidder on the following items:
- | | |
|---------------------|---------------------|
| Item 1 - \$6.50 ton | Item 4 - \$6.50 ton |
| Item 3 - 6.50 ton | Item 6 - 4.60 ton |
- and consider declaring M. J. Ruddy low bidder on the following items:
- | | |
|---------------------|---------------------|
| Item 2 - \$6.25 ton | Item 7 - \$7.00 ton |
| Item 5 - 5.00 ton | |
- (Memo with agenda. Two resolutions authorizing purchase of rock, sand and gravel products needed. Estimated cost: \$28,000; funds are budgeted.)

ACTION: Res. 79-657 adopted authorizing purchase of rock, sand & gravel products from Flintkote.

Res. 79-658 adopted authorizing purchase of rock, sand and gravel products from M.J. Ruddy. (Finance to handle)

CONSENT

10. Consider accepting the proposal submitted by George Reed, Inc. and authorize the purchase of liquid and emulsified asphalts based upon prices in effect at the time of delivery. (Memo with agenda. Resolution accepting proposal and authorizing the purchase of liquid and emulsified asphalts needed. Estimated cost: \$15,000; funds are budgeted.)

ACTION: Res. 79-659 adopted authorizing purchase of liquid and emulsified asphalts. (Finance to handle)

CONSENT

11. Consider acceptance of contract of Joe Martin Pipeline, Inc. for construction of waterline extension in Block 6074 as complete. (Original contract: \$4,260) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$4,306.50 (Main \$3,106.50; Services \$1,200); funds are budgeted.)

ACTION: Res. 79-660 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of contract of Joe Martin Pipeline, Inc. for construction of waterline extension in Almond Street. (Original contract: \$12,246) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$13,098.50 (Main \$11,173.50; Services \$1,925); funds are budgeted.)

ACTION: Res. 79-661 adopted accepting work as complete. (Clerk to handle)

13. Appeal by Guarantee Savings and Loan to a Planning Commission decision regarding rezoning from R-2 to P-D, property at Oakdale Road and East Orangeburg

No. 1

ACTION: Res. 79-662 adopted (Siefkin/Elliott, majority, Kullijian-no, Bright absent) denying appeal.

14. Hearing on amendments and additions to Zoning Regulations - Omnibus No. 5

No. 2

ACTION: Ord. No. 1849-C.S. introduced (Lang/Elliott, unan., Bright absent) relating to subdivision regulations.

Ord.No. 1850-C.S. introduced (same vote) relating to zoning regulations.

Res. 79-663 adopted (same vote) certifying Environmental Assessment Review.
(Clerk/Planning to handle)

15. Hearing to consider amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 to P-D(231), property located on the east side of Claus Road, north of East Orangeburg Avenue (Mid Cal Land Development)

No. 3

ACTION: By motion (Elliott/Kullijian, unan., Bright absent) Ord. No. 1851-C.S. introduced.

Res. 79-664 adopted (same vote) approving plan.

Res. 79-665 adopted (same vote) certifying Environmental Assessment Review.
(Clerk/Planning to handle)

16. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-3, property located on the west side of Prescott Road, north of Standiford Avenue (Trombetta)

No. 4

ACTION: By motion (Kullijian/Muratore, unan., Bright absent) Ord. No. 1852-C.S. introduced.

Res. 79-666 adopted (same vote) certifying Environmental Assessment Review.
(Clerk/Planning to handle)

17. Hearing to consider an amendment to Section 23-3-9 of the Zoning Map to rezone from P-D(170) to R-1 and R-2, property located on the north side of Scenic Drive, east of Oakdale Road (Gary Davis) (Planning Commission initiated)

No. 5

ACTION: By motion (Lang/Kullijian, unan., Bright absent) Ord. No. 1853-C.S. introduced.

Res. 79-667 adopted (same vote) certifying Environmental Assessment Review.
(Clerk/Planning to handle)

18. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

UNFINISHED BUSINESS

CONSENT

19. Consider adoption of resolution authorizing Farmers' Market.
(The City Council considered the proposal to conduct a Farmers' Market on 16th Street on Saturday mornings at their meeting on June 19, 1979. At that time the Council approved the proposal in principle and directed the staff to prepare the necessary documents to authorize the Farmers' Market. A copy of the proposed resolution has been transmitted to the Council with the agenda. Adoption of resolution needed.)

ACTION: Res. 79-668 adopted authorizing Farmers' Market. (Clerk to handle)

NEW BUSINESS

CONSENT

20. Accept grant for parking garage on 11th Street near J Street.
(Memo with agenda. Federal grant is for \$898,000 and represents 50% of estimated cost. Resolution accepting grant needed. Estimated cost: \$1,750,000; funds are budgeted.)

ACTION: Res. 79-669 adopted accepting grant. (P.T. to handle)

CONSENT

21. Consider approval of the final map of Glenbrook East subdivision.
Subdivider: Sutco Construction, Inc.
(All fees are paid. A subdivision agreement is needed to insure payment of water main connection charges. All public improvements are existing. Resolution approving final map needed.)

ACTION: Res. 79-670 adopted approving final map. (Clerk to handle)

CONSENT

22. Resolution of application for annexation of the Lance-Ellis Annexation.
(The proposed annexation is a developed 9.994 acre island located on both sides of Lance Street and Ellis Street, east of Phoenix Avenue. Pursuant to annexation legislation, the City Council may initiate annexation proceedings for islands of less than 100 acres. If approved by LAFCO, the Stanislaus County Board of Supervisors will hold a public hearing and make the final determination. Memo and map with agenda. Resolution of application initiating annexation proceedings needed.)

ACTION: Res. 79-671 adopted initiating annexation proceedings. (Planning to handle)

CONSENT

23. Resolution certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for the 1979-80 payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1. (Memo with agenda. Resolution needed.)

ACTION: Res. 79-672 adopted certifying the amount of money needed by the City of Modesto. (Finance to handle)

CONSENT

24. Consider adopting a resolution authorizing the City Manager to submit a grant application to the Office of Criminal Justice Planning, State of California. (The Chief of Police has prepared an application to OCJP for funds in the amount of \$35,140 to be used to pay the salary of one officer to be designated Crime Prevention Coordinator. Funds also requested to provide for necessary vehicle and equipment. Resolution needed.)

ACTION: Res. 79-673 adopted authorizing City Manager to submit a grant application. (Police to handle)

CONSENT

25. Recommend vacation and abandonment of the 6-foot public walkway located between Barbara Way and the alley south of Clayton Avenue in Block 6250. (On June 4, 1979, the Planning Commission adopted Resolution No. 79-158 recommending to the City Council the vacation and abandonment of the 6-foot public walkway located between Barbara Way and the alley south of Clayton Avenue in Block 6250. Resolution of intention to vacate and abandon and setting public hearing on July 24, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 1389-S.P. and Resolution of Intent 382 adopted setting hearing for abandonment. (Clerk to handle)

CONSENT

26. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - Rex Properties. (On June 18, 1979, the Planning Commission adopted Resolution 79-178 recommending to the City Council an amendment to Section 12-3-8 of the Zoning Map to rezone from P-D(207) to P-D(234) to allow a professional office complex, property located on the northeast corner of Sisk and Rumble Roads. Resolution setting public hearing on August 7, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-674 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend to Council an amendment to Section 26-3-9 of the Zoning Map - Joaquin Construction. (On June 18, 1979, the Planning Commission adopted Resolution No. 79-171 recommending to the Council an amendment to Section 26-3-9 of the Zoning Map to prezone to P-D(232), to allow a zero lot line project and a condominium project, property located on the west side of Lincoln Avenue, north of Penny Lane. Resolution setting public hearing on July 24, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-675 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map - James R. Corn.
(On June 18, 1979, the Planning Commission adopted Resolution 79-176 recommending to the City Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(209) as an addition to P-D(209) property located on the south-east corner of Yarmouth Drive and Bingham Drive. Resolution setting public hearing on August 7, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-676 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Planning Commission initiated - Rule Enterprises.
(On June 18, 1979, the Planning Commission adopted Resolution 79-173 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from P-D(151) to R-1, property located on the west side of Coffee Road south of Rumble Road. Resolution setting public hearing on August 7, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-677 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to Council an amendment to Section 14-3-9 of the Zoning Map - Blaque Haston.
(On June 18, 1979, the Planning Commission adopted Resolution 79-179 recommending to the City Council an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Floyd Avenue east of Oakdale Road. Resolution setting public hearing on August 7, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-678 adopted setting hearing. (Clerk to handle)

31. Consider submitting an application to Caltrans for a downtown transportation center.
(Memo with agenda. The application is for a \$1,185,000 grant to construct a transportation center at 10th and H Streets. Resolution authorizing staff to submit application to Caltrans needed.)

ACTION: By motion (Kullijian/Elliott, unan., Bright absent) this item held over one week. (Clerk to handle)

CONSENT

32. Consider the following withdrawals from fire districts:

- a. Collier-Trombetta Annexation from McHenry-Dry Creek Fire District
- b. Orangeburg-Claus No. 3 Annexation from Empire Fire District
- c. California No. 1 Annexation from Burbank-Paradise Fire District
- d. Coffee-Rumble Annexation from McHenry-Dry Creek Fire District

(The effective date of Collier-Trombetta Annexation is June 12, 1979, and the effective date of the other three annexations is June 19, 1979. Resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-679 adopted withdrawing Collier-Trombetta Addition from Fire District.
Res. 79-680 adopted withdrawing Orangeburg-Claus No. 3 Addition from Fire District.
Res. 79-681 adopted withdrawing California No. 1 Addition from Fire District.
Res. 79-682 adopted withdrawing Coffee-Rumble Addition from Fire District.

CONSENT

(Clerk to handle)

33. Consider determining that the public interest and convenience require the following annexations to Modesto Municipal Sewer District No. 1:

- a. Collier-Trombetta Annexation
- b. Orangeburg-Claus No. 3 Annexation
- c. California No. 1 Annexation
- d. Coffee-Rumble Annexation

(The effective dates of the annexations are shown in Item 32 above. Resolutions setting public hearings as follows needed: Collier-Trombetta Annexation - August 14, 1979 at 7:30 p.m. (No. 1); Orangeburg-Claus No. 3 Annexation - August 14, 1979 at 7:30 p.m. (No. 2); California No. 1 Annexation - August 14, 1979 at 7:30 p.m. (No. 3); Coffee-Rumble Annexation - August 14, 1979 (No. 4). (Five affirmative votes needed.)

ACTION: Res. 79-683 adopted annexing Collier-Trombetta Addition to Modesto Sewer District.
Res. 79-684 adopted annexing Orangeburg-Claus No. 3 Addition to Modesto Sewer District.
Res. 79-685 adopted annexing California No. 1 Addition to Modesto Sewer District.
Res. 79-686 adopted annexing Coffee-Rumble Addition to Modesto Sewer District.

(Clerk to handle)

REPORTS

34. Report on handicapped barriers.

(Mr. Kal Shannon appeared before the Council on June 12, 1979 to discuss wheelchair access ramps. Council directed the staff to study and report on the subject. Motion acknowledging receipt of report needed.)

ACTION: By unanimous consent, this item was considered at the beginning of the meeting. No action taken.

35. Consider City-County Transportation Committee recommendations for bus service. (Memo with agenda. Motion approving and authorizing the implementation of the City-County Transportation Committee recommendations for bus service and a resolution authorizing the bus driver salary increase.)

ACTION: Res. 79-687 adopted (Lang/Siefkin, unan., Bright absent) authorizing bus driver salary increase).

By motion (same vote) staff recommendations approved.

(P.T. to handle)

36. Consider report on back billing of water service installation charges. (At the City Council meeting of March 20, 1979, the concern of the Building Industry Association of Central California, Inc., (BIA) regarding water "hookup" fees was discussed. The Council reviewed the staff report dated March 16, 1979 and heard the views of the Building Industry Association spokespersons. The Council referred the matter back to staff for additional information as to how the builders and developers were made aware of the proposed increases and the effective date. Memo with agenda.)

ACTION: Res. 79-688 adopted (Elliott/Kullijian, unan., Bright absent) authorizing 50% reduction of water service installation charges on 130 building permits involved during the period of June 7 through July 31. (P.W. to handle)

CONSENT

37. Report on P.G. & E request to raise gas charges. (Memo with agenda. Increase is approximately 27.7% above present charges. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

38. Report on improving traffic signal operation. (Memo with agenda. The signal operation can be improved but at a significant cost. Such a project is not recommended at this time. Motion directing staff.)

ACTION: By motion (Elliott/Muratore, unan., Bright absent) report approved.

MISCELLANEOUS

39. Legislation

ACTION: By motion (Elliott/Siefkin, unan., Bright absent) AB-8 supported Assembly version.
By motion (Lang/Siefkin, unan., Bright absent) SB-374 opposed.
By motion (Elliott/Kullijian, majority, Mensinger-no, Bright absent) AB-1766 not supported at this time.
By motion (Lang/Kullijian, unan., Bright absent) SB-465 supported.
By motion (Siefkin/Kullijian, unan., Bright absent) AB-785 supported.
By motion (Kullijian/Lang, unan., Bright absent) AB-1475 & AB-1218 opposed.
By motion (Muratore/Lang, unan., Bright absent) AB-1483 opposed.
(Mgmt. Services to handle)

40. Appointments

41. ^{None} Matters too late for the agenda

- a. Res. 79-689 adopted (Kullijian/Lang, unan., Bright absent) correcting resolution approving Police Memorandum of Understanding. (Mgmt. Serv. to handle)
- b. Res. 79-690 adopted (Elliott/Kullijian, unan., Bright absent) approving amendment to agreement with Empire Fire District. (Fire Dept. to handle)

Adjourned at 7:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 10, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Tom Kegley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 6, 7, 8, 10, 11, 21, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34

ACTION: Kullijian/Lang, unan.

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the July 3, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Downtown Improvement District requesting permission to hold a sidewalk sale July 18 - 21, 1979.
(Motion approving request needed.)

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

3. Letter from The Active 20-30 Club of Modesto regarding "Skate to the Limits" activity.

ACTION: By motion (Siefkin/Muratore, unan.) the request was referred to the staff for recommendation. (P.R./Police to handle)

4. Information from Kal Shannon regarding handicapped parking zones.

ACTION: By motion (Elliott/Kullijian, unan.) the matter of parking for the handicapped was referred to staff for continued study. (P.T. to handle)

4A. Older American League of Voters response to the June 14, 1979 memorandum from the Director of Finance advising the Council of the costs to operate golf courses.

ACTION: By order of the Chair, staff directed to report on what problems would be created if the Council adopted a policy in including all costs when reporting costs of projects and programs. (Finance to handle)

CONSENT

BIDS

5. Consider approval of plans and specifications for the construction of water-line extension in Sisk Road.
(Suggested bid opening: July 31, 1979 at 11:00 a.m. The extension of this main will provide water service and fire service protection for the commercial development north of Vintage Faire on Sisk Road. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$50,804 (Contract \$47,909; Engr. \$2,895); funds are budgeted.)

ACTION: Res. 79-691 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

6. Consider approval of plans and specifications for the reconstruction of the inverted siphon in Beard Brook Park.
(Suggested bid opening: July 31, 1979 at 11:05 a.m. This project will replace an existing 48" R.C.P. line which has been a maintenance problem. The existing line will be replaced with approximately 300 feet of 48" cylindrical pipe. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$66,000 (Contract \$60,000; Engr. \$6,000); funds are budgeted.)

ACTION: Res. 79-692 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider award of contract for the construction of waterline extension in California Avenue from Carpenter to Panama.
(Bids were opened on July 3, 1979. The low bid of \$47,256.40; submitted by Mac's Backhoe Service is 32% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Estimated cost: \$47,256.40; funds are budgeted.)

ACTION: Res. 79-693 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider declaring Best Chevrolet lowest bidder meeting City specifications and authorizing the purchase of three community services compact cars with air conditioning for the total purchase price of \$14,490.08.
(Memorandum with agenda. Resolution awarding bid to Best Chevrolet needed. Funds are budgeted.)

ACTION: Res. 79-694 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider acceptance of informal bid of Flintkote Company for paving a portion of Chicago Avenue. Estimated cost: \$4,713.
(Memo with agenda. Resolution accepting informal bid and authorizing issuance of purchase order needed. Funds are budgeted.)

ACTION: Res. 79-695 adopted accepting informal bid and authorizing issuance of purchase order. (P.W. to handle)

CONSENT

11. Consider waiving formal bid procedure by five affirmative votes and authorize the purchase of disc drive and interface computer equipment from Hewlett-Packard for the total purchase price of \$18,271.33.
(Memo with agenda. Resolution waiving formal bid procedure and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-696 adopted waiving formal bid procedure. (Finance to handle)

HEARINGS

TUESDAY
July 10, 1979
7:30 p.m.

12. Annex Scenic-Claus Annexation to Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 79-697 adopted (Muratore/Elliott, unan.) annexing to sewer district. (Clerk to handle)
No. 2

13. Annex Shackelford School Annexation to Modesto Municipal Municipal Sewer District No. 1

ACTION: Res. 79-698 adopted (Lang/Elliott, unan.) annexing to sewer district. (Clerk)

14. Annex Reno Avenue Annexation to Modesto Municipal Sewer District No. 1 No. 3

ACTION: Res. 79-699 adopted (Muratore/Lang, unan.) annexing to sewer district. (Clerk)

15. Hearing on appeal by Stan Azevedo, owner of Tree Frog Tavern to a decision of the Board of Zoning Adjustment concerning his building expansion. No. 4

ACTION: Res. 79-700 adopted (Lang/Kullijian, majority, Bright, Elliott-no) granting appeal and granting Conditional Use Permit. (Planning to handle)
No. 5

16. Hearing to consider an amendment to Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(230) property located on the northwest corner of Kansas and Lone Palm Avenues (R.T. Hughes Company)

ACTION: By motion (Kullijian/Elliott, unan.) Ord. 1854-C,S, rezoning introduced.
Res. 79-701 adopted (same vote) approving plan.
Res. 79-703 adopted (same vote) certifying environmental assessment review. (Clerk/Planning to handle)

ACTION: By motion (Lang/Muratore, unan.) Ord. 1855-C.S. introduced.
Res. 79-703 adopted (same vote) approving amendment. (Clerk/Planning to handle)

18. Hearing on appeal by R.T. Hughes Company to a Planning Commission decision regarding rezoning from R-1 to R-2 property located on the southwest corner of Rose Avenue and Angelene Drive. No. 7

ACTION: Res. 79-704 adopted (Lang/Siefkin, majority, Kullijian-no) denying appeal.

19. Matters for the good of the community,
(These may be presented by interested persons in the audience.)

None

ORDINANCES

20. Final adoption of Ordinance No. 1843-C.S. amending Section Map 20-3-9 rezoning property on Orangeburg And Alma Avenues from R-1 to P-0 (La Conte & Santrizos)
(Motion adopting needed.) Mayor Mensinger excused due to a conflict of interest.

ACTION: By motion (Elliott/Lang, unan., Mayor Mensinger absent) Ord. No. 1843-C.S. adopted.
(Clerk to handle)

CONSENT

21. Final adoption of the following:

- (a) Ordinance No. 1844-C.S. amending Section Map 22-3-9 rezoning property on Coffee Road south of Brighton, from P-0 to P-D(228) (Richards, Tallent & Durosette)
- (b) Ordinance No. 1845-C.S. amending Section Map 21-3-9 rezoning property on Coffee Road south of Chadwick Court from R-2 to P-D(229) (Rule Enterprises)
- (c) Ordinance No. 1846-C.S. amending Section Map 21-3-9 rezoning from R-2 to P-D (227) property on Orangeburg Avenue east of Sunrise (James Corn)
- (d) Ordinance No. 1847-C.S. relating to taxicab rates.
- (e) Ordinance No. 1848-C.S. relating to Utility Users' Tax Refunds.

(Motion adopting needed.)

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

NEW BUSINESS

22. Consider staff proposal of mitigating measures for wastewater treatment facilities expansion project and consider setting public hearing Thursday, July 19, 1979 at 7:00 p.m. at adjourned Council meeting to consider wastewater treatment facilities Project Report and EIR.
(The Project Report and Final EIR are ready for Council final action. It is proposed that the Council consider the mitigating measures being suggested by staff (copy with agenda) at the July 10 Council meeting. This would be followed by an informal public hearing where the Council would consider adoption of specific mitigating measures and certification of the City's EIR followed by adoption of the Project Report which sets forth proposed wastewater treatment plant improvements. Resolution setting informal public hearing at 7:00 p.m., July 19, 1979, at adjourned Council meeting needed.)

ACTION: Res. 79-705 adopted (Land/Kullijian, unan.) setting hearing. (Clerk to handle)

49. Consider submitting an application to Caltrans for a downtown transportation center.

(Memo with agenda. The application is for a \$1,185,000 grant to construct a transportation center at 10th & H Streets. This item was held over from the July 3, 1979, meeting. Resolution authorizing staff to submit the application to Caltrans needed.)

ACTION: Res. 79-706 adopted (Lang/Siefkin, majority, Kullijian-no) authorizing staff to submit application to Caltrans. (P.T. to handle)

CONSENT

24. Consider approving agreement with Guarantee Savings and Loan Association for the purchase of 10.008± acres needed for Woodland Neighborhood Park Site, a proposed project in the 1978-79 CIP.
(Guarantee has agreed to sell the required property for the appraised value of \$300,000 plus \$90,222 in subdivision improvements. The City will then gain possession of the property with all required street improvements, water services, sewer services, etc. This represents a savings to the City in that we can take advantage of the subdivider's lower unit cost since he is doing a larger area all at once. The City will not obtain possession until the improvements are finished in 15 months. The City will also inherit a farming tenant. This year's crop to go to Guarantee. Resolution approving agreement and resolution approving appropriation transfer of \$90,000 needed. Estimated cost: \$395,222 (\$300,000 Land; \$90,222 Improvements; \$5,000 Est. Escrow); funds are partially budgeted.)

ACTION: Res. 79-707 adopted approving agreement.

Res. 79-708 adopted approving appropriation transfer. (P.W. to handle)

CONSENT

25. Consider approving Airport Fixed-Base Operator Lease with Pacific Aircraft Service for Hangar No. 3 at the City-County Airport.
(The lease is a 3-year renewal of an existing lease. Lessee will be paying for a permanent tie-down and Hangar No. 3 according to the "Rates and Charges Schedule." Lessee is presently paying \$160 per month for Hangar No. 3 and in addition will be paying an F.B.O. permanent tie-down. Lease is for three years beginning July 1, 1979. Resolution approving lease agreement needed.)

ACTION: Res. 79-709 adopted approving lease agreement. (P.W. to handle)

CONSENT

26. Consider acceptance of improvements in Luck Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Charles S. and Evelyn M. Solomon, Kenneth E. and Mary L. Bohns
(Luck Estates subdivision is located on the north side of Rouse Avenue west of Mamilane. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-710 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

28. Consider renewal of excess workers' compensation insurance for a period of one year.
(Memorandum with agenda. Resolution approving renewal of excess workers' compensation insurance needed. Estimated cost: \$38,806; funds are budgeted.)

ACTION: Res. 79-711 adopted approving renewal of excess workers' compensation insurance. (Mgmt. Services to handle)

CONSENT

29. Adjustment of 1979-80 fiscal year budget to reflect salary adjustments approved by the Council on June 26 and other miscellaneous adjustments.
(Report with agenda. Resolution amending the budget transferring money from the General Reserve in various funds to specific budget accounts needed.)

ACTION: Res. 79-712 adopted amending the budget. (Finance to handle)

CONSENT

30. Consider approval of the final map of Lamatis Industrial Center subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Owners: James & Mary Lamatis, Angelo R. and Leonora F. Pierini, Gus G. and Helen M. Simvoulakis
(The subdivision agreement has been signed and all fees paid. Lamatis Industrial Center is located south of Hatch Road and east of Crows Landing Road. It contains 55.051 acres. Resolution approving final map needed.)

ACTION: Res. 79-713 adopted approving final map. (Clerk to handle)

CONSENT

31. Consider installation of ticket dispensers on the 10th & K Lot (southwest corner) and on the 9th and I Lot (former Book Nook) (northeast corner).
(Memo with agenda. It is recommended that a parking fee of 25¢ per day or \$5/month be established on these lots. Resolution transferring funds and resolution rescinding Resolution 77-1143 and adopting new resolution with same terms and establishing the above lots as parking lots needed. Estimated cost: \$1,170.)

ACTION: Res. 79-714 adopted approving transfer of funds.
Res. 79-715 adopted rescinding Resolution 77-1143. (P.T. to handle)

CONSENT

32. Consider approving lease agreement with Larry Holmboe and Karen Holmboe for lease the former Doidge house located on future Dry Creek Park area.
(Lease is for one year beginning July 16, 1979. Lessee will be paying \$500 per month and be responsible for maintenance and taxes. Lessees references have been checked out. Resolution approving lease agreement needed.)

ACTION: Res. 79-716 adopted approving lease agreement. (P.W. to handle)

CONSENT

33. Consider approval of an agreement retaining the law firm of Litts, Mullen, Perovich, Sullivan and Newton and Mr. C. M. Sullivan, Jr. as Special Counsel to provide services in connection with the condemnation of property located at 15th and I Streets in Modesto. (McHenry Mansion Parking Lot) (Resolution approving agreement needed.)

ACTION: Res. 79-717 adopted approving agreement. (Atty. to handle)

CONSENT

34. Recommend to Council that Carole Davis be appointed to the Board of Zoning Adjustment as Planning Commission representative.
(On July 2, 1979, the Planning Commission adopted Resolution 79-187 recommending that Carole Davis be appointed as the Planning Commission's representative to the Board of Zoning Adjustment. Resolution appointing Carole Davis to BZA needed.)

ACTION: Res. 79-718 adopted appointing Carole Davis to BZA. (Planning to handle)

MISCELLANEOUS

35. Legislation

- ACTION: By motion (Elliott/Lang, unan.) H.R. 4223 opposed.
By motion (Siefkin/Elliott, unan.) AB-772 supported.
By motion (Lang/Elliott, unan.) AB-859 supported.
By motion (Kullijian/Siefkin, unan.) AB 699 and H.R. 3333 opposed.
By motion (Lang/Kullijian, unan.) AB-2 opposed. (Mgmt. Services to handle)

36. Appointments

ACTION: Res. 79-719 adopted (Kullijian/Lang, unan.) appointing Helen White to the Citizens Housing & Community Development Committee, Seat 5, to expire 6/30/81.

Res. 79-720 adopted (Kullijian/Lang, unan.) reappointing the following persons to Housing and Community Development Committees:

Citizens Housing and Community Development Committee - Marie Coe
(Term to expire 6/30/83)

Housing Maintenance & Counseling Subcommittee - Fleeta Raines,
Dennis Wilson (Terms to expire 6/30/83)

Rehabilitation Loan Pool Subcommittee - Marie Coe, Glen Robison
(Terms to expire 6/30/83)

Neighborhood Advisory Committee #1 - Willie Berry, Polly Cowings
(Terms to expire 6/30/83)

37. Matters too late for the agenda

None

The meeting adjourned at 11:40 p.m.

ATTEST: *Norrine Coyke*

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NORRINE COYKE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 17,

1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott,
Siefkin, Acting Mayor Kullijian

Lang, Muratore,

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

Invocation: Rev. John Hunter, First Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 16, 17, 18, 22, 23, 24,

ACTION: (Lang/Muratore, unan.,
Mayor Mensinger absent)

26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the July 10, 1979 Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Stewart and Madeline Hiatt and Samuel and Bernice Hyman regarding reversal of the Council action abandoning Grove Avenue at McHenry Avenue.
(Motion referring to staff for recommendation needed.)

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

CONSENT

3. Letter from McHenry Museum Society and Guild regarding improving lighting at the museum.
(Motion directing staff to work with Museum Society and Guild on request needed.)

ACTION: By motion, staff directed to work with Museum Society and Guild.
(P.W. & P.R. to handle)

7/17/79

CONSENT

4. Appeal of The Fourels Investment Company to a Board of Zoning Adjustment decision regarding application of Jerry Sims for conditional use permit in H-1 Zone.
(Resolution setting hearing August 7, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-721 adopted setting hearing. (Clerk to handle)

CONSENT

5. Appeal of Mobil Oil Corp. to a Board of Zoning Adjustment decision on the number and location of driveways and height of sign at service station (proposed) at corner of Beckwith and Sisk Roads.
(Resolution setting hearing August 7, 1979 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-722 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Consider calling for bids on five electrically-operated registering fare boxes. (Memo with agenda. The fare boxes will be used in the five buses which we expect to receive sometime in 1980. Eighty percent of the cost is paid by the federal government. Resolution calling for bids on five electrically-operated registering fare boxes needed. Estimated cost: \$10,000; funds are budgeted.)

ACTION: Res. 79-723 adopted calling for bids. (P.T. to handle)

CONSENT

7. Consider calling for bids on five advanced design buses. (Memo with agenda. It is recommended that the call for bids on the five buses proceed according to the specified federal grant which will finance 80% of the cost. Resolution calling for bids on five advanced design buses at 2:00 p.m. on September 18, 1979. Estimated cost: \$615,000; funds are budgeted.)

ACTION: Res. 79-724 adopted calling for bids. (P.T. to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the reconstruction of Morris Avenue from College to McHenry. (Suggested bid opening: August 7, 1979 at 11:00 a.m. This is the first stage of two, to reconstruct Morris Avenue from College to Ramona. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$122,475 (Contract \$97,475; Engrg. & Cont. \$25,000); funds are budgeted.)

ACTION: Res. 79-725 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider award of contract for construction of additional rip rap on oxidation pond levees.

(Bids were opened on July 10, 1979. The low bid of \$13,725, submitted by Lee White Paving Co., is equal to the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Lee White Paving Co. needed. Funds are budgeted.)

ACTION: Res. 79-726 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider award of contract for the street light modernization, Orange Avenue post top area.

(Bids were opened on July 10, 1979 at 2:05 p.m. The low bid of \$74,760, submitted by Ferrero Electric is 12% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution accepting bid and awarding contract to Ferrero Electric needed. Funds are budgeted.)

ACTION: Res. 79-727 adopted accepting bid and awarding contract. (P.W. to handle)

CONSENT

11. Consider award of contract for installation of irrigation and landscaping at East La Loma Park.

(Bids were opened July 10, 1979. The low bid of \$85,900, submitted by Gordon Berg, dba S.P.M. Development Company, is 2% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to him. Resolution awarding contract to Gordon Berg, dba S.P.M. Development Company needed. Estimated cost: \$90,267 (Contract \$85,900; Engrg. & Contg. \$4,367); funds are budgeted.)

ACTION: Res. 79-728 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider award of contract to California Pavement Maintenance Company for construction of slurry seal, various streets - 1979.

(Memo with agenda. Resolution relieving Valley Slurry Seal Co. of bid and awarding contract to California Pavement Maintenance Co. needed. Estimated cost: \$149,959.23; funds are budgeted.)

ACTION: Res. 79-729 adopted awarding contract. (P.W. to handle)

CONSENT

13. Consider acceptance of McGaw Company's contract for improvement of Prescott Road from Briggsmore Avenue to Peach Drive as complete. (Original contract: \$189,352)

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$186,612.23; funds are budgeted.)

ACTION: Res. 79-730 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of the contract of Western Pipeline Co., Inc. for construction of subtrunk sewer extension in East Orangeburg from Glenbrook to Prospect as complete. (Original contract: \$86,334)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$81,196.40; funds are budgeted.)

ACTION: Res. 79-731 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of the contract of Don L. Davis, Inc. to repaint various street light poles and mast arms as complete. (Original contract and final cost: \$8,532)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-732 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of the contract of Joe Martin Pipeline, Inc. for construction of waterline extensions in Standiford Avenue for Vineyard subdivision and in Woodland Avenue for Shasta Estates subdivision as complete. (Original contract: \$9,339.50)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$9,692.20 (Main \$9,132.20; Services \$560); funds are budgeted.)

ACTION: Res. 79-733 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider rejection of all bids for the renovation of Pump Station No. 6. (Bids were opened on July 3, 1979. The low bid of \$109,866, submitted by Stanislaus Pump & Machinery Corporation is 24% above the engineer's estimate and considered unacceptable. It is, therefore, recommended that all bids be rejected. The project will be redesigned and bid at a later date. Resolution rejecting all bids needed.)

ACTION: Res. 79-734 adopted rejecting all bids. (P.W. to handle)

CONSENT

18. Consider authorizing the transfer of \$6,678 from the General Reserve in the Special Fund for Capital Outlays to Capital Outlay Account for the purchase of packer trucks and claw loaders; consider waiving formal bid and authorize the purchase of one claw bucket from C & C Trailer and Body Co. for the total price of \$6,678.

(Memo with agenda. Resolution approving transfer of funds needed; resolution waiving bid and authorizing purchase needed.)

ACTION: Res. 79-735 adopted approving appropriation transfer.

Res. 79-736 adopted approving waiving formal bids and authorizing purchase.
(Finance to handle)

HEARINGS

4:00 p.m.

19. Hearing on appeal by Gregory Development Company No. 1
to a decision of the Planning Commission regarding
P-D(133), located on Standiford Avenue west of Tully

ACTION: Res. 79-737 adopted (Siefkin/Muratore, majority, Lang-no, Mayor Mensinger absent)
denying appeal. (Clerk to handle)

20. Hearing to consider a proposed cooperation agreement No. 2
with the Stanislaus County Housing Authority concerning
400 units of low-income housing approved at the November 7,
1978 election

ACTION: Res. 79-738 adopted (Elliott/Muratore, unan., Mayor absent) approving agreement.
(Clerk to handle)

BID

20A Oral bidding on building located at 608 Brighton Avenue.

ACTION: Res. 79-739 adopted (Lang/Elliott, unan., Mayor Mensinger absent) awarding bid
to Lindy Keirn for \$20,000. (P.W. to handle)

21. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

22. Final adoption of the following:

- a. Ord. No. 1849-C.S. relating to subdivision regulations (Omnibus No. 5)
- b. Ord. No. 1850-C.S. relating to zoning regulations (Omnibus No. 5)
- c. Ord. No. 1851-C.S. rezoning from R-1 to P-D(231) property on Claus Road and E. Orangeburg Avenue (Mid Cal Land Development)
- d. Ord. No. 1852-C.S. rezoning from R-1 to R-3 property on Prescott Road and Standiford Avenue (Trombetta)
- e. Ord. No. 1853-C.S. rezoning from P-D(170) to R-1 and R-2 property on Scenic Drive, east of Oakdale Road (Gary Davis--Planning Commission initiated)
(Motion approving needed.)

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

CONSENT

23. Consider amending Sections 4-1.601 and 4-1.602 of Article 6, of Chapter 1 of Title IV of the Modesto Municipal Code relating to music in public places. (Memorandum with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1856-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

24. Consider approval of water and sewer agreement to provide reimbursement to developer of Franses Estates subdivision. (The subdivider installed sewer and water facilities which will also provide service to parcels outside his subdivision. This agreement provides for reimbursement to the developer as connections are made to the water and sewer systems by these parcels. Resolution approving agreement needed.)

ACTION: Res. 79-740 adopted approving agreement. (P.W. to handle)

25. Consider adjustment of rates and charges at Modesto City-County Airport. (Rates and charges at the Airport were last adjusted in 1977. Continuing increases in operating costs suggest the need to again adjust rates and charges at the Airport. The staff is recommending an approximate 10% across-the-board increase to be followed by an in-depth review of rates and charges by a Council Committee. Memo with agenda. Resolution adopting new rates and charges needed, and motion creating Council Committee to study rates and charges report needed.)

ACTION: Res. 79-741 adopted (Lang/Elliott, unan., Mayor Mensinger absent) approving new rates and charges.
By motion (same vote) Councilmembers Bright, Elliott, and Kullijian to study airport rates and charges. (P.W. to handle)

CONSENT

26. Consider response to LAFCO regarding the Blue Gum - Morse Annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-742 adopted responding favorably to the proposed annexation. (Clerk to handle)

CONSENT

27. Consider renovation of former Book Nook to an interim bus terminal. (Memo with agenda. Conversion is likely to cost \$50,000. Motion directing staff to proceed to enlist architectural assistance needed. Estimated cost: \$50,000; funds are budgeted.)

ACTION: By motion, staff directed to proceed to enlist architectural assistance. (P.T. to handle)

CONSENT

28. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map - Keith R. Damon.

(On July 2, 1979, the Planning Commission adopted Resolution No. 79-191 recommending to the Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the southwest corner of Rose Avenue and Briggsmore. Resolution setting public hearing Tuesday, August 14, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-743 adopted setting public hearing. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Big Valley Broadcasting.

(On July 2, 1979, the Planning Commission adopted Resolution No. 79-190 recommending to the Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D(237) property located on the south side of Norwegian Avenue, west of Coffee Road. Resolution setting public hearing Tuesday, August 14, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-744 adopted setting public hearing. (Clerk to handle)

CONSENT

30. Recommend to Council an amendment to Section 17-3-9 of the Zoning Map - Lapata International, Ltd.

(On July 2, 1979, the Planning Commission adopted Resolution No. 79-188 recommending to the Council an amendment to Section 17-3-9 of the Zoning Map to rezone from R-1 to P-D(236) property located on the east side of Sherwood Avenue, south of Bowen Avenue. Resolution setting public hearing Tuesday, August 14, 1979 at 7:30 p.m. (Hearing No. 7) needed.)

ACTION: Res. 79-745 adopted setting public hearing. (Clerk to handle)

CONSENT

31. Consider approving agreement with Malinda McCumber for the acquisition of a 4,375 ± square feet lot from her for the assemblage of the Lincoln School site. (Mrs. McCumber has agreed to sell the property for the appraised value of \$55,000. This leaves only one more parcel within the area shown as the Lincoln School site not in City ownership. This property is improved with a dry cleaning business and two residential units. The City will inherit the present tenants and their month-to-month tenancy. Resolution approving agreement needed and resolution approving appropriation transfer of \$57,000 needed. Estimated cost: \$55,000 plus \$2,000 est. escrow, \$57,000 total.)

ACTION: Res. 79-746 adopted approving agreement.

Res. 79-747 adopted approving appropriation transfer. (P.W. to handle)

CONSENT

32. Consider acceptance of improvements in Good Karma Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Mike G. and Patricia J. Fisher) (Good Karma Estates subdivision is located on the west side of Roselawn Avenue south of Rouse Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-748 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

33. Consider authorizing City Manager to sign Funding Approval Under Title I of the Housing and Community Development Act of 1974 as amended. (The grant agreement acknowledges receipt and acceptance of the approved funding for 1979-1980. Resolution authorizing City Manager to sign grant agreement needed.)

ACTION: Res. 79-749 adopted authorizing City Manager to sign grant agreement. (Planning to handle)

CONSENT

34. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - Rex Properties. (On June 18, 1979, the Planning Commission adopted Resolution No. 79-177 recommending to the Council an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to P-D(233) to allow a 48-unit apartment complex, property located on the north side of Rumble Road, west of Conant. Resolution setting public hearing August 14, 1979 at 7:30 p.m. (Hearing No. 8) needed.)

ACTION: Res. 79-750 adopted setting public hearing. (Clerk to handle)

CONSENT

35. Consider resolution approving insurance coverage for Modesto Transit System. (Memo with agenda. Resolution authorizing City Manager to sign an agreement providing insurance coverage for the Modesto Transit System needed. Estimated cost: \$30,338.52; funds are budgeted.)

ACTION: Res. 79-751 adopted approving agreement. (Management Services to handle)

REPORTS

36. Report on request for amendment to massage ordinance. (Report with agenda. Motion denying request recommended.)

ACTION: By motion (Muratore/Elliott, unan., Mayor Mensinger absent) request denied.

CONSENT

37. Notice of Pacific Telephone application to impose a Directory Assistance Charge. (Memo with agenda. Application is to P.U.C. to charge 15¢ per call after 20 such calls a month. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

38. Legislation

None

39. Appointments

None

40. Matters too late for the agenda

None

at 5:25 p.m.

Adjourned/ to Thursday, July 19, 1979 at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 7:30 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Councilmember Kullijian arrived at 7:50 p.m.
Councilmember Lang arrived at 7:55 p.m.

Absent: Councilmembers: None

A "Summary of Mitigation Measures Relating to Prime Agricultural Land, Modesto Wastewater Treatment Facilities" was distributed to the City Council and to the audience. (Copy attached)

By motion (Elliott/Muratore, unan.) the Council declared its intention to initiate the necessary action to accomplish items "B. 1 through 7", with the North Trunk and West Trunk extensions to be separated into items "B. 4. h. and i.", and directed staff to proceed accordingly.

Res. 79-752 was adopted (Elliott/Lang, unan.) certifying review of Environmental Impact Report, certifying that by motion Council has declared its intent to direct the staff to proceed with the mitigating measures, approving the project, and directing that the Environmental Impact Report be filed. (Clerk/Planning to handle)

Meeting was adjourned at 9:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

A. Existing Mitigation Measures

1. Modesto Urban Area General Plan
2. Stanislaus County General Plan
3. Modesto Urban Growth Policy as revised to include Measure A
4. City commitment to Higher Residential Densities via the Neighborhood Zoning and Development Prototype for new neighborhoods and use of the Planned Development (P-D) Zone for infilling

B. Possible New Mitigation Measures

The Council could declare its intent and direct staff to initiate the necessary action to accomplish any of the following measures.

1. Amend the Urban Growth Policy to contain a policy statement that all residential growth should be within the City. (Recommended by staff.)
2. Amend the Urban Growth Policy to contain a goal of increasing the residential density of the City from 6.6 units/net acre currently to 7.0 units/net acre by 1985. (Recommended by staff.)
3. Revise the General Plan to make Frazine Road the eastern boundary of the Urban Reserve between Yosemite Boulevard and Dry Creek rather than Bent Road as at present. (Recommended by staff.)
4. Expand and clarify the priority list for trunk sewer extensions as follows: (Recommended by staff.)

- a. Yosemite Trunk, Lincoln to Claus
- b. Yosemite Trunk, Claus to Frazine
- c. Sonoma Trunk, Floyd to Sylvan
- d. Lakewood Trunk, Briggsmore to Floyd

} Existing priority list

- Added {
- e. Lakewood Trunk, Floyd to Sylvan
 - f. Sonoma Trunk, Sylvan to Claribel
 - g. Lakewood Trunk, Sylvan to Claribel
 - h. Extensions of the North Trunk or development along the West Trunk from the Tuolumne River to the future 132 Highway alignment, west of Carpenter Road.

5. Amend the Zoning Ordinance to make the R-1 Zone a density zone. (Recommended by staff.)
6. Amend the Zoning Ordinance to reduce minimum lot size in the R-1 and R-2 Zones to 5,000 square feet.
7. Amend the Zoning Ordinance to add a maximum lot size to the R-1 Zone.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 24,

1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent:

Pledge of allegiance to the Flag

Invocation: Rev. David Seifried, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 12, 13, 15, 16, 17, 18,
Dropped from agenda: 30 19, 20, 21, 22, 23, 24, 26, 27, 28, 29,
Removed from consent: 12A

ACTION: (Lang/Muratore, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of regular Council meeting of July 17, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Velva Vandaveer regarding the housing maintenance program.

ACTION: By motion (Kullijian/Lang, unan.) the inspection of Mrs. Vandaveer's home is to be held in abeyance for at least 60 days and the matter is to be considered by the Citizen's Housing and Community Development Committee and a recommendation to be made to Council. (Planning to handle)

CONSENT

3. Letter from Jack Broome, Chairman of D.I.D. Promotion Committee, inviting the City Council to Modesto's 109th Birthday Celebration on Friday, August 17, 1979, 11:00 a.m. to 2:00 p.m., requesting permission to block off some parking spaces adjacent to the Courthouse, and requesting that there be no time limit for on-street parking from 10:00 a.m. to 3:00 p.m. on August 17.
(Motion approving request needed.)

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

4. ~~Approve plans and specifications and call for bids for modification of Building No. 1 at the City Service Yard.~~
(Bid opening: August 14, 1979 at 11:05 a.m. This project will provide three new offices and training room for Parks and Recreation personnel. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$17,200 (Contract \$16,000; Eng. & Contg. \$1,200); funds are budgeted.)

ACTION: Res. 79-753 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider award of contract for the construction of waterline extension in Lamatis Industrial Center.
(Bids were opened on July 17, 1979. The low bid of \$100,785, submitted by Joe Martin, is 7% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to him. Resolution awarding contract to Joe Martin Pipeline Co., Inc. needed. Funds are budgeted.)

ACTION: Res. 79-754 adopted awarding contract. (P.W. to handle)

CONSENT

6. Consider waiving formal bid and authorize the City Manager to sign a purchase agreement with the Burroughs Corporation to purchase six data processing terminals for the total price of \$18,054.77.
(Memorandum with agenda. Resolution waiving bid and authorizing City Manager to sign purchasing agreement needed. Funds are budgeted.)

ACTION: Res. 79-755 adopted waiving formal bid procedures. (Purchasing to handle)

HEARINGS

TUESDAY
July 24, 1979
7:30 p.m.

7. Hearing on vacation and abandonment of the 6-foot public walkway located between Barbara Way and the alley south of Clayton Avenue in Block 6250. No. 1

ACTION: Res. 1390-S.P. adopted (Elliott/Kullijian, unan.) abandoning. (P.W. to handle)

8. Hearing to consider amendment to Section 26-3-9 of the Zoning Map to prezone to P-D(232), to allow a zero lot line project and a condominium project, property located on the west side of Lincoln Avenue, north of Penny Lane (Joaquin Construction) No. 2

ACTION: By motion (Elliott/Kullijian, unan.) Ord. No. 1857-C.S. introduced.
Res. 79-756 adopted (same vote) approving plan.
Res. 79-757 adopted (same vote) certifying Environmental Assessment Review.
(Clerk/Planning to handle)

By motion (Elliott/Kullijian, unan.) staff directed to determine whether the widening of El Pasado could be advanced in order to coincide with this development. (P.W. to handle)

9. Appeal by Mid-Valley Engineering, Inc. to a decision of the Planning Commission concerning the tentative subdivision map for the Wilshire Heights Subdivision at the southwest corner of Briggsmore and Claus.

No. 3

ACTION: Res. 79-758 adopted (Lang/Elliott, majority, Muratore, Siefkin-no) granting appeal and approving tentative subdivision map. (Planning to handle)

10. Informal public hearing to consider calling an advisory election for November 6, 1979 on the Yosemite trunk sewer extension.

No. 4

(The fall 1978 growth review resulted in Council direction to staff to proceed with necessary staff work for further consideration of a Yosemite trunk sewer extension, Lincoln to Claus. The Final EIR on this project is with the agenda. This hearing is for public input so that the City Council can determine whether or not to set an advisory election on the Yosemite trunk sewer extension. Resolution setting an advisory election needed.)

ACTION: By motion (Elliott/Muratore, majority, Siefkin, Mayor Mensinger-no) staff directed to prepare a resolution for the sewer extension to provide capacity east to the Santa Fe Railroad and to include the present Empire Sanitary District and directing that the measure be placed on the November 6, 1979, ballot. (Attorney to handle)

11. Matters for the good of the community.
(These may be presented by persons in audience.)

ACTION: Junior Busby presented copies of letters from Senator Maddy and Assemblyman Thurman to Mayor Mensinger regarding architectural barriers. The Mayor said copies of the letters would be given to members of the Council. (Clerk)

ORDINANCES

CONSENT

12. Final adoption of the following:

- a. Ord. No. 1854-C.S. rezoning from M-1 to P-D(230) property located on the northwest corner of Kansas and Lone Palm Avenues (R. T. Hughes Company)
- b. Ord. No. 1855-C.S. amending P-D(172) located on the northwest corner of Standiford Avenue and Colonial Drive (R. T. Hughes Company)
- c. Ord. No. 1856-C.S. relating to music in public places

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

12A. Consider amendment to the Municipal Code to allow organized skating events on public streets.

(Memo with agenda. Motion adopting emergency ordinance needed, and motion introducing regular ordinance needed.)

ACTION: By motion (Lang/Elliott, unan.) Emergency Ord. No. 1858-C.S. introduced allowing organized skating events on public streets.

By motion (Lang/Elliott, unan.) Ord. No. 1859-C.S. adopted allowing organized skating events on public streets. (Clerk to handle)

By motion (Lang/Muratore, unan.) request to revise ordinance concerning roller skating referred to staff to study and report to Council. (Police to handle)

CONSENT

13. Consider amendment to bingo regulations to allow 12 bingo cards.
(Memo with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ord. No. 1860-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

14. Consider adoption of revised procedures for Appointments Guidelines as recommended by the Council Appointments Guidelines Committee.
(Motion approving revised procedures for Appointments Guidelines needed.)

ACTION: By motion (Siefkin/Elliott, unan.) revised procedures approved. (Mgr. to handle)

NEW BUSINESS

CONSENT

15. Consider revising fees for Modesto Municipal Code pages, copies of City documents, maps and other materials.
(Fees were established or revised as many as ten years ago. It is recommended that they be raised to more nearly reflect the actual cost of providing the materials. Salary and overhead costs have not been included in the recommended fees. A copy of the proposed rate schedule is being distributed with the agenda. It is recommended that the proposed rates be adopted for use on an interim basis pending receipt of the Finance Department's report on fees and charges. Two resolutions needed.)

ACTION: Res. 79-759 adopted establishing filing fees for subdivision and parcel maps.

Res. 79-760 adopted establishing fees for Modesto Municipal Code pages, copies of City documents, maps and other materials. (Clerk/P.W. to handle)

CONSENT

16. Consider authorizing the City Manager to sign grant application/agreements with the Motorcycle Safety Foundation, the State of California Department of Education, and local motorcycle dealers.
(The Motorcycle Safety Foundation and the State Department of Education will provide funds and materials in order that a citizen motorcycle rider training course can be sponsored and conducted by the Modesto Police Department. The local motorcycle dealers will provide the motorcycles. Three resolutions needed approving grant application and agreements needed to implement the program.)

ACTION: Res. 79-761 adopted authorizing Manager to sign grant application to Motorcycle Safety Foundation for funds for program. (Police to handle)

Res. 79-762 adopted approving agreement with State of California Department of Education to provide materials for training program. (Police)

Res. 79-763 adopted approving agreement with local motorcycle dealers to provide materials for training program. (Police to handle)

CONSENT

17. Consider authorizing City Manager to sign an agreement with Stanislaus County to provide CETA Public Service Employment, (Memorandum with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-764 adopted approving agreement, (Management Services to handle)

CONSENT

18. Consider fourth amendment to agreement for engineering services with the firm of Jenks & Harrison. (The State Health Department has requested an engineering report dealing with specific concerns they have with the use of sewage effluent on food crops. Preparation of the report is an essential part of our Wastewater Treatment Facilities Improvement Project. The consulting firm of Jenks and Harrison has agreed to complete the required work for the total budgeted amount of \$7,700. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-765 adopted approving agreement, (P,W. to handle)

CONSENT

19. Consider the following withdrawals from fire districts:

- a. Lincoln-Penny No. 2 from the Empire Fire District
- b. Snyder Avenue No. 2 from the Salida Fire District

(The effective date for these annexations is July 3, 1979. Resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-766 adopted withdrawing Lincoln-Penny No. 2 from Fire District.
Res. 79-767 adopted withdrawing Snyder Avenue No. 2 from Fire District.
(Clerk to handle)

CONSENT

20. Consider determining that the public interest and convenience require that the following annexations be annexed to Modesto Municipal Sewer District No. 1:

- a. Lincoln-Penny No. 2
- b. Snyder Avenue No. 2

(The effective date for these annexations is July 3, 1979. Resolution setting hearing for Lincoln-Penny No. 2 on September 4, 1979 at 4:00 p.m. (Hearing No. 1) and resolution setting hearing for Snyder Avenue No. 2 on September 4, 1979 at 4:00 p.m. (Hearing No. 2) needed.) (Five affirmative votes needed.)

ACTION: Res. 79-768 adopted setting hearing on Lincoln-Penny No. 2,
Res. 79-769 adopted setting hearing on Snyder Avenue No. 2. (Clerk to handle)

CONSENT

21. Consider response to LAFCO regarding the Reno Avenue No. 2 Annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-770 adopted responding favorably to proposed annexation, (Clerk to handle)

CONSENT

22. Set date for public hearing - Sutter-Figaro Annexation - Uninhabited territory. (On June 27, 1979, LAFCO approved this annexation. Resolution setting public hearing on August 28, 1979 at 7:30 p.m. (Hearing No. 1) and certifying review of environmental impact needed.)

ACTION: Res. 79-771 adopted setting public hearing. (Clerk to handle)

CONSENT

23. Dale-Snyder No. 2 Annexation - Uninhabited territory. (The Local Agency Formation Commission has authorized this annexation without notice and hearing on June 27, 1979. The annexation area is subject to a California Land Conservation Contract. The contract was protested by the City and LAFCO upheld the City's protest. The City at this time should elect not to succeed to the contract. Resolution annexing the area and approving negative declaration of environmental impact needed, and resolution electing not to succeed to the California Land Conservation Contract needed.)

ACTION: Res. 79-772 adopted annexing Dale-Snyder No. 2 Addition.

Res. 79-773 adopted electing not to succeed to the California Land Conservation Contract. (Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Winsor Tract No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Norman J. and Lola Jean Winsor, Fritz and Betty L. Hutcheson, and Robert A. and Laura E. Keller) (Winsor Tract No. 1 subdivision is located north of Standiford Avenue and west of Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-774 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

26. Approval of Citizens Housing and Community Development Committee's informal recommendation regarding contract amendment with Self-Help Enterprises. (Memo with agenda. Resolution approving needed. Estimated cost: \$10,000; funds are budgeted.)

ACTION: Res. 79-775 adopted approving contract amendment with Self-Help Enterprises. (Planning to handle)

CONSENT

27. Sidewalk Standards for Downtown. (The D.I.D. recommends that concrete and aggregate be the standard for sidewalks downtown. Resolution setting informal public hearing on August 7, 1979 at 4:00 p.m. (Hearing No. 7) needed.)

ACTION: Res. 79-776 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend to Council an amendment to Section 19-3-9 of the Zoning Map - Allen Grant.

(On June 18, 1979, the Planning Commission adopted Res. 79-175 recommending to the City Council an amendment to Section 19-3-9 of the Zoning Map to rezone from H-1 to P-D(235) to allow an automotive service center, property located on the northeasterly side of 9th Street north of Clayton. Resolution setting public hearing on August 21, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-777 adopted setting hearing.

(Clerk to handle)

CONSENT

29. Recommend to Council an amendment to Section 19-3-10 of the Zoning Map - Fara Estates.

(On July 2, 1979, the Planning Commission adopted Res. 79-188 recommending to the City Council an amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 to P-D(238) to allow a medium density residential development, property located on the east side of Claus Road south of E. Orangeburg. Resolution setting public hearing on August 21, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-778 adopted setting hearing.

(Clerk to handle)

CONSENT

30. Consider approving lease agreement with Sonja Penquite and Debbie A. Jones for lease of the former Doidge pasture located in future Dry Creek Park area. (Lease begins August 1, 1979 and ends July 15, 1980. Lessee will be paying \$200 per month and be responsible for utilities, taxes and maintenance. Lessee will use the pasture and barn to keep horses. Resolution approving agreement needed.)

DROPPED FROM AGENDA.

MISCELLANEOUS

31. Legislation

None

32. Appointments

None

33. Matters too late for the agenda

By motion (Elliott/Muratore, unan.) Council declared its intention to continue the hearing on the appeal by Fourel's Investment Co. from August 7, to August 21.

(Clerk to handle)

Adjourned at 11:10 to executive session to consider property acquisition, and then to Tuesday, August 7, 1979, 2:30 p.m. at the southwest corner of Sisk and Beckwith Roads at the proposed site of a Mobil Oil Corporation service station.

ATTEST:


NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
August 7, 1979

The Council of the City of Modesto met pursuant to adjournment at 2:30 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Bright, Elliott, Lang, Muratore,
Mayor Mensinger

Absent: Councilmembers: Kullijian, Siefkin

A field trip was taken to the Sisk/Beckwith intersection, the location of the proposed Mobil Oil Co. sign, to observe the visability from the freeway of a sign at 35 feet and at 50 feet.

The meeting was adjourned at 3:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

8/7/79

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 7,

1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott,
Mayor Mensinger

Lang, Muratore,

Absent: Councilmembers Kullijian, Siefkin

Pledge of allegiance to the Flag

Invocation: Rev. Howard Clark, Second Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
Removed from Consent: 32 13, 14, 15, 16, 17, 26, 27, 31, 33, 34,
35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,
ACTION: (Lang/Muratore, unan. 46, 47, 48, 48A, 49 51(a)
Kullijian, Siefkin absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the adjourned regular City Council meeting of July 19, 1979, and the regular meeting of July 24, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Presentation of the Stanislaus County Transit Planning Study.
(The author, Bill Welch, will make a presentation and be available for questions/comments. Memo with agenda. Council may want to pass a motion directing its representatives to SAAG Policy Board.)

ACTION: Mr. Welch discussed the Transit Planning Study. No action taken.

CONSENT

3. Letter from First Baptist Church requesting approval of abandonment of a portion of N Street and a portion of the alley between 12th and Needham Avenue.
(Motion referring to Planning Commission needed.)

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

CONSENT

4. Request by Funsten Nut Division, PET Incorporated, for abandonment of a portion of 10th Street, C Street, and a 20-foot alley between D & C Streets. (Motion referring to Planning Commission needed.)

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

CONSENT

5. Appeal by Basic Resources, Inc. to a decision of the Board of Building Appeals concerning commercial buildings at 1202 - 1222 J Street, Modesto. (Resolution setting hearing September 4, 1979, 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-779 adopted setting hearing. (Clerk to handle)

CONSENT

6. Letter from Downtown Modesto Association requesting free bus service to downtown Modesto on Friday, August 17, and offering \$300 to cover the loss of revenue for that day. (Memo with agenda. Motion accepting money and directing staff needed.)

ACTION: By motion, \$300 accepted and staff directed to implement. (P.T. to handle)

BIDS

CONSENT

7. Consider approving specifications and authorize call for bids to be opened September 4, 1979 at 2:15 p.m. for furnishing one sewer cleaner truck. (Assigned to the Public Works Service Division, the vehicle will be permanently dispatched to the Sewerage Division. The vehicle will be used to clean sewer lines and will not replace any vehicle presently in service. Resolution authorizing call for bids needed. Estimated cost: \$90,000; funds are budgeted.)

ACTION: Res. 79-780 adopted authorizing call for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorizing call for bids to be opened September 4, 1979 at 2:00 p.m. for furnishing fire hose. (Requested by the Fire Department, the hose will be used to replace worn and damaged hose presently in inventory. Resolution authorizing call for bids needed. Estimated cost: \$15,000; funds are budgeted.)

ACTION: Res. 79-781 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for construction of Conant Avenue/Lateral No. 7 canal crossing. (This project will provide the only Lateral No. 7 crossing between Hahn Drive and Prescott Road. Suggested bid opening date: August 28, 1979 at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$134,000 (Const. \$124,000; Engr. & Contg. \$10,000); funds are budgeted.)

ACTION: Res. 79-782 adopted calling for bids. (P.W. to handle)

8/7/79

CONSENT

10. Approve specifications and call for bids for Golf Course Clubhouse carpeting. (Bid opening is set for August 28, 1979 at 11:05 a.m. This project will provide new carpeting at Dryden Golf Course Clubhouse and the old carpeting at Dryden Clubhouse and will be installed at the Municipal Golf Course Clubhouse. Resolution approving specifications and call for bids needed. Estimated cost: \$5,500; funds are budgeted.)

ACTION; Res. 79-783 adopted calling for bids. (P.W. to handle)

CONSENT

11. Approve plans and specifications and call for bids for Revard Park lighting. (Bid opening is set for August 28, 1979 at 11:10 a.m. This project will provide pathway lighting for Revard Park. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$10,062 (Contract \$8,750; Engr. & Contg. \$1,312); funds are budgeted.)

ACTION: Res. 79-784 adopted calling for bids. (P.W. to handle)

CONSENT

12. Consider declaring Ace Wholesale the bidder offering the greatest discount for large lamps and authorize the purchase of materials for 73.2% off the suggested list price. Consider declaring Walkerlite Company the sole bidder for audio-photo lamps and authorize the purchase of materials for 55.9% off the suggested list price.
(Memorandum with agenda. Resolution authorizing purchase of large lamps from Ace Wholesale needed, and resolution authorizing purchase of audio-photo lamps from Walkerlite Company needed. Estimated cost: \$12,000 - City portion; funds are budgeted.)

ACTION: Res. 79-785 adopted authorizing purchase of large lamps from Ace Wholesale.
Res. 79-786 adopted authorizing purchase of audio-photo lamps from Walkerlite Company. (Finance to handle)

CONSENT

13. Consider award of contract for the construction of waterline extension in Sisk Road.
(Bids were opened on July 31, 1979. The low bid of \$41,575.45, submitted by Joe Martin Pipeline, Inc. is 13% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted.)

ACTION; Res. 79-787 adopted awarding contract. (P.W. to handle)

CONSENT

14. Consider award of contract for construction of curb & gutter on Briggsmore Avenue from Tully to McHenry.
(Bids were opened on July 24, 1979. The low bid of \$19,299.89, submitted by Flintkote Co., is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to the Flintkote Co. needed. Funds are budgeted.)

ACTION; Res. 79-788 adopted awarding contract. (P.W. to handle)

CONSENT

15. Consider acceptance of Nagel Landscaping's contract for irrigation and landscaping at Sylvan Park as complete. (Original contract: \$54,500) (All work on this project has been completed to the satisfaction of the Public Works and Parks and Recreation Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$54,990.62; funds are budgeted.)

ACTION: Res. 79-789 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of Central Valley Roofing Company's contract for reroofing of Fire Station No. 1 as complete. (Original contract: \$8,576) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$9,036.85; funds are budgeted.)

ACTION: Res. 79-790 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider waiving formal bid by five affirmative votes and authorize the purchase of one compound water meter from Hersey Products, Inc., for the total price of \$5,135.70. (Memorandum with agenda. Resolution waiving formal bid and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-791 adopted waiving formal bid and authorizing purchase. (Finance)

HEARINGS

4:00 p.m.

18. Hearing to consider an amendment to Section 12-3-9 of the Zoning Map to rezone from P-D(207) to P-D(234) to allow a professional office complex, property located on the north-east corner of Sisk and Rumble Roads. (Rex Properties) No. 1

ACTION: By motion (Lang/Elliott, unan., Kullijian, Siefkin absent) Ord. No. 1861-C.S. introduced approving, with provision that the agreement between Rex Properties and Hetch Hetchy for parking be reviewed by the City Attorney's Office.

Res. 79-792 adopted (same vote) approving plan.

Res. 79-793 adopted (same vote) certifying Environmental Assessment Review. (Clerk/Planning to handle)

19. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(209) as an addition to P-D(209) property located on the southeast corner of Yarmouth Drive and Bingham Drive. (James R. Corn) No. 2

ACTION: By motion (Muratore/Elliott, unan., Kullijian, Siefkin absent) Ord. No. 1862-C.S. introduced approving rezoning.

Res. 79-794 adopted (same vote) approving plan.

Res. 79-795 adopted (same vote) certifying Environmental Assessment Review. (Clerk/Planning to handle)

20. Hearing to consider an amendment to Section 16-3-9 of the Zoning Map to rezone from P-D(151) to R-1, property located on the west side of Coffee Road south of Rumble Road. (Planning Commission initiated - Rule Enterprises) No. 3

ACTION: By motion, (Elliott/Lang, unan., Kullijian, Siefkin absent) Ord. No. 1863-C.S. introduced approving rezoning.

Res. 79-796 adopted (same vote) certifying Environmental Assessment Review. (Clerk/Planning to handle)

21. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Floyd Avenue east of Oakdale Road. (Blaque Haston) No. 4

ACTION: By motion, (Muratore/Elliott, unan., Kullijian, Siefkin absent) Ord. No. 1864-C.S. introduced approving rezoning.

Res. 79-797 adopted (same vote) certifying Environmental Assessment Review. (Clerk/Planning to handle)

22. Consider appeal of The Foureis Investment Company to a Board of Zoning Adjustment decision regarding application of Jerry Sims for conditional use permit in H-1 Zone. (At the meeting of July 24, 1979, the Council indicated its intention to continue this hearing to August 21, 1979, 4:00 p.m., Hearing No. 3.) No. 5

ACTION: By motion (Lang/Bright, unan., Kullijian, Siefkin absent) hearing continued to August 21, 1979, 4:00 p.m. (Hearing No. 3). (Clerk to handle)

23. Consider appeal of Mobil Oil Corp. to a Board of Zoning Adjustment decision on the number and location of driveways and height of sign at service station (proposed) at corner of Beckwith and Sisk Roads. No. 6

ACTION: Res. 79-798 (Lang/Muratore, Kullijian, Siefkin absent) denying appeal on sign height and the number of driveways.

24. Informal public hearing regarding sidewalk standards for downtown. No. 7

ACTION: By motion (Lang/Bright, unan., Kullijian, Siefkin absent) option 3 approved in the Downtown Improvement District area, with other options to be possible after review by Council and/or D.I.D., with property owners to be required to replace all sidewalk along his parcel on a street replacing 50% or more of street frontage, and staff to check into expanding the area for the new standards to an area outside of D.I.D. (Planning to handle)

25. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

26. Final adoption of the following:

- a. Ord. No. 1857-C.S. rezoning to P-PD(232) property on the west side of Lincoln Avenue north of Penny Lane (Joaquin Construction)
 - b. Ord. No. 1859-C.S. relating to coasters, roller skates, etc.
 - c. Ord. No. 1860-C.S. relating to bingo games.
- (Motion adopting needed.)

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

CONSENT

27. Council approval of proposed amendment to Section 8-2.1004.1(A) and 8-2.1004.1(B) of the Modesto Municipal Code relating to School Site and Facilities Tax.
(Memo with agenda. Motion introducing ordinance amending lot tax code needed.)

ACTION: By motion, Ordinance 1865-C,S, introduced, (Clerk to handle)

UNFINISHED BUSINESS

28. Further consideration of the request of Stewart and Madeline Hiatt and Samuel and Bernice Hyman pertaining to the abandonment of a portion of Grove Avenue west of McHenry Avenue.
(Dr. and Mrs. Hiatt and Mr. and Mrs. Hyman have requested information to assist them in deciding whether to pursue abandonment of Grove Avenue adjacent to their property. A staff report containing responses to their questions has been distributed to them and the Council. Resolution abandoning portion of Grove Avenue or denying abandonment request depending upon decision of the applicants needed.)

ACTION: By motion (Muratore/Lang, unan., Kullijian, Siefkin absent) abandonment denied without prejudice.

29a. Consider calling special advisory election on November 6, 1979, regarding the extension of the Yosemite Trunk Sewer.
(Memo and copies of proposed resolutions with agenda. Adoption of resolution calling special advisory election and resolution requesting consolidation of special advisory election with the regular election to be held November 6, 1979 needed.)

ACTION: Res. 79-799 adopted (Elliott/Muratore, majority, Mayor Mensinger-no, Kullijian, Siefkin absent) calling for special advisory election.
Res. 79-800 adopted (same vote) requesting consolidation of special advisory election with the regular election to be held November 6, 1979. (Clerk)

29b. Consider directing City Clerk to submit a copy of the advisory measure concerning a sewer trunk extension proposed for the November 6, 1979 ballot to the City Attorney for preparation of an impartial analysis of the measure.
(Memo with agenda. Resolution transmitting a copy of a proposed measure to the City Attorney for impartial analysis needed.)

ACTION: Res. 79-801 adopted transmitting a copy of a proposed measure to the City Attorney for impartial analysis. (Clerk to handle)

30. Mitigation measures relating to prime agricultural land:

1. Additions to the Growth Policy

2. Revisions to the priority list for trunk sewer extensions

(Memo with agenda. Resolution adopting additions to the Growth Policy and motion adopting revisions to the priority list for trunk sewer extensions needed.)

ACTION: Res. 79-802 adopted (Lang/Elliott, unan., Kullijian, Siefkin absent) adopting additions.

By motion (same vote) revisions to the priority list for trunk sewer extensions adopted. (Planning to handle)

NEW BUSINESS

CONSENT

31. Consider approving a fixed-base operator lease with Hawke Flying Service, Inc. (The staff has completed negotiations with Hawke Flying Service, Inc. to renew their lease as a fixed-base operator at the Modesto City-County Airport. The term of the lease is for three years beginning August 1, 1979, through July 31, 1982. Conditions of the lease are essentially the same as in the past, with the rental provisions subject to modification from time to time by Council resolution. It is recommended that the Council authorize the City Manager to sign the lease on behalf of the City. Resolution approving lease agreement needed.)

ACTION: Res. 79-803 adopted approving lease agreement. (P.W. to handle)

32. Consider request by Modesto Garbage Company to extend their license. (Modesto Garbage Company has requested that the Council consider their request to extend their garbage license through December 31, 1989. They have made application in accordance with Code requirements. It would be appropriate for the Council to set a public hearing to consider this request. Memo with agenda. Resolution setting public hearing to consider license application for Tuesday, August 21, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

Councilmember Bright excused due to a conflict of interest.

ACTION: Res. 79-804 adopted (Elliott/Lang, unan., Bright, Kullijian, Siefkin absent) setting public hearing. (Clerk to handle)

33. Consider determining that the public interest and convenience require the following annexations be annexed to the Modesto Municipal Sewer District No. 1:
- a. Standiford No. 2 Annexation
 - b. Morningside-September Annexation
 - c. Sunnyside Annexation

(The effective date for Standiford No. 2 Annexation and Morningside-September Annexation is July 18, 1979, and the effective date for Sunnyside Annexation is July 26, 1979. Resolution setting public hearing for Standiford No. 2 Annexation on October 2, 1979 at 4:00 p.m. (Hearing No. 1), resolution setting public hearing for Morningside-September Annexation on October 2, 1979 at 4:00 p.m. (Hearing No. 2), and resolution setting public hearing on October 2, 1979 at 4:00 p.m. (Hearing No. 3) for Sunnyside Annexation needed.) (Five affirmative votes needed.)

ACTION: Res. 79-805 adopted setting hearing for Standiford No. 2 Annexation.

Res. 79-806 adopted setting hearing for Morningside-September Annexation.

Res. 79-807 adopted setting hearing for Sunnyside Annexation.

(Clerk to handle)

CONSENT

34. Consider the following withdrawals from fire districts:

- a. Standiford No. 2 Annexation from Salida Fire District
- b. Morningside-September from McHenry-Dry Creek Fire District
- c. Sunnyside Annexation from McHenry-Dry Creek Fire District

(The effective date for Standiford No. 2 Annexation and Morningside-September Annexation is July 18, 1979, and the effective date for Sunnyside Annexation is July 26, 1979. Resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 79-808 adopted withdrawing Standiford No. 2 from Salida Fire District.

Res. 79-809 adopted withdrawing Morningside-September from McHenry-Dry Creek Fire District.

Res. 79-810 adopted withdrawing Sunnyside from McHenry-Dry Creek Fire District.
(Clerk to handle)

CONSENT

35. Consider resolution approving auto/excess liability insurance coverage. (Memo with agenda. Resolution approving auto/excess coverage with National Union Fire Insurance Company needed. Estimated cost: \$3,235 (No additional cost incurred); funds are budgeted.)

ACTION: Res. 79-811 adopted approving insurance coverage. (Management Services)

CONSENT

36. Consider approval of a cooperative agreement between the City of Modesto and the United States Geological Survey for Ground Water Study. (Funds for the project are included in the 1979-80 CIP. The cost to the City is \$25,000 plus City staff engineering. Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-812 adopted approving agreement. (P.W. to handle)

CONSENT

37. Consider approval of Amendment No. 1 to the Economic Development Administration Grant Agreement for construction of Dryden Trunk Sewer - EDA No. 07-01-01753, and authorize City Manager to sign on behalf of the City. (The proposed amendment revises the development time schedule, Special Condition No. 1 of the grant, to reflect more accurately the actual time used to accomplish each item. Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 79-813 adopted approving amendment to agreement. (P.W. to handle)

CONSENT

38. Consider acceptance of improvements in Vintage Faire No. 3 and Vintage Faire No. 5 subdivisions and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Vintage Faire Development, Inc.) (Vintage Faire No. 3 and Vintage Fiare No. 5 subdivisions are located south of Veneman Avenue east of Dale Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-814 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

39. Consider acceptance of improvements in Country Classics No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Allen Grant) (Country Classics No. 2 subdivision is located south of Pelandale Avenue and west of Dale Road. All improvements have been completed to the satisfaction of the Public Works Department or bonded for satisfactory completion, and fees have been paid. Copy of letter of agreement with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-815 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

40. Agreement between City of Modesto and Modesto Men's Club (golf) for construction of an interior wall separating the restaurant and pro-shop at the Dryden Golf Course Clubhouse. (Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-816 adopted approving agreement. (P.R. to handle)

CONSENT

41. Establishment of a Special Investigations Revolving Account in the amount of \$1,400.
(Memo with agenda. Resolution establishing a Special Investigations Revolving Account needed.)

ACTION: Res. 79-817 adopted establishing a Special Investigations Revolving Account.
(Finance/Police to handle)

CONSENT

42. Consider setting Hearing of Necessity to acquire the Walter P. Wesson property and C.L.S. Investments property for Northwest McHenry Neighborhood Park development.
(Staff has made an offer to each of the affected owners to purchase a portion of their property for Northwest McHenry Neighborhood Park site. Negotiations at this point are deadlocked. Further negotiations are not expected to change the situation. Resolution setting hearing for Wesson property on September 4, 1979 at 4:00 p.m. (Hearing No. 3) needed, and resolution setting hearing for C.L.S. Investments property on September 4, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-818 adopted setting hearing on Walter P. Wesson property.
Res. 79-819 adopted setting hearing on C.L.S. Investments property.
(Clerk to handle)

CONSENT

43. Recommend to Council an amendment to P-D(117) - Rule Development.
(On July 16, 1979, the Planning Commission adopted Resolution No. 79-203 recommending to the Council an amendment to P-D(117) to allow a 96-unit condominium conversion, property located on the north side of Floyd Avenue, east of Coffee. Resolution setting public hearing on August 28, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-820 adopted setting hearing. (Clerk to handle)

CONSENT

44. Recommend to Council an amendment to Section 17-3-9 of the Zoning Map - Rule Development.
(On July 16, 1979, the Planning Commission adopted Res. 79-201 recommending to the Council an amendment to Section 17-3-9 of the Zoning Map to rezone from R-2 to P-D(241) to allow a 43-unit, 1 and 2-story condominium conversion property located on the south side of Briggsmore Avenue at the westerly terminus of Gayle Avenue. Resolution setting public hearing on August 28, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-821 adopted setting hearing. (Clerk to handle)

CONSENT

45. Recommend to Council an amendment to Section 28-3-9 of the Zoning Map - Gilmore and Simvoulakis.
(On July 16, 1979, the Planning Commission adopted Resolution No. 79-197 recommending to the Council an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to P-D(239) to allow a two-story medical office building with underground parking, property located at the easterly corner of 16th and G Streets. Resolution setting public hearing on August 28, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-822 adopted setting hearing. (Clerk to handle)

CONSENT

46. Recommend to Council an amendment to Section 11-3-8 of the Zoning Map to amend P-D(166) - Cal Rossi Company.
(On July 16, 1979, the Planning Commission adopted Resolution No. 79-205 recommending to the Council an amendment to P-D(166) to allow 208 condominium units on the northeast side of Sisk Road north of Beckwith Road. Resolution setting public hearing on September 4, 1979 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-823 adopted setting hearing. (Clerk to handle)

CONSENT

47. Recommend to Council an amendment to Section 11-3-8 of the Zoning Map to rezone from R-1 to P-D(240) - Joaquin Construction.
(On July 16, 1979, the Planning Commission adopted Resolution No. 79-199 recommending to the Council an amendment to Section 11-3-8 of the Zoning Map to rezone from R-1 to P-D(240) property located on the west side of Dale, south of Snyder to allow 81 condominium units and 70 zero lot line patio houses. Resolution setting public hearing on September 4, 1979 at 4:00 p.m. (Hearing No. 7) needed.)

ACTION: Res. 79-824 adopted setting hearing. (Clerk to handle)

CONSENT

48. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - R. T. Hughes.
(On July 16, 1979, the Planning Commission adopted Resolution No. 79-206 recommending to the City Council an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-2, property located at the southwest corner of Prescott Road and Snyder Avenue. Resolution setting public hearing on September 4, 1979 at 4:00 p.m. (Hearing No. 8) needed.)

ACTION: Res. 79-825 adopted setting hearing. (Clerk to handle)

CONSENT

- 48A. Consider granting approval to the Acting 20-30 Club of Modesto for a "Skate to the Limits" event on Sunday, August 26, 1979.
(A copy of the proposed resolution with agenda. Adoption of resolution needed.)

ACTION: Res. 79-826 adopted granting approval, (Police to handle)

REPORTS

CONSENT

49. April-June, 1979, quarterly report from Modesto Chamber of Commerce.
(Motion acknowledging receipt needed.)

ACTION: By motion, acknowledged receipt of report.

MISCELLANEOUS

50. Legislation

None

51. Appointments

CONSENT

- a. Recommend to Council that Mayor Mensinger be designated as an additional alternate for SAAG Policy Board Committee.
(Memo with agenda. Resolution listing Mayor Mensinger, Vice-Mayor Kullijian and Councilmembers Elliott and Siefkin as alternates for each of the regular representatives for SAAG Policy Board needed.)

ACTION: Res. 79-827 adopted listing Mayor Mensinger as an alternate. (Clerk to handle)

b. Other

ACTION: Res. 79-828 adopted (Elliott/Lang, unan., Kullijian, Siefkin absent) appointing William Vlach to the Board of Building Appeals, term to expire 1/1/82.
Res. 79-829 adopted (same vote) appointing Louis Galindez to the Board of Zoning Adjustment, term to expire 1/1/80.
Res. 79-830 adopted (same vote) appointing Jerrold Frye, Octavia Miles, and Dennis Stoops to the Human Rights Commission, terms to expire 5/1/80, 5/1/83, and 5/1/81 respectively.
Res. 79-831 adopted (same vote) appointing Dr. Stanley Hodges and Daniel Pollock to the Farm-City Advisory Committee, terms to expire 5/1/83.
(Clerk to handle)

52. Matters too late for the agenda.

a. Wild and Scenic Rivers

ACTION: Res. 79-832 adopted (Elliott/Lang, majority, Mayor Mensinger-no, Kullijian, Siefkin absent) opposing classification of the Tuolumne River into Federal Wild and Scenic River System.

Adjourned at 6:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore,
Mayor Mensinger

Absent: Councilmember Siefkin

Pledge of allegiance to the Flag

Invocation: Rev. N.D. Shrum, Jr., Vintage Faire Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26, 27,
29, 30, 31

ACTION: (Lang/Muratore, unan., Siefkin absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular City Council meeting of August 7, 1979, and the regular meeting of August 7, 1979.

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Consider approval of plans and specifications and call for bids for improvement of Orangeburg Avenue from Collier to Coffee.
(This project has been budgeted and designed to rebuild Orangeburg, which is a major street in this area, to reduce maintenance and increase traffic safety. The County portion of this project is estimated to be \$1,100. Suggested bid opening date: September 4, 1979, at 2:30 p.m. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$284,827 (Const. \$245,623.25; Engr. & Cont. \$39,203.75); Funds are budgeted.)

ACTION: Res. 79-833 adopted calling for bids. (P.W. to handle)

CONSENT

3. Approve plans and specifications and call for bids for Beard Brook, Davis and Mellis Parks ballfield fence refurbishing.
(Bid opening: September 4, 1979, at 11:00 a.m. The project includes the restretching of existing fence fabric, replacing some fence poles with taller poles and new fabric, the extension of some 10 foot high backstop fences, and the installation of mow strips where required. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$13,200 (Contract \$12,800 - Engr. \$400) Funds are budgeted.)

ACTION: Res. 79-834 adopted calling for bids.

(P.W. to handle)

8/14/79

CONSENT

4. Consider approval of plans and specifications for the waterline extension in Block 3203 in the City of Modesto.
(Suggested bid opening: September 4, 1979 at 11:05 a.m. The extension of this line will provide water and fire service for the Caruso Shopping Center located on Crater Avenue west of Crowslanding Road. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$10,153.50 (Contract \$9,670.00; Eng. \$483.50) Funds are budgeted.)

ACTION: Res. 79-835 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider award of contract for the reconstruction of the inverted siphon in Beard Brook Park.
(Bids were opened on August 7, 1979. The low bid of \$77,875, submitted by S.P.M. Development Company is 23% above the engineer's estimate and considered acceptable. It is therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 79-836 adopted awarding contract. (P.W. to handle)

CONSENT

6. Consider award of contract for improvement of Morris Avenue from College to McHenry.
(Bids were opened 8/7/79 and the low bid of Argosy Construction Co. which is 9% above the engineer's estimate is considered acceptable. There were some discrepancies in all the bids which did not affect the costs and which are considered minor by the City Attorney's office and by Public Works. Therefore it is recommended that the bid be awarded to Argosy Construction. Resolution awarding contract needed. Estimated Cost: \$106,432.70. Funds are budgeted.)

ACTION: Res. 79-837 adopted awarding contract. (P.W. to handle)

CONSENT

7. Consider authorizing C & C Trailer and Body Company to repair a garden refuse claw bucket for the total price of \$3,619.99.
(The claw bucket used by garden refuse crews was extensively damaged while in operation. Repairs required exceed the capability of the Public Works Service Division. C & C Trailer and Body Company is the authorized Northern California distributor of parts and service for the claw buckets manufactured by Waste-quip, Inc. Accident report with agenda. Resolution authorizing issuance of purchase order needed. Estimated cost: \$3,619.99. Funds are budgeted.)

ACTION: Res. 79-838 adopted authorizing issuance of a purchase order. (Finance to handle)

HEARINGS

7:30 p.m.

8. Hearing to annex Collier-Trombetta Annexation to the Modesto Municipal Sewer District No. 1.

No. 1

ACTION: Res. 79-839 adopted (Elliott/Muratore, unan., Siefkin absent) annexing to Sewer District No. 1. (Clerk to handle)

9. Hearing to annex Orangeburg-Claus Annexation to the Modesto Municipal Sewer District No. 1. No. 2

ACTION: Res. 79-840 adopted (Muratore/Lang, unan., Siefkin absent) annexing to Sewer District No. 1. (Clerk to handle)

10. Hearing to annex California No. 1 Annexation to the Modesto Municipal Sewer District No. 1. No. 3

ACTION: Res. 79-841 adopted (Bright/Elliott, unan., Siefkin absent) annexing to Sewer District No. 1. (Clerk to handle)

11. Hearing to annex Coffee-Rumble Annexation to the Modesto Municipal Sewer District No. 1. No. 4

ACTION: Res. 79-842 adopted (Lang/Muratore, unan., Siefkin absent) annexing to Sewer District No. 1. (Clerk to handle)

12. Hearing to consider amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the southwest corner of Rose Avenue and Briggsmore. (Keith R. Damon) No. 5

ACTION: By motion (Kullijian/Elliott, unan., Siefkin absent) Ord. No. 1866-C.S. introduced. Res. 79-843 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

13. Hearing to consider an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D(237) property located on the south side of Norwegian Avenue, west of Coffee Road. (Big Valley Broadcasting) No. 6

ACTION: By motion (Elliott/Kullijian, unan., Siefkin absent) Ord. No. 1867-C.S. introduced. Res. 79-844 adopted (same vote) approving plan. Res. 79-845 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

14. Hearing to consider an amendment to Section 17-3-9 of the Zoning Map to rezone from R-1 to P-D(236) property located on the east side of Sherwood Avenue, south of Bowen Avenue. (Lapata International, Ltd.) No. 7

ACTION: Res. 79-846 adopted (Kullijian/Lang, unan., Siefkin absent) denying the application without prejudice.

15. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to P-D(233) to allow a 48-unit apartment complex, property located on the north side of Rumble Road, west of Conant. (Rex Properties)

No. 8

ACTION: By motion (Lang/Kullijian, unan., Stefkin absent) Ord. No. 1868-C.S. introduced.
Res. 79-847 adopted (same vote) approving plan.
Res. 79-848 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

16. Matters for the good of the community.
(These may be presented by persons in the audience.)

None

NEW BUSINESS

CONSENT

17. Consider approval of revisions to the class specifications for Nursery Propagator. (Memo with agenda. Resolution revising position classification in the Position Classification Plan needed.)

ACTION: Res. 79-849 adopted revising Position Classification Plan. (Management Services to handle)

CONSENT

18. Consider exercising option with Bank of America NT and SA for the purchase of 2 lots in Block 68 for the downtown parking structure. (All terms between the City and the Bank are outlined in the already approved option agreement. The action of passing a resolution exercising the option is required by the terms of the option agreement. The City will not take possession of the property, however, until the garage construction contract is awarded. Resolution exercising option needed. Estimated Cost: \$130,000, Est. Escrow: \$5,000; Total \$135,000. Funds are budgeted.)

ACTION: Res. 79-850 adopted exercising option, (P.W. to handle)

CONSENT

19. Consider approving agreement with Allen Grant, Inc., a California Corporation, to acquire 0.099+ acres of right of way needed for the Riverside/Yosemite traffic signal project. (The Grantors have agreed to dedicate the required right of way in return for the City paving an additional \$400 worth of the right of way. The appraised value of the originally required 0.086+ acres of right of way is \$400. This area was to be paved as part of the project. The Grantors do not want the money so they asked the City of put in \$400.00 more paving. This increases the right of way area to 0.099+ acres. Resolution approving agreement needed. Estimated Cost: \$400 additional paving. Funds are budgeted.)

ACTION: Res. 79-851 adopted approving agreement, (P.W. to handle)

8/14/79

CONSENT

20. Consider acceptance of improvements in Hollandia Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Jan F. Rouw and Deane Virgin Rouw). (Hollandia Estates Subdivision is located north of Standiford Avenue and west of Prescott Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-852 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

21. Consider declaring property listed on the City's Surplus Property Listing and Police Stolen or Unclaimed Property Listing as surplus to the City's needs and authorize the material to be sold at a public auction to be held August 25, 1979, at the City Corporation Yard, 501 N. Jefferson Street. (An annual event, items to be sold include stolen or unclaimed property held by the Police Department for over six months and surplus City property. Resolution authorizing public auction needed.)

ACTION: Res. 79-853 adopted authorizing public auction, (Finance to handle)

CONSENT

22. Consider resolution approving renewal of airport liability insurance. (Memo with agenda. Resolution approving renewal of airport liability insurance needed. Estimated cost \$9,427. Funds are budgeted.)

ACTION: Res. 79-854 adopted approving renewal of airport liability insurance. (Management Serv. to handle)

CONSENT

23. Consider resolution approving upgrading of Museum and McClure House insurance coverage, and consider approving appropriation transfer. (Memo with agenda. Resolution approving upgrading insurance coverage of Museum and McClure house, and resolution approving appropriation transfer. Estimated Cost: \$4,400. Funds are budgeted.)

ACTION: Res. 79-855 adopted upgrading insurance coverage,
Res. 79-856 adopted approving appropriation transfer. (Management Services to handle)

CONSENT

24. Request that the Council authorize the staff to protest to the CAB the termination of United Airlines service to Modesto. (While Air Pacific is currently providing some replacement air carrier service for Modesto, it is not a total replacement of the existing United Airlines service we now enjoy. Until such time as a replacement carrier can provide the community the essential air service needed to meet the passenger, baggage, and cargo needs of the City, we should oppose the termination of United Airlines service to the community. Memo with agenda. Motion authorizing staff to protest to the CAB needed.)

ACTION: By motion, staff authorized to protest United Airlines' termination. (P.W. to handle)

CONSENT

25. Amendment to the adopted Zoning and Development Plan for the Orchard Neighborhood. (Public facilities and general collector street locations have changed in this neighborhood warranting plan amendment. Planning Commission Resolution No. 79-216 with revised plan is with agenda. Motion approving amendment needed.)

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

CONSENT

26. Recommend to Council an amendment to P-D(150) - Jeffrey Tamkin. (On August 6, 1979, the Planning Commission adopted Resolution 79-214 recommending to the City Council an amendment to P-D(150) to allow inclusion of a K-Mart Department Store including auto service center in place of smaller shops on property located at the northwest corner of Sylvan Avenue and Oakdale Road. Resolution setting public hearing September 11, 1979, 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-857 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend to Council an amendment to Section 14-3-9 of the Zoning Map - Joaquin Construction Company (On August 6, 1979, the Planning Commission adopted Resolution 79-218 recommending to the Council an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(242) to allow an 879 unit, one and two-story residential condominium and apartment complex on property located on the west side of Roselle Avenue between Floyd and Merle Avenues. Resolution setting public hearing September 11, 1979, 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-858 adopted setting hearing. (Clerk to handle)

REPORTS

28. Staff report on rent control. (Copies of report distributed previously. Motion acknowledging receipt of report needed.)

ACTION: By motion (Elliott/Lang, unan., Siefkin absent) receipt of report acknowledged.

CONSENT

29. City Manager's Annual Report of activities of all City departments for fiscal year 1978-79. (Report with agenda. It is recommended by the City Manager that these reports be accepted as the City Manager's annual report on administrative activities of the City as required by the City Charter. Motion accepting report needed.)

ACTION: By motion, report accepted.

CONSENT

30. Presentation of Financial Statement for July, 1979. (Copies of report will be presented at meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

31. Notice of P.G. & E. request to increase natural gas charges.
(Memo with agenda. The increase would be 9.9% and would offset an increase imposed on P.G. & E. by the National Energy Board of Canada. Motion acknowledging receipt of the report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

32. Legislation

- ACTION: By motion (Elliott/Bright, unan., Siefkin absent) SB-823 supported.
By motion (Lang/Muratore, unan., Siefkin absent) AB-900 supported.
By motion (Elliott/Bright, unan., Siefkin absent) SB-489 opposed.
By motion (Elliott/Muratore, unan., Siefkin absent) SCR-39 opposed.
By motion (Muratore/Lang, unan., Siefkin absent) AB-66 supported.
By motion (Bright/Elliott, unan., Siefkin absent) AB-325 opposed.
(Management Services to handle)

33. Appointments

None

34. Matters too late for the agenda.

- a. Mayor Mensinger asked for volunteers from the Council for the skating competition on August 26.
- b. Glen Perales, American Septic Tank Service, requested a reduction in the fee for dumping at the water quality control plant.

ACTION: By motion (Kullijian/Bright, unan., Siefkin absent) staff requested to study the request and report back. (Manager to handle)

Adjourned at 10:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 21, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore,
Mayor Mensinger

Absent: Councilmember Siefkin

Pledge of allegiance to the Flag

Invocation: Rev. Bob Lindsey, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 17,
18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29

ACTION: (Kullijian/Elliott, unan., Siefkin absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the August 14, 1979, Council minutes.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Appeal by Sanders Construction Co., Inc. to a decision by the Director of Parking and Traffic regarding Condition 22 of P-D(155) (Long's Drug Stores).
(Resolution setting hearing September 4, 1979 at 4:00 p.m. (Hearing No. 9) needed.)

ACTION: Res. 79-859 adopted setting hearing. (Clerk to handle)

3. Letter from Alfredo Duran, owner of Marcella Restaurant, requesting a change in the Code provisions concerning serving liquor in restaurants in C-1 zones.

ACTION: By motion (Kullijian/Elliott, unan., Siefkin absent), request to change C-1 zoning provisions denied. The Durans were advised to check with the Planning Department regarding an amendment to their P-D. (Planning to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications for the repair of the urethane foam installation on the primary digester located at the City of Modesto Water Quality Control Plant.
(Suggested bid opening: September 11, 1979 at 11:15 a.m. This was a budgeted project for the 1978-79 fiscal year. The project was not completed and funds were not budgeted for the new fiscal year. An account has now been set up. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$23,940 (Contract \$22,800; Engrg. \$1,140); funds are budgeted.)

ACTION: Res. 79-860 adopted approving plans and specs. and calling for bids.
(P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the replacement of waterlines in Blocks 9013 and 9019.
(Suggested bid opening: September 11, 1979 at 11:00 a.m. The replacement of these lines will strengthen the water system in South Modesto. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$32,215.05 (Contract \$30,681; Engrg. \$1,534.05); funds are budgeted.)

ACTION: Res. 79-861 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for replacement of waterlines in Imperial Avenue and Guthrie Street.
(Suggested bid opening: September 11, 1979 at 11:05 a.m. The replacement of these lines will strengthen the water system in South Modesto. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$74,352.60 (Contract \$70,812; Engrg. \$3,540.60); funds are budgeted.)

ACTION: Res. 79-862 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the renovation of Pump Station No. 6.
(Suggested bid opening: September 11, 1979 at 11:10 a.m. The renovation will consist of a new pump, gas engine, and enclosure. This work is needed because existing equipment is worn out and the building is in need of repair. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$110,506.47 (\$100,460.43 Contract; \$10,046.04 Engrg.); funds are budgeted.)

ACTION: Res. 79-863 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider award of contract for modification of Building No. 1 at the City Service Yard,

(Bids were opened August 14, 1979. Two bids were received for this project. The bidders were S.P.M. Development Company and Matteson Construction Company. The bids were less than 1% apart and represent the true cost of this project. The low bid, \$23,247, submitted by Matteson Construction Company is 45.29% above the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to them. Funds are available to do this project; however, some of the funds were originally intended for miscellaneous items of work to be performed by Parks & Recreation Department personnel. Memo with agenda. Resolution awarding contract to Matteson Construction Company needed. Estimated cost: \$25,000 (\$23,247 Contract; \$1,753 Engrg. & Contg.).

ACTION: Res. 79-864 adopted awarding contract, (P.W. to handle)

CONSENT

9. Consider awarding contract for ten bus passenger shelters.

(Memo with agenda. The low bidder is Ace Aluminum, Fresno. The bus shelter purchase is part of the recently approved Urban Mass Transportation Administration grant #CA-05-0030. Resolution awarding contract to Ace Aluminum Company of Fresno is needed. Estimated cost: \$11,495; funds are budgeted.)

ACTION: Res. 79-865 adopted awarding contract. (P.T. to handle)

CONSENT

10. Consider acceptance of George Reed, Inc.'s contract for construction of aircraft parking ramp drain as complete. (Original contract: \$31,236)

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$33,435; funds are budgeted.)

ACTION: Res. 79-866 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider approving increase in the amount of Purchase Order No. 93880 for State-performed services on the Standiford Avenue project from \$3,000 to \$6,000 and waiving formal bids.

(Amount of tests required on the project were substantially greater than those originally estimated. It is necessary to have the formal bid requirement waived since the work must be performed by the State. Memo with agenda. Resolution approving purchase order increase needed. Estimated cost: \$3,000; funds are budgeted.)

ACTION: Res. 79-867 adopted approving purchase order increase. (P.W. to handle)

12. Hearing to consider amendment to Section 19-3-9 of the Zoning Map to rezone from H-1 to P-D(235) to allow an automotive service center, property located on the northeasterly side of 9th Street north of Clayton. (Allen Grant) No. 1
- ACTION: By motion, (Lang/Muratore, unan., Siefkin absent) Ord. No. 1869-C.S. introduced.
Res. 79-868 adopted (same vote) approving plan.
Res. 79-869 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning to handle)
13. Hearing to consider amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 to P-D(238) to allow a medium density residential development, property located on the east side of Claus Road south of E. Orangeburg. (Fara Estates) No. 2
- ACTION: By motion (Kullijian/Muratore, unan., Siefkin absent) Ord. No. 1870-C.S. introduced.
Res. 79-870 adopted (same vote) approving plan.
Res. 79-871 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning to handle)
14. Continued hearing on appeal by The Fourels Investment Company to a Board of Zoning Adjustment decision regarding application of Jerry Sims for conditional use permit in H-1 Zone. (This hearing was continued from the August 7, 1979, Council meeting.) No. 3
- ACTION: Res. 79-872 adopted (Lang/Elliott, majority, Kullijian-no, Siefkin absent) upholding appeal and overruling Board of Zoning Adjustment.
Councilmember Elliott excused from the meeting at 6:00 p.m.
15. Hearing to consider request by Modesto Garbage Company to extend their license. No. 4
- Councilmember Bright excused due to a conflict of interest.
ACTION: By motion (Kullijian/Muratore, unan., Bright, Elliott, and Siefkin absent) Ord. No. 1871-C.S. introduced extending license to December 31, 1989.
By motion (same vote) staff directed to study the question of automatic renewals of garbage company licenses.
(P.W. to handle)
16. Matters for the good of the community.
(These may be introduced by interested persons in the audience.)
- ACTION: Res. 79-873 adopted (Bright/Kullijian, unan., Elliott, Siefkin absent) extending an invitation to Moorabbin, Australia, to become Modesto's Sister City. (Clerk)
Guy Brooks, representing Older Americans League of Voters, asked the Council to place the question of whether or not to develop Dry Creek Golf Course on the November 6, 1979, ballot. No action taken by Council.

ORDINANCES

CONSENT

17. Amend Municipal Code Section relating to speed limits.
(Memo with agenda. The changes update speed limits which are expiring, change some limits due to changed conditions of traffic, and establish radar-enforceable limits for two newly annexed streets. Introduction of ordinance changing speed limits. Estimated cost: \$400; funds are budgeted.)

ACTION: By motion, Ord. No. 1872-C.S. adopted. (Clerk to handle)

CONSENT

18. Final adoption of the following:

- a. Ord. No. 1861-C.S. rezoning from P-D(207) to P-D(234) property located on the northeast corner of Sisk and Rumble Roads (Rex Properties)
- b. Ord. No. 1862-C.S. rezoning from R-2 to P-D(209) property located on the southeast corner of Yarmouth and Bingham Drive (James Corn)
- c. Ord. No. 1863-C.S. rezoning from P-D(151) to R-1 property located on Coffee Road south of Rumble (Planning Commission initiated--Rule Enterprises)
- d. Ord. No. 1864-C.S. rezoning from R-1 to R-2 property located on the south side of Floyd Avenue east of Oakdale Road (Blaque Haston)
- e. Ord. No. 1865-C.S. amending the Modesto Municipal Code relating to the School Site and Facilities Tax.

(Motion approving needed.)

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

NEW BUSINESS

19. Consider designating "Voting Delegate" and "Voting Alternate" for the annual League of California Cities Conference.
(Memo from League with agenda. Motion designating voting delegate and alternate needed.)

ACTION: By motion (Muratore/Kullijian, unan., Elliott and Siefkin absent) Mayor Mensinger designated voting delegate and Councilmember Elliott designated voting alternate. It was agreed that the Council would meet on Thursday, September 27, 1979, at 4:00 p.m., since there will not be a quorum present on Tuesday, 9/25/79. (Clerk)

CONSENT

20. Request by Pool Patio & Things for refund of mill tax paid in error for the quarter ending March 31, 1979.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 79-874 adopted authorizing refund. (Finance to handle)

CONSENT

21. Consider approval of the final map of Tahitian Plaza subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Hasco Development Company. (The subdivision agreement has been signed and all fees paid. Tahitian Plaza subdivision is located east of Tully Road and north of Standiford Avenue. It contains 3.871 acres. Resolution approving final map needed.)

ACTION: Res. 79-875 adopted approving final map of Tahitian Plaza Subdivision.
(Clerk to handle)

CONSENT

22. Consider approval of the final map of Sutter Townhouses subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Don E. and Martha J. Cowdrey and James R. Corn Enterprises, Inc. (The subdivision agreement has been signed and all fees paid. Sutter Townhouse subdivision is located north of East Orangeburg Avenue and west of Sunrise Avenue. It contains 0.992 acres. Resolution approving final map needed.)

ACTION: Res. 79-876 adopted approving final map of Sutter Townhouses Subdivision.
(Clerk to handle)

CONSENT

23. Consider approval of the closure of California Avenue from Carpenter to Panama during the construction of a subtrunk sewer extension in connection with the construction of sewer subtrunk in California Avenue. (The contractor, Western Pipeline, has requested that they be allowed to close California Avenue from Carpenter to Panama. This is requested because the trench, spoil pile, and equipment at the site will use most of the space and make passage by the public hazardous. Memo with agenda. Motion approving the closure of California Avenue from Carpenter to Panama needed.)

ACTION: By motion, closure approved. (P.W. to handle)

CONSENT

24. Consider response to LAFCO regarding the Colorado-South annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-877 adopted responding favorably to the proposed annexation.
(Clerk to handle)

CONSENT

25. Consider response to LAFCO regarding the Standiford-Carver No. 2 annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-878 adopted responding favorably to the proposed annexation.
(Clerk to handle)

CONSENT

26. Consider a resolution objecting to the tax sale by Stanislaus County of two parcels of land needed by the City for drainage basins.
(Memo with agenda. Resolution objecting to the sale of certain real property by the tax collector needed.)

ACTION: Res. 79-879 adopted objecting to the sale of certain real property.
(Clerk to handle)

CONSENT

27. Consider authorizing City Manager to renew agreement with Blue Shield Service Corporation to provide health insurance coverage through September 1, 1980.
(Memorandum with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-880 adopted approving agreement. (Clerk to handle)

CONSENT

28. Consider Headrest's request to utilize part of the City's contribution as match for the Youth Services Bureau Ombudsman Program.
(Memorandum with agenda. Motion approving Headrest's request needed.)

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

APPROPRIATION TRANSFERS

CONSENT

29. Consider an appropriation transfer for the lining of the Emerald Avenue trunk sewer north of Robertson Road.
(The Emerald Avenue trunk sewer north of Robertson Road along the westerly side of the Robertson Road School has deteriorated. It is recommended that a liner be placed in the trunk sewer to remedy the situation. Memo with agenda. Estimated cost: \$115,000 (Construction \$100,000; Engrg. & Insp. \$15,000).

ACTION: Res. 79-881 adopted approving appropriation transfer. (Finance/P.W. to handle)

MISCELLANEOUS

30. Legislation
None

31. Appointments
None

32. Matters too late for the agenda

ACTION: By motion (Muratore/Lang, unan., Elliott and Siefkin absent), a request by Jay Lawyer for a decision regarding issuance of a building permit was referred to staff. (Atty. to handle)

Adjourned at 7:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 28, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Tom Deal - First Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 25,

ACTION: Dropped from agenda: 24, 26

Removed from Consent: 2

(Muratore/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular City Council meeting of August 21, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

BIDS

2. Consider approval of plans and specifications and call for bids for resurfacing City streets 1979-80, Phase I.
(This project is our annual overlay project to maintain the City streets. Suggested bid opening date: September 18, 1979 at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$306,800 (Contract \$291,800; Engr. & Contg. \$15,000); funds are budgeted.)

ACTION: Res. 79-882 adopted (Kullijian/Bright, unan.) calling for bids. (P.W.)

8/28/79

CONSENT

3. Consider approving specifications and authorizing call for bids to be opened September 25, 1979, at 2:15 p.m. for furnishing one police motorcycle. (Requested by the Public Works Service Division, the motorcycle will be permanently dispatched to the Police Department for patrol duty. The motorcycle will replace a 1975 Harley Davidson presently in service. Resolution authorizing call for bids needed. Estimated cost: \$5,100; funds are budgeted.)

ACTION: Res. 79-883 adopted calling for bids. (P.W./Finance to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of subtrunk sewer in Honey Creek Road. (Suggested bid opening: September 18, 1979 at 11:10 a.m. The extension of this sewer main will provide sewer service for Vintage Grove subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$47,229 (Contract \$44,980; Engrg. \$2,249); funds are budgeted.)

ACTION: Res. 79-884 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider accepting five new Gillig buses. (Memo with agenda. Authorization of final payment to Gillig Corporation is recommended. A resolution accepting the buses and authorizing final payment to Gillig Corporation is needed. Estimated cost: \$425,760; funds are budgeted.)

ACTION: Res. 79-885 adopted accepting buses and authorizing final payment. (P.T. to handle)

CONSENT

6. Consider authorizing the purchase of a graphics printer and cable from Hewlett-Packard for the total price of \$4,601.56. (Equipment has been requested by Public Works. The equipment can only be purchased from Hewlett-Packard and, therefore, it is impractical to bid. Memo with agenda. Resolution authorizing purchase of equipment needed. Funds are budgeted.)

ACTION: Res. 79-886 adopted authorizing purchase of equipment. (P.W./Finance to handle)

TUESDAY
August 28, 1979
7:30 p.m.

HEARINGS

7. Hearing concerning annexation of uninhabited territory, Sutter-Figaro Annexation, to the City of Modesto.

No. 1

ACTION: Res. 79-887 adopted (Siefkin/Elliott, unan.) annexing to City of Modesto (Clerk to handle)

8. Hearing to consider an amendment to P-D(117) to allow a 96-unit condominium conversion, property located on the north side of Floyd Avenue, east of Coffee. (Rule Development)

No. 2

ACTION: By motion (Elliott/Kullijian, unan.) Ord. No. 1873-C.S. introduced amending P-D(117).

Res. 79-888 adopted (same vote) approving amendment to P-D(117). (Clerk/Planning to handle)

9. Hearing to consider amendment to Section 17-3-9 of the Zoning Map to rezone from R-2 to P-D(241) to allow a 43-unit, 1 and 2-story condominium conversion, property located on the south side of Briggsmore Avenue at the westerly terminus of Gayle Avenue. (Rule Development)

No. 3

ACTION: By motion (Lang/Elliott, unan.) Ord. No. 1874-C.S. introduced rezoning.

Res. 79-889 adopted (same vote) approving plan.

Res. 79-890 adopted (same vote) certifying Environmental Impact Review. (Clerk/Planning to handle)

10. Hearing to consider amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to P-D(239) to allow a two-story medical office building with underground parking, property located at the easterly corner of 16th and G streets. (Gilmore and Simvoulakis)

No. 4

ACTION: By motion (Lang/Kullijian, unan.) Ord. No. 1875-C.S. introduced rezoning.

Res. 79-891 adopted (same vote) approving plan.

Res. 79-892 adopted (same vote) certifying Environmental Impact Review. (Clerk/Planning to handle)

11. Matters for the good of the community, (These may be introduced by interested persons in the audience)

None

ORDINANCES

CONSENT

12. Final adoption of the following:

- a. Ord, No, 1866-C.S, rezoning from R-1 to R-2 property located at the southwest corner of Rose Avenue and Briggsmore (Keith R. Damon).
- b. Ord, No, 1867-C.S, rezoning from R-1 to P-D(237) property located on the south side of Norwegian Avenue west of Coffee Road (Big Valley Broadcasting).
- c. Ord, No, 1868-C.S, rezoning from R-1 to P-D(233) property located on the north side of Rumble Road, west of Conant (Rex Properties.)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

UNFINISHED BUSINESS

CONSENT

13. Consider improvement of El Pasado Drive between Riverside and Capistrano. (The need to complete the improvement of El Pasado Drive between Riverside and Capistrano was discussed at a recent public hearing concerning the Valencia Plaza development. Engineering for the project can be completed this winter with construction in the Spring/Summer of 1980. Funding for the project is available. Staff recommends we proceed with project as suggested above. Motion approving needed.)

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

NEW BUSINESS

CONSENT

14. Abandonment of excess street right of way for Woodland Avenue. (Memo with agenda, Resolution vacating and abandoning excess street right of way for Woodland Avenue needed.)

ACTION: Res. 1891-S.P. adopted vacating and abandoning. (P.W. to handle)

CONSENT

15. Consider approval of the final map of Normandy Park subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Land Resource Development Corporation. (The subdivision agreement has been signed and all fees paid. Normandy Park is located south of West Roseburg Avenue, east of Tully Road. It contains 4.352 acres. Resolution approving final map needed.)

ACTION: Res. 79-893 adopted approving final map. (Clerk to handle)

CONSENT

16. Consider approval of the final map of Pine Tree Village No. 1 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: James Horn Construction Company. (The subdivision agreement has been signed and all fees paid. Pine Tree Village No. 1 is located on the south side of Paradise Road and east of Carpenter Road. It contains 38.495 acres. Resolution approving final map needed.)

ACTION: Res. 79-894 adopted approving final map. (Clerk to handle)

CONSENT

17. Consider approval of the final map of Dutchollow Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code: Subdividers: Paul M. and Liberty M. Zagaris. (The subdivision agreement has been signed and all fees paid. Dutchollow Estates is located north of Veneman Avenue, east of Dale Road. It contains 9.717 acres. Resolution approving final map needed.)

ACTION: Res. 79-895 adopted approving final map. (Clerk to handle)

CONSENT

18. Consider approval of the final map of Woodland Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-5.604(c) of the Modesto Municipal Code. Subdividers: Guarantee Savings and Loan Association.
(The subdivision agreement has been signed and all fees paid. Woodland Estates is located on both sides of Woodland Avenue between Morse Road and Rosemore Avenue. It contains 41.512 acres. Resolution approving final map needed.)

ACTION: Res. 79-896 adopted approving final map. (Clerk to handle)

CONSENT

19. Consider acceptance of improvements in Wesson Estates No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Lance E. and Carol L. Ellis.
(Wesson Estates No. 3 subdivision is located east of Tully Road south of M.I.D. Lateral No. 6. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-897 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider acceptance of improvements in Scenic Court Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Robert Ford and Associates, Inc.
(Scenic Court Estates subdivision is located north of Scenic Drive and west of Lakewood Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-898 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

21. Consider approving an agreement with Arnold C. Dickens and Helen J. Dickens for alteration of an irrigation system on a portion of future Dry Creek Park.
(An M.I.D. irrigation line is to be removed upon installation of an alternative irrigation system on a portion of future Dry Creek Park. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-899 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider agreement with John Cipponeri, Grace Lacomare, Joseph Cipponeri, Benedict Cipponeri, Mary Randy and Vincent Cipponeri for the donation of right of way needed for Orangeburg/Collier to Coffee project.
(The Cipponeri family will receive curbs, gutters and sidewalks in return for the donation. The Cipponeri's are taking these improvements instead of the appraised value of \$4,375. This is considered to be a fair trade. Resolution approving agreement needed. Estimated cost: \$4,000 (for curbs, gutters and sidewalks); funds are budgeted.)

ACTION: Res. 79-900 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider agreement with Reid C. Cochran and Carol V. Cochran for the purchase of right of way needed for Sunrise Avenue - Lucern to Norwegian project. (Mr. and Mrs. Cochran have agreed to settle for the appraised value of \$4,900. The needed right of way consists of 1,393 sq. ft. Resolution approving the agreement needed. Funds are budgeted.)

ACTION: Res. 79-901 adopted approving the agreement. (P.W. to handle)

CONSENT

24. Consider approval of agreement to provide sewer and water service to Valley Tractor Company property at the northwest corner of Crows Landing and Whitmore. (The property is adjacent to the City limits and the applicant has filed for annexation to the City. Normally, sewer and water service is not extended until property is annexed to the City. Since construction is well along on the property and sewer and water service will be required before annexation can be completed, it is recommended the agreement be approved. Resolution approving agreement needed.)

DROPPED FROM AGENDA.

CONSENT

25. Consider submission of application for federal funding to construct general aviation access road. (The general aviation access road is in the current year budget. FAA has requested that application for funding of the project be made now so the grant can be approved before October 1, 1979. Memo with agenda. Resolution approving grant application needed. Estimated cost: \$9,125.)

ACTION: Res. 79-902 adopted approving grant application. (P.W. to handle)

CONSENT

26. Review factors supporting modification of Building Code. (The first step toward adoption of a sprinkler code is to review and approve a list of climatical, topographical, and other factors in justifying more stringent fire protection requirements. Motion approving factors and directing staff to proceed with the preparation of the sprinkler ordinance needed.)

DROPPED FROM AGENDA.

REPORTS

27. Report on City cost accounting requested by the Council at its meeting of July 10, 1979. (Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Lang/Siefkin, unan.) receipt of report acknowledged.

28. Report on golf courses^h revenue, expenditures and fees.
(Report with agenda. Motion directing staff needed.)

ACTION: By motion (Kullijian/Elliott, unan.) receipt of report acknowledged.
By motion (Lang/Siefkin, unan.) staff directed to meet with golf representatives to study and make recommendations to the Council regarding golf fees and other matters concerning the golf courses. (Finance/P.R. to handle)

29. Mayor's "Charge to the Public Projects Committee."
("Charge to the Public Projects Committee" with agenda. Motion approving "Charge to the Public Projects Committee" needed.)

ACTION: Mayor Mensinger read the "charge", which was accepted by Councilmember Siefkin, Chairperson of the Public Projects Committee. (Manager to handle)

MISCELLANEOUS

30. Legislation

ACTION: By motion (Kullijian/Elliott, unan.) ACA1 supported.
By motion (Muratore/Elliott, majority, Bright, Kullijian-no) AB 1274 opposed.
By motion (Elliott/Kullijian, unan.) SB 892 supported if amended.
By motion (Kullijian/Siefkin, unan.) SCA 26 supported.
By motion (Kullijian/Elliott, unan.) AB 677 opposed. (Mgmt. Services)

31. Appointments

ACTION: Res. 79-903 adopted (Lang/Elliott, unan.) reappointing Lee Ghilotti to the Personnel Commission, term to expire 1/1/83. (Clerk to handle)

32. Matters too late for the agenda

Mayor Mensinger made a statement regarding Yosemite trunk sewer extension.

Adjourned at 9:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Al Vaders, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 43a, 46a

ACTION: Dropped from agenda: 5

(Kullijian/Siefkin, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

PRESENTATIONS

1. Suggestion Award to Paul Durand (\$25.00), Finance Department employee, for a suggestion for a wire storage rack to be built for the Central Stores in the Corporation Yard. This rack helps prevent injuries to the back since employees no longer have to lift the spools of wire to unwind them.
(Mayor to present award.)

ACTION: Mayor Mensinger presented the award to Paul Durand.

- 1a. Presentation by Phil Peterson, Building Industry Association.

ACTION: The Building Industry Association and Title Insurance and Trust presented the City of Modesto a plaque showing the "Chain of Title" of the property on which the McHenry Mansion is located.

MINUTES

CONSENT

2. Approval of minutes of the City Council meeting of August 28, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from Aaron Vowles, Pool Patio 'n Things, requesting permission to use his parking lot to display merchandise for a sale September 14 - 17, 1979.

ACTION: By motion (Elliott/Siefkin, unan.) permission denied. (Clerk to handle)

4. Letter from Valdemar Sobrevilla, Jr., Executive Director of El Concilio, regarding a Community Action Program.

ACTION: By motion (Lang/Siefkin, unan.) the request to sponsor a Community Action Program referred to staff to study with the report to include information about previous experience with the C.A.C. and what other agencies or organizations are supplying services a Community Action Program would provide. (Mgr. to handle)

CONSENT

5. Letter of Donald B. Martin requesting permission to file a late claim with the City of Modesto.
(Resolution rejecting claim needed.)

DROPPED FROM AGENDA

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for repiping of lift station at Carver and Scott.
(Suggested bid opening: September 25, 1979 at 11:10 a.m. This project consists of replacing wrapped steel pipe with ductile iron pipe. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$19,250 (Contract \$17,500; Engineering \$1,750); funds are budgeted.)

ACTION: Res. 79-904 adopted calling for bids (P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the reconstruction of pump station No. 41.
(Suggested bid opening: September 25, 1979 at 11:05 a.m. This project will provide a permanent pump station where a temporary station now exists. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$119,043.72 (Contract \$108,221.56; Engineering \$10,822.16); funds are budgeted.)

ACTION: Res. 79-905 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for residential alley reconstruction project No. 7.
(Suggested bid opening: September 18, 1979 at 11:05 a.m. This is an annually funded project to upgrade residential alleys. There are 17 alleys involved. This is approximately double our normal alley work load and results from the fact that no alleys were constructed last year in this program. Property

8. CONSENT - Continued

owners are paying about 50% of construction cost. An appropriation transfer of \$29,000 will be needed. Resolution approving plans and specifications and call for bids needed, and resolution approving appropriation transfer needed. Estimated cost: \$99,000 (Const. \$90,000; Engrg. & Cont. \$9,000); funds are partially budgeted.)

ACTION: Res. 79-906 adopted approving plans and specs. and calling for bids.

Res. 79-907 adopted approving appropriation transfer. (P.W. to handle)

CONSENT

9. Approve plans and specifications and call for bids for construction of restroom building at Sylvan Park.

(Bid opening: September 25, 1979 at 11:00 a.m. This building will be similar to our more recent restroom buildings. We will be using split face concrete block. Construction costs for this type project have gone up approximately 20% in the last 18 months. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$59,800 (Contract \$57,000; Engrg. & Contg. \$2,800); funds are budgeted.)

ACTION: Res. 79-908 adopted approving plans and specs. and calling for bids.

(P.W. to handle)

CONSENT

10. Consider award of contract for Revard Park lighting.

(Bids were opened on August 28, 1979. The low bid of \$6,737, submitted by Kirkes Electric, Inc., is 23% below the engineer's estimate and is considered acceptable. It is recommended by the P/W & P/R Departments that the contract be awarded to them. Resolution awarding contract to Kirkes Electric, Inc. needed. Estimated cost: \$8,049 (Contract \$6,737; Engr. & Contg. \$1,312); funds are budgeted.)

ACTION: Res. 79-909 adopted awarding contract.

(P.W. to handle)

CONSENT

11. Consider award of contract for Golf Course Clubhouse carpeting.

(Bid were opened August 28, 1979. The low bid of \$5,380, submitted by Charles E. Lee, dba Aristocrat Interiors, is 2.18% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to him. Resolution awarding contract to Aristocrat Interiors needed. Funds are budgeted.)

ACTION: Res. 79-910 adopted awarding contract.

(P.W. to handle)

CONSENT

12. Consider acceptance of Hawk Well and Equipment Company's contract to construct pump station No. 43 as complete. (Original contract: \$72,106)

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$73,103.90; funds are budgeted.)

ACTION: Res. 79-911 adopted accepting work as complete,

(Clerk to handle)

CONSENT

13. Consider acceptance of Morrow and Waggoner's contract for the construction of streets, curb and gutter at Stockard-Coffee and Lakewood Parks as complete. (Original contract: \$38,672.14)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$47,745.06; funds are budgeted.)

ACTION: Res. 79-912 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of the contract of Joe Martin Pipeline, Inc. for construction of waterline extensions on Woodland Avenue, Lillian Avenue, and at Snyder and Prescott as complete. (Original contract: \$51,971.40)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$54,498.90; funds are budgeted.)

ACTION: Res. 79-913 adopted accepting work as complete.

CONSENT

15. Consider an appropriation transfer of \$48,000 from the Bus Maintenance Reserve, waiving formal bid procedures, and purchasing 4 Detroit diesel engines and 4 Allison transmissions from the Dow Hammond Company.
(Four City buses are in need of new diesel engines and transmissions. The Dow Hammond Company has been able to locate 4 engines and transmissions, and it is recommended they be purchased. Memo with agenda. Resolution approving appropriation transfer and a resolution waiving formal bid procedures (five affirmative votes needed) and authorizing the purchase of 4 engines and transmissions from the Dow Hammond Company needed. Estimated cost: \$48,000; funds are budgeted.)

ACTION: Res. 79-914 adopted approving appropriation transfer.
Res. 79-915 adopted waiving formal bid procedures. (P.T. to handle)

HEARINGS

4:00 p.m.

16. Annexation of Lincoln-Penny #2 Addition to the Modesto Municipal Sewer District No. 1

No. 1

ACTION: Res. 79-916 adopted (Elliott/Muratore, unan,) annexing to Sewer District. (Clerk to handle)

17. Annexation of Snyder Avenue No. 2 Addition to the Modesto Municipal Sewer District No. 1 No. 2

ACTION: Res. 79-917 adopted (Lang/Siefkin, unan.) annexing to Sewer District.
(Clerk to handle)

18. Hearing of Necessity to acquire the Walter P. Wesson property for Northwest McHenry Neighborhood Park development. No. 3

ACTION: By motion (Kullijian/Elliott, unan.) hearing continued to Thursday, September 27, 1979, 4:00 p.m. (Clerk to handle)

Councilmember Lang left the meeting at 4:45 p.m.; returned at 4:50 p.m.

19. Hearing of Necessity to acquire the C.L.S. Investments property for Northwest McHenry Neighborhood Park development. No. 4

ACTION: Res. 79-918 adopted (Siefkin/Muratore, unan., Lang absent) acquiring property. (P.W. to handle)

20. Hearing on appeal by Basic Resources, Inc. to a decision of the Board of Building Appeals concerning commercial buildings at 1202 - 1222 J Street, Modesto. No. 5
(Basic Resources, Inc. has requested that the hearing be continued. Motion continuing hearing to October 16, 1979, 4:00 p.m., Hearing No. 1, needed.)

ACTION: By motion (Kullijian/Siefkin, unan.) hearing continued to October 16, 1979, 4:00 p.m. (Clerk to handle)

21. Hearing on amendment to Section 11-3-8 of the Zoning Map to amend P-D(166) to allow 208 condominium units on the northeast side of Sisk Road north of Beckwith Road. No. 6
(Cal Rossi Company)

ACTION: By motion (Muratore/Kullijian, unan.) Ord. No. 1876-C.S. introduced rezoning. Res. 79-191 adopted (same vote) approving rezoning and certifying review of Environmental Impact Report, (Clerk to handle)

22. Hearing on amendment to Section 11-3-8 of the Zoning Map to rezone from R-1 to P-D(240) property located on the west side of Dale, south of Snyder to allow 81 condominium units and 70 zero lot line patio houses. (Joaquin Construction) No. 7

ACTION: By motion (Siefkin/Elliott, unan.) Ord. 1877-C.S. introduced amending Section 11-3-8 of the Zoning Map.

Res. 79-920 adopted (same vote) approving plan.

Res. 79-921 adopted (same vote) certifying review of Environmental Impact. (Clerk/Planning to handle)

23. Hearing on amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-2, property located at the south-west corner of Prescott Road and Snyder Avenue. (R.T. Hughes) No. 8

ACTION: By motion (Kullijian/Lang, unan.) Ord. 1878-C.S. introduced rezoning.

Res. 79-922 adopted (same vote) approving rezoning and certifying review of Environmental Impact Report. (Clerk/Planning to handle)

Councilmember Siefkin left the meeting at 5:50 p.m.

24. Appeal by Sanders Construction Company to a decision of the Parking and Traffic Director regarding Condition No. 22 of P-D(155). (Longs Drug Stores) No. 9

ACTION: Res. 79-923 adopted (Elliott/Kullijian, majority, Muratore and Mayor-no, Siefkin absent) approving appeal.

Councilmember Lang left the meeting at 6:10 p.m.

25. Matters for the good of the community. (These may be presented by interested persons in the audience.)

Bill Nichols introduced Roxanne Filaseta, Assistant Planning, Advance Planning Section.

ORDINANCES

CONSENT

26. Final adoption of the following:

- a. Ord. No. 1869-C.S. rezoning from H-1 to P-D(235) property on the northeast side of 9th Street north of Clayton. (Allen Grant)
- b. Ord. No. 1870-C.S. rezoning from R-1 to P-D(238) property on the east side of Claus Road south of E. Orangeburg. (Fara Estates)
- c. Ord. No. 1871-C.S. extending the license for Modesto Disposal Service to December 31, 1989.
- d. Ord. No. 1872-C.S. relating to speed limits. (Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

UNFINISHED BUSINESS

27. Acceptance and ratification of recommendation of Citizens Housing and Community Development Committee regarding request by Mrs. Velva Vandaveer.
(On July 24, 1979, Council requested a recommendation from the Citizens Housing and Community Development Committee as to action to be taken in response to Mrs. Vandaveer's request to be exempted from an inspection of her residence under the City's Housing Maintenance Program. Minutes attached. Motion approving recommendation of the Citizens Housing & Community Development Committee needed.)

ACTION: By motion (Kullijian/Elliott, unan.; Lang, Siefkin - absent) Committee's recommendation approved. (Planning to handle)

NEW BUSINESS

CONSENT

28. Consider acceptance of improvements in Fontana Plaza subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Frank Fontana)
(Fontana Plaza subdivision is located at the northwest corner of Scenic Drive and Lakewood Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-924 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

29. Consider approval of final map of Fontana Plaza subdivision. Subdivider: Frank Fontana
(All fees have been paid. A subdivision agreement is not required since all of the improvements are existing. Resolution approving final map needed.)

ACTION: Res. 79-925 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider lease cancellation, Express Co. Pub parking lot. (K Street between 8th and 9th Streets)
(The Pub has asked the City to vacate the parking lot. Memo with agenda. Motion acknowledging notice of lease cancellation and directing staff to vacate the lot by 10/20/79. Estimated cost: \$40; funds are budgeted.)

ACTION: By motion, notice of lease cancellation acknowledged and lot to be vacated by October 20, 1979. (P.T. to handle)

CONSENT

32. Extension of contract with Stanislaus County Housing Authority for provision of counseling services pursuant to our Community Development Block Grant program. (Our contract with the Housing Authority expired July 31, 1979. The Housing Maintenance and Counseling Subcommittee and the Citizens Housing and Community Development Committee are recommending extending this contract, as amended, retroactive to August 1, 1979. Minutes with agenda. Resolution approving extension of agreement needed. Funds are budgeted.)

ACTION: Res. 79-926 adopted approving extension of agreement. (Planning to handle)

CONSENT

33. Request from Stanislaus County Humane Society and S.P.C.A. for permission to hold a pet show at Enslin Park on Sunday, September 30, 1979.
(Memo with agenda. Motion approving request needed.)

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

CONSENT

34. Request for refund of business license tax - Wallpapers To Go.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 79-927 adopted approving refund. (Finance to handle)

CONSENT

35. Consider declaring 34 vehicles surplus to City needs and authorizing the Purchasing Officer to advertise and sell the equipment to the highest bidder.
(Memorandum with agenda. Resolution declaring property surplus and authorizing sale needed.)

ACTION: Res. 79-928 adopted declaring property surplus and authorizing sale.
(Finance to handle)

CONSENT

36. Consider three agreements with Nicholas E. and Ethone R. Koshell, Candace Kay Ward and Nicholas Raymond Koshell for the purchase of 14 lots along Hatch Road, east of Carpenter, north side. Lots are needed for Tuolumne River Regional Park.
(The Koshells and Mrs. Ward have agreed to sell the 14 lots to the City of Ceres, City of Modesto and Stanislaus County for the appraised value of \$94,000. The agreements have already been approved by the City of Ceres and Stanislaus County. Three resolutions approving agreements needed.) Estimated cost: \$100,000 (\$94,000 cost; \$6,000 escrow); funds are budgeted.)

ACTION: Res. 79-929 adopted approving agreement with Nicholas E. & Ethone R. Koshell.
Res. 79-930 adopted approving agreement with Candace Kay.
Res. 79-931 adopted approving agreement with Nicholas Raymond Koshell.
(P.W. to handle)

CONSENT

37. Recommend to Council an amendment to P-D(211) - Naraghi Farms.
(On August 20, 1979, the Planning Commission adopted Res. 79-224 recommending to the Council an amendment to P-D(211) to permit higher density residential zoning and change project phasing, located west of Oakdale Road between Floyd and Sylvan Avenue. Resolution setting public hearing on October 9, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-932 adopted setting public hearing, (Clerk to handle)

CONSENT

38. Recommend to Council an amendment to Section 28-3-9 of the Zoning Map - Francis Fero.

(On August 20, 1979, the Planning Commission adopted Resolution No. 79-220 recommending to the City Council an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to P-0 property located at the easterly corner of 16th and F Streets. Resolution setting public hearing on October 9, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-933 adopted setting public hearing. (Clerk to handle)

CONSENT

39. Recommendation to Council an amendment to Section 12-3-8 of the Zoning Map - Joaquin Construction Company.

(On August 20, 1979, the Planning Commission adopted Resolution 79-221 recommending to the City Council an amendment to Section 12-3-8 of the Zoning Map to rezone from P-0 to P-D(243) to allow two freestanding banks, savings and loan associations, or other financial institutions and professional office complex, property located on the east side of Dale Road, north of Veneman. Resolution setting public hearing on October 2, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-934 adopted setting public hearing. (Clerk to handle)

CONSENT

40. Recommend to Council an amendment to Section 2-3-8 of the Zoning Map - Burke Development Company.

(On August 20, 1979, the Planning Commission adopted Resolution 79-222 recommending to the City Council an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to P-D(245) to allow a 68-unit, two-story condominium, property located on the south side of Pelandale, east of Honey Creek Drive. Resolution setting public hearing on October 2, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-935 adopted setting public hearing. (Clerk to handle)

CONSENT

41. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map - Arnold H. and Dianne Berberian Gazarian.

(On August 20, 1979, the Planning Commission adopted Resolution 79-219 recommending to the Council an amendment to Section 31-3-9 of the Zoning Map to rezone from C-1 to C-2, property located at the northeast corner of Chicago Avenue and Paradise Road. Resolution setting public hearing on October 2, 1979 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-936 adopted setting public hearing. (Clerk to handle)

CONSENT

42. Recommend to Council an amendment to Section 7-3-9 of the Zoning Map - Tully-Rumble Partnership.
(On August 20, 1979, the Planning Commission adopted Resolution 79-223 recommending to the City Council an amendment to Section 7-3-9 of the Zoning Map to rezone from R-2 to P-D(244), property located on the west side of Tully Road south of Morada Drive. Resolution setting public hearing on October 9, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-937 adopted setting public hearing. (Clerk to handle)

CONSENT

43. Resolution approving application for funds under the Federal Land and Water Conservation Fund Program for the development of Beyer Community Park.
(Competitive grants are available through this funding program for municipal parks. As Beyer Community Park meets the criteria, staff recommends application for \$117,000 for irrigation and landscaping. Resolution authorizing filing of application needed. Estimated cost of park: \$234,000; funds are budgeted.)

ACTION: Res. 79-938 adopted authorizing filing of application. (P.R. to handle)

CONSENT

- 43a. Request by Downtown Improvement District Board for permission to hold a sidewalk sale September 4 - 8, 1979.
(Letter with agenda. Motion approving request needed.)

ACTION: By motion, permission granted. (Planning to handle)

REPORTS

44. Report to the City Council regarding roller skating.
(On July 24, 1979, the staff was directed to prepare a report regarding roller skating in the City of Modesto in response to a request to amend the present City ordinance that prohibits roller skating on the public roadways and on sidewalks in business districts. Motion directing staff needed.)

ACTION: By motion (Kullijian/Bright, unan., Lang & Siefkin-absent) no change is to be made in the Code concerning roller skating at this time.

MISCELLANEOUS

45. Legislation

None

APPOINTMENTS

CONSENT

46a. Request by the Citizens Housing and Community Development Committee to move Ray Ewing from Seat No. 6 thereof to Seat No. 4.
(Seat No. 4 of the Citizens Housing and Community Development Committee is vacant due to the death of Laurence B. Martin, Sr. This seat is reserved for a Planning Commissioner, although Planning Commissioner Ray Ewing is occupying Seat No. 6 - designated for a Citizen at Large. The committee is recommending this change in order to provide greater flexibility in the selection of an individual to be recommended for inclusion on the committee. Minutes with agenda. Resolution appointing Ray Ewing to Seat No. 4 from Seat No. 6. needed.)

ACTION: Res. 79-939 adopted moving Ray Ewing from Seat No. 6 to Seat 4 on the Citizens Housing and Community Development Committee. (Planning to handle)

46b. Other

ACTION: Res. 79-940 adopted (Kullijian/Elliott, unan., Lang & Siefkin absent) reappointing Julie Crawford and Ross Lee to the Youth Commission, terms to expire 6/1/80. (P.R. to handle)

47. Matters too late for the agenda.

None

Adjourned at 6:50 p.m. to executive session to consider pending tort litigation with the announcement that Council would not return to open session.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 11, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Bright

Pledge of allegiance to the Flag

Invocation: Rev. Mel Turner, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10, 16,
18, 19, 20, 21, 22, 23, 24, 25, 26, 27

DROPPED FROM AGENDA: 17

- ACTION: (Lang/Siefkin, unan., Bright absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the September 4, 1979, Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Laurence Martin regarding a discussion of the advisory measure on the November ballot.

ACTION: Res. 79-941 adopted (Lang/Elliott, unan., Bright absent) cancelling the special election concerning the Yosemite sewer trunk extension, postponing the advisory measure to November, 1980. (Atty. to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the repair of the Emerald trunk line at Robertson Road.
(Suggested bid opening: September 25, 1979 at 11:15 a.m. This project will consist of pushing a liner pipe into the existing damaged Emerald trunk line. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$115,000 (Contract \$100,000; Engrg. \$15,000); funds are budgeted.)

ACTION: Res. 79-942 adopted calling for bids. (P.W. to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of lift station and subtrunk sewer in Torrid Avenue and Diablo Avenue.
(Suggested bid opening: October 2, 1979 at 11:00 a.m. This project will provide sewer service to the Shasta Estates subdivision, located north of Torrid Avenue between Yellowstone and Shasta Avenue. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$119,126.70 (Contract \$113,454; Engrg. \$5,672.70); funds are budgeted.)

ACTION: Res. 79-943 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of a 39-inch northwest trunk sewer.
(Bid opening: October 2, 1979 at 11:10 a.m. This project will provide sewer service to the northwest portion of Modesto. It is being installed now to prevent the disruption of the new streets and facilities in the new developing area between Veneman & Snyder. Resolution approving the plans and specifications and calling for bids and resolution approving appropriation transfer needed. Estimated cost: \$363,622.70 (Contract \$321,790; Engrg. \$41,832.70).

ACTION: Res. 79-944 adopted approving plans and specs, and calling for bids.
Res. 79-945 adopted approving appropriation transfer. (P.W. to handle)

CONSENT

6. Consider award of contract to Flintkote Co. for construction of Conant Avenue and Lateral No. 7 canal crossing.
(Memo with agenda. Resolution awarding bid to Flintkote Co. needed. Estimated cost: \$169,500 (Contract \$151,213; Cont. & Engrg. \$18,287); funds are budgeted.)

ACTION: Res. 79-946 adopted awarding bid to Flintkote Co. (P.W. to handle)

CONSENT

7. Consider award of contract for the construction of waterline extension in Block 3203.
(Bids were opened on September 4, 1979. The low bid of \$7,796, submitted by Anderson Pipeline, is 19% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution accepting bid and awarding contract to Anderson Pipeline needed. Funds are budgeted.)

ACTION: Res. 79-947 accepting bid and awarding contract to Anderson Pipeline.
(P.W. to handle)

CONSENT

8. Consider award of contract for the improvement of Orangeburg Avenue from Collier to Coffee.
(Bids were opened on September 4, 1979. The low bid of \$238,819, submitted by George Reed, Inc. is 2% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-948 adopted awarding contract to George Reed, Inc. (P.W. to handle)

CONSENT

9. Consider award of contract for Beard Brook, Davis and Mellis Parks fence refurbishing.
(Bids were opened September 4, 1979. The low bid of \$12,840^{.80}, submitted by Stockton Fence & Material Co., is 0.32% above the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks & Recreation Departments that the contract be awarded to them. Resolution awarding contract to Stockton Fence & Material Co. needed. Funds are budgeted.)

ACTION: Res. 79-949 adopted awarding contract to Stockton Fence & Material Co.
(P.W. to handle)

CONSENT

10. Consider waiving formal bid and authorizing the purchase of one A. B. Dick Magna II mag-card typewriter for the total purchase price of \$6,785.66.
(Memorandum with agenda. Resolution waiving bid (five affirmative votes needed) and authorizing purchase of mag-card typewriter needed. Funds are budgeted.)

ACTION: Res. 79-950 adopted waiving bid and purchasing typewriter. (Finance to handle)

11. Hearings on orders to repair residential alleys at the following locations:

No. 1

(a) Block 2029 - Santa Ana/Wilson - Roble-La Loma.

ACTION: Res. 79-951 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(b) Block 12953 - Rumble/Windsor Court - Hampshire/Windsor Ln.

ACTION: By motion (Siefkin/Muratore, majority, Elliott, Lang-no, Bright absent) this item was continued for one week to allow Mrs. Zakarian to obtain further information.
(Clerk to handle)

(c) Block 233 - Bonita/Las Flores - La Sombra/LaLoma.

ACTION: By motion (Siefkin/Muratore, majority, Elliott, Lang-no, Bright absent) this item continued one week to allow Mrs. Stanley to obtain further information.
(Clerk to handle)

(d) Block 12951 - Hampshire/Westchester - Westchester Ln./Sunrise.

ACTION: Res. 79-952 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(e) Block 2128 - Severin/Camilla - Roble/Haddon.

ACTION: Res. 79-953 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(f) Block 8 - Fourth/Third - "J" Street/"I" Street.

ACTION: Res. 79-954 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(g) Block 6022 - Westland/Del Vale - Ashwood/Oakwood.

ACTION: Res. 79-955 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(h) Block 5303 - Meadow/Clover - Fair Oaks/Hillview.

ACTION: Res. 79-956 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(i) Block 1207 - Morene/Lorry - Coolidge/Briggsmore.

ACTION: Res. 79-957 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(j) Block 6707 - College/Monte Carlo - Hawthorne/Monte Cristo.

ACTION: Res. 79-958 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

11. (Cont'd.)

(k) Block 2129 - Camilla/Severin - Roble/Encina.

ACTION: Res. 79-959 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(l) Block 350 - Yosemite/Colorado - Western/Tuolumne.

ACTION: Res. 79-960 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(m) Block 305 - Tuolumne/Sierra - Calaveras/Seventh St.

ACTION: Res. 79-961 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(n) Block 5323 - Elm/Arboleda - Los Palos/Sundance.

ACTION: Res. 79-962 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(o) Block 311 - Merced/Madera - Center/Sierra.

ACTION: Res. 79-963 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

(p) Block 813 - Princeton/Yale - College/Mills.

ACTION: Res. 79-964 adopted (Siefkin/Muratore, unan., Bright absent) ordering work.
(P.W. to handle)

12. Hearing to consider an amendment to P-D(150) to allow inclusion of a K-Mart Department Store including auto service center in place of smaller shops on property located at the northwest corner of Sylvan Avenue and Oakdale Road. (Jeffrey Tamkin) No. 2

ACTION: Res. 79-965 adopted (Muratore/Elliott, unan., Bright absent) denying requested amendment and certifying review of the environmental assessment.
(Clerk/Planning to handle)

13. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(242) to allow an 879 unit, one and two-story residential condominium and apartment complex on property located on the west side of Roselle Avenue between Floyd and Merle Avenues. (Joaquin Construction Company) No. 3

ACTION: By motion (Kullijian/Siefkin, unan., Bright absent) Ord. No. 1879-C.S. introduced rezoning.

Res. 79-966 adopted (same vote) approving plan.

Res. 79-967 adopted certifying review of environmental assessment.
(Clerk/Planning to handle)

14. Informal public hearing regarding sidewalk standard for downtown.

No. 4

(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Lang/Elliott, unan., Bright absent) staff directed to develop sidewalk specifications to apply to the expanded downtown area recommended by staff. (Planning/P.W. to handle)

15. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

16. Final adoption of the following:

- a. Ord. No. 1873-C.S. amending P-D(117), 96-unit condominium conversion on on Floyd east of Coffee (Rule Development).
- b. Ord. No. 1874-C.S. rezoning from R-2 to P-D(241), 43-unit condominium conversion, Brigsmore Avenue west of Gayle (Rule Development).
- c. Ord. No. 1875-C.S. rezoning from R-3 to P-D(239), for a medical office building at 16th and G Streets (Gilmore and Simvoulakis).

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

CONSENT

17. Ordinance amending Municipal Code relating to speed limits.

(Memo with agenda. Ordinance would set 35 mph limit on portions of Orangeburg Avenue and Wylie Drive and allow radar enforcement. Introduction of ordinance amending Municipal Code needed. Estimated cost: \$100; funds are budgeted.)

DROPPED FROM AGENDA.

NEW BUSINESS

CONSENT

18. Consider approving lease agreement with Sonja Penquite and Debbie A. Jones for lease of the former Doidge pasture located in future Dry Creek Park area. (Lease begins September 16, 1979 and ends March 15, 1980. Lessee will be paying \$185 per month and be responsible for utilities, taxes and maintenance. Lessee will use the pasture and barn to keep horses. Resolution authorizing City Manager to execute lease agreement needed.)

ACTION: Res. 79-968 adopted authorizing City Manager to execute lease agreement. (P.W. to handle)

CONSENT

19. Consider approval of agreement to provide sewer and water service to Valley Tractor Company property at the northwest corner of Crows Landing and Whitmore. (The property is adjacent to the City limits and the applicant has filed for annexation to the City. Normally, sewer and water service is not extended until property is annexed to the City. Since construction is well along on the property and sewer and water service will be required before annexation can be completed, it is recommended the agreement be approved. Two resolutions approving agreement needed.)

ACTION: Res. 79-969 adopted approving agreement for water service.

Res. 79-970 adopted approving agreement for sewer service.

(P.W. to handle)

CONSENT

20. Proposal from M. E. Grover to harvest olives from City-owned trees located on Mellis Park, Franklin Avenue.
(Mr. Grover will pay the City, no later than December 15, 1979, \$2.00 per 50 pound box of olives, for right to harvest the trees. Resolution approving letter agreement needed.)

ACTION: Res. 79-971 adopted approving letter agreement.

(P.R. to handle)

CONSENT

21. Consider renewing lease with Charles M. Delair, Sr. on month-to-month tenancy. (Lease is for old corporation yard. Existing lease expires September 22, 1979 and is for \$700 per month plus taxes. New lease is on a month-to-month basis and is \$770 plus taxes. Resolution approving new lease needed.)

ACTION: Res. 79-972 adopted approving new lease.

(P.W. to handle)

CONSENT

22. Consider changes to the Classification Plan and Salary Plan.
(Memo with agenda. Resolution amending class specifications and resolution amending salary schedule needed.)

ACTION: Res. 79-973 adopted revising Position Classification Plan.

Res. 79-974 adopted establishing salary schedules and fixing compensation for positions in City service.

(Mgmt. Services to handle)

CONSENT

23. Consider acceptance of improvements in Hillsboro North subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Transworld Financial Corp. (Hillsboro North subdivision is located south of Floyd Avenue and west of Oakdale Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-975 adopted accepting improvements as complete.

(Clerk to handle)

CONSENT

24. Consider accepting an additional transit grant from UMTA.
(Memo with agenda. An additional \$16,514 was requested from the federal government as transit operating costs were higher than estimated during fiscal year 1977-78. Resolution accepting the \$16,514 grant offer needed.)

ACTION: Res. 79-976 adopted accepting grant offer. (P.T. to handle)

CONSENT

25. Right of Way Certification: Neece Drive guard rail, College/Bowen traffic signal.
(Certification required to submit project to Caltrans. Memo with agenda. Two resolutions certifying right of way needed.)

ACTION: Res. 79-977 adopted certifying right of way for Neece Drive guard rail.
Res. 79-978 adopted certifying right of way for College/Bowen traffic signal.
(P.T. to handle)

CONSENT

26. Consider establishment of taxi-in/taxi-out tie-down space fee.
(Expansion of the aircraft parking apron on the general aviation side of the airport is nearing completion. We will add space for 60 additional aircraft. The addition of this new aircraft parking apron allows us to provide for taxi-in/taxi-out tie-down spaces in addition to the tail-in tie-down spaces. We are recommending that the Council approve this concept and establish a tie-down fee for taxi-in/taxi-out spaces at a rate of \$30 per month. Memo with agenda. Resolution establishing taxi-in/taxi-out tiedown fee needed.)

ACTION: Res. 79-979 adopted establishing taxi-in/taxi-out tiedown fee. (P.W. to handle)

CONSENT

27. Consider giving consent to amendment to Declaration of Covenants, Conditions and Restrictions of the Modesto Verde Homeowners Association.
(Memo with agenda. Resolution giving consent needed.)

ACTION: Res. 79-980 adopted giving consent. (Clerk to handle)

MISCELLANEOUS

28. Legislation

ACTION: By motion (Elliott/Lang, unan., Bright absent) S.B. 1180 supported.
By motion (Lang/Siefkin, unan., Bright absent) S.B. 522 and AB 1721 supported.
By motion (Lang/Muratore, majority, Kullijian-no, Bright absent) AB 130 supported.
(Mgmt. Services to handle)

29. Appointments - None

30. Matters too late for the agenda

None

Adjourned at 10:00 p.m.

ATTEST:



NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 18, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 9, 12, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25,
ACTION: (Lang/Siefkin, unan.) 25A, 26

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the September 11, 1979, Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Florence E. Martin, United Nations Chairperson, requesting permission to use the City Hall flag pole for raising the United Nations flag on October 24, 1979, at 4:00 p.m.

ACTION: By motion (Elliott/Siefkin, majority, Kullijian-no) permission was granted.
(Mgr. to handle)

3. Letter from Esther M. Wright, Rent Committee, regarding formation of a Rent Review Board.

ACTION: No action taken

BIDS

CONSENT

4. Approve plans and specifications and call for bids for reroofing of Police Station.

(Bid opening: October 2, 1979 at 11:15 a.m. This project provides for the removal of all existing roofing material and the reroofing of the entire building. Resolution approving plans and specifications and call for bids for reroofing of Police Station needed. Estimated Cost: \$10,000 (Contract \$9,500 - Eng. & Contg. \$500) Funds are budgeted.)

ACTION: Res.79-980a,adopted calling for bids.

(P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for re-bid of the repair of the urethane foam installation on the primary digester located at the City of Modesto Water Quality Control Plant.

(Suggested bid opening: October 2, 1979 at 11:05 a.m. Bid opening for this project was September 11, 1979. We received no bids. Since then we have been in touch with prospective bidders and we have determined there is sufficient interest to warrant re-bid. Resolution approving plans and specifications and call for re-bid. Estimated Cost: \$23,940:(Contract \$22,800, Engineering \$1,140. Funds are budgeted.)

ACTION: Res. 79-981 adopted calling for re-bid.

(P.W. to handle)

CONSENT

6. Consider declaring Duke Equipment and Irrigation, Inc., low bidder meeting City specifications and authorize the purchase of one 72" rotary mower for the total purchase price of \$6,971.87.

(Memorandum with agenda. Resolution authorizing purchase of equipment needed. Funds are budgeted.)

ACTION: Res. 79-982 adopted authorizing purchase of equipment. (Finance to handle)

CONSENT

7. Consider award of contract for the replacement of waterlines in Blocks 9013 and 9019.

(Bids were opened on September 11, 1979. The low bid of \$28,377.50, submitted by Joe Martin is 8% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Joe Martin Pipeline, Inc. needed; funds are budgeted.)

ACTION: Res. 79-983 adopted awarding contract to Joe Martin Pipeline. (P.W. to handle)

CONSENT

8. Consider award of contract for the replacement of waterlines in Imperial Avenue and Guthrie Street.
(Bids were opened on September 11, 1979. The low bid of \$67,038, submitted by Joe Martin Pipeline, Inc. is 5% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Joe Martin Pipeline, Inc. needed; funds are budgeted.)

ACTION: Res. 79-984 adopted awarding contract to Joe Martin Pipeline. (P.W. to handle)

CONSENT

9. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for construction of waterline extension at Floyd and Oakdale. (Original contract: \$37,634)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: Contract \$41,166 (Main \$40,766; Services \$400); funds are budgeted.)

ACTION: Res. 79-985 adopted accepting work as complete. (Clerk to handle)

HEARINGS

10. Continued hearing on orders to repair residential alleys at the following locations:

a. Block 12953 - Rumble/Windsor Court - Hampshire/Windsor Lane

ACTION: Res. 79-986 adopted (Siefkin/Lang, unan.) ordering work. (P.W. to handle)

b. Block 233 - Bonita/Las Flores - La Sombra/La Loma

(Hearing continued from September 11, 1979 meeting.)

ACTION: Res. 79-987 adopted (Siefkin/Lang, unan.) ordering work. (P.W. to handle)

11. Matters for the good of the community
(These may be presented by interested persons in the audience.)
Jr. Busby requested the resignation of the City Clerk. No action taken.

ORDINANCES

CONSENT

12. Final adoption of the following:
- Ord. No. 1876-C.S. amending P-D(166) to allow 208 condominium units on Sisk Road north of Beckwith Road. (Cal Rossi Co.)
 - Ord. No. 1877-C.S. rezoning from R-1 to P-D(240) property located on Dale Road south of Snyder to allow 81 condominium units and 80 zero lot line patio houses. (Joaquin Construction)
 - Ord. No. 1878-C.S. rezoning from R-1 to R-2 property located on Prescott and Snyder Avenue. (R. T. Hughes)
- (Motion adopting needed.)

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

NEW BUSINESS

14. Consideration of enforcement of landscaping requirements on private developments.
(Memo with agenda.)

ACTION: By motion (Kullijian/Bright, unan.) staff to conduct a sampling survey regarding conformance with landscaping requirements and report back to Council.

(Mgr. to handle)

CONSENT

15. Consider approval of final map of Victor Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Lasiter & Davis Builders, Inc.
(The subdivision agreement has been signed and all fees paid. Victor Estates is located south of Rouse Avenue and west of Sutter Avenue. It contains 6.060 acres. Resolution approving final map needed.)

ACTION: Res. 79-988 adopted approving final map.

(Clerk to handle)

CONSENT

16. Consider approval of the final map of Fig Gardens No. 2 subdivision of the City of Modesto. Subdivider: James R. Corn Enterprises, Inc.
(All fees have been paid. A subdivision agreement is not required since all of the improvements are existing. Fig Gardens No. 2 is located at the southeast corner of Yarmouth Drive and Bingham Drive. It contains 0.287 acres. Resolution approving final map needed.)

ACTION: Res. 79-989 adopted approving final map.

(Clerk to handle)

CONSENT

17. Consider request for water service to property outside of City limits at 1001 Franklin Street, located on the west side of Franklin Street between California Avenue and Briggs Avenue. Owner: Lucy Terra
(The property owner has signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-990 adopted approving agreement.

(P.W. to handle)

CONSENT

18. Consider agreement with Walter Perrin Wesson for the acquisition of 2.51± acres of land needed for the park site in the Northwest McHenry Neighborhood.
(The owner has agreed to sell the required 2.51± acres for \$80,000. This is less than the appraised value. Resolution approving agreement needed. Estimated cost: \$84,500 (Land \$80,000; Parcel Map \$2,000; Est. Escrow Fee \$2,500); funds are budgeted.)

ACTION: Res. 79-991 adopted approving agreement.

(P.W. to handle)

CONSENT

19. Consider renewal of Integrated Pest Management agreement.
(The Department of Parks and Recreation staff recommends that the fourth year of research be undertaken to control, with minimal use of chemical insecticides, insect pests on ornamental trees. The John Muir Institute for Environmental Studies, Inc. is recommended for continuation of this research for the City. Resolution approving agreement needed. Estimated cost: \$10,000; funds are budgeted.)

ACTION: Res. 79-992 adopted approving agreement. (P.R. to handle)

CONSENT

20. Consider Geer Road Landfill budget for fiscal year 1979-80.
(The County has completed preparation of the budget for 1979-80 for the Geer Road Landfill, and it would be appropriate for the Council to approve the budget as submitted. Memo with agenda. Resolution approving proposed budget needed.)

ACTION: Res. 79-993 adopted approving proposed budget. (Finance)

CONSENT

21. Request from Loeb's department store for refund of business license tax overpayment.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 79-994 adopted authorizing refund. (Finance to handle)

CONSENT

22. Recommend to Council an amendment to Section 24-3-9 of the Zoning Map - MAWCO Development.
(On September 4, 1979, the Planning Commission adopted Resolution No. 79-233 recommending to the City Council an amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3 property located at the southwest corner of Briggsmore Avenue and Claus Road. Resolution setting public hearing on October 16, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-995 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Delton & Elsie Peebler, et al.
(On September 4, 1979, the Planning Commission adopted Resolution No. 79-234 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0 property located on the west side of Coffee Road, south of Floyd Avenue. Resolution setting public hearing on October 16, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-996 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommend to the Council an amendment to Planned Development Zone, P-D(76) - Virginia Berg.

(On September 4, 1979, the Planning Commission adopted Resolution No. 79-232 recommending to the City Council an amendment to Planned Development Zone, P-D(76), to allow a 24-unit condominium conversion, property located on the southeast corner of Lucern Avenue and El Vecino Avenue. Resolution setting public hearing on October 16, 1979 at 4:00 p.m. needed.)

ACTION: Res. 79-997 adopted setting hearing,

(Clerk to handle)

CONSENT

25. Renewal of public official bonds.

(Memo with agenda. A motion approving surety bond limits for public officials needed. Estimated cost: \$1,330; funds are budgeted.)

ACTION: By motion, bonds approved.

(Mgmt. Services to handle)

CONSENT

25A. Recommend vacation and abandonment of portions of 10th Street and C Street, and the alley in Block 50.

(On September 4, 1979, the Planning Commission adopted Resolution No. 79-235 recommending to the City Council the vacation and abandonment of 10th Street between B and D Streets, C Street between 9th and 11th Street, and the 20-foot alley in Block 50. Resolution of intention to vacate and abandon and setting date for public hearing on October 16, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 1392-S.P. adopted. Res. of Intent 383,

REPORTS

CONSENT

26. Presentation of Financial Statement for August, 1979.

(Copies of the report will be presented at meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

27. Legislation

None

28. Appointments

ACTION: Res. 79-998 adopted (Siefkin/Lang, unan.) appointing Balvino Irizarry to the Planning Commission, term to expire 1/1/82.

29. Matters too late for the agenda

ACTION: a. LEAA Grant Fund Entitlement.

By motion (Lang/Kullijian, unan.) Council indicated Option #2 as its choice. (Police to handle)

Adjourned at 5:10 p.m.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
September 20, 1979

The Council of the City of Modesto met at 12:00 noon in Room 309, Beaty Building, 1024 J Street, Modesto, California.

Present: Councilmembers: Bright, Elliott, Kullijian, Lang, Mayor Mensinger

Absent: Councilmembers: Muratore and Siefkin

The City Council met with members of the Housing and Community Development Program committees. They received suggestions for the Fifth Year Community Development Block Grant application, and discussed other topics of mutual concern.

The meeting adjourned at 1:00 p.m. to Thursday, September 27, 1979, 8:00 a.m. at the Sundial Restaurant, 806 McHenry Avenue for a meeting with Senator Ken Maddy.

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk



CITY OF MODESTO
CALIFORNIA

OFFICE OF CITY CLERK

City Hall, 801 Eleventh

P. O. Box 642, 95353

(209) 577-5396

NOTICE OF SPECIAL MEETING

Office of the City Clerk

Date: September 19, 1979

Please take notice that a special meeting of the Council of the City of Modesto has been called pursuant to Section 2-1.02 of the Modesto Municipal Code to be held in Room 309, Beaty Building, 1024 J Street, Modesto, at 12:00 noon on Thursday, September 20, 1979.

The business to be considered at said special meeting shall consist of the following matter:

A joint meeting with the Housing and Community
Development committees.

That meeting will then be adjourned to Thursday, September 27, 1979, 8:00 a.m., at the Sundial Restaurant, 806 McHenry Avenue, for a meeting with Senator Ken Maddy.

BY ORDER OF THE MAYOR

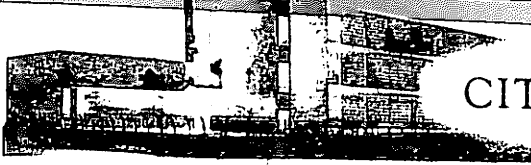


Norrine Coyle, City Clerk

I hereby acknowledge receipt of the foregoing notice.

Date _____

Hour _____



CITY OF MODESTO
CALIFORNIA

OFFICE OF CITY CLERK

City Hall, 801 Eleventh

P. O. Box 642, 95353

(209) 577-5396

September 19, 1979

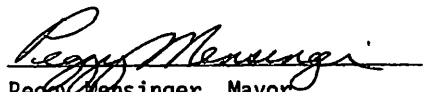
TO THE CITY CLERK OF THE CITY OF MODESTO:

Pursuant to Section 2-1.02 of the Modesto Municipal Code, you are hereby authorized and empowered to call a Special Meeting of the Council of the City of Modesto to be convened at 12:00 noon, Thursday, September 20, 1979, Room 309, Beaty Building, 1024 J Street, Modesto, California.

The business to be considered at said special meeting shall consist of the following matter:

A joint meeting with the Housing and Community
Development committees.

That meeting will then be adjourned to Thursday, September 27, 1979, 8:00 a.m., at the Sundial Restaurant, 806 McHenry Avenue, for a meeting with Senator Ken Maddy.


Peggy Mensinger, Mayor
City of Modesto

Modesto City Council
Regular Meeting
September 25, 1979
7:30 p.m.

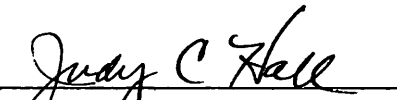
In the absence of the Mayor and Vice Mayor, the Acting City Clerk called the meeting to order. The roll call was as follows:

Present: Councilmembers: None

Absent: Councilmembers: Bright, Elliott, Kullijian, Lang,
Muratore, Siefkin, Mayor Mensinger

Due to a lack of a quorum, the meeting was continued to Thursday, September 27, 1979, at 4:00 p.m.

ATTEST:



JUDY C. HALL
Acting City Clerk

Adjourned Special Meeting
Modesto City Council
September 27, 1979

The Council of the City of Modesto met pursuant to adjournment at 8:00 a.m., at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California.

Present: Councilmembers Bright, Elliott, Lang, Muratore, Siefkin
Mayor Mensinger

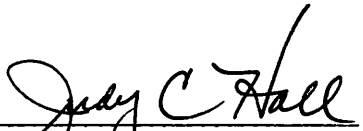
Absent: Councilmembers Kullijian

Also Present: State Senator Ken Maddy

There was a general discussion of matters concerning state laws and regulations.

The meeting adjourned at 9:20 a.m.

ATTEST:



JUDY C. HALL, Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 25, 1979 AT 7:30 P.M.
TO BE ADJOURNED TO THURSDAY, SEPTEMBER 27, 1979, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang,
Siefkin, Mayor Mensinger
(Kullijian arrived at 4:02 p.m.)

Absent: Muratore

Pledge of allegiance to the Flag

Invocation: Rev. Jerry Huckle, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 15,
DROPPED FROM CONSENT: No. 35 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 35

ACTION: (Bright/Siefkin, unan., Kullijian,
Muratore absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular Council meeting of September 18, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Laurence H. Martin regarding down zoning a parcel on Coffee Road near Sylvan Meadows Drive from R-3 to R-1.

ACTION: Res. 79-999 adopted (Lang, Siefkin, unan., Muratore absent) recommending initiating down zoning to R-2.

By motion (same vote) staff directed to indicate to Planning Commission Council's strong support of original conditions including 1-story housing, etc. (Planning)

3. Letter from Modesto Youth Soccer Association regarding the soccer program and the fact that they will not need the City's financial assistance for the 1979 season.

(Motion acknowledging receipt needed.)

ACTION: acknowledged receipt of letter.

CONSENT

4. Letter from Valley Tractor Company appealing a decision of the Planning Commission concerning a sign.
(Resolution setting hearing October 23, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-100 adopted setting hearing. (Clerk to handle)

5. Letter from L. M. Morris Co. requesting an exception to the sidewalk standards to permit "Futura Stone."

ACTION: Res. 79-1001 adopted (Kullijian/Siefkin, unan., Muratore absent) approving with conditions. (P.W. to handle)

BIDS

CONSENT

6. Approve plans and specifications and call for bids for construction of Police Building wheel chair access ramp.
(Bid opening: October 9, 1979 at 11:00 a.m. This project will provide the required wheel chair access to the Police Building. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$8,000 (Contract \$7,370; Eng. & Contg. \$630); funds are budgeted.)

ACTION: Res. 79-1002 adopted calling for bids. (Clerk to handle)

CONSENT

7. Consider declaring Dow Hammond low bidder and authorizing the purchase of one sewer cleaner truck for the total purchase price of \$94,105.74.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-1003 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider approval of purchase order to Jack Forcade for the installation of 500' of 10" water main at Claus and Orangeburg.
(Stanislaus County Public Works Department is currently reconstructing Claus Road. In order to avoid digging up new pavement for service crossings at a later date, we are planning to install the line before paving is complete. Resolution approving purchase order to Jack Forcade needed. Estimated cost: \$4,950; funds are budgeted.)

ACTION: Res. 79-1004 adopted approving purchase. (Finance to handle)

CONSENT

9. Consider award of contract for resurfacing City streets 1979-80, Phase I.
(Bids were opened on September 18, 1979. The low bid of \$247,994.20, submitted by Lee White Paving Co. is 15% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Lee White Paving needed. Funds are budgeted.)

ACTION: Res. 79-1005 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider award of contract for the construction of subtrunk sewer in Honey Creek Road.
(Bids were opened September 18, 1979. The low bid of \$37,343.15, submitted by Wayne Fregian Construction is 17% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Wayne Fregian Construction needed. Funds are budgeted.)

ACTION: Res. 79-1006 adopted awarding contract. (P.W. to handle)

CONSENT

11. Consider award of contract for residential alley reconstruction - Project No. 7.
(Bids were opened on September 18, 1979. The low bid of \$86,400, submitted by George Reed, Inc. is 4% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-1007 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for construction of waterline extension on Scenic Drive between Eastridge Drive and Fontana Court and on Riverside Drive and Yosemite Boulevard. (Original contract: \$35,366.50) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$39,283; funds are budgeted.)

ACTION: Res. 79-1008 adopted accepting work as complete. (P.W. to handle)

HEARINGS

13. Continued hearing of necessity to acquire the Walter P. Wesson property for Northwest McHenry Neighborhood Park development. (This hearing was continued from the September 4, 1979, Council meeting.) (An agreement for the purchase of the needed land was approved by the City Council on September 18, 1979.)

ACTION: Since the matter has been settled by agreement with Mr. Wesson, no action was taken.

14. Matters for the good of the community.
(These may be presented by interested persons in the audience.)
None

ORDINANCES

CONSENT

15. Final adoption of Ord. No. 1879-C.S. rezoning from R-1 to P-D(242) property located on Roselle between Floyd and Merle (Joaquin Construction Co.) (Motion adopting needed.)

ACTION: By motion, Ord. No. 1879 adopted. (Clerk to handle)

CONSENT

16. Ordinance amending Municipal Code relating to speed limits. (Memo with agenda. Ordinance would set 35 mph limit on portions of Orangeburg Avenue and Wylie Drive and allow radar enforcement. Introduction of ordinance amending Municipal Code needed. Estimated cost: \$100; funds are budgeted.)

ACTION: By motion, Ord. 1880-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

17. Discussion of red/green flags for service stations.

ACTION: By motion (Bright/Siefkin, unan., Muratore, absent) stations urged to use red/green flags.

NEW BUSINESS

18. Review of language of resolution concerning Yosemite sewer trunk election. (Copy of resolution with proposed rewording with agenda.)

ACTION: Res. 79-1009 adopted (elliott/Lang, unan., Muratore absent) amending Res. 79-941. (Atty. to handle)

19. Consider recommendation for proceeding with review of possible community center site in order to respond to Culture Commission's proposal for this facility. (Memorandum with agenda. Motion accepting recommendations and directing staff to proceed needed.)

ACTION: By motion (Elliott/Siefkin, unan., Muratore absent) staff directed to implement recommendations. (Mgmt. Services to handle)

20. Consider application for encroachment in public right of way by Stanislaus Center for Physically Handicapped. (Applicant desires to construct ramp which would detract from required width of sidewalk. Memo with agenda.)

ACTION: Res. 79-1010 adopted (Elliott/Siefkin, unan., Muratore absent) granting variance and encroachment permit with conditions. (P.W. to handle)

CONSENT

21. Renewal of Faithful Performance Blanket Position Bond. (Memorandum with agenda. Resolution authorizing purchase of Faithful Performance Blanket Position Bond needed. Estimated cost: \$3,128 (3-year prepaid premium); funds are budgeted.)

ACTION: Res. 79-1011 adopted authorizing renewal. (Mgmt. Services to handle)

CONSENT

22. Consider approving lease agreement with Aloma Lackey for the Parkview Guesthome at 1343 Legion Park Drive.
(Lease is a renewal of an existing lease which expires October 1, 1979. Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 79-1012 adopted approving lease agreement, (P,W, to handle)

CONSENT

23. Consider approving lease agreement with Haig Berberian for the lease of the former McClure property (less McClure house and grounds).
(Mr. Berberian has been leasing this property for the last four years. This lease is for an additional two years and will expire October 31, 1981. Lease rate has been increased from \$1,000 per year to \$1,500 per year plus taxes. Resolution authorizing execution of lease agreement with Haig Berberian needed.)

ACTION: Res. 79-1013 adopted authorizing execution of lease agreement, (P,W, to handle)

CONSENT

24. Consider approving lease agreement with Allen Hamilton and Gail Hamilton for lease of an apartment unit (former McCumber property) located on the old Lincoln School Site.
(Lease begins October 1, 1979 and continues as a month-to-month tenancy. Rent is \$175.00 per month plus a \$180.00 security deposit. Lessee's references have been checked. Resolution approving lease agreement needed.)

ACTION: Res. 79-1014 adopted approving lease agreement, (P,W, to handle)

CONSENT

25. Consider approving lease agreement for Airport concession with Pennie Hudson of Modesto Cab. Co.
(Lease is a renewal of an existing lease which expires September 30, 1979. Lease is for one year at \$130,00/year. Lease rate has been increased from \$120 last year. Resolution approving lease agreement needed.)

ACTION: Res. 79-1015 adopted approving lease agreement, (P,W, to handle)

CONSENT

26. Consider approving lease agreement for Airport concession with B. Dennis McDonald of Red Top Taxi.
(Lease is a renewal of an existing lease which expires September 30, 1979. Lease is for one year at \$130/year. Lease rate has increased from \$120 last year. Resolution approving lease agreement needed.)

ACTION: Res. 79-1016 adopted approving lease agreement, (P,W, to handle)

CONSENT

27. Consider approving agreement with L. R. Van Horn and Lena B. Van Horn for the donation of needed right of way and rescinding resolution of necessity on the same property.

(This agreement has been proposed to make use of Section 10-2.1622 of the Municipal Code which allows the Council the discretion of allowing a higher number of dwelling units in a development based on gross acreage before right of way donation when City is widening an existing street. Since the property owner has agreed to settle, the Resolution of Necessity is no longer needed and needs to be rescinded. Memo with agenda. Resolution accepting the right of way, approving agreement and rescinding Resolution of Necessity needed.)

ACTION: Res. 79-1017 adopted approving agreement. (P.W. to handle)

Res. 79-1017-A adopted rescinding resolution of necessity.

CONSENT

28. Consider response to LAFCO regarding the Crows Landing-Whitmore Annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-1018 adopted responding favorably to the proposed annexation. (Planning to handle)

CONSENT

29. Consider setting Hearing of Necessity to acquire Gustaf I. and Louella E. Mangnuson property for Tuolumne River Regional Park development. (The staff has been trying to acquire the subject lot for some time. All offers have been rejected by the Mangnusons. Further negotiations are not expected to change the situation. Resolution setting hearing on October 23, 1979 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1019 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to Council an amendment to Section 8-4-9 of the Zoning Map - (Vander Pol)
(On September 17, 1979, the Planning Commission adopted Resolution 79-247 recommending to the Council an amendment to Section 8-4-9 of the Zoning Map to prezone to Planned Development Zone, P-D(247) property located on the northwest corner of Crows Landing Road and Whitmore Avenue. Resolution setting public hearing on October 23, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1020 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend to Council an amendment to Section 28-3-9 of the Zoning Map - (Coon & Raines)
(On September 17, 1979, the Planning Commission adopted Resolution 79-245 recommending to the City Council an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to P-D(246) property located at 512 and 516 14th Street. Resolution setting public hearing on October 23, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1021 adopted setting hearing. (Clerk to handle)

CONSENT

32. Consider acceptance of grant agreement to construct general aviation access road at the Modesto City-County Airport. (The City has made application for grant funds in the amount of \$75,438 to construct an access road on the general aviation side of the Airport. The grant offer has been received. It is recommended the Council adopt a resolution accepting the grant and authorize the City Manager to execute the grant agreement on behalf of the City. Memo with agenda. Resolution approving grant agreement needed.)

ACTION : Res. 79-1022 adopted approving grant agreement. (P.W. to handle)

APPROPRIATION TRANSFERS

CONSENT

33. Consider appropriation transfer of \$800 from General Reserve to the Word Processing Division for microfilming departmental records. (Memorandum with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1023 adopted approving appropriation transfer. (Mgmt. Services to handle)

CONSENT

34. Consider fund transfer of \$151,339 to finance the continuation of repairs on the 7th Street Bridge, (Transfer is needed to make funds available which had been encumbered for payment to County for bridge repairs. Memo with agenda. Resolution approving transfer needed.)

ACTION: Res. 79-1024 adopted approving transfer. (P.W. to handle)

35. Consider approval of transfer of \$75,000 from General Reserve of the Special Fund for Capital Outlay for purchase of property for Fire Station #9. (Memo with agenda, Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1025 adopted (Elliott/Kullijian, unan., Muratore absent) approving appropriation transfer.

MISCELLANEOUS

36. Legislation

ACTION: By motion (Bright/Elliott, majority, Kullijian-no, Muratore absent) indicated opposition to substantive waiver bill and support for the Udall-Interior Committee bill, regarding Energy Mobilization Board legislation. (Mgmt. Services)

37. Appointments

ACTION: Res. 79-1026 adopted (Elliott/Lang, unan., Muratore absent) appointing Robert Taro and Loraine Conaughty to the Farm-City Advisory Committee, terms to expire 5/1/83. (Mgmt. Services to handle)

38. Matters too late for the agenda.

None

39. Executive session to consider pending litigation.

DROPPED FROM AGENDA

Adjourned at 6:10 p.m.

ATTEST:


JUDY C. HALL, Acting City Clerk
9/27/79

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 2, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Dennis Conrad, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41,

ACTION: (Siefkin/Muratore, unan.)

Dropped from Consent: No. 40

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the special meeting of September 20, 1979, the regular meeting of September 25, 1979, and the special meeting of September 27, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Downtown Improvement District requesting use of downtown sidewalks for a sale on Saturday, October 6, 1979.
(Motion approving request needed.)

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

3. Letter from the Local Agency Formation Commission regarding the proposed Blue Gum - Morse and the Claus - Parker Annexations to the City of Modesto.

ACTION: By motion (Elliott/Siefkin, unan.) staff directed to attend LAFCO meeting of October 24, 1979, and respond to concerns of letter.

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the re-construction of Pump Station No. 40.
(Suggested bid opening: October 23, 1979 at 11:05 a.m. This project will provide a permanent pump station where a temporary station now exists. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$119,043.72 (Contract \$108,221.56; Engrg. \$10,822.16); funds are budgeted.)

ACTION: Res, 79-1027 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications for (1) relocation of approximately 2,100' of chain link boundary fence along the southerly side of the general aviation area, and (2) the addition of security fencing between Hangars 2 and 5 in the general aviation area at the Modesto City-County Airport.
(Suggested bid opening: October 23, 1979 at 11:00 a.m. The Airport Master Plan, as approved, provides for the relocation of the boundary fence along the south side of the general aviation area to provide additional area for general aviation aircraft storage and activity. Also, there is a need to provide better security to the Airport operational area through additional fencing in the general aviation area to provide positive separation of general public activity from the aircraft operational area of the Airport. This is a requirement of the FAA. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$21,487; funds are budgeted.)

ACTION: Res, 79-1028 adopted calling for bids, (P.W. to handle)

CONSENT

6. Consider accepting the proposal submitted by Western States Testing and authorize the purchase of compaction and aggregate testing services from the firm during the 1979-80 fiscal year.
(Memorandum with agenda. Resolution accepting proposal and authorizing issuance of purchase orders needed. Estimated cost: \$10,275; funds are budgeted.)

ACTION: Res, 79-1029 adopted accepting proposal and authorizing issuance of purchase orders, (Finance to handle)

CONSENT

7. Consider declaring The American Rubber Company lowest bidder meeting City specifications on Item I and low bidder on Item II; and authorize the purchase of 1-½" and 3" double-jacket fire hose for the total purchase price of \$14,933.81.
(Memorandum with agenda. Estimated cost: \$14,933.81; funds are budgeted.)

ACTION: Res, 79-1030 adopted authorizing purchase, (Finance to handle)

CONSENT

8. Consider award of contract for the reconstruction Pump Station No. 41. (Bids were opened on September 25, 1979. The low bid of \$107,977, submitted by CDR Construction and Development, Inc. is under the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to CDR Construction needed. Estimated cost: \$107,977; funds are budgeted.)

ACTION: Res. 79-1031 adopted awarding contract, (P.W. to handle)

CONSENT

9. Consider awarding contract for five bus fareboxes. (Memo with agenda. Keene Corporation was low bidder and proposes to furnish the five fareboxes for \$10,975. Eighty percent of the cost is covered by a federal grant. Resolution awarding contract to Keene Corporation needed. Funds are budgeted.)

ACTION: Res. 79-1032 adopted awarding contract, (P.T. to handle)

CONSENT

10. Consider award of contract for construction of restroom building at Sylvan Park. (Bids were opened September 25, 1979. The low bid of \$57,400, submitted by William M. Mineni is 0.7% above the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Parks and Recreation Departments that the contract be awarded to him. Resolution awarding contract to William M. Mineni needed. Estimated cost: \$60,200 (Contract \$57,400; Engr. & Contg. \$2,800); funds are budgeted.)

ACTION: Res. 79-1034 adopted awarding contract, (P.W. to handle)

CONSENT

11. Consider acceptance of the contract of Mac's Backhoe Services for construction of waterline extension in Carpenter Road. (Original contract: \$54,816) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$54,630; funds are budgeted.)

ACTION: Res. 79-1035 adopted accepting work as complete, (P.W. to handle)

CONSENT

12. Consider acceptance of the contract of Mac's Backhoe Services for construction of waterline extension at Dale and Snyder. (Original contract: \$33,077) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$44,678.40; funds are budgeted.)

ACTION: Res. 79-1036 adopted accepting work as complete, (Clerk to handle)

CONSENT

13. Consider acceptance of the contract of George Reed, Inc. for construction of aircraft tie-down at the Modesto City-County Airport, CAAP Project #1-78-1. (Original contract: \$106,856.60)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Resolution accepting work as complete needed. Final cost: 108,096; funds are budgeted.)

ACTION: Res. 79-1037 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of the contract of Joe Martin Pipeline, Inc. for construction of waterline extension at E. Orangeburg and Claus Road. (Original contract: \$28,498.80)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$29,106.40; funds are budgeted.)

ACTION: Res. 79-1038 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of McGaw Company's contract, F.A.U. No. M-F 219(1) - Oakdale-Scenic to Briggsmore, as complete.
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$529,410.18; funds are budgeted.)

ACTION: Res. 79-1039 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider waiving formal bid procedures and authorizing the purchase of air conditioning repair services from ComAir Company for the total price of \$6,888.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-1040 adopted waiving formal bid procedures. (Finance to handle)

17. Annex Standiford No. 2 annexation to the Modesto Municipal Sewer District No. 1.

No. 1

ACTION: Res. 79-1041 adopted (Lang/Kullijian, unan.) annexing. (Clerk to handle)

18. Annex Morningside-September annexation to the Modesto Municipal Sewer District No. 1.

No. 2

ACTION: Res. 79-1042 adopted (Lang/Elliott, unan.) annexing. (Clerk to handle)

19. Annex Sunnyside annexation to the Modesto Municipal Sewer District No. 1.

No. 3

ACTION: Res. 79-1043 adopted (Muratore/Bright, unan.) annexing. (Clerk to handle)

20. Hearing on amendment to Section 12-3-8 of the Zoning Map to rezone from P-D to P-D(243) to allow two freestanding banks, savings and loan associations, or other financial institutions and professional office complex, property located on the east side of Dale Road, north of Veneman. (Joaquin Construction Company)

No. 4

ACTION: Res. 79-1060 adopted (Siefkin/Bright, majority; Elliott, Lang-no) adopted denying application because it is not consistent with General Plan. (Atty/Planning to handle)

21. Hearing on amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to P-D(245) to allow a 68-unit, two-story condominium, property located on the south side of Pelandale, east of Honey Creek Drive. (Burke Development Company)

No. 5

ACTION: By motion (Lang/Kullijian, majority; Muratore, Siefkin-no) Ord. No. 1881-C.S. introduced approving development plan.

Res. 79-1044 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

Res. 79-1061 adopted (same vote) approving development plan, (Clerk/Planning)

22. Hearing on amendment to Section 31-3-9 of the Zoning Map to rezone from C-1 to C-2, property located at the northeast corner of Chicago Avenue and Paradise Road.
(Arnold H. and Dianne Berberian Gazarian)

No. 6

ACTION: By motion (Lang/Kullijian, unan.) Ord. No. 1882-C.S. introduced.

Res. 79-1045 adopted (same vote) approving rezoning. (Clerk/Planning to handle)

23. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

1. Dennis Conway, Bethel Church, asked for ideas of who to talk to for suggestions for fund raising.
2. Supervisor Ulm requested action on stopping odor from Emerald Avenue lift station because of a number of phone calls he has received.
3. Don Crooker spoke about saving Medi-flight; asked Council to support Medi-flight. Mayor Mensinger stepped down due to a conflict of interest, turning Chair over to Vice Mayor Kullijian. Mayor absent

ACTION: Res. 79-1046 adopted (Kullijian/Lang, unan./) approving concept of Medi-flight for the region.

4. Larry Martin requested information on the Public Projects Committee procedures.

ORDINANCES

24. Consider proposal to form the Crows Landing Drainage Area.

(An existing drainage basin near the intersection of Crows Landing Road and Whitmore Avenue has the capability of serving 185 acres. The proposal describes the system and the recommended fees. The County Board of Supervisors has determined that the proposed Crows Landing Road Drainage Area is in conformity with the County-wide Drainage Plan. Proposal with agenda. Introduction of ordinance needed. Estimated cost: \$395,320. Funds are not budgeted. Construction costs will be included in several future CIP's.)

ACTION: By motion (Elliott/Lang, unan.) Ord. No. 1883-C.S. was introduced.

(Clerk/P.W. to handle)

CONSENT

25. Ordinance amending the City Code to provide for an annual business license fee for itinerant auctioneers--\$100 per year.

(Memo with agenda. Introduction of an ordinance amending the City Code needed.)

ACTION: By motion, Ord. No. 1884-C.S. introduced.

(Clerk/Finance to handle)

NEW BUSINESS

26. Designation of Voting and Alternate Voting Delegates at the National League of Cities' annual Congress of Cities, November 24 - 28, 1979, in Las Vegas, Nevada.
(Motion designating delegates needed.)

ACTION: By motion (Lang/Kullijian, unan.) Mayor Mensinger designated Voting Delegate and Councilmember Muratore, alternate. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Yosemite Park No. 1 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdivider: Rule Enterprises. (The subdivision agreement has been signed and all fees paid, Yosemite Park No. 1 is located north of Yosemite Avenue and west of Lincoln Avenue and south of Japonica Way. It contains 6.415 acres. Resolution approving final map needed.)

ACTION: Res. 79-1047 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider approval of the final map of the Oakwood Park subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Developers: J.W.J. Development. (The subdivision agreement has been signed and all fees paid. Oakwood Park subdivision is located on the south side of Pelandale Avenue west of Dale Road. It contains 19.094 acres. Resolution approving final map needed.)

ACTION: Res. 79-1048 adopted approving final map. (Clerk to handle)

CONSENT

29. Consider acceptance of improvements in Eastridge Plaza subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Paul M. Zagaris. (Eastridge Plaza subdivision is located west of Oakdale Road between East Orangeburg Avenue and East Briggsmore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1049 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

30. Consider acceptance of improvements in Bloomfield No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Altamont Builders, Inc. (Bloomfield No. 3 subdivision is located at the north of Poinsetta Drive east of the Tidewater Southern Railroad. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1050 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

31. Consider acceptance of improvements in Greenwich Village No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdividers: Wolverine Building Service, Inc. (Greenwich Village No. 1 subdivision is located north of Woodland Avenue and west of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1051 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

32. Consider acceptance of improvements in Greenwich Village No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Wolverine Building Service, Inc. (Greenwich Village No. 2 subdivision is located north of Woodland Avenue and west of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1052 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

33. Consider approval of storm drainage agreement with Modesto Irrigation District. (The developer of Hollandia Villas (Norm Windsor) and the Public Works staff have negotiated and agreement for the discharge of storm water into the M.I.D. Lateral No. 7. The agreement allows the developer to construct drain lines and a pump station in lieu of rockwells. Resolution approving agreement needed.)

ACTION: Res. 79-1053 adopted approving agreement. (P.W. to handle)

CONSENT

34. Consider response to LAFCO regarding the Woodland-Mercy No. 2 Annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-1054 adopted responding favorably to LAFCO, (Clerk to handle)

CONSENT

35. Consider response to LAFCO regarding the Chicago Avenue Annexation. (Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-1055 adopted responding favorably to LAFCO, (Clerk to handle)

CONSENT

36. Scheduling for 1979 Urban Growth Review. (Memo with agenda. Mid-November consideration by Public Projects Committee suggested with Council consideration in early December, 1979. Motion acknowledging receipt of memo needed.)

ACTION: By motion, receipt of memo acknowledged. (Planning to handle)

CONSENT

37. Recommend to Council an amendment to P-D(81) - Nino Masellis. (On September 17, 1979, the Planning Commission adopted Resolution 79-243 recommending to the Council an amendment to P-D(81) to allow inclusion of a floor covering establishment in addition to C-1 uses, property located on the north-west corner of Coldwell Avenue and Tully Road. Resolution setting public hearing on November 6, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1056 adopted setting hearing. (Clerk to handle)

CONSENT

38. Recommend to Council the granting of an unclassified use permit - Doctors' Hospital.
(On September 17, 1979, the Planning Commission adopted Resolution 79-242 recommending to the City Council the granting of an unclassified use permit for a 24-hour child care facility and for revision to the freestanding and directional hospital signing. Resolution setting public hearing on October 23, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-1057 adopted setting public hearing. (Clerk to handle)

CONSENT

39. Consider approval of agreement with Tidewater Southern Railroad concerning widening of Needham Street crossing.
(The widening work will be done as a part of the Kansas-Needham Phase I project which is budgeted for construction this fiscal year. Resolution approving agreement needed.)

ACTION: Res. 79-1058 adopted approving agreement. (P.W. to handle)

REPORTS

40. Report on dumping of septic tank waste at the City of Modesto Wastewater Treatment Plant.
(Representatives of septic tank pumping service companies requested a review of the dumping charges at the Wastewater Treatment Plant. It is recommended the charges remain as established. Memo with agenda. Motion acknowledging receipt of report needed.)

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

APPROPRIATION TRANSFERS

CONSENT

41. Transfer of money to the General Reserves of the Gas Tax Fund, the Special Fund for Capital Outlays, and the McHenry Mansion Restoration Fund resulting from 1978-79 carryover project adjustments.
(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1059 adopted approving appropriation transfer, (Finance to handle)

MISCELLANEOUS

42. Legislation

None

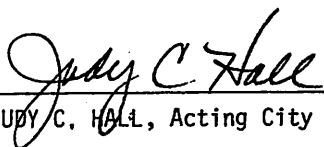
43. Appointments

None

44. Matters too late for the agenda

Meeting adjourned to executive session to consider pending litigation at 6:15 p.m. with announcement that Council would not return to open session; then to Wednesday, October 3, 1979, at 8:00 a.m. at the Sundial for a meeting with Congressman Norman Shumway.

ATTEST:


JUDY C. HALL, Acting City Clerk

Adjourned Special Meeting
Modesto City Council
October 3, 1979

The Council of the City of Modesto met pursuant to adjournment at 8:00 a.m., at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California.

Present: Councilmembers: Bright, Lang, Muratore, Siefkin, Mayor Mensinger

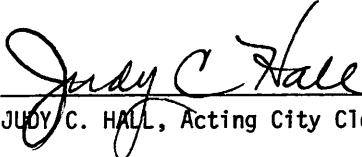
Absent: Councilmembers: Elliott, Kullijian

Also Present: Congressman Norman Shumway

There was a general discussion of matters concerning state laws and regulations.

The meeting adjourned at 9:30 a.m.

ATTEST:


JUDY C. HALL, Acting City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 9, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent: Councilmember Kullijian

Pledge of allegiance to the Flag

Invocation: Rev. James McKaughan, Harvest Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 8, 9, 10, 11, 12,
Removed from Consent: 4 and 7 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

Dropped from Agenda : 9A

ACTION: (Lang/Muratore, unan., Kullijian absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular adjourned Council meeting of September 27, 1979, and the regular meeting of October 2, 1979, and the adjourned special meeting of October 3, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from 4-H Committee regarding National 4-H Week, October 7 - 14, 1979.

ACTION: Debbie Brooks, Busy Beaver 4-H, spoke. Mayor Mensinger read and presented a proclamation.

CONSENT

3. Letter from John Conklin regarding barricading the alley between Ardmore and Bronson, north and south, at Briggsmore.
(Memo from Director of Planning and Community Development with agenda. Motion waiving fees and referring to Planning Commission needed.)

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

BIDS

4. Consider calling for bids for a two-way radio communications system for the City's fixed route bus system.
(Memo with agenda. The radio communications system will improve bus service. Eighty percent of the cost is covered by a federal grant. Resolution calling for bids on November 26, 1979 at 2:00 p.m. needed. Estimated cost: \$37,000; funds are budgeted.)

ACTION: Res. 79-1062 adopted (Siefkin/Elliott, unan., Kullijian absent) approving plans and specs. and calling for bids. (Clerk to handle)

CONSENT

5. Consider approving revised specifications and authorizing new call for bids to be opened November 6, 1979, at 2:00 p.m. for furnishing one police patrol motorcycle.
(Memorandum with agenda. Resolution approving revised specifications and authorizing new call for bids needed. Estimated cost: \$5,132; funds are budgeted.)

ACTION: Res. 79-1063 adopted approving revised specs. and authorizing new call for bids. (Clerk to handle)

CONSENT

6. Consider award of contract for construction of lift station and subtrunk sewer in Torrid Avenue and Diablo Avenue.
(Bids were opened on October 2, 1979. The low bid of \$70,566, submitted by Western Pipeline is 37.8% under the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that this contractor be awarded the contract. Resolution awarding the contract to Western Pipeline needed. Estimated cost: \$76,238.70 (Contract \$70,566; Engr. & Contg. \$5,672.70); funds are budgeted.)

ACTION: Res. 79-1064 adopted awarding bid contract. (P.W. to handle)

7. Consider award of contract for the repair of the Emerald trunk line at Robertson Road.
(Bids were opened October 2, 1979. The low bid of \$97,700, submitted by Bepco, Inc., is 2.3% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Bepco, Inc. needed. Estimated cost: \$112,700 (Contract \$97,700; Engr. \$15,000); funds are budgeted.)

Bill Jordan, Reeds Trenching, requested Council rejection of bid and recalling bids.

ACTION: Res. 79-1065 adopted (Muratore/Bright, unan., Kullijian absent) awarding bid. (P.W. to handle)

CONSENT

8. Consider award of contract for the reroofing of Police station.
(Bids were opened October 2, 1979. The low bid of \$9,425, submitted by Sierra Roofing, is 30.2% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works and Police Departments that the contract be awarded to Sierra Roofing. Resolution awarding contract to Sierra Roofing needed. Estimated cost: \$9,925 (Contract \$9,425; Engr. & Cont. \$500); funds are budgeted.)

ACTION: Res. 79-1066 adopted awarding bid contract. (P.W. to handle)

CONSENT

9. Consider award of contract for the repair of the urethane foam installation on the primary digester at the City of Modesto Water Quality Control Plant. (Bids were opened October 2, 1979. The low bid of \$29,870; submitted by D. K. Lane dba Western Applicators, is 31% above the engineer's estimate. In light of the two bids received, we feel this is an acceptable bid and recommend the contract be awarded to Western Applicators. Resolution awarding contract to Western Applicators needed. Estimated cost: \$31,010 (Contr. \$29,870; Engr. \$1,140); funds are budgeted.)

ACTION: Res. 79-1067 adopted awarding bid contract.

(P.W. to handle)

- 9A. Consider award of contract for the renovation of Pump Station No. 6 to Stanislaus Pump and Machinery Corporation. (Bids were opened September 11, 1979. The apparent low bidder was not properly licensed to perform the work at the time of the bid opening. Therefore, the contract is being awarded to the next lowest bidder, Stanislaus Pump and Machinery, whose bid is 2.6% above the engineer's estimate and is considered acceptable. Resolution awarding contract to Stanislaus Pump and Machinery Corp. needed. Estimated cost: \$102,646; funds are budgeted.)

DROPPED FROM THE AGENDA

CONSENT

10. a. Consider award of contract for construction of the northwest trunk sewer. (Bids were opened on October 2, 1979. The low bid of \$264,100, submitted by Western Pipeline, is 17.9% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to Western Pipeline. Resolution awarding contract to Western Pipeline needed. Estimated cost: \$305,932.70 (Contract \$264,100; Engrg. & Contg. \$41,832.70); funds are budgeted.)
- b. Approve easement agreement with Paul Zagaris in the amount of \$877. (Payment includes reimbursement for certain engineering costs incurred as a result of City changing trunk sewer size and preparation of easement description. Resolution approving agreement needed.)

ACTION:a. Res. 79-1068 adopted awarding bid contract.

(P.W. to handle)

b. Res. 79-1069 adopted approving agreement.

(P.W. to handle)

CONSENT

11. Consider declaring Atlas Hydraulic Corporation low bidder and authorize the purchase of one automotive floor hoist for the total purchase price of \$4,345. (Memorandum with agenda. Resolution authorizing purchase. Funds are budgeted.)

ACTION: Res. 79-1070 adopted authorizing purchase.

(Finance to handle)

CONSENT

12. Consider accepting the contract of The Flintkote Company for repairs and improvements to the City Hall parking deck as complete.
(Memo with agenda. The work has been completed and final cost is \$20,205. Resolution accepting contract and authorizing City Clerk to file Notice of Completion needed. Funds are budgeted.)

ACTION: Res. 79-1071 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider rejection of bid for the repiping of Carver-Scott lift station.
(Bids were opened on September 25, 1979. Only one bid was received, and this bid is 27% above the engineer's estimate. It is, therefore, recommended by the Public Works Department that this bid be rejected. The project will be rebid at a later date. Resolution rejecting bid needed.)

ACTION: Res. 79-1072 adopted rejecting bid. (P.W. to handle)

TUESDAY
October 9, 1979

HEARINGS

7:30 p.m.

14. Hearing on amendment to P-D(211) to permit higher density residential zoning and change project phasing, located west of Oakdale Road between Floyd and Sylvan Avenue. (Naraghi Farms) No. 1

By motion (Lang/Elliott, unan., Kullijian absent) Ord. No. 1885-C.S. introduced.

ACTION: Res. 79-1073 adopted (Lang/Elliott, unan., Kullijian absent) permitting higher density residential development, changing project phasing, and certifying review of environmental assessment. (Planning to handle)

15. Hearing on an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to P-0 property located at the easterly corner of 16th and F Streets. (Francis Fero) No. 2

ACTION: By motion (Elliott/Bright, majority, Siefkin, Mayor Mensinger-no, Kullijian absent) Ord. No. 1886-C.S. introduced rezoning.

Res. 79-1074 adopted (same vote) certifying review of environmental assessment. (Planning to handle)

16. Hearing on an amendment to Section 7-3-9 of the Zoning Map to rezone from R-2 to P-D(244), property located on the west side of Tully Road south of Morada Drive. (Tully-Rumble Partnership) No. 3

ACTION: By motion (Elliott/Lang, unan., Kullijian absent) Ord. No. 1887-C.S. introduced rezoning.

Res. 79-1075 adopted (same vote) approving development plan.

Res. 79-1076 adopted (same vote) certifying review of environmental assessment. (Planning to handle)

17. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

ACTION: Tom Moore spoke, representing a committee to raise funds for an all-weather track for Yosemite Junior College District, asked members of the Council to help by walking or jogging for pledge on Sunday, October 21, 1979.

ORDINANCES

CONSENT

18. Final adoption of Ord. No. 1880-C.S. amending Code relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1880-C.S. adopted.

NEW BUSINESS

CONSENT

19. Recommend to Council an amendment to P-D(161) - Jim Price.
(On September 17, 1979, the Planning Commission adopted Resolution 79-239 recommending to the City Council an amendment to P-D(161) to allow a 164-unit condominium conversion, property located on the north side of Rumble Road, east of Sherwood Avenue. Resolution setting public hearing on Tuesday, November 6, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1077 adopted setting hearing. (Clerk to handle)

CONSENT

20. Consider response to LAFCO regarding the Gomes Vista Annexation.
(Memo, map and questionnaire with agenda. Resolution responding favorably to the proposed annexation needed.)

ACTION: Res. 79-1078 adopted responding favorably to annexation. (Planning to handle)

CONSENT

21. Consider adoption of policy for selecting engineering/architectural consultants.
(The Council Committee of Siefkin and Elliott was appointed to review and make recommendation on the matter of selecting engineering/architectural consultants. The review is complete and a policy recommendation is contained in the memo distributed with the agenda. Resolution adopting policy for selecting engineering/architectural consultants needed.)

ACTION: Res. 79-1079 adopting policy for selecting engineering/architectural consultants.
(P.W. to handle)

CONSENT

22. Consider approval of agreement with Modesto Irrigation District to cross Lateral No. 7 at Conant Avenue,
(This "consent to common use agreement" is our standard agreement with M.I.D. to use their right of way for street purposes. It provides for the City to construct and maintain the roadway and the culvert under the roadway. Resolution approving agreement needed.)

ACTION: Res. 79-1080 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider closure of alley in Block 6000-A (alley between McHenry and Alma Avenues north of Roseburg) to through traffic on Friday and Saturday nights. (Operation of discotheque on McHenry Avenue has resulted in noise and disturbance complaints from adjacent residential neighbors. Staff is recommending weekend closure of alley to through traffic as a means of addressing problem. Memo with agenda. Motion directing staff to install swinging arm barricades as recommended needed.)

ACTION: By motion, staff directed to install swinging arm barricades. (P.W. to handle)

CONSENT

24. Consider cooperative agreement with County to widen and reconstruct Mitchell Road from Finch to Tenaya. (County is lead agency. This will be a Federal Aid project wherein Federal subsidies amount to approximately 82% of the total cost. Work includes widening of pavement from two to four lanes, new traffic signals, drainage facilities, and curbs. Resolution authorizing City Manager to execute agreement needed. Estimated cost: \$8,550; funds are budgeted.)

ACTION: Res. 79-1081 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider agreement with Claud A. Lyng for the acquisition of 0.169[±] acres of right of way needed for the Brighton Avenue/Wylie to Scenic project. (The owner has agreed to sell the required right of way for the appraised value of \$1,900. The City has been buying right of way for this project since 1969 based on requests to buy from owners. There are only four parcels left to acquire. Construction is not planned until after 1983. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-1082 adopted approving agreement. (P.W. to handle)

CONSENT

26. Report of Superintendent of Streets on the cost of installation of curbs/and or sidewalks at the locations listed below. (Resolution setting hearing on November 13, 1979 at 7:30 p.m. needed. Contract costs listed with properties. Funds are budgeted.)

- a. Sidewalk along Brady Avenue at 1224 Brady Avenue, Lot 12 of Block 6004. (George W. Jewett - \$352.00)
- b. Sidewalk at 2617 Brenner Way, Lot 3 of Block 7255. (Joel Butler - \$325.00)
- c. Sidewalk at 2521 Brenner Way, Lot 12 of Block 7255. (Lyndell C. Halbert - \$185.00)
- d. Curb and sidewalk at 2621 Brenner Way, Lot 2 of Block 7255. (James B. Perry - \$760.00)

- e. Sidewalk along Carlton Avenue and Barham Court at 801 Barham Court, Lot 4 of Block 6125. (Fred M. Kisner - \$979.60)
- f. Curb and sidewalk along Campus Way at 216 Campus Way, Lot 1 of Block 450. (Paul Benningfield - \$1331.25)
- g. Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Donald D. Hamilton - \$274.00)
- h. Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Hill and Trousdale - \$465.00)
- i. Sidewalk along Del Vale Avenue and Cherrywood Drive at 1541 Cherrywood Drive. Lot 22 of Block 6023. (Dilwyn B. Studebaker - \$614.00)
- j. Curb and sidewalk at 1128 Floyd Avenue, a portion of Block 12930. (Merlin T. Denlinger - \$884.00)
- k. Curb and sidewalk at 1132 Floyed Avenue, a portion of Block 12930. (Sheila A. Duckworth - \$1316.50)
- l. Curb and sidewalk at 1204 Floyed Avenue, a portion of Block 12930. (Clifford E. Ingram - \$1416.00)
- m. Curb and sidewalk at 1208 and 1216 Floyd Avenue, a portion of Block 12930. (William R. Merritt, Jr. - \$2374.00)
- n. Curb and sidewalk along Foy Street at 132 Maynel Avenue, Lot 36 and 37 of Block 558. (Theodore W. Werning - \$1460.00)
- o. Curb and sidewalk along Franklin Avenue at 325 Maze Blvd., Lot 1 and 2 of Block 421. (H.W. Garber - \$1910.00)
- p. Curb and sidewalk along Franklin Avenue at 523 Franklin Avenue, a portion of Block 4091. (Mary A. Webb - \$1113.00)
- q. Sidewalk repair along "G" Street and Tenth Street at 1012 "G" Street, a portion of Block 71. (Elmo E. Wilson - \$710.00)
- r. Curb and sidewalk at 322 W. Granger Avenue, a portion of Block 6130. (National Medical Development Corp. - \$810.00)
- s. Sidewalk at 1422 Leonard Avenue, a portion of Block 901. (Alvin R. Rumsey - \$442.00)
- t. Sidewalk along Norwegian Avenue at 1905 Valle Vista Avenue, a portion of Block 6905. (Jesse B. Pinedo - \$398.00)
- u. Curb along Palm Avenue and Melrose Avenue at 501 Palm Avenue, a portion of Block 664. (Helen Rubino - \$1709.00)

- v. Curb along Rosemont Avenue and Sierra Drive at 102 Rosemont Avenue, Lot 43 and 44 of Block 327. (Charles R. Bullard - \$950.00)
- w. Curb at 132 Rosemont Avenue, Lot 29 and 30 of Block 327. (Shirley J. Dunn - \$360.00)
- x. Curb at 121 Rosemont Avenue, Lot 11 and 12 of Block 326. (Juan Martinez - \$330.00)
- y. Curb at 112 Rosemont Avenue, Lot 39 and 40 of Block 327. (Pearl B. McMillen - \$330.00)
- z. Curb and sidewalk at 153 S. Santa Cruz Avenue, Lot 5 and 6 of Block 2053. (Richard F. Bettencourt - \$2356.25)
- aa. Curb and sidewalk at 137 S. Santa Cruz Avenue, a portion of Block 2053. (Benjamin L. Zakarian - \$975.00)
- bb. Curb and sidewalk along "O" Street at 1430 Tenth Street, Lots 27-32 of Block 63. (Tsuneo Iwata - \$1873.00)

ACTION: Res. 79-1083 adopted setting hearing.

(P.W. to handle)

CONSENT

27. Consider accepting federal grant for bus operating costs incurred during fiscal year 1978-79.
 (Memo with agenda. Federal grant is for \$263,232 and will cover 50% of the bus operating costs. Resolution accepting grant offer and authorizing City Manager to execute grant contracts needed. Estimated cost: \$523,232; funds are budgeted.)

ACTION: Res. 79-1084 adopted accepting grant offer and authorizing City Manager to execute grant contract.

(P.T. to handle)

MISCELLANEOUS

28. Legislation

None

29. Appointments

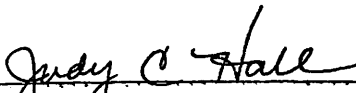
None

30. Matters too late for the agenda

Res. 79-1085 adopted approving the final map of Vintage Grove Subdivision.
 (Lang/Muratore, unan., Kullijian absent) (Clerk to handle)

Adjourned at 8:52 p.m.

ATTEST;


 JUDY C. HALL, Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 16, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Lang, Muratore,
Siefkin, Vice Mayor Kullijian

Absent: Mayor Mensinger

Pledge of allegiance to the Flag

Invocation: Rev. Charles Smalley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 16, 17, 18,
19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35
ACTION: (Muratore/Lang, unan., Mayor Mensinger absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular City Council meeting of October 9, 1979. (Motion approving needed.)

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Approve plans and specifications and call for bids for construction of Seventh Street Bridge truss support for span 13. (Bid opening: November 20, 1979 at 11:00 a.m. Span 13 has deteriorated and moved. This project is designed to prevent further movement of the span. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$42,000 (Contract \$34,000; Engrg. & Cont. \$8,000); funds are budgeted.)

ACTION: Res. 79-1086 adopted calling for bids.

(P.W. to handle)

CONSENT

3. Consider approval of plans and specifications for the construction of waterline extensions in Woodland Avenue, Marsala Way and Honey Creek Road. (Suggested bid opening: October 30, 1979 at 11:00 a.m. These extensions will provide water service for Woodland Estates, Dutchollow Unit No. 1 subdivisions. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$37,070 (Contract \$33,400; Engrg. & mat'ls. \$3,670); funds are budgeted.)

ACTION: Res. 79-1087 adopted calling for bids. (P.W. to handle)

CONSENT

4. Tully Road/Woodrow Avenue Traffic Signals. (Approve plans and specifications and call for bids to be opened on November 16, 1979 at 2:00 p.m. Resolution approving plans and specifications and authorizing call for bids needed. Estimated cost: \$50,000; funds are budgeted.)

ACTION: Res. 79-1088 adopted calling for bids. (P.T. to handle)

CONSENT

5. Consider award of contract for the construction of Police building wheel chair access ramp. (Bids were opened on October 9, 1979. The low bid of \$6,543, submitted by SPM Development Company, is 11% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department and Police Department that the contract be awarded to them. Resolution awarding contract to SPM Development Company needed. Estimated cost: \$6,543; funds are budgeted.)

ACTION: Res. 79-1089 adopted awarding contract. (P.W. to handle)

CONSENT

6. Consider acceptance of the contract of Lee White Paving Company for construction of additional rip rap on oxidation pond levees as complete. (Original contract: \$13,725) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$15,492.38; funds are budgeted.)

ACTION: Res. 79-1090 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of The Flintkote Company's contract for construction of curb and gutter on Briggsmore from Tully Road to McHenry Avenue as complete. (Original contract: \$19,299.89) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$19,618.75; funds are budgeted.)

ACTION: Res. 79-1091 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of William M. Mineni's contract for remodeling of Senior Citizen's Center as complete. (Original contract: \$230,297)
(All work on this project has been completed to the satisfaction of the Public Works and Parks and Recreation Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$233,431; funds are budgeted.)

ACTION: Res. 79-1092 adopted accepting work as complete. (Clerk to handle)

HEARINGS

TUESDAY
October 16, 1979
4:00 p.m.

9. Hearing on appeal by Basic Resources, Inc. to a decision of the Board of Building Appeals concerning commercial buildings at 1202 - 1222 J Street, Modesto. No. 1
(Hearing continued from September 4, 1979, 4:00 p.m., Hearing No. 5)
(A letter has been received from the appellant's attorney requesting that this appeal be withdrawn.)

ACTION: By motion (Lang/Bright, unan., Mayor Mensinger absent) receipt of request to withdraw the appeal acknowledged.

10. Hearing on amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3 property located at the south-west corner of Briggsmore Avenue and Claus Road. No. 2
(MAWCO Development Company)

ACTION: By motion (Siefkin/Bright, majority, Muratore, Vice Mayor Kullijian - no, Mayor Mensinger absent) Ord. No. 1888-C.S. introduced rezoning, except for the westerly part of the R-2.
Res. 79-1093 adopted (same vote) denying request to rezone the westerly portion of the property.

Res. 79-1094 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

11. Hearing on amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0 property located on the west side of Coffee Road, south of Floyd Avenue. (Delton & Elsie Peebler, et al.) No. 3

ACTION: By motion (Lang/Elliott, unan., Mayor Mensinger absent) Ord. 1889-C.S. adopted rezoning.

Res. 79-1095 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

12. Hearing on amendment to Planned Development Zone, P-D(76) to allow a 24-unit condominium conversion, property located on the southeast corner of Lucern Avenue and El Vecino Avenue. (Virginia Berg)

No. 4

ACTION: Res. 79-1096 adopted (Elliott/Siefkin, unan., Mayor Mensinger absent) denying request without prejudice. Staff requested to obtain information on the number of low and moderate income apartments in Modesto, apartment vacancy rate, and tenant's rights during condominium conversion. (Planning to handle)

13. Hearing on recommendation to vacate and abandon portions of 10th Street and C Street, and the alley in Block 50.

No. 5

ACTION: By motion (Bright/Siefkin, unan., Mayor Mensinger absent) Council indicated its intent to approve the abandonment in accordance with the recommendation of the Planning Commission, and requested information on the parking in the area, with final action to be taken after the labor dispute has been settled but not later than six months from now. (Atty./P.T. to handle)

14. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

Ann Miller discussed her thoughts about parking problems at apartment buildings.

ORDINANCES

15. Final adoption of Ord. No. 1881-C.S. amending Sec. Map. 2-3-8 of the Zoning Map, rezoning from R-1 to P-D(245), property located on the south side of Pelandale, east of Honey Creek Drive (Burke Development). (Motion approving needed.)

ACTION: By motion (Lang/Elliott, majority, Muratore, Siefkin-no, Mayor Mensinger absent) Ordinance No. 1881-C.S. adopted. (Clerk to handle)

CONSENT

16. Final adoption of the following:

- a. Ord. No. 1882-C.S. amending Sec. Map 31-3-9 of the Zoning Map, rezoning from C-1 to C-2, property located at the northeast corner of Chicago Avenue and Paradise Road (Arnold H. & Dianne Berberian Gazarian).
- b. Ord. No. 1883-C.S. adopting a drainage plan for the Crows Landing Rd. area.
- c. Ord. No. 1884-C.S. amending Code relating to itinerant auctioneers.

(Motion approving needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider resolution denying late claim of Donald Martin.
(Memorandum with agenda. Resolution denying late claim needed.)

ACTION: Res. 79-1097 adopted denying late claim. (Clerk to handle)

CONSENT

18. Appointment of auditors to audit the Dryden Trunk Sewer Project in accordance with Federal Economic Development Administration policies.
(An audit of completed projects by an independent auditor is required. Lowry, Guelfo, Pimentel & Deckard, C.P.A., has submitted a proposal to do the audit for a maximum of \$2,400 (Copy of proposal with agenda.) Also with the agenda is a letter from the Economic Development Administration indicating approval of the audit proposal. Resolution approving letter agreement with Lowry, Guelfo, Pimentel & Deckard, C.P.A.'s, to conduct the audit needed. Funds are budgeted.)

ACTION: Res. 79-1098 adopted approving agreement. (Finance to handle)

CONSENT

19. Consider authorizing issuance of purchase order to M.I.D. for three phase service to the Dutchollow Estates sewer lift station on the Northwest Trunk Sewer.
(Presently only single phase service is available to the Dutchollow Estates subdivision. The most available and economic lift station pump motors are three phase. Therefore, we are requesting that M.I.D. provide three phase power to our lift station. Resolution authorizing issuance of purchase order to M.I.D. needed. Estimated cost: \$4,309.85; funds are budgeted.)

ACTION: Res. 79-1099 adopted authorizing issuance of purchase order. (P.W. to handle)

CONSENT

20. Consider authorizing issuance of purchase order to T & C Manufacturing for the repair and modification of the hose drying tower ladders at Fire Stations No. 4 & 5.
(The hose drying ladder at Fire Station 5 was damaged in an accident necessitating its repair. It has been determined that the ladders at Fire Stations No. 4 & 5 should be modified to make them more safe. Presently both ladders are restricted to minimal use. This repair is needed in order that the hose drying towers can be brought back to full use. Memo from Risk Manager with agenda. Resolution authorizing repair and modification services by T. & C. Manufacturing needed. Estimated cost: \$4,189.12; funds are budgeted.)

ACTION: Res. 79-1100 adopted authorizing repair and modification services. (Fire to handle)

CONSENT

21. Consider authorizing City Manager to sign P.G. & E. agreement to install gas metering facilities for the purpose of standby service to Pump Station No. 41 on Saganaw Court.
(This gas line will provide standby gas service to Pump Station No. 41. It is needed to run the emergency gas engine during power outages. Resolution authorizing City Manager to sign agreement needed. Estimated cost: \$816.13; funds are budgeted.)

ACTION: Res. 79-1101 adopted authorizing City Manager to sign agreement. (P.W. to handle)

CONSENT

22. Consider authorizing City Manager to sign P.G. & E. agreement for the gas main extension to serve Fire Station No. 8 on Mitchell Road.
(This gas line will provide gas service to Fire Station No. 8. Resolution authorizing City Manager to sign agreement needed. Estimated cost: \$97.35; funds are budgeted.)

ACTION: Res. 79-1102 adopted authorizing City Manager to sign agreement. (P.W. to handle)

CONSENT

23. Consider approval of the final map of Fara Estates subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Tax Strategy - Fara Estates, Ltd.
(The subdivision agreement has been signed and all fees paid. Fara Estates is located east of Claus Road and south of E. Orangeburg Avenue. It contains 22.607 acres. Resolution approving final map needed.)

ACTION: Res. 79-1103 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider approval of agreement with Ed Farmer & Associates, consulting engineers and scientists for the modernization of the domestic water control system.
(The present domestic water controls have reached the end of their useful life. We are presently experiencing an unacceptable amount of down time due to equipment failures. Ed Farmer and Associates is highly qualified to provide consulting engineering services in this specialized field. Funds have been budgeted for this project. Resolution approving agreement with Ed Farmer & Associates needed. Estimated cost: \$9,750; funds are budgeted.)

ACTION: Res. 79-1104 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider cooperative agreement with Stanislaus County for accomplishment of preliminary engineering work for the design of the Sylvan Avenue-Oakdale Road intersection.

(The proposed work includes design of pavements, curbs, gutters and drainage facilities, and traffic signals. Plans would be prepared by County. The agreement is for the design work only, a second agreement will be drafted to cover the construction at the intersection. The date of submittal of the second agreement will depend on the timing of public improvements constructed by developers. Resolution approving agreement needed. Estimated cost: \$9,000; funds are budgeted.)

ACTION: Res. 79-1105 adopted approving agreement.

(P.W. to handle)

CONSENT

26. Consider agreement for traffic signals on Yosemite at San Juan.

(Memo with agenda. City will pay one-fourth the cost up to \$28,052. State and County to pay the rest. Resolution approving agreement needed. Estimated cost: \$25,000; funds are budgeted.)

ACTION: Res. 79-1106 adopted approving agreement.

(P.T. to handle)

CONSENT

27. Consider agreement with Bob G. Edwards and Martha L. Edwards to acquire a lot from them for Tuolumne River Regional Park. The lot is located on the south side of the Tuolumne River.

(Mr. and Mrs. Edwards have agreed to sell the property for \$25,950. The lot is appraised for \$22,000. The extra money involved is for engineering and house plans the owners had prepared before staff could notify them of the regional park need. The lot is unimproved at the present time. Funds are available in the Tuolumne River Regional Park budget. Resolution approving agreement needed. Estimated cost: \$28,450 (\$25,950 purchase price; \$2,500 Est. Escrow).

ACTION: Res. 79-1107 adopted approving agreement.

(P.W. to handle)

CONSENT

28. Consider approving lease agreement with Henry Goni for the lease of a portion of the former Hogin property (25 Ac. gross - 18 irrigable Ac.), part of the future Dry Creek Park.

(This is a renewal of a two year lease. Former lease called for removal of peach trees in exchange for two years free rent with the City paying taxes. New lease calls for \$1,800 cash rent per year with lessee paying taxes. Lease is for a two-year period ending October 31, 1981. Resolution approving agreement needed.)

ACTION: Res. 79-1108 adopted approving agreement.

(P.W. to handle)

29. I Street Improvement Project, 6th to 9th Streets.
(Memo with agenda. Request that City approve expenditure of \$73,000 DID Capital funds for median and corner plantings along I Street, 6th to 9th. Motion directing staff needed.)

ACTION: By motion (Siefkin/Lang, unan., Mayor Mensinger absent) plan and expenditure approved.
(Planning/Finance to handle)

CONSENT

30. Recommend to Council an amendment to P-D(177) - Milton C. David, M.D., Inc.
(On October 1, 1979, the Planning Commission adopted Resolution 79-253 recommending to the Council an amendment to P-D(177) to allow 122 condominium units on the south side of Pelandale Avenue west of Dale Road. Resolution setting public hearing on November 13, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1109 adopted setting hearing. (Clerk to handle)

CONSENT

31. Recommend to Council an amendment to P-D(133) - Alfredo & Emma Duran.
(On October 1, 1979, the Planning Commission adopted Resolution 79-252 recommending to the City Council an amendment to P-D(133) to allow serving alcoholic beverages in conjunction with the Marcella Restaurant located on the north side of Standiford Avenue west of Tully Road. Resolution setting public hearing on November 13, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1110 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map - Tierra Development.
(On October 1, 1979, the Planning Commission adopted Resolution 79-249 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(248) to allow a 15-unit condominium project, property located on the north side of E. Fairmont, west of Coffee Road. Resolution setting public hearing on November 13, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-1111 adopted setting hearing. (Clerk to handle)

REPORTS

CONSENT

33. Presentation of Financial Statement for September, 1979.
(Copies of report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

34. Fixed assets and revolving fund annual inventory report.
(The City Charter requires that an annual physical inventory of all City property be taken. The inventory has been completed, and a report is included with the agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

35. Chamber of Commerce quarterly reports.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

36. Legislation

None

37. Appointments

None

38. Matters too late for the agenda.

ACTION: Res. 79-1112 adopted (Muratore/Elliott, unan., Mayor Mensinger absent) approving an appropriation transfer of \$128,257 from the General Reserve of the McHenry Mansion Restoration Fund for parking lot acquisition and continuation of the restoration project. (P.R. to handle)

Adjourned at 7:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 13, 14a, 14b,
Removed from consent: 17 15, 16, 18, 19, 20, 21, 22, 23, 24, 25

ACTION: Elliott/Siefkin, unan.

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the October 16, 1979, Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved

COMMUNICATIONS

CONSENT

2. Letter from Howard K. Wilson and Otis D. Lee applying for certificate to operate the Modesto Taxi Cab Company.
(Resolution setting hearing November 6, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1113 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from Octavia Miles resigning from the Human Rights Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 79-1114 adopted accepting resignation. (Clerk to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for improvements on El Pasado Drive at park site, Block 2450.
(Suggested bid opening: November 20, 1979 at 11:05 a.m. This project will complete El Pasado Drive next to the future park site. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$34,000; (Contract \$32,000; Engr. & Contg. \$2,000); funds are budgeted.)

ACTION: Res. 79-1115 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approving specifications and authorize call for bids to be opened November 20, 1979, at 2:00 p.m. for purchasing automotive and heavy equipment.
(Equipment list with agenda.)
(Equipment is required by the Public Works Service Division and will be assigned to various departments. Revenue for the Service Division Fund is derived from equipment rental charges made to departments using the equipment. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$154,920; funds are budgeted.)

ACTION: Res. 79-1116 adopted calling for bids. (Finance to handle)

CONSENT

6. Consider waiving formal bid by five affirmative votes and authorize the purchase of one compound water meter from Hersey Products, Inc., for the total price of \$5,135.70.
(Memorandum with agenda. Resolution waiving formal bid and authorizing purchase needed. Funds available.)

ACTION: Res. 79-1117 adopted waiving bid and authorizing purchase. (Finance to handle)

CONSENT

7. Consider awarding contract for five new advanced design buses.
(Memo with agenda. Only one bid was received. It is approximately 6% above the budget. A federal grant covers 80% of the total cost. Resolution awarding contract to GMC needed and resolution amending the budget needed. Estimated cost: \$695,370.60; funds are partially budgeted.)

ACTION: Res. 79-1118 adopted awarding contract. (P & T & Finance to handle)
Res. 79-1119 adopted amending budget.

HEARINGS

8. Hearing of Necessity to acquire Gustaf I. and Louella E. Mangnuson property for Tuolumne River Regional Park development. No. 1

ACTION: Res. 79-1120 adopted (Lang/Kullijian, unan.) stating necessity to acquire property. (P.W. & P.&R. to handle) 10-23-79

9. Hearing on amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to P-D(246) property located at 512 and 516 14th Street. (Coon and Raines) No. 2

ACTION: By motion (Kullijian/Muratore, unan.) Ord. No. 1890-C.S. introduced rezoning.
Res. 79-1121 adopted (same vote) approving development plan.
Res. 79-1122 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning & C.D. to handle.)

10. Hearing on amendment to Section 8-4-9 of the Zoning Map to prezone to Planned Development Zone, P-D(247) property located on the northwest corner of Crows Landing Road and Whitmore Avenue. (Vander Pol) No. 3

11. Hearing on appeal by Valley Tractor Company to a Planning Commission decision regarding a sign. No. 4

ACTION: By motion (Elliott/Kullijian, unan.) the hearing on items 10 and 11 continued to November 6, 1979, 4:00 p.m. (Hearing No. 4) for additional illustrations concerning the proposed sign. (Clerk to handle)

12. Hearing on granting of an unclassified use permit to Doctors' Hospital for a 24-hour child care facility and for revision to the freestanding and directional hospital signing. No. 5

ACTION: Res. 79-1123 adopted (Kullijian/Lang, unan.) granting amendment. (Clerk/Planning & C.D. to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience,)

None

ORDINANCES

13. Final adoption of Ord. No. 1886-C.S. rezoning from R-3 to P-0 property located at the corner of 16th and F Streets (Francis Fero).
(Motion adopting needed.)

ACTION: By motion (Lang/Kullijian, majority, Siefkin & Mayor Mensinger, no)
Ord. No. 1886-C.S. adopted. (Clerk to handle)

CONSENT

14. Final adoption of the following:
- a. Ord. 1885-C.S. amending P-D(211) to permit higher density and change project phasing, property located west of Oakdale Road between Floyd and Sylvan. (Naraghi Farms)
 - b. Ord. No. 1887-C.S. rezoning property on Tully south of Morada from R-2 to P-D(244). (Tully-Rumble Partnership)

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

15. Consider acceptance of improvements in Evergreen Park subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: R.D.R. Properties)
(Evergreen Park subdivision is located south of Evergreen Avenue and west of Carver Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1124 adopted accepting improvements. (Clerk to handle)

CONSENT

16. Consider acceptance of the improvements in Kingswood Estates No. 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Rule Interprises, Inc.)
(Kingswood Estates No. 4 subdivision is located east of Coffee Road and south of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1125 adopted accepting improvements. (Clerk to handle)

17. Termination of lease agreements with United Airlines.
(United Airlines is in the process of terminating air service to Modesto. It would be in order to terminate their existing agreements as requested, effective November 15, 1979, and reinstating the agreements on a month-to-month basis to allow United's continued operation through the service termination date to be established by the CAB, which could be after November 15. Memo with agenda. Resolution authorizing termination of lease agreements with United Airlines needed.)

ACTION: Res. 79-1126 adopted (Elliott/Kullijian, unan.) authorizing termination of lease agreements. (P.W. to handle)

CONSENT

18. Consider two agriculture lease agreements with Donald H. Scott and Margaret D. Scott for lease of a portion of the former Bomberger property and the former Dickens property (future Dry Creek Park area). (19.2 acres total)
(Leases are for two years ending 10-31-81. The terms are two years free rent in return for lessee removing all peach trees. Lessee pays taxes. Memo with agenda. Two resolutions approving lease agreements needed.)

ACTION: Res. 79-1127 adopted approving lease of former Bomberger property.
Res. 79-1128 adopted approving lease of former Dickens property.

(P.W. to handle)

CONSENT

19. Consider lease agreement with Johanna M. Kenney for 18 acres of grape vineyard. (future Pelandale N. Park)
(This is a renewal of a one year lease. Former lease called for 25% of gross with City paying taxes. New lease is for one year and calls for 25% of gross plus lessee pays taxes. Lease will end October 31, 1980. Resolution approving lease agreement needed.)

ACTION: Res. 79-1129 adopted approving lease agreement.

(P.W. to handle)

CONSENT

20. Consider agreement with Air Pacific regarding security costs.
(One of the aircraft used by Air Pacific comes under the Federal Aviation Regulations which requires passenger screening. The agreement covers the provision of security and the recovery of those security costs from Air Pacific. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-1130 adopted approving lease agreement.

(Police/Finance to handle)

CONSENT

21. Consider approval of agreement between City of Modesto and Crosby Thornton Marshall Associates, Architects.
(The agreement provides for Crosby Thornton Marshall Associates, Architects, to furnish architectural services to the City for the interior restoration of the McHenry Mansion. Resolution approving agreement needed. Estimated cost: \$37,996; funds are budgeted.)

ACTION: Res. 79-1131 adopted approving agreement. (P.&R. to handle)

CONSENT

22. Recommend to Council a amendment to P-D(73) to permit additional and larger hospital signing - Memorial Hospital.
(On October 1, 1979, the Planning Commission adopted Resolution No. 79-254 recommending to the City Council an amendment to P-D(73) to permit additional and larger hospital signing. Resolution setting public hearing November 20, 1979, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1132 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider approval of maintenance agreement with Calvary Temple for slip ramp onto Briggsmore Avenue.
(On January 9, 1979, the Council approved a request by Calvary Temple to construct a slip ramp onto Briggsmore Avenue. This agreement defines the responsibility of Calvary Temple for maintaining a portion of the ramp which is on Briggsmore Avenue right of way. Resolution approving agreement needed.)

ACTION: Res. 79-1133 adopted approving agreement. (Clerk to handle)

REPORTS

CONSENT

24. Report on Greyhound's application to increase fares.
(Memo with agenda. Application is to PUC and seeks authority to apply a fuel surcharge to fares and package express rates based upon a weekly ICC fuel price survey. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

25. Transfer of additional funds for expenses of acquisition of McHenry Mansion parking lot.
(Memo with agenda. Resolution approving transfer needed.)

ACTION: Res. 79-1134 adopted approving transfer. (Finance to handle)

25a. Consider joining in amicus curiae briefs in the cases of Winberry Development Company vs. County of Shasta and Mills vs. County of Trinity which relate to proposition 13.
(Memo with agenda. Motions authorizing joining in amicus curiae briefs needed.)

ACTION: By motion (Lang/Kullijian, unan.) joining in amicus curiae brief in the case of Winberry Development Co, vs, County of Shasta approved.
By motion (Lang/Kullijian, unan.) joining in amicus curiae brief in the case of Mills vs, County of Trinity approved.

(Atty. to handle)

MISCELLANEOUS

26. Legislation

None

27. Appointments

None

28. Matters too late for the agenda

ACTION: a. Res. 79-1135 adopted (Kullijian/Elliott, unan.) approving changes in the position classification of the Housing Program Officer.
(Mgt. Services to handle)

b. By motion (Kullijian/Lang, unan.) Council endorsed the letter Ross Campbell wrote on October 12, 1979, to Curtis R. Coad, Assistant Executive Officer of the Local Agency Formation Commission and authorized the Mayor to write a letter to LAFCO stating that fact.
(Mgr. to handle)

Adjourned at 9:45 p.m,

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 6, 1979 AT 4:00P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger
(Mayor Mensinger left the meeting at 5:05 p.m.)
Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Louis Dykstra, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 27, 28, 29, 30, 31,
Dropped from agenda: 44 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,
ACTION: (Lang, Muratore, unanimous) 42, 43, 45, 46

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

PRESENTATIONS

1. Presentation by the Gideon International Organization to Mayor Peggy Mensinger.

ACTION: Richard Van Konynenberg, President of the Modesto Chapter of the Gideon International organization, presented a bible to Mayor Mensinger.

MINUTES

CONSENT

2. Approval of the minutes of the October 23, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from the Modesto City Employees Retirement Association regarding changing the rate of cost of living increases for retired City employees.

ACTION: By motion (Bright/Kullijian, unan.) staff directed to contact P.E.R.S. regarding an actuarial study. (Mgmt. Services)

4. Letter from Bruce Blizzard regarding speeding on Clevenger Drive and requesting 4-way stop at Longbridge-Clevenger intersection.

ACTION: A motion to install four-way stops died for lack of a second. By motion (Siefkin/Kullijian, majority, Lang-no) staff directed to conduct a speed survey and report results to Council. (Police to handle)
Mayor Mensinger left the meeting at 5:05 p.m.

5. Letter from San Jose Mayor Janet Gray Hayes regarding establishment of a "Lake Tahoe National Recreational Area."

ACTION: By motion (Elliott/Bright, unan., Mayor Mensinger absent) this item held over one week. (Clerk to handle)

6. Letter from Mid-Valley Engineering, Inc., requesting a review of the Professional Office Zoning provisions of the Modesto Municipal Code. (Motion referring to staff for study and report needed.)

ACTION: By motion (Lang/Bright, unan., Mayor Mensinger absent) staff directed to conduct the study, checking with other valley cities regarding whether or not they have had problems with savings and loans associations in P-0 Zones. (Planning to handle)

CONSENT

7. Appeal by Mid-Valley Engineering, Inc., to a Planning Commission decision concerning rezoning property on the northwest corner of Standiford Avenue and Prescott Road from R-1 to P-D. (Resolution setting hearing December 4, 1979 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1136 adopted setting hearing. (Clerk to handle)

CONSENT

8. Letter from Downtown Improvement District requesting City assistance in putting up and removing Christmas decorations. (Motion approving request needed.)

ACTION: By motion request approved.

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the construction of waterline extension in Pine Tree Lane and Mugho Pine Drive. (Suggested bid opening: November 20, 1979 at 11:15 a.m. The extension of the main will provide water and fire service to Pine Tree Village subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$44,865 (Contract \$41,300; Engrg. \$3,565); funds are budgeted.)

ACTION: Res. 79-1137 adopted calling for bids. (P.W. to handle)

CONSENT

10. Consider declaring L.N. Curtis and Sons low bidder and authorize purchase of 145 fire fighting helmets for the total purchase price of \$4,165.80. (Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-1138 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider approval of plans and specifications for the construction of waterline extension in Claus Road.
(Suggested bid opening: November 20, 1979 at 11:10 a.m. The construction of this main extension will provide water and fire service to Fara Estates subdivision. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$14,007 (Contract \$12,864; Engrg. \$1,143) funds are budgeted.)

ACTION: Res. 79-1139 adopted calling for bids. (P.W. to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened November 27, 1979, at 2:00 p.m. for furnishing a satellite radio receiver system for the Modesto Police Department.
(The satellite radio receiving system will provide significant improvement on signal range and coverage reliability of the existing Police Department radio system. The system will not replace any like equipment presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$10,000; funds are budgeted.)

ACTION: Res. 79-1140 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider rejection of bids for the renovation of Pump Station No. 6 and consider approval of plans and specifications and call for rebid for the renovation of Pump Station No. 6.
(Memo with agenda. Suggested bid opening: November 20, 1979 at 11:30 a.m. Resolution rejecting bids and approving plans and specifications and call for bids needed. Estimated cost: \$110,506.47 (Engrg. \$10,046.04; Contract \$100,460.43; funds are budgeted.)

ACTION: Res. 79-1141 adopted calling for bids. (P.W. to handle)

CONSENT

14. Consider award of contract for the construction and relocation of general aviation area security fencing.
(Bids were opened on October 23, 1979. The low bid of \$24,282, submitted by The Yard Lumber & Fence Supply, is 13% above the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to the. Resolution awarding contract to The Yard Lumber and Fence Supply needed. Funds are budgeted.)

ACTION: Res. 79-1142 adopted awarding contract. (P.W. to handle)

CONSENT

15. Consider award of contract for the reconstruction of pump station No. 40.
(Bids were opened on October 23, 1979 at 11:05 a.m. The low bid of \$115,575, submitted by CDR Construction is 7% above the engineer's estimate and considered acceptable. It is, therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to CDR Construction needed. Funds are budgeted.)

ACTION: Res. 79-1143 adopted awarding contract. (P.W. to handle)

CONSENT

16. Consider award of contract for the construction of waterline extensions in Woodland Avenue, Marsala Way, and Honey Creek Road.
(The bids were opened October 30, 1979. The low bid of \$32,062, submitted by W. Gale Fisher, Inc. is 4% below the engineer's estimate and considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to W. Gale Fisher, Inc. needed. Funds are budgeted.)

ACTION: Res. 79-1144 adopted awarding contract. (P.W. to handle)

CONSENT

17. Consider acceptance of Lee White Paving Company's contract for FAU Project No. M-F 201(1), construction of Standiford Avenue from west of Carver Road to Tully Road, as complete. (Original contract: \$330,408.55)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting the work as complete needed. Final cost: \$342,741.94; funds are budgeted.)

ACTION: Res. 79-1145 adopted accepting the work as complete. (Clerk to handle)

CONSENT

18. Consider acceptance of the contract of W. M. Lyles Co. for the construction of Dryden Trunk Sewer - EDA Project No. 07-01-01753 as complete. (Original contract: \$911,664)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$937,784.63. Funds are budgeted.)

ACTION: Res. 79-1146 adopted accepting work as complete. (Clerk to handle)

CONSENT

19. Consider acceptance of Western Pipeline's contract for construction of subtrunk sewer in California Avenue as complete. (Original contract: \$101,955)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$101,505. Funds are budgeted.)

ACTION: Res. 79-1147 adopted accepting work as complete. (Clerk to handle)

CONSENT

20. Consider authorizing the purchase of one Sutorbilt gas mixer from the Fuller Company for the total purchase price of \$4,226.85.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 79-1148 adopted authorizing purchase. (Finance to handle)

HEARINGS

21. Hearing regarding amendment to P-D(81) to allow inclusion of a floor covering establishment in addition to C-1 uses, property located on the northwest corner of Coldwell Avenue and Tully Road. No. 1

ACTION: By motion (Bright/Elliott, unan., Mayor Mensinger absent) Ord. No. 1891-C.S. introduced amending P-D(81)
Res. 79-1149 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

22. Hearing regarding an amendment to P-D(161) to allow a 164-unit condominium conversion, property located on the north side of Rumble Road, east of Sherwood Avenue. (Jim Price) No. 2

ACTION: By motion (Lang/Siefkin, unan., Mayor Mensinger absent) hearing continued to December 18, 1979, 4:00 p.m. (Clerk to handle)

23. Hearing on application by Howard K. Wilson and Otis D. Lee for a certificate to operate the Modesto Cab Company. No. 3

ACTION: Res. 79-1150 adopted (Muratore/Elliott, unan., Mayor Mensinger absent) approving transfer, (P.T. to handle)

24. Continued hearing on amendment to Section 8-4-9 of the Zoning Map to prezone to Planned Development Zone, P-D(247) property located on the northwest corner of Crows Landing Road and Whitmore Avenue (Vander Pol) and continued hearing on appeal by Valley Tractor Company to a Planning Commission decision regarding a sign. No. 4

ACTION: By motion (Muratore/Siefkin, unan., Mayor Mensinger absent) Ord. No. 1892-C.S. introduced approving amendment.
Res. 79-1151 adopted (same vote) approving plan and denying appeal.
Res. 79-1152 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

25. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

26. Final adoption of Ord. No. 1888-C.S. rezoning from R-1 to R-2 and R-3 property located at the southwest corner of Briggsmore Avenue and Claus Road (MAWCO Development Company).
(Motion adopting needed.)

ACTION: By motion (Bright/Elliott, majority, Muratore, Vice Mayor Kullijian-no, Mayor Mensinger absent) Ord. No. 1888-C.S. adopted. (Clerk to handle)

CONSENT

27. Final adoption of the following:

- a. Ord. No. 1889-C.S. rezoning from R-1 to P-0 property located on the west side of Coffee Road, south of Floyd Avenue (Delton & Elsie Peebler, et al).
- b. Ord. No. 1890-C.S. rezoning from C-1 to P-D(246) property located at 512 and 516 14th Street (Coon and Raines).

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

NEW BUSINESS

CONSENT

28. Consider authorizing City Manager to sign Del Este Water Co. agreement for the extension of water main to serve Fire Station No. 8.
(The extension of this main will furnish the City of Modesto Fire Station No. 8 with water service. Resolution approving agreement needed. Estimated cost: \$13,048; funds are budgeted.)

ACTION: Res. 79-1153 adopted approving agreement.

(P.W. to handle)

CONSENT

29. Consider lease agreement with Joseph De Anna on former Kounias property (future Dry Creek Park area).
(This is a one year renewal of lease. Former lease called for 25% of crop with City paying taxes. New lease is for \$2,300 and lessee pays taxes. Property is 27 acres with 23 acres being irrigable. Resolution approving lease agreement needed.)

ACTION: Res. 79-1154 adopted approving lease agreement.

(P.W. to handle)

CONSENT

30. Consider approving lease agreement with George Frederickson and Phillip Bravard for the lease of a portion of Fire Station No. 5.
(This is renewal of an existing lease. All terms remain the same. The lease will expire October 31, 1980. The City will receive \$108 to pay for water and a \$25 rental charge. This is a small triangular shaped area that will eventually be landscaped and used for parking when funds are available. The lessees will use the area as a garden and save the City the cost of maintenance. Resolution approving agreement needed.)

ACTION: Res. 79-1155 adopted approving agreement.

(P.W. to handle)

CONSENT

31. Consider approving lease agreement with Henry Goni for lease of a portion of the former Simms property (13 acres), part of future Dry Creek Park. (This is a new two-year lease with Mr. Goni. Former lessee paid 20% of gross plus taxes. New lease calls for \$1,300 cash rent per year with lessee paying taxes. Lease is for a two-year period ending 10-31-81. Resolution approving agreement needed.)

ACTION: Res. 79-1156 adopted approving agreement. (P.W. to handle)

CONSENT

32. Consider lease agreement with William Blickenstaff and Leonard E. Blickenstaff for lease of 9 acres of walnuts (future Woodland Neighborhood Park). (The property was acquired July, 1979. Lessee has been farming the walnuts for the grantor. New lease is for two years and calls for 25% of the gross plus lessee pays taxes. Lease will end 10-31-81. Resolution approving lease agreement needed.)

ACTION: Res. 79-1157 adopted approving lease agreement. (P.W. to handle)

CONSENT

33. Consider revised agreement for architect on 11th Street parking structure. (Memo with agenda. Agreement supersedes present agreement and includes items required by the Department of Commerce. There is no substantive change. Resolution approving agreement needed. Estimated cost: \$60,000; funds are budgeted.)

ACTION: Res. 79-1158 adopted approving agreement. (P.T. to handle)

CONSENT

34. Consider approval of agreement with Mid-Valley Engineering for design of Morris Avenue reconstruction from McHenry to Ramona. (Mid-Valley did the design for the section of Morris from College to McHenry and the Public Works staff has negotiated an agreement for them to prepare the plans and specifications on the remaining portion. Resolution approving agreement needed. Estimated cost: \$7,500; funds are budgeted.)

ACTION: Res. 79-1159 adopted approving agreement. (P.W. to handle)

CONSENT

35. Consider approval of agreement with jhk & Associates for environmental studies on Sylvan and Oakdale Roads. (The City is not staffed to perform the environmental studies for these two projects and the Public Works staff has negotiated an agreement with jhk & Associates of Santa Ana to perform this work. Resolution approving agreement needed. Estimated cost: \$5,500; funds are budgeted.)

ACTION: Res. 79-1160 adopted approving agreement. (P.W. to handle)

CONSENT

36. Consider certifying right of way for Riverside/Yosemite traffic signal project. (Memo with agenda. Certification is required on State Highway Trust Fund Project. Resolution approving certification needed.)

ACTION: Res. 79-1161 adopted approving certification. (P.W. to handle)

CONSENT

37. Consider certifying right of way for Standiford - Tully to McHenry project. (Memo with agenda. Certification of right of way is required on federally funded project. Resolution approving certification needed.)

ACTION: Res. 79-1162 adopted approving certification. (P.W. to handle)

CONSENT

38. Consider amendment to engineering agreement with Jenks & Harrison. (It is essential that the City proceed with engineering design and installation of additional aeration units at the oxidation ponds. Funds are currently budgeted for this project. Unless we proceed now with the engineering, it will not be possible to have the aeration units in operation by July of 1980. It is recommended the Council authorize the City Manager to sign the agreement. Resolution approving agreement needed. Estimated cost: \$23,500; funds are budgeted.)

ACTION: Res. 79-1163 adopted approving agreement. (P.W. to handle)

CONSENT

39. Consider authorizing Mayor to send letters to Congressmen Coelho and Shumway indicating the need to have Los Angeles designated as a hub for Modesto's essential air service needs. (Meetings with CAB staff which reviewed a Draft Order by the CAB concerning essential air service for Modesto identified only San Francisco as an air service hub for our needs. City staff, the Chamber of Commerce, and State Department of Transportation officials all believe that Los Angeles also ought to be designated as a hub in identifying Modesto's essential air service needs. It is recommended that the Council authorize the Mayor to write Congressmen Coelho and Shumway, requesting their support of the City's position. Draft letter with agenda. Motion authorizing the Mayor to write Congressmen Coelho and Shumway needed.)

ACTION: By motion, Mayor Mensinger authorized to send letters. (Mgr. to handle)

CONSENT

40. Consider hiring an advert ising company to increase bus ridership. (The City-County Transportation Committee recommends that Boyle/Kilpatrick & Associates be hired. Memo with agenda. Motion authorizing staff to negotiate contract needed, Estimated cost: \$18,800; funds are budgeted.)

ACTION: By motion, staff authorized to negotiate contract. (P.T. to handle)

CONSENT

41. Classification Plan and Salary Plan changes: Crime Analyst, Office Aide, Programmer, all new job specifications.
(Memo with agenda. Resolution revising Position Classification Plan and resolution revising Salary Plan needed.)

ACTION: Res. 79-1164 adopted revising Position Classification Plan.
Res. 79-1165 adopted revising Salary Plan. (Mgmt. Services to handle)

CONSENT

42. Consider joining in an amicus curiae brief in the case of Joiner v. City of Sebastopol which relates to the procedures used by Sebastopol to screen applicants for a vacancy on the Planning Commission, and also joining in an amicus curiae brief in the case of Santa Monica Airport Assn. v. City of Santa Monica which relates to the City of Santa Monica's airport noise regulations.
(Memo with agenda. Motion authorizing joining in the two amicus curiae briefs needed.)

ACTION: By motion, joining in the two amicus curiae briefs authorized. (Atty. to handle)

CONSENT

43. Recommend to City Council an amendment to Section 22-3-9 of the Zoning Map, James and Barbara Brady.
(On October 15, 1979, the Planning Commission adopted Resolution 79-267 recommending to the City Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the west side of Rose Avenue north of Coolidge Avenue. Resolution setting public hearing December 11, 1979, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1166 adopted setting hearing, (Clerk to handle)

CONSENT

44. Uninhabited annexation to the City of Modesto - Claus-Parker Annexation.
(The Local Agency Formation Commission has authorized this annexation without notice and hearing on October 24, 1979. Resolution annexing area and certifying review of environmental assessment needed.)

DROPPED FROM AGENDA.

REPORTS

CONSENT

45. Possible mitigation measures relating to urbanization of prime agricultural lands (EPA EIS).
a) Maximum lot size in the R-1 Zone, b) Reduction of minimum lot size in the R-1, R-2, and R-3 zones to 5,000 sq. ft. c) R-1 density zone.
(Three reports with agenda. Recommend setting date for informal public hearing December 4, 1979 at 4:00 p.m. Resolution setting date for informal public hearing December 4, 1979, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1167 adopted setting hearing. (Clerk to handle)

CONSENT

46. Presentation of Four-Year Operating Revenue and Expenditure Forecast, 1979-80 to 1982-83.

(Copies of the Forecast will be presented at the meeting. Motion acknowledging receipt of Forecast needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

47. Legislation

None

48. Appointments

ACTION: Res. 79-1168 adopted (Siefkin/Elliott, unan., Mayor Mensinger absent) appointing the following persons to the Youth Commission. (Clerk to handle)
Allison Foster, Downey High School (expires 6/1/80)
Lantz Ellis, Downey High School (expires 12/1/80)
Lisa Schlecht, Davis High School (expires 12/1/80)
Sylvia Biagini, Davis High School (expires 6/1/80)

49. Matters too late for the agenda.

a. Final map for Gold Vineyard Estates Subdivision.

ACTION: Res. 79-1169 adopted (Lang/Siefkin, unan., Mayor Mensinger absent) approving final map. (Clerk to handle)

Adjourned at 5:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 13, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Blakeley, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 14, 15, 16, 18, 19, 19A, 20, 21

Dropped from agenda: 17

ACTION: (Kullijian/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

PRESENTATIONS

1. Special presentation by Mayor Mensinger.

ACTION: Mayor Mensinger presented a resolution of commendation from the California Association of Airport Executives to R.C. Smith for his service as president of the Association.

Councilmember Muratore presented \$50, which was given to him at a ribbon-cutting for his favorite charity, to Lt. Bradley of the Salvation Army to purchase food for the needy at Christmas.

MINUTES

CONSENT

2. Approval of the minutes of the November 6, 1979, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from Russ Harrison, Chairman of the Construction Industry Liaison Committee, concerning the School Site and Facilities Tax.

ACTION: By motion (Elliott/Kullijian, unan.) the question of the use of the lot tax for expansion of Modesto High School and the question of whether or not the lot tax should be continued were referred to the Public Projects Committee. (Mgr.)

4. Letter from Robert Taro, President of Modesto Farmers' Market, concerning operation of the Farmers Market in 1980.

ACTION: By motion (Kullijian/Elliott, unan.) request referred to staff for recommendation. (Mgr. to handle)

5. Letter from San Jose Mayor Janet Gray Hayes regarding establishment of a "Lake Tahoe National Recreational Area."
(Carried over from November 6, 1979, meeting.)

ACTION: Res. 79-1170 adopted (Siefkin/Bright, unan.) supporting legislation creating the Lake Tahoe National Recreation Area to protect the lake and urging Congress to seek creative solutions to funding this recreation area. (Atty. to handle)

CONSENT

6. Appeal by Del Taco, Inc., to a decision of the Board of Zoning Adjustment concerning a conditional use permit.
(Resolution setting hearing December 4, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-1171 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

7. Consider awarding contract for engineering design work on the interim bus terminal at 9th and I Streets.
(Memo with agenda. The total cost of plans and renovating the existing building into a usable facility is estimated at \$50,000. Architect will design the project and monitor its construction for 10% of the construction contract. Resolution authorizing contract with Gordon Hart needed. Funds are budgeted.)

ACTION: Res. 79-1172 adopted awarding contract. (P.T. to handle)

CONSENT

8. Consider acceptance of Sierra Roofing's contract for reroofing of Police Station as complete. (Original contract & final cost: \$9,425)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-1173 adopted accepting work as complete. (Clerk to handle)

9. Hearing on the cost of construction of sidewalk, curb and/or gutter at the following locations:

- a. Sidewalk along Brady Avenue at 1224 Brady Avenue, Lot 12 of Block 6004. (George W. Jewett - \$352.00)
(Staff recommends payment over a period of 7 years)

ACTION: Res. 79-1174 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 7 years. (Finance to handle)

- b. Sidewalk at 2617 Brenner Way, Lot 3 of Block 7255. (Joel Butler - \$325.00)
(Staff recommends payment over 6 years)

ACTION: Res. 79-1175 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 6 years, (Finance to handle)

- c. Sidewalk at 2521 Brenner Way, Lot 12 of Block 7255. (Lyndell C. Halbert - \$185.00)

ACTION: Res. 79-1176 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

- d. Curb and sidewalk at 2621 Brenner Way, Lot 2 of Block 7255. (James B. Perry - \$760.00)

ACTION: Res. 79-1177 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

- e. Sidewalk along Carlton Avenue and Barham Court at 801 Barham Court, Lot 4 of Block 6125. (Fred M. Kisner - \$979.60)
(Staff recommends payment over a period of 3 years)

ACTION: Res. 79-1178 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 3 years, (Finance to handle)

- f. Curb and sidewalk along Campus Way at 216 Campus Way, Lot 1 of Block 450. (Paul Benningfield - \$1331.25)
(Staff recommends payment over a period of 10 years)

ACTION: Res. 79-1179 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

- g. Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Jeffery A. Holland - \$274.00)
(Staff recommends payment over a period of 5 years)

ACTION: Res. 79-1180 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

- h. Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Hill and Trousdale - \$465.00)

ACTION: Res. 79-1181 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

- i. Sidewalk along Del Vale Avenue and Cherrywood Drive at 1541 Cherrywood Drive. Lot 22 of Block 6023. (Dilwyn B. Studebaker - \$614.00)

ACTION: Res. 79-1182 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

- j. Curb and sidewalk at 1128 Floyd Avenue, a portion of Block 12930. (Merlin T. Denlinger - \$884.00)

ACTION: Res. 79-1183 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

k. Curb and sidewalk at 1152 Floyd Avenue, a portion of Block 12930. (Sheila A. Duckworth - \$1316.50)

ACTION: Res. 79-1184 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

l. Curb and sidewalk at 1204 Floyd Avenue, a portion of Block 12930. (Clifford E. Ingram - \$1416.00)

ACTION: Res. 79-1185 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

m. Curb and sidewalk at 1208 Floyd Avenue, a portion of Block 12930. (William R. Merritt, Jr. - \$1187.00)
(Staff recommends payment over a period of 10 years)

ACTION: Res. 79-1186 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

n. Curb and sidewalk at 1216 Floyd Avenue, a portion of Block 12930 (Merritt and Silva - \$1187.00)
(Staff recommends payment over a period of 10 years)

ACTION: Res. 79-1187 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

o. Curb and sidewalk along Foy Street at 132 Maynel Avenue, Lot 36 and 37 of Block 558. (Theodore W. Werning - \$1460.00)

ACTION: Res. 79-1188 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

p. Curb and sidewalk along Franklin Avenue at 325 Maze Blvd., Lot 1 and 2 of Block 421. (H.W. Garber - \$1910.00)

ACTION: Res. 79-1189 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

q. Curb and sidewalk along Franklin Avenue at 523 Franklin Avenue, a portion of Block 4091. (Mary A. Webb - \$1113.00)
(Staff recommends payment over a period of 10 years)

ACTION: Res. 79-1190 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

r. Sidewalk repair along "G" Street and Tenth Street at 1012 "G" Street, a portion of Block 71. (Elmo E. Wilson - \$710.00)

ACTION: Res. 79-1191 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

s. Curb and sidewalk at 322 W. Granger Avenue, a portion of Block 6130. (National Medical Development Corp. - \$810.00)

ACTION: Res. 79-1192 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

t. Sidewalk at 1422 Leonard Avenue, a portion of Block 901. (Alvin R. Rumsey - \$442.00)

ACTION: Res. 79-1193 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

u. Sidewalk along Norwegian Avenue at 1905 Valle Vista Avenue, a portion of Block 6905. (Jesse B. Pinedo - \$398.00)

ACTION: Res. 79-1194 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

v. Curb along Palm Avenue and Melrose Avenue at 501 Palm Avenue, a portion of Block 664. (Helen Rubino - \$1709.00)

ACTION: Res. 79-1195 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

ACTION: Res. 79-1196 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 7 years. (Finance to handle)
x. Curb at 132 Rosemont Avenue, Lot 29 and 30 of Block 327. (Shirley J. Dunn - \$360.00)
(Staff recommends payment over a period of 7 years)

ACTION: Res. 79-1197 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 7 years. (Finance to handle)
y. Curb at 121 Rosemont Avenue, Lot 11 and 12 of Block 326. (Juan Martinez - \$330.00)
(Staff recommends payment over a period of 7 years)

ACTION: Res. 79-1198 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 7 years. (Finance to handle)
z. Curb at 112 Rosemont Avenue, Lot 39 and 40 of Block 327. (Pearl B. McMillen - \$330.00)
(Staff recommends payment over a period of 7 years)

DROPPED FROM AGENDA

aa. Curb and sidewalk at 153 S. Santa Cruz Avenue, Lot 5 and 6 of Block 2053. (Richard F. Bettencourt - \$2356.25)

ACTION: Res. 79-1199 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection. (Finance to handle)

bb. Curb and sidewalk at 137 S. Santa Cruz Avenue, a portion of Block 2053. (Benjamin L. Zakarian - \$975.00)
(Staff recommends payment over a period of 10 years)

ACTION: Res. 79-1200 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 10 years. (Finance to handle)

cc. Curb and sidewalk along "0" Street at 1430 Tenth Street, Lots 27-32 of Block 63. (Tsuneo Iwata - \$1873.00)
(Staff recommends payment over a period of 5 years)

ACTION: Res. 79-1201 adopted (Elliott/Kullijian, unan.) confirming report, assessing costs, and directing method of collection over a period of 5 years. (Finance to handle)

10. Hearing to consider amendment to P-D(177) to allow 122 condominium units on the south side of Pelandale west of Dale (Milton David)

No. 2

ACTION: By motion (Lang/Elliott, unan.) Ord. No. 1893-C.S. introduced amending P-D(177).
Res. 79-1202 adopted (Lang/Elliott, unan.) amending P-D(177) (Clerk/Planning to handle)

11. Hearing to consider amendment to P-D(133) to allow serving alcoholic beverages at Marcella Restaurant located on the north side of Standiford west of Tully (Alfredo & Emma Duran)

No. 3

ACTION: A motion to approve the amendment as recommended by the Planning Commission failed to carry.
By motion (Elliott/Muratore, unan.) Ord. No. 1894-C.S. was introduced amending P-D(133).
Res. 79-1203 adopted (Elliott/Muratore, unan.) approving the sale of alcoholic beverages only in conjunction with the sale of food, and prohibiting a separate area for the sale of alcoholic beverages only. (Clerk/Planning to handle)

12. Hearing to consider rezoning from R-1 to P-D (248) to allow a 15-unit condominium project, property located on the north side of E. Fairmont, west of Coffee Road (Tierra Development)

No. 4

ACTION: By motion (Kullijian/Elliott, unan.) Ord. 1895-C,S. introduced rezoning.
Res. 79-1204 adopted (Kullijian/Elliott, unan.) rezoning from R-1 to P-D(248).
Res. 79-1205 adopted (Kullijian/Elliott, unan.) certifying review of Environmental Impact.
(Clerk/Planning to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

14. Consider agreement with Robert L. Crisp, M.A.I., for the appraisal of seven properties needed for the West Trunk Sewer project.
(Mr. Crisp will provide the City with the appraisals necessary to acquire the required easements for this property for \$7,600. The City also is agreeing to pay additional money if necessary to hire an expert nurseryman to value some experimental fruit trees. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 79-1206 adopted approving agreement. (P.W. to handle)

CONSENT

15. Consider approval of agreement between the City of Modesto and John A. Paoluccio, an individual, dba John Paoluccio Consulting Engineers.
(The agreement provides for John Paoluccio Consulting Engineers to furnish mechanical engineering services to the City for the heating and air conditioning system for the McHenry Museum. Resolution approving agreement needed. Estimated cost: \$10,600; funds are budgeted.)

ACTION: Res. 79-1207 adopted approving agreement, (P.W. to handle)

CONSENT

16. Request by Dow Hammond Company for refund of business improvement area tax.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 79-1208 adopted approving refund. (Finance to handle)

CONSENT

17. Consider setting Hearings of Necessity on the Louise De Martini et al, the Sciabica et al, and Joseph N. and Gemma S. Sciabica properties needed for Dry Creek Park. (Staff has been negotiating for some time for these three properties. So far, these negotiations have not been successful. Further negotiations are not expected to change the situation. Resolutions setting hearings on December 18, 1979 at 4:00 p.m. (Hearing No. 1, De Martini; Hearing No. 2, Sciabica; Hearing No. 3, Joseph N. & Gemma S. Sciabica) needed.)

DROPPED FROM AGENDA

CONSENT

18. Recommend to Council the granting of an amendment to the Unclassified Use Permit for Doctor's Hospital.
(On November 5, 1979, the Planning Commission adopted Res. No. 79-278 recommending to the City Council the granting of an amendment to the Unclassified Use Permit for Doctor's Hospital for a mobile full body scanner and paring pad. Resolution setting public hearing on December 4, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1209 adopted setting public hearing. (Clerk to handle)

CONSENT

19. Set hearing to consider review of garbage service fees.
(Annually revenue and operating costs of the garbage companies are reviewed by staff. It is anticipated that significant adjustments in garbage service fees will be required to generate revenues sufficient to meet projected garbage company operating costs in the coming year. A report on specific recommendations will be made to the Council prior to the hearing. Resolution setting hearing on Tuesday, December 4, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-1210 adopted setting hearing. (Clerk to handle)

CONSENT

- 19A. Consider approval of the final map of Hollandia Villas subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Grant Construction Co., Inc.
(The subdivision agreement has been signed and all fees paid. Hollandia Villas is located south of Snyder Avenue and east of Prescott Road, extended. It contains 36.960 acres. Resolution approving final map needed.)

ACTION: Res. 79-1211 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

20. Presentation of Financial Statement for October, 1979.
(Copies of the report will be presented at the meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

21. Consider an appropriation transfer for two replacement vehicles.
(There recently have been two City vehicles damaged beyond repair. One is a compact pickup truck operated by the Water Division and the second a patrol car operated by the Police Department. Replacement vehicles are needed. The total estimated cost is \$13,000. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1212 adopted approving appropriation transfer, (Finance to handle)

MISCELLANEOUS

22. Legislation

None

23. Appointments

None

24. Matters too late for the agenda

None

Adjourned at 9:40 p.m. to Wednesday, November 14, 1979, 11:30 a.m., at the Sunrial Restaurant, 806 McHenry Avenue, Modesto, for a meeting with Assemblyman Carmen Perino.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Council Meeting
November 14, 1979

The Modesto City Council met pursuant to adjournment at 11:30 a.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, to meet with Assemblyman Carmen Perino.

Present: Councilmembers Bright, Elliott, Lang, Muratore, Siefkin,
Mayor Mensinger

Absent: Councilmember Kullijian

Various pieces of state legislation that would affect Modesto were discussed with Assemblyman Perino.

The meeting adjourned at 1:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 20, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 8, 9, 10, 11, 12,
Removed from Consent: 28 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27

ACTION: (Siefkin/Muratore, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the November 13, 1979, City Council meeting and November 14, 1979 adjourned regular meeting, (Motion approving needed.)

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Consider acceptance of Aristocrat Interiors' contract for the carpeting at Muni Golf Course Clubhouse as complete. (Original contract: \$5,380) (All work on this project has been completed to the satisfaction of the Public Works and Parks and Recreation Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$5,428.29; funds are budgeted.)

ACTION: Res. 79-1213 adopted accepting work as complete. (Clerk to handle)

CONSENT

3. Consider acceptance of Anderson Pipeline's contract for construction of water-line extension in Block 3203. (Original contract: \$7,796) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$7,287.50 (Main \$6,037.50; Services \$1,250); funds are budgeted.)

ACTION: Res. 79-1214 adopted accepting work as complete. (Clerk to handle)

CONSENT

4. Approve plans and specifications and call for bids for the installation of play apparatus in Sylvan Neighborhood Park.
(Bid opening: December 11, 1979 at 11:00 a.m. This project provides for the installation of various types of play equipment in the sand beds at Sylvan Neighborhood Park. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$21,997 (Contract \$20,950; Engrg. & Insp. \$1,047); funds are budgeted.)

ACTION: Res. 79-1215 adopted calling for bids.

(P.W. to handle)

HEARINGS

5. Hearing regarding an amendment to P-D(73) to permit additional and larger hospital signing (Memorial Hospital)

No. 1

Mayor Mensinger excused due to a conflict of interest.

ACTION: Res. 79-1216 adopted (Lang/Elliott, unan., Mayor Mensinger absent) approving.

6. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

ACTION: Supervisor Gary Condit spoke to the City Council regarding sewer service to, and annexation of areas in South Modesto and Airport areas.

By motion (Bright/Elliott, unan.) the question concerning requirements after annexation referred to staff to study and make a recommendation as soon as possible but no later than December 18, 1979. (P.W. to handle)

ORDINANCES

CONSENT

7. Final adoption of the following:

a. Ord. No. 1891-C.S. amending P-D(81) to allow a floor covering establishment, property located on Coldwell and Tully (Masellis)

b. Ord. No. 1892-C.S. rezoning to P-PD(247) property on Crows Landing Road and Whitmore Avenue for M-1 zone uses which are agriculturally related (VanderPol).

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

CONSENT

8. Consider amending the Modesto Municipal Code to change the deadline for submitting items for the Council agenda to 4:30 p.m. on Wednesdays. (Memo with agenda. Motion introducing an ordinance needed.)

ACTION: Ord. No. 1896-C.S. introduced.

(Clerk to handle)

CONSENT

9. Consider acceptance of improvements in Fransen Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Donald R. and Ellen J. Zensen)
(Fransen Estates subdivision is located south of East Orangeburg Avenue and west of Claus Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1217 adopted accepting improvements, (Clerk to handle)

CONSENT

10. Consider applying for Transportation Center Grant.
(Memo with agenda. Motion authorizing sending a letter seeking a 25% grant for \$45,000 planning-design project needed. Funds will be budgeted if grant received.)

ACTION: By motion, staff authorized to apply for grant, (P.T. to handle)

CONSENT

11. Recommend to Council an amendment to P-D(196) - Cummins-Goatley.
(On November 5, 1979, the Planning Commission adopted Resolution 79-282 recommending to the City Council an amendment to P-D(196), located on the north side of E. Coolidge west of Melrose. Resolution setting hearing on December 11, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1218 adopted setting hearing, (Clerk to handle)

CONSENT

12. Recommend to Council an amendment to P-D(148) - David Hanna, J. A. Saletta, and Industrial Complex Investors.
(On November 5, 1979, the Planning Commission adopted Resolution 79-276 recommending to the Council an amendment to P-D(148), property located at the southwest corner of Blue Gum and Carpenter. Resolution setting public hearing on December 18, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1219 adopted setting hearing, (Clerk to handle)

CONSENT

13. Recommend to Council an amendment to Section 17-3-9 of the Zoning Map - Lapata International, Ltd.
(On November 5, 1979, the Planning Commission adopted Resolution 79-275 recommending to the Council an amendment to Section 17-3-9 of the Zoning Map to rezone from R-1 to Planned Development Zone, P-D(250), property located on the east side of Sherwood Avenue, south of Bowen Avenue. Resolution setting public hearing on December 18, 1979 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 79-1220 adopted setting hearing, (Clerk to handle)

CONSENT

14. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map - Cummins and Goatley)
(On November 5, 1979, the Planning Commission adopted Resolution 79-283 recommending to the Council an amendment to Section 31-3-9 of the Zoning Map to rezone from Rural-Agricultural Zone, R-A, to Planned Development Zone, P-D(251), property located on the west side of Emerald Avenue south of Maze to allow a 7-unit, one-story residential development. Resolution setting public hearing on December 18, 1979 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 79-1221 adopted setting hearing. (Clerk to handle)

CONSENT

15. Recommend to City Council an amendment to Section 21-3-9 of the Zoning Map - Gary Bright.
(On November 5, 1979, the Planning Commission adopted Resolution 79-281 recommending to the City Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-3 to P-0 and from R-3 and R-A to C-M, property located on the north side of E. Coolidge east of McHenry Avenue. Resolution setting public hearing on December 18, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1222 adopted setting hearing. (Clerk to handle)

CONSENT

16. Recommend to Council an amendment to Section 7-3-9 of the Zoning Map - Sutco Construction.
(On November 5, 1979, the Planning Commission adopted Resolution 79-279 recommending to the City Council an amendment to Section 7-3-9 of the Zoning Map to rezone from R-2 to P-D, property located on the east side of Shawnee Drive north of Standiford to allow a 34-unit residential condominium. Resolution setting public hearing on December 11, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-1223 adopted setting hearing. (Clerk to handle)

CONSENT

17. Recommend to Council an amendment to Council an amendment to Section 10-3-9 of the Zoning Map - Council Initiated)
(On November 5, 1979, the Planning Commission adopted Resolution 79-273 recommending to the City Council an amendment to Section 10-3-9 of the Zoning Map to rezone from R-3 to R-2 property located on the east side of Coffee Road, north of Sylvan Meadows Drive. Resolution setting public hearing on December 18, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-1224 adopted setting hearing. (Clerk to handle)

CONSENT

18. Classification Plan and Salary Plan Changes: Public Services Trainee - new job specification.
(Memo with agenda. Resolution revising Position Classification Plan needed and resolution revising Salary Plan needed.)

ACTION: Res. 79-1225 adopted revising Position Classification Plan,
Res. 79-1226 adopted revising Salary Plan. (Mgmt. Services to handle)

CONSENT

19. Consider acceptance of improvements in Vintage Grove subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods and accept one bond for remaining improvements. (Developer: West-Sun Development Co. Ltd.)

ACTION: Res. 79-1227 adopted accepting improvements in Vintage Grove Subdivision.
(Clerk to handle)

20. Consider County Solid Waste Management Plan revisions.
(The State law requires each county to review and update its Solid Waste Management Plan by the third anniversary date following State approval of the plan. The current plan will be three years old the end of this year. A Citizens Committee has been appointed to review the plan. Their review is complete and a draft of the revised plan is being circulated to all agencies and interested parties in the County. Comments on the plan are being requested from each of these groups. Memo with agenda. Motion endorsing revised Solid Waste Management Plan along with any appropriate comments needed.)

DROPPED FROM AGENDA.

21. Consider application for encroachment permit for proposed addition to the old Sears Building to extend over public sidewalk.
(The City staff is not authorized to grant the type of encroachment being requested. The applicant desires that the Council consider his request for an encroachment. Memo and plan with agenda. Resolution granting or denying encroachment needed.)

Councilmember Kullijian excused due to a conflict of interest.

ACTION: Res. 79-1228 adopted (Siefkin/Bright, unan., Kullijian absent) granting encroachment permit.
(P.W. to handle)

CONSENT

22. Request from Household Finance Corporation for refund of business license and business improvement area taxes.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 79-1229 adopted approving refund.
(Finance to handle)

CONSENT

23. Resolution in support of the SB 90 claim of the County of Los Angeles Forester and Fire Warden and consolidated fire districts for reimbursement for costs of fire clothing and equipment requirements which were formulated by O.S.H.A. and mandated by the State.
(Support of this action may lead to Modesto's reimbursement for O.S.H.A. re-required clothing and equipment. Resolution supporting claim needed.)

ACTION: Res. 79-1230 adopted supporting claim.
(Fire to handle)

REPORTS

24. Staff report - "Patio House and Condominium Development in the City of Modesto." (The report responds to recent study requests of the City Council. These actions are recommended: 1) Resolution setting date for informal public hearing, and 2) Determination of date and time for a four-hour field trip to review current projects. Resolution setting informal public hearing on December 11, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1231 adopted (Siefkin/Lang, unan.) setting hearing. (Clerk to handle)

CONSENT

25. Notice of P.G. & E.'s request to increase natural gas charges. (Memo with agenda. Application is for an increase of \$535.7 million/year including earlier applications not yet acted upon by the PUC. Leaving the matter to the PUC is recommended. Motion acknowledging receipt of the report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

26. Request for appropriation transfer of \$1,885 for repair of golf carts. (This transfer is necessary to pay for body repairs on 18 City-owned golf carts. An amount of \$1,621.54 will be paid by the golf pro in accordance with his contract. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1232 adopted approving appropriation transfer. (P.R./Finance to handle)

CONSENT

27. Consider purchase of surplus equipment from United Airlines. (United Airlines has declared surplus all of their ground support equipment at the Airport. It would be desirable for the City to acquire two pieces of the surplus equipment: the cargo lift vehicle and passenger loading stairs. The total estimated cost is \$2,000. It is recommended that an appropriation transfer in the amount of \$2,000 be approved, making funds available to purchase the surplus equipment. Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 79-1233 adopted approving appropriation transfer. (P.W./Finance)

28. Consider a resolution initiating reorganization proceedings for the Claus-Parker Governmental Reorganization. (The Local Agency Formation Commission has authorized this annexation under the District Organization Act. Resolution need.)

ACTION: By motion (Siefkin/Elliott, unan.) City Clerk directed to file a letter with LAFCO requesting that its resolution be amended to dispense with the notice, hearing and election requirements.

MISCELLANEOUS

29. Legislation

None

29. Appointments

Mayor Mensinger announced that John Keefe's name had been submitted to the County to serve on the Mobile Home Mediation Committee.

30. Matters too late for the agenda

a. Grant for Career Criminal Apprehension Program

ACTION: Res. 79-1234 adopted (Elliott/Kullijian, unan.) approving agreement. (Police)

Adjourned at 5:35 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, November 27 1979 AT 7:30 P.M.
TO BE ADJOURNED TO THURSDAY, NOVEMBER 29, 1979, AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore,
Siefkin, Mayor Mensinger

Absent:

Pledge of allegiance to the Flag

Invocation: Rev. John Becker, Geneva Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 8

REMOVED FROM CONSENT: 9

ACTION: (Siefkin/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the regular Council meeting of November 20, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

11/29/79

CONSENT

2. Award contract to construct Tully/Woodrow traffic signals, (Memo with agenda. Resolution awarding contract needed. Estimated Cost: \$27,444.00 Funds are budgeted.)

ACTION: Res. 79-1235 adopted awarding contract. (P.T. to handle)

CONSENT

3. Consider award of contract for the construction of waterline extension in Pine Tree Lane and Mugho Pine Drive, (Bids were opened on November 20, 1979. The low bid of \$40,689.50, submitted by Mac's Backhoe Service is 1% below the engineer's estimate and considered acceptable. It is therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 79-1236 adopted awarding contract. (P.W. to handle)

CONSENT

4. Consider award of contract for the renovation of Pump Station No. 6, (Bids were opened November 20, 1979. The low bid of \$97,243, submitted by CDR Construction & Development is 3% below the engineer's estimate and considered acceptable. It is therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to CDR Construction & Development needed. Funds are budgeted.)

ACTION: Res. 79-1237 adopted awarding contract. (P.W. to handle)

CONSENT

5. Consider award of contract for the construction of waterline extension in Claus Road, (Bids were opened November 20, 1979. The low bid of \$12,450.60, submitted by Mac's Backhoe Service is 3% below the engineer's estimate and considered acceptable. It is therefore recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 79-1238 adopted awarding contract. (P.W. to handle)

CONSENT

6. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for construction of waterline extension in Sisk Road, (Original contract: \$41,575.45) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it is in order to accept the work as complete and to file the Notice of Completion. Financing: Final Cost: Contract, \$41,864.07 (Main, \$41,264.07; Services, \$600.00) Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 79-1239 adopted accepting work as complete. (Clerk to handle)

7. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

8. Final adoption of the following:

- a. Ord. No. 1894-C.S. amending P-D(133) to permit the sale of alcoholic beverages in conjunction with the sale of food by a restaurant.
(Alfredo and Emma Duran)
- b. Ord. No. 1895-C.S. rezoning from R-1 to P-D(248) property located on E. Fairmont west of Coffee Road, to allow a 15-unit condominium.
(Tierra Development)
(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

NEW BUSINESS

9. Proposed contract between City of Modesto and Self-Help Enterprises for the period December 1, 1979 through November 30, 1980.
(The current contract with Self-Help expires on November 30. The proposed contract for the next twelve months has been reviewed by the Housing Maintenance and Counseling Subcommittee and the Citizens Housing and Community Development Committee and both committees recommend the new contract. Resolution approving contract needed. Estimated cost: \$100,000; funds are budgeted.)

ACTION: Res. 79-1240 adopted (Elliott/Kullijian, unan.) approving contract.

(Planning to handle)

10. Consider County Solid Waste Management Plan revisions.
(The State law requires each county to review and update its Solid Waste Management Plan by the third anniversary date following State approval of the plan. The current plan will be three years old the end of this year. A Citizens Committee has been appointed to review the plan. Their review is complete and a draft of the revised plan is being circulated to all agencies and interested parties in the County. Comments on the plan are being requested from each of these groups. Memo with agenda. Motion endorsing revised Solid Waste Management Plan along with any appropriate comments needed.)

ACTION: By motion (Bright/Elliott, unan.) revised plan endorsed. (P.W. to handle)

11. Legislation

None

12. Appointments

None

13. Matters too late for the agenda

a. Sales Tax

ACTION: Res. 79-1241 adopted (Bright/Elliott, unan.) supporting a compromise Uniform Sales Tax Plan between the County and cities with item 5 of the resolution to be clarified. (Atty. to handle)

Adjourned at 4:35 p.m. to executive session to consider a personnel matter.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 4 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 6A, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28

(Muratore/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

COMMUNICATIONS

CONSENT

1. Letter from Spencer C. Woods resigning from the Personnel Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 79-1242 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

2. Letter from Frank H. Imburg, owner of Transadtise Company, regarding a five-year bus bench franchise.
(Motion referring to staff for report needed.)

ACTION: By motion, request referred to staff for report. (P.T. to handle)

- 2A. Letter from Larry C. Macy regarding the massage ordinance.

ACTION: By motion (Siefkin/Muratore, unan.) staff directed to prepare the appropriate ordinance changes. (Police to handle)

CONSENT

- 3. Consider award of contract for construction of Seventh Street Bridge truss support for Span 13.
(Bids were opened November 20, 1979, and the low bid of William M. Mineni which is 50% below the engineer's estimate is considered acceptable. Therefore it is recommended that the bid be awarded to them. Resolution awarding contract to William M. Mineni needed. Estimated Cost: Contract: \$17,100. Funds are budgeted.)

ACTION: Res. 79-1243 adopted awarding contract. (P.W. to handle)

CONSENT

- 4. Consider award of contract for improvements on El Pasado Drive at park site, Block 2450.
(Bids were opened November 20, 1979 and the low bid of Lee White Paving which is 13% below the engineer's estimate is considered acceptable. Therefore it is recommended that the bid be awarded to them. Resolution awarding contract to Lee White Paving Co. needed. Estimated Cost: Contract: \$27,869.75. Funds are budgeted.)

ACTION: Res. 79-1244 adopted awarding contract. (P.W. to handle)

CONSENT

- 5. Consider acceptance of Wayne Fregien Construction's contract for construction of subtrunk sewer in Honeycreek Road as complete, (Original contract: \$37,343.15).
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it would be in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final Cost: \$36,368.15. Funds are budgeted.)

ACTION: Res. 79-1245 adopted accepting work as complete. (Clerk to handle)

CONSENT

- 6. Consider waiving formal bid procedures by five affirmative votes and authorize Pac Power of Dixon, California, to repair deficiencies on the City's hi-ranger truck for the total price of \$5,699.07.
(Deficiencies were noted on annual inspection; repairs include installing new cables, repair of basket and guards, and repair of wheel cylinders. Pac-Power is the California authorized repair dealership for the hi-ranger. Resolution waiving formal bids and authorizing Pac-Power to make repairs needed. Funds are budgeted.)

ACTION: Res. 79-1246 adopted waiving formal bids. (Finance to handle)

CONSENT

- 6A. Consider approval of the issuance of a purchase order to Harold F. Selby dba Energy Control Company to install reflective window insulation film and foam weather stripping on all exterior windows at the Modesto Police Building.
(The improvements will reduce energy consumption at the Police Station. The improvements are effective both summer and winter times. The total cost is \$4,950. Resolution authorizing staff to issue purchase order to Harold Selby dba Energy Control Company needed. Funds are budgeted.)

ACTION: Res. 79-1247 adopted authorizing staff to issue purchase order. (Finance to handle)

HEARINGS

7. Appeal by Mid-Valley Engineering to a Planning Commission decision concerning rezoning from R-1 to P-D, property on the northwest corner of Standiford Avenue and Prescott Road. No. 1

ACTION: By motion (Lang/Kullijian, majority, Elliott, Siefkin, Mayor Mensinger - no Council indicated its intention to approve the rezoning and directed staff to prepare necessary documents. (Atty. to handle)

8. Informal hearing on mitigation measures relating to urbanization of prime agricultural lands (EPA EIS). No. 2

ACTION: Mayor Mensinger declared the hearing would be continued to January 8, 1980, at 7:30 p.m. (Clerk to handle)

9. Hearing to consider the granting of an amendment to the Unclassified Use Permit for Doctors' Hospital for a mobile full body scanner and parking pad. No. 3

ACTION: Res. 79-1248 adopted (Muratore/Elliott, unan.) granting an amendment to the Unclassified Use Permit. (Planning to handle)

10. Hearing on appeal by Del Taco, Inc., to a decision of the Board of Zoning Adjustment concerning a Conditional Use Permit decision. No. 4

ACTION: Res. 79-1249 adopted (Kullijian/Muratore, unan.) upholding the Board of Zoning Adjustment decision.

11. Hearing to consider garbage service fees. No. 5

ACTION: By motion (Lang/Muratore, unan.) hearing continued to December 11, 1979, at 7:30 p.m. (Clerk to handle)

12. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

13. Final adoption of the following:
- a. Ord. No. 1893-C.S. amending P-D(177) to provide for condominiums (Milton David).
 - b. Ord. No. 1896-C.S. amending the Modesto Municipal Code Section relating to the Council agenda deadline.

(Motion adopting needed.)

By Motion, ordinances adopted.

(Clerk to handle)

NEW BUSINESS

CONSENT

14. Consider concession agreement with Aero Wash.
(This agreement provides for mobile aircraft wash service at airport. Revenue is \$25 per month plus 2- $\frac{1}{2}$ % of monthly gross. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 79-1250 adopted approving agreement.

(P.W. to handle)

CONSENT

15. Consider letter of agreement with FAA,
(Letter agreement establishes procedures for alerting Modesto Fire Department in case of emergency at airport. An agreement is needed because of cancellation of agreement with Empire Fire Department. Resolution approving agreement needed.)

ACTION: Res. 79-1251 adopted approving agreement.

(Fire to handle)

CONSENT

16. Consider request for sewer service to property outside City limits at 1210 Garden, located on the south side of Garden Avenue between Sutter Avenue and Colorado Avenue. Owners: Jose Juarez and Nelida Juarez.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 79-1252 adopted approving agreement.

(P.W. to handle)

CONSENT

17. Consider acceptance of improvements in Matthew Terrace subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Modesto Development)
(Matthew Terrace subdivision is located north of Scenic Drive and east of East-ridge Drive. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1253 adopted accepting improvements as complete.

(Clerk to handle)

CONSENT

18. Consider acceptance of improvements in Wycliffe Heights No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Arthur J. Wylie)
(Wycliffe Heights No. 2 subdivision is located north of Scenic Drive and Lakewood Avenue and Claus Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1254 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

19. Consider resolutions accepting 2 parcels of Stanislaus County tax deeded land presently being used by the City as drainage basins. The County erred on the original subdivision maps in not requiring the dedication of the two basins. (On August 21, 1979 the Council passed a resolution objecting to the tax sale of two parcels of land as the first step in acquiring these parcels per Division I, Part Six, Chapter 8 of the Revenue and Taxation Code. The County will process the tax deeds and will record the deeds upon the City's acceptance along with payment of the stipulated purchase price of \$400 and advertising costs. Resolutions authorizing City Manager to sign an agreement to purchase tax deeded properties are needed. Estimated cost: \$500 (\$400 Stipulated Purchase Price; \$100 Estimated Cost of Advertising); funds are budgeted.)

ACTION: Res. 79-1255 adopted approving agreement for property at Buccaneer Court, Parcel 13262-1.
Res. 79-1256 adopted approving agreement for property at Amigo Drive, Parcel 13260-1. (P.W. to handle)

CONSENT

20. Consider establishing flat-rate water service charges to schools. (Water service charges to schools are established on a flat-rate basis by resolution. Since rates were last established, the following changes have occurred: Empire Union School District has made an increase in the area irrigated at Christine Sipherd School, and Sylvan School District has added Stockard-Coffee School. Two resolutions establishing charges needed.)

ACTION: Res. 79-1257 adopted establishing water service charges for Empire School District.
Res. 79-1258 adopted establishing water service charges for Sylvan Union School District. (Finance to handle)

CONSENT

21. Consider setting Hearing of Necessity to acquire the Hashem Naraghi property needed for Orchard Neighborhood storm drainage basin. (Staff has been negotiating for some time to acquire the required property. So far, negotiations have not been successful. Staff recommends holding the Hearing of Necessity and filing the condemnation suit to freeze the date of valuation to avoid escalating real estate costs. Resolution setting hearing on January 8, 1980 at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1259 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider setting Hearings of Necessity to acquire 12 parcels of right of way from seven owners. (Frank Hart, Kurland, Zaiger, Chambers, Pless, Morris and Genevieve Hart) The right of way is needed for the West Trunk Sewer. (The staff is recommending that the Council hold the Hearings of Necessity before negotiations to save time in this critical project. All owners have been notified of our plans. By holding the hearing now, we can save 30-45 days in our overall schedule. Seven resolutions setting hearings on January 8, 1980 at 7:30 p.m. (Hearings No. 2, 3, 4, 5, 6, 7, 8) needed.)

ACTION: Res. 79-1260 adopted setting hearing to acquire parcel from Frank Hart.
Res. 79-1261 adopted setting hearing to acquire parcel from Michael Kurland.
Res. 79-1262 adopted setting hearing to acquire parcel from Floyd Zaiger.
Res. 79-1263 adopted setting hearing to acquire parcel from Philip Chambers.
Res. 79-1264 adopted setting hearing to acquire parcel from Jack Pless.
Res. 79-1265 adopted setting hearing to acquire parcel from James R.A. Morris.
Res. 79-1266 adopted setting hearing to acquire parcel from Genevieve Hart.
(Clerk to handle)

CONSENT

23. Consider abandonment of a portion of the 10-foot Public Utility Easement in Block 12304 of King Arthur's Camelot subdivision of the City of Modesto. (Memo with agenda. Resolution vacating and abandoning a portion of the 10-foot Public Utility Easements in Block 12304, King Arthur's Camelot, needed.)

ACTION: Res. 1393-S.P. adopted vacating portion of 10' public utility easement in Block 12304. (P.W. to handle)

CONSENT

24. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - Joaquin Construction, Regency Park Group. (On November 19, 1979, the Planning Commission adopted Res. 79-298 recommending to the Council an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 and R-3 to P-D(252) to allow zero lot line patio houses and townhouse development, property located west of Prescott Road and north of Veneman Avenue. Resolution setting public hearing on Wednesday, January 2, 1980 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1267 adopted setting hearing. (Clerk to handle)

CONSENT

25. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Croft/Joaquin Construction. (On November 19, 1979, the Planning Commission adopted Resolution 79-299 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the south side of Floyd Avenue west of Coffee Road. Resolution setting public hearing on January 8, 1980 at 7:30 p.m. (Hearing No. 9) needed.)

ACTION: Res. 79-1268 adopted setting hearing. (Clerk to handle)

CONSENT

26. Recommend to Council that the 20-foot alley intersecting Briggsmore west of Bronson Avenue be closed.
(On November 19, 1979, the Planning Commission adopted Resolution 79-297 recommending to the City Council that the 20-foot alley which intersects Briggsmore Avenue west of Bronson Avenue be closed at the south line of Briggsmore. Resolution setting public hearing on January 8, 1980 at 7:30 p.m. (Hearing No. 10) needed.)

ACTION: Res. 1394-S.P. and Res. of Intent-384 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend to Council an amendment to Standard Specifications pertaining to exposed aggregate sidewalks in the downtown area.
(On November 19, 1979, the Planning Commission adopted Res. 79-296 recommending to the City Council an amendment to the City Standard Specifications pertaining to exposed aggregate sidewalks in downtown area. Resolution amending Standard Specifications needed.)

ACTION: Res. 79-1269 adopted amending Standard Specifications. (P.W. to handle)

REPORTS

CONSENT

28. Notice of application for a telephone rate increase.
(Report with agenda. The increase would be \$381 million per year statewide. Motion acknowledging receipt of report needed.)

ACTION: By motion receipt of report acknowledged.

MISCELLANEOUS

29. Legislation
None

30. Appointments
None

31. Matters too late for the agenda

- a. Initiative petition concerning Dry Creek Golf Course
ACTION: Res. 79-1270 adopted (Elliott/Kullijian, unan.) ordering the ordinance to be submitted to the voters on March 3, 1981.

at 6:40 p.m.
Adjourned / to Big Yellow House Restaurant, 3105 McHenry Avenue, Modesto, for a meeting with Planning Commission and then to Friday, December 7, 1979, 8:00 a.m., City Hall Lobby, for a field trip to view patio homes and condominiums.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

The Modesto City Council met pursuant to adjournment at 6:30 p.m., at the Big Yellow House, 3105 McHenry Avenue, Modesto, to meet with the Planning Commission.

Present: Councilmembers Bright, Elliott, Kullijian, Muratore, Siefkin, Mayor Mensinger

Absent: Councilmember Lang

The following topics were discussed:

1. Residential development standards for small lot P-D developments.(Privacy, common open space, RV storage areas)
2. Residential development standards for multi-family P-D development.(Off-street parking, privacy, common open space, RV storage areas, condo conversions)
3. Potential amendments to the R-1 Zone
 - a. 5,000 sq. ft. minimum lot size
 - b. 7, 8, 9, or 10,000 sq. ft. maximum lot size
 - c. R-1 density zone proposal
4. Commercial and office zoning and policies. (Oakdale Road, Vintage Faire area, neighborhood centers - use of other corners)

The meeting adjourned at 9:35 p.m, to Friday, December 7, 1979, 8:00 a.m., City Hall lobby, for a field trip to view patio homes and condominiums.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Council Meeting
December 7, 1979

The Modesto City Council met pursuant to adjournment at 8:00 a.m., in the City Hall lobby, 801 11th Street, Modesto.

Present: Councilmembers Bright, Elliott, Siefkin, Mayor Mensinger

Absent: Councilmembers Kullijian, Muratore

The Councilmembers proceeded to take a field trip to view patio homes and condominiums.

The meeting adjourned at 11:45 a.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
December 13, 1979

The Modesto City Council met pursuant to adjournment at 8:00 a.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, to meet with Assemblyman John Thurman.

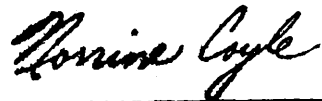
Present: Councilmembers Elliott, Lang, Muratore, Siefkin,
Mayor Mensinger

Absent: Councilmembers Bright, Kullijian

Various pieces of state legislation that would affect Modesto were discussed with Assemblyman John Thurman.

The meeting adjourned at 9:35 a.m.

ATTEST:



NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 11, 1979 AT 7:30 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 1A, 2, 3, 4, 11, 12, 13, 14, 16

ACTION: (Siefkin/Kullijian, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of the minutes of the adjourned regular meeting of November 29, the regular meeting of December 4, and the adjourned regular meeting of December 4, 1979.
(Motion approving needed.)

ACTION: By motion minutes approved.

COMMUNICATIONS

CONSENT

- 1A. Letter from Mid-Valley Engineering requesting that the hearing on amendment to P-D(148) located at the southwest corner of Blue Gum and Carpenter Avenues (Fisher Land Corporation) be continued to February 5, 1980.

(Motion indicating Council's intention to continue the hearing to February 5, 1980 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: By motion, Council indicated intention to continue hearing. (Clerk to handle)

BIDS

CONSENT

2. Approve plans and specifications and call for bids for Muncy Neighborhood Park grading and paving improvements.
(Bid opening: January 8, 1980 at 11:00 a.m. This project includes grading and earthwork, concrete slabs and walls, paving basketball court rockwells, conduit and utilities at Muncy Neighborhood Park. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$81,950 (Contract \$79,027; Inspection \$2,923) Funds are budgeted.)

ACTION: Res. 79-1271 adopted calling for bids.

(P.W. to handle)

CONSENT

3. Consider declaring Modesto Harley Davidson, Inc. low bidder and authorize the purchase of one police patrol motorcycle for the total purchase price of \$3,000.
(Memorandum with agenda. Resolution declaring Modesto Harley Davidson, Inc. low bidder and authorizing purchase. Funds are budgeted.)

ACTION: Res. 79-1272 adopted awarding bid,

(Finance to handle)

CONSENT

4. Consider waiving formal bid procedures and authorize the purchase of eight air masks with regulators; fourteen air tanks; and three mounting brackets from Capital Fire Equipment Co. for the total purchase price of \$7,242.22.
(Memorandum with Agenda. Resolution waiving formal bid procedures and authorizing purchase. Five affirmative votes needed. Funds are budgeted.)

ACTION: Res. 79-1273 adopted waiving formal bid procedure.

(Finance to handle)

HEARINGS

5. Hearing on amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the west side of Rose Avenue north of Coolidge Avenue. (James and Barbara Brady) No. 1

ACTION: By motion, Ord. No. 1897-C.S. introduced (Lang/Siefkin, unan.) rezoning.

Res. 79-1274 adopted (same vote) certifying review of environmental assessment.
(Clerk/Planning to handle)

6. Informal hearing on "Patio House and Condominium Development in the City of Modesto" report. No. 2

ACTION: By motion (Muratore/Kullijian, unan.) report accepted; approval given to recommended increased parking requirements, with the ratio to be clarified, and staff directed to prepare the necessary Code text amendments.

(Planning to handle)

7. Hearing on amendment to P-D(196), to allow a 16-unit apartment project on the north side of E. Coolidge Avenue, west of Melrose Avenue. (Cummins-Goatley)

No. 3

ACTION: By motion (Elliott/Bright, unan.) Ord. No. 1898-C,S, introduced amending P-D. Res. 79-1275 adopted (same vote) approving plan. (Clerk/Planning to handle)

8. Hearing on amendment to Section 7-3-9 of the Zoning Map to rezone from R-2 to P-D, property located on the east side of Shawnee Drive north of Standiford to allow a 34-unit residential condominium. (Sutco Construction)

No. 4

ACTION: By motion (Muratore/Siefkin, unan.) Ord. No. 1899-C,S, introduced rezoning. Res. 79-1276 adopted (same vote) approving plan. Res. 79-1277 adopted (same vote) certifying environmental review. (Clerk/Planning to handle)

9. Continued hearing to consider garbage service fees. (This hearing was continued from the December 4, 1979, City Council meeting.)

No. 5

ACTION: Res. 79-1278 adopted (Lang/Bright, unan.) adopting new rates. (P/W to handle)
By motion (Lang/Bright, majority, Muratore-no) it was determined that a committee, which would include Council representatives, would be appointed to study the rate-setting process.

10. Matters for the good of the community. (These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

11. Consider lease agreement with C. J. Rumble & Sons, Inc. for lease of 5.5 acres of almonds (future Chrysler Park #2). (The property was acquired in 1974 in conjunction with a school district acquisition. The lessee has had free use of the property as part of the acquisition agreement. The lease is for a two-year period ending October, 1981, and calls for 25% of the gross. Lessee is to pay taxes. Resolution approving lease agreement needed.)

ACTION: Res. 79-1279 adopted approving lease agreement. (P.W. to handle)

CONSENT

12. Consider adopting a resolution setting the towing service rates for Police tows for 1980.
(Memorandum with agenda. Resolution setting rates needed.)

ACTION: Res. 79-1280 adopted setting towing service rates. (Police to handle)

CONSENT

13. Consider acceptance of improvements in Shasta Estates No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Joaquin Construction Co.) (Shasta Estates No. 1 subdivision is located between Yellowstone Avenue and Shasta Avenue, south of Woodland Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Memo with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1281 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of improvements in Shasta Estates No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdividers: Joaquin Construction Co.) (Shasta Estates No. 2 subdivision is located north of Torrid Avenue between Yellowstone Avenue and Shasta Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Memo with agenda. Resolution accepting improvements as complete needed.)

ACTION: Res. 79-1282 adopted accepting improvements as complete. (Clerk to handle)

15. Consider policy statement concerning sewer service to unincorporated areas. (Interpreting the intent of the existing policy statement concerning extension of sewer service into unincorporated areas has become clouded. A redraft of the policy statement has been prepared for Council consideration. Recommendations concerning mandatory connection to the sewerage system and the policy statement concerning the formation of improvement districts in newly-annexed areas are also addressed. Resolution adopting revised policy statements needed.)

ACTION: Res. 79-1283 adopted (Muratore/Kullijian, unan.) approving revised policy upgrading extension of sewer service. (P.W. to handle)
Res. 79-1284 adopted (Muratore/Kullijian, unan.) approving recommended policy concerning improvement districts.
Res. 79-1285 adopted (Lang/Bright, unan.) approving North Airport Annexation.
Res. 79-1286 adopted (Lang/Bright, unan.) approving South Airport Annexation.
Res. 79-1287 adopted (Lang/Bright, unan.) approving Butte-Glenn Annexation.
(Clerk to handle)

By motion (Muratore/Kullijian, unan.) staff directed to prepare necessary Code amendments. (P.W. to handle)

12/11/79

REPORTS

CONSENT

16. Presentation of the Annual Financial Report for the fiscal year ended June 30, 1979, including the external auditor's annual audit report. (In accordance with the City Charter, Sections 801(c) and 1306, the Annual Financial Report has been prepared by the Finance Department. Copies of the report will be presented at the meeting. Motion acknowledging receipt of the report needed.)

ACTION: By motion, receipt of reports acknowledged.

MISCELLANEOUS

17. Appointments

None

18. Legislation

None

19. Matters too late for the agenda.

- a. Action on appeal by Mid-Valley Engineering to a Planning Commission decision concerning rezoning from R-1 to P-D, property on the northwest corner of Standiford Avenue and Prescott Road. (At the meeting of December 4, 1979, the Council indicated its intention to approve the rezoning and directed the staff to prepare necessary documents. ~~Copies of the documents are with the agenda.~~)

ACTION: By order of the chair, this item continued to the December 18, 1979, City Council meeting. (Clerk to handle)

- b. By motion (Kullijian/Siefkin, unan.) the joint California Energy Commission/ Yosemite Community College District/Modesto Junior College project for "The Development, Demonstration and Implementation of the Community Energy Information and Education Center" was supported. (Manager)

Adjourned at 11:15 p.m., to 8:00 a.m., Thursday, December 13, 1979, at the Sundial Restaurant, 806 McHenry Avenue, Modesto, for a meeting with Assemblyman Thurman.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 18, 1979 AT 4:00 P.M.

Roll Call - Present: Councilmembers Bright, Elliott, Kullijian, Lang, Muratore, Siefkin, Mayor Mensinger

Absent:

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37

Removed from consent: 6

ACTION: (Lang/Muratore, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular meeting of December 7, and the regular meeting of December 11, and the adjourned regular meeting of December 13, 1979.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from J.E. Brady resigning from the Board of Building Appeals, effective December 31, 1979.
(Resolution accepting with regret needed.)

ACTION: Res. 79-1288 adopted accepting resignation with regret. (Clerk to handle)

3. Letter from the Golf Course Initiative Committee concerning the date for the initiative measure to be submitted to the voters.

ACTION: By motion (Elliott/Siefkin, majority, Kullijian-no) request to place the initiative on the June or November, 1980, ballot denied, and previous action taken setting the March 3, 1981, election as the time for submitting this initiative to the voters reaffirmed. (Clerk to handle)

BIDS

CONSENT

4. Approve specifications and call for bids for the interior painting of the Modesto Police Building.
(Bid opening: January 8, 1980 at 11:10 a.m. This project provides for the painting of the interior walls on the first and second floors and walls and ceilings in some basement areas. Resolution approving specifications and calling for bids needed. Estimated cost: \$14,200 (Contract \$13,900; Inspection \$300); funds are budgeted.)

ACTION: Res. 79-1289 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider award of contract for the installation of play apparatus in Sylvan Neighborhood Park.
(Bids were opened December 11, 1979. The low bid of \$23,980, submitted by Harold Fries, dba Fries Landscape Company is 14.5% above the engineer's estimate and is considered acceptable. Adequate funds are budgeted. It is recommended by Public Works and Parks and Recreation Departments to award the contract to him. Resolution awarding contract to Fries Landscape Company needed. Estimated cost: \$25,027 (Contract \$23,980; Engr. & Inspection \$1,047).)

ACTION: Res. 79-1290 adopted awarding contract. (P.W. to handle)

6. Consider declaring Motorola, Inc. lowest responsible bidder meeting City specifications and authorize award of contract for one satellite radio receiving system for the total price of \$11,359. Memorandum with agenda. Resolution authorizing purchase of satellite radio receiving system needed. Funds are budgeted.)

ACTION: By motion (Muratore/Kullijian, unan.) this item is to be carried over to the January 2, 1980 Council meeting, (Clerk to handle)

HEARINGS

7. Hearing on amendment to P-D(161) to allow a 164-unit condominium conversion, property located on the north side of Rumble Road, east of Sherwood Avenue. (Jim Price) (This hearing continued from the Council meeting of November 6, 1979.) No. 1

ACTION: By motion (Elliott/Lang, unan.) Ord. 1900-C,S, introduced amending P-D(161). Res. 79-1291 adopted (same vote) amending P-D(161) (Clerk to handle)

8. Hearing on amendment to P-D(148) to revise the previously approved site plan, change the mixture of permitted uses, and revise the timing for start of construction, property located at the south-west corner of Blue Gum and Carpenter Avenues. (Fisher Land Corp.) No. 2
(At the meeting of December 11, the City Council indicated its intention to continue this hearing to February 5, 1980, 4:00 p.m.)

ACTION: By motion (Elliott/Kullijian, unan.) this hearing continued to February 5, 1980, 4:00 p.m. (Clerk to handle)

9. Hearing on amendment to Section 21-3-9 of the Zoning Map to rezone from R-3 to P-0 and from R-3 and R-A to C-M, property located on the north side of E. Coolidge Avenue, east of McHenry Avenue. (Gary Bright) No. 3

ACTION: By motion (Lang/Elliott, unan.) Ord. 1901-C,S, introduced rezoning. Res. 79-1292 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

10. Hearing on amendment to Section 10-3-9 of the Zoning Map to rezone from R-3 to R-2 property located on the east side of Coffee Road, north of Sylvan Meadows Drive. (Council Initiated) No. 4

ACTION: By motion (Muratore/Siefkin, unan.) Ord. 1902-C,S, introduced rezoning. Res. 79-1293 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

11. Hearing on amendment to Section 17-3-9 of the Zoning Map to rezone from R-1 to Planned Development Zone, P-D(250), property located on the east side of Sherwood Avenue, south of Bowen Avenue. (Lapata International, Ltd.) No. 5

ACTION: By motion (Elliott/Kullijian, majority, Lang-no), Prd. 1903-C,S, introduced rezoning. Res. 79-1294 adopted (same vote) approving plan. Res. 79-1295 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

12. Hearing on amendment to Sec. 31-3-9 of the Zoning Map to rezone from Residential-Agricultural Zone, R-A, to Planned Development Zone, P-D(251), property located on the west side of Emerald Avenue south of Maze to allow a 7-unit, one-story residential development. (Cummins & Goatley) No. 6

ACTION: By motion (Muratore/Siefkin, unan.) Ord. 1904-C,S, introduced rezoning. Res. 79-1296 adopted (same vote) approving plan. Res. 79-1297 adopted (same vote) certifying review of environmental assessment. (Clerk/Planning to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

ACTION: Larry Macy spoke about his arrest for working as a masseuse without the proper permit.

UNFINISHED BUSINESS

14. Action an appeal by Mid-Valley Engineering to Planning Commission decision concerning rezoning from R-1 to P-D, property on the northwest corner of Standiford Avenue and Prescott Road.
(At the meeting of December 4, 1979, the Council indicated its intention to approve the rezoning and directed the staff to prepare necessary documents. This item was continued from the December 11 meeting.)

ACTION: By motion (Kullijian/Elliott, majority; Siefkin, Mayor Mensinger - no) Ord. No. 1905-C.S. introduced rezoning,
Res. 79-1298 adopted (same vote) approving plan. (Clerk to handle)

15. Consider adding Section 5-2.102 Definitions, and Section 5-2.404 Exceptions to the present Massage Ordinance.
(Memorandum with agenda. Motion adopting emergency ordinance and motion introducing ordinance needed.)

ACTION: A motion to refer the matter back to the staff for further study and consideration, and to check with the State to determine what legislation is now under consideration, failed to carry.
By motion (Bright/Kullijian, majority, Elliott, Lang, Siefkin-no) Ord.No. 1906-C.S. introduced implementing the recommended changes. (Clerk to handle)
By order of the Chair, staff directed to continue to look into the matter of qualifications and standards. (Police to handle)

NEW BUSINESS

CONSENT

16. Consider approval of application for federal grant assistance for additional aeration at oxidation ponds.
(State and EPA staff have approved first units for wastewater treatment plant improvements. A grant application to provide 87-1/2% of project cost has been prepared and ready for submission. Project cost is estimated at \$505,000. Resolution approving grant application needed. Funds are budgeted.)

ACTION: Res. 79-1299 adopted approving grant application, (P.W. to handle)

CONSENT

17. Consider approval of agreement with Variant Investments for reimbursement of lateral sewer costs.
(Variant Investment Company constructed a sewer in Vintage Drive and easements to serve their development on Sisk Road. The sewer also serves three other parcels and the agreement provides for reimbursement when the other parcels connect to the sewer. Resolution approving agreement needed.)

ACTION: Res. 79-1300 adopted approving agreement. (P.W. to handle)

CONSENT

18. Consider agreement between the City of Modesto and the City of Ceres for sewer service to the north Ceres sewer service area.
(An agreement has been prepared providing that the City of Ceres will operate a sewerage system for the collection of sewage from the area bounded by South Ninth Street on the west, the Tuolumne River on the north, Mitchell Road on the east, and Hatch Road on the south. The agreement further states that Modesto agrees to accept and treat sewage from the above area, and Ceres agrees to pay for the sewage treatment. Memo with agenda, Resolution approving agreement, resolution establishing sewer service charges for industrial service outside the sewer district, and resolution approving an appropriation transfer needed. Estimated cost: \$25,000.)

ACTION: Res. 79-1301 adopted approving agreement.

Res. 79-1302 adopted establishing sewer service charges for industrial service outside the sewer district.

Res. 79-1303 adopted approving an appropriation transfer. (P.W. to handle)

CONSENT

19. Consider renewing agreement with Elwin Young, Jr., and Susan Young for the lease of Goldsworthy Park site on a month-to-month tenancy. This site contains 2.4 $\frac{1}{2}$ acres and is only a portion of what will eventually be the neighborhood park. This land will not be needed for development for some years. (The Youngs have agreed to maintain the property for the City and pay any property taxes. Since the site is not an economic unit, only the Youngs who operate the adjoining property can utilize the site. The Youngs have constructed a fence to keep people out, which is advantageous to the City for liability reasons. Resolution approving agreement needed.)

ACTION: Res. 79-1304 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider agreement with Benjamin L. and Jo Ann Zakarian for the purchase of their 0.63 $\frac{1}{2}$ acre lot and 2,109 $\frac{1}{2}$ square foot house. The property is needed for Airport Neighborhood Park.
(The Zakarians have agreed to sell the required property for \$73,500, which is above the appraised value of \$72,500, but less than offers the Zakarians have received on the home which has been listed for sale. Resolution approving agreement needed. Estimated cost: \$74,500 (\$73,500 est. cost; \$1,000 escrow); funds are budgeted.)

ACTION: Res. 79-1305 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider renewing a lease with Reuel C. Barnes and Wanda J. Barnes for former Sommerfeld House in Dry Creek Park on a month-to-month tenancy.
(The Barnes leased the property for approximately one year on a semi-caretaker basis. This is a renewal on a month-to-month basis at \$310 per month. City pays taxes and tenants are responsible for the upkeep of the 3,840 sq. ft. home. The Barnes have proven to be extremely good tenants. Resolution approving agreement needed.)

ACTION: Res. 79-1306 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider Colorado-South Governmental Reorganization to the City of Modesto. (On November 28, 1979, LAFCO approved the Colorado-South Annexation to the City of Modesto subject to the condition that it be processed as a governmental reorganization which would include annexation to the City, detachment from the Burbank-Paradise Fire District and annexation to the Modesto Sewer District No. 1. LAFCO has authorized the Council to proceed without notice, hearing, or election. Resolution ordering the Colorado-South Governmental Reorganization to the City of Modesto without notice, hearing, or election, and certifying review of environmental impact needed.)

ACTION: Res. 79-1307 adopted ordering annexation without notice, hearing or election.
(Clerk to handle)

CONSENT

23. Consider Reno Avenue No. 2 Governmental Reorganization to the City of Modesto. (On November 28, 1979, LAFCO approved the Reno Avenue No. 2 Annexation to the City of Modesto subject to the condition that it be processed as a governmental reorganization which would include annexation to the City, detachment from the Woodland Avenue Fire District and annexation to the Modesto Municipal Sewer District No. 1. LAFCO has authorized the Council to proceed without notice, hearing, or election. Resolution ordering the Reno Avenue No. 2 Governmental Reorganization to the City of Modesto without notice, hearing, or election, and certifying review of environmental impact needed.)

ACTION: Res. 79-1308 adopted ordering annexation without notice, hearing or election.
(Clerk to handle)

CONSENT

24. Consider Blue Gum-Morse Governmental Reorganization to the City of Modesto. (On November 28, 1979, LAFCO approved the Blue Gum-Morse Annexation to the City of Modesto subject to the condition that it be processed as a governmental reorganization which would include annexation to the City, detachment from the Woodland Avenue Fire District and annexation to the Modesto Municipal Sewer District No. 1. LAFCO has authorized the Council to proceed without notice, hearing, or election. Resolution ordering the Blue Gum-Morse Governmental Reorganization to the City of Modesto without notice, hearing, or election, and certifying review of environmental impact needed.)

ACTION: Res. 79-1309 adopted ordering annexation without notice, hearing or election.
(Clerk to handle)

CONSENT

25. Consider initiation of proceedings and setting date for public hearing for proposed Crows Landing-Whitmore Annexation to the City of Modesto. (LAFCO approved the Crows Landing-Whitmore Annexation on November 28, 1979, and directed the City Council to initiate proceedings. Resolution initiating proceedings and setting date for public hearing February 5, 1980, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1310 adopted setting hearing date. (Clerk to handle)

CONSENT

26. Consider initiation of proceedings and setting date for public hearing for proposed Chicago Avenue Annexation to the City of Modesto. (LAFCO approved the Chicago Avenue Annexation on November 28, 1979, and directed the City Council to initiate proceedings. Resolution initiating proceedings and setting date for public hearing February 5, 1980, at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 79-1311 adopted setting hearing date. (Clerk to handle)

CONSENT

27. Consider initiation of proceedings and setting date for public hearing for proposed Standiford-Carver No. 2 Annexation to the City of Modesto. (LAFCO approved the Standiford-Carver No. 2 Annexation on November 28, 1979, and directed the City Council to initiate proceedings. Resolution initiating proceedings and setting date for public hearing February 5, 1980, at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 79-1312 adopted setting hearing date. (Clerk to handle)

CONSENT

28. Recommend to Council an amendment to P-D(76) - Virginia Berg. (On December 3, 1979, the Planning Commission adopted Resolution 79-307 recommending to the Council an amendment to P-D(76) to allow a 24-unit condominium conversion, property located on the southeast corner of Lucern Avenue and El Vecino. Resolution setting public hearing January 22, 1980, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1313 adopted setting hearing date. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to P-D(221) - Herron and Sarina. (On December 3, 1979, the Planning Commission adopted Resolution 79-305 recommending to the Council an amendment to P-D(221) increasing the number of dwelling units from 135 to 142, property located west of Crows Landing Road and south of Imperial Avenue. Resolution setting public hearing January 22, 1980, at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1314 adopted setting hearing date. (Clerk to handle)

CONSENT

30. Recommend to Council an amendment to P-D(131) - Rule Enterprises. (On December 3, 1979, the Planning Commission adopted Resolution 79-306 recommending to the Council an amendment to P-D(131) to allow construction of a self-service gas pump island as an addition to the Rule-Dale Lincoln Mercury Dealership property located on the south side of Union Avenue west of McHenry. Resolution setting public hearing January 15, 1980, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 79-1315 adopted setting hearing date. (Clerk to handle)

CONSENT

31. Recommend to Council amendment to Section 10-2.2106 of the Zoning Ordinance concerning Planning Commission's evening meetings.
(On December 3, 1979, the Planning Commission adopted Resolution 79-308 recommending to the Council an amendment to Section 10-2.2106 of the Zoning Ordinance. Resolution setting public hearing January 15, 1980, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 79-1316 adopted setting hearing date, (Clerk to handle)

CONSENT

32. Consider approval of an agreement with Towill, Inc. for updating aerial mapping. (This project will provide up-to-date aerial photos of the City of Modesto and surrounding areas in conjunction with the 1980 Census. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$20,000; funds are budgeted.)

ACTION: Res. 79-1317 adopted approving agreement, (P.W. to handle)

CONSENT

33. Amendment City of Modesto Fiscal Year 1979-80 Final Budget to provide for Career Criminal Apprehension Program.
(On 11-20-79 Council authorized the City Manager to sign a grant agreement with the State of California (OCJP) for operation of a Career Criminal Apprehension Program. It is now necessary to amend the budget to estimate revenues and establish appropriations within the general fund for this purpose. Adoption of a resolution amending the Final Budget needed, Estimated cost: Grant Revenue, FY79-80 \$77,696; FY80-81 \$29,168 - Total \$106,864. City Match, FY79-80 \$8,633; FY80-81 \$3,241 - Total \$11,874.)

ACTION: Res. 79-1318 adopted amending the Final Budget, (Finance to handle)

REPORTS

CONSENT

34. Presentation of audit reports submitted by Lowry, Pimentel & Deckard, Certified Public Accountants.
(The following audit reports are required by state or federal legislation and include a review of both fiscal and legal compliance:
1. Bus Service Fund for year ended June 30, 1979.
2. Revenue Sharing and Antirecession Fiscal Assistance Funds for year ended June 30, 1979.
3. Community Development Block Grant Numbers B-77-MC-06-0002 and B-78-MC-06-0002 for the 1977 and 1978 program years as of June 30, 1979.
Motion acknowledging receipt of reports needed.)

ACTION: By motion, receipt of reports acknowledged.

CONSENT

35. Presentation of Financial Statement for November, 1979.
(Copies of report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged,

36. Public Projects Committee report on annual growth policy review.
(Public Projects Committee recommendations concerning growth policy. Memo and information packet to be distributed at meeting. Motion acknowledging receipt of report and resolution adopting Public Projects Committee recommendations needed.)

ACTION: By motion (Kullijian/Lang, unan,) receipt of report acknowledged and this item carried over to the February 5, 1980, meeting. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

37. Request for appropriation transfer from Airport Fund Reserve to Account 6481-04, Avigation Easement.
(Funds related to the agreement to sell the avigation easement to the City (approved January 9, 1979) per Resolution 79-28 inadvertently were not encumbered prior to the close of fiscal year 1978-79, nor were they re-budgeted for the current year. Resolution approving appropriation transfer needed. Estimated cost: \$3,225.)

ACTION: Res. 79-1319 adopted approving appropriation transfer.

MISCELLANEOUS

38. Appointments

None

39. Legislation

None

40. Matters too late for the agenda

- a. Cooperative agreement with the State of California and County of Stanislaus to install traffic signals at the Yosemite/Riverside Drive intersection.

ACTION: Res. 79-1320 (Elliott/Lang, unan.) approving agreement. (P.W./P.T. to handle)

Adjourned at 6:25 p.m. to executive session to consider a personnel matter.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk