

CITY OF MODESTO
CITY CLERK'S OFFICE
LEGISLATIVE HISTORY

COUNCIL MEETING OF TUESDAY, JANUARY 7, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 13, 14, 15, 16, 18,
19, 20, 22, 23

Consent Items #11 & #12 removed from Consent
Consent Item #17 removed from Agenda
Item #6 continued to January 14, 1997

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Item 26-c was taken out of order.

Oral report by the Emergency Operations Center Incident Commanders Russ Richards, Stanislaus County Consolidated Fire Protection District Chief and Captain Bob Guthrie, Modesto Police Department.

2. Approval of the minutes of the special City Council meetings of December 16, 1996.
(Motion approving needed.)

By motion (Friedman/Fisher, unan.), minutes approved.

3. Final adoption of Ord. No. 3015-C.S. adopting a Precise Plan for Area No. 3 of the village One Specific Plan, including conditions relating to property located on the south side of Sylvan Avenue east of Oakdale Road. (Redev, Inc.)

By motion (Friedman/McClanahan, unan., Cogdill/Fisher absent), final adoption of Ord. No. 3015-C.S.

4. Final adoption of Ord. No. 3016-C.S. rezoning Village One property from SP-H to SP-O, property located on the south side of Sylvan Avenue east of Oakdale Road. (Redev, Inc.)

By motion (McClanahan/Friedman, unan., Cogdill/Fisher absent), final adoption of Ord. No. 3016-C.S.

5. Final adoption of Ord. No. 3017-C.S. rezoning from R-1 to P-D(416), property located on a portion of the County Center No. 3 Site at the northwest corner of Scenic Drive and Oakdale Road. (Savemart Supermarkets and I.C.I.)

By motion (McClanahan/Serpa, unan., Cogdill/Fisher absent), final adoption of

Ord. No. 3017-C.S.

Item #6 Continued to January 14, 1997

6. Final adoption of Ord. No. 3018-C.S. relating to Solid Waste and repealing Ord. Nos. 2868-C.S. and 2872-C.S.

7. Hearing to consider amending Section Map 26-3-9 to rezone from General Commercial Zone, C-2, and Medium High Density Residential Zone, R-3, to Planned Development Zone, as an addition to P-D(495) to allow expansion of the U.S. Rental Equipment rental yard, located at 2443 Yosemite Boulevard. (Burt Baucom, Manager)
(Ordinance rezoning, resolution approving development plan, and resolution judging project within the scope of the Master E.I.R. needed.)

Ord. No. 3019-C.S. introduced (Dobbs/Friedman, unan.) to rezone.

Res. 97-1 adopted (Dobbs/Friedman, unan.) approving development plan.

Res. 97-2 adopted (Dobbs/Friedman, unan.) judging project within the scope of the Master EIR.

8. Hearing to consider the proposed Empire North - Unit #1 Specific Plan which provides for the development of 47.3 acres for residential uses and the designation of 48.5 acres for Open Space for Dry Creek Regional Park, General Plan Amendment, and Final Focused Environmental Impact Report (EIR), and rezoning to Specific Overlay Plan, property located east of the Santa Fe Railroad tracks, south of Parker Road, including the 100-year flood plain of Dry Creek. (Ordinance rezoning, resolution amending General Plan, resolution adopting Specific Plan, and resolution certifying the final EIR and adopting Statement of Overriding Considerations needed.)

Ord. No. 3020-C.S. introduced (Cogdill/Dobbs, majority; Fisher/Friedman/McClanahan, no) to prezone.

Res. 97-3 adopted (Cogdill/Dobbs, majority; Fisher/Friedman/McClanahan, no) amending General Plan.

Res. 97-4 adopted (Cogdill/Dobbs, majority; Fisher/Friedman/McClanahan, no) adopting Specific Plan.

Res. 97-5 adopted (Cogdill/Dobbs, majority; Fisher/Friedman/McClanahan, no) certifying the final EIR and adopting Statement of Overriding Considerations.

9. Consider acceptance of B-Zap-B Corporation's contract for the McHenry Mansion Gravity Sewer Line project as complete and authorize the City Clerk to file the

Notice of Completion; and consider approving appropriation transfer in the amount of \$14,000 to fully fund the project. (Original contract: \$82,938.81)
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed, and resolution approving appropriation transfer needed. Final cost: \$98,333.17. Funds are partially budgeted.)

Res. 97-6 adopted (Friedman/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Res. 97-7 adopted (Friedman/Fisher, unan.) approving appropriation transfer.

10. Consider waiving formal bid procedures and authorizing the purchase of seventy-five portable radios from Motorola Corporation Land Mobile Division for a total price of \$58,346.62.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-8 adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing purchase.

11. Consider approving an amendment to the agreement with Environmental Science Associates for completion of a Revised Draft EIR for the Kiernan Business Park and Carver-Bangs Specific Plans.
(Resolution approving amendment to agreement needed. Total estimated cost: \$33,625) Funds are budgeted.)

Res. 97-9 adopted (Fisher/Friedman, majority; Serpa, no) approving amendment to agreement.

12. Consider approving the addendum to Negative Declaration (SCH 94112036) EA No. 94-97 for the City of Modesto Biosolids Co-Compost facility.
(Resolution approving addendum to Negative Declaration and making the environmental findings needed.)

Res. 97-10 adopted (Friedman/McClanahan, unan.) approving addendum to Negative Declaration and making environmental findings.

13. Consider report of two loans approved under the Emergency Home Repair Program (EHRP) during December 1996.
(Motion acknowledging receipt needed. Total cost: \$17,775. Funds are budgeted.)

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

14. Consider approving an agreement with Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto SWAT

activations and hostage negotiations, consult on cases with the Investigative Services Division, and provide crisis debriefing.
(Resolution approving agreement needed. Total estimated cost: \$38,445. Funds are budgeted.)

Res. 97-11 adopted (Friedman/Fisher, unan.) approving agreement.

15. Consider amending the budget to estimate revenue of \$202,176 from the Office of Traffic Safety for the Comprehensive Traffic Program Grant and appropriating funds.
(Resolution amending budget needed.)

Res. 97-12 adopted (Friedman/Fisher, unan.) amending budget.

16. Consider authorizing the City Manager to execute Grant Award and the Special Conditions documents for the City's 24-month Federal Local Law Enforcement Block Grant Program for \$301,367; consider amending the 1997-97 to establish a distinct "trust" organization 1980 "Federal Local Law Enforcement Block Grant Program," which will receive interest earnings on unspent appropriations, per Special Condition 8 of the Grant Program; and consider estimating revenues of \$301,367 from the grant; \$500 from interest earnings on unspent appropriations; and \$33,485 of matching funds to be transferred in from the Special Fund for Capital Outlay (Police Computer Imaging Project); and appropriating the \$335,352 for expenditures as per the grant award.
(Resolution authorizing City Manager to execute Grant Award and Special Conditions documents needed; resolution amending the budget to establish a trust fund needed; and resolution estimating revenues and appropriating \$335,352 for expenditures needed.)

Res. 97-13 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute Grant Award and Special Conditions documents.

Res. 97-14 adopted (Friedman/Fisher, unan.) amending the budget.

Res. 97-15 adopted (Friedman/Fisher, unan.) estimating revenues and appropriating \$335,352 for expenditures.

ITEM #17 REMOVED FROM AGENDA

17. Consider approval of the Final Map of Village Highlands Phase 1 Subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Inland Village)
(Resolution approving final map and authorizing City Manager to sign agreement needed.)

18. Consider selecting Environmental Science Associates, EIP Associates, and

Cotton/Beland Associates to provide on-call services to prepare Focused Environmental Impact Reports and perform other related environmental review tasks.

(Resolution selecting Environmental Science Associates, EIP Associates, and Cotton/Beland Associates needed.)

Res. 97-16 adopted (Friedman/Fisher, unan.) selecting Environmental Science Associates, EIP Associates, and Cotton/Beland Associates.

19. Consider amending the Modesto Municipal Code regarding Culture Commission representation on the Landmark Preservation Commission.
(Introduction of ordinance needed.)

Ord. No. 3021-C.S. introduced (Friedman/Fisher, unan.).

20. Consider approving amendment to agreement with RRM Design Group to expand the scope of services to include the preparation of construction documents for the Tuolumne River Regional Park trail extension to Mitchell Road for an additional sum of \$3,346.
(Resolution approving amendment to agreement needed. Funds are budgeted.)

Res. 97-17 adopted (Friedman/Fisher, unan.) approving amendment to agreement.

21. Written Communications

Letter from Mr. William A. Martin requesting that the City Council reconsider the adoption of Specific Plan, General Plan Amendment, Rezoning of the North Beyer Park and Florsheim Development's proposed tentative subdivision map of North Beyer Park subdivision, which were approved by the Modesto City Council on November 26, 1996.

By motion (Fisher/Cogdill, majority; Dobbs, no), staff was directed to set a new public hearing date to rehear this item on January 28, 1997.

22. Letter of resignation from the Community Qualities Forum from Ed Staley.
(Resolution accepting resignation with regret needed.)

Res. 97-18 adopted (Friedman/Fisher, unan.) accepting resignation with regret.

23. Letter of resignation from the Citizens Advisory Committee on Recycling from Rocci LaMantia.
(Resolution accepting resignation with regret needed.)

Res. 97-19 adopted (Friedman/Fisher, unan.) accepting resignation with

regret.

24. Oral Communications

None.

25. Miscellaneous

Appointments

Culture Commission

Res. 97-20 adopted (McClanahan/Fisher, unan.) appointing Grace Lieberman to the Culture Commission, with a term expiration of January 1, 2001.

Citizens Advisory Committee on Recycling

Res. 97-21 adopted (McClanahan/Fisher, unan.) appointing Debra Donaghy to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2001.

Citizens Housing and Community Development Committee

Res. 97-22 adopted (McClanahan/Fisher, unan.) appointing Andrew Mendlin to the Citizens Housing and Community Development Committee, with a term expiration of January 1, 2001.

Reappointments

Affirmative Action Commission

Res. 97-23 adopted (McClanahan/Fisher, unan.) reappointing Joseph Martinez and Nancy Bronstein to the Affirmative Action Commission, with term expirations of January 1, 1999.

Airport Advisory Committee

Res. 97-24 adopted (McClanahan/Fisher, unan.) reappointing Donald Monaco to the Airport Advisory Committee, with term expiration of January 1, 2001.

Board of Building Appeals

Res. 97-25 adopted (McClanahan/Fisher, unan.) reappointing James Aja and Frank Satariano to the Board of Building Appeals, with term expirations of January 1, 2001.

Citizens Advisory Committee on Recycling

Res. 97-26 adopted (McClanahan/Fisher, unan.) reappointing Leonard Choate to the Citizens Advisory Committee on Recycling, with term expiration of January 1, 2001.

Citizens Redevelopment Advisory Commission

Res. 97-27 adopted (McClanahan/Fisher, unan.) reappointing Bradley Hahn, Tom Slater, and Michael Navarro to the Citizens Redevelopment Advisory Commission, with term expirations of January 1, 2001.

Culture Commission

Res. 97-28 adopted (McClanahan/Fisher, unan.) reappointing Peter Smith and Michael Krajewski to the Culture Commission, with term expirations of January 1, 2001.

Downtown Improvement District Advisory Board

Res. 97-29 adopted (McClanahan/Fisher, unan.) reappointing Eric Benson, Francis Ruggieri, and Andre David to the Downtown Improvement District Advisory Board, with term expirations of January 1, 2001.

Greater Modesto Community Foundation

Res. 97-30 adopted (McClanahan/Fisher, unan.) reappointing Lowell Clark and Lee Hampson to the Greater Modesto Community Foundation, with term expirations of January 1, 2001.

Landmark Preservation Commission

Res. 97-31 adopted (McClanahan/Fisher, unan.) reappointing Barbara Parrill to the Landmark Preservation Commission, with term expiration of January 1, 2001.

Community Qualities Forum

Res. 97-32 adopted (Friedman/Fisher, unan.) reappointing Peter Pen, Joan Recca and Fred Hawkins to the Community Qualities Forum, with term expirations of January 1, 2001.

26. Matters Too Late For The Agenda

By motion (Serpa/Friedman, unan.) it was determined that there was a need to take immediate action and that the need for action came to the City's attention after the agenda was posted.

- a. Consider a resolution ratifying the existence of a local emergency and confirming certain rules and regulations issued by the City Manager in his capacity as the Director of Emergency Services.

Res. 97-33 adopted (Friedman/Fisher, unan.).

- b. Consider a resolution adopting Title 19, California Code of Regulations, Division 2 as the Standardized Emergency Management System of the City of Modesto for response to potential conditions of disaster or of extreme peril to the safety of persons and property.

Res. 97-34 adopted (Friedman/Fisher, unan.).

This item heard at the beginning of the meeting.

- c. Review need to keep Proclamation of Emergency. Oral report by the EOC Incident Commanders on the present status of the emergency. (No action required.)

- d. Consider authorizing the City Manager, Deputy City Manager, Finance Director, or the Purchasing Officer to sign necessary and required documents for the Federal Emergency Management Administration (FEMA) and the California Office of Emergency Services (OES) for the purpose of filing claims for reimbursement due to the incident known as the "January Floods of 1997."
(Resolution authorizing the City Manager, Deputy City Manager, Finance Director or Purchasing Officer to sign documents needed.)

Res. 97-35 adopted (Friedman/Fisher, unan.).

- e. Report on the procurement procedure for emergency flood repairs to facilitate the recovery and start-up of several key City service facilities. (This report is for informational purposes only and requires no Council action.)

- 27. The meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick

Employee organization: Modesto City Firefighters Association

Meeting adjourned to Closed Session at 10:45 p.m. Counsel returned at 11:10 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, JANUARY 14, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 10, 11, 12, 13, 17

(Serpa/Friedman, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 14, 15, 16

(McClanahan/Friedman, unan.; Fisher absent)

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of January 7, 1997.

By motion (Serpa/Friedman, unan.), minutes approved.

3. Oral report from the Director of Emergency Services regarding the need for continuing the local emergency.
(Resolution terminating the local emergency is possible.)

By order of the Chair, report acknowledged and local emergency continues.

Councilmember McClanahan absent due to conflict of interest.

4. Final adoption of Ord. No. 3018-C.S. relating to Solid Waste and repealing Ord. Nos. 2868-C.S. and 2872-C.S. (Continued from January 7, 1997, City Council meeting.)
(Motion adopting needed.)

Final adoption of Ord. No. 3018-C.S. (Dobbs/Lang, majority; Cogdill/Friedman, no; McClanahan absent)

5. Final adoption of Ord. No. 3020-C.S. amending Section Maps 8-3-10 and 19-3-10 of the Zoning Map rezoning certain property located thereon. (Empire North, Unit No. 1)

Final adoption of Ord. No. 3020-C.S. (Cogdill/Dobbs, majority; Fisher/Friedman/McClanahan, no).

6. Final adoption of Ord. No. 3019-C.S. amending Section 26-3-9 of the Zoning Map to rezone from C-2 and R-3 to P-D(495), as an addition to P-D(495), property located on the north side of Yosemite Boulevard between North Riverside Drive and Trask Lane. (U.S. Rentals)

1/14/97

Final adoption of Ord. No. 3019-C.S. (Serpa/Friedman, unan.).

7. Final adoption of Ord. No. 3021-C.S. amending the Municipal Code relating to the Modesto Landmark Preservation Committee.

Final adoption of Ord. No. 3021-C.S. (Serpa/Friedman, unan.).

8. Consider introduction of four ordinances prohibiting:

- (1) Aggressive begging
- (2) Lying or sitting on sidewalks in the business district so as to substantially obstruct them (and amending the existing loitering ordinance to bring it up to date)
- (3) Storing personal property on public property
- (4) Unsolicited windshield washing; and

Consider introduction of three ordinances amending the Modesto Municipal Code as follows:

- (1) Amendment of the Adult Business Ordinance to clarify certain language in the ordinance, including Sections 10-2.2404 and 10-2.2405, requiring that application to amortize a nonconforming adult business use be made to the Community Development Director and decided by a hearing officer, rather than be heard before the City's Board of Zoning Adjustment
- (2) Amendment to Section 6-1.103 to require procurement of a business licenses prior to carrying on the solicitation of car cleaning services for profit
- (3) Amendment of the Adult Business Ordinance by adding Section 5-9.406 dealing with nuisance per se.

Ordinance 3022-C.S. introduced (McClanahan/Friedman, unan.) prohibiting aggressive begging (McClanahan/Friedman, unan.).

Ordinance 3023-C.S. (McClanahan/Friedman, unan.) introduced prohibiting lying or sitting on sidewalks in the business district so as to substantially obstruct them and amending the existing loitering ordinance to bring it up to date.

Ordinance 3024-C.S. (McClanahan/Friedman, unan.) introduced prohibiting storing personal property on public property.

Ordinance 3025-C.S. (McClanahan/Friedman, unan.) introduced prohibiting unsolicited windshield washing.

Ordinance 3026-C.S. (McClanahan/Friedman, unan.) introduced amending the Adult Business Ordinance to clarify certain language therein, including amendment to Sections 10-2.2404 and 10-2.2405.

Ordinance 3027-C.S. (McClanahan/Friedman, unan.) introduced amending Section 6-1.103 of the Modesto Municipal Code relating to requirement to procure a business license prior to carrying on solicitation of car cleaning service for profit.

Ordinance 3028-C.S. (McClanahan/Friedman, unan.) introduced amending the Adult Business Ordinance by adding new Section 5-9.406 dealing with nuisance per se.

Councilmember McClanahan absent due to conflict of interest.

9. Consider Utility Services and Franchise Committee recommendation for revisions to Indemnification Provisions in service agreements to collect solid waste.

Res. 97-36 adopted (Dobbs/Lang, majority; Cogdill/Friedman, no; McClanahan, absent) approving revisions, if a rate increase in excess of \$.10 is passed through to customer, item will return to Council.

10. Consider approving a lease agreement with Theodore M. Cook for the lease of Suite H at Cook Marketplace, 500 Ninth Street, for the purpose of storage space for the museum.
(Resolution approving lease agreement needed. Estimated cost: \$8,354.52 per year. Funds are budgeted.)

Res. 97-37 adopted (Serpa/Friedman, unan.) approving lease agreement.

11. Consider approving a lease agreement with Atmospherics, Inc., for the use of a small parcel of land at the Airport for weather equipment.

Res. 97-38 adopted (Serpa/Friedman, unan.) approving lease agreement.

12. Consider approving agreement with Peterson Consulting, Inc. to provide consultation and lobbying services for the Waste-to-Energy Project and in concurrence with Stanislaus County Board of Supervisors.

Res. 97-39 adopted (Serpa/Friedman, unan.) approving agreement.

13. Consider revisions to the Down Payment Assistance Program to raise sales price limits for 3 and 4 bedroom homes and to adjust loan terms.

Res. 97-40 adopted (Serpa/Friedman, unan.) approving revisions to Down Payment Assistance Program.

Vice Mayor Fisher absent due to conflict of interest.

14. Consider approving loan agreement with STANCO for the purchase of 2401 Powell Street #3, for STANCO'S Transitional Housing Program as approved in the Fiscal

1/14/97

Year 1996-97 HOME Program Allocation.
(Resolution authorizing City Manager to execute loan agreement needed.
Estimated cost: \$18,000. HOME loan funds are budgeted.)

Res. 97-41 adopted (McClanahan/Friedman, unan.; Fisher, absent)
authorizing City Manager to execute loan agreement.

Vice Mayor Fisher absent due to conflict of interest.

15. Consider designating STANCO as a Community Housing Development Organization (CHDO) for the HOME program, authorizing a \$15,000 grant to STANCO to allow the organization to undertake a number of predevelopment activities, and authorizing the City Manager to execute HOME agreement. (Resolution designating STANCO as a CHDO, authorizing grant, and authorizing City Manager to execute agreement needed.)

Res. 97-42 adopted (McClanahan/Friedman, unan.; Fisher, absent)
designating STANCO as a CHDO, authorizing grant, and authorizing City
Manager to execute agreement.

Vice Mayor Fisher absent due to conflict of interest.

16. Consider authorizing the City Manager to execute a real estate sales contract agreement for the purchase of property at 2700 Garvey Avenue from the U.S. Department of Housing and Urban Development (Property Disposition Program) and consider authorizing the assignment of the purchase agreement to the Stanislaus County Affordable Housing Corporation (STANCO) once a purchase offer is accepted by HUD.

Res. 97-43 adopted (McClanahan/Friedman, unan.; Fisher, absent)
authorizing City Manager to execute purchase agreement and authorizing the
assignment of the purchase agreement.

17. Consider request for direct City assistance for a Flood Aid Concert to be held at the Centre Plaza on January 17, 1997 to benefit the American Red Cross and the victims of local flooding. (Resolution waiving fee for use of the Centre Plaza and providing Modesto Police Department security needed. Estimated cost: \$5,100. Funds are budgeted.)

Res. 97-44 adopted (Serpa/Friedman, unan.) waiving fee for use of the Centre
Plaza and providing Modesto Police Department security needed.

18. Written Communications

Letter from John F. Gardner, Law Offices of Cooper, White & Cooper,
representing the interests of Florsheim Bros., requesting that the City Council
rescind its action of January 7, 1997, concerning the North Beyer Park Specific
Plan, General Plan amendment and rezoning and the tentative subdivision

1/14/97

map of North Beyer Park subdivision, which were approved by the City Council on November 26, 1996.

By motion (Cogdill/McClanahan, unan.), rescind action of January 7, 1997; place discussion of the traffic concerns related to the North Beyer Park Specific Plan Area on the January 28, 1997 Council agenda.

ORAL COMMUNICATIONS

19. Oral Communications

None.

MISCELLANEOUS - Reappointment

20. Citizens Housing and Community Development Committee

Res. 97-45 adopted (Friedman/Serpa, unan.) reappointing Virginia Gleser to the Citizens Housing & Community Development Committee, with a term expiration of January 1, 2001.

21. MATTERS TOO LATE FOR THE AGENDA

None.

22. CLOSED SESSION

This meeting will adjourn the Mayor's Chambers for a closed session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Sharon Coles v. City of Modesto, Workers' Compensation Appeals Board Case No. STK 89474

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Subdivision (a) of Section 54956.9 of the Government Code)

Name of case: Barker v. City of Modesto, et al.

Meeting adjourned to Closed Session at 5:00 p.m. City Attorney returned at 5:35 p.m. and reported no action had been taken.

1/14/97

COUNCIL MEETING OF TUESDAY, JANUARY 21, 1997, AT 7:00 P.M.

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

(McClanahan/Friedman, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

2. Approval of the minutes of the special and regular City Council meetings of January 14, 1997.

By motion (McClanahan/Friedman, unan.), minutes approved.

3. Oral report from Director of Emergency Services regarding the need for continuing the local emergency.

By order of the Chair, this item was continued for one week. City Manager directed to draft letter to elected officials expressing appreciation of their assistance.

4. Oral report from Purchasing Officer regarding use of "exigent circumstances" purchasing authority during flood response and repairs.

By order of the chair, report acknowledged.

5. Consider waiving formal bid procedures and authorizing the purchase of sixteen police vehicles from the competitively bid State contract, allowed by Modesto Municipal Code Section 8-3.05(h), for a total cost of \$380,721.81.

Res. 97-46 adopted (McClanahan/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

6. Consider approving a means of funding Mello-Roos Community Facilities District formations. (Community Facilities Districts with bonding for subdivision infrastructure to be fully funded by the applicant.)

By motion (Fisher/Friedman, unan.), approved an applicant-City split for funding most Mello-Roos Community Facilities District formations.

7. Consider amending the budget through a reduction in project cost and an advancement of \$60,000 from the 1997-98 Capital Improvement Program to 1996-97; and consider waiving formal bid procedures to procure "Financial/Human Services System Upgrade to Client/Server."

(Resolution amending the budget needed, and resolution waiving formal bid

1/21/97

procedures (five affirmative votes needed) and authorizing purchase needed. Total estimated cost in 1996-97 \$60,000; in 1997-98 \$253,535.)

Res. 97-47 adopted (McClanahan/Friedman, unan.) amending the budget.

Res. 97-48 adopted (McClanahan/Friedman, unan.) waiving formal bid procedures and authorizing purchase, and amending agreement.

8. Written Communications

Letter from Gary Lopez, President, Modesto City Firefighters Association, requesting a discussion of negotiation impasse.

This item was withdrawn by Gary Lopez.

9. Oral Communications

Dan Hopkins, First Church of the Nazarene spoke regarding the church's sewer bill.

By order of the Chair, item was referred to the Utility Services and Franchise Committee.

Milton Gress, representing the homeless, discussed vehicle parking concerns.

Two citizens expressed their concerns regarding personal property being stolen from their residences in the area of Waldo Court and Hatch/Ustick.

10. Matters Too Late For The Agenda

None.

The meeting was adjourned at 7:36 p.m.

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 28, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 14

1. Acknowledgements and Presentations

- a. Presentation of Distinguished Service Award Plaque to Marge Baker for service on the Culture Commission.

Mayor Lang made the presentation.

- b. Presentation of plaque and checks to four City of Modesto Neighborhood Watch Groups that participated in August 6, 1996, National Night Out activities allowing Modesto to win eighth place nationally in the annual National Night Out competition.

Presentation made by Mayor Lang and Police Chief Paul Jefferson.

- c. Presentation of special recognition plaques and certificates for co-sponsorships of the City's 1996 Recreation Programs.

Presentation by Mayor Lang and Judy Loretelli.

- d. Presentation of flood relief donation from members of the Indian Community to Red Cross.

2. Approval of the minutes of the regular City Council meeting of January 21, 1997.

By motion (Friedman/Serpa, unan.), minutes approved.

3. Oral report from Director of Emergency Services regarding the need for continuing the local emergency.

By motion (Serpa/Fisher, unan.) this item was continued for one week.

4. Discussion of neighborhood traffic concerns related to the North Beyer Specific Plan Area.

By motion (Fisher/McClanahan, unan.), referred to Transportation Committee.

5. Final adoption of the following:

- a. Ord. No. 3022-C.S. amending the Municipal Code relating to aggressive begging.
- b. Ord. No. 3023-C.S. amending the Municipal Code relating to disorderly conduct.
- c. Ord. No. 3024-C.S. amending the Municipal Code relating to prohibition of

- obstruction of public right of way.
- d. Ord. No. 3025-C.S. amending the Municipal Code relating to prohibition of furnishing or performing uninvited services associated with the cleaning, washing or polishing of the exterior of a vehicle.
 - e. Ord. No. 3026-C.S. amending the Municipal Code relating to adult entertainment businesses.
 - f. Ord. No. 3027-C.S. amending the Municipal Code relating to business license required.
 - g. Ord. No. 3028-C.S. amending the Municipal Code relating to adult entertainment businesses.

By motion (Friedman/Serpa, unan.), approved final adoption of Ord. Nos. 3022-C.S., 3023-C.S., 3024-C.S., 3025-C.S., 3026-C.S., 3027-C.S., and 3028-C.S.

- 6. Consider awarding bid for one trailer-mounted stump cutting machine to the only technically responsive and responsible bidder, Cal-Line Equipment for a total of \$21,838.64.

Res. 97-48A adopted (Friedman/Serpa, unan.) awarding bid.

- 7. Consider acceptance of the contract of Ross F. Carroll, Inc. as complete for Public Facilities District No. 11 - installation of curb, sidewalk and street improvements at various locations, as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$77,208.50)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final estimated cost: \$84,139.20. Funds are budgeted.)

Res. 97-49 adopted (Friedman/Serpa, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

- 8. Consider authorizing City Manager to execute a cooperative agreement with Caltrans for the construction of a traffic signal at State Route 108 (McHenry Avenue) and Leveland Lane.
(Resolution approving agreement needed. Estimated cost: \$134,200. Funds are budgeted.)

Res. 97-50 adopted (Friedman/Serpa, unan.) approving agreement.

- 9. Consider approving an amendment to the agreement with McCaw Communications of Modesto, Inc. for the lease of a cellular site in Davis Park.

Res. 97-51 adopted (Friedman/Serpa, unan.) approving amendment to agreement.

10. Consider designating the week of March 31 through April 4, 1997, as City of Modesto Safety Week, and consider authorizing the City to participate in the First Annual Stanislaus County Multi-Agency Employees Safety Fair.
(Resolution designating the week of March 31 through April 4, 1997, as City of Modesto Safety Week, and authorizing City participation in First Annual Stanislaus County Multi-Agency Employees Safety Fair needed. Estimated City cost: \$5,000. Funds are budgeted.)

Res. 97-52 adopted (Friedman/Serpa, unan.) designating March 31 through April 4, 1997 as City of Modesto Safety Week and authorizing City participation in First Annual Stanislaus County Multi-Agency Employees Safety Fair.

11. Quarterly Treasurer's Report - December 1996.

By motion (Friedman/Serpa, unan.), acknowledged receipt of report.

12. Oral Communications

None.

13. Written Communications

Letter from Edward P. Taczanowsky, Executive Vice President, Building Industry Association, regarding a proposed development of a program in Village One to provide monumentation and interior signage that will enhance the Village concept.

By motion (McClanahan/Fisher, unan.), agreed to proceed with monumentation and interior signage program with staff assistance.

14. Letter of resignation from the Landmark Preservation Commission from Dirk Hoek.

Res. 97-53 adopted (Friedman/Serpa, unan.) accepting resignation with regret.

15. Matters Too Late For The Agenda

None.

16. Closed Session

The meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick

Employee organization: Modesto City Employees Association

Meeting was adjourned at 5:30 p.m. to Closed Session. Counsel returned at 5:50 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, FEBRUARY 4, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9

1. Acknowledgements and Presentations

Presentation of a check for flood relief from The Oakland A's.

Mayor Lang accepted check from the Oakland A's on behalf of the City, then presented it to Marvalene Hughes, who accepted it on behalf of the United Way.

Mayor Lang presented a proclamation to Fire Chief Larry Hughes who accepted on behalf of Ventura County, Los Angeles County and City of Malibu for flood relief assistance.

2. Approval of the minutes of the special and regular City Council meeting of January 28, 1997.

By motion (Friedman/Serpa, unan.), minutes approved.

3. Oral report from Director of Emergency Services regarding the need for continuing the local emergency.

By motion (Dobbs/Fisher, unan.), acknowledged report of Director of Emergency Services to continue the item for another week. Will initiate a study of future management of flood control issues. Staff to work with committee.

4. Oral report from Purchasing Officer on the use of purchasing authority under "exigent circumstances" related to the January Floods of 1997.

By motion, acknowledged receipt of report.

5. Hearing to consider the appeal of Eric Johnson to the revocation of the dance hall permit for Gilligan's Beach House at 1640 Princeton Avenue.

Appeal withdrawn by applicant.

6. Hearing to consider establishing a fee for all Fire Fighter Applicants.

Res. 97-54 adopted (Friedman/McClanahan, majority; Dobbs, no) establishing fee.

7. Consider waiving formal bid procedures and authorizing the purchase of one one-ton dual rear-wheeled pickup dump truck from Lasher Auto Center, two cab and chassis with hydraulic dump bodies from Country Ford Trucks, one van with compartments from Oakland Truck Center, Inc., and seventeen various pickup trucks and one cargo

2/4/97

van from the State of California Contract for a combined total cost of \$423,688.17; consider approving specifications and authorizing call for bids for furnishing four various cab and chassis and truck vehicles. (Suggested bid opening: February 24, 1997, at 11:00 a.m.)

(Resolution waiving formal bid procedures and authorizing purchases needed (Five affirmative votes needed.); and resolution approving specifications and authorizing bid call needed. Total estimated cost: \$819,688.17. Funds are budgeted.)

Res. 97-55 adopted (Friedman/Serpa, unan.) waiving formal bid procedures and authorizing purchases.

Res. 97-56 adopted (Friedman/Serpa, unan.) approving specifications and authorizing call for bids to be opened @ 11:00 a.m. on February 24, 1997.

8. Consider authorizing the submittal of a revised Federal Fund Preapplication in the amount of \$500,000 for the Modesto City-County Airport capital improvement projects during fiscal year 1998 and authorizing The City Manager to sign on behalf of the City.

Res. 97-57 adopted (Friedman/Serpa, unan.) authorizing submittal of revised preapplication and authorizing City Manager to sign on behalf of the City.

9. Consider approving agreement with Prescott Estates Home Owners Association for the construction of a fence along the northern portion of the property line funded with fiscal year 1996-97 Community Development Block Grant Funds.

Res. 97-58 adopted (Friedman/Serpa, unan.) approving agreement and authorizing City Manager to sign.

10. Oral Communications

Councilmember Serpa requested the City Attorney to work with Public Safety Committee and Modesto Police Department concerning gangs assembling on streets.

11. Matters Too Late For The Agenda

None.

Meeting adjourned at 7:25 p.m.

MINUTES OF COUNCIL MEETING OF TUESDAY, FEBRUARY 11, 1997, 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 13, 14,
15, 17, 18, 19

Item #16 removed from Agenda

(Fisher/Serpa, unan.)

Councilmembers Cogdill & Fisher absent due to conflict of interest
CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 7

(Friedman/McClanahan, unan.; Cogdill & Fisher absent)

1. Acknowledgements and Presentations

None

2. Approval of the minutes of the regular City Council meeting of
February 4, 1997.

By motion (Fisher/Serpa, unan.), minutes approved

3. Oral report from Director of Emergency Services regarding the need for continuing the
local emergency.

Res. 97-59 adopted (Friedman/Fisher, unan.) terminating the local emergency.

4. Hearing to consider approval of "The Bluffs" vesting tentative subdivision map, within
the Empire North Specific Plan Area; consider initiating proceedings to annex the 39.8
acre area, property located south of Parker Road, east of the Santa Fe Railroad and
north of Dry Creek, to the City of Modesto and detach from the Consolidated Fire
District through Stanislaus Local Agency Formation Commission (LAFCO); and
consider making findings that this project is within the context of a previously
completed and certified Environmental Impact Report.

By motion, (Fisher/McClanahan, unan.) item will be continued one week to
February 18, 1997.

5. Consider authorizing call for bids for furnishing traffic signal accessories.
(Suggested bid opening: March 3, 1997, at 11:00 a.m. Resolution authorizing call for
bids needed. Total estimated cost: \$86,500. Funds are budgeted.)

Res. 97-60 adopted (Fisher/Serpa, unan.) authorizing call for bids on March 3,
1997 at 11:00 a.m.

2/11/97

6. Consider awarding contract for the River Road Lift Station to Amerine Systems, Inc. for \$133,266; and consider approving appropriation transfer in the amount of \$55,000 to fully fund the project.
(Resolution awarding contract needed, and resolution approving appropriation transfer needed. Total estimated cost: \$159,919 (contract \$133,266; const. admin. & contingencies \$26,653). Funds are partially budgeted.)

Res. 97-61 adopted (Fisher/Serpa, unan.) awarding contract.

Res. 97-62 adopted (Fisher/Serpa, unan.) approving appropriation transfer.

Councilmembers Cogdill and Fisher absent due to conflict of interest.

7. Consider awarding bid for nine traffic enforcement motorcycles to Mitchell's Modesto Harley Davidson for a total cost of \$126,642.19.

Res. 97-63 adopted (Friedman/McClanahan, unan.; Cogdill & Fisher absent) awarding bid.

8. Consider waiving formal bid procedures and authorizing the purchase of two utility Jeep Cherokees from Lasher Auto Center for a total price of \$42,973.06; and consider amending the budget to provide funding for the purchase.

Res. 97-64 adopted (Fisher/Serpa, unan.) waiving formal bid procedures and authorizing purchase of two utility Jeep Cherokees.

Res. 97-65 adopted (Fisher/Serpa, unan.) approving budget amendment.

9. Consider waiving formal bid procedures and authorizing the purchase of 80,000 pounds of granular activated carbon through the City of Fresno contract from Northwestern Carbon for a total of \$75,502.93.

Res. 97-66 adopted (Fisher/Serpa, unan.) waiving formal bid procedures and authorizing purchase of granular carbon.

10. Consider waiving formal bid procedures and authorizing the repair of one Grove Crane, Model TR515, by Coast Crane Company for a total cost of \$29,063.36.

Res. 97-67 adopted (Fisher/Serpa, unan.) waiving formal bid procedures and authorizing repair of one Grove Crane.

11. Consider waiving formal bid procedures and authorizing the purchase of two DED Alpha Workstations and related equipment from Avenet Computers for a total cost of \$58,210.11.

Res. 97-68 adopted (Fisher/Serpa, unan.) waiving formal bid procedures and authorizing the purchase of two DED Alpha Workstations.

2/11/97

12. Fiscal Year 1996-97 Budget - Midyear Status Report and proposed adjustments.

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

Res. 97-69 adopted (Friedman/Fisher, unan.) amending FY 1996-97 budget and re-estimating revenue for FY 1996-97 budget.

13. Report on the Tully Road restriping project for the area between Leonard Avenue and Roseburg Avenue.

By motion (Fisher/Serpa, unan.), acknowledged receipt of report and approved recommendation.

14. Consider approving expansion of membership in the Citizens' Advisory Committee on Recycling from eight members to eleven members.

Res. 97-70 adopted (Fisher/Serpa, unan.) approving increasing the membership of the Citizens' Advisory Committee on Recycling from eight to eleven members.

15. Consider amending the Municipal Code to change radar-enforced speed limits on some streets, based on speed surveys.
(Introduction of ordinance amending Municipal Code Sections 3-2.1401 and 3-2.1401.1 needed.)

Ord. 3029-C.S. introduced.

ITEM #16 WAS REMOVED FROM AGENDA

16. Consider approving an agreement with Taussig and Associates to form a Mello-Roos Community Facilities district for the North Beyer Park Project for not to exceed \$10,000 plus an estimated \$1,000 in expenses; and consider amending the budget for the Strategic Planning Fund to recognize \$10,000 in revenue for developer's share of project and transferring \$10,000 from Contingency Reserve into the project account.

17. Consider approving an amendment to the agreement with Environmental Science Associates (ESA) for preparation of the Final Master Environmental Impact Report for the Wastewater Master Plan.
(Resolution approving amendment to agreement needed. Estimated cost: \$12,000. Funds are budgeted.)

Res. 97-71 adopted (Fisher/Serpa, unan.) approving amendment to agreement.

18. Consider approval of final map of Village Highlands Phase 1 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Inland Village)

Res. 97-72 adopted (Fisher/Serpa, unan.) approving final map and authorizing City Manager to sign agreement.

19. Oral Communications

Jim Fletcher discussed 10th Street Place project and areas to include the public.

Mike Serpa reviewed public safety meeting regarding southwest area police efforts and enforcement.

20. Consider amending the legislative platform outlining the City's overall legislative concerns.

By motion (Fisher/Serpa, unan.), approved the 1997 Legislative Platform.

21. Matters Too Late For The Agenda

By motion (Friedman/McClanahan, unan.) it was determined that there was a need to take immediate action and that the need for action came to the City's attention after the agenda was posted.

- a. Consider a resolution to approve the Memorandum of Understanding between the City and Modesto City Employee Association.

Res. 97-73 adopted (Friedman/Cogdill, unan.) approving MOU with MCEA.

22. Closed Session

The meeting will adjourned to the Mayor's Chambers for a Closed Session to consider the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION;

Title: City Manager

Meeting adjourned at 4:35 p.m. Counsel returned from Closed Session at 5:20 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, FEBRUARY 18, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 8, 9, 10, 11, 12

Consent Items #6 & #7 removed from consent.

Acknowledgements and Presentations

Mayor Lang acknowledged that Cub Scout Troop 299 and Boy Scout Troop 59 were in the audience.

1. Approval of the minutes of the regular City Council meeting of February 11, 1997.

By motion (Friedman/Fisher, unan.), minutes approved.

2. Oral report from Purchasing Officer on the use of purchasing authority under "exigent circumstances" related to the January Floods of 1997.

Report acknowledged.

3. Final adoption of Ord. No. 3029-C.S. amending the Modesto Municipal Code relating to speed limits.

By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No. 3029-C.S.

4. Hearing to consider approval of "The Bluffs" vesting tentative subdivision map, within the Empire North Specific Plan Area; consider initiating proceedings to annex the 39.8 acre area, property located south of Parker Road, east of the Santa Fe Railroad and north of Dry Creek, to the City of Modesto, and detach from the Consolidated Fire District through Stanislaus Local Formation Commission (LAFCO); and consider making findings that this project is within the context of a previously completed and certified Environmental Impact Report. (Continued from February 11, 1997, City Council meeting.)

Res. 97-74 adopted (Cogdill/Fisher, unan.) approving vesting tentative subdivision map, with addition of street on southern portion of property for public access to Machado property.

Res. 97-75 adopted (Cogdill/Fisher, unan.) finding project within context of previous EIR.

Res. 97-76 adopted (Cogdill/Fisher, unan.) initiating annexation proceedings.

5. Consider accepting the contract of Western States Surfacing, Inc. as complete for the

1996 project to cape seal various City streets and authorize City Clerk to file the Notice of Completion. (Original contract: \$333,173.92)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Total final cost: \$330,575.64; funds are budgeted.)

Res. 97-77 adopted (Friedman/Fisher, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

Item #6 removed from Consent

6. Consider waiving formal bid procedures and authorizing the purchase of 34,000 rolls of blue bags for the new waste recycling program from Carlisle Plastics for a total cost of \$41,983.62.

Res. 97-78 adopted (Cogdill/Fisher, unan.) waiving formal bid procedures and authorizing the purchase of rolls of blue bags.

Item #7 Removed from Consent

7. Consider amending the 1996-97 Capital Improvement Program Budget to establish a new CIP Project for \$300,000 for the Flood Hazard Mitigation Project, and consider approving an amendment to the agreement with Black & Veatch for the preparation of plans and specifications for the design of the cannery segregation pipeline, replacement of the Emerald trunk sewer, headworks and grit removal facilities at the Primary Water Quality Control Plant.

Res. 97-79 adopted (Dobbs/Fisher, unan.) approving amendment to agreement.

Res. 97-80 adopted (Dobbs/Fisher, unan.) amending the 1996-97 budget.

8. Consider approving an agreement with Taussig and Associates to establish a Mello-Roos Community Facilities District for the North Beyer Park Project, and consider amending budget to recognize \$10,000 in revenue for developer's share of project. (Resolution approving agreement needed, and resolution amending the budget needed. Total estimated cost: \$20,000 (consultant not to exceed \$10,000 plus estimated \$1,000 in expenses; maximum city staff costs, \$9,000)

Res. 97-81 adopted (Friedman/Fisher, unan.) approving agreement.

Res. 97-82 adopted (Friedman/Fisher, unan.) amending the budget.

9. Consider authorizing submission of revised Annual Transportation Claim to the Stanislaus Area Association of Governments (SAAG) to include a supplemental apportionment.

Res. 97-83 adopted (Friedman/Fisher, unan.) authorizing submission of revised

Annual Transportation Claim.

10. Consider amending the 1996-97 Capital Improvement Program (CIP) to create nine new projects from Congestion Management and Air Quality (CMAQ) grant funds in the amount of \$250,363, and consider amending the 1996-97 to appropriate \$40,000 from the Streets Local Transportation Funds and Streets Capital Facilities Fees funds.

Res. 97-84 adopted (Friedman/Fisher, unan.) amending 96-97 CIP.

Res. 97-85 adopted (Friedman/Fisher, unan.) amending 1996-97 budget.

11. Consider amending the 1996-97 Capital Improvement Program to create two new projects from Congestion Management and Air Quality Funds in the amount of \$54,875 and REMOVE Grant Funds in the amount of \$5,340 for preferential parking for carpoolers and the City of Modesto Rideshare Program.

Res. 97-86 adopted (Friedman/Fisher, unan.) amending 1996-97 CIP.

12. Consider adopting the Modesto Non-Motorized Transportation Master Plan and certifying the Negative Declaration.

Res. 97-87 adopted (Friedman/Fisher, unan.) adopting the Modesto Non-Motorized Transportation Master Plan and certifying the Negative Declaration.

13. Oral Communications

Dana Bosio spoke regarding Habitat for Humanity project.

14. Miscellaneous - Appointments

Landmark Preservation Commission

Res. 97-88 adopted (Friedman/Fisher, unan.) appointing Jerome Beamish to the Landmark Preservation Commission.

Golf Course Advisory Committee

Res. 97-89 adopted (Friedman/Fisher, unan.) appointing John Rudesill to the Golf Course Advisory Committee.

15. Matters Too Late For The Agenda

None.

Meeting adjourned at 8:30 p.m.

COUNCIL MEETING OF TUESDAY, FEBRUARY 25, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 14, 15

(Friedman/McClanahan, unan.)

Councilmember Friedman absent due to conflict of interest

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 12

(Fisher/Dobbs, unan.; Friedman absent)

1. Acknowledgements and Presentations

None

2. Approval of the minutes of the regular City Council meeting of February 18, 1997.

By motion (Friedman/McClanahan, unan.), minutes approved.

3. Hearing to consider the proposed fee revisions for the Public Works and Transportation Department, to be effective May 1, 1997.

(Fifteen resolutions revising fees.)

Res. 97-90 adopted (Friedman/Cogdill, unan.) establishing fees and charges for copies of various maps and prints.

Res. 97-91 adopted (Friedman/Cogdill, unan.) allowing the sale of electronic data and establishing fees.

Res. 97-92 adopted (Friedman/Cogdill, unan.) establishing a schedule of fees for encroachment permits and inspections.

Res. 97-93 adopted (Friedman/Cogdill, unan.) establishing filing fees for subdivision and parcel maps.

Res. 97-94 adopted (Friedman/Cogdill, unan.) revising sewer service charges.

Res. 97-95 adopted (Friedman/Cogdill, unan.) establishing sewer bond redemption charges and water connection inspection fees.

Res. 97-96 adopted (Friedman/Cogdill, unan.) establishing sewer lateral connection fees.

Res. 97-97 adopted (Friedman/Cogdill, unan.) establishing conditions for payment in installments of sewer bond redemption charges and subtrunk extension charges.

Res. 97-98 adopted (Friedman/Cogdill, unan.) establishing an advance deposit for sewer service.

Res. 97-99 adopted (Friedman/Cogdill, unan.) establishing a reconnection charge for sewer service.

Res. 97-100 adopted (Friedman/Cogdill, unan.) establishing a schedule of fees and charges for water service.

Res. 97-101 adopted (Friedman/Cogdill, unan.) establishing charges for metered water services and unmetered water services.

Res. 97-102 adopted (Friedman/Cogdill, unan.) establishing permit fees for monitoring wells.

Res. 97-103 adopted (Friedman/Cogdill, unan.) fixing certain rates for supplying water and stand-by water to County of Stanislaus.

Res. 97-104 adopted (Friedman/Cogdill, unan.) establishing an advance deposit for water service.

4. Hearing to consider the proposed amendments, additions, and deletions to Chapter 2 of Title X of the Modesto Municipal Code (Zoning Regulations) pertaining to prohibition of human habitation of mobile living quarters or tents.

Ord. 3030-C.S. introduced (Friedman/McClanahan, majority; Dobbs/Fisher/Serpa, no) with the ordinance effective date being one year after its final passage and adoption. The Neighborhood AdHoc Committee is to establish criteria for enforcement.

5. Consider authorizing call for bids for repainting street light standards for up to five years.
(Suggested bid opening: March 18, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Estimated cost per year: \$19,500. Funds to be budgeted.)

Res. 97-105 adopted (Friedman/McClanahan, unan.) authorizing call for bids on March 18, 1997 @ 11:00 a.m.

6. Consider authorizing call for bids for furnishing one digital 800 MHZ radio system.
(Suggested bid opening: March 18, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Estimated cost: \$50,000. Funds are budgeted.)

Res. 97-106 adopted (Friedman/McClanahan, unan.) authorizing call for bids on March 18, 1997 at 11:00 a.m.

7. Consider authorizing call for bids for furnishing one set of reactor arms.

(Suggested bid opening: March 18, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Estimated cost: \$78,070.22. Funds are budgeted.)

Res. 97-107 adopted (Friedman/McClanahan, unan.) authorizing call for bids on March 18, 1997 at 11:00 a.m.

8. Consider authorizing call for bids for furnishing one rotary mower.
(Suggested bid opening: March 18, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Estimated cost: \$66,000. Funds are budgeted.)

Res. 97-108 adopted (Friedman/McClanahan, unan.) authorizing call for bids on March 18, 1997 at 11:00 a.m.

9. Consider accepting as complete the contract of Conco-West, Inc. for the Woodland Avenue sewer lift station odor control project and authorizing the City Clerk to file the Notice of Completion. (Original contract and final cost: \$49,250)

Res. 97-109 adopted (Friedman/McClanahan, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

10. Consider waiving formal bid procedures and authorizing the purchase of aerial surveying services for the Carpenter Road lamp project which includes the Carpenter/Briggsmore overpass.

Res. 97-110 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing the purchase.

11. Consider authorizing City Manager to execute an agreement with the State Lands Commission for installation of one 60-inch and two eighteen-inch diameter sanitary sewer pipelines crossing the Tuolumne River.

Res. 97-111 adopted (Friedman/McClanahan, unan.) approving agreement.

Councilmember Friedman absent due to conflict of interest.

12. Consider approving agreement with Calvary Temple Assembly of God of Modesto for the purchase of right of way needed for the Coffee/Briggsmore intersection widening project, and consider approving an agreement for authorization to enter upon the land.

Res. 97-112 adopted (Fisher/Dobbs, unan., Friedman absent) approving agreement for the purchase of right of way.

Res. 97-113 adopted (Fisher/Dobbs, unan., Friedman absent) approving agreement for authorization to enter upon the land.

13. Consider approving an amendment to the agreement with Skytrek Aviation Fuel, Inc. for their operations at the Modesto City-County Airport.

Res. 97-114 adopted (Friedman/McClanahan, unan.) approving agreement.

14. Consider amending the Position Classification Plan to delete job specifications for Custodian and to create job specifications of Custodian I and Custodian II; and consider amending the Class Range Tables to establish salary ranges for Custodian I and Custodian II.

Res. 97-115 adopted (Friedman/McClanahan, unan.) amending Position Classification Plan.

Res. 97-116 adopted (Friedman/McClanahan, unan.) amending Class Range Tables.

15. Report of three loans approved under the Emergency Home Repair Program since the January 1997 report.

By motion (Friedman/McClanahan, unan.) acknowledged receipt of report.

16. Oral Communications

None

17. Written Communications

Letter from Janet F. Langton regarding neighborhood safety.

18. Matters Too Late For The Agenda

None

19. This meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator:	J. Edward Tewes
Employee organization:	Modesto Firefighters Association

Meeting adjourned to Closed Session at 5:09 p.m. Counsel returned at 5:45 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, MARCH 4, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 13

(Serpa/Friedman, unan.)

1. Acknowledgements and Presentations

- a. Presentation of Certificate of Recognition to Frank Russo for his dedication and contributions to Modesto Youth Baseball.

Mayor Lang made presentation along with Walt Murray.

- b. Presentation by Starrett Kreissman, County Librarian, regarding status of the library during the last fiscal year and about ongoing library projects.

Report given by Starrett Kreisman.

2. Approval of the minutes of the regular City Council meeting of February 25, 1997.

By motion (Serpa/Friedman, unan.), minutes approved.

3. Final adoption of Ord. No. 3030-C.S. relating to prohibition of human habitation of mobile living quarters or tents.

By motion (Friedman/McClanahan, majority; Dobbs/Fisher/Serpa, no), final adoption of Ord. No. 3030-C.S.

Councilmember Dobbs absent due to conflict of interest.

4. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Leonard Soranno, to a Planning Commission decision denying an application for an amendment to P-D(450) for a freestanding sign for the Walgreens Drug Store at the southeast corner of Carver and Standiford Avenue.

Res. 97-117 adopted (Fisher/Friedman, unan.; Dobbs, absent) upholding appeal with a 2-foot limit on the pedestal and 6-foot height limit on the sign.

5. Consider authorizing bid call for furnishing computers and related equipment for Stanislaus Drug Enforcement Agency (SDEA).

(Suggested bid opening: April 7, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Estimated cost: \$145,000. Funds are budgeted.)

Res. 97-118 adopted (Serpa/Friedman, unan.) authorizing call for bids on April 7, 1997 at 11:00 a.m.

6. Consider acceptance of Rolfe Construction Company's contract for the "H" Street sewer from First Street to Fifth Street project as complete and authorize the City Clerk to file the Notice of Completion, and consider authorizing an appropriation transfer in the amount of \$18,500 to fully fund the project. (Original contract: \$118,505)

Res. 97-119 adopted (Serpa/Friedman, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Res. 97-120 adopted (Serpa/Friedman, unan.) approving appropriation transfer.

7. Consider acceptance of the contract of Clyde Wheeler Pipeline, Inc. for the Scenic Drive waterline project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$149,469.70)

Res. 97-121 adopted (Serpa/Friedman, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

8. Consider allowing for the exemption/deferral of Capital Facilities Fees (CFF) for affordable, owner-occupied housing on a case-by-case basis, after a public hearing, under certain conditions.

Res. 97-122 adopted (Serpa/Friedman, unan.) amending resolution establishing CFF to allow for exemption/deferral of CFF for affordable owner-occupied housing.

9. Consider amending current tournament policy to exempt local golf clubs from mandatory fees for food and pro shop merchandise during tournaments held by local golf clubs that maintain an affiliation with any of the three City of Modesto courses.

Res. 97-123 adopted (Serpa/Friedman, unan.) amending tournament policy.

10. Consider amending the salary range for Finance Director.

Res. 97-124 adopted (Serpa/Friedman, unan.) amending the Schedule of Salary Ranges to increase the range for Finance Director.

11. Consider amending budget to transfer from Water/Sewer Contingency Reserves to purchase printing link for the Xerox Printer, RS600 and mainframe.

Res. 97-125 adopted (Serpa/Friedman, unan.) amending budget.

12. Oral Communications

None.

13. Written Communications

Consider request of Harlan Smith, Modesto Camellia Society, for the donation of the Sweepstakes Trophy at the 35th Annual Camellia Cavalcade on March 15 and 16, 1997.

By motion, approved request.

14. Matters Too Late For The Agenda

None.

Meeting adjourned at 7:50 p.m.

COUNCIL MEETING OF TUESDAY, MARCH 11, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9

Friedman/Fisher, Dobbs, absent, unan.

1. Acknowledgements and Presentations

Presentation of proclamation for Girl Scout Week and the celebration of the 85th Anniversary of the Girl Scouts of the USA to Muir Trail Girl Scouts.

Mayor Lang presented proclamation to Girl Scout Troop 434.

Mayor Lang introduced Boy Scout Troop 13 and Troop 77.

2. Approval of the minutes of the regular and special City Council meetings of March 4, 1997.

By motion, minutes adopted.

3. Consider authorizing call for bids for furnishing annual recycled janitorial paper products under a cooperative local government agency bid.
(Suggested bid opening: March 31, 1997, at 11:00 a.m. Resolution approving call for bids needed. Estimated cost: \$30,000. Funds are budgeted.)

ACTION: Res. 97-126 adopted approving call for bids on March 31, 1997 at 11:00 a.m.

4. Consider declaring Fuller Ford, Pacific Utility Equipment Company and Oakland Truck Center low bidders and authorize the purchase of one shop truck/van with compressor from Fuller Ford; two trucks with aerial lifts from Pacific Utility Equipment Company; and one bin loader/roll-off truck from Oakland Truck Center for a combined total cost of \$343,336.09.

Res. 97-127 adopted awarding bid and authorizing purchase from low bidders.

5. Consider authorizing City Manager to execute an amendment to the agreement with Grothe & Smith Architects for the design of the Wastewater Collection/Electrical Maintenance Building.

Res. 97-128 adopted approving amendment to agreement.

6. Consider approving lease agreement and addendum to lease with AT&T Wireless Services of California, Inc. for the lease of 700± square feet of land in Beyer Park for location of a cellular telephone antenna.

Res. 97-129 adopted approving lease agreement and addendum to lease.

3/11/97

7. Consider joinder in amicus briefs in: Howard Jarvis Taxpayers Assn. v. City of La Habra; Cunningham v. City of Los Angeles; Soli v. City of Los Angeles; Penn Pacific Properties, Inc. v. City of Oceanside; San Diego Gas & Electric Co. v. City of Carlsbad; West Coast General Corp. v. City of Carlsbad; Kucera v. Lizza; and City of St. Petersburg v. Bowen.

By motion, approved authorizing the City to join in seven amicus briefs and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

8. Consider authorizing local programming grant agreement with Morris E. Smith, Jr.

Res. 97-130 adopted approving agreement.

9. Consider amendment to agreement with Fred Anderson to cover cost overruns on the John Thurman Field Renovation Project to allow Mr. Anderson's authorized representative to act on his behalf.)

Res. 97-131 adopted approving amendment to agreement.

10. Oral Communications

Janice Rineking expressed appreciation for the left turn lane at the Scenic/Oakdale Road area.

11. Written Communications

Letter from Colleen Preston regarding Wyldewood/Habitat issue and Woodland Park.

Gordon Preston made presentation.

MISCELLANEOUS

Appointments

12. Miscellaneous - Appointments

Board of Zoning Adjustment

Res. 97-132 adopted appointing Ray Feller as the Planning Commission representative to the Board of Zoning Adjustment.

13. Matters Too Late For The Agenda

None

The meeting adjourned to the Mayor's Chambers for a closed session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9. (One case)

A claim has been filed against the City for personal injuries suffered as the result of a trip and fall on City property which may result in litigation. The accident took place on June 20, 1996.

The meeting adjourned to Closed Session at 4:11 p.m. The City Attorney returned at 5:30 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, MARCH 18, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 12, 13

(Serpa/Dobbs, unan.)

Councilmember Friedman absent due to conflict of interest

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 10

(Fisher/Serpa, unan.; Friedman absent)

Councilmembers Cogdill and Fisher absent due to conflict of interest

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 11

(Friedman/Serpa, unan.; Cogdill & Fisher absent)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of graffiti rewards and recognition awards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

Presentation made by William Seavy.

Chief of Police Paul Jefferson recognized Police Officer Jerry Lewis for graffiti abatement efforts.

2. Approval of the minutes of the regular City Council meeting of March 11, 1997.

By motion (Serpa/Dobbs, unan.), minutes approved.

3. Hearing to consider the appeal of Timothy A. Miller, Project Manager, J.C. Williams Company, to a Planning Commission decision denying an application for an amendment to the Village One Specific Plan and Precise Plan for Area 27, to rezone from R-3 to R-1 underlying zoning, and denying the vesting tentative map of Center Court Subdivision, located on the north side of Merle Avenue, east of Roselle Avenue in the Village One Specific Plan.

Res. 97-133 adopted (Cogdill/McClanahan, majority; Dobbs, Lang, Serpa, no) denying the proposed amendments to the Village One Specific Plan and Precise Plan for Area No. 27.

Res. 97-134 adopted (Cogdill/McClanahan, majority; Dobbs, Lang, Serpa, no) denying the "Center Court" vesting tentative subdivision map.

3/18/97

4. Hearing to consider Specific Plan Amendment No. 1 to the Fairview Village Specific Plan to change funding of certain public facilities from Assessment District to a City Mello-Roos Community Facilities District.

Res. 97-135 adopted (Friedman/Dobbs, unan.) amending the Fairview Village Specific Plan.

5. Hearing to consider Specific Plan Amendment No. 1 to the Pelandale/Snyder Specific Plan to change funding of certain public facilities from Assessment District to a City Mello-Roos Community Facilities District.

Res. 97-136 adopted (Friedman/Dobbs, unan.) amending the Pelandale/Snyder Specific Plan.

6. Hearing to consider a proposed amendment to the Housing Element of the General Plan to delete Housing Policy 15, the Village One Housing Trust Fund Equity Sharing Program, which requires collection of an affordable housing fee.

Res. 97-137 adopted (Friedman/Lang, majority; Fisher and Serpa, no) amending the Housing Element of the General Plan. The Housing Trust Fund will be returned to Community Development and Housing Committee.

7. Hearing to consider Specific Plan Amendment No. 2 to the Fairview Village Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and requirement for collection of an Affordable Housing Fee.

Res. 97-138 adopted (Friedman/Lang, majority; Fisher and Serpa, no) amending the Fairview Village Specific Plan. The Housing Trust Fund will be returned to Community Development and Housing Committee.

8. Hearing to consider Specific Plan Amendment No. 2 to the Pelandale/Snyder Specific Plan to delete the requirement for a Housing Trust Fund Equity Sharing Program and requirement for collection an Affordable Housing Fee.

Res. 97-139 adopted (Friedman/Lang, majority; Fisher and Serpa, no) amending the Pelandale/Snyder Specific Plan. The Housing Trust Fund will be returned to Community Development and Housing Committee.

9. Consider approving an agreement with Sunrise Rotary for installation of play apparatus at Orchard Park.

Res. 97-140 adopted (Serpa/Dobbs, unan.) approving agreement.

Councilmember Friedman absent due to conflict of interest.

10. Consider approving agreement with Janice K. Milliken, Irene Kirkpatrick Frederick, and Jean Carol Hixon for the purchase of right of way needed for the Coffee/Briggsmore

intersection widening project.

Res. 97-141 adopted (Fisher/Serpa, unan.; Friedman absent) approving agreement.

Councilmembers Cogdill and Fisher absent due to conflict of interest.

11. Consider approving amendment to Access and Maintenance Agreement to relocate a reciprocal vehicle accessway to conform to approved plot plans and parcel map of property located on the east side of Dale Road, north of Veneman Avenue.

Res. 97-142 adopted (Friedman/Serpa, unan.; Cogdill and Fisher absent) approving amendment to Access and Maintenance Agreement.

12. Consider approval of the final map of Charleston Place Unit No. 2 subdivision of the City of Modesto, accepting the improvements, and authorizing City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owners: Charleston Place)

Res. 97-143 adopted (Serpa/Dobbs, unan.) approving final map, accepting improvements, and authorizing City Manager to sign agreement.

13. Consider excusing Councilmember Dobbs from March 11, 1997, City Council meeting due to his attendance at the National League of Cities Conference in Washington, D.C. March 8 - 11, 1997.

By motion (Serpa/Dobbs, unan.), excused Councilmember Dobbs.

14. Oral Communications

Colleen Preston spoke regarding Martone Park in the Woodland Neighborhood.

15. Written Communications

Letter from Mark Gray regarding "Teen Chatline" and impact on minor children.

Comments received from Mark Gray and Ed Miller.

16. Unsigned letter from the "Woodland Community" regarding Council actions relating to Habitat for Humanity and Martone Park.

Continued to April 1, 1997 by request of Dana Bosio.

17. Letter from Gary Lopez, President, Modesto City Firefighters Association, regarding pending impasse of negotiations.

Removed from agenda by request of Gary Lopez.

18. Matters Too Late For The Agenda

None.

19. The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Mary Alice Lester v. City of Modesto, et al., Stanislaus
County Superior Court
Action No. 113848

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: J. Edward Tewes
Employee organization: Modesto City Firefighters Association

Meeting adjourned to Closed Session at 10:30 p.m. Counsel returned at 11:05 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, MARCH 25, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 12, 14, 15, 17

(Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. 1997 Cultural Diversity Award to International Festival Committee.

Mayor Lang made presentation.

2. Approval of the minutes of the regular City Council meeting of March 18, 1996.

By motion (Friedman/Fisher, unan.), minutes approved.

3. Hearing to consider the proposed designation of the City's Christmas Tree, located on the triangle bounded by H Street, 19th Street, and La Loma, as a Modesto Landmark Preservation Site: (Owner: City of Modesto)

Res. 97-144 adopted (McClanahan/Fisher, unan.) designating the City's Christmas Tree as a Landmark Preservation Site.

4. Hearing to consider application of Jaguar Investment Corporation for approval of Precise Plans for Areas 4 and 5 located south of Sylvan Avenue, north of Hillglen Avenue, west of Roselle Avenue, east of Road F in the Village One Specific Plan Area, and to amend the current zoning from SP-H to SP-O and to certify the use of the EIR for Village One.

Ord. No. 3031 introduced (Friedman/Dobbs, unan.) adopting Precise Plans.

Ord. No. 3032 introduced (Friedman/Dobbs, unan.) rezoning Village One property.

Res. 97-145 adopted (Friedman/Dobbs, unan.) certifying previous use of EIR for Village One.

5. Hearing to consider application of Bright Development for approval of Precise Plans for Areas 21 and 22, located north of Floyd Avenue, south of Kodiak Drive, east of Esta Avenue and west of Fine Avenue in the Village One Specific Plan Area, and to amend the current zoning from SP-H to SP-O and to certify the use of the EIR for Village One.

Ord. No. 3033 introduced (Cogdill/Fisher, unan.) adopting Precise Plans.

Ord. No. 3034 introduced (Cogdill/Fisher, unan.) rezoning Village One property.

3/25/97

Res. 97-146 adopted (Cogdill/Fisher, unan.) certifying previous use of EIR for Village One.

Councilmember Fisher absent due to conflict of interest.

6. Hearing to consider request for exemption/deferral from Capital Facilities Fees (CFF), for no more than 10 affordable single-family homes being constructed by Self-Help Enterprises along Vicksburg Street near Paradise Road.

Res. 97-147 adopted (Dobbs/Serpa, unan.; Fisher absent) granting CFF exemption and authorizing City Manager to execute documents.

7. Hearing to consider request for exemption/deferral from Capital Facilities Fees (CFF), for no more than six affordable single-family homes being constructed by Habitat for Humanity on the northwest corner of Woodland and Rosemore Avenues (Wyldewood Village Subdivision).

Res. 97-148 adopted (Serpa/Friedman, unan.) granting CFF exemption and authorizing City Manager to execute documents.

8. Consider declaring Sierra Power Products low bidder and authorizing the purchase of two trailer mounted generators for a total price of \$96,314.31.

Res. 97-149 adopted (Friedman/Fisher, unan.) awarding bid and authorizing purchase.

9. Consider declaring several used emergency light bars scrap and donating them to the Woodland Avenue Fire Protection District.

Res. 97-150 adopted (Friedman/Fisher, unan.) declaring light bars surplus and authorizing donation.

10. Consider adopting a resolution in support of Modesto/Stanislaus County retaining 209 Area Code.

Res. 97-151 adopted (Friedman/Fisher, unan.) supporting Modesto/Stanislaus County retaining Area Code 209.

11. Consider adopting a resolution stating that it is the City's intention that sufficient funds will be made available in the City's Capital Improvement Program budget for the Kansas/Needham Grade Separation project; that the City intends to award a contract for construction of the Kansas/Needham Grade Separation Project; and consider authorizing the City Manager to execute all documents between the City of Modesto and Southern Pacific Transportation necessary for completion of the project.

Res. 97-152 adopted (Friedman/Fisher, unan.) stating intent to make sufficient

funds available and award a contract, and authorizing City Manager to execute all documents.

12. Annual Monitoring Reports for organizations funded with Community Development Block Grant Funds during Fiscal Year 1995-96.

By motion (Friedman/Fisher, unan.), acknowledged receipt of reports.

13. Consider approving an amendment to the Down Payment Assistance Program to allow Community Development Block Grant funds to be used to assist eligible homebuyers to purchase existing homes, and consider approving amended Program Guidelines.

Res. 97-153 adopted (Friedman/Cogdill, unan.) approving amendment to Down Payment Assistance Program.

Res. 97-154 adopted (Friedman/Cogdill, unan.) approving amendment to Program Guidelines.

14. Consider approving agreement with Carolyn V. Whisler for an acquisition of an easement needed for the Parallel Outfall project.

Res. 97-155 adopted (Friedman/Fisher, unan.) approving agreement.

15. Consider approving an amendment to the lease agreement with City Tower Group, LLC, to change the address of the lessor.

Res. 97-156 adopted (Friedman/Fisher, unan.) approving an amendment to the agreement.

16. Oral Communications

Loretta Carhart discussed cars parking in bus stop areas.

Bill Seavy spoke regarding sign ordinance.

17. Written Communications

Consider supporting the goals of the Stanislaus County Condition of Children Conference on Tuesday, April 22, 1997, at the Modesto Centre Plaza.

Res. 97-157 adopted (Friedman/Fisher, unan.) supporting the goals of the Stanislaus County Condition of Children Conference.

18. Letter from Robert Tinkey regarding his proposal for a recreation vehicle park for no and low income people.

By order of the Chair, item referred to Human Services Committee and will work with the County on request.

19. Letter from Dennis Wilson, Mid-Valley Engineering, regarding a County referral of a rezoning application for Koenig Investments located at the southwest corner of Kiernan Avenue and McHenry Avenue.

It was determined to deny request without prejudice and refer to the Community Development and Housing Committee

20. Matters Too Late For The Agenda

None

21. This meeting will adjourn to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Yari Matthews vs. City of Modesto, Superior Court of California, County of Stanislaus, Case No. 90019.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Purchase, sale or lease of property and/or public facilities located at 1812 Torrid Avenue for Woodland Neighborhood Park

APN: 81-44-04, 5.52 acres

Negotiating parties: William D. Harper, City of Modesto
Property Agent for the City of Modesto

George V. Hartmann, Hartmann & Setness, for
Thompson Family Trust, Under Trust Agreement/Dated
July 26, 1993

Under negotiation: Price and terms of payment for portion of each parcel to be acquired

Property: Purchase, sale or lease of property and/or public facilities located at 1920 Torrid Avenue for Woodland Neighborhood Park

APN: 81-44-03, 1.27 acres

Negotiating parties: William D. Harper, City of Modesto
Property Agent for the City of Modesto

George V. Hartmann, Hartmann & Setness, for Jesse F.
and Rosemarie Young, Husband and Wife, Joint Tenants

Under negotiation: Price and terms of payment for portion of each parcel to
be acquired

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code. One case.

Meeting adjourned to Closed Session at 5:30 p.m. Counsel returned at 7:15 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, APRIL 1, 1997, AT 7:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 14, 15,
16

(Friedman/Dobbs, unan.)

Councilmember Cogdill absent due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 13

(Dobbs/Fisher, unan.; Cobdill absent)

1. Acknowledgements and Presentations

Vice Mayor Fisher presented proclamation for Architecture Week.

2. Approval of the minutes of the regular City Council meeting of March 25, 1997.

By motion (Friedman/Dobbs, unan.), minutes approved.

3. Hearing to consider the proposed Kiernan Business Park Specific Plan and associated actions including a general plan amendment, rezoning to SP-O, and a Final Focused Environmental Impact Report.

Res. 97-158 adopted (Friedman/Fisher, unan.) amending General Plan.

Ord. No. 3035-C.S. introduced.

Res. 97-159 adopted (Friedman/Fisher, unan.) approving the Kiernan Business Park Specific Plan.

Res. 97-160 adopted (Friedman/Fisher, unan.) certifying Final Focused EIR and adopting Statement of Overriding Considerations.

4. Hearing to consider the proposed Carver-Bangs Specific Plan and associated actions including rezoning to SP-O, and a Final Focused Environmental Impact Report.

Res. 97-161 adopted (Cogdill/Dobbs, majority; Fisher, McClanahan and Serpa, no) approving Carver-Bangs Specific Plan.

Ord. No. 3036-C.S. introduced (Cogdill/Dobbs, majority; Fisher, McClanahan and Serpa, no) rezoning Specific Plan area to SP-O.

Res. 97-162 adopted (Cogdill/Dobbs, majority; Fisher, McClanahan and Serpa, no) certifying the Final Focused Environmental Impact Report and adopting Statement of Overriding Considerations.

5. Consider initiating annexation of the portion of the Kiernan Business Park Specific

Plan located east of Dale Road; consider amending the budget in the amount of \$3,000 to pay for LAFCO filing fees; consider indicating support for the annexation of the Carver-Bangs Specific Plan.

By motion, (Friedman/Lang, majority; Fisher, McClanahan and Serpa, no) indicated support for annexation for Carver/Bangs Specific Plan.

Res. 97-164 adopted (McClanahan/Fisher, unan.) initiating annexation for Kiernan Business Park Specific Plan.

Res. 97-165 adopted (Fisher/Dobbs, unan.) amending budget.

7. Consider awarding bid for the purchase of one digital 800 MHZ Radio System to Industrial Communications Sales, Inc. for \$49,936.61. (Resolution awarding bid and authorizing purchase needed. Funds are budgeted.)

Res. 97-166 adopted (Friedman/Dobbs, unan.) awarding bid and authorizing purchase.

8. Consider awarding bid for repainting street light standards to S. K. Painting Company for up to five years for a first year total of \$19,900.

Res. 97-167 adopted (Friedman/Dobbs, unan.) awarding bid and authorizing purchase.

9. Consider acceptance of Cunningham & Sons, Inc.'s contract for the Held Avenue/MID Lateral No. 3 Canal Crossing project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract and final cost: \$318,890.20.)

Res. 97-168 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

Appropriation transfer was not needed.

10. Consider authorizing the City Manager to execute a contract amendment with EIP Associates for the preparation of a Draft Environmental Impact Report and Final EIR for the Biosolids Land Application Project.

Res. 97-169 adopted (Friedman/Dobbs, unan.) approving amendment to agreement.

11. Consider amending the budget to appropriate an additional \$20,000 from the General Fund Contingency Reserve to Youth/Senior Financial Assistance, and consider revising the qualifying criteria for the Low Income Facility Usage Fee Assistance Program from \$500 to \$1,000 when using the Modesto Centre Plaza.

Res. 97-170 adopted (Friedman/Dobbs, unan.) amending the budget.

Res. 97-171 adopted (Friedman/Dobbs, unan.) revising the qualifying criteria for the Low Income Facility Usage Fee.

12. Consider approving an appropriation transfer in the amount of \$11,817 to cover the extended scope of work for the Citywide traffic signal retiming project funded by the Petroleum Violation Escrow Account (PVEA) Grant.

Res. 97-172 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

Councilmember Cogdill Excused Due to a Conflict o Interest

13. Consider accepting the improvements for Symphony Place No. 2 Subdivision, authorizing the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Sarjak Enterprises)

Res. 97-173 adopted (Dobbs/Fisher, unan., Cogdill, absent) accepting improvements and authorizing City Clerk to file Notice of Completion.

14. Consider application of the Modesto Certified Farmers Market to change the mid-week day of operation from Thursdays to Wednesdays.

By motion (Friedman/Dobbs, unan.), refer to staff for discussions with DID and CD&HC.

15. Consider amending the Village One Community Facilities District (CFD) regarding community signage and Roselle Avenue improvements and annexing three properties to the CFD; consider authorizing the City Manager to execute an agreement with Vail Engineering to prepare the amendments to the CFD as well as annexations to the CFD; and consider amending the budget.

Res. 97-174 adopted (Friedman/Dobbs, unan.), directing staff to process an amendment to the Village One Mello-Roos CFD.

Res. 97-175 adopted (Friedman/Dobbs, unan.), approving agreement with Vail Engineering.

Res. 97-176 adopted (Friedman/Dobbs, unan.), amending the budget.

16. Consider Annual Report on testing of CATV franchise.

By motion (Friedman/Dobbs, unan.), acknowledging receipt of report.

17. Oral Communications

None.

18. Written Communications

Unsigned letter from the "Woodland Community" regarding Council actions relating to Habitat for Humanity and Martone Park.
(Continued from March 18, 1997, City Council meeting at the request of Dana Bosio.)

By motion (Friedman/Lang, unan.) acknowledged request from Dana Bosio for item to be continued to April 8, 1997.

Ken Smeltzer spoke on behalf of Habitat for humanity and as a resident on behalf of Woodland Park.

19. Matters Too Late For The Agenda

By motion (Fisher/McClanahan, majority; Cogdill, no), it was determined that there was a need to take immediate action and that the need for action came to the City's attention after the agenda was posted.

- a. Consider a resolution to approved the Memorandum of Understanding between the City and Modesto Fire Fighters Association.

Res. 97-177 adopted (Dobbs/Fisher, majority; Cogdill, no) approving MOU with MFFA.

20. This meeting adjourned to the Mayor's Chambers for a closed session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: AV&C Construction, Inc. v. City of Modesto, et al., Stanislaus County Superior Court Action No. 85937

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: Two cases.

Meeting adjourned to Closed Session at 10:16 p.m. Counsel returned at 11:45 p.m. and reported no action was taken.

COUNCIL MEETING OF TUESDAY, APRIL 8, 1997, AT 4:00 P.M.

The meeting adjourned at 4:02 p.m. to the Special Redevelopment Agency meeting and reconvened at 4:08 p.m.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 9, 10, 11, 12, 13, 14,
16, 19

Items 4 and 5 removed from Consent

(Dobbs/McClanahan, unan.)

1. Acknowledgements and Presentations

None

2. Approval of the minutes of the regular City Council meeting of April 1, 1997.
(Motion approving needed.)

By motion, minutes approved.

3. Consider authorizing call for bids for furnishing flood damage restoration work at Legion Hall for the Parks and Recreation Department.
(Suggested bid opening: April 25, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Estimated cost: \$40,000. Funds are budgeted.)

Res. 97-178 adopted (Dobbs/McClanahan, unan.) authorizing call for bids.

4. Consider declaring 31 vehicles and miscellaneous pieces of automotive equipment, three motorcycles, and six pallets of miscellaneous automotive parts as surplus and authorizing the Purchasing Officer to sell same by sealed bid, auction, negotiation or scrap.

Res. 97-179 adopted (Dobbs/McClanahan, unan.) declaring vehicles and miscellaneous automotive equipment as surplus and authorizing disposal by Purchasing Officer.

5. Consider rejecting all bids received for the project to improve Yosemite Boulevard widening from McClure Road to Frazine Road.

Res. 97-180 adopted (Serpa/Dobbs, maj., Cogdill, no) rejecting all bids.

6. Consider accepting the contract of Teichert Construction for construction of Project No. 21 - replacement of curbs/drive aprons/sidewalks as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$204,257.99)

Res. 97-181 adopted (Dobbs/McClanahan, unan.) accepting work as complete

4/8/97

and authorizing the City Clerk to file the Notice of Completion.

7. Consider authorizing the issuance of not to exceed \$35 million principal amount of Wastewater Treatment Facility Revenue Bonds, Series 1997, authorizing and directing execution of a Third Supplemental Indenture, authorizing sale of such bonds, approving an Official Statement, and authorizing other official action; and consider authorizing participation in the California Arbitrage Management Program (CAMP), a joint powers agency which provides investment and arbitrage services.

Res. 97-182 adopted (Friedman/Cogdill, unan.) authorizing issuance of bonds.

Res. 97-183 adopted (Friedman/Cogdill, unan.) authorizing participation in the California Asset Management Program.

8. Consider supporting property owners' application to LAFCO to extend Sphere of Influence and to annex approximately 72 acres of territory in the vicinity of Pelandale and Sisk; and consider authorizing the City Manager to execute a property tax sharing agreement with the County of Stanislaus.

Res. 97-184 adopted (McClanahan/Cogdill, maj., Dobbs, Friedman, Serpa, no) supporting property owners' application to LAFCO to extend Sphere of Influence and to annex approximately 72 acres of territory in the vicinity of Pelandale and Sisk.

Res. 97-185 adopted (McClanahan/Cogdill, maj., Dobbs, Friedman, Serpa, no) authorizing City Manager to execute agreement.

9. Consider authorizing a salary increase for the City Manager.

Res. 97-186 adopted (Dobbs/McClanahan, unan.) approving a salary increase for City Manager.

10. Consider authorizing allocation of \$3,575 of Community Development Block Grant (CDBG) funds to provide funding for the Police Department's Juvenile Diversion Community Service Program for the balance of Fiscal Year 1996-97.

Res. 97-187 adopted (Dobbs/McClanahan, unan.) authorizing allocation.

11. Consider authorizing allocation of \$744 of Community Development Block Grant (CDBG) funds for lighting improvements in Prescott Estates.

Res. 97-188 adopted (Dobbs/McClanahan) authorizing allocation.

12. Consider approving agreement with Randy Magnus for a Local Programming Grant in the amount of \$3,120.

Res. 97-189 (Dobbs/McClanahan, unan.) adopted approving agreement.

13. Consider approving expansion of the Modesto Area Dial-A-Ride (MADAR) to include the business park area west of State Route 99, between Pelandale Avenue and Kiernan Avenue.

By motion, approved expansion.

14. Consider authorizing filing a grant application with the Federal Transit Administration (FTA) to help offset the operating and capital costs of Modesto's public transit systems for Fiscal Year 1996-97.
(The grant application requests \$455,414 in federal operating assistance and \$2,103,356 in federal capital assistance. Resolution authorizing filing grant application needed.)

Res. 97-190 adopted (Dobbs/McClanahan, unan.) authorizing filing grant application.

15. Consider accepting the proposal of the City of Modesto Airport staff as lowest and the best proposal to provide the maintenance, operation and administration services for the City-County Airport.
(In February, 1996, the City of Modesto sent out a Request for Qualifications to companies having a possible interest in providing the maintenance, operation and administration services for the Modesto City-County Airport. In June, 1996, a Request for Proposals was sent to three companies. Proposals were received from Johnson Control and from City of Modesto Airport staff. A review panel was formed to look at and determine the best submittal from both cost and service standpoint. Airport staff's proposal was approximately \$977,000 less than Johnson Control's over the five-year period and also found to provide more aggressive marketing. Resolution accepting the proposal of the City of Modesto Airport Staff needed.)

Res. 97-191 adopted (Fisher/Dobbs, unan.) accepting the proposal of the City of Modesto Airport Staff.

16. Consider amending Section 4-2.09 of the Modesto Municipal Code to exempt certain community-wide events from the prohibition on drinking in public.

Ord. No. 3037-C.S. introduced (Dobbs/McClanahan, unan.).

17. Oral Communications

None

18. Written Communications

Unsigned letter from the "Woodland Community" regarding Council actions relating to

Habitat for Humanity and Martone Park.
(Continued from March 18, 1997, and April 1, 1997, City Council meetings.)

Dana Bosio addressed the Council regarding the lack of a City park in the Woodland Community.

19. Letter of resignation from the Affirmative Action Commission from Nancy Norton.

Res. 97-192 adopted (Dobbs/McClanahan, unan.) accepting resignation with regret.

20. Miscellaneous - Appointments

Affirmative Action Commission

Res. 97-193 adopted (McClanahan/Friedman, unan.) appointing Marta Alvarez, Shelly Scribner, and Donald Horton to the Affirmative Action Commission.

Citizens Advisory Committee on Recycling

Res. 97-194 adopted (McClanahan/Friedman, unan.) appointing Dyan Hayes to the Citizens Advisory Committee on Recycling.

Board of Zoning Adjustment

Res. 97-195 adopted (McClanahan/Friedman, unan.) appointing Daniel Hopkins to the Board of Zoning Adjustment.

Citizens Redevelopment Advisory Commission

Res. 97-196 adopted (McClanahan/Friedman, unan.) appointing Lee Hedgepeth to the Citizens Redevelopment Advisory Commission.

Landmark Preservation Commission

Res. 97-197 adopted (McClanahan/Friedman, unan.) appointing Lee DeLaMare and William Latham to the Landmark Preservation Commission.

Housing Rehabilitation Loan Committee

Res. 97-198 adopted (McClanahan/Friedman, unan.) appointing Larry Rone to the Housing Rehabilitation Loan Committee.

21. Matters Too Late For The Agenda

None

Meeting adjourned at 6:05 p.m.

COUNCIL MEETING OF TUESDAY, APRIL 15, 1997, AT 7:00 P.M.

Consent Item #16 removed from the Agenda

Consent Item #4e removed from consent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 14, 15

1. Acknowledgements and Presentations

a. Presentation of awards to Outstanding Youth for 1996:

Jennifer Kramer, Devon Michelle Bettencourt, Amy Rutschow

Presentations made by Mayor Lang and Wendy Byrd.

b. Presentation of proclamation declaring May 1997 Senior Citizens' Month and May 3, 1997, Senior Awareness Day to Maggie Mejia for the Commission on Aging/Area Aging Advisory Council.

Presentation made by Mayor Lang

2. Approval of the minutes of the regular City Council meeting of April 8, 1997.

By motion (Friedman/Dobbs, unan.), minutes approved.

3. Final adoption of Ord. No. 3036-C.S. amending Sections 1-3-8 and 6-3-9 of the Zoning Map rezoning certain property located thereon. (Carver-Bangs)

By motion (Cogdill/Dobbs, maj.; Fisher, McClanahan & Serpa, no), final adoption of Ord. No 3036-C.S. approved.

4. Final adoption of:

a. Ord. No. 3031-C.S. adopting a Precise Plan for Areas 4 and 5 of the Village One Specific Plan relating to property located on the north side of Hillglen Avenue, south of Sylvan Avenue, west of Roselle Avenue, east of Road F. (Jaguar Investment Corporation)

b. Ord. No. 3032-C.S. rezoning Village One Property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for located on the north side of Hillglen Avenue, south of Sylvan Avenue, west of Roselle Avenue, east of Road F. (Precise Plan for Areas No. 4 and 5 -Jaguar Investment Corporation - Silverado at the Village Subdivision)

c. Ord. No. 3033-C.S. adopting a Precise Plan for Areas 21 and 22 of the Village One Specific Plan relating to property located on the north side of Floyd Avenue,

4/15/97

south of Kodiak Drive, east of Esta Avenue, and west of Fine Avenue. (Bright Development)

- d. Ord. No. 3034-C.S. rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the north side of Floyd Avenue, south of Kodiak Drive, east of Esta Avenue, and west of Fine Avenue. (Bright Development)

Consent Item 4e removed from consent.

- f. Ord. No. 3037-C.S. amending the Modesto Municipal Code relating to drinking in public.

By motion (Friedman/Dobbs, unan.), final adoption of Ord. Nos. 3031-C.S., 3032-C.S., 3033-C.S., 3034-C.S., and 3037-C.S.

Item 4e removed from Consent

- e. Ord. No. 3035-C.S. amending Sections 1-3-8 and 2-3-8 of the Zoning Map rezoning certain property located thereon. (Kiernan Business Park)

By motion (Friedman/Dobbs, unan.), final adoption of Ord. No. 3035-C.S.

By motion (Friedman/Dobbs, unan.; Fisher & McClanahan absent) staff is directed to prepare an amendment to the Zoning Ordinance to place cinemas in the P-D Zone. Also, City Manager was directed to give a status report at May 6, 1997 Council meeting regarding downtown theater project.

5. Consider authorizing call for bids for contracting lawn mowing services under a cooperative local government agency bid.
(Suggested bid opening: May 12, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Estimated cost: \$35,000. Funds are budgeted.)

Res. 97-199 adopted (Friedman/Dobbs, unan.) authorizing call for bids on May 12, 1997 at 11:00 a.m.

6. Consider declaring West Star Distributing, Inc. low bidder and authorizing the purchase of one rotary mower for a total price of \$64,310.11.
(Resolution declaring West Star Distributing, Inc. low bidder and authorizing purchase needed. Funds are budgeted.)

Res. 97-200 adopted (Friedman/Dobbs, unan.) declaring West Star distributing Inc. low bidder and authorizing purchase.

7. Consider accepting as complete the contract of George Reed, Inc. for the Scenic Drive overlay project between Burney Street and west of Coffee Road and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$172,229.05)

4/15/97

(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed. Final cost: \$191,294.14. Funds are budgeted.)

Res. 97-201 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

8. Consider accepting as complete the contract of Western Dredge, Inc. for the dredging at secondary treatment facility project and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$521,873)
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed. Final cost: \$521,873. Funds are budgeted.)

Res. 97-202 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

9. Consider waiving formal bid procedures and authorize the purchase of two portable office buildings from Allspace Leasing, Inc.; consider authorizing the City Manager to sign a lease purchase agreement with Baystone Financial Group, financial contractor to Allspace Leasing, Inc. for \$108,194.98; and consider amending the budget by \$92,834.98 to appropriate a CIP and estimate offsetting lease payment proceeds revenue.
(Resolution waiving formal bid procedures and authorizing purchase needed; resolution authorizing City Manager to sign lease purchase agreement needed; and resolution amending budget needed. 3-year lease purchase cost: \$108,194.98. Funds are budgeted.)

Res. 97-203 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

Res. 97-204 adopted (Friedman/Dobbs, unan.) authorizing City Manager to sign lease purchase agreement.

Res. 97-205 adopted (Friedman/Dobbs, unan.) amending the budget.

10. Final report on Parks and Recreation Department Audit.

By motion, acknowledged receipt of report.

11. Consider approving an agreement with Grover Landscaping, Inc. for propagation and sale of the Pearl Street Pistache Trees.

Res. 97-206 adopted (Friedman/Dobbs, unan.) approving agreement.

12. Consider approving an agreement with Shannon Davis and Associates for recruitment services for Water Quality Control Superintendent and Wastewater Collections Superintendent.

(Resolution approving agreement needed. Estimated cost: Not to exceed \$27,000. Funds are budgeted.)

Res. 97-207 adopted (Friedman/Dobbs, unan.) approving agreement.

13. Consider approval of the final map of Coffee Road Professional Offices Subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Coffee Road 1, LLC)

Res. 97-208 adopted (Friedman/Dobbs, unan.) approving the final map and authorizing City Manager to sign agreement.

14. Report of two loans approved under the Emergency Home Repair Program (EHRP) since the last report.
(Estimated cost: \$16,010. Funds are budgeted.)

By motion, acknowledged receipt of report.

15. Consider authorizing the allocation of additional Community Development Block Grant Funds in the amount of \$1,500 for the ADA Curb Ramp Program for Fiscal Year 1996-97 to enable the City to retrofit/install the additional curb ramp to meet ADA compliance.

Res. 97-209 adopted (Friedman/Dobbs, unan.) amending FY 96-97 budget to allocate CDBG funds.

ITEM #16 DROPPED FROM AGENDA

16. Consider approving loan agreement with Ashwood Village in the amount of \$765,000 and authorizing City Manager to execute loan agreements.
(Resolution approving loan agreement needed. HOME Housing Development funds are budgeted.)

17. Oral Communications

None.

18. Matters Too Late For The Agenda

None.

Meeting adjourned at 7:15 p.m.

COUNCIL MEETING OF TUESDAY, APRIL 22, 1997, AT 4:00 P.M.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10

ACTION: (Friedman/Serpa, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation on Modesto Youth Conservation Corps.

Presentation made by Doug Gaynor and Pat Foran, including a video presentation also made.

Pat Foran also made a presentation on the Wellness Foundation.

2. Approval of the minutes of the regular City Council meeting of April 15, 1997.

By motion (Friedman/Serpa, unan.), minutes approved.

3. Consider declaring McCain Traffic Supply and Intersection Development Corporation low bidders and authorizing the purchase of traffic signal accessories up to a combined total cost of \$62,000; and consider authorizing the Purchasing Officer to purchase the remainder of the traffic signal accessories upon approval of the Fiscal Year 1997-98 budget for a combined total cost of \$142,000.

Res. 97-210 adopted (Friedman/Serpa, unan.) awarding bid to McCain Traffic Supply and Intersection Development Corporation.

Res. 97-211 adopted (Friedman/Serpa, unan.) authorizing Purchasing Officer to purchase remainder upon approval of F.Y. 1997-98 budget.

3A. Consider waiving formal bid procedures and authorizing the lease purchase of one riding mower, one walk-behind mower and one edger from H.V. Carter Company, Inc. for a lease purchase cost of \$30,943.50; consider authorizing the City Manager to sign a lease purchase agreement with Transocean Funding, Inc.; and consider amending the budget to appropriate a CIP in the special fund for Capital Outlay (13) and estimate offsetting lease payment proceeds revenue.

Res. 97-212 adopted (Friedman/Serpa, unan.) waiving formal bid procedures and authorizing the purchase.

Res. 97-213 adopted (Friedman/Serpa, unan.) authorizing the City Manager to sign lease purchase agreement.

Res. 97-214 adopted (Friedman/Serpa, unan.) amending the budget by \$29,828.45.

4/22/97

4. Consider approval of a Fire Automatic Mutual Aid Agreement with the Consolidated Fire Protection District for exchange of fire protection and rescue services.

Res. 97-215 adopted (Serpa/McClanahan, unan.) approving agreement.

5. Consider approving underground pipeline agreement with Southern Pacific Transportation Company for the cannery segregation project.

Res. 97-216 adopted (Friedman/Serpa, unan.) approving agreement.

6. Consider approving Option Agreement with the 1994 Joseph Vella Family Revocable Trust, UTD December 13, 1994, et al. to acquire a new well site in the Salida Water District.

Res. 97-217 adopted (Friedman/Serpa, unan.) approving agreement.

7. Consider approving agreement with Joseph A. and Delmira Arias for the acquisition of a temporary easement needed for the parallel outfall project.

Res. 97-218 adopted (Friedman/Serpa, unan.) approving agreement.

8. Consider approving the use of a Master Public Employee Faithful Performance Bond to cover all officers and employees.

Res. 97-219 adopted (Friedman/Serpa, unan.) approving use of Master Public Employee Faithful Performance Bond.

9. Consider approving agreement with Crain & Associates to prepare a long-range transit plan for the City of Modesto and a marketing plan for Modesto Area Express (MAX); and consider approving an appropriation of \$13,720 to provide the needed funds.

Res. 97-220 adopted (Friedman/Serpa, unan.) approving agreement.

Res. 97-221 adopted (Friedman/Serpa, unan.) approving appropriation transfer.

10. Quarterly Treasurer's Report.

By motion (Friedman/Serpa, unan.), acknowledged receipt of report.

Councilmembers Fisher and McClanahan absent due to conflict of interest.

11. Consider adoption of a resolution authorizing the City Manager to negotiate and execute an interim agreement for cash advances to fund condemnation and consulting costs in connection with the Tenth Street Place Project, and consider adoption of a resolution amending the budget to appropriate \$520,000 for these purposes from the Special Capital Outlay Fund Reserve.

Res. 97-222 adopted (Cogdill/Friedman, unan.; Fisher and McClanahan absent) authorizing City Manager to negotiate and execute interim agreement.

Res. 97-223 adopted (Cogdill/Friedman, unan.; Fisher and McClanahan absent) amending the budget.

12. Oral Communications

None.

13. Written Communications

Letter from Larry Granzella, Modesto Fire Department, regarding his concerns about the current firefighter recruitment test.

By order of the Chair, referred to Public Safety Committee.

14. Matters Too Late For The Agenda

None.

The meeting adjourned at 5:00 p.m. to the John Thurman Field, 501 Neece Drive, Modesto, California, for a tour of the project site.

COUNCIL MEETING OF TUESDAY, MAY 6, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 18, 19, 20, 21, 22, 23

Consent Items 16 and 17 removed from Consent

ACTION: (Fisher/Dobbs, unan.)

1. Acknowledgements and Presentations

Presentation of a Proclamation proclaiming May 7, 1997, as Modesto A's Day.

Presentations made by Doug Gaynor, Tim Marting, and Joe Gagliardi.

Mayor Lang presented proclamations to Modesto A's from Council and Board of Supervisors.

2. Approval of the minutes of the special City Council meeting of April 18, 1997, and the regular City Council meeting of April 22, 1997.

By motion (Fisher/Dobbs, unan.), minutes approved.

3. Oral staff report on the status of downtown cinema project.

Report given by Phil Testa, Community Development Director.

Councilmembers Fisher and McClanahan absent due to conflict of interest.

4. Hearing to consider amending Articles 11 and 17 of the Zoning Code to provide that movie theaters be located in the Planned Development Zone, except within the downtown Planned Development Area.

Ord. 3038-C.S. introduced (Friedman/Cogdill, unan.) amending the Municipal Code.

Councilmembers Fisher and McClanahan absent due to conflict of interest.

5. Hearing to consider the application of Cinemark USA, Inc. for an amendment to Section 11-3-8 of the Zoning Map to rezone from Medium-Density Residential Zone, R-2, and the eastern portion of Planned Development Zone, P-D(333), to a new Planned Development Zone, to allow a multi-screen theater complex with supporting commercial pad uses, property located on the west side of Dale Road at Vintage Faire Drive, extended, immediately north of Vintage Faire Mall.

Item 5 continued to July 15, 1997 (Cogdill/Friedman, unan.; Fisher & McClanahan absent)

6. Hearing to consider the application of L & L Ventures for approval of Precise Plan for Area 26, located south of Floyd Avenue, north of Belharbour Drive, and west of Millbrook Avenue in the Village One Specific Plan Area and to amend the current zoning from SP-H to SP-O, and consider certifying the use of previous EIR for Village One.

Ord. 3039-C.S. introduced (McClanahan/Friedman, unan.) approving Precise Plan.

Ord. 3040-C.S. introduced (McClanahan/Friedman, unan.) rezoning.

Res. 97-224 adopted (McClanahan/Friedman, unan.) certifying use of previous EIR.

7. Hearing to consider amendment No. 10 to the Village One Specific Plan to eliminate redundancy with the General Plan Housing Element Policies and eliminate language that is too restrictive.

Res. 97-225 adopted (Cogdill/Dobbs, majority; Fisher & Serpa, no) amending Specific Plan (Amendment #10).

8. Consider authorizing call for bids for replacement copy machines for the Police Department and Central Services Copy Division of the Finance Department.

Res. 97-226 adopted (Fisher/Dobbs, unan.) authorizing call for bids on May 20, 1997 at 11:00 p.m. for the replacement of copy machines.

9. Consider acceptance of Teichert Construction's contract for the co-compost site development project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract and final cost: \$798,205)

Res. 97-227 adopted (Fisher/Dobbs, unan.) accepting work as complete and authorize the City Clerk to file the Notice of Completion.

10. Consider waiving formal bid procedures and authorizing the purchase of software and engineering services from HSQ Technology for a total cost of \$25,866.

Res. 97-228 adopted (Fisher/Dobbs, unan.) waiving formal bid procedure and authorizing purchase.

11. Consider waiving formal bid procedures and authorizing the purchase of portable radios and communications center safety upgrade equipment and related installation

for the Fire Department from Industrial Communication Sales and Ray's Radio for a total cost of \$37,000.05

Res. 97-229 adopted (Fisher/Dobbs, unan.) waiving formal bid procedure and authorizing purchase.

Item #12 removed from agenda.

12. Consideration of Council sponsored initiative.

13. Budget Status Report, Third Quarter Fiscal Year 1996-97.

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

Res. 97-230 adopted (Friedman/Fisher, unan.) re-estimating the revenue for FY 1996-97.

Res. 97-231 adopted (Friedman/Fisher, unan.) amending FY 1996-97 budget.

Councilmember Fisher absent due to conflict of interest.

14. Consider authorizing the City Manager to execute the loan agreements for a \$765,000 HOME loan for Ashwood Village Apartments, L.P. for Ashwood Village rental units at Lou Ann Drive and Brenner Way.

Res. 97-232 adopted (Dobbs/Lang, majority; Cogdill, no; Fisher absent) authorizing City Manager to execute loan agreements.

Councilmember Fisher absent due to conflict of interest.

15. Consider approving a Density Bonus Agreement with Ashwood Village Apartments L.P. for the Ashwood Village, a 120-unit apartment project located at the southeast corner of Rumble Road and Lou Ann Drive and authorizing the City Manager to execute.

Res. 97-233 adopted (McClanahan/Serpa, unan.; Fisher absent) approving agreement and authorizing City Manager to execute, with motion to include a maximum of two people per bedroom if determined to be a legal option by the City Attorney.

Item 16 removed from consent.

16. Consider approving an agreement with Stanislaus County and the Yosemite Community College District for participation in the Ray Simon Regional Law Enforcement Training Center and authorizing the City Manager to execute the agreement, effective February, 1998.

Res. 97-234 adopted (Serpa/Friedman, unan.) approving agreement.

Item #17 removed from consent.

17. Consider adopting the Engineering Standards for the installation of Polyvinyl Chloride (PVC) sewer pipe in Village One.

Res. 97-235 adopted (Dobbs/Cogdill, unan.) adopting Engineering Standards for PVC sewer pipe in Village One.

18. Consider determining that the Ninth Street Bridge over the Tuolumne River is a critical link in the City's transportation network with regard to the Seismic Retrofit Program being administered by Caltrans.

Res. 97-236 adopted (Fisher/Dobbs, unan.) determining Ninth Street Bridge over Tuolumne River a critical link in City's transportation network.

19. Consider accepting the improvements for Nottingham Place Phase 1 subdivision and for Nottingham Place Phase 2 subdivision, authorizing the City Clerk to file Notices of Completion, and authorizing release of bonds upon expiration of statutory periods. (Owners: Stewart W. and Betty J. Bradley)

Res. 97-237 adopted (Fisher/Dobbs, unan.) accepting the improvements for Nottingham Place Phase 1 subdivision and authorizing the City Clerk to file Notice of Completion and authorizing release of bonds.

Res. 97-238 adopted (Fisher/Dobbs, unan.) accepting the improvements for Nottingham Place Phase 2 subdivision and authorizing the City Clerk to file Notice of Completion and authorizing release of bonds.

20. Consider approving the submittal of a Modesto City-County Airport application for federal funds in the amount of \$399,600 to complete the Airport's Fiscal year 1998 capital improvements.

Res. 97-239 adopted (Fisher/Dobbs, unan.) approving submittal of grant application.

21. Consider authorizing an extension of provisional appointment for Code Enforcement Officer I in the Solid Waste Management office, through July 25, 1997.

By motion (Fisher/Dobbs, unan.), extended provisional appointment.

22. Consider amending the Position Classification Plan to add job specification for Fleet Procurement Specialist; and consider amending the Class Range Tables to establish a salary range for Fleet Procurement Specialist.

Res. 97-240 adopted (Fisher/Dobbs, unan.) amending the Position Classification Plan.

Res. 97-241 adopted (Fisher/Dobbs, unan.) amending the Class Range Tables.

23. Consider authorizing the City Manager to execute a Scope of Services agreement with David M. Griffith & Associates for the Fiscal Impact Model on Annexations (Joint project with Stanislaus County).

Res. 97-242 adopted (Fisher/Dobbs, unan.) authorizing City Manager to execute Scope of Services Agreement.

24. Consider authorizing the City Manager to sign an amendment to the license agreement with the Modesto A's.

Res. 97-243 adopted (Fisher/Dobbs, majority; Cogdill & Serpa, no) approving amendment to agreement.

25. Consider authorizing the City Manager to negotiate and approve a loan from Modesto Irrigation District to pay a portion of John Thurman Field Construction costs; and consider amending the budget to appropriate \$154,000 from the General Fund Contingency Reserve to the John Thurman Field project.

Res. 97-244 adopted (McClanahan/Fisher, majority; Cogdill & Serpa, no) authorizing City Manager to negotiate and approve a loan from MID.

Res. 97-245 adopted (McClanahan/Fisher, majority; Cogdill & Serpa, no) amending budget.

26. Oral Communications

Councilmember Serpa requested AB1437 be referred to Committee.

By order of the chair, Mayor referred to Economic Development Committee.

27. Written Communications

Letter from Leanora M. Royster, on behalf of the California Junior Golf Program, regarding policies affecting junior golf in Modesto.

By motion (McClanahan/Fisher, unan.), referred to Golf Advisory Commission, followed by Human Services Committee.

28. The meeting adjourned at 9:06 p.m. to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

Meeting adjourned at 9:06 p.m. Counsel returned at 9:45 and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, MAY 13, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3A, 5, 6, 8, 9, 11, 12, 13, 16, 17

ACTION: (Friedman/Fisher, unan.)

Councilmember Friedman absent due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 4, 10

ACTION: (McClanahan/Fisher, unan.; Friedman absent)

1. Acknowledgements and Presentations
None.
2. Approval of the minutes of the special City Council meeting of April 30, 1997, and the special and regular City Council meetings of May 6, 1997.

By motion (Friedman/Fisher, unan.), minutes approved.

Councilmembers Fisher and McClanahan absent due to conflict of interest.

3. Final adoption of:

Ord. No. 3038-C.S. amending the Municipal Code relating to permitted uses - movie theaters.

By motion (Friedman/Cogdill, unan.; Fisher & McClanahan absent), Ord. No. 3038-C.S. continued one week to May 20, 1997.

- 3A. Final adoption of:

- a. Ord. No. 3039-C.S. adopting a Precise Plan for Area 26 of the Village One Specific Plan, relating to property located on the south side of Floyd Avenue, west of Millbrook Avenue, and north of Belharbour Drive. (Olympic Village)
- b. Ord. No. 3040-C.S. rezoning Village One property from Specific Plan Holding Zone to Specific Plan-Overlay Zone, SP-O for property located on the south side of Floyd Avenue, west of Millbrook Avenue, and north of Belharbour Drive.

By motion (Friedman/Fisher, unan.), Ord. No. 3039-C.S. and Ord. No. 3040-C.S. adopted.

Councilmember Friedman absent due to conflict of interest.

4. Consider authorizing call for bids for furnishing seven variable frequency drives.

Res. 97-246 adopted (McClanahan/Fisher, unan.; Friedman absent) authorizing bid opening on June 2, 1997 @ 11:00 a.m.

5. Consider awarding bid for furnishing flood damage restoration repairs at Legion Hall to Barham Incorporated for \$35,180 and authorizing the Purchasing Officer to issue a Notice to Proceed.

Res. 97-247 adopted (Friedman/Fisher, unan.) awarding bid to Barham Incorporated.

6. Consider awarding bid for recycled janitorial paper products under a one-year cooperative local government agency bid to Randik Paper Company and Unisource Corporation for \$37,000.

Res. 97-248 adopted (Friedman/Fisher, unan.) awarding bid to Randik Paper Company and Unisource Corporation.

7. Consider awarding a contract to Laidlaw Transit Services, Inc. to operate Modesto Area Express (MAX) for a five-year period, effective June 1, 1997, and consider approving a no-cost lease for office space at the Transportation Center for the same time period.

Res. 97-249 adopted (Dobbs/Fisher, unan.) awarding contract.

Res. 97-250 adopted (Dobbs/Fisher, unan.) approving lease agreement.

8. Consider approval of the issuance and sale of 1997-98 Tax and Revenue Anticipation Note not to exceed \$4,000,000 and participation in the California Communities Cash Flow Financing Program.

Res. 97-251 adopted (Friedman/Fisher, unan.) authorizing and approving the borrowing of funds for Fiscal Year 1997-98, the issuance and sale of a 1997-98 Tax and Revenue Anticipation Note and participation in the California Communities Cash Flow Financing Program.

9. Consider adopting a Resolution of Intention to establish a Community Facilities District for the North Beyer Park project and authorizing the levy of a Special Tax within the proposed District.

Res. 97-252 adopted (Friedman/Fisher, unan.) approving a Resolution of Intention.

Councilmember Friedman absent due to conflict of interest.

10. Consider approving agreement with Memorial Hospital Association of Stanislaus County for the purchase of right of way needed for the Coffee/Briggsmore intersection widening project.

Res. 97-253 adopted (McClanahan/Fisher, unan.; Friedman absent) approving agreement.

11. Consider amending the Position Classification Plan to amend the class specification for Wastewater Collection System Operator, Supervising Building Inspector, Plan Review Engineer, and Senior Building Inspector.

Res. 97-254 adopted (Friedman/Fisher, unan.) amending Position Classification Plan.

12. Report of two loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DPAP) since last report.

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

13. Consider approval of the final map of Rose Lane No. 1 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

Res. 97-255 adopted (Friedman/Fisher, unan.) approving final map and authorizing City Manager to sign agreement.

14. Oral Communications

None.

15. Written Communications

Letter from Terry R. Faulk requesting permission to discuss the issue pertaining to golf carts on the street.

By motion (Dobbs/Fisher, unan.), referred to Transportation Policy Committee.

16. Resignation of Mike Pratt from the Board of Zoning Adjustment.

Res. 97-256 adopted (Friedman/Fisher, unan.) accepting resignation with regret.

17. Letter from Stanislaus County Department of Environmental Resources, Solid Waste Management Division, requesting appointment on the Local Task Force on Solid Waste to fill vacancy of alternate Dale Davis, Solid Waste Program Manager.

Res. 97-257 adopted (Friedman/Fisher, unan.) appointing Jocelyn Reed,

Integrated Waste Specialist, as interim alternate.

18. Appointments and Reappointments

Community Qualities Forum

Res. 97-258 adopted (Serpa/Friedman, unan.) appointing Charles Harding, John Herlihy, Dina Olivares, and William Wetmore to the Community Qualities Forum with term expirations of 1/1/2001.

Human Relations Commission

Res. 97-259 adopted (Serpa/Friedman, unan.) appointing Jaime Christly to the Human Relations Commission with a term expiration of 1/1/2001.

Citizens Housing & Community Development Committee

Res. 97-260 adopted (Serpa/Friedman, unan.) reappointing Margie Lee and Ricardo Cordova to the Citizens Housing & Community Development Committee with term expirations of 1/1/2001.

Res. 97-261 adopted (Serpa/Friedman, unan.) appointing Jess Dacuycuy as the Human Relations Commission representative to the Citizens Housing & Community Development Committee with a term expiration of 1/1/99.

Housing Rehabilitation Loan Committee

Res. 97-262 adopted (Serpa/Friedman, unan.) reappointing Ricardo Cordova as the CH&CDC representative to the Housing Rehabilitation Loan Committee with a term expiration of 1/1/2001.

Res. 97-263 adopted (Serpa/Friedman, unan.) reappointing Linda McDaniel to the Housing Rehabilitation Loan Committee with a term expiration of 1/1/2001.

Affirmative Action Commission

Res. 97-264 adopted (Serpa/Friedman, unan.) appointing Mary Van Loon as the Human Relations Commission representative to the Affirmative Action Commission with a term expiration of 6/30/98.

Disabled Access Appeals Board

Res. 97-265 adopted (Serpa/Friedman, unan.) reappointing Robert DeGrasse, Sherre Wong, Donna Huckabay and Michael Pratt to the Disabled Access Appeals Board with term expirations of 1/1/2000.

Economic Development Loan Committee

Res. 97-266 adopted (Serpa/Friedman, unan.) reappointing Linda Reese to the Economic Development Loan Committee with a term expiration of 1/1/2001.

Local Cable Programming Committee

Res. 97-267 adopted (Serpa/Friedman, unan.) reappointing Harry Bakker to the Local Cable Programming Committee with a term expiration of 1/1/2001.

19. MATTERS TOO LATE FOR THE AGENDA

None.

20. CLOSED SESSION

The meeting will adjourn to the Third Floor East Conference Room for a closed session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: J. Edward Tewes

Unrepresented Employees: All unrepresented Management and Confidential Employees

The meeting adjourned at 4:38 p.m. Counsel returned at 5:40 p.m. and reported no action was taken.

COUNCIL MEETING OF TUESDAY, MAY 20, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 15, 15A
ACTION: (Serpa/McClanahan, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 7, 12
Councilmember McClanahan excused due to conflict of interest.
ACTION: (Friedman/Cogdill, unan; McClanahan absent)

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 8
Councilmember Friedman excused due to conflict of interest.
ACTION: (Cogdill/Dobbs, unan; Friedman absent)

1. Acknowledgements and Presentations

Presentation by Scott Hallmon, President, King-Kennedy Board of Directors, expressing appreciation of Council support for the King-Kennedy Memorial Center and Mellis Park.

Mr. Hallmon expressed appreciation and reported on renovations and activities at the park.

2. Approval of the minutes of the regular and special City Council meetings of May 13, 1997.

By motion (Serpa/McClanahan, unan.), minutes approved.

3. Hearing to consider an amendment to Section 28-3-9 of the Zoning map to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(521), to allow conversion of a dwelling to a business/professional office, property located at 133 Downey Avenue. (Michael W. Birch)

Ord. 3041-C.S. introduced (Cogdill/Friedman, unan.).

Res. 97-268 adopted (Cogdill/Friedman, unan.) approving development plan.

Res. 97-269 adopted (Cogdill/Friedman, unan.) certifying conformity with General Plan Master EIR.

4. Hearing to consider the Fiscal Year 1997-98 Annual Action Plan for Community

Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), and Emergency Shelter Grant (ESG).

Res. 97-270 adopted (Friedman/Cogdill, unan.) approving the 1997-98 Action Plan, excluding items 37, 38, 43, and 47, authorizing submittal of application to HUD, and authorizing City Manager to execute grant agreements.

Councilmembers McClanahan, Serpa and Fisher excused from the following portions of Action Plan due to conflicts of interest:

By motion (Serpa/Fisher, unan.; McClanahan absent) Action Plan Items 37 and 38 approved.

By motion (McClanahan/Fisher, unan.; Serpa absent) Action Plan Item 43.

By motion (Serpa/Friedman, unan.; Fisher absent) Action Plan Item 47 approved.

5. Hearing to consider confirming the Report of Work and cost of construction of improvements for Public Facilities District No. 11.

Res. 97-271 adopted confirming the Report of Work and cost of construction of improvements and directing the method of collection of the assessments.

6. Hearing to consider the appeal of Jaspal C. Sekhon to the denial of an application for a variance to ABC Standards for off sale beer and wine license at 1725 Prescott Road.

By motion, (Fisher/McClanahan, unan.) hearing continued to May 27, 1997.

Councilmember McClanahan excused due to conflict of interest.

7. Consider declaring CompUSA, Infinet, ComputerWare, Modesto PC, Computer Discount Warehouse, and Micro-Warehouse low bidders and authorize the issuance of purchase orders for computer and related equipment for a total cost of \$105,783.61.

Res. 97-272 adopted (Friedman/Cogdill, unan.; McClanahan, absent) declaring low bidders and authorizing purchase.

Councilmember Friedman excused due to conflict of interest.

8. Consider awarding contract for the Briggsmore/Coffee intersection improvements project to George Reed, Inc. for \$1,668,820.05; and consider amending the budget to fully fund the project.
(Total estimated cost: \$1,852,390.26 (contract \$1,668,820.05; const. admin. & contingencies \$183,570.21). Funds are budgeted.)

Res. 97-273 adopted (Cogdill/Dobbs, unan.; Friedman absent) awarding contract to George Reed Inc.

Res. 97-274 adopted (Cogdill/Dobbs, unan.; Friedman absent) amending the budget.

9. Consider award of contract for the SCADA System Additions - Phase II to Collins Electrical Company, Inc. for \$103,000.00.
(Total estimated cost: \$118,450 (contract \$103,000; const. admin. & contingencies \$15,450) Funds are budgeted.)

Res. 97-275 adopted (Serpa/McClanahan, unan.) awarding contract to Collins Electrical Inc.

10. Consider acceptance as complete the contract of Collins Electrical Company, Inc. for the SCADA System Additions - Phase I project and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$104,916)
(Final cost: \$112,356. Funds are budgeted.)

Res. 97-276 adopted (Serpa/McClanahan, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

11. Consider acceptance as complete the contract of Collins Electrical Company, Inc. for the Beard Brook Park ball field lighting project and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$124,396)
(Final cost: \$111,956. Funds are budgeted.)

Res. 97-277 adopted (Serpa/McClanahan, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

Councilmember McClanahan excused due to conflict of interest.

12. Consider waiving formal bid procedures and authorizing the purchase of labor and materials necessary to upgrade the Police/Fire Department's shared telephone switch (PBX) from Evans Communications for the total price of \$38,682.

Res. 97-278 adopted (Friedman/Cogdill, unan.; McClanahan absent) waiving formal bid procedures and authorizing purchase.

13. Presentation of the Proposed 1997-98 Operating Budget and Proposed 1997-2001 Capital Improvement Program.

Res. 97-279 adopted (Fisher/Friedman, unan.) setting public hearing June 3, 1997, at 7:00 p.m.

By motion (Fisher/Friedman, unan.), referred to Financial Policy Committee for

review on May 27, 1997 and June 3, 1997.

14. Consider approving an approach to updating the Sign Regulations of the Modesto Municipal Code.

By motion (Serpa/McClanahan, unan.) staff recommendations approved with committee to include one or two members at large.

15. Consider adoption of an ordinance approving the procedural portion of the Neighborhood Preservation Ordinance.

Ord. 3042-C.S. introduced (Serpa/McClanahan, unan.).

- 15A. Consider authorizing a grant application for \$30,000 in funding from the State of California Department of Forestry and Fire Protection for the Modesto Reforestation Project 1997.

Res. 97-280 adopted (Serpa/McClanahan, unan.) authorizing City Manager to sign grant application.

16. Oral Communications

Miguel Donoso spoke about affirmative action plan and expressed concerns about hiring Hispanics.

17. Matters Too Late For The Agenda

None.

18. The meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: J. Edward Tewes

Employee organization: Unrepresented Management and Confidential Employees

Meeting adjourned to Closed Session at 8:10 p.m. City Attorney returned at 9:25 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, MAY 27, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 7, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22A

Item 22A removed from Consent.

ACTION: (Friedman/McClanahan, unan.)

Item 17 removed from Consent

Councilmember McClanahan excused due to conflict of interest

CONSENT ITEM - ROLL CALL VOTE REQUIRED: 17

ACTION: (Friedman/Dobbs, unan.; McClanahan absent)

~~1. Acknowledgements and Presentations~~

Introduction of Youth-In-Government Day students who will be holding their own mock City Council meeting on May 28, 1997.

Wendy Byrd made a presentation on Youth in Government Day and students introduced themselves.

2. Approval of the minutes of the regular City Council meeting of May 20, 1997.

By motion (Friedman/McClanahan, unan.), minutes approved.

3. Final adoption of:

a. Ord. No. 3041-C.S. amending Section Map 28-3-9 of the Zoning Map to rezone from R-3 to P-D(521), property located at 133 Downey Avenue on the north side of Downey Avenue west of Johnson Street. (Michael W. Birch)

b. Ord. No. 3042-C.S. amending the Municipal Code relating to Neighborhood Preservation.

By motion (Friedman/McClanahan, unan.), final adoption of Ord. No. 3041-C.S. and Ord. No. 3042-C.S.

4. Hearing to consider appeal of Jaspal C. Sekhon to the denial of an application for a variance to ABC Standards for off sale beer and wine license at 1725 Prescott Road. (Continued from May 20, 1997, City Council meeting.)

Res. 97-281 adopted (Friedman/McClanahan, unan.) denying appeal.

Councilmembers Cogdill & Fisher excused due to conflict of interest.

5. Hearing to consider an amendment to Planned Development Zone, P-D(225), to allow serving of alcoholic beverages and for extended business hours, in conjunction with a restaurant, to occupy a portion of the existing building at 500 Carpenter Road, on the east side of Carpenter Road, south of Kansas Avenue. (Art Mitchell)

Ord. 3043-C.S. introduced (Friedman/Dobbs, unan.; Cogdill & Fisher absent).

Res. 97-282 adopted amending Section 1 of Resolution 84-173 to allow C-2 uses in P-D(225), property located at the northeast corner of Carpenter Road and Elm Avenue.

6. Hearing to consider an amendment to Planned Development Zone, P-D(501), to allow an auto-oriented General Commercial Strip Center in place of the previously approved Neighborhood Shopping Center, property located at the northwest corner of Sylvan Avenue and Oakdale Road.

Ord. 3044-C.S. introduced (Dobbs/Fisher, majority; Cogdill & Serpa no).

Res. 97-283 adopted (Dobbs/Fisher, majority; Cogdill & Serpa no) approving the new development plan for P-D(501).

Res. 97-284 adopted (Dobbs/Fisher, majority; Cogdill & Serpa no) with findings provided by Environmental Assessment No. 97-26, judging this project as being within the scope of the Master Environmental Impact Report (SCH No. 92052017).

7. Consider waiving formal bid procedures and authorizing the purchase of 190 bullet proof vests from the State contract, per Modesto Municipal Code Section 8-3.95(h), for a total cost of \$28,627.03.

Res. 97-285 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

8. Consider waiving formal bid procedures and authorizing the purchase of Biological Oxygen Demand (BOD) laboratory equipment from Skalar, Incorporated for a total cost of \$62,088.74.

Res. 97-286 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

The new Interim Public Works & Transportation Director, Rich Ramirez, was introduced.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

9. Oral presentation regarding space program for proposed City-County JPA administration building.

By motion (Friedman/Dobbs, unan.; Fisher & McClanahan absent), acknowledged receipt of report.

Councilmember McClanahan excused due to conflict of interest.

10. Consider Utility Services and Franchise Committee recommendation that the City Manager be authorized to execute Service Agreements with revised provisions relating to annexations, which would allocate newly annexed areas to Modesto Disposal Service, Inc. and Gilton Solid Waste Management, Inc. for the collection of solid waste, including garbage, industrial garbage, containerized yard waste, commingled garbage/recyclables, recyclable materials and salvageable waste.

The vote resulted in a tie. This item was returned to the Utility Services and Franchise Committee.

11. Update on Capital Facilities Fees Program.
(Motion approving staff's recommendations to update the Capital Facilities Fees, form a Capital Facilities Fees Task Force, and solicit proposals for consultant services to perform the work and schedule study. Total estimated cost: \$150,000. Funds are budgeted.)

By motion (Fisher/Friedman, majority; Cogdill, no), approved staff's recommendation. Task Force to also include two members from the public.

12. Consider approving agreement with Brown & Caldwell to conduct a Cost of Service Study for water, sewer and storm drainage enterprises.

Res. 97-287 adopted (Friedman/McClanahan, unan.) approving agreement with Brown & Caldwell.

13. Consider authorizing Request for Proposals and authorizing solicitation for renewal of the ranch lease.

Res. 97-288 adopted (Friedman/McClanahan, unan.) authorizing Request for Proposals.

14. Consider authorizing Request for Proposals for the design of the Segregated Cannery Wastewater Ranch Pumping Facility.

Res. 97-289 adopted (Friedman/McClanahan, unan.) authorizing Request for Proposals.

15. Consider certifying the Final Master Environmental Impact Report and adoption of a Statement of Overriding Considerations, and consider adopting the Final 1995 Wastewater Master Plan.

Res. 97-290 adopted (Friedman/McClanahan, unan.) certifying review of Final

Master EIR and adopting Statement of Overriding Considerations.

Res. 97-291 adopted (Friedman/McClanahan, unan.) adopting the final 1995 Wastewater Master Plan.

16. Consider authorizing City Manager to execute an agreement with URS Greiner, Inc. to provide engineering services to complete a feasibility study for the repair/replacement of the 7th Street Bridge; and consider approving an appropriation transfer in the amount of \$22,843 to fully fund the project.

Res. 97-292 adopted (Friedman/McClanahan, unan.) approving agreement with URS Greiner Inc.

Res. 97-293 adopted (Friedman/McClanahan, unan.) approving appropriation transfer.

Councilmember McClanahan excused due to conflict of interest.

17. Consider authorizing City Manager to execute an agreement with Modesto and Empire Traction Company (M&ET) to install a new grade crossing at future Norseman Road.

Res. 97-294 adopted (Friedman/Dobbs, unan.; McClanahan absent) approving agreement with Modesto and Empire Traction Company (M&ET).

18. Consider ordering the Public Works & Transportation Director to file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

Res. 97-295 adopted (Friedman/McClanahan, unan.) ordering Public Works & Transportation Director to file Annual Report.

19. Consider ordering the Public Works & Transportation Director to file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2.

Res. 97-296 adopted (Friedman/McClanahan, unan.) ordering Public Works & Transportation Director to file Annual Report

20. Consider approving lease agreement with Jeff Grant for the lease of 1204 River Road. (Mancini House)

Res. 97-297 adopted (Friedman/McClanahan, unan.) approving lease agreement.

21. Consider amending the budget to appropriate an additional \$17,000 from the General Fund Contingency Reserve to Youth/Senior Financial Assistance in order to meet the need for program subsidy for qualifying individuals.

Res. 97-298 adopted (Friedman/McClanahan, unan.) amending the budget.

22. Consider joinder in amicus briefs in: Yes On Measure A v. City of Lake Forest; City of Thousand Oaks v. G. I. Industries, Inc.; Ferguson v. City of Phoenix; Associated Builders and Contractors v. San Francisco Airport Commission; San Jose Mercury News v. City of San Jose; and Lockheed v. City of Inglewood.

By motion (Friedman/McClanahan, unan.), authorize the City to join in the six amicus briefs named above and directing the City Attorney to execute and forward letters of support to respective counseling preparing the amicus briefs.

- 22A. Consider authorizing co-sponsorship of "Modesto Celebrates Meagan's Law", a community event, through the provision of liability insurance.

Res. 97-299 adopted (Fisher/Dobbs, unan.) authorizing co-sponsorship. City Attorney is to review status of non-profit organization and City will not accept responsibility of providing insurance coverage for the Bay Area organization.

23. Oral Communications

Bill Cameron expressed concern about cost over-runs on Thurman Field.

24. Matters Too Late For The Agenda

None.

The meeting adjourned to the Third Floor East Conference Room for a Closed Session to consider:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Clerk

Meeting adjourned at 7:24 p.m. City Attorney returned at 7:29 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, JUNE 3, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16

Item 17 removed from Consent

(Friedman/McClanahan, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

CONSENT

2. Approval of the minutes of the regular City Council meetings of May 27, 1997. (Motion approving needed.)

By motion, minutes approved.

3. Hearing to consider the appeal of Don Moyer, on behalf of Dr. Lars Enevoldsen, to a Planning Commission decision denying an application for an amendment to Section 20-3-9 of the zoning map to rezone from low-density residential zone, to P-D, planned development zone, to allow medical office use of an existing residence and addition of an off-site parking lot area on property located on the north side of West Griswold Avenue West of McHenry Avenue at 125 West Griswold Avenue.

Appeal withdrawn by the appellant. No action taken by the Council.

4. Hearing to consider Amendment No. 10 to the Village One Specific Plan: exempt Public Facilities projects from the requirements to prepare a Precise Plan; minor administrative revisions to streamline the Specific Plan amendment process; specify flexibility in the location(s) of schools and park through minor revisions to Precise Plan Areas 11, 15, and 29; minor corrections and clarification to diagrams Figure II-5 (Principal Arterial), Figure II-23 (Transit Streets), and Figure II-24 (Public Facilities). (Resolution approving Amendment No. 10.)

Res. 97-300 adopted (Friedman/Cogdill, unan.) approving Amendment 11. Amendment number changed due to misspelling.

5. Hearing to consider the Proposed 1997-98 Operating Budget and Proposed 1997-2001 Capital Improvement Program.

Continued hearing to June 17, 1997 Council meeting (Fisher/McClanahan, unan.)

6. Consider awarding contract for Street Illumination-Various Locations to Collins

6/3/97

Electrical Company Inc. for \$221,146.
(Resolution awarding contract to Collins Electrical Inc. needed. Total estimated cost: \$254,318 (contract \$221,146; const. admin & contingencies \$33,172). Funds are budgeted.)

Res. 97-301 adopted (Friedman/McClanahan, unan.) awarding contract to Collins Electrical Company Inc.

7. Consider awarding contract for Sisk Road Widening to George Reed Inc. for \$78,870.
(Resolution awarding contract to George Reed Inc. needed. Total estimated cost: \$90,700.50 (contract \$78,870; const. admin & contingencies \$11,830. Funds are budgeted.)

Res. 97-302 adopted (Friedman/McClanahan, unan.) awarding contract to George Reed Inc.

8. Consider rejecting all bids for Yosemite Boulevard Widening from McClure Road to Frazine Road.
(Resolution rejecting all bids needed.)

Res. 97-303 adopted (Friedman/McClanahan, unan.) rejecting all bids.

9. Consider approving an amendment to the agreement with Black & Veatch for the preparation of plans and specifications for the design of the Cannery Segregation Pipeline, replacement of the Emerald Trunk Sewer, and Headworks and Grit Removal Facilities at the Primary Water Quality Control Plant to perform project administration services during construction.
(Resolution approving amendment to agreement.)

Res. 97-304 adopted (Friedman/McClanahan, unan.) approving amendment to agreement.

10. Consider amending contract with Public Employee's Retirement System to provide prior military service credit.
(Resolution of Intention to approve an amendment to P.E.R.S. contract needed, and introduction of an ordinance authorizing amendment needed.)

Ord. 3045-C.S. introduced (Friedman/McClanahan, unan.).

Res. 97-305 adopted (Friedman/McClanahan, unan.) adopting a Resolution of Intention to approve amendment to PERS contact.

11. Consider authorizing the City Manager to execute an Amendment to the Professional Services Agreement with Shannon, Davis & Associates for recruitment services.
(Resolution authorizing City Manager to sign amendment to agreement.)

Res. 97-306 adopted (Friedman/McClanahan, unan.) authorizing City Manager to sign amendment to agreement.

12. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6, and consider adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment. (Motion approving Engineer's Report needed, and Resolution of Intention setting hearing for July 15, 1997 at 7:00 p.m. needed.)

By motion (Friedman/McClanahan, unan.), approved Engineer's Report.

Res. 97-307 adopted (Friedman/McClanahan, unan.) adopting Resolution of Intention setting hearing for July 15, 1997 at 7:00 p.m.

13. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Units 1 & 2, and consider adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment. (Motion approving Engineer's Report needed, and Resolution of Intention setting hearing for July 15, 1997 at 7:00 p.m. needed.)

By motion (Friedman/McClanahan, unan.), approved Engineer's Report.

Res. 97-308 adopted (Friedman/McClanahan, unan.) adopting Resolution of Intention setting hearing for July 15, 1997 at 7:00 p.m.

14. Consider amending the Position Classification Plan to amend the class specification for Code Enforcement Officer I/II. Consider amending the Class Range Tables to amend the salary for Code Enforcement Officer I/II. (Resolution amending Position Classification Plan, and resolution amending the Class Range Tables needed.)

Res. 97-309 adopted (Friedman/McClanahan, unan.) amending Position Classification Plan.

Res. 97-310 adopted (Friedman/McClanahan, unan.) amending the Class Range Tables.

15. Consider approval of final map of Nottingham Place Phase 3 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (owners: Stewart W. Bradley and Betty J. Bradley). (Resolution approving the final map and authorizing City Manager to sign the subdivision agreement needed.)

Res. 97-311 adopted (Friedman/McClanahan, unan.) approving the final map and

authorizing City Manager to sign the subdivision agreement.

16. Consider approving agreement with Ball Janik LLP for provision of federal legislative advocacy for the City of Modesto for Fiscal Year 1997-98.
(Resolution authorizing the City Manager to sign agreement needed. Funds are budgeted.)

Res. 97-312 adopted (Friedman/McClanahan, unan.) authorizing the City Manager to sign agreement.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

17. Consider approving increasing the amount of 1997 Tax and Revenue Anticipation Note from \$4 million to \$12 million.
(Resolution rescinding Resolution 97-251 of May 13, 1997, and authorizing and approving the borrowing of funds for FY 1997-98, the issuance and sale of 1997 Tax and Revenue Anticipation Note not to exceed \$12 million, and participation in the California Communities Cash Flow Financing Program needed.)

Res. 97-313 adopted (Cogdill/Friedman, unan.; Fisher & McClanahan absent) rescinding Resolution 97-251 of May 13, 1997, and authorizing and approving the borrowing of funds for FY 1997-98.

18. Oral Communications

Carmen Sabatino spoke in opposition to in-lieu parking fees.

19. Matters Too Late For The Agenda

None.

Meeting was adjourned at 7:40 p.m.

COUNCIL MEETING OF TUESDAY, JUNE 10, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 11, 12, 13, 14, 15, 16, 17,
18, 19, 20, 21, 22

Consent Item #28 removed from Consent

(Friedman/Dobbs, unan.)

Councilmember McClanahan absent due to conflict of interest.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 10

(Fisher/Dobbs, unan.; McClanahan absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Commendations to be presented to the Modesto Police Department Citizen Volunteers, the Modesto Police Department Explorers and the Modesto Police Reserves for contributions to the Community Welfare and Safety.
(Three resolutions needed.)

Res. 97-314 adopted (McClanahan/Friedman, unan.) commending the Modesto Police Department Citizen Volunteers.

Res. 97-315 adopted (McClanahan/Friedman, unan.) commending the Modesto Police Department Explorers.

Res. 97-316 adopted (McClanahan/Friedman, unan.) commending the Modesto Police Department Reserves.

- b. Presentation from Nicole Wolfe, Miss Greater Stanislaus County.

A presentation was made by Nicole Wolfe.

2. Approval of minutes of the regular City Council meeting of June 3, 1997.
(Motion approving needed.)

By motion (Friedman/Dobbs, unan.), minutes approved.

3. Final adoption of Ord. 3043-C.S. amending Section 1 of Ordinance No. 2250-C.S.

By motion (Fisher/Dobbs, unan.), Ord. 3043-C.S. adopted.

6/10/97

4. Final adoption of Ord. 3044-C.S. amending Section 2 of Ordinance No. 2905-C.S.

By motion (Fisher/Dobbs, majority, Serpa, no), Ord. 3044-C.S. adopted.

5. Hearing to consider the real property situated in the City of Modesto commonly referred to as 601 I Street, 607 I Street, and 908 Sixth Street, to determine whether the premises constitute a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.
(Resolution declaring the subject property a nuisance and allowing the owner(s) to repair or demolish the buildings within 30 days of posting needed.)

Res. 97-317 adopted (Cogdill/Fisher, unan.) declaring the subject property a nuisance and allowing the owner(s) to repair or demolish the buildings within 30 days of posting.

6. Hearing to consider an increase in tipping fees at the Stanislaus Resource Recovery Facility, effective July 1, 1997.
(Resolution approving increase of tipping fees, to be effective July 1, 1997 needed.)

Res. 97-318 adopted (Cogdill/Fisher, unan.) approving increase of tipping fees.

Councilmembers Cogdill & McClanahan absent due to conflict of interest.

7. Hearing to consider the necessity of acquiring real property interests for the Cannery Segregation Project from W.H. Breshears, Inc., APNs 102-17-09 & 11; Tri-Valley Growers, a California corporation, APN 26-24-08; Beard Land Improvement Co., a California corporation, APNs 36-15-58 and 36-20-24, 25, & 37; and Modesto & Empire Traction Co. Railroad, a California corporation, APN 36-15-59.
(Resolution of Necessity needed.)

Res. 97-319 adopted (Friedman/Dobbs, unan.; Cogdill & McClanahan absent) approving Resolution of Necessity.

Councilmember Cogdill absent due to conflict of interest.

8. Hearing to consider the necessity of acquiring real property interests for the Parallel Outfall-Phase III Project from David & Diane Verissimo, APN 17-38-11; Joe & Mary Pinheiro, APN 17-43-23; Fred & Penelope Toelkes, APN 17-43-24; Wayne and Velma Bozarth, APN 17-43-10; Beverly Cabral, APN 17-43-19; Edward & Mary Vargas, APN 17-43-06; M AG, a Limited Partnership, APN 17-42-03; Aldo & Dorothy Bava, APN 56-28-10; Ralph Bava, et al., APN 56-28-11; Bava Farms, Ltd., APN 56-27-08; and Norman Galas, et al, APN 56-27-02.
(Resolution of Necessity needed.)

Res. 97-320 adopted (Dobbs/Friedman, unan.; Cogdill absent) approving Resolution of Necessity.

9. Consider award of contract to Gillig Corporation in the amount of \$3,022,733 for the purchase of 12 buses, and approve appropriation transfer of \$410,000 to provide sufficient funds for the purchase.
(Resolution awarding contract needed; Resolution approving appropriation transfer needed.)

Res. 97-321 adopted (Friedman/Dobbs, unan.) awarding contract to Gillig Corporation.

Res. 97-322 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

Councilmember McClanahan absent due to conflict of interest.

10. Consider declaring Wille Electric Supply and C.E.D. low responsive and responsible bidders for the furnishing of seven variable frequency drives for a total cost of \$39,995.12.
(Resolution declaring Wille Electric Supply and C.E.D. low bidders and authorizing purchase needed.)

Res. 97-323 adopted (Friedman/Dobbs, unan.; McClanahan absent) declaring Wille Electric Supply and C.E.D. low bidders and authorizing purchase.

11. Consider declaring Hogan Mfg., low responsive and responsible bidder for the furnishing of rotary distributor spray arms for fixed film reactor #3 for a total cost of \$71,519.00.
(Resolution declaring Hogan Mfg. low bidder and authorizing purchase needed.)

Res. 97-324 adopted (Friedman/Dobbs, unan.) declaring Hogan Mfg. low bidder and authorizing purchase.

12. Consider acceptance of Teichert Construction's contract for project entitled "Airport Way Resurface and Passenger Terminal Parking Lot Construction" as complete and authorize the City Clerk to file the Notice of Completion.
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed. Final cost: \$230,755.25. Funds are budgeted.)

Res. 97-325 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing Notice of Completion.

13. Consider approving proposal by the Parks and Recreation Department and the Sesquicentennial Committee for a community service project to renovate the playgrounds at Kewin, Sutter and Pike Neighborhood Parks; consider waiving the formal bid process for purchase of playground equipment; consider amending the Capital Improvement Budget to appropriate \$70,000 from Fund 140 Reserve and establishing this project.
(Resolution approving proposal needed; resolution waiving formal bid procedures needed (five affirmative votes needed); resolution amending CIP needed.)

Res. 97-326 adopted (Friedman/Dobbs, unan.) approving proposal.

Res. 97-327 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures.

Res. 97-328 adopted (Friedman/Dobbs, unan.) amending CIP.

14. Consider annexation of additional territory to the Village One Mello Roos Community Facilities District and adopt amended public report, rate and method of apportionment of special tax for area to be annexed.
(Resolution of Intention to annex territory, amending the Village One Community Facilities District and adopt a special tax within the area to be annexed needed.)

Res. 97-329 adopted (Friedman/Dobbs, unan.) approving Resolution of Intention, amending the Village One Community Facilities District, and adopting a special tax.

15. Consider approving agreement consenting to common use with Modesto Irrigation District allowing the cannery segregation line to cross MID facilities.
(Resolution approving agreement needed.)

Res. 97-330 adopted (Friedman/Dobbs, unan.) approving agreement.

16. Consider approving agreement with Wayne E. and Velma J. Bozarth for an acquisition of a temporary easement needed for the Parallel Outfall project.
(Resolution approving agreement needed.)

Res. 97-331 adopted (Friedman/Dobbs, unan.) approving agreement.

17. Consider accepting the improvements for Wyldewood Village Subdivision, authorizing the City Clerk to file Notice of Completion and release of securities upon expiration of statutory periods. (Owner: Valerie Wylie)
(Resolution accepting improvements and authorizing City Clerk to file Notice of Completion and Release of Securities needed.)

Res. 97-332 adopted (Friedman/Dobbs, unan.) accepting improvements and authorizing Notice of Completion and Release of Securities.

18. Consider authorizing the City Manager to execute an amendment to the agreement with Carroll, Burdick & McDonough for special counsel services for the Waste-to-Energy project.
(Resolution authorizing an amending to agreement needed.)

Res. 97-333 adopted (Friedman/Dobbs, unan.) authorizing the City Manager to execute an amendment to the agreement.

19. Consider authorizing the City Manager to execute an amendment to the Memorandum of Understanding (MOU) between the City of Modesto and Stanislaus County to allocate \$7,500.00 of the funds held in the AB 939 Source Reduction and Recycling Account for the City's portion of disposal-based reporting costs. (Resolution authorizing an amendment to MOU needed.)

Res. 97-334 adopted (Friedman/Dobbs, unan.) authorizing an amendment to MOU.

20. Annual HUD Assessment of CDBG and HOME programs report. (Motion acknowledging receipt of report needed.)

By motion (Friedman/Dobbs, unan.), acknowledged receipt of report.

21. Consider declaring surplus stolen, unclaimed, and/or seized property accumulated by the City and authorizing the Interim Purchasing Officer to sell at public auction conducted by Roger Ernst & Associates on August 16, 1997 at 824 W. Kiernan Avenue, or by other means if the auction proves unsuccessful. (Resolution declaring surplus stolen, unclaimed, and/or seized property accumulated by the City and authorizing the sale of such at public auction needed.)

Res. 97-335 adopted (Friedman/Dobbs, unan.) declaring surplus stolen, unclaimed, and/or seized property accumulated by the City and authorizing the sale of such at public auction.

22. Consider approval of annual claim for Local Transportation Funds. (Resolution approving and authorizing submission of claim needed.)

Res. 97-336 adopted (Friedman/Dobbs, unan.) approving and authorizing submission of claim.

Councilmembers Fisher & McClanahan absent due to conflict of interest.

23. Consider key business terms of the agreement between the County, the City, the Redevelopment Agency and the Joint Powers Authority, for 10th Street Place redevelopment project. (Motion directing City Manager to complete preparation of the agreement needed.)

By motion (Cogdill/Friedman, unan.; Fisher & McClanahan absent), directed City Manager to complete preparation of agreement.

Councilmembers Fisher & McClanahan absent due to conflict of interest.

24. Consider approving the space plan/program for the proposed joint City/County Administration Building and authorizing the Joint Powers Authority (JPA) project architect to design a building reflecting the approved space plan/program. (Resolution approving space plan/program and authorizing design.)

Res. 97-337 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan absent) approving space plan/program and authorizing design.

25. Consider adopting a resolution to alleviate the hardship of the property owner at 2736 Scenic Bend in connecting to City sewer by either: (1) waiving the requirement to connect and allow repair of the septic system; or (2) assist financially through a low-interest loan and/or waiver of some fees.
(Resolution with appropriate Council action needed.)

Res. 97-338 adopted (Cogdill/Dobbs, unan.) requiring sewer connection with City paying for connection. Property owner will enter into reimbursement agreement with lien being placed on property, payable at the time of sale or earlier if possible. Interest rate to be set at 5.6%.

26. Oral Communications

Councilmember Serpa's motion failed due to a lack of second to direct staff to initiate a change in development conditions for Kearney Ventures Development at the northwest corner of Oakdale & Sylvan and refer it back to the Planning Commission.

Loretta Carhart spoke regarding vehicles parking in bus stops.

27. Consider appointing three members to the Anti-Graffiti Steering Committee.

Res. 97-339 adopted (Dobbs/McClanahan, unan.) appointing David Duncan, David Epps, Evert Tanis to the Anti-Graffiti Steering Committee.

28. Consider approving a resolution to support AB 1437 (Cardoza) regarding transported air pollutants.
(Resolution approving support of AB 1437 needed.)

Res. 97-340 adopted (Freidman/McClanahan, unan.) supporting AB 1437.

Res. 97-341 adopted (Friedman/McClanahan, unan.) supporting Congressman Condit's bill requiring Bay Area to meet the same requirements as the San Joaquin Valley.

29. Matters Too Late For The Agenda

None.

The meeting adjourned to the Third Floor East Conference Room for a Closed Session to consider:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Mary Alice Lester vs. City of Modesto, et al. Stanislaus County
Superior Court Action No. 113848

Meeting adjourned at 5:35 p.m. City Attorney returned at 7:45 and reported no action had been taken.

6/10/97

COUNCIL MEETING OF TUESDAY, JUNE 17, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 9, 10, 12, 13, 14, 15

Item #8 removed from consent.

Correction made to the June 10, 1997 minutes regarding Councilmember Serpa's motion under Oral Communications regarding Kearney Ventures Development at Oakdale and Sylvan.

(Friedman/Serpa, unan.)

1. Mayor Lang proclaimed the week of June 23-29 as Amateur Radio Week.
2. Approval of minutes of the regular City Council meeting of June 10, 1997. (Motion adopting needed.)

By motion (Friedman/Serpa, unan.), minutes approved.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

3. Hearing to consider zoning code text amendment regarding location of movie theater s.
(Introduction of ordinance amending Articles 11 and 17 of the Zoning Code to provide that movie theaters be located in the P-D Zone, except within the downtown P-D area needed.)

Ord. 3046-C.S. introduced (Friedman/Serpa, unan.; Fisher & McClanahan absent).

Councilmember Fisher excuse due to conflict of interest.

4. Hearing to consider the Planning Commission recommendation to amend Section 14-3-9 of the City of Modesto Zoning Map to rezone 14.9 acres from R-1, Low-Density Residential and P-O, Professional Office Zones to P-D(522), allowing a commercial center with C-3 uses and a congregate care facility, property location on the east side of Oakdale Road between Briggsmore and Merle Avenues (Nora Naraghi)
(Introduction of an ordinance to rezone property from R-1 and P-O to P-D(522) needed; Resolution approving a development plan for P-D(522) needed; Resolution with findings, provided by Environmental Assessment No. 97-27, judging this project as being within the scope of the Master EIR (SCH No. 92052017) needed.

Public hearing continued (McClanahan/Dobbs, unan.; Fisher absent) to July 8, 1997.

6/17/97

5. Consider accepting the work for the contract titled "Airport District Improvements - Thrasher Avenue, Benson Avenue, and Larking Avenue" as complete, and authorize the City Clerk to file a Notice of Completion.
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed. Final cost: \$397,908.60. Funds are budgeted.)

Res. 97-342 adopted (Friedman/Serpa, unan.) accepting work as complete.

6. Consider award of contract to Safety Striping Services Inc. in the amount of \$64,874.80 for the project titled "Pavement Delineation Various Locations".
(Resolution awarding contract needed.)

Res. 97-343 adopted (Friedman/Serpa, unan.) awarding contract.

7. Consider award of contract to Gateway Pacific Contractors Inc. in the amount of \$12,473,010 for the project titled "Primary Plant Headworks and Cannery Segregation Project".
(Resolution awarding contract needed.)

Res. 97-344 adopted (Friedman/Serpa, unan.) awarding contract.

8. Consider award of contracts for the Cannery Segregation Pipeline Phase I, Pipeline Rehabilitation, Relief Line and Appurtenant Structures, and the Emerald Trunk Line Replacement Project as follows: award contract to T&S Construction Company Inc. in the amount of \$6,603,130 for Section I titled "Cannery Segregation Pipeline Phase I"; award contract to Insituform West Inc. in the amount of \$686,905 for Section II titled Pipeline Rehabilitation; award contract to Mountain Cascade Inc. in the amount of \$1,160,940 for Section III titled "Relief Line and Appurtenant Structures"; and award contract to Mauldin-Dorfmeier Construction Inc. in the amount of \$432,873 for Section IV titled "Emerald Trunk Line Replacement".
(Resolutions awarding contracts needed. Funds are budgeted.)

Res. 97-345 adopted (Cogdill/Fisher, unan.) awarding contract to T&S Construction Company Inc.

Res. 97-346 adopted (Cogdill/Fisher, unan.) awarding contract to Insituform West Inc.

Res. 97-347 adopted (Cogdill/Fisher, unan.) awarding contract to Mountain Cascade Inc.

Res. 97-348 adopted (Cogdill/Fisher, unan.) awarding contract to Mauldin-Dorfmeier Construction Inc.

9. Consider award of contract to Interstate Construction Inc. in the amount of \$1,024,220 for the project titled "Modesto/Ceres Urbanized Areas-System Flow and

Surveillance-Signalization", and approve amending the budget to estimate federal grant revenue.

(Resolution awarding contract needed; Resolution amending budget needed.)

Res. 97-349 adopted (Friedman/Serpa, unan.) awarding contract.

Res. 97-350 adopted (Friedman/Serpa, unan.) amending budget.

10. Consider authorizing call for Request for Proposals for design and implementation of a fiber optic computer network backbone system, with proposals to be opened on July 8, 1997 at 11:00 a.m.

(Resolution calling for Request for Proposals needed.)

Res. 97-351 adopted (Friedman/Serpa, unan.) calling for Request for Proposals to be opened on July 8, 1997 at 11:00 a.m.

11. Review of Financial Policy Committee recommendations for the 1997-98 Operating Budget and 1997-2001 Capital Improvement Program.
(Motion approving Financial Policy Committee recommendations and directing staff to incorporate the recommendations into the budget adoption report and return to Council for approval on June 24, 1997 needed.)

By motion (Fisher/Dobbs, unan.), approved recommendations be incorporated into the budget adoption report and return to Council for approval on June 24, 1997.

12. Consider authorizing the City Manager to execute a Letter Agreement with Modesto Irrigation District for the Undergrounding Costs of the electrical service to the Primary Water Quality Control Plant.
(Resolution authorizing execution of Letter Agreement needed. Estimated cost: \$20,274.06. Funds are budgeted.)

Res. 97-352 adopted (Friedman/Serpa, unan.) authorizing execution of Letter Agreement.

13. Consider authorizing the City Manager to execute a Contribution Agreement with Caltrans.
(Resolution authorizing agreement needed.)

Res. 97-353 adopted (Friedman/Serpa, unan.) authorizing Contribution Agreement.

14. Consider indicating that the December 9, 1997 run-off election, if needed, will be conducted by mail.
(Motion indicating run-off would be by mail needed.)

By motion (Friedman/Serpa, unan.), approved election run-off, if needed, will be by mail.

15. Consider requiring the Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 4, 1997 municipal election.
(Resolution requiring candidates to pay the cost of candidate statements needed.)

Res. 97-354 adopted (Friedman/Serpa, unan.) requiring candidates to pay the cost of candidate statements.

16. Oral Communications

Councilmember Serpa's motion failed due to lack of a second regarding the sign for Kearney Ventures development at the northwest corner of Oakdale & Sylvan to be referred to the Community Development and Housing committee and back to Council.

Miguel Denoso spoke regarding awarding bid contracts to local businesses, and noted the need to solicit minority businesses. Mr. Denoso also commented on vacant staff positions at the City and the need to recruit Hispanics.

Councilmember McClanahan commented on Modesto Bee article regarding alcohol consumption on sidewalks.

17. Matters Too Late For The Agenda

None.

The meeting adjourned to the Mayor's Chambers for a Closed Session to consider:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One Case

Meeting adjourned to Closed Session at 7:48 p.m. City Attorney returned at 8:50 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, JUNE 24, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

(ITEM #24 removed from consent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 11, 12, 13, 14, 16, 20, 21, 22, 23, 27, 28, 29

(Cogdill/Friedman, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 17, 18

Councilmember Fisher excused due to conflict of interest.

(Cogdill/McClanahan, unan.; Fisher absent)

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 19

Councilmembers Cogdill & Friedman excused due to conflict of interest.

(McClanahan/Fisher, unan.; Cogdill & Friedman absent)

1. Acknowledgements and Presentations

None.

2. Approval of minutes of the regular City Council meeting of June 17, 1997.

By motion (Cogdill/Friedman, unan.), minutes adopted.

3. Final adoption of Ord. 3045-C.S. authorizing an amendment to the contract with the Board of Administration of the California Public Employees Retirement System.

By motion (Cogdill/Friedman, unan.), Ord. 3045-C.S. adopted.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

4. Final adoption of Ord. No. 3046-C.S. amending Title X of the Modesto Municipal Code relating to permitted uses - movie theaters.

By motion (Friedman/Cogdill, unan.; Fisher & McClanahan absent), Ord. 3046-C.S. adopted.

5. Hearing to consider formation of Mello-Roos Community Facilities District 1997-1 (CFD 1997-1) (North Beyer Park).

(Resolution of formation needed, establishing Community Facilities District No. 1997-

6/24/97

1, authorizing a levy of the special tax within the district, preliminarily establishing an appropriations limit for the district and calling an election for the purpose of submitting the levy of the special tax and the establishment of the appropriations limit to the qualified electors of the district; and introduction of an ordinance authorizing the levy of a special tax within the CFD No. 1997-1 needed.)

Ord. 3047-C.S. introduced (Friedman/Fisher, unan.).

Res. 97-355 adopted (Friedman/Fisher, unan.) adopting a Resolution of Formation.

6. Hearing to consider designation of the Stanley Home (Marleen M. and Theodore A. Weissbach, Owners) - 225 Stoddard Avenue - as a Modesto Landmark Preservation site.

Res. 97-356 adopted (Dobbs/Fisher, unan.) approving designation.

7. Hearing to consider approval of a Mills Act Contract for the Stanley Home, 225 Stoddard Avenue (Marleen M. and Theodore A. Weissbach, Owners).

Res. 97-357 adopted (Dobbs/Fisher, unan.) approving agreement.

8. Hearing to consider designation of the John M. Walthall Home (Glynis M. and Robert N. Gaines, Owners) - 118 Sycamore Avenue - as a Modesto Landmark Preservation Site.

Res. 97-358 adopted (Fisher/McClanahan, unan.) approving designation.

9. Hearing to consider approval of a Mills Act Contract for the John M. Walthall Home, 118 Sycamore Avenue (Glynis M. and Robert N. Gaines, Owners).

Res. 97-359 adopted (Fisher/McClanahan, unan.) approving agreement.

10. Consider award of contract to lowest responsible bidder for the Yosemite Boulevard widening project from McClure Road to Frazine Road", and consider amending the budget to estimate additional revenue. (Estimated cost: \$1,100,072.00)
(Bids are scheduled to be opened June 24, 1997, at 11:00 a.m. In order to meet a June 30, 1997, deadline to award contract and preserve approximately \$125,000 in (State Local Transportation Partnership Program (SLTPP) funding, an accelerated award of the contract is being requested. Bid results will be furnished immediately prior to Council meeting. Total estimated contract amount: \$973,515. Resolution awarding contract to the lowest responsible bidder needed; and resolution amending the budget needed.)

Res. 97-360 adopted (Fisher/Friedman, unan.) awarding contract to George Reed Inc. for the bid amount of \$1,035,555.55).

6/24/97

Res. 97-361 adopted (Fisher/Friedman, unan.) amending budget.

11. Consider award of contract in the amount of \$82,406 to Teichert Construction for the reconstruction of the East Levee Road at Remote Pond Site; consider approving an appropriation transfer in the amount of \$52,239 to fully fund the project. (Total estimated cost: \$97,239.08 (\$82,406 contract; construction admin. & contingencies \$14,833.08) Resolution awarding the contract needed; and resolution approving appropriation transfer needed.)

Res. 97-362 adopted (Cogdill/Friedman, unan.) awarding contract.

Res. 97-363 adopted (Cogdill/Friedman, unan.) approving appropriation transfer.

12. Consider acceptance of Rolfe Construction's contract for the "L Street Sewer Reconstruction" as complete, and authorize the City Clerk to file the Notice of Completion. (Original contract: \$220,330) (Resolution accepting work as complete and authorizing the City Clerk to file a Notice of Completion needed. Final cost: \$218,832.44. Funds are budgeted.)

Res. 97-364 adopted (Cogdill/Friedman, unan.) accepting work as complete.

13. Consider authorizing call for bids for design and implementation of a voice mail system. (Suggested bid opening: July 15, 1997. Estimated Cost: \$93,222. Resolution approving call for bids needed. Funds are budgeted.)

Res. 97-365 adopted (Cogdill/Friedman, unan.) approving call for bids on July 15, 1997 at 11:00 a.m.

14. Consider approving a lease purchase agreement with Kansas State Bank of Manhattan for \$108,194.98 for the purchase of two portable office buildings from Allspace Leasing, Inc., and rescinding Resolution No. 97-204.

Res. 97-366 adopted (Cogdill/Friedman, unan.) approving lease purchase agreement.

15. Consider adopting the 1997-98 Operating Budget and Capital Improvement Program, including reappropriation of capital projects in progress. (Adoption of an ordinance approving the Fiscal Year 1997-98 Annual budget (including the first year of the Four-Year Capital Improvement Program, with reappropriations of capital projects in progress) needed; a resolution establishing the 1997-98 Fiscal Year Appropriations Limit and re-estimating 1996-97 Fiscal Year limit, including the price and population factors to be used in the calculation needed; a resolution amending the 1996-97 budget adjusting appropriations and re-estimating revenue needed.)

6/24/97

By order of the chair, the Pelandale Extension was referred to the Financial Policy committee.

By motion (McClanahan/Cogdill, Friedman absent) the Parks & Recreation General Fund portion of the Operational budget was approved.

By motion (Dobbs/Friedman, unan; Cogdill/Fisher absent) the McHenry Mansion appropriation in the CIP budget was approved.

By motion (Friedman/Dobbs, unan; Cogdill/Fisher absent) the McHenry/ Needham Right Turn Lane appropriation in the CIP budget was approved.

By motion (Friedman/Dobbs, unan; Cogdill/Fisher absent) the 9th Street Railroad Relocation appropriation in the CIP budget was approved.

By motion (McClanahan/Friedman, unan; Cogdill absent) the Police Shop Relocation appropriation in the CIP budget was approved.

By motion (Dobbs/McClanahan, unan; Fisher absent) the Miscellaneous Storm Drain appropriation in the CIP budget was approved.

By motion (McClanahan/Friedman, unan; Cogdill absent) the Water System Strengthening appropriation in the CIP budget was approved.

Motion failed (Friedman/Cogdill; Dobbs & McClanahan absent; Fisher & Lang, no) to remove the Lincoln/Lakewood Bridge Project from the Capital Improvements Program. As a result, the appropriation and reappropriation for the Lincoln/Lakewood Bridge was not approved. The project will remain in the long range Capital Improvement Program but unfunded in FY 1997-98.

Ord. 3048-C.S. introduced (Friedman/Fisher, unan.).

Res. 97-367 adopted (Friedman/Fisher, unan.) establishing the 1997-98 Fiscal Year Appropriations Limit and re-estimating 1996-97 Fiscal Year limit, including the price and population factors to be used in the calculation.

Res. 97-368 adopted (Friedman/Fisher, unan.) amending the 1996-97 budget adjusting appropriations and re-estimating revenue.

16. Report of one loan approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP).

By motion (Cogdill/Friedman, unan.), acknowledged receipt of report.

Councilmember Fisher absent due to conflict of interest.

6/24/97

17. Consider approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work Study Program.

Res. 97-369 adopted (Cogdill/McClanahan, unan.; Fisher absent) approving agreement.

Councilmember Fisher absent due to conflict of interest.

18. Consider approving reduction of interest rate on Down Payment Assistance Program loans for the ten families selected to participate in Self-Help Enterprises' Home Ownership Project along Vicksburg Street near Paradise Road.

Res. 97-370 adopted (Cogdill/McClanahan, unan.; Fisher absent) approving zero-percent interest on Down Payment Assistance Program Loans.

Councilmembers Cogdill & Friedman absent due to conflict of interest.

19. Consider approving agreement with Craig W. Barnes, Gina M. Barnes, Floyd L. Graves, Janet M. Graves, James E. Ridenour, Renee R. Ridenour, Kathleen A. Finn, Steven L. Simon, Bonnie R. Simon, William H. Simon, Sherry L. Simon, Louis Jon Simon, and Sandra L. Simon for the purchase of right of way needed for the Coffee/Briggsmore intersection widening project.
(Resolution approving agreement needed. Total estimated cost: \$77,250 (contract \$73,250; est. escrow: \$4,000) Funds are budgeted.)

Res. 97-371 adopted (McClanahan/Fisher, unan.; Cogdill & Friedman absent) approving agreement.

20. Consider revising Sections 10-2.003 and 10-2.002 of the Zoning Regulations of the Municipal Code to eliminate in-lieu parking fees downtown, grandfather all existing buildings downtown with regard to parking (regardless of change of use), and require all new construction to provide off-street parking as required.

Ord. 3049-C.S. introduced (Cogdill/Friedman, unan.).

21. Consider approving agreement with M AG, a Limited Partnership, for acquisition of property rights needed for the Parallel Outfall Project.
(Resolution approving agreement needed. Estimated cost: \$5,155. Funds are budgeted.)

Res. 97-372 adopted (Cogdill/Friedman, unan.) approving agreement.

22. Consider approving agreement with Joe F. and Mary J. Pinheiro for acquisition of property needed for the Parallel Outfall Project.
(Resolution approving agreement needed. Estimated cost: \$1,600. Funds are budgeted.)

Res. 97-373 adopted (Cogdill/Friedman, unan.) approving agreement.

23. Consider approving amendment to lease agreement with Hein Hettinga and Amos DeGroot for the lease of the Hailwood Ranch.

Res. 97-374 adopted (Cogdill/Friedman, unan.) approving amendment to lease agreement.

Item #24 removed from Consent.

24. Consider salary and benefit changes for unrepresented Management and Confidential employees.
(Resolution amending the Salary Schedule and authorizing benefit changes needed. Funds are budgeted in the proposed 1997-98 budget.)

Res. 97-375 adopted (Friedman/Lang, unan.; Cogdill & Dobbs, no) amending the Salary Schedule and authorizing benefit changes.

25. Oral Communications

Diane Moyer spoke regarding refuse rates and tipping fees.

26. Written Communications

Letter from Kathleen Adams regarding massage therapist certification.

By order of the chair, item was referred to Human Services Committee.

27. Letter from Bertolotti Disposal requesting a collection agreement, pursuant to Ord. No. 3018-C.S.
(Resolution setting hearing July 8, 1997, at 4:00 p.m. needed.)

Res. 97-376 adopted (Cogdill/Friedman, unan.) setting hearing on July 8, 1997 at 4:00 p.m.

28. Letter of resignation from the Affirmative Action Commission of Nemi Harris.

Res. 97-377 adopted (Cogdill/Friedman, unan.) accepting resignation with regret.

29. Letter of resignation from the Human Relations Commission from Randy W. Summers.

Res. 97-378 adopted (Cogdill/Friedman, unan.) accepting resignation with regret.

30. Matters Too Late For The Agenda

None.

31. The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

The meeting adjourned at 5:30 p.m. The City Attorney returned at 6:00 p.m. and reported that no action had been taken.

COUNCIL MEETING OF TUESDAY, JULY 1, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

ACTION: (McClanahan/Friedman, unan.)

1. Acknowledgements and Presentations

None

2. Approval of the minutes of the regular and special City Council meetings of June 24, 1997, and the corrected minutes of the regular City Council meeting of June 10, 1997.

(Motion approving needed.)

By motion, (McClanahan/Friedman, unan.) minutes approved.

3. Final adoption of:

a. Ord. No. 3047-C.S. authorizing the levy of a special tax within Community Facilities District No. 1997-1 (North Beyer), and amending Ord. No. 3005-C.S. (Village One Community Facilities District No. 1996-1).

b. Ord. No. 3049-C.S. amending the Municipal Code relating to number of parking spaces required, and repealing Section 10-2.2003 relating to in-lieu parking.

By motion, (McClanahan/Friedman, unan.) ordinances adopted.

4. Consider awarding contract for the effluent pump facility - variable speed drive project to Steiny and Company for \$197,000; and consider amending the budget to fully fund the project.

(Resolution awarding contract needed; and resolution amending the budget needed. Total estimated cost: \$226,550 (contract \$197,000; const. admin. & contingencies \$29,550) Funds are budgeted.)

Res. 97-378A adopted (McClanahan/Friedman, unan.) awarding contract.

Res. 97-379 adopted (McClanahan/Friedman, unan.) amending budget.

5. Consider awarding contract for the Kewin/Moose Park bridge replacement to W-Bar Construction for \$70,555.55

(Resolution awarding contract needed. Total estimated cost \$82,783.99 (contract \$70,755.55; other \$12,028.44) Funds are budgeted.)

7/1/97

Res. 97-380 adopted (McClanahan/Friedman, unan.) awarding contract.

6. Consider awarding contract for the Scenic Bend lift station sluice gate replacement project to Conco-West for \$98,123.
(Resolution awarding contract needed. Total estimated cost: \$115,785 (contract \$98,123; other \$17,662). Funds are budgeted.)

Res. 97-381 adopted (McClanahan/Friedman, unan.) awarding contract.

7. Consider acceptance of the contract of Teichert Construction Company for the Taxiway D - Phase II project (AIP Project No. 3-05-0153-16) as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$51,769)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$48,647. Funds are budgeted.)

Res. 97-382 adopted (McClanahan/Friedman, unan.) accepting work as complete.

8. Consider acceptance of the contract of Jeffco Painting & Coating, Inc. for the recoating of Clarifier No. 1 at the Water Quality Control Plant as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$147,318.)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$150,513. Funds are budgeted.)

Res. 97-383 adopted (McClanahan/Friedman, unan.) accepting work as complete.

9. Consider acceptance of the contract of Rolfe Construction Company for the annual sewer rehabilitation project - 1995-96 as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$318,825.50)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$316,720.60. Funds are budgeted.)

Res. 97-384 adopted (McClanahan/Friedman, unan.) accepting work as complete.

10. Consider waiving formal bid procedures and authorizing the purchase of two bar screens from Infilco Degremont Incorporated for total cost of \$449,660.73.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-385 adopted (McClanahan/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

11. Consider accepting the bronze plaque from the Morada Parlor, Native Daughters of the Golden West with thanks and directing Public Works and Transportation staff to mount the plaque on the Modesto Arch.

By motion, plaque accepted and staff directed to mount on Arch.

12. Consider approving an amendment to the agreement with Mid-Valley Engineering, Inc. to provide engineering services for the North Beyer Park and Coffee/Claratina Neighborhood Sanitary Subtrunk and Lift Station to reflect the relocation of the lift station to approximately 600 feet south of the intersection of Coffee Road and the proposed Claratina Expressway.
(Resolution approving amendment to agreement needed. Estimated cost: \$16,157.50. Funds are budgeted.)

Res. 97-386 adopted (McClanahan, Friedman, unan.) approving amendment to agreement.

13. Oral Communications

None

14. Matters Too Late For The Agenda

By motion, (Friedman/Cogdill, unan.) it was determined there was a need to take immediate action which came to City's attention after agenda was posted.

Maggie Mejia spoke regarding the Modesto Charros Association First Annual 4th of July Celebration to be held on July 6, 1997, at Tuolumne River Regional Park.

No action was taken.

15. The meeting to adjourn to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

The meeting adjourned to Closed Session at 7:05 p.m. The City Attorney returned at 7:21 p.m. and reported that no action had been taken.

COUNCIL MEETING OF TUESDAY, JULY 8, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 20

Consent Item #18 removed from consent

(Friedman/McClanahan, unan.)

Vice Mayor Fisher excused due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 15

(Friedman/McClanahan, unan.; Fisher absent)

Councilmember McClanahan excused due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 20

(Friedman/Lang, unan.; McClanahan absent)

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of July 1, 1997.

By motion (Friedman/McClanahan, unan.), minutes approved.

Vice Mayor Fisher excused due to conflict of interest.

3. Hearing to consider amending Section 14-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential Zone, and P-O, Professional Office Zone, to Planned Development Zone, P-D(522), to allow a commercial Center with C-3 uses and a congregate care facility, property located on the east side of Oakdale Road between Briggsmore and Merle Avenues. (Nora Naraghi)
(Continued from June 17, 1997, City Council meeting, by motion.)
(Introduction of ordinance rezoning property needed, resolution approving development plan needed, resolution with findings, provided by E.A. No. 97-27, judging this project as being within the scope of the Master EIR needed.)

Ord. No. 3050 introduced (Cogdill/Lang, majority; Serpa, no; Fisherabsent).

Res. 97-387 adopted (Cogdill/Lang, majority; Serpa, no; Fisher absent) approving development plan.

Res. 97-388 adopted (Cogdill/Lang, majority; Serpa, no; Fisher absent) with findings provided by E.A. No. 97-27, judging this project as being within the scope

of the Master EIR.

4. Hearing to consider the Kiernan Business Park No. 1 Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Salida Fire Protection District.
(Resolution ordering annexation needed.)

Res. 97-389 adopted (Friedman/Fisher, unan.) ordering the Kiernan Business Park No. 1 Reorganization to the City of Modesto subject to the number and validity of written protests filed at the hearing.

5. Hearing to consider the Carver-Bangs Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Salida Fire Protection District.

Res. 97-390 adopted (Cogdill/Dobbs, majority; Serpa, no) ordering annexation.

Councilmember McClanahan excused due to conflict of interest.

6. Hearing to consider Bertolotti Disposal request to enter into a service agreement for the collection of solid waste.

Res. 97-391 adopted (Fisher/Dobbs, unan.; McClanahan, absent) approving entering into a service agreement with Bertolotti under the existing terms with a 90-day cancellation clause.

7. Consider awarding contract to Howell Construction in the amount of \$84,674 for the Water Division meeting room remodeling project.
(Resolution awarding contract needed. Total estimated cost: \$99,068 (contract \$84,674; other \$14,394) Funds are budgeted.)

Res. 97-392 adopted (Friedman/McClanahan, unan.) awarding contract.

8. Consider accepting the contract of Teichert Construction for the Tully Road overlay from Ninth Street to Leonard Avenue project as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$355,355.14)
(Resolution accepting work as complete and authorizing the City Clerk to file Notice of Completion needed. Total final cost: \$320,320.33. Funds are budgeted.)

Res. 97-393 adopted (Friedman/McClanahan, unan.) accepting work as complete.

9. Consider waiving formal bid procedures and authorizing the purchase of seven mobile data terminals from Motorola, Inc. for the total cost of \$65,501.55.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost (Fiscal Year 96-97): \$65,501.55. Funds are budgeted.)

Res. 97-394 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

10. Consider waiving formal bid procedures and authorizing the purchase of for the repair of security fencing at 1221 Sutter Avenue for the total cost of \$61,685. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$61,685. Funds are budgeted.)

Res. 97-395 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

11. Consider the following: (a) submitting advisory measures relating to the extension of sewer service to certain areas of the City, for the Regular Municipal Election to be held on Tuesday, November 4, 1997; (2) authorizing the City Attorney to prepare an Impartial Analysis of the measures; and (3) authorizing the Mayor to prepare Ballot Arguments in favor of the proposed measures. (Resolution submitting advisory measures relating to the extension of sewer service to certain areas of the City, for the Regular Municipal Election to be held on Tuesday, November 4, 1997 needed; resolution authorizing the City Attorney to prepare an Impartial Analysis of the measures needed; and resolution authorizing the Mayor to prepare Ballot Arguments in favor of the proposed measures needed.)

Res. 97-396 adopted (Cogdill/Fisher, unan.) submitting advisory measures relating to the extension of sewer service to certain areas of the City, including the Coffee/Claratina Area, for the Regular Municipal Election to be held on Tuesday, November 4, 1997.

By motion, (Cogdill/Fisher, unan.; Dobbs, absent) adding to Res. 97-396 the Roselle Neighborhood request from Russ Newman.

Res. 97-398 adopted (Cogdill/Fisher, unan.) authorizing the City Attorney to prepare an Impartial Analysis of the measures.

Res. 97-399 adopted (Cogdill/Fisher, unan.) authorizing the Mayor to prepare Ballot Arguments in favor of the proposed measures.

12. Consider amending the Municipal Code to allow municipal elections to be conducted by mail ballots.

Introduction of Ord. 3051-C.S. (Friedman/McClanahan, unan.)

13. Consider authorizing the City Manager to execute seven new utility pay station agreements with Check Cashiers of California, Inc., increasing pay stations from six to thirteen. (Seven resolutions approving agreements needed. Total estimated cost: \$2,000.)

Funds are budgeted.)

Res. 97-400 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 2020 W. Briggsmore Avenue, Modesto

Res. 97-401 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 420 H Street, Modesto

Res. 97-402 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 2508 Oakdale Road, Modesto

Res. 97-403 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 1320 Standiford Avenue, Modesto

Res. 97-404 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 2001-C Tully Road, Modesto

Res. 97-405 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 2517 Mitchell Road, Ceres

Res. 97-406 adopted (Friedman/McClanahan, unan.) approving agreement with Check Cashiers of CA Inc., 1825 Countryside, Turlock

14. Consider approving a grant agreement for federal funds in the amount of \$399,600, to complete the Airport's Fiscal year 1997-98 capital improvement projects, and authorize the City Manager to sign grant agreement and any future amendments to the grant.

Res. 97-407 adopted (Friedman/McClanahan, unan.) approving grant agreement and authorizing City Manager to sign any future amendments.

Vice Mayor Fisher excused due to conflict of interest.

15. Consider approving a one-year lease agreement with Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust Street.

Res. 97-408 adopted (Friedman/McClanahan, unan.; Fisher, absent) approving lease agreement.

16. Consider approving final map of Symphony Place No. 5 subdivision of the City of Modesto and consider accepting the improvements. (Owner: Sarjak Enterprises)

Res. 97-409 adopted (Friedman/McClanahan, unan.) approving final map, accepting improvements and authorizing City Manager to execute agreement.

17. Consider approving agreement with Beverly A. Cabral for acquisition of property rights needed for the Parallel Outfall project.

Res. 97-410 adopted (Friedman/McClanahan, unan.) approving agreement.

18. Consider amending the Position Classification Plan to add job specifications for Social Services Program Supervisor and Maintenance Aide and to delete the classification of Social Services Coordinator.

Res. 97-411 adopted (Dobbs/Cogdill, majority; Fisher, no) amending the Position Classification Plan needed.

Res. 97-412 amending (Dobbs/Cogdill, majority; Fisher, no) the Class Range Tables to establish a salary range.

19. Oral Communications

Francis O'Brien expressed his concern regarding a lack of responsibility for a child in a Parks & Recreation program.

Councilmember Serpa requested a report from City Manager regarding the resignation and retirement of certain department heads.

Councilmember McClanahan excused due to conflict of interest.

20. Written Communications

Letter from Jack R. Jones, on behalf of Modesto Garbage Company, Inc., requesting Council consideration of a Merger of Modesto Garbage Co., Inc. with United Waste Systems, Inc.

Res. 97-413 adopted (Friedman/Lang, unan.; McClanahan, absent) setting hearing on Tuesday, July 22, 1997 at 4:00 p.m.

21. Matters Too Late For The Agenda

None.

22. CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session to consider the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

Meeting adjourned at 5:30 p.m. City Attorney returned at 6:15 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, JULY 15, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: Dobbs

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 12, 13

(Friedman/Cogdill, unan.; Dobbs, absent)

AGENDA ITEM #11 dropped.

1. Acknowledgements and Presentations

- a. Presentation of graffiti rewards and recognition awards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

Bill Seavy and Chief Jefferson presented checks and awards to citizens. A reward recipient returned his check along with \$100 to be donated to the Parks & Recreation Department. Mayor Lang commended and congratulated recipients.

- b. Presentation of Certificate of Recognition to Jeanne Marquis, Fair Housing Program Coordinator, for her outstanding service and commitment to further fair housing goals and opportunities in Modesto.

Mayor Lang presented Certificate of Recognition to Jeanne Marquis.

2. Approval of the minutes of the regular City Council meeting of July 8, 1997.

By motion (Friedman/Cogdill, unan.; Dobbs, absent), minutes approved.

Councilmember Fisher excused due to conflict of interest.

3. Final adoption of Ord. No. 3050-C.S. rezoning from R-1 and P-O to P-D(522), property located on the east side of Oakdale Road between Briggsmore and Merle Avenues. (Nora Naraghi)

By motion (McClanahan/Friedman, majority; Serpa, no; Dobbs & Fisher absent), final adoption of Ord. 3050-C.S.

4. Final adoption of Ord. No. 3051-C.S. amending the Modesto Municipal Code relating to mail ballot elections.

By motion (Friedman/Cogdill, unan.; Dobbs, absent), final adoption of Ord. 3051-C.S.

7/15/97

Councilmembers Fisher & McClanahan excused due to conflict of interest.

5. Hearing to consider an amendment to Section 11-3-8 of the Zoning Map to rezone from Medium Density Residential Zone, R-2 and a portion of Planned Development Zone, P-D(333), to a new Planned Development Zone, P-D(520), to allow a multi-screen theater complex with supporting commercial pad uses, property located on the west side of Dale Road at Vintage Drive extended, immediately north of Vintage Faire Mall.
(Continued from May 6, 1997, City Council meeting.)

By motion (Friedman/Cogdill, unan.; Dobbs, Fisher & McClanahan absent) hearing continued to August 5, 1997.

6. Hearing to consider adoption of a resolution calling an election for the purpose of submitting the levy of the special tax to the qualified electors of the territory proposed to be annexed to Community Facilities District 1996-1 (Village One).

Res. 97-414 adopted (Friedman/Fisher, unan.; Dobbs, absent) calling an election.

7. Hearing to consider adopting a resolution confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 - 6 for fiscal year 1997-1998.

Res. 97-415 adopted (McClanahan/Fisher, unan.; Dobbs, absent) confirming the diagram and assessment, and levying the proposed assessment.

8. Hearing to consider adopting a resolution confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7 - 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Unit 1 and 2 for fiscal year 1997-1998.

Res. 97-416 adopted (Fisher/McClanahan, unan.; Dobbs, absent) confirming the diagram and assessment, and levying the proposed assessment.

9. Consider acceptance of Rolfe Construction Company's contract for the Yosemite Boulevard storm drain line project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$105,760)
(Resolution accepting work as complete and authorizing the City Clerk to file Notice of Completion needed. Final cost: \$108,776.40. Funds are budgeted.)

Res. 97-417 adopted (Friedman/Cogdill, unan.; Dobbs, absent) accepting work as complete and authorizing the City Clerk to file Notice of Completion.

10. General Fund Long-Range Financial Policies.
(Motion acknowledging receipt of report and providing input to the Financial Policy

7/15/97

Committee to assist in making final recommendations for Council consideration at a later date needed.)

By motion (Serpa/Cogdill, unan.; Dobbs, absent), acknowledged receipt of report.

ITEM 11 DROPPED FROM AGENDA

11. Consider adoption of a resolution rescinding City Council Resolution No. 97-389 and terminating proceedings for the Kiernan Business Park No. 1 Reorganization to the City of Modesto.
(Resolution rescinding Resolution No. 97-389 and terminating proceedings for the Kiernan Business Park No. 1 Reorganization needed.)

12. Consider authorizing City Manager to execute an agreement with the State of California which will provide for \$60,000 in State funds for the Yosemite Boulevard improvements between McClure and Frazine.

Res. 97-418 adopted (Friedman/Cogdill, unan.; Dobbs, absent) approving agreement.

13. Consider authorizing an extension of provisional appointment of Code Enforcement Officer I, through September 25, 1997.

By motion (Friedman/Cogdill, unan.; Dobbs, absent), extended provisional appointment.

14. Consider supporting the creation of Modesto-Khmelnitsky Sister City 10th Anniversary Commemorative Art Project.

By motion (McClanahan/Friedman, unan.; Dobbs, absent), supported the concept of creation of project with input from Redevelopment Agency Advisory Commission, Design Review Committee, and County.

15. Oral Communications

Councilmembers Fisher & McClanahan excused due to conflict of interest.

- a. Robert Guardiola spoke about concerns with 10th Street Place project in relation to his business.
 - b. Councilmember McClanahan referred to Mr. O'Brien's remarks of July 8 Council meeting regarding safety of children after participation in recreation programs at parks. Paul Baxter reported the misunderstanding had been cleared up within 24 hours of the meeting.
16. Matters Too Late For The Agenda

City Attorney Mike Milich requested Council to determine an emergency exists as determined by law and to consider as a part of Closed Session a legal issue pursuant to Government Code Section 54956.9(c).

By motion (Friedman/Cogdill, unan.; Dobbs, absent) determination was made.

17. Closed Session

This meeting will adjourn to the Third Floor East Conference Room for a closed session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Jenny Marie McCracken v. Yosemite Community College District, City of Modesto, et al., Stanislaus County Superior Court Action No. 34736.

ADJOURNMENT

Meeting adjourned at 7:58 p.m. City Attorney returned at 9:15 p.m. and reported that the City Council authorized the City Attorney to initiate litigation. The action, the defendants, and other particulars will be disclosed to any person upon inquiry once the litigation is formally commenced, unless to do so would jeopardize the City's ability to affect service of process on one or more unserved parties or that to do so would jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

COUNCIL MEETING OF TUESDAY, JULY 22, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 21

Item #17 removed from Consent

(Friedman/Dobbs, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of City-produced documentary "Modesto's Story: Great Flood of January 1997.

Video presented by Communications and Marketing Division.

City Manager recognized City Attorney Mike Milich with 10 year service pin.

MINUTES

2. Approval of the minutes of the special City Council meeting of July 11, 1997, and the regular City Council meeting of July 15, 1997.
(Motion approving needed.)

By motion (Friedman/Dobbs, unan.), minutes approved.

HEARINGS

3. Hearing to consider the appeal of Cornerstone Church Development, Inc., on behalf of Tuolumne Christian School, to a Planning Commission decision denying an application for the abandonment of a portion of Calaveras Avenue at Tuolumne Boulevard to allow for expansion of the existing Christian School at 133 Tuolumne Boulevard.

By motion (Friedman/Fisher, unan.) item continued to August 12, 1997.

Councilmember McClanahan excused due to conflict of interest.

4. Hearing to consider the request of Jack R. Jones, on behalf of Modesto Garbage Company, Inc., for a merge of Modesto Garbage Co., Inc. with United Waste Systems, Inc.

By motion (Cogdill/Fisher, unan.; McClanahan, absent), item continued to August 26, 1997.

7/22/97

BIDS

5. Consider approving specifications and authorizing call for bids for printing of the monthly utility bill insert and quarterly employees' newsletter, for up to three years. (Suggested bid opening: August 12, 1997, at 11:00 a.m. Resolution approving specifications and authorizing bid call needed. Estimated cost for Fiscal Year '97-98 only: \$28,000. Funds are budgeted.)

Res. 97-419 adopted (Friedman/Dobbs, unan.) approving specifications and authorizing call for bids on August 12, 1997

6. Consider rejecting all bids received for furnishing utility billing software and related installation for the Finance Department's Customer Services Division and authorizing new bid call. (Suggested bid opening: August 27, 1997, at 11:00 a.m. Resolution rejecting bids and authorizing new bid call needed. Estimated cost: \$128,000. Funds are budgeted.)

Res. 97-420 adopted (Friedman/Dobbs, unan.) rejecting all bids and authorizing call for bids on August 27, 1997

7. Consider waiving formal bid procedures and authorize the purchase of one package pump station from Dakota Pump, Inc. for a total price of \$79,691.58. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-421 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures authorizing purchase.

8. Consider waiving formal bid procedures and authorize the purchase of Granular Activated Carbon (GAC) from the City of Fresno contract with Northwestern Carbon to meet the City's needs for Fiscal Year 1997-1998 for a total cost not to exceed \$282,304. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-422 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures authorizing purchase.

9. Consider declaring Bass Telecom, Inc. low bidder and authorizing the purchase of a Fiber Optic Computer Network Backbone System for the total price of \$33,138.32. (Resolution declaring Bass Telecom, Inc. low bidder and authorizing purchase needed. Funds are budgeted.)

Res. 97-423 adopted (Friedman/Dobbs, unan.) declaring low bidder and

authorizing purchase.

10. Consider amending the Modesto Municipal Code to allow the Police Department to cite those camping, etc., in areas specifically marked with "No Trespassing signs. (Introduction of an ordinance amending Section 12-4.202 of Article 2 of Chapter 4 of Title XII of the Modesto Municipal Code relating to general regulations governing use of parks needed.)

Ord. No. 3052-C.S. introduced (Friedman/Dobbs, unan.).

11. Consider supporting National Night Out - August 5, 1997, a coast-to-coast community crime prevention event. (Resolution supporting National Night Out 1997 needed.)

Res. 97-424 adopted (Friedman/Dobbs, unan.) supporting National Night Out 1997.

12. Consider approving agreement with City of Ceres to purchase a van from El Dorado Bus Sales at a cost of \$52,204.84 through a State contract and a 1% fee to the State with Federal Transit Administration (FTA) and Ceres funds, to be leased at no cost to Ceres for use in its Dial-A-Ride Service. (Ceres will reimburse Modesto for its costs associated with the purchase. Modesto's assistance in this project has been requested due to its certification by the FTA for the receipt and expenditure of FTA funds. Resolution approving agreement needed; resolution authorizing purchase from El Dorado Bus Sales needed; and resolution amending the 1997-98 CIP needed.)

Res. 97-425 adopted (Friedman/Dobbs, unan.) approving agreement.

Res. 97-426 adopted (Friedman/Dobbs, unan.) authorizing purchase.

Res. 97-427 adopted (Friedman/Dobbs, unan.) amending the 1997-98 CIP.

13. Consider authorizing City Manager to execute applicable agreements with Landmark Chiropractic IPA of California (Landmark) for provision of chiropractic services to employees enrolled in the City-sponsor HMO plans. (Resolution authorizing City Manager to execute agreements needed.)

Res. 97-428 adopted (Friedman/Dobbs, unan.) authorizing City Manager to execute agreements.

14. Consider authorizing City Manager to execute applicable agreements with Standard Life Company for the City's long term disability and life insurance programs. (Resolution authorizing City Manager to execute agreements needed.)

Res. 97-429 adopted (Friedman/Dobbs, unan.) authorizing City Manager to

execute agreements.

15. Consider amending the Rental Fees and Use Policy to include a "grandfather clause" for regular users of rental facilities (groups and/or organizations that use a rental facility daily, weekly, bi-weekly and/or monthly.
(Resolution amending Rental Use and Fee Policy needed.)

Res. 97-430 adopted (Friedman/Dobbs, unan.) amending Rental Use and Fee Policy.

16. Consider approving lease agreement with Tommie and Linda Thompson for the lease of 1204 River Road (Mancini House).
(Resolution approving lease agreement needed.)

Res. 97-431 adopted (Friedman/Dobbs, unan.) approving lease agreement.

Item #17 removed from Consent.

17. Consider approving agreement with Town Hall Services for Capital Facilities Fees Study Update.
(Resolution approving agreement needed.)

Res. 97-432 adopted (McClanahan/Fisher, majority; Serpa, no) approving agreement.

18. Quarterly Treasurer's Report, June 30, 1997.
(Motion acknowledging receipt of report needed.)

By motion (Friedman/Dobbs, unan.), acknowledged receipt of report.

19. Consider adoption of a resolution rescinding City Council Resolution No. 97-389 and terminating proceedings for the Kiernan Business Park No. 1 Reorganization to the City of Modesto.
(Resolution rescinding Resolution No. 97-389 and terminating proceedings needed.)

Res. 97-433 adopted (Friedman/Fisher, unan.) rescinding Res. No. 97-389 and terminating proceedings.

20. ORAL COMMUNICATIONS

Frank Dave Goodwin commented on harassment of homeless individuals by Police.

WRITTEN COMMUNICATIONS

21. Letter of resignation from the Golf Committee from Frank Muratore.
(Resolution accepting resignation with regret needed.)

7/22/97

Res. 97-434 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

MISCELLANEOUS

22. Appointments

Disabled Access Appeals Board Appointment

Res. 97-435 adopted (Fisher/Dobbs, unan.) appointing James Von Dohlen with term expiration of 1/1/2000.

Economic Development Loan Committee Reappointment

Res. 97-436 adopted (Fisher/Dobbs, unan.) reappointing Sylvester Aguilar with new term expiration of 1/1/2001.

Golf Course Advisory Committee Appointment

Res. 97-437 adopted (Fisher/Dobbs, unan.) appointing Skip McCabe, Creekside Golf Course, with a term expiration of 1/1/2000.

Sign Update Committee Appointments

Res. 97-438 adopted (Fisher/Dobbs, unan.) appointing Bill Seavy, Chamber of Commerce; Allan Johnston, California Electric Sign Association; Kathleen Morgan, Community Qualities Forum; Dan Hopkins, Board of Zoning Adjustment; Dan Thayer, Planning Commission; Michael Pratt, Planning Commission; Cheryl Merritt, Citizen-at-Large; William Gardner, Citizen-at-Large to this new committee comprised of eight members, two representing specific organizations and two citizens-at-large.

23. MATTERS TOO LATE FOR THE AGENDA

None.

24. CLOSED SESSION

The meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

7/22/97

Name of case: Mary Alice Lester v. City of Modesto, et al., Stanislaus County
Superior Court Action No. 113848

ADJOURNMENT

The meeting adjourned at 4:36 p.m. City Attorney returned at 5:15 p.m. and reported no action had been taken.

SPECIAL JOINT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

Tuesday, July 22, 1997, at 7:30 p.m.

Present: Council/Agency Members Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor/Chairperson Lang

Council/Agency Members Fisher and McClanahan excused due to conflict of interest.

City Attorney requested authorization for staff to make minor nonsubstantive changes to all approved documents, if necessary.

HEARINGS

- A. Public hearing of the City Council and the Redevelopment Agency to consider and act upon the sale and development of certain real property pursuant to a proposed Disposition and Development Agreement (the DDA) between the Agency and Civic Partners Modesto.

(Resolution approving Disposition and Development Agreement needed.)

Council Res. 97-439 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan, absent) approving Disposition and Development Agreement.

RDA Res. 21-97 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan, absent) approving Disposition and Development Agreement.

- B. Redevelopment Agency public hearing to consider the proposed sale of certain real property to the City-County Capital Improvements and Financing Authority.
(Resolution approving the proposed sale of certain real property to City-County Capital Improvements and Financing Authority needed.)

RDA Res. 22-97 adopted (Cogdill/Friedman, unan.; Fisher & McClanahan, absent) approving the proposed sale of certain real property to City-County Capital Improvements and Financing Authority.

NEW BUSINESS

- C. Consider approving proposed Master Agreement on 10th Street Place Redevelopment Project between the City of Modesto, the Redevelopment Agency, Stanislaus County and the City-County Joint Powers Agency.

Council Res. 97-440 adopted (Dobbs/Friedman, majority; Serpa, no; Fisher & McClanahan, absent) approving proposed Master Agreement.

RDA Res. 23-97 adopted (Dobbs/Friedman, majority; Serpa, no; Fisher & McClanahan, absent) approving proposed Master Agreement.

7/22/97

- D. Consider authorizing City Manager and City Clerk to sign a Grant Deed transferring title to City-owned properties located on 10th Street and 11th Street to the Redevelopment Agency (APN's 105-37-01 & 05, 105-42-01 & 02).
(Resolution authorizing City Manager and City Clerk to sign Grant Deed needed.)

Council Res. 97-441 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan, absent) authorizing City Manager and City Clerk to sign Grant Deed.

- E. Consider accepting the transfer of title of the property on 10th and 11th Streets from the City of Modesto (APN's 105-37-01 & 05, 105-42-01 & 02).
(Resolution accepting the transfer of land from the City of Modesto to the Redevelopment Agency needed.)

RDA Res. 24-97 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan, absent) accepting the transfer of land from the City of Modesto to the Redevelopment Agency.

- F. Consider approving agreement with the City of Modesto and Rodney R. Johnson and Bradley L. Hawn which transfers the obligations and conditions of the lease of the parking lot at K and 11th Streets from the City of Modesto to the Redevelopment Agency.
(Resolution approving agreement needed.)

Council Res. 97-442 adopted (Cogdill/Friedman, unan.; Fisher & McClanahan, absent) approving agreement.

Item G removed from agenda.

- G. Consider approving agreement with the Redevelopment Agency and Rodney R. Johnson and Bradley L. Hawn which transfers the obligations and conditions of the lease of the parking lot at K and 11th Streets from the City of Modesto to the Redevelopment Agency.
(Resolution approving agreement needed.)

- H. Consider approving an amendment to the agreement between the Redevelopment Agency and the Elizabeth Grace Kokko Trust of July 1991 and Bruce Kokko.
(Resolution approving agreement needed.)

RDA Res. 25-97 adopted (Friedman/Dobbs, unan.; Fisher & McClanahan, absent) approving agreement.

- I. Consider approving agreement with George Kounias, Jr. and the George Kounias, Jr. and Elizabeth Kounias 1996 Trust.
(Resolution approving agreement needed.)

RDA Res. 26-97 adopted (Cogdill/Dobbs, unan.; Fisher & McClanahan,

absent) approving agreement.

J. ORAL COMMUNICATIONS

None.

K. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The JOINT MEETING was adjourned at 9:36 p.m.

MINUTES OF COUNCIL MEETING OF TUESDAY, AUGUST 5, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Serpa, Mayor Lang

Absent: Councilmember Fisher

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 8, 10, 11, 12, 13, 18, 20, 21, 22, 23, 24, 25

(Friedman/Dobbs, unan.; Fisher, absent)

Councilmember McClanahan excused due to conflict of interest

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 9, 19

(Friedman/Dobbs, unan.; Fisher & McClanahan, absent)

Councilmember Dobbs absent due to conflict of interest

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 26

(Friedman/McClanahan, unan.; Dobbs & Fisher, absent)

ITEM #17 REMOVED FROM AGENDA

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang announced National Night Out.

MINUTES

2. Approval of the minutes of the special and regular City Council meetings of July 22, 1997.

(Motion approving needed.)

By motion (Friedman/Dobbs, unan.; Fisher, absent), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3052-C.S. amending the Modesto Municipal Code relating to general regulations governing use of parks.

(Motion adopting needed.)

Ord. No. 3052-C.S. adopted (Friedman/Dobbs, unan.; Fisher, absent).

8/5/97

HEARINGS

4. Hearing to consider an amendment to Section 11-3-8 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, and a portion of Planned Development Zone, P-D(333), to a new Planned Development Zone, P-D(520), to allow a multi-screen theater complex with supporting commercial pad uses, property located on the west side of Dale Road at Vintage Drive extended, immediately north of Vintage Faire Mall. (Cinemark USA, Inc.) (Continued from May 6, and July 15, 1997 City Council meetings.)
(Introduction of ordinance rezoning needed; resolution approving development plan needed; resolution with findings provided by E.A. No. 97-14 judging project as being within scop of MEIR needed.)

Item continued to August 19, 1997 (McClanahan/Friedman, unan.; Fisher, absent).

Councilmember Friedman absent due to conflict of interest.

5. Hearing to consider approval of the issuance of Health Facility Insured Revenue Bonds in an amount not to exceed \$30,000,000 for the purpose of assisting Memorial Hospitals Association in the refinancing of Series 1991A and 1991B Memorial Bonds. (Resolution needed relating to the financing and refinancing of additions and improvements at the Health Facilities owned and operated by Memorial Hospitals Association; approval of the issuance of bonds in an amount not to exceed \$30,000,000 and the loan of the proceeds to Memorial Hospitals Association.)

Res. 97-443 adopted (Dobbs/Cogdill, unan.; Fisher & Friedman, absent) relating to the financing and refinancing of additions and improvements at the Health Facilities owned and operated by Memorial Hospitals Association.

Councilmember Dobbs excused due to conflict of interest.

6. Hearing to consider the appeal of the Council of the Beyer Park Area Community to a Board of Zoning Adjustment decision regarding an application of AT&T Wireless Services for a conditional use permit in the R-1 Zone to allow cellular antennas to be mounted at 70 feet high on a 90-foot high ballfield light standard and addition of a radio equipment shelter in the northeast portion of the Beyer Park located south of Sylvan Meadows Drive, east of Beyer Park Drive.

Res. 97-444 adopted (Friedman/Cogdill, unan.; Dobbs & Fisher, absent) upholding Board of Zoning Adjustment's decision, with a location change to the southeast corner of Beyer Park, as proposed by applicant.

7. Hearing to consider the proposed closure of alleys located between Maple, Oak, and Pine Streets, west of North Martin Luther King Drive, and east of the Modesto Irrigation District Briggs Ditch.
(Resolution approving alley closures needed.)

8/5/97

Res. 97-445 adopted (McClanahan/Dobbs, unan.; Fisher, absent) approving alley closures.

BIDS

8. Consider authorizing the City Manager to execute an agreement with Stanislaus County Redevelopment Agency for installation of a waterline in Santa Cruz Avenue; and consider awarding contract for the Santa Cruz waterline to D. R. Yount Construction Company for \$364,990; and consider amending the budget to recognize \$150,000 contribution from Stanislaus County Redevelopment Agency to fully fund the project.
(Resolution approving agreement with Stanislaus County Redevelopment Agency needed; resolution awarding contract needed; and resolution amending budget needed. Total estimated cost: \$412,448.70 (contract \$364,990; other \$47,448.70) Funds are budgeted.)

Res. 97-446 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement with Stanislaus County Redevelopment Agency.

Res. 97-447 adopted (Friedman/Dobbs, unan.; Fisher, absent) awarding contract.

Res. 97-448 adopted (Friedman/Dobbs, unan.; Fisher, absent) amending budget.

Councilmember McClanahan excused due to conflict of interest

9. Consider awarding contract for the rockwell replacement/addition project for 1997-98 to Ross F. Carroll, Inc. for \$383,323.
(Resolution awarding contract needed. Total estimated cost: \$429,321.76 (contract \$383,323; const. admin. & contingencies \$45,998.76) Funds are budgeted.)

Res. 97-449 adopted (Friedman/Dobbs, unan.; Fisher & McClanahan, absent) awarding contract.

10. Consider awarding contract for the College Avenue overlay project between Briggsmore Avenue and Cecil Way to George Reed, Inc. for \$386,666.
(Resolution awarding contract needed. Total estimated cost: \$429,000.00 (contract \$383,323; const. admin. & contingencies \$42,334.00) Funds are budgeted.)

Res. 97-450 adopted (Friedman/Dobbs, unan.; Fisher, absent) awarding contract.

11. Consider accepting the contract of Richard A. Heaps Electrical Contractor, Inc. as complete for the Yosemite Boulevard street lighting project - D Street to Las Flores and authorize the City Clerk to file the Notice of Completion. (Original contract: \$78,792)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Total final cost: \$75,135.45. Funds are budgeted.)

8/5/97

Res. 97-451 adopted (Friedman/Dobbs, unan.; Fisher, absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

12. Consider accepting the contract of Ross F. Carroll, Inc. as complete for the rockwell replacement/addition project for 1996-97 as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$356,330)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Total final cost: \$337,842. Funds are budgeted.)

Res. 97-452 adopted (Friedman/Dobbs, unan.; Fisher, absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

13. Consider report regarding the extra cost for relocating the motor control center to above flood elevations on the variable speed drive/effluent pumps project.
(Motion acknowledging receipt of report needed. Total estimated cost: \$54,700. Funds are budgeted.)

By motion (Friedman/Dobbs, unan.; Fisher, absent), acknowledged receipt of report.

NEW BUSINESS

14. Consider designation of Voting Delegate and Voting Alternate for the League of California Cities Annual Conference October 12 - October 14, 1997, in San Francisco.
(Motion designating Voting Delegate and Voting Alternate needed.)

By motion (Friedman/Cogdill, unan.; Fisher, absent), designated Mayor Lang as Voting Delegate and Vice Mayor Fisher as Voting Alternate.

15. Consider amending the Modesto Municipal Code relating to drinking in public and outdoor dining in the public rights of way to allow alcohol consumption in conjunction with an eating establishment and to set forth regulations for outdoor dining in the public rights of way.
(Introduction of two ordinances needed.)

Ord. No. 3053-C.S. introduced (Friedman/Dobbs, unan.; Fisher, absent).

Ord. No. 3054-C.S. introduced (Friedman/Dobbs, unan.; Fisher, absent).

16. Consider ordering the demolition of the apartments located at the corner of Sixth and I Streets (601, 607, I Street, 908 Sixth Street); consider authorizing staff to negotiate an agreement for asbestos removal not to exceed \$17,000 and authorizing City Manager to execute agreement; and consider waiving formal bid procedures and authorizing staff to negotiate an agreement not to exceed \$38,000 with Modesto Sand and Gravel for building demolition and authorizing City Manager to execute agreement.

(Resolution needed declaring that 30 days from date of posting property as nuisance has passed; that property owners did not repair or demolish property during the 30 days following posting; that Council has taken jurisdiction of the property and orders demolition or other appropriate action; that project is exempt from environmental review per CEQA Guidelines; that asbestos is present in the building and authorizing staff to negotiate an agreement for asbestos removal, and waiving formal bid procedures (five affirmative votes needed) and authorizing negotiation of agreement with Modesto Sand and Gravel for demolition and authorizing City Manager to execute. Estimated cost: \$55,000. Funds are budgeted.)

Res. 97-453 adopted (Cogdill/Friedman, unan.; Fisher, absent) waiving formal bid procedures, authorizing demolition and asbestos removal.

Item #17 removed from agenda

17. Consider request of Bill Zoslocki, Ashwood Village Apartments LP, for an amendment to the Density Bonus Agreement to grant an addition incentive to the propose Ashwood Village Apartment project.
(Resolution denying request needed.)

18. Consider canvassing the results of the July 22, 1997 election held within Community Facilities District 1997-1 (North Beyer Park Project).
(Resolution canvassing election for Community Facilities District 1997-1 (North Beyer Park Project) needed.)

Res. 97-454 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving canvassing election for Community Facilities District 1997-1 (North Beyer Park Project).

Councilmember McClanahan absent due to conflict of interest

19. Consider authorizing City Manager to execute a Utility Crossing License. agreement with the Modesto and Empire Traction Company (M&ET) in conjunction with the Yosemite widening project from McClure to Frazine.
(Resolution authorizing City Manager to execute the License Crossing agreement needed. Estimated cost: \$250. Funds are budgeted.)

Res. 97-455 adopted (Friedman/Dobbs, unan.; Fisher & McClanahan, absent) authorizing City Manager to execute the License Crossing agreement.

20. Consider approving agreement to acquire real property interests for the Cannery Segregation Project from Tri-Valley Growers, APN 36-24-08.
(Resolution approving agreement needed. Total estimated cost: \$10,000. Funds are budgeted.)

Res. 97-456 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement.

21. Consider approving agreement to acquire real property interests for a lift station and temporary construction easement needed for North Beyer lift station from William T. and Veronica A. Loretelli.
(Resolution approving agreement needed. Total estimated cost: \$25,905. (contract amount \$22,905; escrow \$3,000) Funds are budgeted.)

Res. 97-457 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement.

22. Consider authorizing the disposition of the Highland Ranch I, II and II Special Facilities agreements by a single payment of \$45,000; and consider amending the budget.
(Resolution authorizing the disposition of the Special Facilities agreements needed; and resolution amending budget needed.)

Res. 97-458 adopted (Friedman/Dobbs, unan.; Fisher, absent) authorizing the disposition of the Special Facilities agreements.

Res. 97-459 adopted (Friedman/Dobbs, unan.; Fisher, absent) amending budget.

23. Consider approving air travel policy for staff business travel.
(Resolution approving policy needed.)

Res. 97-460 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving Air Travel Policy for Business Travel.

24. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessments of six 1915 Act Improvement Districts on the 1997-98 property tax bills.
(Six resolutions ordering the levy and collection of assessments within improvement districts needed.)

Res. 97-461 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Improvement District #24, Sewer Improvements.

Res. 97-462 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Improvement District #25, Sewer Improvements.

Res. 97-463 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Improvement District #27, Storm Drainage Improvements.

Res. 97-464 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Improvement District #28, Sewer Improvements.

Res. 97-465 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Improvement District #29, Street and Water System Improvements.

Res. 97-466 adopted (Friedman/Dobbs, unan.; Fisher, absent) ordering the levy and collection of assessments with Public Facilities District #6, Street and Water System Improvements.

25. Consider amending the Position Classification Plan to amend the classification for Youth Program Supervisor.
(Resolution amending Position Classification Plan needed.)

Res. 97-467 adopted (Friedman/Dobbs, unan.; Fisher, absent) amending Position Classification Plan.

Councilmember Dobbs excused due to conflict of interest

26. Consider approval of final map of Silverado at the Village Phase 1 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owner: Jaguar/Sylvan Partnership LP)
(Resolution approving final map and authorizing City Manager to execute agreement needed.)

Res. 97-468 adopted (Friedman/McClanahan, unan.; Dobbs & Fisher, absent) approving final map and authorizing City Manager to execute agreement.

27. ORAL COMMUNICATIONS

None.

28. MATTERS TOO LATE FOR THE AGENDA

None.

29. CLOSED SESSION

The meeting will adjourn to the Third Floor East Conference Room for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Stanley Howard Olson, Jr. vs. City of Modesto
Workers Compensation Appeal Board Case No.
STK 131749

ADJOURNMENT

Meeting adjourned to Closed Session at 8:05 p.m. City Attorney returned at 8:30 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, AUGUST 12, 1997, @ 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 9, 10, 11, 12, 13, 14,
15, 16, 17, 19, 20

(Friedman/Dobbs, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Acknowledgement of Adrian and Able Rojas and presentation of commendation from Chief of Police Jefferson for their heroic actions on June 7, 1997, in saving the lives of two children who were drowning in the Tuolumne River.

Police Chief Jefferson made the presentation and acknowledged the Rojas brothers.

- b. Acknowledgement of support of Graceada G.I.F.T. (Graceada Is A Fun Time) Committee volunteer project to seek donations, prepare Master Plan, and develop a play equipment area in Graceada Neighborhood Park.

Parks & Recreation Assistant Director Pat Foran made the presentation and introduced committee.

- c. Presentation of Certificates of Recognition for the Stanislaus County/City Safety Fair by John Goforth.

John Goforth made the presentation to Council.

- d. Mayor Lang acknowledged Boy Scout Troop 107.

- e. Mayor Lang acknowledged Mayor Mikhail Checkman and his staff of Khmelnytskyi, Modesto's Sister City in the Ukraine.

MINUTES

2. Approval of the minutes of the regular City Council meeting of August 5, 1997. (Motion approving needed.)

By motion (Friedman/Dobbs, unan.), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of:

- a. Ord. No. 3053-C.S. amending the Modesto Municipal Code relating to drinking in public.
- b. Ord. No. 3054-C.S. adding Chapter 15 entitled "Outdoor Dining in Public Rights of Way Permitted" to the Modesto Municipal Code.

(Motion adopting needed.)

By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3053-C.S. and Ord. No. 3054-C.S.

HEARINGS

4. Hearing to consider the appeal of Cornerstone Church Development, Inc., on behalf of Tuolumne Christian School, to a Planning Commission decision denying an application for the abandonment of a portion of Calaveras Avenue at Tuolumne Boulevard to allow for expansion of the existing Christian School at 133 Tuolumne Boulevard. (Continued from July 22, 1997, City Council meeting.)

Appeal withdrawn at the request of Cornerstone Church Development Inc.

BIDS

5. Consider award of contract for the parallel outfall sewer, Phase III project to Mauldin-Dorfmeier Construction, Inc. for \$3,667,505; and consider amending the budget to fully fund the project.
(Resolution awarding contract needed; and resolution amending budget needed. Total estimated cost: \$4,327,655.90 (contract \$3,667,505; other \$660,150.90) Funds are partially budgeted.)

Res. 97-469 adopted (Friedman/Dobbs, unan.) awarding contract.

Res. 97-469A adopted (Friedman/Dobbs, unan.) amending budget.

6. Consider award of contract for the Coffee Road and Claratina Avenue sewer subtrunk and sewer lift station project - North Beyer Park Neighborhood to Mauldin-Dorfmeier Construction, Inc. for \$794,082.
(Resolution awarding contract needed. Total estimated cost: \$913,195 (contract \$794,082; other \$119,113) Funds are budgeted.)

Res. 97-470 adopted (Friedman/Dobbs, unan.) awarding contract.

NEW BUSINESS

Councilmembers Fisher & McClanahan excused due to conflict of interest.

7. Consider motion approving status report on condition to the effectiveness of the Tenth Street Place "Master Agreement" and consider a resolution approving of or, alternatively, authorizing the City Manager to execute the documents as described in the staff reports with agenda.

(Motion approving status report needed, and resolution approving of, or alternatively, authorizing City Manager to execute documents needed.)

By motion (Friedman/Cogdill, unan.; Fisher & McClanahan, absent), approved status report.

Res. 97-471 adopted (Friedman/Cogdill, unan.; Fisher & McClanahan, absent), approving of, or alternatively, authorizing City Manager to execute documents.

8. Consider approving agreement with AT&T Communications to purchase real property at 3705 Oakdale Road, and consider amending the 1997-98 budget to appropriate \$475,000 from to General Fund Contingency Reserves to Fund 130.

(Resolution approving agreement needed; and resolution amending budget needed. Total estimated cost \$950,000 (contract amount \$900,000; City share \$475,000; County share \$475,000; escrow, closing, other \$50,000)

Res. 97-472 adopted (Fisher/Serpa, unan.) approving agreement and authorizing JPA interim financing.

Res. 97-473 adopted (Fisher/Serpa, unan.) amending budget.

9. Consider approving changes in Neighborhood Revitalization Program in Airport Neighborhood.

(Motion approving changes in Neighborhood Revitalization Program needed.)

By motion (Friedman/Dobbs, unan.), approved changes in Neighborhood Revitalization Program.

10. Consider amending Fiscal Year 1998 budget to allocate and transfer \$17,000 in Community Development Block Grant funds for additional police services in the Airport Neighborhood.

(Resolution amending budget needed.)

Res. 97-474 adopted (Friedman/Dobbs, unan.) amending budget.

11. Consider approving agreement consenting to common use with Modesto Irrigation District for the drainage project near Severin and Encina.

(Resolution approving agreement needed. Estimated cost: \$2,500; funds are budgeted.)

Res. 97-475 adopted (Friedman/Dobbs, unan.) approving agreement.

12. Consider approving agreement with Mary C. Vargas, Trustee of the Vargas Family Living Trust UAD 11/28/90; Mary C. Vargas, Trustee of the Marcy C. Vargas Trust UAD 10/22/93; Joseph Lloyd Vargas; and Francis Dee Criswell for acquisition of property rights needed for the parallel outfall project.
(Resolution approving agreement needed. Estimated cost: \$5,400; funds are budgeted.)

Res. 97-476 adopted (Friedman/Dobbs, unan.) approving agreement.

13. Consider approving agreement with David L and Diane M. Verissimo for acquisition of property rights needed for the parallel outfall project.
(Resolution approving agreement needed. Estimated cost: \$2,500. Funds are budgeted.)

Res. 97-477 adopted (Friedman/Dobbs, unan.) approving agreement.

14. Consider approving Right of Entry with Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas for the parallel outfall project.
(Resolution approving Right of Entry needed.)

Res. 97-478 adopted (Friedman/Dobbs, unan.) approving agreement.

15. Consider authorizing the City Manager to execute a loan agreement and associated documents with George and Ellen Kosmas, husband and wife, doing business as Edith's Gourmet Baking Co., under the Community Development Block Grant Small Business Loan Program.
(Resolution authorizing the City Manager to execute loan agreement and associated documents. Total estimated cost: \$49,587. CDBG funds are budgeted.)

Res. 97-479 adopted (Friedman/Dobbs, unan.) approving agreement.

16. Consider requesting League of California Cities sponsored legislation at the 1997 Annual League Conference.
(Resolution supporting legislation needed.)

Res. 97-480 adopted (Friedman/Dobbs, unan.) supporting legislation.

17. Consider introduction of ordinance amending the Municipal Code concerning the 1994 Fire Code.
(Motion introducing ordinance needed.)

By motion, Ord. No. 3055 introduced (Friedman/Dobbs, unan.).

Res. 97-481 setting public hearing for August 26, 1997.

18. ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

19. Letter from Nancy Young, Executive Director, Downtown Improvement District, requesting the use of downtown sidewalks for the selling of merchandise on Friday and Saturday, August 15 and 16, 1997.
(Motion authorizing use of downtown sidewalks needed.)

By motion (Friedman/Dobbs, unan.), authorized use of downtown sidewalks.

20. Letter from George Pettygrove, Cable Advisory Committee, resigning from the Cable Programming Advisory Committee.
(Resolution accepting resignation with regret needed.)

Res. 97-482 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

21. MATTERS TOO LATE FOR THE AGENDA

By motion (Friedman/McClanahan, unan.), it was determined there was a need to take immediate action which came to City's attention after agenda was posted regarding sign ordinance compliance. Concerns are being referred to Community Development and Housing Committee.

ADJOURNMENT

Meeting adjourned to a Closed Session at 5:00 p.m. The City Attorney returned at 5:15 p.m. and reported that the City Council authorized the City Attorney to initiate litigation. The action, the defendants, and other particulars will be disclosed to any person upon inquiry once the litigation is formally commenced, unless to do so would jeopardize the City's ability to affect service of process on one or more unserved parties or that to do so would jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

COUNCIL MEETING OF TUESDAY, AUGUST 19, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

Consent Items 7 and 10 were dropped from the agenda.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 8, 9, 12, 13

(Friedman/Dobbs, unan.)

Councilmember McClanahan excused due to conflict of interest.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 6

(Friedman/Dobbs, unan.; McClanahan, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of August 12, 1997. (Motion approving needed.)

By motion (Friedman/Dobbs, unan.), minutes approved.

HEARINGS

3. Hearing to consider an amendment to Section 11-3-8 of the Zoning Map to rezone from Medium-Density Residential Zone, R-2, and a portion of Planned Development Zone, P-D(333) to a new P-D(520), to allow a multi-screen theater complex and supporting commercial pad uses, property located on the west side of Dale Road at Vintage Drive extended, immediately north of Vintage Faire Mall. (Cinemark USA, Inc.)
(Continued from May 6, July 15, and August 5, 1997, City Council meetings.)
(Introduction of ordinance rezoning needed, and resolution making findings that this rezoning is within the content of the Master EIR needed.)

Res. 97-483 adopted (Cogdill/Fisher, unan.) denying project without prejudice.

4. Hearing to consider an amendment to Planned Development Zone, P-D(510), to allow a church and parking area for Saint Mark Coptic Orthodox Church, property located at 3333 Carver Road, south of Standiford Avenue.
(Introduction of ordinance amending P-D(510) needed; resolution approving

8/19/97

development plan needed; and resolution certifying conformity with General Plan Master EIR needed.)

Ord. 3056-C.S. introduced, (Friedman/McClanahan, unan.).

Res. 97-484 adopted (Friedman/McClanahan, unan.) approving development plan.

Res. 97-485 adopted (Friedman/McClanahan, unan.) certifying conformity with General Plan Master EIR.

BIDS

5. Consider award of contract for the Encina storm drain upgrade project - Phase II to Allen Waggoner Construction, Inc. for \$100,870 and consider approving an appropriation transfer in the amount of \$65,000 to fully fund the project. (Resolution awarding contract needed, and resolution approving appropriation transfer needed. Total estimated cost: \$116,000.50 (contract \$100,870; other \$15,130.50)

Res. 97-486 adopted (Friedman/Dobbs, unan.) awarding contract.

Res. 97-487 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

Councilmember McClanahan excused due to conflict of interest.

6. Consider declaring Evans Communications low bidder for the design and implementation of a voice mail system for a total purchase price of \$91,358. (Resolution declaring Evans Communications low bidder and authorizing purchase needed. Funds are budgeted.)

Res. 97-488 adopted (Friedman/Dobbs, unan.; McClanahan absent) declaring Evans Communications low bidder and authorizing purchase.

Item #7 was removed from Agenda.

7. Consider rescinding Resolution No. 97-55 which authorized the purchase of eighteen various sized trucks and vans through the State of California Local Agency Cooperative Purchasing Program, waiving formal bid procedures and authorizing the purchase of eighteen trucks from various vendors for the total purchase price of \$327,783.92. (Resolution rescinding Res. No. 97-55, waiving formal bid procedures (five affirmative votes needed) and authorizing purchase needed. Funds are budgeted.)
8. Consider waiving formal bid procedures and authorizing the purchase of computers and related equipment, on an as needed basis for fiscal year 1997-98 from Comp USA for a total estimated cost of \$207,268.

(Resolution waiving formal bid procedures (five affirmative votes needed) and authorizing purchase needed. Funds are budgeted.)

Res. 97-489 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

9. Consider report of two loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report. (Motion acknowledging receipt of report needed. Estimated cost: \$16,802. Funds are budgeted.)

By motion (Friedman/Dobbs, unan.), acknowledged receipt of report.

Item #10 removed from Agenda.

10. Consider approving the final map of Millbrook Estates Unit No. 1 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owner: Bright Development) (Resolution approving final map and authorizing City Manager to execute agreement needed.)

11. ORAL COMMUNICATIONS

Ron Jourdenais spoke.

WRITTEN COMMUNICATIONS

12. Letter of resignation from the Housing Rehabilitation Loan Committee from Larry Rone. (Resolution accepting resignation with regret needed.)

Res. 97-490 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

13. Letter of resignation from the Golf Course Advisory Committee from Arnold Blank. (Resolution accepting resignation with regret needed.)

Res. 97-491 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

14. MATTERS TOO LATE FOR THE AGENDA

Community Development Director Phil Testa reported on discussion at the Community Development and Housing Committee meeting regarding sign code

enforcement.

Closed Session was removed from the Agenda.

15. CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One case.

ADJOURNMENT

Meeting adjourned at 9:25 p.m.

COUNCIL MEETING OF TUESDAY, AUGUST 26, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 8, 10, 11,
12, 13, 15, 16

Item 14 Dropped from Agenda

(Friedman/McClanahan, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

2. Approval of the minutes of the regular City Council meeting of August 19, 1996.
(Motion approving needed.)

By motion, (Friedman/McClanahan, unan.) minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3056-C.S. amending P-D(510) to a church and parking area for Saint Mark Coptic Orthodox Church, property located on the west side of Carver Road, south of Standiford Avenue. ((Dr. Maher Abadir)
(Motion adopting needed.)

By motion, (Friedman/McClanahan, unan.) Ord. No. 3056-C.S. adopted.

HEARINGS

4. Hearing to consider the request of Jack R. Jones, on behalf of Modesto Garbage Company, Inc., for a merger of Modesto Garbage Co., Inc. with United Waste Systems, Inc.
(Continued from July 22, 1997, City Council meeting.)

By motion (Friedman/Fisher, unan.) hearing continued to City Council meeting of September 16, 1997, at 7:00 p.m.

5. Hearing to consider the final adoption of Ordinance No. 3055-C.S. amending Section 3-1.101 of Article 1 of Chapter 1 of the Modesto Municipal Code to include express findings to substantiate the modifications made to the 1994 Edition of the Uniform Fire

8/26/97

Code.
(Motion adopting ordinance needed.)

By motion, (Serpa/Fisher, unan.) Ord. No. 3055-C.S. adopted.

6. Consider amending Modesto City Council Res. No. 91-185 which establishes the procedures and requirements for the consideration of Development Agreements. (Resolution amending Resolution No. 91-185 needed.)

Res. 97-492 adopted (Fisher/Friedman, unan.) amending Resolution No. 91-185.

7. Hearing to consider proposed development agreements between the City of Modesto and certain owners of property located in the Pelandale-Snyder Specific Plan Area, located on the east side of Dale Road between Snyder Avenue and Pelandale Avenue, concerning the provision of City sewer service to the properties. (Introduction of ordinance approving development agreements needed.)

By motion, (Friedman/Cogdill, majority; Fisher, McClanahan, Serpa, no) Ord. No. 3057-C.S. introduced.

BIDS

8. Consider waiving formal bid procedures and authorize the purchase and installation of an upgrade to the City's current network infrastructure hardware, utilizing the State of California Multiple Award Schedule (CMAS) contract with Cabletron Systems for \$77,336.52 to be used in the conversion from the IBM 4381 Mainframe to the Client/Server environment. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-493 (Friedman/McClanahan, unan.) adopted waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

9. Hearing to consider amending Chapter 12 of Title IV of the Modesto Municipal Code to change the name from Neighborhood Preservation Ordinance to the Community Preservation Ordinance and establish new administrative remedies, define public nuisances and authorize authority to abate nuisances, define nuisance causing behavior, and to regulate vacant and boarded buildings. (Motion introducing ordinance needed.)

By motion, (Serpa/Friedman, unan.) Ord. No. 3058-C.S. introduced.

10. Consider amending Title VIII, Chapter 3, Articles 1, 2 and 3 of the Modesto Municipal Code allowing the City Manager to approve and authorize all contracts and purchase

8/26/97

orders involving an expenditure of City funds in amounts of \$50,000 or less, and allowing City department heads to make emergency purchases up to \$5,000. (Motion introducing ordinance needed.)

By motion, (Friedman/McClanahan, unan.) Ord. No. 3059-C.S.

11. Consider approving an agreement with Crawford, Multari & Clark Associates to update the Sign Regulations in the Municipal Code, not to exceed \$24,000 including materials and motion authorizing services such as printing, Sign Improvement Committee costs, etc. generated locally not to exceed \$6,000. (Resolution approving agreement needed. Funds are budgeted.)

Res. 97-494 (Friedman/McClanahan, unan.) adopted approving agreement.

12. Consider approving staff recommendations for Phase I Ralph Anderson & Associates Study which includes reclassifications and reallocations for which class specifications and established salary ranges exist; and consider amending the Class Range Tables to amend the salary for Systems Technician and Senior Wastewater Treatment Plant Operator. (Motion approving reclassifications and reallocations for existing class specifications and established salary ranges needed, and resolution amending Class Range Tables needed. Total estimated cost: \$49,486. Funds are budgeted.)

By motion, (Friedman/McClanahan, unan.) approved reclassifications and reallocations for existing class specifications and established salary ranges.

Res. 97-495 (Friedman/McClanahan, unan.) adopted amending Class Range Tables.

13. Consider approving agreement with Kleinfelder, Inc. in the amount of \$127,585 to perform geotechnical and concrete testing services for the Primary Plant Headworks and Cannery Segregation Project in accordance with Administrative Directive No. 3.1. (Resolution approving agreement needed. Funds are budgeted.)

Res. 97-496 (Friedman/McClanahan, unan.) adopted approving agreement.

DROPPED FROM AGENDA

14. Consider approval of the final map of Millbrook Estates Unit No. 1 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owner: Bright Development) (Resolution approving final map and authorizing the City Manager to execute subdivision agreement needed.)

15. Consider approving a one month water bill discount as an incentive for customers to assist in the collection of samples for copper/lead testing.

8/26/97

(Resolution approving water bill discount needed. Estimated cost: \$10,000. Funds are budgeted.)

Res. 97-498 (Friedman/McClanahan, unan.) adopted approving water bill discount.

16. Consider approving an agreement with Modesto Irrigation District for line clearance tree trimming.
(Resolution approving agreement needed.)

Res. 97-499 (Friedman/McClanahan, unan.) adopted approving agreement.

ORAL COMMUNICATIONS

17. None

MISCELLANEOUS

Appointments

18. Golf Advisory Committee

Res. 97-500 (Friedman/Cogdill, unan.) adopted appointing Dave Haley to Golf Advisory Committee.

19. MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

Meeting adjourned at 5:16 p.m.

COUNCIL MEETING OF TUESDAY, SEPTEMBER 2, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 9, 11

(Fisher/Serpa, unan.)

Councilmember Friedman excused due to conflict of interest.
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 10

(Serpa/Dobbs, unan.; Friedman absent)

Vice Mayor Fisher and Councilmember Cogdill excused due to conflict of interest.
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 12

(Friedman/Serpa, unan.; Fisher & Cogdill absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

2. Approval of the minutes of the regular City Council meeting of August 26, 1997.
(Motion approving needed.)

By motion (Fisher/Serpa, unan.), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of:
- a. Ord. No. 3058-C.S. amending Chapter 12 of Title IV of the Modesto Municipal Code relating to Community Preservation.
 - b. Ord. No. 3059-C.S. amending the Municipal Code relating to City contracts.

(Motion adopting needed.)

By motion (Fisher/Serpa, unan.), final adoption of Ord. No. 3058-C.S. and Ord.

9/2/97

HEARINGS

4. Hearing to consider an amendment to the Kiernan Business Park Specific Plan to allow indoor theaters in the Regional Commercial Designation with a Planned Development Zone. (Paquet Development)
(Resolution approving amendment to Specific Plan needed, and resolution finding that the amending is consistent with the Kiernan Business Park EIR needed.)
(Letter from Dennis Wilson, Mid-Valley Engineering, on behalf of Dennis Paquet, has been received requesting a continuance. It is suggested the hearing be continued to October 7, 1997, at 7:00 p.m.)

By motion (Dobbs/McClanahan, unan.), continued to October 7, 1997.

5. Hearing to consider amending Section Map 2-3-8 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(524), for the development of a 16-screen theater and retail commercial center, located on the north side of Pelandale Avenue, east of Sisk Road. (Paquet Development)
(Ordinance rezoning needed; resolution approving development plan needed, and resolution finding rezoning is consistent with Kiernan Business Park EIR needed.)
(Letter from Dennis Wilson, Mid-Valley Engineering, on behalf of Dennis Paquet, has been received requesting a continuance. It is suggested the hearing be continued to October 7, 1997, at 7:00 p.m.)

By motion (Friedman/Dobbs, unan.) continued to October 7, 1997.

BIDS

6. Consider amending Res. No. 97-55, reducing the quantity of trucks purchased through the State Cooperative Purchasing Program from 18 to 7 trucks; waiving formal bid procedures and authorizing the purchase of 11 trucks from various vendors for the total price of \$103,764.
(Resolution amending Res. No. 97-55, waiving formal bid procedures, and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-501 adopted (Fisher/Serpa, unan.) amending Res. No. 97-55, waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

7. Consider designating Voting and Alternate Voting Delegates for the Annual Congress of Cities in Philadelphia, Pennsylvania, from December 3-6, 1997.
(Motion designating Voting and Alternate Voting Delegates needed.)

By motion (Cogdill/Friedman, unan.), Vice Mayor Fisher appointed as Voting Delegate, Councilmember Dobbs as Alternate Voting Delegate.

8. Consider approving an agreement with The Modesto Bee for construction of a press box facility at John Thurman Field; consider amending the CIP Budget to appropriate \$250,000 from the Special Fund for Capital Outlay (Fund 130) Reserve to 130-310-J890, Thurman Field Press Facility, estimating \$25,000 in revenue to Fund 130; consider authorizing City Manager to negotiate and execute an agreement with Pacific Design Associates, Inc. for architectural services for the press facility project not to exceed \$32,000; consider authorizing staff to seek proposals for the press box elevator; and consider amending the CIP Budget appropriating an additional \$151,618 from the Special Fund for Capital Outlay (Fund 130) Reserve to 130-310-H838, Thurman Field Renovation, and estimating \$21,000 in revenue to Fund 130. (Resolution approving agreement with The Modesto Bee needed; resolution amending CIP needed; resolution authorizing City Manager to negotiate and execute agreement with Pacific Design needed; motion authorizing staff to seek proposals for press box elevator needed; and resolution amending CIP to appropriate additional funds and estimate revenue needed.)

(Serpa/Fisher) to approve agreement with Modesto A's conditioned upon the A's sharing in cost -- motion failed.

Res. 97-502 adopted (McClanahan/Friedman, majority; Cogdill, no) approving agreement.

Res. 97-503 adopted (McClanahan/Friedman, majority; Cogdill, no) amending CIP.

Res. 97-504 adopted (McClanahan/Friedman, majority; Cogdill, no) authorizing City Manager to negotiate and execute agreement with Pacific Design Architects.

By motion (McClanahan/Friedman, majority; Cogdill, no) approved authorizing staff to seek proposals for press box elevator.

Res. 97-505 adopted (Fisher/Dobbs, majority; Cogdill & Serpa, no) amending CIP.

9. Consider approving an amendment to the agreement with Archibald & Wallberg consultants to provide technical assistance for the National Pollutant Discharge Elimination Systems (NPDES) Stormwater Permit. (Resolution approving amendment to the agreement needed. Total estimated cost: \$80,000. Funds are budgeted.)

Res. 97-506 adopted (Fisher/Serpa, unan.) approving amendment to agreement.

Councilmember Friedman excused due to conflict of interest.

9/2/97

10. Consider authorizing City Manager to execute a License Agreement with Modesto Irrigation District to allow the City to pump storm drain water into MID Lateral No. 3. (Resolution authorizing City Manager to execute agreement needed.)

Res. 97-507 adopted (Fisher/Serpa, unan.; Friedman absent) authorizing City Manager to execute agreement.

11. Consider approving agreement with W.H. Breshears, Inc. to acquire real property interests APN 102-17-09 and 11 for the Cannery Segregation Project. (Resolution approving agreement needed. Total estimated cost: \$1,361.20. Funds are budgeted.)

Res. 97-508 adopted (Fisher/Serpa, unan.) approving agreement.

Councilmembers Cogdill & Fisher excused due to conflict of interest.

12. Consider approving an agreement with REDEV, Inc. which authorizes the City to proceed with eminent domain proceedings and reimbursement by the developer for right of way in Village One, Symphony Place Subdivision. (Resolution approving agreement needed.)

Res. 97-509 adopted (Friedman/Serpa, unan.; Cogdill & Fisher absent) approving agreement.

13. ORAL COMMUNICATIONS

None.

14. MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54556.9 of the Government Code: One case.

ADJOURNMENT

Meeting adjourned to Closed Session at 7:31 p.m. The City Attorney returned at 8:50 p.m. and reported no action had been taken.

9/2/97

COUNCIL MEETING OF TUESDAY, SEPTEMBER 9, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: Cogdill

Consent Item #7 removed from Consent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 11, 13, 14, 15, 16

(McClanahan/Friedman, unan.; Cogdill absent)

Councilmember Dobbs excused due to conflict of interest

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 12

(Friedman/McClanahan, unan.; Cogdill & Dobbs absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of year-end report by Linda Hoile, Convention and Visitors Bureau Manager, Modesto Chamber of Commerce.

Linda Hoile made presentation.

By motion, (Friedman/McClanahan, unan.; Cogdill absent) acknowledged receipt of report.

MINUTES

2. Approval of the minutes of the regular City Council meeting of September 2, 1997. (Motion approving needed.)

By motion, (McClanahan/Friedman, unan.; Cogdill absent) minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3057-C.S. approving ten development agreements with certain property owners in the Pelandale/Snyder Specific Plan area located on the south side of Pelandale Avenue, east of Dale Road, north of Snyder Avenue and MID Lateral No. 6, relating to the provision of City sewer service to these properties. (Motion adopting needed.)

By motion, (Friedman/Dobbs, majority; McClanahan & Serpa, no; Cogdill absent) approved final adoption of Ord. No. 3057-C.S.

9/2/97

HEARINGS

4. Hearing to consider the appeal of Warner M. Soelling to a Planning Commission decision concerning a condition of approval of the vesting tentative map of a portion of Eastgate subdivision, located on the north and south sides of Kendall Avenue, west of Santa Paula Drive.
(Letter from Warner Soelling has been received requesting continuance to October 14, 1997, at 4:00 p.m.)
(Motion continuing hearing needed.)

By motion, (Dobbs/McClanahan, unan.; Cogdill absent) continued to October 14, 1997.

Councilmember Dobbs excused due to conflict of interest.

5. Hearing to consider report of work and cost of construction of improvements for the McHenry Mansion sewer gravity line (alley improvements).
(Resolution confirming the report of work and cost of construction of improvements and directing the method of collection of assessments needed.)

Res. 97-510 adopted (Friedman/Fisher, unan.; Cogdill & Dobbs absent) confirming report of work and cost of construction of improvements and directing the method of collection of assessments.

BIDS

6. Consider waiving formal bid procedures and authorizing the purchase of a commuter-style bus from Gillig Corporation for \$259,313.71.
(The bus will be used to provide a connection between Modesto and the Altamont Commuter Express train service stop in Manteca/Lathrop beginning in March 1998 (the date the train service is anticipated to begin.) CMAQ funds will cover 88.53% of the cost, and LTF funds will cover the remaining 11.47%. Resolution waiving formal bid procedures and authorizing purchase needed. Five affirmative votes needed.)

Res. 97-511 adopted (McClanahan/Friedman, unan.; Cogdill absent) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

Item #7 removed from Consent

7. Consider approving an agreement with the Modesto Chamber of Commerce to provide \$229,975.83 in funding to the Convention and Visitors Bureau for Fiscal Year 1997-98.
(Resolution approving agreement needed. Funds are budgeted.)

Res. 97-512 adopted (McClanahan/Fisher, unan.; Cogdill absent) approving

agreement.

8. Consider approving lease agreement with Enrico Foshee for the lease of the McClure Country Place Caretaker's Cottage.
(Resolution approving lease agreement needed.)

Res. 97-513 adopted (McClanahan/Friedman, unan.; Cogdill absent) approving lease agreement.

9. Consider approving an agreement with Environmental Science Associates regarding an update to the General Plan Master EIR (MEIR).
(Resolution approving agreement needed. Estimated cost: \$29,260. Funds are budgeted.)

Res. 97-514 adopted (McClanahan/Friedman, unan.; Cogdill absent) approving agreement.

10. Consider report on the Transportation Expenditure Plan (TEP).
(In 1996, the SAAG Policy Board created a Transportation Expenditure Plan Steering Committee to provide policy recommendations. The purpose of the plan was to match publicly-supported transportation improvements with revenues through a 1/2 or 1/4 cent increase in the local sale tax.
(Motion acknowledging receipt of report needed.)

By motion, (Dobbs/Serpa, unan.; Cogdill absent) acknowledged receipt of report.

11. Consider redesignating seat numbers and changing the number of seats to seven for the Housing Rehabilitation Loan Committee (HRLC).
(Resolution redesignating seat numbers and changing number of seats needed.)

Res. 97-515 adopted (McClanahan/Friedman, unan.; Cogdill absent) redesignating seat numbers and changing number of seats for the HRLC.

Councilmember Dobbs excused due to conflict of interest.

12. Consider adopting the revised Standard Specifications of the City of Modesto.
(Resolution adopting revised Standard Specifications needed.)

Res. 97-516 adopted (McClanahan/Friedman, unan.; Cogdill & Dobbs absent) revising Standard Specifications.

13. Consider approving an agreement with Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto police SWAT activations and hostage negotiations, provide crisis debriefing, and provide for pre-employment psychological screening payable as performed.
(Resolution approving agreement needed. Total estimated cost: \$38,445. Funds are budgeted.)

9/2/97

Res. 97-517 adopted (McClanahan/Friedman, unan.; Cogdill absent) approving agreement.

14. Consider approval of the final map of Olympic Village Unit No. 1 (also known as Olympic Village East Unit No. 1) subdivision, acceptance of improvements, and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owner: L&L Venture) (Resolution approving final map, accepting improvements and authorizing City Manager to execute agreement needed.)

Res. 97-518 adopted (McClanahan/Friedman, unan.; Cogdill absent) approving final map, accepting improvements and authorizing City Manager to execute agreement.

15. Consider approval of the final map of Millbrook Estates Unit No. 1 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Resolution approving the final map and authorizing the City Manager to execute agreement needed.)

Res. 97-519 adopted (McClanahan/Friedman, unan.; Cogdill absent) approving the final map and authorizing the City Manager to execute agreement.

16. Consider canvassing the results of the election held August 19, 1997, within Community Facilities District 1996-1 (Village One) to annex certain territory to the District and levy a special tax therein, and consider introduction of an ordinance authorizing the levy of a special tax within the annexed territory. (Resolution canvassing the results of the election needed, and introduction of ordinance authorizing levy of special tax needed.)

Res. 97-520 adopted (McClanahan/Friedman, unan.; Cogdill absent) canvassing the results of the election.

Ord. No. 3060-C.S. introduced (McClanahan/Friedman, unan.; Cogdill absent).

17. ORAL COMMUNICATIONS

Bill Cameron requested review of the intersection of Hatch and Dallas streets to determine need of a stop sign at the intersection.

18. MATTERS TOO LATE FOR THE AGENDA

None.

19. CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: The Estate of Alice L. Davis, et al., vs. City of Modesto and Ed Steele. Stanislaus County Superior Court Action No. 114788

ADJOURNMENT

Meeting adjourned at 4:59 p.m. to Closed Session. City Attorney returned at 5:55 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, SEPTEMBER 16, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 12, 14

(McClanahan/Fisher, unan.)

Councilmember Friedman excused due to conflict of interest.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 7

(McClanahan/Fisher, unan.; Friedman absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Recognition of the volunteer efforts to upgrade and improve City parks of two local stakes of the Church of Jesus Christ of Latter-Day Saints and Boy Scout Troop 11, sponsored by the Modesto Second Ward.

Assistant Director of Parks & Recreation Patrick Foran made the presentation and introduced volunteers.

Mayor Lang presented a proclamation for Pollution Prevention Week. Karen Rodriguez accepted proclamation and announced Pollution Prevention Week, September 15 thru 19.

MINUTES

2. Approval of the minutes of the regular City Council meeting of September 9, 1997. (Motion approving needed.)

By motion (McClanahan/Fisher, unan.), minutes approved.

HEARINGS

Councilmember McClanahan excused due to conflict of interest.

3. Hearing to consider the request of Jack R. Jones, on behalf of Modesto Garbage Co., Inc. for a merger of Modesto Garbage Co., Inc. with United Waste Systems. (Continued from July 22, 1997, and August 26, 1997, City Council meetings.)

By motion (Fisher/Dobbs, unan.; McClanahan absent) item continued to October 7, 1997.

9/2/97

4. Hearing to consider the following:

Proposed development agreements between the City of Modesto and certain owners of property located in the Carver-Bangs Specific Plan area, concerning the provision of City sewer service to these properties.

Proposed development agreements between the City of Modesto and certain owners of property located in the North Beyer Specific Plan area, concerning the provision of City sewer service to these properties.

Proposed development agreements between the City of Modesto and certain owners of property located in the Fairview Specific Plan area, concerning the provision of City sewer service to these properties.

Proposed development agreements between the City of Modesto and certain owners of property located in the Empire North Unit 1 Specific Plan area, concerning the provision of City sewer service to these properties.

(Ordinance approving development agreements needed.)

Ord. 3061-C.S. introduced (Friedman/Cogdill, majority; Fisher, McClanahan & Serpa, no) excluding Pelandale/Snyder Specific Plan and the Schuler property in the Carver/Bangs Specific Plan.

Councilmember Fisher excused due to conflict of interest.

Proposed development agreements between the City of Modesto and certain owners of property located in the Pelandale-Snyder Specific Plan area, concerning the provision of City sewer service to these properties.

(Ordinance approving development agreement needed.)

Ord. 3062-C.S. introduced (Friedman/Cogdill, majority; McClanahan & Serpa, no; Fisher absent).

5. Hearing to consider the appeal of Vincent Buzzini to a Planning Commission decision concerning the application of J. Steve Collum and Lex Coffroth and Associates, Inc. for an amendment to P-D(147), to include a convenience store with fuel sales and a car wash facility, property located on the southeast corner of Oakdale Road and Brigsmore Avenue, at 1540 Oakdale Road.

Motion (Friedman/Fisher) to proceed with hearing failed.

By motion (Fisher/Cogdill, majority; Friedman & Lang, no) to continue item to November 4, 1997.

6. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone

from R-3 to P-D(523) to allow expansion of an existing medical building, including a new parking area, property located at 601 and 607 16th Street. (Dr. Randall Hayashi) (Introduction of ordinance rezoning needed; resolution approving development plan needed; and resolution certifying conformity with the General Plan Master EIR needed.)

Ord. No. 3063-C.S. introduced (Friedman/Fisher, unan.).

Res. 97-521 adopted (Friedman/Fisher, unan.) approving development plan.

Res. 97-522 adopted (Friedman/Fisher, unan.) certifying conformity with the General Plan Master EIR.

BIDS

Councilmember Friedman absent due to conflict of interest.

7. Consider awarding contract for the Coffee Road road construction and storm drain project to George Reed, Inc. for \$1,196,794, and consider approval of an appropriation transfer in the amount of \$30,377.22 to fully fund the project. (Resolution awarding contract needed; and resolution approving appropriation transfer needed. Total estimated cost: \$1,349,320 (contract \$1,196,794; const. admin. & contingencies \$152,256. Funds are partially budgeted.)

Res. 97-523 adopted (McClanahan/Fisher, unan.; Friedman absent) awarding contract.

Res. 97-524 adopted (McClanahan/Fisher, unan.; Friedman absent) approving appropriation transfer.

8. Consider awarding bids for copy machines for the Police Department and Finance Department Central Services Copy Division and authorizing the purchase of four copy machines from IKON Office Solutions, one copy machine from Mo-Cal Office Machines, and three copy machines from Wolco Business Systems; consider amending the budget to increase funds; and consider approving a master lease purchase agreement with the California Statewide Communities Development Authority under the CaLease Program. (Resolution awarding bids and authorizing purchases needed; resolution amending budget needed; and resolution approving agreement needed. Total estimated cost Fiscal Year: \$76,981.16.)

Res. 97-525 adopted (McClanahan/Fisher, unan.) awarding bids and authorizing purchases.

Res. 97-526 adopted (McClanahan/Fisher, unan.) amending budget.

Res. 97-527 adopted (McClanahan/Fisher, unan.) approving agreement.

9. Consider waiving formal bid procedures and authorize the purchase and installation of an upgrade to the City's RS/6000 computer equipment utilizing the State of California Multiple Award Schedule (CMAS) contract 3-97-70-3074A with Direct System Support (an IBM business partner) for \$373,273.48 to be used in the conversion from the IBM 4381 Mainframe to the Client/Server environment.
(Resolution waiving formal bid procedures and authorizing purchase and installation needed (Five affirmative votes needed.) Funds are budgeted.)

Res. 97-528 adopted (McClanahan/Fisher, unan.) waiving formal bid procedures and authorizing purchase and installation.

10. Consider authorizing City Manager to sign a lease purchase agreement, Supplemental One, under the master lease purchase agreement with Callease Public Funding Corporation (CPFC) for \$760,000 for the financing of computer mainframe replacement equipment; consider declaring official intent to reimburse City with proceeds of a future tax-exempt borrowing for certain capital expenditures undertaken by the City; and consider declaring as surplus the IBM4381 Mainframe computer equipment and authorizing the City Manager to sell the equipment by sealed bid, auction, or as scrap.
(Resolution approving lease purchase agreement needed; resolution declaring intent to reimburse needed; and resolution declaring equipment as surplus and authorizing disposal needed. Total estimated cost Fiscal Year 1997: \$169,815.50. Total cost over five years via lease purchase agreement: \$849,077.50.)

Res. 97-529 adopted (McClanahan/Fisher, unan.) approving lease purchase agreement.

Res. 97-530 adopted (McClanahan/Fisher, unan.) declaring intent to reimburse.

Res. 97-531 adopted (McClanahan/Fisher, unan.) declaring equipment as surplus and authorizing disposal.

NEW BUSINESS

11. Request of Leanora Royster, Executive Director, California Junior Golf Program, requesting the California Junior Golf Program proposal.

By motion (McClanahan/Friedman, unan.) suggested negotiations between FM Golf Leanora Royster take place.

12. Consider amending the City Council resolutions ordering the Fairview Village and Pelandale-Snyder Reorganizations to clarify the City's intention to not succeed to protested Williamson Act contracts in those reorganizations.
(Two resolutions needed.)

Res. 97-532 adopted (McClanahan/Fisher, unan.) amending the resolution

ordering the Fairview Village Reorganization to clarify the City's intention to not succeed to protested Williamson Act contracts in that reorganization.

Res. 97-533 adopted (McClanahan/Fisher, unan.) amending the resolution ordering the Pelandale-Snyder Reorganization to clarify the City's intention to not succeed to protested Williamson Act contracts in that reorganization.

ORAL COMMUNICATIONS

13. Councilmember David Cogdill announced the birth of his first grandson, Connor David, born September 9, 1997.

WRITTEN COMMUNICATIONS

14. Letter of resignation from the Sign Ordinance Committee from William Gardner. (Resolution accepting resignation with regret needed.)

Res. 97-534 adopted (McClanahan/Fisher, unan.) accepting resignation with regret.

MATTERS TOO LATE FOR THE AGENDA

15. None.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

COUNCIL MEETING OF TUESDAY, SEPTEMBER 23, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa

Absent: Mayor Lang

Vice Mayor Fisher conducted the meeting.

Pledge of Allegiance to the Flag

Invocation: David Cogdill

Consent Items Nos. 10 and 21 removed from Consent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22

(Serpa/Friedman, unan.; Lang absent)

Councilmember Dobbs excused due to conflict of interest.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 5

(Serpa/Friedman, unan.; Dobbs & Lang absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Certificate of Recognition to Catholic Social Service Guild for their service benefiting Catholic Charities Senior Programs.

Vice Mayor Fisher presented proclamation.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 16, 1997.

By motion (Serpa/Friedman, unan.; Lang absent) minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3061-C.S. approving eleven development agreements with certain property owners in the Carver-Bangs, Empire North Unit 1, Fairview Village, and North Beyer Specific Plan areas, relating to the provision of City sewer service to these properties.

By motion (Friedman/Cogdill, unan.; Lang absent), item continued to October 7, 1997.

4. Final adoption of Ord. No. 3062-C.S. approving four development agreements with certain property owners in the Pelandale-Snyder Specific Plan areas, relating to the provision of City sewer service to these properties.

By motion (Friedman/Cogdill, unan.; Lang absent), item continued to October 7, 1997.

Councilmember Dobbs excused due to conflict of interest.

5. Final adoption of Ord. No. 3060-C.S. authorizing the levy of a special tax within the area annexed to Community Facilities District No. 1996-1.
(Motion adopting needed.)

By motion (Serpa/Friedman, unan.; Dobbs & Lang absent), final adoption of Ord. No. 3060-C.S. approved.

HEARINGS

6. Hearing to consider the Consolidated Annual Performance and Evaluation Report.
(Resolution approving the Consolidated Annual Performance and Evaluation Report and authorizing the City Manager to execute the report and submit to HUD needed.)

Res. 97-535 adopted (Friedman/McClanahan, unan.; Lang absent) approving the Consolidated Annual Performance and Evaluation Report and authorizing the City Manager to execute the report and submit to HUD.

BIDS

7. Consider authorizing call for bids for furnishing 26 controllers.
(Suggested bid opening: October 14, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Total estimated cost: \$140,000. Funds are budgeted.)

Res. 97-536 adopted (Serpa/Friedman, unan.; Lang absent) authorizing call for bids to be opened October 14, 1997 at 11:00 a.m.

NEW BUSINESS

8. Consider adopting the new Accountability Budgeting System.

Res. 97-537 adopted (Friedman/Cogdill, unan.; Lang absent) adopting the new Accountability Budgeting System.

9. Consider approving an agreement with RRM Design Group for consultant services for Kiernan Business Park Gateway Design for not to exceed \$20,300 including materials,

9/23/97

and consider authorizing services such as printing, etc., generated locally not to exceed \$5,075.

(Resolution approving agreement needed, motion authorizing not to exceed \$5,075 in services generated locally needed.)

Res. 97-538 adopted (Serpa/Friedman, unan.; Lang absent) approving agreement.

By motion (Serpa/Friedman, unan.; Lang absent), authorized not to exceed \$5,075 in services generated locally.

Item #10 removed from Consent.

10. Consider revising the requirements for the operation of the Modesto Farmers' Market located on 16th Street.

Res. 97-539 adopted (Friedman/Dobbs, unan.; Lang absent) revising the requirements for operation of the Modesto Farmers' Market located on 16th Street.

11. Consider authorizing solicitation of proposals for a five-year contract to operate Modesto Area Dial-A-Ride (MADAR) in a joint procurement with the City of Ceres for a contract to operate its dial-a-ride service.

(Price and service benefits may accrue through the joint procurement process. The MADAR contract payments are currently about \$1.1 million annually. Each City would independently select its own contractor and issue its own contract. Both cities may select the same contractor. The selection process would utilize the competitive proposal procedure whereby prices as well as service-oriented factors would determine the selection of the contractor. Motion authorizing solicitation of proposals needed.)

By motion (Serpa/Friedman, unan.; Lang absent), authorized solicitation of proposals.

12. Consider approving an amendment to the lease agreement with Modesto Executive Air Charter for the lease of Corporate Hangar Plots 1 and 2 at the Modesto City-County Airport.

Res. 97-540 adopted (Serpa/Friedman, unan.; Lang absent) approving amendment to agreement.

13. Consider approving agreement with the City of Newman for the use of Modesto Property Agent to acquire two properties.

Res. 97-541 adopted (Serpa/Friedman, unan.; Lang absent) approving agreement.

14. Consider approving lease agreement with Pahrump Heifer Ranch for the use of the

Hailwood Ranch, which is used for land disposal of wastewater by irrigation.

Res. 97-542 adopted (Serpa/Friedman, unan.; Lang absent) approving lease agreement.

15. Consider authorizing to the San Joaquin Valley Unified Air Pollution Control District REMOVE Program (Reduce Motor Vehicle Emissions Program) grant funding.

Res. 97-543 adopted (Serpa/Friedman, unan.; Lang absent) authorizing grant applications.

16. Consider approving an agreement for engineering services with Shutt Moen Associates for the design, engineering, and construction administration of Modesto City-County Airport projects included in AIP Grant 3-06-0153-19, and authorize the City Manager to sign on behalf of the City.
(Resolution approving agreement needed. Estimated cost: \$30,000. Funds are budgeted.)

Res. 97-544 adopted (Serpa/Friedman, unan.; Lang absent) approving agreement.

17. Consider adopting a pilot program within the Community Development Department for a "Project Professional Liability Program."
(Resolution adopting pilot program needed. Estimated cost: \$13,000.)

Res. 97-545 adopted (Serpa/Friedman, unan.; Lang absent) adopting pilot program.

18. Consider report of one loan approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.
(Total estimated cost: \$7,787. Housing Rehabilitation funds are budgeted.)

By motion (Serpa/Friedman, unan.; Lang absent), acknowledged report.

19. Consider accepting the improvements in Rose Lane No. 1 subdivision and authorizing the City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Owners: Florsheim Bros.)

Res. 97-546 adopted (Serpa/Friedman, unan.; Lang absent) accepting improvements and authorizing City Clerk to file Notice of Complete and release bonds.

20. Consider amending the Airport's Land Use Policy, contained in the Airport Master Plan, that restricts aircraft repair and maintenance on the northeast side of the airport (corporate hangar area) to multi-engine and jet aircraft, allowing repair and maintenance to all size aircraft.

Res. 97-547 adopted (Serpa/Friedman, unan.; Lang absent) approving amendment to the Airport's Land Use Policy.

(PW&T to handle)

Item #21 removed from Consent.

21. Consider approving agreement with the Macerich Corporation, new owners of Vintage Faire Mall, to implement the City Hall at the Mall project.
(Resolution approving agreement needed.)

ACTION: Res. 97-548 adopted (Friedman/Serpa, unan.; Lang absent) approving agreement.

(Finance to handle)

CONSENT

22. Consider authorizing \$300 to be transferred from General Fund Cash to Cash on Hand to establish two cash drawers and one change drawer for accepting payments at City Hall at the Mall.
(Resolution authorizing transfer from General Fund Cash to Cash on Hand needed.)

ACTION: Res. 97-549 adopted (Serpa/Friedman, unan.; Lang absent) authorizing transfer from General Fund Cash to Cash on Hand.

(Finance to handle)

23. ORAL COMMUNICATIONS

None.

24. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

COUNCIL MEETING OF TUESDAY, OCTOBER 7, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 13, 14, 16, 18, 19, 20, 21, 22, 23, 26, 27, 28, 30, 31

Consent Items 15, 17, and 25 removed from Consent

ACTION: (Friedman/Dobbs, unan.)

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 26

ACTION: (Friedman/Dobbs, majority; Cogdill and Fisher, no)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation of graffiti rewards and recognition awards by Graffiti Reporting Rewards Committee representative.

Chamber of Commerce representative, Scott Ousdahl, made presentationS.

- b. Presentation of Skate Board Park Fund Raising.

Assistant Parks & Recreation Director Jim Niskanen introduced Skate Park Task Force, who presented a check to the City.

MINUTES

2. Approval of the minutes of the regular City Council meeting of September 23, 1997, and special City Council meeting of September 26, 1997.

By motion (Friedman/Dobbs, unan.), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3061-C.S. approving development agreements with certain property owners in the Carver-Bangs, Empire North Unit 1, Fairview Village, and North Beyer Specific Plan areas, relating to the provision of city sewer service to these properties.

By motion (Friedman/Cogdil, majority; Fisher, McClanahan & Serpa, no), final

10/7/97

adoption of Ord. No. 3061-C.S.

Vice Mayor Fisher excused due to conflict of interest.

4. Final adoption of Ord. No. 3062-C.S. approving development agreements with certain property owners in the Pelandale-Snyder Specific Plan areas, relating to the provision of city sewer service to these properties.

By motion (Cogdill/Friedman, majority; McClanahan & Serpa, no; Fisher absent), final adoption of Ord. No. 3062-C.S.

5. Final adoption of Ord. No. 3063-C.S. rezoning from R-3 to P-D(523), property located at 601 and 607 16th Street. (Dr. Randall Hayashi)

By motion (Friedman/Dobbs, unan.), final adoption of Ord. No. 3063-C.S.

HEARINGS

6. Hearing to consider an amendment to the Kiernan Business Park Specific Plan to allow indoor theaters in the Regional Commercial designation with a Planned Development Zone. (Paquet Development)
(Continued from September 2, 1997 City Council meeting.)
(A letter from Mid-Valley Engineering, on behalf of Dennis Paquet, has been received requesting a continuance to October 21, 1997.)

By motion (McClanahan/Friedman, unan.) continued to October 21, 1997 meeting.

7. Hearing to consider amending Section Map 2-3-8 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(524), for development of a 16-screen theater and retail commercial center, property located on the north side of Pelandale Avenue, east of Sisk Road. (Paquet Development)
(Continued from September 2, 1997 City Council meeting.)
(A letter from Mid-Valley Engineering, on behalf of Dennis Paquet, has been received requesting a continuance to October 21, 1997.)

By motion (Friedman/Fisher, unan.), continued to October 21, 1997 meeting.

Councilmember McClanahan excused due to conflict of interest.

8. Hearing to consider the request of Jack R. Jones, on behalf of Modesto Garbage Co., Inc. for a merger of Modesto Garbage Co., Inc. with United Waste Systems.
(Continued from July 22, August 26, and September 16, 1997 City Council meetings.)

By motion (Cogdill/Fisher, unan.; McClanahan absent), continued to October 21, 1997 meeting.

Councilmember Serpa excused due to conflict of interest.

10/7/97

9. Hearing to consider awarding a one-year extension of its existing franchise to Computer Pathways, Inc. to place benches bearing printed matter thereon along the streets of the City of Modesto and an exclusive lease to advertise in the card rack space inside the City's buses.

By motion (Dobbs/Fisher, unan., Serpa absent), Ord. No. 3065 introduced.

Res. 97-550 adopted (Dobbs/Fisher, unan., Serpa absent) approving extension of lease agreement.

Councilmember Fisher excused due to conflict of interest.

10. Hearing to consider the proposed amendment to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale Avenue, delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards.

By motion (McClanahan/Friedman, unan.; Fisher absent) continued to October 21, 1997.

Councilmember Fisher excused due to conflict of interest.

11. Consider adopting a Financing Plan for the Pelandale-Snyder Specific Plan Area.

By motion (Friedman/McClanahan, unan.; Fisher absent) continued to October 21, 1997.

Councilmember Fisher absent due to conflict of interest.

12. Hearing to consider the application of Tim Fisher/Architecture Plus, Inc. for an amendment to Section 21-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to P-D(473), as an addition to P-D(473), to allow a two-story medical office Building and parking area, property north of East Orangeburg Avenue, west of Sunrise Avenue.

By motion (Dobbs/Cogdill, unan.; Fisher absent) introduced Ord. No. 3064-C.S. amending zoning map.

Res. 97-551 adopted (Dobbs/Cogdill, unan.; Fisher absent) approving development plan.

Res. 97-551A adopted (Dobbs/Cogdill, unan.; Fisher absent) certifying conformity with the General Plan Master EIR.

BIDS

13. Consider authorizing call for bids for furnishing nine new various types of half-ton pickup trucks, or purchase from the California State Contract, or other cooperative contracts, or the lowest non-contract bid, whichever is in the best interest of the City.

10/7/97

(Suggested bid opening: November 24, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Total estimated cost: \$150,500. Funds are budgeted.)

Res. 97-552 adopted (Friedman/Dobbs, unan.) authorizing call for bids.

14. Consider authorizing call for bids for furnishing the printing of Modesto Area Express (MAX) ride guides (information for transit riders), for up to three years.
(Suggested bid opening: October 21, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Total estimated cost: \$19,000. Funds are budgeted.)

Res. 97-553 adopted (Friedman/Dobbs, unan.) authorizing call for bids.

Item 15 removed from Consent

15. Consider awarding contract for painting the exterior of the McHenry Mansion to D. C. Vient for \$42,426.
(Resolution awarding contract needed. Total estimated cost: \$50,000 (contract \$42,426; other \$7,574). Funds are budgeted.)

Res. 97-554 adopted (Fisher/Cogdill, unan.) awarding contract.

16. Consider authorizing the purchase of printing of the monthly utility bill insert for Fiscal Year 1997-1998; November 1997 through June 30, 1998, from Seeger's Printing for the total price of between \$13,016 and \$21,383; and consider authorizing the purchase of printing of the quarterly employees' newsletter for Fiscal Year 1997-1998; November 1997 through June 30, 1998, from Artistic Printing, Inc. for the total price of \$1,202; and consider authorizing the purchase of the monthly utility bill insert and the quarterly employees' newsletter for additional years, up to and including F.Y. 1999-2000, for a total 3-year cost of between \$58,057 and \$91,682.
(Resolution declaring Seeger's Printing and Artistic Printing, Inc. low bidders and authorizing purchases needed. F.Y. 1997-98 funds are budgeted.)

Res. 97-555 adopted (Friedman/Dobbs, unan.) declaring low bidders and authorizing purchases.

Item 17 removed from Consent

17. Consider awarding bid for the purchase of John Thurman Field press box elevator to Keystone Elevator for \$39,600.
(Resolution awarding bid and authorizing purchase needed. Funds are budgeted.)

Res. 97-556 adopted (Friedman/Dobbs, unan.) awarding bid and authorizing purchase.

18. Consider accepting the contract of Rolfe Construction for the Jennie Street and Fairview Avenue water and sewer improvement project as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$148,894)
(Resolution accepting work as complete and authorizing the City Clerk to file the

10/7/97

Notice of Completion needed. Final cost: \$143,215.22. Funds are budgeted.)

Res. 97-557 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

19. Consider accepting the contract of Bowden Electric for the Roosevelt Park tennis court lighting as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$103,686)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$104,249.89. Funds are budgeted.)

Res. 97-558 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

20. Consider accepting the contract of Mauldin-Dorfmeier Construction, Inc. for the Emerald trunk line replacement, Cannery Segregation Section IV project as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$432,873)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$446,144. Funds are budgeted.)

Res. 97-559 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

21. Consider waiving formal bid procedures and authorizing the purchase of eight used, late model sedans from Golden Gate Auto Auction and/or Bay Cities Auto Auction. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Total estimated cost: \$129,000. Funds are budgeted.)

Res. 97-560 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

22. Consider waiving formal bid procedures and authorizing the purchase of two sets of rotary distributor spray arms from Hogan Mfg., Inc., based on a previous formal bid award, for the total price of \$143,038; and consider approving an appropriation transfer in the amount of \$154,200.
(Resolution waiving formal bid procedures and authorizing purchase needed (Five affirmative votes needed); and resolution approving appropriation transfer needed. Total estimated cost: \$154,200.)

Res. 97-561 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

Res. 97-562 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

23. Consider waiving formal bid procedures, due to exigent circumstances, and

authorizing the purchase of the modernization of the City Hall elevator from Thyssen Elevator Corporation for the total price of not to exceed \$85,000, and consider amending the budget to create a new CIP Project (City Hall Elevator Upgrade) from the Building Services Internal Service Fund.

(Resolution waiving formal bid procedures and authorizing purchase needed (Five affirmative votes needed.); and resolution amending the budget needed.)

Res. 97-563 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

Res. 97-564 adopted (Friedman/Dobbs, unan.) amending budget.

NEW BUSINESS

24. Consider acknowledging receipt of Modesto Skate Park Building Fund Donations report, authorizing the use of excess funds on skate park amenities, approving the Initial Study and findings, and approving a modification of Beyer Park Master Plan. (Motion acknowledging receipt of report and authorizing use of excess funds on amenities needed; resolution approving Initial Study and Findings needed; and resolution approving amendment to Beyer Park Master Plan needed; and motion authorizing staff to call for bids needed.)

By motion (McClanahan/Serpa, unan.), acknowledged receipt of report and authorized use of excess funds on amenities.

Res. 97-565 adopted (McClanahan/Serpa, unan.) approving Initial Study and Findings.

Res. 97-566 adopted (McClanahan/Serpa, unan.) approving amending to Beyer Park Master Plan.

By motion (McClanahan/Serpa, unan.), authorized staff to call for bids.

Item #25 removed from Consent

25. Consider introducing an ordinance relating to the abatement of abandoned motor vehicles.

By motion (Fisher/McClanahan, unan.) referred item to Public Safety Committee who will then return item to Council.

26. Consider approving staff recommendations for Phase II Ralph Andersen and Associates Study which includes amending, adopting and deleting job specifications for classifications as outlined in the Agenda Report; and consider amending the Class Range Tables to amend the salaries for the classifications affected by implementation of Phase II of the Ralph Andersen and Associates Study.

(Resolution amending the Position Classification Plan needed; and resolution

amending the Class Range Tables needed. Total estimated cost: \$107,890) Funds are budgeted.)

Res. 97-567 adopted (Friedman/Dobbs, majority; Cogdill & Fisher, no) amending the Position Classification Plan.

Res. 97-568 adopted (Friedman/Dobbs, majority; Cogdill & Fisher, no) amending the Class Range Tables.

27. Consider authorizing the City Manager to certify and send to SAAG the Annual Self-Certification checklist for the Congestion Management Program.

Res. 97-569 adopted (Friedman/Dobbs, unan.) authorizing City Manager to sign Self-Certification form.

28. Consider excusing Mayor Lang from the September 23, 1997, City Council meeting due his trip to Khmel'nitskiy as City of Modesto representative of Sister Cities Program.

By motion (Friedman/Dobbs, unan.), excused Mayor Lang from the September 23, 1997 Council meeting.

ORAL COMMUNICATIONS

29. None.

WRITTEN COMMUNICATIONS

30. Letter from Congress Member Gary Condit requesting support of the U.S. Environmental Protection Agency recommendation to redesignate the San Francisco Bay Area as an air pollution nonattainment area.

Res. 97-570 adopted (Friedman/Dobbs, unan.) supporting the U.S. Environmental Protection Agency recommendation.

MISCELLANEOUS

Legislation

31. Consider opposing 1998 ballot initiative, entitled "Government Cost Savings and Taxpayers Protection Amendment."

Res. 97-571 adopted (Friedman/Dobbs, unan.) opposing ballot initiative.

32. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

COUNCIL MEETING OF TUESDAY, OCTOBER 14, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, McClanahan, Serpa,
Mayor Lang

Absent: Friedman

Items #7 & #11 removed from Consent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 10, 12, 13, 14, 15,
17, 18, 19, 20, 21

(Dobbs/Fisher, unan.; Friedman absent)

Councilmembers Fisher and McClanahan excused due to conflict of interest

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 16

(Dobbs/Cogdill, unan.; Fisher, Friedman & McClanahan absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of October 7, 1997.

By motion (Dobbs/Fisher, unan.; Friedman absent), minutes approved.

UNFINISHED BUSINESS

Councilmember Fisher excused due to conflict of interest.

3. Final adoption of Ord. No. 3064-C.S. rezoning from R-1 to P-D(473), as an addition to P-D(473), property located at 609 E. Orangeburg. (Tim Fisher/Architecture Plus, Inc.)

By motion (McClanahan/Cogdill, unan.; Fisher & Friedman, absent), final adoption of Ord. No. 3064-C.S.

HEARINGS

4. Hearing to consider the appeal of Warner M. Soelling to a Planning Commission decision concerning a condition of approval of the vesting tentative map of a portion of Eastgate subdivision, located on the north and south sides of Kendall Avenue, west of Santa Paula Drive.

(Continued from September 9, 1997, City Council meeting.)

(A letter has been received from Mr. Soelling requesting a continuance.)

10/14/97

By motion (Fisher/Dobbs, unan.; Friedman, absent) continued to November 11 which is a holiday; Council meeting will be held Wednesday, November 12, 1997.

5. Hearing to consider designating the Pacific Telephone Company Building located at 1012 11th Street a Landmark Preservation Site, and to approve a Mills Act Historic Property Contract with Bradley Hawn et. al., property owners, for preservation of the property.

Res. 97-572 adopted (McClanahan/Fisher, unan.; Friedman absent) the Pacific Telephone Company Building as a Modesto Landmark Preservation Site.

Res. 97-572A adopted (McClanahan/Fisher, unan.; Friedman absent) approving Mills Act contract.

BIDS

6. Consider authorizing call for bids for furnishing building permit/land use software and related installation for the Community Development Department's Development Services Division.
(Suggested bid opening: November 10, 1997, at 11:00 a.m. Resolution authorizing call for bids needed. Total estimated cost: \$75,000. Funds are budgeted.)

Res. 97-573 adopted (Dobbs/Fisher, unan.; Friedman absent) authorizing call for bids.

Item #7 removed from Consent.

7. Consider rejecting all bids for the Eighth Street/MID Lateral No. 4 canal extension and directing Public Works and Transportation to redesign the canal extension to accommodate the re-alignment of Highway 132 to connect with the Kansas-Needham overcrossing.

Res. 97-574 adopted (Dobbs/Fisher, unan.; Friedman absent) rejecting all bids and directing redesign.

8. Consider accepting as complete the contract of Valley Slurry Seal Company for the pavement rehabilitation - taxiway C & E slurry seal and general aviation apron seal coat project as complete and authorize the City Clerk to file the Notice of Completion.
(Original contract: \$198,592)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$213,159.72. Funds are budgeted.)

Res. 97-575 adopted (Dobbs/Fisher, unan.; Friedman absent) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

9. Consider accepting as complete the contract of Barham Inc. for the American Legion Hall deck renovation project as complete and authorize the City Clerk to file the Notice

of Completion. (Original contract: \$63,331.
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$79,845.70. Funds are budgeted.)

Res. 97-576 adopted (Dobbs/Fisher, unan.; Friedman absent) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

10. Consider amending the Capital Improvement Budget to fully fund the Briggsmore-Coffee intersection improvement project by transferring \$71,400 from the Claus/Yosemite and Yosemite/Norseman intersection account.

Res. 97-577 adopted (Dobbs/Fisher, unan.; Friedman absent) amending the CIP Budget.

Item #11 removed from Consent.

11. Consider declaring as surplus and authorize the sale of 110 obsolete traffic signal faces; 14 30' round tapered light poles and 48 1120 volt/1500 watt sport lights.

Res. 97-578 adopted (Dobbs/Serpa, unan.; Friedman absent) declaring property as surplus and authorizing sale.

12. Consider waiving formal bid procedures and authorizing the purchase of seven granulated activated carbon (GAC) filters from General Electric Capital Corporation for \$402,656.25, and consider amending the budget.
(Resolution waiving formal bid procedures and authorizing the purchase needed. (Five affirmative votes needed.) Resolution amending the budget needed. Total estimated cost: \$431,224 (purchase \$402,656.25; rent \$28,568.37).

Res. 97-579 adopted (Dobbs/Fisher, unan.; Friedman absent) waiving formal bid procedures and authorizing purchase.

Res. 97-579A adopted (same vote) amending the budget.

13. Consider waiving formal bid procedures and authorizing the purchase of one Global Positioning System (GPS) Total Station from California Surveying and Drafting Supply for \$50,923, and consider amending the budget.

Res. 97-580 adopted (Dobbs/Fisher, unan.; Friedman absent) waiving formal bid procedures and authorizing purchase.

Res. 97-580A adopted (same vote) amending the budget.

NEW BUSINESS

14. Consider amending the Municipal Code Sections relating to speed limits.
(Introduction of an ordinance amending Municipal Code Sections 3-2.1401.1 (Radar) and 3-2.1401 (Non-Radar) needed.

Ord. No. 3066-C.S. introduced (Dobbs/Fisher, unan.; Friedman absent).

15. Consider approval of the final map of Rose Lane No. 2 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

Res. 97-581 adopted (Dobbs/Fisher, unan.; Friedman absent) approving final map and authorizing the City Manager to sign the agreement.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

16. Consider setting a hearing on Tuesday, November 4, 1997, at 7:00 p.m. to vacate two alleys within City Blocks 67 and 57.

Res. 97-582 adopted (Dobbs/Cogdill, unan.; Fisher, Friedman & McClanahan absent) approving Resolution of Intention setting hearing.

17. Consider approving an agreement with the State of California Department of Transportation to accept \$10 million in funding for the Kansas-Needham overhead crossing project.

Res. 97-583 adopted (Dobbs/Fisher, unan.; Friedman absent) approving agreement.

18. Consider approving grant agreement with Center for Human Services for \$3,000 for a local Cable Television Public Access Grant.

Res. 97-584 adopted (Dobbs/Fisher, unan.; Friedman absent) approving grant agreement.

19. Consider approving an agreement with Bava Farms, Ltd. for the acquisition of property rights needed for the Parallel Outfall project.
(Resolution approving agreement needed. Total estimated cost: \$23,000. Funds are budgeted.)

Res. 97-585 adopted (Dobbs/Fisher, unan.; Friedman absent) approving agreement.

20. Consider approving an agreement with The Estate of Aldo Bava and Dorothy Bava for the acquisition of property rights needed for the Parallel Outfall project.
(Resolution approving agreement needed. Total estimated cost: \$10,500. Funds are budgeted.)

Res. 97-586 adopted (Dobbs/Fisher, unan.; Friedman absent) approving agreement.

21. Consider approving an agreement with Ralph Bava, Diane Emilia Bava Amador,

Debra Bava Varni, and Ralph John Bava for the acquisition of property rights needed for the Parallel Outfall project.
(Resolution approving agreement needed. Total estimated cost: \$29,000. Funds are budgeted.)

Res. 97-587 adopted (Dobbs/Fisher, unan.; Friedman absent) approving agreement.

22. ORAL COMMUNICATIONS

None.

23. MATTERS TOO LATE FOR THE AGENDA

None.

24. CLOSED SESSION

This meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following:

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

Property: Purchase, sale or lease of property and/or public facilities located at 1812 Torrid Avenue for Woodland Neighborhood Park.

APN: 81-44-04, 5.52 acres

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto.

George V. Hartmann, Hartmann & Setness, for Thompson Family Trust, under Trust Agreement, dated July 16, 1983.

Under negotiation: Price and terms of payment for portion of each parcel to be acquired.

Property: Purchase, sale or lease of property and/or public facilities located at 1920 Torrid Avenue for Woodland Neighborhood Park.

APN: 81-44-03, 1.27 acres.

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto.

George V. Hartmann, Hartmann & Setness, for
Jesse F. and Rosemarie Young, Husband and
Wife, Joint Tenants.

Under negotiation: Price and terms of payment for portion of each parcel to be
acquired.

ADJOURNMENT

Meeting adjourned at 4:26 p.m. to Closed Session. City Attorney returned at 5:25 p.m. and
reported no action had been taken.

COUNCIL MEETING OF TUESDAY, OCTOBER 21, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ross Briles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 10, 11, 12, 13, 14, 15, 17, 18, 19, 22

(Friedman/Dobbs, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of October 14, 1997.

By motion (Friedman/Dobbs, unan.), minutes approved.

UNFINISHED BUSINESS

Councilmember Serpa excused due to conflict of interest.

3. Final adoption of Ord. No. 3065-C.S. granting one year bus bench franchise extension to Computer Pathways, Inc.

By motion (Dobbs/Fisher, unan.; Serpa absent), final adoption of Ord. No. 3065-C.S. approved.

4. Final adoption of Ord. No. 3066-C.S. amending the Modesto Municipal Code relating to speed limits.

By motion (Friedman/Dobbs, unan.), final adoption of Ord. No. 3066-C.S. approved.

HEARINGS

Councilmember McClanahan excused due to conflict.

10/21/97

5. Hearing to consider the request of Jack R. Jones, on behalf of Modesto Garage Co., Inc. for a merger of Modesto Garbage Co., Inc. with united Waste Systems. (Continued from July 22, August 26, September 16, and October 7, 1997, City Council meetings.)

Res. 97-588 adopted (Cogdill/Dobbs, majority; Fisher & Friedman, no; McClanahan, absent) approving merger

6. Hearing to consider an amendment to the Kiernan Business Park Specific Plan to allow indoor theaters in the Regional Commercial designation with a Planned Development Zone. (Paquet Development) (Continued from September 2, and October 7, 1997, City Council meeting.)

Res. 97-589 adopted (Fisher/Serpa, unan.) denying application.

7. Hearing to consider amending Section Ap 2-3-8 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(524), for development of a 16-screen theater and retail commercial center, property located on the north side of Pelandale Avenue, east of Sisk Road. (Paquet Development) (Continued from September 2, and October 7, 1997, City Council meeting.)

Withdrawn by applicant. No action taken.

Councilmembers Dobbs & Fisher excused due to conflict.

8. Hearing to consider the proposed amendment to the Pelandale-Snyder Specific Plan to allow a phased development of Pelandale-Avenue, delete a collector street connection to Pelandale Avenue, and to modify or delete certain other development standards.

Res. 97-590 adopted (Cogdill/McClanahan, majority; Serpa, no; Dobbs & Fisher, absent) approving amendment to Pelandale-Snyder Specific Plan.

Res. 97-590A adopted (Cogdill/McClanahan, majority; Serpa, no; Dobbs & Fisher, absent) finding that the Specific plan amendment is consistent with the Pelandale-Snyder specific Plan EIR (SCH No. 93042004), and that now new environmental review is needed, pursuant to Section 21166 of CEQA.

9. Consider adopting the Financing Plan for Pelandale-Snyder Specific Plan Area.

Res. 97-591 adopted (Cogdill/McClanahan, majority; Serpa, no; Dobbs & Fisher, absent) approving Financing Plan.

BIDS

10. Consider authorizing call for bids for furnishing one van, three utility vehicles, one

10/21/97

packer truck, three front end loaders and one tractor. (Suggested bid opening: November 24, 1997, at 11:00 a.m. Resolution authorizing bid call needed. Total estimated cost: \$558,000. Funds are budgeted.)

Res. 97-592 adopted (Friedman/Dobbs, unan.) calling for bids to be opened on November 24, 1997 at 11:00 a.m.

11. Consider accepting George Reed, Inc.'s contract for the Sisk Road widening project as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$78,870)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$89,996.60. Funds are budgeted.)

Res. 97-593 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

12. Consider accepting Grover Landscaping Services' contract for the Chrysler 99 Neighborhood Park Phase I project as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$310,250.38)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$320,860.19. Funds are budgeted.)

Res. 97-594 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

13. Consider rejecting all bids for the purchase of lawn mowing services.

Res. 97-595 adopted (Friedman/Dobbs, unan.) rejecting all bids.

NEW BUSINESS

14. Consider approving the refunding of 1992 Water Certificates of Participation in an amount not to exceed \$32,000,000 and related documents, and authorizing related actions in connection therewith.

Res. 97-596 adopted (Friedman/Dobbs, unan.) approving refunding and authorizing related actions.

15. Consider annual approval of City's Investment Policy.

Res. 97-597 adopted (Friedman/Dobbs, unan.) approving Investment Policy.

Councilmember McClanahan excused due to conflict of interest.

16. Consider approving amendments to Chapter 5 of Title V of the Modesto Municipal Code relating to solid waste; and consider approving amendments to Chapter 6 of Title XI of the Modesto Municipal Code relating to collections of Public Utilities

Charges.

Ord. No. 3067-C.S. introduced (Fisher/Cogdill, unan.; McClanahan, absent).

Ord. No. 3068-C.S. introduced (Fisher/Cogdill, unan.; McClanahan, absent).

17. Consider accepting the "COPS MORE" grant in the amount of \$150,000; and consider amending the 1997-98 Budget to appropriate expenditures.

Res. 97-598 adopted (Friedman/Dobbs, unan.) accepting grant.

Res. 97-599 adopted (Friedman/Dobbs, unan.) amending budget.

18. Consider excusing Councilmember Friedman from Council meeting of October 14, 1997, due to her attendance at the Annual League of California Cities Conference in San Francisco October 12 - October 14, 1997.

By motion (Friedman/Dobbs, unan.), excused Councilmember Friedman.

19. Consider authorizing City Manager to execute a consultant contract for outside legal services with Miller, Nelson & Briggs.

Res. 97-600 adopted (Friedman/Dobbs, unan.) approving agreement.

20. ORAL COMMUNICATIONS

Ted Cook commented on lost revenue.

WRITTEN COMMUNICATIONS

21. Letter from Mr. Pete Kolf requesting the cancellation of the "Return of Investment" revenue source and adjustment of the Fiscal Year 1997-98 Budget.

No action taken.

22. Letter of resignation from the Human Relations Commission from Paul A. Horn.

Res. 97-601 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

23. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 9:54 p.m.

COUNCIL MEETING OF TUESDAY, OCTOBER 28, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, Serpa,
Mayor Lang

Absent: McClanahan

Pledge of Allegiance to the Flag

Invocation: Rev. Joel Richards, La Loma Grace Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 12, 13, 14, 15, 16

(Friedman/Fisher, unan.; McClanahan, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of an award to the City of Modesto by Vivian Look of the California Healthy Cities Project for the Airport Neighbors United Project.

Award was accept by Councilmember Friedman.

- b. Presentation to MAX bus driver, Tim Orr, for winning the International Bus Roadeo Competition.

Mayor Lang made the presentation to Tim Orr.

MINUTES

2. Approval of the minutes of the regular City Council meeting of October 21, 1997.

By motion (Friedman/Fisher, unan.; McClanahan, absent), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of:

- a. Ord. No. 3067-C.S. amending Chapter 5 of Title V of the Municipal Code relating to solid waste.
- b. Ord. No. 3068-C.S. amending Sections 11-6.01, 11-6.13, 11-6.14, 11-6.15 and 11-6.16 of Chapter 6 of Title XI of the Municipal Code relating to collection of public utilities charges.

By motion (Friedman/Fisher, unan.; McClanahan, absent), approved final adoption of Ord. No. 3067-C.S. and 3068-C.S.

10/28/97

HEARINGS

Councilmember Dobbs excused due to conflict of interest.

4. Hearing to consider Amendment No. 12 to the Village One Specific Plan to allow changes in public service providers, delete requirement for Business Park Market Study, and allow regional commercial uses in the Business Park.
Res. 97-602 adopted (Fisher/Friedman, unan.; Dobbs & McClanahan, absent) approving amendment.

Res. 97-602A adopted (Fisher/Friedman, unan.; Dobbs & McClanahan, absent) showing this project to be consistent with the EIR.

NEW BUSINESS

5. Oral report on the City of Modesto's plans for El Nino preparedness.

Report given by Pat Foran, Assistant Parks & Recreation Director, and Connie Cassinotto, Communications and Marketing Manager. No action required.

6. Consider authorizing a Water Facilities Revenue Bond Law.
(Introduction of an ordinance relating to powers and procedures to issue Revenue Bonds for the purpose of financing water facilities of the City needed.)

By motion (Friedman/Cogdill, unan., McClanahan, absent), introduced Ord. No. 3069-C.S.

7. Consider approving the following:
 - a. Reorganization of certain City departments and functions;
 - b. Creating the job specifications for Community Services and Neighborhood Connections Director, Operations and Maintenance Director and Engineering and Transportation Director and deleting job specifications for Public Works and Transportation Director and Parks and Recreation Director;
 - c. Amending the Classification Plan and Classification Range Tables;
 - d. Establishing a compensation package for the three new positions; and
 - e. Amending the Modesto Municipal Code to authorize creation of the Engineering and Transportation Department, the Operations and Maintenance Department, and the Community Services and Neighborhood Connections Department.

By motion (Fisher/Serpa, unan.; McClanahan, absent), approved reorganization.

10/28/97

Res. 97-603 adopted (Fisher/Serpa, unan.; McClanahan, absent), amending Position Classification Plan.

Res. 97-604 adopted (Fisher/Serpa, unan.; McClanahan, absent), amending Class Range Tables.

Res. 97-605 adopted (Fisher/Serpa, unan.; McClanahan, absent), authorizing compensation package.

By motion (Fisher/Serpa, unan.; McClanahan, absent), introduced Ord. No. 3070-C.S., eliminating reference to the "Parks and Recreation Department" and to create the "Community Services and Neighborhood Connections Department"; to amend Article 10 of Chapter 3 of Title II of the Modesto Municipal Code to eliminate reference to the "Public Works and transportation Department" and to create the "Operations and Maintenance Department"; and to add Article 12 to Chapter 3 of Title II of the Modesto Municipal Code.

By motion (Fisher/Serpa, unan.; McClanahan, absent), introduced Ord. No. 3071-C.S., amending Sections 7-1.104, 7-1.105, 7-1.106, 7-1.108, 7-1.109, 7-1.110, 7-1.201, 7-1.301, 7-1.304, 7-1.401 and 7-1.404 of Article 1 Chapter 1 of Title VII entitled "use of Park and Recreation Areas and Facilities"; and adding Chapter 5 to Title VII entitled "Street Trees."

By motion (Fisher/Serpa, unan.; McClanahan, absent), introduced Ord. No. 3072-C.S., amending the title of Title XII of the Modesto Municipal Code to eliminate reference to the "Parks and Recreation Department" and to create the "Community Services and Neighborhood Connections Department"; amending Sections 12-1.03, 12-1.04, 12-1.05, 12-1.06 and 12-1.09 of Chapter 1 of Title II; amending Section 12-3.02 of Chapter 3 of Title XII; amending Sections 12-4.101, 12-4.101, 12-4.102, 12-4.103, and 12-4.104 of Article 1 of Chapter 4 of Title XII; repealing Article 2 of Chapter 4 of Title XII; and repealing Chapter 5 of Title XII of the Modesto Municipal Code.

8. Consider approving Modesto Centre Plaza Five-Year Plan and authorizing staff to implement recommendations; consider amending the budget to appropriate \$5,635 from the General Fund Contingency Reserve to the Centre Plaza Fund for additional salaries and benefits for part-time service worker; consider adopting a revised Modesto Centre Plaza Rental Rules, Regulations and Rates Policy, to discontinue Non-profit Rental Rate status for Educational and Governmental Organizations.

Res. 97-606 adopted (Cogdill/Friedman, unan.; McClanahan, absent) approving plan and authorizing staff to implement recommendations.

Res. 97-607 adopted (Cogdill/Friedman, unan.; McClanahan, absent) amending

budget.

Res. 97-608 adopted (Cogdill/Friedman, unan.; McClanahan, absent) approving revised policy.

9. Consider amendment to the agreement with Modesto City Schools for construction and operation of the pool support facility at Johansen High School.

Res. 97-609 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving amendment to agreement.

10. Consider approving amended employment agreements with the City Attorney, City Manager and Clerk/Auditor; and consider salary increase for City Clerk/Auditor.

Res. 97-610 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving amendment to agreement with City Attorney.

Res. 97-611 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving amendment to agreement with City Manager.

Res. 97-612 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving amendment to agreement with City Clerk/Auditor.

Res. 97-613 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving salary increase for City Clerk/Auditor.

11. Resolution approving Right of Entry with Stanley Galas, Bonnie K. Galas, Norman Galas, and June Galas for the Parallel Outfall Project.
(Resolution approving Right of Entry needed. Total estimated cost: \$3,000. Funds are budgeted.)

Res. 97-614 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving Right of Entry.

12. Consider approving changes to Housing Rehabilitation Loan Policy for non-owner occupied properties in the Airport Neighborhood Target Area.

By motion (Friedman/Fisher, unan.; McClanahan, absent), authorized change in Loan Policy.

13. Consider authorizing City Manager to execute an amendment to an agreement with Delamare-Fultz Engineering and Surveying for professional survey services for Capital Improvement Program (CIP) projects.
(Resolution approving amendment to agreement needed. Total estimated cost: \$50,000. Funds are budgeted.)

Res. 97-615 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving amendment to agreement.

14. Consider authorizing contract for repairs to fountain at Centre Plaza with David Vaughn Enterprises, and consider amending the budget to appropriate \$6,000 from the Centre Plaza Fund FF&E Reserve to a Capital, Non-CIP account to repair the display fountain system at the Modesto Centre Plaza.

Res. 97-616 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving contract.

Res. 97-617 adopted (Friedman/Fisher, unan.; McClanahan, absent) amending budget.

15. Quarterly Treasurer's Report - September 30, 1997.

By motion, acknowledged receipt of report.

16. Consider authorizing the City Manager to execute a change order up to \$70,000 for the installation of 19 additional rockwells under the current rockwell replacement/addition project; consider approval of an appropriation transfer in the amount of \$38,000 to fund change order from savings from last year's project.

Res. 97-618 adopted (Friedman/Fisher, unan.; McClanahan, absent) authorizing City Manager to execute change order.

Res. 97-619 adopted (Friedman/Fisher, unan.; McClanahan, absent) approving appropriation transfer.

17. ORAL COMMUNICATIONS

Steve Burke commented on the downtown.

MISCELLANEOUS

Appointments

18. Local Cable Programming Committee

Res. 97-620 adopted (Dobbs/Serpa, unan.; McClanahan, absent) appointing Elizabeth Soderstrom to the Local Cable Programming Committee.

CLOSED SESSION

19. The meeting will adjourn to the Mayor's Chambers for a Closed Session to consider

10/28/97

the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

20. This meeting will adjourn to the Modesto Police Department, 601 Eleventh Street, Modesto, California, to view the new Police Facilities and equipment.

Meeting adjourned to Closed Session at 5:31 p.m. City Attorney returned at 5:48 p.m. and reported that the Council, on a 5 to 1 vote (Fisher, no) directed the City Attorney to initiate litigation. The action, the defendants, and any other particulars shall be disclosed to any person upon inquiry once the action has been formally commenced.

COUNCIL MEETING OF TUESDAY, NOVEMBER 4, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 8, 9, 11

(Friedman/Serpa, unan.)

Councilmember McClanahan excused.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 3

(Friedman/Fisher, unan.; McClanahan, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of October 28, 1997.

By motion (Friedman/Serpa, unan.), minutes approved.

UNFINISHED BUSINESS

Councilmember McClanahan excused for final adoption due to her absence of the introductions.

3. Final adoption of:

- a. Ord. No. 3069-C.S. adding Chapter 8 to Title VIII of the Modesto Municipal Code relating to Water Facilities Revenue Bond Law.
- b. Ord. No. 3070-C.S. amending Chapter 3 of Title VII of the Modesto Municipal Code to eliminate reference to Parks and Recreation Department and Public Works and Transportation Department and to create the Community Services and Neighborhood Connections Department and Operations and Maintenance Department.
- c. Ord. No. 3071-C.S. amending Chapter 1 of Title VII of the Modesto Municipal Code relating to use of Park and Recreation areas and facilities and adding Chapter 5 to Title VII entitled "Street Trees."

11/4/97

- d. Ord. No. 3072-C.S. amending the title of Title XII of the Modesto Municipal Code to eliminate reference to Parks and Recreation Department and to create Community Services and Neighborhood Connections Department amending Chapter 1 of Title II, Chapter 3 of Title XII, Chapter 4 of Title XII and repealing Chapter 5 of Title XII.

By motion (Friedman/Fisher, unan.; McClanahan, absent), approved final adoption of Ord. Nos. 3069-C.S., 3070-C.S., 3071-C.S. and 3072-C.S.

HEARINGS

4. Hearing to consider the appeal of Vincent Buzzini to a Planning Commission decision regarding an amendment to P-D(147), to include a convenience store with fuel sales and a car wash facility, property located on the southeast corner of Oakdale Road and Briggsmore Avenue, at 1540 Oakdale Road.
(Continued from September 16, 1997, City Council meeting.)

No action taken. Dropped from agenda due to appellant withdrawing appeal.

Councilmembers Fisher & McClanahan excused due to conflict of interest.

5. Hearing to consider the vacation and abandonment of the alley in the City of Modesto Block 67 from "J" Street to "K" Street, and a portion of the alley in City of Modesto Block 57 from "J" Street to "K" Street.

Res. 97-621 adopted (Friedman/Dobbs, unan.; Fisher & McClanahan absent) approving vacating and abandoning alleys.

Councilmember McClanahan excused.

6. Hearing to consider amendments to allow changes in public service providers for the Fairview Village, Pelandale/Snyder, Empire North Unit 1, North Beyer Park, Kiernan Business Park and Carver-Bangs Specific Plans.

Res. 97-622 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to Fairview Village Specific Plan.

Res. 97-623 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

Res. 97-624 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to Pelandale/Snyder Specific Plan.

Res. 97-625 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

Res. 97-626 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to Empire North Unit 1 Specific Plan.

Res. 97-627 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

Res. 97-628 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to North Beyer Park Specific Plan.

Res. 97-629 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

Res. 97-630 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to Kiernan Business Park Specific Plan.

Res. 97-631 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

Res. 97-632 adopted (Friedman/Cogdill, unan.; McClanahan, absent) approving amendment to Carver/Bangs Specific Plan.

Res. 97-633 adopted (Friedman/Cogdill, unan.; McClanahan, absent) stating that this project is consistent with previous EIRs.

7. Hearing to consider an amendment to Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(525), for a commercial strip center, property located on the east side of Oakdale Road, south of Wylie Drive. (Kearney Ventures)

Introduced Ord. No. 3073-C.S. (Fisher/Dobbs, unan.; Serpa, no).

Res. 97-634 adopted (Fisher/Dobbs, unan.; Serpa, no) approving development plan.

Res. 97-635 adopted (Fisher/Dobbs, unan.; Serpa, no) with EIR findings.

BIDS

8. Consider declaring Walker Business Forms low bidder and authorizing the purchase of printing of the ride guides for the January to June period of Fiscal Year 1997-1998 for the total price of \$13,150.10, and authorizing the purchase of printing of the ride guides for additional years, up to and including Fiscal Year 1999-2000, for a total of two and a half years estimated cost of \$65,751.
(Resolution declaring Walker Business Forms low bidder and authorizing purchase needed. Funds are budgeted for F.Y. 1997-98.)

Res. 97-636 adopted (Friedman/Serpa, unan.) declaring low bidder and authorizing purchase.

9. Consider declaring McCain Traffic supply low bidder and authorizing the purchase of 22 controllers for the total price of \$138,610.45.

Res. 97-637 adopted (Friedman/Serpa, unan.) declaring low bidder and authorizing purchase.

NEW BUSINESS

10. First Quarter Budget Status Report.
(Motion acknowledging receipt of report needed; resolution amending Fiscal Year 1997-98 Budget and re-estimating revenue for F.Y. 1997-98 needed; resolution establishing revised F.Y. 1996-97 and F.Y. 1997-98 appropriation limits needed, including the price and population factors to be used in the calculations.)

By motion (Friedman/Cogdill, unan.), acknowledged receipt of report.

Res. 97-638 adopted (McClanahan/Friedman, majority; Serpa, no) amending budget excluding Pelandale/Snyder Capital Facilities Fees.

Res. 97-639 adopted (McClanahan/Friedman, unan.) establishing revised appropriation limits.

Res. 97-640 adopted (Friedman/McClanahan, majority; Serpa, no; Dobbs & Fisher absent) approving Capital Facilities Fees for Pelandale/Snyder.

11. Consider approving an amendment to the Memorandum of Understanding between the City of Modesto and the Modesto Fire Fighters Association as it relates to certain sick leave provisions

Res. 97-641 adopted (Friedman/Serpa, unan.) approving amendment.

ORAL COMMUNICATIONS

12. None.

MATTERS TOO LATE FOR THE AGENDA

13. None.

ADJOURNMENT

Meeting adjourned at 7:32 p.m.

COUNCIL MEETING OF WEDNESDAY, NOVEMBER 12, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

A. Certification of canvass of votes at the November 4, 1997, election.

Res. 97-642 adopted (Dobbs/McClanahan, unan.) certifying canvass of votes.

B. Oath of Office by newly-elected City Councilmembers and Modesto Board of Education Members.

Oath given by City Clerk Jean Adams.

C. Remarks

Consent Items #7 & #11 removed from consent.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10

(Friedman/McClanahan, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 8

(Friedman/Fisher, unan.; Cogdill absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation declaring "America Recycles Day" on November 15, 1997.

Mayor Lang presented proclamation to Recycling Coordinator.

MINUTES

2. Approval of the minutes of the regular City Council meeting of November 4, 1997.

By motion (Friedman/McClanahan, unan.), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3073-C.S. amending Section 23-3-9 of the Zoning Map to rezone from R-1 to P-D(525), property located on the east side of Oakdale Road south

11/12/97

of Wylie Drive. (Kearney Ventures)

By motion (Friedman/McClanahan, majority; Serpa, no), final adoption of Ord. No. 3073-C.S.

HEARINGS

4. Hearing to consider the proposed designation of property located at 410 Elmwood Avenue as a Modesto Landmark Preservation Site, and to consider approving a Mills Act Historic Property Contract with Ronnie Gundlach (property owner) for preservation of the property.

Res. 97-643 adopted (Fisher/Friedman, unan.) designating property as Modesto landmark Preservation site.

Res. 97-644 adopted (Fisher/Friedman, unan.) approving Mills Act Historic Property Contract.

5. Hearing to consider the appeal of Warner M. Soelling to a Planning Commission decision concerning a condition of approval of the vesting tentative map of a portion of Eastgate subdivision, located on the north and south sides of Kendall Avenue, west of Santa Paula Drive.
(Continued from September 9, and October 14, 1997, City Council meetings.)

No action taken, appeal was withdrawn by applicant.

NEW BUSINESS

6. Consider waiving provisions of the Modesto Municipal Code to allow businesses in commercial zones additional time to display banners, flags, holiday theme inflatable and display merchandise outdoors from November 15, 1997, through January 15, 1998, without payment of a permit fee.

Res. 97-645 adopted (McClanahan/Friedman, unan.) authorizing one-time only "Holiday (Christmas) Sign Package".

Item #7 removed from Consent.

7. Report on the pricing results of Refunding of 1992 Water Certificates of Participation.

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

Councilmember Cogdill excused due to conflict of interest.

8. Consider approving an agreement with Oates, Erickson and Houlihan for the lease of property located at 2005 Evergreen Avenue, Suite 600, for a Northwest Area Community Policing Substation.

(Resolution approving lease agreement needed. Total estimated cost annually:

11/12/97

\$7,800. Funds are budgeted.)

Res. 97-646 adopted (Friedman/Fisher, unan.; Cogdill, absent) approving lease agreement.

9. Consider approving Right of Entry with Fred J. and Penelope J. Toelkes for the Parallel Outfall project.
(Resolution approving Right of Entry needed. Total estimated cost: \$2,000. Funds are budgeted.)

Res. 97-647 adopted (Friedman/McClanahan, unan.) approving Right of Entry.

10. Consider approving agreement with Dave Elliott, dba Performance Tire and Wheel for relocation compensation for property acquired for the Police Facilities Project.
(Resolution approving agreement needed. Total estimated cost: \$92,000. Funds are budgeted.)

Res. 97-648 adopted (Friedman/McClanahan, unan.) approving agreement.

Item #11 removed from Consent.

11. Consider approving a request for an appropriation transfer in the amount of \$85,000 for the North Beyer Park and Coffee Road/Claratina Neighborhood Sanitary Sewer Subtrunk and Lift Station Construction Project.

Res. 97-649 adopted (Cogdill/Fisher, unan.) approving appropriation transfer.

12. ORAL COMMUNICATIONS

None.

13. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 4:35 p.m.

COUNCIL MEETING OF TUESDAY, NOVEMBER 18, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 7

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Boy Scout Troop 143.

MINUTES

2. Approval of the minutes of the regular City Council meeting of November 12, 1997.

By motion (Friedman/Fisher, unan.), minutes approved.

BIDS

3. Consider accepting as complete the contract of Collins Electrical Company for the SCADA systems addition project - Phase II as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$103,000)
(Resolution accepting work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$92,461.64. Funds are budgeted.)

Res. 97-650 adopted (Friedman/Fisher, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

NEW BUSINESS

4. Consider designation of Councilmember Mike Serpa to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Modesto City Charter.

Res. 97-651 adopted (McClanahan/Friedman, unan.) designating Mike Serpa Vice Mayor for the ensuing year.

5. ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

6. Letter of resignation from Affirmation Action Commission from Marta Alvarez.

Res. 97-652 adopted (Friedman/Fisher, unan.) accepting resignation from Marta Alvarez with regret.

7. Letter of resignation from Affirmation Action Commission from Nancy Bronstein.

Res. 97-653 adopted (Friedman/Fisher, unan.) accepting resignation from Nancy Bronstein with regret.

8. MATTERS TOO LATE FOR THE AGENDA

By motion (Cogdill/Dobbs, unan.), it was determined that there was a need to take immediate action on a matter that came to the City's attention after the agenda was posted. Consideration of final map for Center Court from J.C. Williams was placed on agenda.

By motion (Cogdill/Serpa, unan.) item was referred to the Community Development and Housing Committee.

ADJOURNMENT

Meeting adjourned at 7:26 p.m.

COUNCIL MEETING OF TUESDAY, NOVEMBER 25, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None

Item #5 was removed from the Agenda.

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

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Item #1 was continued to December 9.

Presentation of a grant to the City of Modesto by Marcus Ludwig from the Walmart Corporation to be used for business development marketing materials.

MINUTES

2. Approval of the minutes of the regular City Council meeting of November 18, 1997.

By motion (Friedman/Fisher, unan.), minutes approved.

HEARINGS

Councilmember Cogdill & Dobbs excused due to conflict of interest.

3. Hearing to consider the application of Stewart Bradley for a Precise Plan for Area No. 33 in the Village One Specific Plan, and a concurrent rezoning to Specific Plan-Overlay (SP-O) Zone, for property located on the south side of Merle Avenue west of Fine Avenue.

By motion (Fisher/Friedman, unan.), introduced Ord. No. 3074-C.S. adopting Precise Plan.

By motion (Fisher/Friedman, unan.), introduced Ord. No. 3075-C.S. rezoning.

Res. No. 97-654 adopted (Fisher/Friedman, unan.) certifying use of previous EIR.

4. Hearing to consider the proposed establishment of new green fees for Modesto Municipal, Dryden and Creekside Golf Courses; and consider acknowledging receipt of the Golf Enterprise Fund Fiscal Year 1996-97 Year End Report and the revised Golf Fund Five Year Plan.

Res. 97-655 adopted (McClanahan/Cogdill, majority; Dobbs, Fisher, and Lang,

11/25/97

no) establishing green fees.

By motion (McClanahan/Cogdill, majority; Dobbs, Fisher, and Lang, no),
acknowledged receipt of reports.

BIDS

Item #5 was removed from agenda.

5. Consider declaring Harwood Technologies Enterprises (HTE, Inc.) low bidder and authorize the City Manager to sign a utility billing software license and services agreement for the total price of \$278,358; consider amending the budget to complete funding for the Capital Improvement Project - Utility Billing Software Replacement. (Resolution awarding bid to HTE, Inc. and authorizing City Manager to sign license and agreement needed; resolution amending budget needed. Total estimated cost: \$318,358.)

NEW BUSINESS

6. Report of one \$6,092 loan approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

7. Consider approval of the final map of Center Court subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code; and consider deferral of subdivision fees. (Owners: Charleston Place)

Res. 97-656 adopted (Dobbs/Cogdill, majority; Friedman & Serpa, no) approving final map and authorizing City Manager to sign agreement.

Res. 97-657 adopted (Dobbs/Cogdill, majority; Friedman & Serpa, no) approving the map contingent on receipt of payment of a portion of the fees (\$50,000) and a Letter of Credit for the balance, a signed agreement for the payment of the balance; approve a partial deferral.

ORAL COMMUNICATIONS

8. None.

MISCELLANEOUS

9. Appointments

Housing Rehabilitation Loan Committee

Res. 97-658 adopted (Serpa/Dobbs, unan.) appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2000.

Affirmative Action Commission

Res. 97-659 adopted (Serpa/Dobbs, unan.) appointing Clarence Atterbury, James Anderson and Edwin Penfold to the Affirmative Action Commission, with term expiration of January 1, 1999.

Human Relations Commission

Res. 97-660 adopted (Serpa/Dobbs, unan.) appointing Arnold Naimark to the Human Relations Commission, with a term expiration of January 1, 2000.

Community Qualities Forum

Res. 97-661 adopted (Serpa/Dobbs, unan.) appointing Daniel Hevron, Carman King, Jerome Kopp, and Linda Lewis to the Community Qualities Forum. Daniel Hevron's term expires January 1, 2001; Carman King, Jerome Kopp and Linda Lewis' term expires January 1, 2002.

10. MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

11. The meeting will adjourn to a Closed Session to be held in the Mayor's Chambers to consider the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: The number of potential cases is unknown.

A significant exposure to litigation against the city of Modesto exists based on the following facts and circumstances: In response to the passage of Measure M and the defeat of Measures P and Q in the recent election, the City must now determine whether or not to provide sewer service to a number of development projects.

ADJOURNMENT

The meeting adjourned at 5:05 p.m. City Attorney returned at 6:00 p.m. and reported no action had been taken.

11/25/97

COUNCIL MEETING OF TUESDAY, DECEMBER 2, 1997, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Fisher, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Dobbs, Serpa

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6

(Fisher/Friedman, unan., Dobbs, Serpa, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Boy Scouts and Cub Scouts, Pack 30 and Pack 3, Den 2, were acknowledged by the Mayor.

Marcus Ludwig from the Walmart Corporation presented a \$3,000 check to the Mayor to be used for business development marketing materials.

MINUTES

2. Approval of the minutes of the regular City Council meeting of November 25, 1997.

By motion, minutes approved.

BIDS

3. Consider acceptance of Teichert Construction's contract for the reconstruction of the east levee road at the remote ponds project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$82,406) (Resolution accepting work as complete and authorizing the city Clerk to file the Notice of Completion needed. Final cost: \$67,335.70. Funds are budgeted.)

Res. 97-672 adopted (Fisher/Friedman, unan., Dobbs, Serpa, absent) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

NEW BUSINESS

4. Consider joinder in amicus briefs in: Poway Royal Mobilehome Owners Association v. City of Poway; City of Richmond v. Commission on State Mandates; California Rifle and Pistol Association v. City of West Hollywood; City of San Jose v. State of California; Long Beach Heritage v. Port of Long Beach; 152 Valparaiso v. City of Cotati and Milagra Ridge Partners, Ltd. v. City of Pacifica.

By motion, (Fisher/Friedman, unan., Dobbs, Serpa, absent) authorized joinder in

12/2/97

the seven amicus briefs.

5. Consider approving the extension of terms of office for Affirmative Action Commissioners from two to four years; and consider approving the extension of Commissioner Robert Andrews' term of office.

Res. 97-673 adopted (Fisher/Friedman, unan., Dobbs, Serpa, absent) extending the terms of office for Affirmative Action Commissioners from two to four years.

Res. 97-674 adopted (Fisher/Friedman, unan., Dobbs, Serpa, absent) approving the extension of Commissioner Robert Andrews' term of office to December 2000.

6. Consider approving an agreement with Shutt Moen Associates for the design, engineering, and construction administration of the Modesto City-County Airport projects included in AIP Grant 3-06-0153-20, and authorize the City Manager to sign on behalf of the City.

Res. 97-675 adopted (Fisher/Friedman, unan., Dobbs, Serpa, absent) approving agreement with Shutt Moen Associates.

7. ORAL COMMUNICATIONS

None

8. MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

COUNCIL MEETING OF TUESDAY, DECEMBER 9, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: None
Councilmember Dobbs arrived at 4:20 p.m.

Consent Items 11, 14, 29, 30 removed from Consent
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 10, 12, 13, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 31, 32, 33

(Friedman/Serpa, unan.; Dobbs, absent)

Councilmember McClanahan excused due to conflict of interest.
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 20

(Friedman/Cogdill, unan.; Dobbs & McClanahan, absent)

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation to the National Association of Town Watch National Award Winner for the 14th Annual National Night Out program.

Police Chief Paul Jefferson presented awards to officers.

MINUTES

2. Approval of the minutes of the special City Council meeting of December 1, 1997, and the regular City Council meeting of December 2, 1997.

By motion (Friedman/Serpa, unan.; Dobbs, absent), minutes approved.

UNFINISHED BUSINESS

Councilmember Cogdill excused due to conflict of interest.

3. Final adoption of:

- a. Ord. No. 3074-C.s. adopting a Precise Plan for Area 33 of the Village One Specific Plan, relating to property located on the south side of Merle Avenue west of Fine Avenue (Stewart Bradley Estates).

By motion (McClanahan/Friedman, unan.; Cogdill & Dobbs, absent), final adoption of Ord. No. 3074-C.S.

- b. Ord. No. 3075-C.S. rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located on the south side of Merle Avenue west of Fine Avenue (Precise Plan for Area 33 - Stewart Bradley - Bradley Estates Subdivision).

By motion (Friedman/Fisher, unan.; Cogdill & Dobbs, absent), final adoption of Ord. No. 3075-C.S.

HEARINGS

4. Hearing to consider adopting a Resolution of Necessity to acquire real property interests for the Amtrak Rail Passenger Station Project from Ronald L. LaForce, et al., APN 14-26-04 (portions).
(Resolution of necessity needed. Total estimated cost: \$135,000. Funds are budgeted.)

Res. 97-676 adopted (Friedman/Cogdill, unan.; Dobbs, absent) approving Resolution of Necessity.

5. Hearing to consider the appeal of Ronald J. Malik to a Planning Commission decision regarding a vesting tentative subdivision map, Calvary Chapel Subdivision in the Carver-Bangs Specific Plan, property located on the south side of Bangs Avenue west of Morrow Road.

A letter was received from the appellant requesting withdrawal of the appeal. Item was dropped from agenda.

6. Hearing to consider the appeal of Ronald J. Malik to a Planning Commission decision regarding a vesting tentative subdivision map, Schuler Subdivision in the Carver-Bangs Specific Plan, property located on the south side of Bangs Avenue east of Morrow Road.

A letter was received from the appellant requesting withdrawal of the appeal. Item was dropped from agenda.

7. Hearing to consider approving the Action Plan for flood recovery and authorizing submission of a grant application to the Housing and Urban Development Department for \$650,426 in Disaster Relief Initiative Funds.

Res. 97-677 adopted (Fisher/Cogdill, unan.; Dobbs, absent) authorizing submission of grant application.

Councilmember Fisher excused due to conflict of interest.

8. Hearing to consider a request by Sunrise Partners for exemption/deferral of Capital Facilities Fees, for a proposed 120-unit apartment complex (Ashwood Village Apartments) at the southeast corner of Rumble Road and Lou Ann Drive.

12/9/97

Res. 97-678 adopted (Dobbs/McClanahan, unan.; Fisher absent) approving deferral, and authorizing the City Manager to execute agreement.

Councilmember McClanahan excused due to conflict of interest.

9. Hearing to consider approving maximum garbage rates and charges resulting from the annual garbage rate review.
(Resolution setting maximum rate schedule effective January 1, 1998, needed.)

A motion (Fisher/Friedman, Cogdill, yes; Dobbs, Lang, & Serpa, no; McClanahan, absent) failed to carry to lower the rates to \$14.57.

BIDS

10. Consider authorizing call for bids for furnishing of about ten variable frequency drives per year, for up to two and one-half years.
(Suggested bid opening: January 12, 1998, at 11:00 a.m. Resolution authorizing call for bids needed. Total estimated cost for Fiscal year 1997-98 only: \$90,000. Funds are budgeted.)

Res. 97-679 adopted (Friedman/Serpa, unan.; Dobbs, absent) authorizing call for bids on January 12, 1998.

Item #11 removed from CONSENT.

11. Consider awarding contract for the construction of the Beyer Skate Park to Barham Inc. for \$144,788.
(Resolution awarding contract to Barham, Inc. needed. Total estimated cost: \$173,065 (contract amount \$144,788; construction admin. & contingencies \$28,277. Funds are budgeted.)

Res. 97-680 adopted (Fisher/McClanahan, unan.) awarding contract.

12. Consider declaring Harwood Technologies Enterprises (HTE Inc.) low bidder and authorizing the City Manager to sign a utility billing software license and services agreement for the total price of \$278,358; and consider amending the budget to complete funding for the Capital Improvement Project - Utility Billing Software Replacement.

Res. 97-681 adopted (Friedman/Serpa, unan.; Dobbs, absent) declaring low bidder and authorizing City Manager to sign license and services agreement.

Res. 97-682 adopted (Friedman/Serpa, unan.; Dobbs, absent) amending the budget.

13. Consider accepting as complete the contract of D. R. Yount Construction Company for the water system improvements project - S. Santa Cruz Avenue and Monterey Avenue

12/9/97

and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$364,990)

(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$357,358. Funds are budgeted.)

Res. 97-683 adopted (Friedman/Serpa, unan.; Dobbs, absent) accepting work as complete and authorizing the City Clerk to file Notice of Completion.

Item #14 removed from CONSENT.

14. Consider waiving formal bid procedures and authorizing the purchase of Compaq file servers, hardware, software, and the installation of six high speed communication lines from Infinet for the Police Department.

Res. 97-684 adopted (Fisher/Serpa, unan.) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

Councilmember McClanahan excused due to conflict of interest.

15. Consider approving proposed design and cost estimates for Tenth Street Place project and authorizing the City/County Joint Powers Agency to proceed with bidding of Block A of the Project.

Res. 97-685 adopted (Friedman/Fisher, majority; Serpa, no; McClanahan, absent) approving proposed design and cost estimates and authorizing the City/County Joint Powers Agency to proceed with bidding of Block A.

16. Consider Affirmative Action Plan Review for 1992-1997.

By motion (Dobbs/Fisher, unan.), acknowledged receipt of report.

17. Consider approving the project delivery method on the Police Headquarters Expansion project and authorizing staff to procure architectural design services.

Res. 97-686 adopted (Friedman/Serpa, unan.; Dobbs, absent) approving project delivery method and authorizing procurement of professional architectural services.

18. Consider approving amendment to the agreement with Pacific Design Associates for design services for the Amtrak Station.

(Resolution approving amendment to agreement needed. Estimated cost: \$18,172.32. Funds are budgeted.)

Res. 97-687 adopted (Friedman/Serpa, unan.; Dobbs, absent) approving amendment to agreement.

19. Consider approving agreement to acquire real property interests for the Cannery Segregation Project from Modesto and Empire Traction Company, APN 36-15-59 for \$3,850.

Res. 97-688 adopted (Friedman/Serpa, unan.; Dobbs, absent) approving agreement.

Councilmember McClanahan excused due to conflict of interest.

20. Consider approving four agreements to acquire real property interests for the Cannery Segregation Project from Beard Land Improvement Company for APN 36-15-58, APN 36-20-24, APN 36-20-25, and APN 36-20-37 for the total appraised value of \$20,900.

Res. 97-689 adopted (Friedman/Cogdill, unan.; Dobbs & McClanahan, absent) approving agreement for land at APN 36-15-58.

Res. 97-690 adopted (Friedman/Cogdill, unan.; Dobbs & McClanahan, absent) approving agreement for land at APN 36-20-24.

Res. 97-691 adopted (Friedman/Cogdill, unan.; Dobbs & McClanahan, absent) approving agreement for land at APN 36-20-25.

Res. 97-692 adopted (Friedman/Cogdill, unan.; Dobbs & McClanahan, absent) approving agreement for land at APN 36-20-37.

21. Consider authorizing an application for \$250,000 in funding from the State Resources Agency, Environmental Enhancement and Mitigation Program for development of a bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive.

Res. 97-693 adopted (Friedman/Serpa, unan.; Dobbs, absent) authorizing City Manager to sign grant application.

22. Consider excusing Councilmember Dobbs and Vice Mayor Serpa from the December 2, 1997, City Council meeting due to their attendance at the National League of Cities Conference in Philadelphia December 1 - 6, 1997.

By motion (Friedman/Serpa, unan.; Dobbs, absent), excused Councilmember Dobbs and Vice Mayor Serpa.

23. Consider amending Position Classification Plan to create class specification for Wastewater Treatment Plant Relief Operator and amending class specification for Police Officer/Police Officer Trainee, Laboratory Analyst and Events Supervisor; consider amending Class Range Tables to establish a salary for Waste Water Treatment Plant Relief Operator.

Res. 97-694 adopted (Friedman/Serpa, unan.; Dobbs, absent) amending the Position Classification Plan.

Res. 97-695 adopted (Friedman/Serpa, unan.; Dobbs, absent) amending the Class Range Tables.

24. Consider approving Citizen Participation Plan for Fiscal Year 1998-99 Community Development Block Grant Program.

Res. 97-696 adopted (Friedman/Serpa, unan.; Dobbs, absent) adopting Citizen Participation Plan.

Councilmember Fisher excused due to conflict of interest.

25. Consider allocating Fiscal Year 1998-99 HOME funds to developers of affordable housing and authorizing City Manager to execute loan documents and agreements.

Res. 97-697 adopted (Dobbs/Friedman, unan.; Fisher, absent) allocating HOME funds and authorizing City Manager to execute necessary documents.

26. Report of one loan approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

By motion (Friedman/Serpa, unan.; Dobbs, absent), acknowledged receipt of report.

27. Consider adopting the environmental findings concerning the Segregated Cannery Wastewater Ranch Pumping Facility and Distribute System Project in accordance with the California Environmental Quality Act and the 1996 Wastewater Master Plan Environmental Impact Report; and consider authorizing City Manager to execute an agreement with Camp Dresser & McKee, Inc. to provide for consultant services for the design of the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as part of the Ranch Improvements Project; and consider approving an appropriation transfer in the amount of \$301,000 for the Ranch Improvements project/Engineering.

Res. 97-698 adopted (Friedman/Serpa, unan.; Dobbs, absent) adopting environmental findings.

Res. 97-699 adopted approving agreement.

Res. 97-700 adopted approving appropriation transfer.

28. Consider approving tentative price list for wholesale and retail yard waste compost sales.

Res. 97-701 adopted (Friedman/Serpa, unan.; Dobbs, absent) approving price

list.

Item #29 removed from CONSENT.

29. Consider imposing a 24-month moratorium on the issuance of new bingo permits in the City.

Res. 97-702 adopted (McClanahan/Cogdill, majority; Fisher, no) imposing moratorium on issuance of bingo permits.

Item #30 removed from CONSENT.

30. Consider approving the use and execution of the "Standard Agreement for Legal Services" with the law firms of Curtis & Arata and Crabtree, Schmidt, Zeff, Jacobs & Farrar, and authorizing the City Attorney to modify the draft "Standard Agreement" on a case by case basis, from time to time, as appropriate.

Res. 97-703 adopted (Friedman/Fisher, unan.) approving use and execution of "Standard Agreement for Legal Services" with Curtis & Arata.

Res. 97-704 adopted (Friedman/Fisher, unan.) approving use and execution of "Standard Agreement for Legal Services" with Crabtree, Schmidt, Zeff, Jacobs & Farrar.

31. Consider amending the budget to pay for signature verification by County Elections on the Referendum Against a Resolution Passed by the City Council of the City of Modesto - Res. No. 97-590 - A Resolution Approving Amendment No. 3 to the Pelandale-Snyder Specific Plan to Allow Phased Development of Pelandale and other Modifications to Development Standards.

(Resolution amending budget in the amount of \$16,000 to appropriate funds from the Contingency Reserve to pay for signature verification needed.)

Res. 97-705 adopted (Friedman/Serpa, unan.; Dobbs, absent) amending budget.

32. Consider amending the budget to appropriate \$1,700 from the General Fund Contingency Reserve to King Kennedy & Outreach Services, Repair & Maintenance for wiring and lights to decorate an evergreen tree in front of King Kennedy Memorial Center in Mellis Park.

Res. 97-706 adopted (Friedman/Serpa, unan.; Dobbs, absent) amending budget.

33. Consider approving a lease agreement with Veterinary Service, Inc. for the properties at 121 Elm Street and 416 Jefferson Street for administrative offices and storage for the Operations and Maintenance Department.

Res. 97-707 adopted (Friedman/Serpa, unan.; Dobbs, absent) approving lease agreement.

12/9/97

34. **ORAL COMMUNICATIONS**

Steve Burke commented on cannery segregation project and blue bag program.

Diane Moyer commented on garbage rates and blue bag program in grocery stores.

Councilmember Dobbs left the meeting.

WRITTEN COMMUNICATIONS

35. Letter from Margery Fletcher requesting a discussion of the issue of providing sewer service to development in regard to Measures A, M, P, and Q.

City Manager and City Attorney answered questions regarding this item; no action was taken.

36. **MATTERS TOO LATE FOR THE AGENDA**

By motion (Friedman/Cogdill, unan.; Dobbs, absent), it was determined that there was a need to take immediate action on a matter that came to the City's attention after the agenda was posted. The lease/purchase agreement of portable office space for Operations and Maintenance Department was placed on the agenda.

Res. 97-708 adopted (McClanahan/Lang, unan.; Dobbs, absent) waiving formal bid procedure and authorize purchase of one portable building.

Res. 97-709 adopted (McClanahan/Lang, unan.; Dobbs, absent) authorizing City Manager to sign agreement with Kansas State Bank of Manhattan.

Res. 97-710 adopted (McClanahan/Lang, unan.; Dobbs, absent) amending budget.

37. **CLOSED SESSION**

The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: People of the State of California, (City of Modesto) vs. Floyd Carl Wiltz, individually and doing business as "The Expose Theatre," aka "Club Expose," et al., Superior Court of California, County of Stanislaus, Case No. 110499.

Name of case: Floyd Carl Wiltz vs. City of Modesto, et al., United States District

Court, Eastern District of California, No. 97-6070.

Name of case: Janra Enterprises, Inc., a California Corporation, vs. City of Modesto, United States District Court, Eastern District of California, No. 97-5384.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:04 p.m. The City Attorney returned at 7:55 p.m. and reported that no action had been taken.

12/9/97

SPECIAL COUNCIL MEETING OF TUESDAY, DECEMBER 16, 1997, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

Absent: Dobbs

- A. Certification of canvass of votes at the December 9, 1997, Second Regular Municipal Election.

Res. 97-711 adopted (Friedman/McClanahan, unan., Dobbs absent) certifying canvass of votes.

- B. Oath of Office by newly-elected City Councilmembers.

Oath of office given to Councilmembers Bill Conrad and Armour Smith by City Clerk.

- C. Remarks.

Remarks were made by the Mayor and Councilmembers.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items

Items 1, 2, 3 removed from Consent

BIDS

1. Consider acceptance of the contract of Acme Construction Co., Inc. for the John Thurman Field Renovation Project (renovate entire stadium and manage other prime contracts) as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$2,661,666)

Res. 97-712 adopted (Friedman/Fisher, maj., Serpa, no, Dobbs absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

2. Consider acceptance of the contract of Collins Electrical Co., Inc. for the John Thurman Field Renovation Project (electrical) as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$197,255)

Res. 97-713 adopted (Fisher/Friedman, maj., Serpa, no, Dobbs absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

12/16/97

3. Consider acceptance of the contract of Grover Landscaping Services, Inc. for the John Thurman Field Renovation Project (landscaping) as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$125,510)
(Final cost: \$126,707. Funds are budgeted.)

Res. 97-714 adopted (Fisher/Friedman, maj., Serpa, no, Dobbs absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

4. ORAL COMMUNICATIONS

None

ADJOURNMENT

The meeting adjourned at 7:20 p.m.