

**CITY OF MODESTO  
CITY CLERK'S OFFICE**

**LEGISLATIVE HISTORY**

**COUNCIL MEETING OF TUESDAY, JANUARY 2, 1996, AT 7:00 P.M.**

1. Presentation of Certificate of Recognition to Brittany Gillespie for her volunteer work at the McHenry Museum on the 125th Anniversary Celebration.

Mayor Lang presented certificate.

2. Approval of the minutes of the regular City Council meeting of December 12, 1995, and the special City Council meeting of December 19, 1995.

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

3. Final adoption of:

- a. Ord. No. 2961-C.S. amending sections of the Zoning Map and rezoning certain property located thereon. (Pelandale/Snyder)

By motion, (Friedman/McKinsey, majority, Dobbs, no, McClanahan absent) final adoption of Ord. No. 2961-C.S. not approved, and staff was directed to bring back entire Pelandale/Snyder project with original alignment of Pelandale Avenue for Council consideration on January 16, 1996).

- b. Ord. No. 2962-C.S. amending sections of the Zoning Map and rezoning certain property located thereon. (Fairview Village)

By motion, (Friedman/Dobbs, majority, McClanahan absent) Ord. No. 2962-C.S. adopted.

4. Final adoption of Ord. No. 2963-C.S. amending P-D(363), property located on the west side of Nelson Avenue south of E. Orangeburg Avenue. (Terry Carson)

Ord. No. 2963-C.S. adopted (Friedman/Dobbs, unan.; McClanahan absent) amending P-D(363).

5. Consider awarding contract for the Kansas Avenue and 9th Street traffic improvements to Collins Electrical, Inc., and consider approving an appropriation transfer in the amount of \$17,500 to fully fund the project.

Res. 96-1 adopted, (Friedman/Dobbs, unan.; McClanahan absent) awarding contract.

Res. 96-1A adopted, (Friedman/Dobbs, unan.; McClanahan absent)

approving appropriation transfer.

6. Consider accepting the Emerald Avenue lift station rehabilitation project as complete and authorizing City Clerk to file a Notice of Completion. (Original contract: \$473,123.49)

Res. 96-2 adopted, (Friedman/Dobbs, unan.; McClanahan absent) accepting work as complete.

7. Consider accepting the Crows Landing drain basin outfall rebuild project as complete and authorizing City Clerk to file a Notice of Completion. (Original contract: \$51,986)

Res. 96-3 adopted, (Friedman/Dobbs, unan.; McClanahan absent) accepting work as complete.

8. Consider accepting the T-Hangar A & D pavement project as complete and authorizing City Clerk to file a Notice of Completion. (Original contract: \$46,262.90)

Res. 96-4 adopted, (Friedman/Dobbs, unan.; McClanahan absent) accepting work as complete.

9. Consider rejecting all bids received for the Beard Brook Park Ballfield lighting.

Res. 96-5 adopted, (Friedman/Dobbs, unan.; McClanahan absent) rejecting bids.

10. Consider designation of Councilmember Gerald McKinsey to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto.

Res. 96-6 adopted, (Friedman/Dobbs, unan.; McClanahan absent) designating Councilmember McKinsey to serve as Vice Mayor.

11. Consider approving an agreement with Brady and Associates for the preparation of the Specific Plan and Environmental Impact Report to develop a business park in the Kiernan-Pelandale Corridor and terminating agreement approved May 2, 1995.

Res. 96-7 adopted, (Friedman/Dobbs, unan.; McClanahan absent) approving agreement and terminating May 2, 1995 agreement.

12. Consider approving amendment to agreement with Pacific Design Associates, Inc. for the new City Hall tenant improvements project, and consider amending the 1995-96 Budget to fund the amendment.

Res. 96-8 adopted, (Friedman/Dobbs, unan.; McClanahan absent)  
approving amendment to agreement.

Res. 96-8A adopted, (Friedman/Dobbs, unan.; McClanahan absent)  
amending budget (Estimated cost now \$9,000).

13. Consider authorizing Public Works and Transportation staff to authorize Modesto and Empire Traction Company (M&ET) to prepurchase railroad grade crossing protection for the intersections of Garner Road and future extended Norseman Drive with the M&ET tracks.

Res. 96-9 adopted, (Friedman/Dobbs, unan.; McClanahan absent)  
authorizing staff to authorize M&ET Railroad to proceed with purchase.

14. Consider approving a loan agreement with Everett T. Jackson, doing business as Slim Chimney Sweep & Roof Care, under the Community Development Block Grant Small Business Loan Program.

Res. 96-10 adopted approving loan agreement.

15. Consider acceptance of improvements in Conant Meadows subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Housing Authority of Stanislaus County.  
(Councilmember Serpa excused due to conflict of interest)

Res 96-11 adopted, (Friedman/Dobbs, unan., McClanahan and Serpa absent) accepting improvements.

16. Oral Communications:

Dennis Jackman welcomed the new Council.

Bill Cameron discussed additional cost for candidates statement.

17. Written Communications:

Letter from Lawrence and Paula John regarding tree root damages on property at 517 Norwegian Avenue.

Comments received from Paula John and Tom Lanthus.

18. Letter of resignation from the Human Relations Commission from Todd Browning.

Res. 96-12 adopted, (Friedman/Dobbs, unan.; McClanahan absent) accepting resignation.

19. Letter of resignation from the Human Relations Commission from Louis M. Levin.

Res. 96-13 adopted, (Friedman/Dobbs, unan.; McClanahan absent) accepting resignation.

21. Appointments

Golf Course Advisory Committee

Tom Budhi, Creekside Golf Club  
Stephen Cherepy, Modesto Golf Club  
Elouise Hanson, Dryden Ladies Club  
Don Harmon, SIRS  
Carole Silveria, Muni Niners Club  
Greg Clark  
Michael Clear  
Linda McElroy  
Jack Recca  
Carmel Sielicki  
Jean Smith  
Frank Muratore - non-voting member

Economic Development Loan Committee

Richard Almanza (term expires 1/1/2000)

Planning Commission

Elizabeth Ustach (term expires 1/1/2000)

SAAG Rail Committee

Reappointments

Affirmative Action Commission

Terri Amerio Bell (term expires 1/1/98)  
Dwight Bateman (term expires 1/1/98)

Human Relations Commission

Jess Dacuycuy (term expires 1/1/99)  
Harold Mallory (term expires 1/1/2000)  
Earl Howard (term expires 1/1/2000)

Board of Zoning Adjustment

Michael Pratt (term expires 1/1/2000)

Culture Commission

Alice Beamish (term expires 1/1/2000)

Landmark Preservation Commission

Alfred Menshew (term expires 1/1/2000)  
Jack Dooley (term expires 1/1/2000)

Tuolumne River Regional Park Citizens Committee

David Gianelli (term expires 1/1/2000)

Economic Development Loan Committee

Norm Porges (term expires 1/1/2000)

Res. 96-14 adopted (Dobbs/Friedman, unan., McClanahan absent) appointing and reappointing members. SAAG Rail Committee appointment postponed to a later date.

22. Matters Too Late For The Agenda

None.

23. Closed Session - 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 facts and circumstances that might result in litigation against the City are as follows: On November 22, 1995, a police officer was involved in a traffic accident with another vehicle at the intersection of Scenic Drive and Claus Road.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: United States National Bank of Oregon vs. Modesto Centre Plaza Associates, et al. - Stanislaus County Superior Court Case No. 319368.

Meeting adjourned at 8:06 p.m. to Closed Session. The City Attorney returned at 8:35 p.m. and announced that no action had been taken.

**COUNCIL MEETING OF TUESDAY, JANUARY 9, 1996, AT 4:00 P.M.**

1. Presentation by Modesto A's concerning a proposed baseball stadium on Beckwith.

By order of the Chair, moved to New Business.

2. Approval of the minutes of the special and regular City Council meeting of January 2, 1996.

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

3. Hearing to consider the appeal of Richard Berlanga to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 241 Seventh Street and to determine whether the public convenience or necessity would be served by the issuance of a license.

By motion, (Dobbs/Serpa, unan.) to defer to Community Development and Housing Committee for further analysis and return in two weeks.

4. Hearing to consider the appeal of Michael E. Dumas to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 3848 McHenry Avenue, Suite 215 and to determine whether the public convenience or necessity would be served by the issuance of a license.

By motion, (Dobbs/Serpa, unan.) to defer to Community Development and Housing Committee for further analysis and return in two weeks.

5. Hearing to consider the appeal of Jagtar and Stanam Uppal to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 131 Colfax Avenue and to determine whether the public convenience or necessity would be served by the issuance of a license.

By motion, (Serpa/McClanahan, unan.) to defer to Community Development and Housing Committee for further analysis and return in two weeks.

6. Hearing to consider the appeal of Surjit S., Charanjit S., and Baljit S. Sandhu to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 1525 Yosemite Boulevard and to determine whether the public convenience or necessity would be served by the issuance of a license.

By motion, (Serpa/Friedman, unan.) to defer to Community Development and Housing Committee for further analysis and return in two weeks.

7. Initiative ordinance requiring an advisory vote prior to approval of funds for sewer

improvements which allow urban development.

Res. 96-15 adopted (McClanahan/Friedman, unan.) accepting certification of signature count.

Res. 96-16 adopted (McClanahan/Serpa, majority; Dobbs/Fisher, no) ordering City Clerk to submit ordinance to voters at next regular municipal election on November 4, 1997.

- 7a. Presentation by Modesto A's concerning a proposed baseball stadium on Beckwith.

By motion, (Friedman/McClanahan, unan.) approved stadium concept and directed staff to review costs and figures. Appropriate Council Committee to review and return to Council with recommendation.

8. Report of loan approved under the Emergency Home Repair Program (EHRP) during November 1995.

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

9. Consider whether or not to provide Councilmember Serpa with a defense in the election contest proceeding now pending in Stanislaus County Superior Court.

Councilmember Serpa excused due to a conflict of interest.

Res. 96-17 adopted (Fisher/Dobbs, majority; Friedman, no; Serpa, absent) to deny defense to Councilmember Serpa.

10. Oral Communications

Carmen Sabatino spoke.

11. Matters Too Late For The Agenda

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

A report was given by the City Manager regarding the Master Property Tax Agreement with Stanislaus County. No action was taken.

11. CLOSED SESSION - 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 6:25 p.m. to Closed Session. The City Attorney returned at 8:35 p.m. and announced that no action had been taken.



**COUNCIL MEETING OF TUESDAY, JANUARY 16, 1996, AT 7:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the two special and the regular City Council meeting of January 9, 1996.

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

3. Final adoption of Ord. No. 2964-C.S. rezoning property located south of California, east of Marshall Avenue, north of Briggs Avenue and west of Martin Luther King Drive. (Bettencourt)

By motion, (Friedman/Dobbs, unan.) Ord. No. 2964-C.S. adopted.

4. Hearing to consider approving an annual update of the Americans With Disabilities Act (ADA) Complementary Paratransit Plan to ensure that the paratransit system (Modesto Area Dial-A-Ride) complies with the requirements of the Americans With Disabilities Act.

Res. 96-18 adopted (Friedman/Dobbs, unan.) approving an annual update of the Americans With Disabilities Act (ADA) Complementary Paratransit Plan.

5. Hearing to consider a Specific Plan, General Plan amendment, Rezoning, support for annexation to the City of Modesto, detachment from the Salida Fire District, and certification of a program EIR, all for the Pelandale/Snyder Comprehensive Planning District located between Pelandale Avenue, extended, and Snyder Avenue/M.I.D. Lateral No. 6, east of Dale Road.

By motion, (Friedman/Fisher, majority; Dobbs, no) Ord. No. 2969-C.S. was introduced.

Res. 96-19 adopted (Friedman/Fisher, majority; Dobbs, no) approving Specific Plan including the improvement of Pelandale Avenue for two-way traffic from Dale Road to McHenry Avenue prior to development of the Specific Plan area. The funding mechanism for this project is to be identified as part of the Finance Plan and is to be implemented prior to any development approvals in the Specific Plan area.

Res. 96-20 adopted (Friedman/Fisher, majority; Dobbs, no) to amend the General Plan.

Res. 96-21 adopted (Friedman/Fisher, majority; Dobbs, no) to support annexation to the City of Modesto and detach from the Salida Fire District.

Res. 96-22 adopted (Friedman/Fisher, majority; Dobbs, no) for certification of a program EIR.

6. Consider award of contract for Mellis Park renovation to Barham Construction, and consider amending the budget to fully fund the project.

Res. 96-23 adopted (Friedman/Dobbs, unan.) awarding contract for Mellis Park renovation to Barham Construction.

Res. 96-24 adopted (Friedman/Dobbs, unan.) amending budget.

7. Consider declaring Mitchell's Modesto Harley Davidson low bidder and awarding bid for five new police motorcycles for the cost of \$63,989.40.

Res. 96-25 adopted (Friedman/Dobbs, unan.) declaring Mitchell's Modesto Harley Davidson low bidder and awarding bid for five new police motorcycles.

8. Consider approving a fund transfer agreement with the State to provide funding for preliminary engineering and environmental documentation for the new Amtrak Station.

Res. 96-26 adopted (Friedman/Dobbs, unan.) approving a fund transfer agreement with the State to provide funding for preliminary engineering and environmental documentation for the new Amtrak Station.

9. Consider approving a common use agreement with the Modesto Irrigation District to allow the City to pour a concrete pad on M.I.D. property behind the City sidewalk on the east side of Prescott Avenue north of Mt. Vernon Drive and place a bus shelter on the pad.

Res. 96-27 adopted (Friedman/Dobbs, unan.) approving a common use agreement with the Modesto Irrigation District.

10. Consider approving agreement with Meyer Mohaddes & Associates for the design of Modesto Closed Circuit Television (CCTV)/Ceres Advanced Traffic Management System (ATMS) project.

Res. 96-28 adopted (Friedman/Dobbs, unan.) approving agreement with Meyer Mohaddes & Associates.

Res. 96-29 adopted (Friedman/Dobbs, unan.) amending budget.

11. Consider approving agreement with Peterson Consulting, Inc. to provide consultation and lobbying services for matters relating to the Waste-to-Energy project and in conjunction with and concurrence by the Stanislaus County Board

of Supervisors.

Res. 96-30 adopted (Friedman/Dobbs, unan.) approving agreement with Peterson Consulting, Inc.

12. Consider amending the budget to provide two vehicles needed as a result of the Del Este acquisition.

Res. 96-31 adopted (Friedman/Dobbs, unan.) amending the budget.

13. Consider accepting Federal Land and Conservation grant for \$90,001 for construction of approximately two miles of hiking/bicycle trail in the Tuolumne River Regional Park; consider amending budget to establish a new C.I.P. project and estimate and appropriate revenue and expenditures.

Res. 96-32 adopted (Friedman/Dobbs, unan.) accepting Federal Land and Conservation grant and authorizing City Manager to sign.

Res. 96-33 adopted (Friedman/Dobbs, unan.) amending the budget.

14. Consider approving separation agreement with International Friendship Committee and Institution of Modesto Sister Cities International; and consider amending the budget to appropriate \$24,600.

Res. 96-34 adopted (Friedman/Dobbs, unan.) approving separation agreement.

Res. 96-35 adopted (Friedman/Dobbs, unan.) amending the budget.

15. Consider amending the Position Classification Plan to amend class specifications for Custodian Supervisor; consider amending the Class Range Tables to change the salary for Custodian Supervisor.

Res. 96-36 adopted (Friedman/Dobbs, unan.) amending the Position Classification Plan.

Res. 96-37 adopted (Friedman/Dobbs, unan.) amending the Class Range Tables.

16. Consider approving agreement with United Parcel Service (UPS) to conduct courier services and locate a small parcel drop box at the Airport.

Res. 96-38 adopted (Friedman/Dobbs, unan.) approving agreement with United Parcel Service.

17. Consider amending budget to appropriate \$6,443 to fund additional contribution to McClatchy Square project.

Res. 96-39 adopted amending budget.

18. Consider introducing ordinances amending the Modesto Municipal Code to adopt the 1994 editions of the Building, Mechanical and Plumbing Codes, the Code for Abatement of Dangerous Buildings, Housing Code, National Electrical Code and Fire Code and setting hearing February 6, 1996, at 7:00 p.m.

By motion, introduced Ord. 2970-C.S., 2971-C.S., 2972-C.S., 2973-C.S., 2974-C.S., 2975-C.S., 2976-C.S..

Res. 96-40 adopted (Friedman/Dobbs, unan.) setting hearing on February 6, 1996 at 7:00 p.m.

19. Oral Communications.

None.

20. Letter from Mack Wilson concerning problems with curb and sidewalks and flooding on Elm Avenue.

By order of the chair, referred to staff.

#### MATTERS TOO LATE FOR THE AGENDA

21. Matters Too Late For The Agenda

The City Attorney reported that facts came to his attention today which suggested that Councilmember Fisher may have had a potential conflict of interest when the City Council held a public hearing on the Resolution of Necessity to acquire property on the Redevelopment

Agency Agenda of 1/9/96 and that therefore he recommended that the City Council hold a Closed Session pursuant to Government Code Section 54956.9(b)(1). On the basis of these facts, the Council determined by motion (Friedman/McClanahan, unan.) that there is a need to take immediate action, and that the need for action came to the City's attention after the agenda was printed.

22. CLOSED SESSION -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: EMC Corp. v. California Regional Water Quality Control Board, Central Valley Region, and State Water Resources Control Board; City of Modesto as Real Party in Interest.  
Superior Court Case No. 305751

The City Attorney returned at 8:30 p.m. and announced that no action had been taken.

1/16/96

## **COUNCIL MEETING OF TUESDAY, JANUARY 23, 1996, AT 4:00 P.M.**

### 1. Acknowledgements and Presentations

Presentation by Orchard Elementary School and request for a street name change.

- a. Outstanding Youth Award Presentations to the Modesto Junior Jaycees, Nicole Nunoz and Zachary Wright.

Wendy Byrd, Teen Services Supervisor introduced Nicole Nunoz and Zachary Wright.

- b. Acknowledgement of Mr. Tony Drinkard for his heroic actions on January 2, 1996, in assisting Officer Matt Lengel in apprehending a violent fugitive.

Chief Paul Jefferson made presentations.

- c. Presentation of Plaque and checks awarded to Modesto for its August 1, 1995, National Night Out activities.

Chief Paul Jefferson presented checks and plaques.

### 2. Approval of the minutes of the special and regular City Council meetings of January 16, 1996.

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

### 3. Final adoption of Ord. No. 2969-C.S. amending Sections 1-3-8, 5-3-9, 6-3-9, 7-3-9, and 8-3-9 of the Zoning Map of the City of Modesto rezoning certain property located thereon. (Pelandale/Snyder)

By motion, (Friedman/McClanahan, majority; Dobbs, no) Ord. No. 2969-C.S. adopted.

### 4. Consider acceptance of the waterline overlays project as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$126,666.66)

Res. 96-41 adopted (Friedman/McClanahan, unan.) accepting work as complete.

### 5. Consider acceptance of the Airport Way extension project as complete and authorize City Clerk to file the Notice of Completion, and consider authorizing an appropriation transfer in the amount of \$10,600 to fully fund the project.

Res. 96-42 adopted (Friedman/McClanahan, unan.) accepting work as complete.

6. Consider approving specification and authorize call for bids for the installation, maintenance, licensing and training for Electronic Document Imaging System for the Police Department.

Res. 96-43 adopted (Serpa/McKinsey, unan.) approving specifications and authorizing a call for proposals.

7. Consider supporting the retention of the fourth San Joaquin Amtrak train.

Res. 96-44 adopted (Friedman/McClanahan, unan.) supporting the retention of the fourth San Joaquin Amtrak train.

8. Consider approving a loan agreement with Jack Ugar and Cyl Ugar, doing business as Direct Maytag Home Appliance Center, under the Community Development Block Grant Small Business Loan Program.

Res. 96-45 adopted (Friedman/McClanahan, unan.) with the estimated cost amended to \$30,000 approving loan agreement. **(CommDev to handle)**

9. Consider approving a lease agreement with the Stanislaus County Affordable Housing Corporation (STANCO) for 308 Locust Street for use as transitional housing.

Removed from Agenda. No action taken.

10. Consider amending budget to estimate \$700 in revenue for a Special Population Program co-sponsored by Central California Rehabilitation Hospital.

Res. 96-46 adopted (Friedman/McClanahan, unan.) amending budget.

11. Consider authorizing submission of revised Annual Transportation Claim to Stanislaus Area Association of Governments (SAAG), and consider amending the budget to estimate and appropriate additional revenue.

Res. 96-47 adopted (Friedman/McClanahan, unan.) authorizing submission of revised Annual Transportation Claim.

Res. 96-48 adopted (Friedman/McClanahan, unan.) amending the budget.

12. Consider authorizing City Manager to execute financing agreements with property owners Gerald Nelson and Annie Franklin for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program.

Res. 96-49 adopted (Friedman/McClanahan, unan.) authorizing City Manager to execute financing agreement.

13. Consider authorizing the Public Works and Transportation Director to sign a Groundwater Discharge permit for the FMC-Modesto groundwater cleanup site and for subsequent permits as appropriate.

Res. 96-50 adopted (Dobbs/Serpa, unan.) authorizing Public Works and Transportation Director to sign permits.

14. Treasurer's Report - December, 1995.

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

15. Oral Communications

None.

16. Written Communications

Letter from Paula F. John regarding tree root damage at 517 Norwegian.  
No action taken.

17. Appointments

Community Qualities Forum

Res. 96-51 adopted (Serpa/McClanahan, unan.) appointing Judith Kenyon to the Community Qualities Forum

18. Matters Too Late For The Agenda

None.

Meeting adjourned at 4:40 p.m.

**COUNCIL MEETING OF TUESDAY, FEBRUARY 6, 1996, AT 7:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of January 23, 1996.

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

3. Final adoption of:

- a. Ord. No. 2965-C.S. adopting a Precise Plan for Area 8 of the Village One Specific Plan, including conditions and provision for a development agreement relating to property located on the south side of Sylvan Avenue east of Litt Road, extended.
- b. Ord. No. 2966-C.S. rezoning Village One property to R-1 and R-3 as underlying zoning together with a Specific Plan-Overlay Zone, SP-O, for property located on the south side of Sylvan Avenue east of Litt Road extended.
- c. Ord. No. 2967-C.S. adopting a Precise Plan for Area 32 of the Village One Specific Plan, including conditions and provision for a development agreement relating to property located on the south side of Merle Avenue between Roselle Avenue and Claus Road.
- d. Ord. No. 2968-C.S. rezoning Village One property to R-1, as underlying zoning together with a Specific Plan-Overlay Zone, SP-O, for property located on the south side of Merle Avenue between Roselle Avenue and Claus Road.

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

4. Hearing to consider adopting the 1994 editions of the Building Code, Mechanical Code, Plumbing Code, Dangerous Buildings, Housing Code, National Electrical Code and Fire Code.

Motion approving the final adoption of the following ordinances needed:

- a. Ord. No. 2970-C.S. relating to the Building Code.
- b. Ord. No. 2971-C.S. relating to the Mechanical Code
- c. Ord. No. 2972-C.S. relating to the Plumbing Code.



- d. Ord. No. 2973-C.S. relating to the Dangerous Buildings Code.
- e. Ord. No. 2974-C.S. relating to the Housing Code.
- f. Ord. No. 2975-C.S. relating to the Electrical Code
- g. Ord. No. 2976-C.S. relating to Fire Code and hazardous materials.

By motion, approved (Fisher/McKinsey, unan.)

- 5. Hearing to consider the proposed establishment of adult entertainment business fees to pay for the required registration and investigation of adult entertainment businesses, adult entertainment performers, escorts, and figure models. The fees will not be applicable for one year; however, the required registration will take effect upon adoption.

Res. 96-52 adopted (Friedman/McClanahan, unan.) approving the establishment of adult entertainment business fees.

- 6. Consider award of contract for the Beard Brook Park ballfield lighting project to Collins Electrical Company.

Res 96-53 adopted (Dobbs/Friedman, unan.) awarding contract.

- 7. Consider declaring Fuller Ford, Heritage Ford, Country Ford Trucks, and H.V. Carter Co., Inc. low bidders and authorizing the purchase of five new cab and chassis with miscellaneous bodies, nine new utility vehicles, and two flail mowers for a combined total cost of \$649,606.58; and consider authorizing an appropriation transfer of \$10,801.55.

Res. 96-54 adopted (Friedman/Fisher, unan.; McClanahan absent) accepting the bids and authorizing purchase.

Res. 96-55 adopted (Friedman/Fisher, unan.; McClanahan absent) approving an appropriate transfer.

- 8. Consider adopting a policy allowing smoking during private functions at the Modesto Centre Plaza.

Res. 96-56 adopted (McClanahan/Friedman, majority; Dobbs, no) adopting a policy allowing smoking during private functions at the Modesto Centre Plaza.

- 9. Consider accepting the transfer of the Bret Harte Neighborhood sanitary sewer conveyance system from the Stanislaus County Redevelopment Agency to the City of Modesto.

Res. 96-57 adopted (Dobbs/Serpa, unan.) accepting the transfer of the Bret Harte Neighborhood sanitary sewer conveyance system from the Stanislaus County Redevelopment Agency to the City of Modesto.

10. Consider authorizing a prepayment of \$23,631.66 to Modesto Irrigation District for relocating poles and raising wire heights related to improvements at Yosemite/Garner intersection.

Res. 96-58 adopted (Dobbs/Friedman, unan.) authorizing prepayment.

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

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

12. Oral Communications

None.

13. Written Communications

Letter from Paula F. John, 517 Norwegian Avenue, requesting further discussion of tree root damages.

Mrs. John spoke. Mrs. Monica Swinberg spoke about tree root problems. No action taken.

14. Appointments and reappointments to the Redevelopment Advisory Commission

Appointment of Planning Commission representative to the Redevelopment Commission

Res. 96-59 adopted (Dobbs/Fisher, unan.) appointing and/or reappointing members of the Redevelopment Advisory Commission, an appointing a member of the Planning Commission as a representative to the Redevelopment Advisory Commission.

15. Matters Too Late For The Agenda

None.

16. CLOSED SESSION -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District Court, case No. CV-F 94-6189 OWW DLB

Adjourned at 7:45 p.m. to closed session. City Attorney returned at 9:40 p.m. and announced that the Council determined by a six to one vote (Dobbs, no) to initiate further litigation, and the defendants and other particulars of this litigation shall, once formally commenced, be disclosed to any person upon inquiry.

**COUNCIL MEETING OF TUESDAY, FEBRUARY 13, 1996, AT 4:00 P.M.**

1. a. Presentation of perpetual plaque for the Gerald L. McKinsey Law Enforcement Achievement Award to the 1995 recipient, Modesto Police Officer Rick Dodge.  
(Resolution commending Officer Dodge needed.)

Police Chief Paul Jefferson presented plaque to Officer Rick Dodge.

Res. 96-60 adopted (Friedman/McClanahan, unan.) commending Officer Dodge.

- b. Presentation of Scholarship Award check for the Gerald L. McKinsey Law Enforcement Scholarship Award to the 1995 recipient, Jonathan Gingerich.

Police Chief Paul Jefferson presented award to Jonathan Gingerich.

- c. Presentation of Annual Report by Citizens First Steering Committee.

Citizens First Steering Committee made presentation.

Mike Loschke presented Council with tickets to "Bravo In Performance" and a subscription to the "Business Journal".

2. Approval of the minutes of the regular City Council meeting of February 6, 1996.

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

3. Consider accepting the construction of street lighting project on Scenic Drive between Rose Avenue and Oakdale Road as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$31,000)

Res. 96-61 adopted (Friedman/McClanahan, unan.) accepting work as complete.

4. Fiscal Year 1995-96 Annual Budget - Midyear Status Report and proposed adjustments.

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

Res. 96-62 adopted (Friedman/McClanahan, unan.) amending FY 95/96 budget and re-estimating revenue.

5. Consider approving agreement with Bookman-Edmonston to prepare an appraisal of the value of the outlying systems of the former Del Este Water Company for purposes of property transfer.

(Resolution approving agreement needed. Estimated cost: \$40,000. Funds are budgeted.)

Res. 96-63 adopted (Friedman/McClanahan, unan.) approving agreement.

6. Consider authorizing the City Manager to execute applications and grant-related documents for Used Motor Oil Recycling and Household Hazardous Waste Grants.

Res. 96-64 adopted (Friedman/McClanahan, unan.) authorizing City Manager to execute applications and grant-related documents.

7. Consider approving agreement with Delamare-Fultz Engineering for survey services on various C.I.P. projects.

Res. 96-65 adopted (Friedman/McClanahan, unan.) approving agreement.

8. Consider authorizing the execution of the First Amendment to Indenture of Trust and First Amendment to Loan Agreement with respect to its \$8,800,000 Variable Rate Multifamily Housing Refunding Revenue Bonds (Shadowbrook Apartments), 1992 Issue A and determining other matters in connection therewith.

Res. 96-66 adopted (Friedman/McClanahan, unan.) authorizing document changes.

9. Report of loan approved under the Emergency Home Repair Program (EHRP) during January 1996.

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

10. Consider approving the use of a Rent Limitation Agreement for investor-owned housing rehabilitation projects receiving financial assistance through the City's Housing and Neighborhoods Division.  
(Resolution approving use of Rent Limitation Agreements needed.)

Res. 96-67 adopted (Friedman/McClanahan, unan.) approving use of Rent Limitation Agreements.

11. Oral Communications

None.

12. Matters Too Late For The Agenda

None.

13. CLOSED SESSION -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Insurance Company of North America v. City of Modesto, et al. - Stanislaus County Superior Court Case No. 314751

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick

Employee organizations: Modesto City Employees Association  
Modesto Police Officers Association  
Modesto Firefighters Association  
Modesto Police Management Association

Adjourned at 4:40 to Closed Session. City Attorney returned at 6:45 p.m. and announced that no action had been taken.

**COUNCIL MEETING OF TUESDAY, FEBRUARY 20, 1996, AT 7:00 P.M.**

1. Presentation of rewards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

Presentation given by William Seavy.

2. Approval of the minutes of the regular City Council meeting of February 13, 1996.

By motion, (Friedman/Dobbs, unan.; Fisher absent) approved.

3. Consider authorizing request for proposals for furnishing software and equipment currently serving City Hall and Corporation Yard.

Res. 96-68 approving (Friedman/Dobbs, unan.; Fisher absent) authorizing request for proposals.

4. Consider approving request for proposal and authorize call for proposals from prequalified consultants; Central Visual Information Systems and Nolte & Associates for the purchase of an engineering computer network system.

Res. 96-69 approving (Friedman/Dobbs, unan.; Fisher absent) request for proposal and authorizing call for proposals.

5. Consider accepting the replacement of discharge lines at Scenic Bend lift station project by Rolfe Construction as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$155,825)

Res. 96-70 (Friedman/Dobbs, unan.; Fisher absent) accepting work as complete.

6. Oral update on Master Property Tax agreement.

Update given by City Manager.

7. Consider approving the extension and addendum to the Communications agreement with the County of Stanislaus to June 30, 1996.

Res. 96-71 (Friedman/Dobbs, unan.; Fisher absent) approving extension and addendum.

8. Oral Communications

None.

**WRITTEN COMMUNICATIONS**

9. Written Communications

Letter from Mickey C. Peabody, representing a task force on the Condition of Children in Stanislaus County, providing information on a conference to be held under the auspices of the County Department of Education in April, requesting a resolution supporting conference and commitment to promote it.

Res. 96-72 (Dobbs/Friedman, unan., Fisher absent) in support of conference.

10. Request from Harlan Smith, Modesto Camellia Society, for the traditional City of Modesto Sweepstakes trophy for the 35th Camellia Cavalcade.

By motion, (Friedman/Dobbs, unan.; Fisher absent) approved.

11. Matters Too Late For The Agenda

None.

Meeting was adjourned at 7:16 p.m.



**COUNCIL MEETING OF TUESDAY, FEBRUARY 27, 1996, AT 4:00 P.M.**

1. Co-sponsorship awards presentations to businesses, organizations or individuals who contributed \$150 or more for recreational programs and to businesses, organizations and individuals who contributed to the City's 125th Anniversary Celebration.

Presentation made by Judy Loretelli.

A presentation on the Plaza Project theater proposal was made by Greg Butcher and John Brenden.

2. Approval of the minutes of the regular City Council meeting of February 20, 1996.

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

3. Hearing to consider the appeal of Richard Berlanga, The End Zone, to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 241 Seventh Street and to determine whether the public convenience or necessity would be served by the issuance of a license.

Res. 96-73 adopted, (McClanahan/Dobbs, unan.) license approved.

4. Hearing to consider the appeal of Michael E. Dumas, Sparky's Sports Pub, to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 3848 McHenry Avenue and to determine whether the public convenience or necessity would be served by the issuance of a license.

Res. 96-74 adopted, (McClanahan/Fisher, majority; McKinsey, no) deny license of 42 category, support 41 application by Mr. Dumas to ABC, including conditions 2-8.

5. Hearing to consider the appeal of Jagtar and Satnam Uppal, Pacific Market, to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 131 Colfax Avenue and to determine whether the public convenience or necessity would be served by the issuance of a license.

Res. 96-75 adopted, (Fisher/Friedman, unan.) license denied.

6. Hearing to consider the appeal of Surjit S., Charanjit S. and Baljit S. Sandhu, 7 Star Food Store, to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 1525 Yosemite Boulevard and to determine whether the public convenience or necessity would be served by the issuance of a license.

Res. 96-76 adopted, (Friedman/Fisher, unan.) license denied.

7. Hearing to consider the appeal of Thomas Oyler, Cornucopia Natural Foods, to a decision of the State Department of Alcoholic Beverages concerning a license for the sale of alcoholic beverages at 2625 Coffee Road and to determine whether the public convenience or necessity would be served by the issuance of a license.

Res. 96-77 adopted, (Friedman/Fisher, unan.) license approved.

8. Consider accepting Safety Electric Corporation's traffic signal modification at State Route 108 (McHenry Avenue) and Orangeburg Avenue project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$48,573)

Res. 96-78 adopted (Friedman/McClanahan, unan.) accepting work as complete.

9. Consider accepting Hercules Enterprises sanitary sewer replacement - H Street from 9th Street to 19th Street project as complete and authorize the City Clerk to file a Notice of Completion; and consider authorizing an appropriation transfer in the amount of \$8,800 to fully fund the project. (Original contract: \$297,110)

Res. 96-79 adopted (Friedman/McClanahan, unan.) accepting work as complete.

Res. 96-80 adopted (Friedman/McClanahan, unan.) authorizing an appropriation transfer.

10. Consider waiving formal bid procedures and authorizing the purchase of the Paratransit Automated Scheduling System (PASS) for the City's Dial-A-Ride service from On-Line Data Products; and consider amending the Fiscal Year 1995-96 C.I.P. to estimate and appropriate funding for the purchase.

Res. 96-81 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

Res. 96-82 adopted (Friedman/McClanahan, unan.) amending the F.Y. 95/96 C.I.P.

11. Consider waiving formal bid procedures and authorizing the purchase of six used late model sedans from Golden Gate Auto Auction and/or Bay Cities Auto Auction.

Res. 96-83 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing purchase.

By order of the Chair, this item considered before Hearings.

12. Consider establishing a policy regulating the issuance of Alcoholic Beverage Control liquor licenses.

Res. 96-84 adopted (McClanahan/Friedman, unan.) establishing policy.

13. Consider setting a hearing to establish fees for the processing and review of Alcoholic Beverage Control liquor licenses.

Res. 96-85 adopted (Fisher/Friedman, unan.) setting hearing on March 12, 1996 at 4:00 p.m.

14. Consider approving a revision to the Investment of Public Funds Policy, City Council Policy No. 1-1.019.

Res. 96-86 adopted (Friedman/McClanahan, unan.) approving updated policy.

15. Consider adding the proposed section of Jefferson Street and Elm Street to the angle parking resolution.

Res. 96-87 adopted (Friedman/McClanahan, unan.) revising angle parking resolution.

16. Consider authorizing the City Manager to execute loan documents for participants of the City's Housing Rehabilitation Programs based on criteria outlined in the Community Development Program Policy and Procedures Manual, and upon recommendation of the Housing Loan Rehabilitation Committee.

Res. 96-88 adopted (Friedman/McClanahan, unan.) authorizing the City Manager to execute documents.

17. Consider authorizing the City Manager to submit a purchase offer to Stanislaus County for the amount of the delinquent properties located in the Airport area, the Chrysler Park area, and in the Whitmore Park area for use as affordable housing.

Res. 96-89 adopted (Friedman/McClanahan, unan.) authorizing City Manager to submit purchase offer.

18. Consider revising the City's California Environmental Quality Act (CEQA) procedures to facilitate environmental review under the City's Master Environmental Impact Report and provide an efficient CEQA update process.

Res. 96-90 adopted (Friedman/McClanahan, unan.) revising CEQA procedures.

19. Consider authorizing buy-out negotiation with Advanta Leasing Company for the purchase of commercial kitchen equipment, currently leased by R&C Foods, Creekside Golf Course Concessionaire.

Res. 96-91 adopted (Friedman/McClanahan, unan.) authorizing buy-out negotiation for the purchase of equipment.

20. Consider introducing an ordinance amending the Modesto Municipal Code relating to recovery of City funds to remove graffiti.

By motion, Ord. No. 2977-C.S. introduced.

21. Oral Communications

None.

#### WRITTEN COMMUNICATIONS

22. Written Communications

Letter from Russell A. Harrison, representing V.O. Associates, requesting that their proposal for an agreement regarding bond proceeds be considered at this time.

(A letter from Mr. Bob Florsheim, V. O. Associates, was on the City Council agenda of November 7, 1995, requesting the City to approve an agreement regarding bond proceeds relating to Residential Housing Revenue Bonds for Valley Oak multi-family housing project located at 2300 Oakdale Road. At the request of Mr. Florsheim, action on the item was delayed indefinitely.)

By motion, (Dobbs/McKinsey, unan.) referred to staff, who will meet with Russell Harrison. Mr. Harrison will return to Council in approximately 30 days.

23. Matters Too Late For The Agenda

By majority vote, it was determined 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 on the following matters:

- a. Consider approval of the final map of Windsong Ranch Subdivision final map and authorizing City Manager to execute subdivision agreement.

Res. 96-92 adopted (Friedman/Dobbs, unan.) approving

Windsong Ranch final map.

- b. Consider LAFCO options for Fairview Village Annexation.

By motion, (Friedman/Fisher, unan.) proposal as submitted was supported.

Meeting adjourned at 6:10 p.m.

## **COUNCIL MEETING OF TUESDAY, MARCH 5, 1996, AT 7:00 P.M.**

1. a. Presentation of Certificate of Recognition to Kelley Salomon for bowling accomplishments.  
  
Presentation made by Mayor Lang.
- b. Presentation of Certificate of Recognition to members of the Johansen Dance Ensemble for being selected to perform at the John F. Kennedy Center for the Performing Arts in Washington, DC on May 16, 1996.  
  
Presentation made by Mayor Lang.
2. Approval of the minutes of the regular City Council meeting of February 27, 1996.  
  
By motion, (McClanahan/Friedman, unan.; Fisher absent) minutes approved.
3. Final adoption of Ord. No. 2977-C.S. amending the Municipal Code relating to recovery of City funds for graffiti removal.  
  
Ord. 2977-C.S., adopted (McClanahan/Friedman, unan.; Fisher absent) amending the Municipal Code.
4. Consider approving specifications and authorizing call for bids for installation of security chain link fencing around the 1221 Sutter Avenue Wastewater Treatment Plant.  
  
Res. 96-93 adopted (McClanahan/Friedman, unan.; Fisher absent) approving specifications and calling for bids.
5. Consider rejecting all bids received for mini vans and cargo vans and approving revised specifications and authorizing new call for bids.  
  
Res. 96-94 adopted (McClanahan/Friedman, unan.; Fisher absent) rejecting all bids, approving revised specifications, and calling for bids.
6. Consider declaring G.C.S., Inc. low bidder and authorize the purchase of one new street sweeper for a total cost of \$51,745.35,  
  
Res. 96-95 adopted (McClanahan/Friedman, unan.; Fisher absent) declaring G.C.S. Inc., low bidder and authorizing purchase.
7. Consider approving an amendment to the agreement with Brady and Associates for the preparation of the Specific Plan and Focused Environmental Impact Report to develop a Business Park in the Kiernan-Pelandale Corridor.

Res. 96-96 adopted (McClanahan/Friedman, unan.; Fisher absent) approving amendment to agreement.

8. Oral Communications

Mr. John Barnett spoke.

9. Appointments

Consider appointing Mayor Richard A. Lang and Councilmembers Kenni Friedman, Gerald L. McKinsey and Janine McClanahan to the MID Domestic Water Policy Board; and consider appointing Mayor Richard A. Lang and Councilmember Gerald McKinsey to the Stanislaus Waste-to-Energy Financing Agency (JPA) and Councilmember Stan Dobbs as alternate.

Res. 96-97 adopted (McClanahan/Friedman, unan.; Fisher absent) appointing Mayor Lang, and Councilmembers Friedman, McKinsey and McClanahan to MID Domestic Water Policy Board.

Res. 96-98 adopted (McClanahan/Friedman, unan.; Fisher absent) appointing Mayor Lang and Councilmember McKinsey to Stanislaus Waste-to-Energy Financing Agency, with Councilmember Dobbs as alternate.

10. a. Appointment to Board of Building Appeals

Res. 96-99 adopted (Fisher/Dobbs, unan.) appointing Kenneth Williams to the Board of Building Appeals.

b. Appointment to Planning Commission

Res. 96-100 adopted (Fisher/Dobbs, unan.) appointing Michael Pratt to the Planning Commission.

11. Matters Too Late For The Agenda

By motion, (Friedman/McClanahan, unan.) it was determined 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 on the following matter:

By motion, (Dobbs/Serpa, unan.) staff directed to request Board of Supervisors to delay action on proposed expansion of Salida Municipal Advisory council's boundaries and refer this item to City-County Liaison Committee.

Meeting adjourned at 7:23 p.m.

**COUNCIL MEETING OF TUESDAY, MARCH 12, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the special City Council meeting of February 29, 1996, and the special and regular City Council meetings of March 5, 1996.

By motion, approved (Friedman/Dobbs unan.)

3. Hearing to consider establishing fees for the processing and review of Alcoholic Beverage Control Liquor Licenses.

Res. 96-101 adopted (Friedman/Fisher, unan.) establishing fees.

4. Hearing to consider the necessity of acquiring the real property Joseph N. and Gemma S. Sciabica, Nicholas A. Sciabica and Daniel Sciabica, more particularly described as the abandoned portion of MID Lateral No. 2, which lies adjacent to Assessor's Parcel No. 34-13-06.

Res. 96-102 adopted (Dobbs/Lang, unan.) approving Resolution of Necessity.

5. Consider approving specifications and authorizing call for bids for furnishing of annual recycled janitorial paper products under a local government agency bid.

Res. 96-103 adopted (Friedman/Dobbs unan.) approving specifications and authorize a call for bids.

6. Consider approving specifications and authorizing call for bids for a hydraulic digger derrick truck.

Res. 96-104 adopted (Friedman/Dobbs unan.) approving specifications and authorizing a call for bids.

7. Consider approving request for proposals and authorizing call for proposals from qualified contractors for the removal/beneficial reuse of Primary Plant wastewater biosolids.

Res. 96-105 adopted (Friedman/Dobbs unan.) approving request for proposals and authorize opening.

8. Consider waiving formal bid procedures and authorizing the purchase of one utility truck from Country Ford Trucks for a total cost of \$32,323.10.

Res. 96-106 adopted (Friedman/Dobbs unan.) waiving formal bid



procedures and authorizing purchase.

9. Consider accepting the handicap restroom remodel at Roosevelt, Downey and Davis Parks projects as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$104,182)

Res. 96-107 adopted (Friedman/Dobbs unan.) accepting work as complete.

10. Consider amending the Budget to fully fund the Coffee Road - road construction and storm drain project by transferring \$141,000 from various accounts; and consider approving Contract Change Orders Nos. 6 and 7.

Res. 96-108 adopted (Friedman/McKinsey, majority; Serpa, no) amending budget.

Res. 96-109 adopted (Friedman/McKinsey, majority; Serpa, no) approving change orders.

11. Consider congratulating Stanislaus County District Attorney Donald Stahl on the occasion of his retirement from service.

Res. 96-110 adopted (Friedman/Dobbs unan.) congratulating Stanislaus County District Attorney Donald Stahl upon his retirement.

12. Consider adjusting the effective date of a salary increase for Modesto Police Officers Association (MPOA).

Res. 96-111 adopted (Friedman/Dobbs unan.) approving amendment to MOU with MPOA.

13. Consider approving the development of the on-going biosolids removal/dewatering and co-composting components of the Biosolids Co-compost Program and authorizing staff to prepare bid specifications for construction and equipment for project components; consider authorizing staff to proceed with the development of capital and operations budgets within the Sewer Fund for these program elements; and consider directing staff to report to Council within two years of initiating operations on issues and options for competitive bid of co-compost operations.

Res. 96-112 adopted (McKinsey/Serpa, majority; McClanahan, no) approving recommendations.

14. Consider approving agreement with Pacific Design Associates for design services for the new Amtrak Station project; and consider amending the budget to estimate additional revenue for the project.

Res. 96-113 adopted (Friedman/Dobbs unan.) approving agreement.

Res. 96-113A adopted (Friedman/Dobbs unan.) amending the budget.

15. Consider accepting report of City Manager on annual testing of CATV franchise; and consider approving an amendment to agreement with Les Page, Consultant, to increase the hourly rate.

By motion, (Friedman/Dobbs unan.) report accepted.

Res. 96-114 adopted (Friedman/Dobbs unan.) approving amendment.

16. Consider increasing the amount of cash on hand by \$540.00 and authorizing the transfer of \$540.00 from the General Fund to Cash on Hand.

Res. 96-115 adopted (Friedman/Dobbs unan.) increasing Cash On Hand.

Councilmembers Fisher and McClanahan excused due to conflict of interest.

17. Consider objecting to sale of tax defaulted real property, Covell Hotel, and authorizing staff to execute agreement with the County for the purchase of the property.

Res. 96-116 adopted (McKinsey/Friedman; Fisher/McClanahan absent) objecting to tax sale and authorizing execution of agreement.

18. Consider authorizing request for proposals to lease approximately 3,275 acres of City-owned ranch property irrigated by treated wastewater.

Res. 96-117 adopted (Friedman/Dobbs unan.) authorizing request for proposals.

19. Report of two loans approved under the Emergency Home Repair Program during February 1996.

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

20. Consider deferring Capital Facilities Fees in the amount of \$2,000 per housing unit, for up to 63 new single-family homes, with the City waiving all accrued interest and authorizing City Manager to submit an application to the State Department of Housing and Community Development for the Building Equity and Growth in Neighborhoods (BEGIN) Program.

Res. 96-118 adopted (Friedman/Dobbs unan.).

Councilmembers Fisher and McClanahan excused due to conflict of interest.

21. Consider approving allocation of \$353,000 in HOME funds and authorizing the City Manager to execute agreements and loan documents when prepared.

Res. 96-119 adopted (Dobbs/Friedman; Fisher/McClanahan absent) approving allocation and authorizing execution of loan agreements.

22. Consider amendment to Housing Rehabilitation Loan Guidelines.

Res. 96-120 adopted (Friedman/Dobbs unan.) approving amendment to Rehabilitation Loan Guidelines.

23. Consider approving amendment to agreement with Stanislaus County, City of Ceres (Tuolumne River Regional Park Joint Powers Agreement) to modify the funding formula.

Res. 96-121 adopted (Friedman/Dobbs unan.) approving amendment to agreement.

24. Consider approving purchase agreement with the Trust for Public Land, City of Ceres, and the County of Stanislaus for the acquisition of 77± acres of land to be added to the Tuolumne River Regional Park and authorizing City Manager to execute restrictive covenants related to grants approved for the purchase of the property and accept real property.

Res. 96-122 adopted (Friedman/Dobbs unan.) approving agreement.

#### ORAL COMMUNICATIONS

25. Oral Communications

None.

26. Written Communications

Letter from Bertolotti Disposal requesting the renewal of their industrial garbage and salvageable waste license.

Res. 96-123 adopted (Friedman/Dobbs unan.) setting hearing.

#### MATTERS TOO LATE FOR THE AGENDA

27. Matters Too Late For The Agenda

None.

28. CLOSED SESSION -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District Court,  
case No. CV-F 94-6189 OWW DLB

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto v. Bearden  
Superior Court Case No. 302043

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Adjournment

Adjourned at 4:30 p.m. to Closed Session. City Attorney returned at 5:57 and  
announced that by a vote of 6-1 (Fisher, no) Council determined not to appeal the  
judgement in the City of Modesto v. Bearden case.

**COUNCIL MEETING OF TUESDAY, MARCH 19, 1996, AT 7:00 P.M.**

1. a. Presentation of rewards by William Seavy, Chair, Graffiti Reporting Rewards Committee.  
  
Presentation by William Seavy.
- b. Presentation of plaques to Frederick Chastain and Dwight McGhee for their heroic efforts during separate residential fires.  
  
Fire Chief Hughes made presentation.

2. Approval of the minutes of the regular City Council meeting of March 12, 1996.

By motion, minutes adopted.

Councilmember Fisher excused due to conflict of interest.

3. Hearing to consider the application of Bill Zoslocki for an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map to rezone from Planned Development Zone, P-D(466), to Medium-Density Residential Zone, R-2, one parcel containing 7.09 acres, property located on the southeast corner of West Rumble Road and Lou Ann Drive.

Ord. No. 2978-C.S. introduced (Friedman/McClanahan, unan.; Fisher absent)

Res. 96-124 adopted (Friedman/McClanahan, unan.; Fisher absent) certifying review of environmental assessment.

4. Consider approving specifications and authorizing call for bids for the purchase of one trailer and three generators.

Res. 96-125 adopted (McClanahan/Friedman, unan.) approving specifications and authorizing bid call.

5. Consider awarding contract for the Woodland lift station odor control project to Conco-West, Inc. for \$49,250.

Res. 96-126 adopted (McClanahan/Friedman, unan.) accepting bid and awarding contract.

6. Consider accepting desander installation project at Wells 1, 3, 8, 10, 17, 18, 22 and 29 as complete and authorizing City Clerk to file a Notice of Completion. (Original contract: \$271,000)

Res. 96-127 adopted (McClanahan/Friedman, unan.) accepting work as complete.

7. Consider approving agreement with Modesto Irrigation District to allow the City to discharge storm water from the Sunrise/Tokay area to the MID cavil drain.

Res. 96-128 adopted (McClanahan/Friedman, unan.) approving agreement.

8. Consider approving agreement with Stanislaus County and other cities and fire protection districts in Stanislaus County for the formation and maintenance of a hazardous materials response team within Stanislaus County.

Res. 96-129 adopted (McClanahan/Friedman, unan.) approving agreement.

9. Consider accepting the recommendations of the Permanent Fine Art Collection Committee regarding the 16 paintings donated to the City of Modesto by the Central California Art League.

Res. 96-130 adopted (McClanahan/Friedman, unan.) accepting recomendations.

10. Consider approving the allocation of \$15,000 in HOME funds to Algen Gardens for down payment assistance to homebuyers.

Res. 96-131 adopted (McClanahan/Friedman, unan.) approving allocation.

11. Oral Communications

A representative from Homewood Village Mobilehome Park expressed concerns on Proposition 199 limits on mobile home park rent control.

12. Matters Too Late For The Agenda

None

13. Closed Session -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District Court, case No. CV-F 94-6189 OWW DLB

Adjourned at 7:31 pm to Closed Session. City Attorney returned at 9:00pm and

announced that no action had been taken.

**COUNCIL MEETING OF TUESDAY, MARCH 26, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None

2. Approval of the minutes of the regular City Council meeting of March 19, 1996.

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

3. Final adoption of Ord. No. 2978-C.S. amending Sections 12-3-8 and 13-3-8 of the Zoning Map to rezone from P-D(466) to R-2 property located on the southeast corner of West Rumble Road and Lou Ann Drive. (Bill Zoslocki)

By motion, (Dobbs/McKinsey, unan.; Fisher absent) Ord. No. 2978-C.S. adopted.

4. Consider awarding contract for SCADA System Additions - Phase I project to Collins Electrical Company for \$104,916.

Res. 96-132 adopted (Friedman/McKinsey, unan.) accepting bid and awarding contract.

5. Consider awarding contract for recoating of Clarifier No. 1 at the Water Quality Control Plant project to Jeffco Painting and Coating, Inc. for \$147,318, and consider approving an appropriation transfer in the amount of \$33,942.52 to fully fund the project.

Res. 96-133 adopted (Friedman/McKinsey, unan.) accepting bid and awarding contract.

Res. 96-134 adopted (Friedman/McKinsey, unan.) approving appropriation transfer.

6. Consider declaring Sefac Lift and Equipment low bidder on one vehicle lift for \$57,754 and authorize the purchase, and consider amending the budget to appropriate \$27,754 to fully fund the acquisition of the vehicle lift.

Res. 96-135 adopted (Friedman/McKinsey, unan.) declaring Sefac Lift and Equipment low bidder.

Res. 96-136 adopted (Friedman/McKinsey, unan.) amending the budget.

7. Consider waiving formal bid procedures and authorizing Purchasing Officer to negotiate with Fuller Ford for one additional new cab and Chassis with 5 to 6 yard capacity hydraulic dump body and authorizing a change order.



Res. 96-137 adopted (Friedman/McKinsey, unan.) waiving formal bid procedures and authorizing change order.

8. Consider declaring 13 pieces of golf course equipment and one lot of obsolete traffic signal equipment surplus and authorizing the Purchase Officer to sell by sealed bid, auction, negotiation or scrap.

Res. 96-138 adopted (Friedman/McKinsey, unan.) declaring equipment surplus and authorizing disposal.

9. Consider the following actions relating to "Earth Day in the Park, 1996" to be held Saturday, April 27, 1996, at Graceada Park:

- a. Affirming the City's co-sponsorship of "Earth Day in the Park, 1996."
- b. Authorizing the City Manager to enter into any necessary contracts with service providers.
- c. Authorizing the Purchasing Officer to assist Earth Day Steering Committee with the vendor selection process
- d. Authorizing the display of an event promotional banner to hang from the Modesto Arch on I Street
- e. Allowing the sale of merchandise in the Park during the event.

Res. 96-139 adopted (Friedman/McKinsey, unan.) approving co-sponsorship of Earth Day in the Park, 1996.

10. Consider approving amendment to the lease agreement with Hein Hettinga and Amos DeGroot for the lease of approximately 2,565 acres of the secondary wastewater treatment facility.

Res. 96-140 adopted (Friedman/McKinsey, unan.) approving amendment to lease agreement with Hein Hettinga and Amos DeGroot.

11. Consider approving agreements for services with 12 subrecipients of Community Development Block Grant Funds for Fiscal Year 1995-96 as part of the Mid-Year Carryover Allocation and amending the Consolidation Plan - Action Plan for Fiscal Year 1995-96.

Res. 96-141 adopted (Friedman/McKinsey, unan.) approving agreements.

12. Consider approval of final map of Paradise Road Housing Project 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: Self-Help Enterprises)

Res. 96-142 adopted (Dobbs/McKinsey, unan.; Fisher absent) approving final map and authorizing signing of agreement.

Res. 96-143 adopted (Dobbs/McKinsey, unan.; Fisher absent) certifying review of the Environmental Assessment.

13. Consider declaring a donated fire truck and used playground equipment scrap and authorizing donation the fire truck to the family of the original fire truck donator and the playground equipment to the First Christian Methodist Episcopal Church of Modesto.

Res. 96-144 adopted (Friedman/McKinsey, unan.) declaring equipment scrap and authorizing donation.

14. Oral Communications

None.

15. Written Communications

Letter from Sue Pankow regarding the rental fees for softball fields.

By motion, (Lang/Serpa, unan.) referred to Human Services Committee.

16. Appointments.

Consider appointment of Helen White as Culture Commission representative to Landmark Preservation Commission.

Res. 96-145 adopted (Friedman/McKinsey, unan.) approving appointment.

17. Matters Too Late For The Agenda

None.

18. CLOSED SESSION -- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District Court, case No. CV-F 94-6189 OWW DLB

Adjourned to Closed Session at 4:30pm. City Attorney returned at 6:15 and reported no action was taken.

**COUNCIL MEETING OF TUESDAY, APRIL 2, 1996, AT 7:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the regular City Council meeting of March 26, 1996.

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

3. Hearing to consider the proposed designation of the Elk's Lodge, owner: Teamsters Union Local 748, property located at 1222 I Street, as a Modesto Landmark Preservation Site.

Res. 96-146 adopted (McClanahan/Serpa, unan.) designating Elk's Lodge as a Modesto Landmark Preservation Site.

4. Consider approving specifications and authorize a call for bids for underground fuel tank removal/above ground fuel tanks and installation.

Res. 96-147 adopted (Fisher/Friedman, unan.) approving specifications and calling for bids.

5. Consider waiving formal bid procedures and authorizing the purchase of play apparatuses, as the result of informal solicitations, to Ross Recreation Equipment Company, Inc., to be installed at West Side Park for a total cost of \$34,999.42.

Res. 96-148 adopted (Fisher/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

6. Consider waiving formal bid procedures and authorizing the purchase of 80,000 pounds of Recycled Granular Activated Carbon (GAC) from the City of Fresno contract with Northwestern Carbon to be used at well site #285 for a total cost of \$51,152.

Res. 96-149 adopted (Fisher/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

7. Consider rejecting bids for the mini vans and authorizing the purchase of two cargo vans from Country Ford Trucks and three mini vans from Folsom Lake Ford through the State contract for the total cost of \$109,280.

Res. 96-150 adopted (Fisher/Friedman, unan.) rejecting bids for mini vans and authorizing purchase of cargo vans and mini vans.

8. Consider approving the proposed process for administering Mills Act Contracts

as recommended by the Landmark Preservation Commission.

Res. 96-151 adopted (Fisher/Friedman, unan.) approving process as recommended by Landmark Preservation Commission.

9. Consider approving agreement with the San Joaquin Valley Unified Air Pollution Control District to accept \$10,000 in funding for preparation of the Stanislaus Area Association of Governments Bicycle Transportation Master Plan.

Res. 96-152 adopted (Fisher/Friedman, unan.) approving agreement.

10. Consider accepting \$866,000 in grant funding from the Federal Transportation Enhancement Activities Program and the State Environmental Enhancement and Mitigation Program for acquisition of real property for the expansion of the Tuolumne River Regional Park (TRRP), and consider amending the budget to estimate and appropriate all revenue for the property acquisition including TRRP Agency contributions.

Res. 96-153 adopted (Fisher/Friedman, unan.) accepting grants.

Res. 96-154 adopted (Fisher/Friedman, unan.) amending budget.

11. Consider approving the submittal of a Modesto City-County Airport application for federal funds in the amount of \$414,378 to complete the Airport's Fiscal Year 1996-97 capital improvements.

Res. 96-155 adopted (Fisher/Friedman, unan.) authorizing grant application.

12. Consider authorizing application for grant funding for Reduce Motor Vehicle Emissions (REMOVE) Program from the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD).

Res. 96-156 adopted (Fisher/Friedman, unan.) authorizing grant applications.

13. Consider authorizing City Manager to execute agreements and loan documents for \$750,000 HOME loan to Paradise Road Partners.

Res. 96-157 adopted (Friedman/Dobbs, unan., Fisher absent) authorizing City Manager to execute agreements and loan documents.

14. Consider authorizing the City Manager to sign a bid response and contract, if bid is successful, with Tuolumne County for Workers' Compensation and Liability Claims Adjusting and Administrative Services.)

Res. 96-158 adopted (Fisher/Friedman, unan.) authorizing City Manager

to sign bid response and contract, if bid is successful.

15. Consider amending the Municipal Code relating to Enterprise Designation Business changing water main connection charges to the water system fee.

Ord. No. 2979-C.S. introduced.

16. Consider approving agreement with Jones and Stokes Associates to prepare a Focused Environmental Impact Report and Specific Plan for development of the Empire North Specific Plan No. 1 Area, and consider amending the budget to appropriate additional revenue from developer account and appropriate funds to the Empire North project account.

Res. 96-159 adopted (Fisher/Friedman, unan.) approving agreement.

Res. 96-160 adopted (Fisher/Friedman, unan.) amending budget.

17. Consider approval of the final map of Yosemite Meadows Unit No. 2 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: Lowe Development Company)

Res. 96-161 adopted (Fisher/Friedman, unan.) approving final map and approving agreement.

18. Oral Communications

None.

19. Matters Too Late For The Agenda

None.

This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

1. CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association

2. Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

Adjourned to Closed Session at 7:09pm. City Attorney returned at 8:45 and reported no action was taken.

**COUNCIL MEETING OF TUESDAY, APRIL 9, 1996, AT 4:00 P.M.**

1. Presentation of Certificates of Recognition to the Shackleford Elementary Chess Team and their faculty advisor for winning the Southern California State Chess Championships.

Mayor Lang made presentation

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

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

3. Final adoption of Ord. No. 2979-C.S. relating to Enterprise Designation Business.

By motion, Ord. No. 2979-C.S. adopted (Friedman/McClanahan, unan.; Fisher absent).

4. Hearing to consider whether the public convenience and necessity require the taxicab service proposed by Mr. Ron Paul.

Res. 96-162 adopted (Friedman/McKinsey, unan.; Fisher absent) rejecting Ron Paul's application.

5. Hearing consider renewal of the license of Bertolotti Disposal for the collection of industrial garbage and salvageable waste.

Ord. No. 2980 introduced (Dobbs/McKinsey, unan.; Fisher absent)

6. Hearing to consider the application of Norm E. Wilson to amend Section 21-3-9 of the Zoning Map to rezone from R-1, Low-Density Residential Zone, to P-O, Professional Office Zone, two contiguous parcels containing 1.80 acres, property located on the east side of Coffee Road south of West Orangeburg Avenue.

Ord. No. 2981 introduced (Dobbs/Friedman, unan.; Fisher absent)

Res. 96-163 adopted (Dobbs/Friedman, unan.; Fisher absent) with findings provided by Environmental Assessment No. 95-5.

7. Hearing to consider the application of Terry Mundy to amend Sections 12-3-8 and 13-3-8 of the Zoning Map to rezone from R-1, Low Density Residential Zone, to P-D, Planned Development Zone, as an addition to P-D(346), for the English Oaks Convalescent and rehabilitation hospital complex, and rezone the east portion of P-D(346) to R-1, as a revocation, properties located on the north and south sides of West Rumble Road, east of Hahn Drive.

Ord. No. 2982 introduced (Serpa/Friedman, unan.; Fisher absent).

Ord. No. 2983 introduced (Serpa/Friedman, unan.; Fisher absent).

Res. 96-164 adopted (Serpa/Friedman, unan.; Fisher absent) approving a development plan for addition to P-D(346).

Res. 96-165 adopted (Serpa/Friedman, unan.; Fisher absent) with findings provided by Environmental Assessment No. 96-34.

8. Hearing to consider approving the Recreation Division policy and structure for establishing recreation activity fees and revenues.

Res. 96-166 adopted (McClanahan/McKinsey, unan.; Fisher absent) approving the Recreation Division policy.

9. Consider declaring WECO Industries, Inc. low bidder and authorizing the purchase of eleven new gas detectors for a total price of \$29,619.81.

Res. 96-167 adopted (Friedman/McClanahan, unan.; Fisher absent) declaring WECO Industries Inc. low bidder and authorizing purchase.

10. Consider rejecting all bids for the variable speed drives - effluent pumps project.

Res. 96-168 adopted (Friedman/McClanahan, unan.; Fisher absent) rejecting bids.

11. Consider accepting the work for the digesters No. 1 and 2 foam coating repair contract of Central Coating Co., Inc. as complete and authorizing City Clerk to file a Notice of Completion. (Original contract and final cost: \$27,841.)

Res. 96-169 adopted (Friedman/McClanahan, unan.; Fisher absent) accepting work as complete needed.

12. Consider indicating City Council position on Landmark Designation of the Crocker Building, 850 10th Street.

By motion, Landmark Designation not supported (Friedman/McClanahan, yes; Dobbs/McKinsey, no; Fisher absent).

13. Consider approving a new Master Property Tax Agreement with the County of Stanislaus.

Res. 96-170 adopted (McClanahan/Dobbs, unan.; Fisher absent) authorizing City Manager to execute agreement.

14. Consider amending the election budget by transferring \$16,450 from the General



Fund Reserves to Account 010-050-0502-0238 to pay for signature verification by the County on the Initiative Ordinance Requiring an Advisory Vote Prior to the Approval of Funds for Sewer Improvements Which Allow Urban Development (Aarvig Initiative).

Res. 96-171 adopted (Friedman/McClanahan, unan.; Fisher absent) amending budget.

15. Report of one loan approved under the Emergency Home Repair Program (EHRP) during March 1996.

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

16. Consider approving lease agreement with McCaw Communications of Modesto, Inc. for the lease of 700± square feet of Downey Park to locate a cellular telephone antenna.

Res. 96-172 adopted (Friedman/McClanahan, unan.; Fisher absent) approving lease agreement.

17. Consider approving amendment to lease agreement with Basic Resources, Inc. for the lease of an addition 204± square feet of the Beaty Building for additional space for the Neighborhood Preservation Unit of the Housing and Neighborhoods Division of the Community Development Department.

Res. 96-173 adopted (Friedman/McClanahan, unan.; Fisher absent) approving amendment to lease agreement.

18. Consider approving SAAG's transit cost-sharing formula for the nine cities in Stanislaus County.

Res. 96-174 adopted (Friedman/McClanahan, unan.; Fisher absent) approving cost-sharing formula.

19. Consider amending the budget in the amount of \$10,000 to re-estimate revenue to allow painting and outfitting the new Police Department Crime Scene Identification Van.

Res. 96-175 adopted (Friedman/McClanahan, unan.; Fisher absent) amending budget.

Item #20 Removed From The Agenda

20. Consider ordering the Fairview Village Reorganization to the City of Modesto, annexation to the Modesto Municipal Sewer District No. 1, and detachment from

the Industrial Fire District.

None taken.

21. Oral Communications

None.

22. Written Communications

Letter of resignation from the Culture Commission from Gene D'Accardo.

Res. 96-176 adopted (Friedman/McClanahan, unan.; Fisher absent) accepting resignation with regret.

23. Letter of resignation from the Landmark Preservation Commission from Paul Ventimiglia.

Res. 96-177 adopted (Friedman/McClanahan, unan.; Fisher absent) accepting resignation with regret.

24. Appointments

a. Human Relations Commission

Res. 96-178 adopted (McKinsey/Serpa, unan.; Fisher absent) appointing Paul Horn, Carolyn Fraser, and Mary Van Loon to the Human Relations Commission.

b. Planning Commission

Res. 96-179 adopted (McKinsey/Serpa, unan.; Fisher absent) appointing Raymond Feller to the Planning Commission.

c. Redevelopment Advisory Commission.

Res. 96-180 adopted (McKinsey/Serpa, unan.; Fisher absent) appointing Steve Jalbert to the Redevelopment Advisory Commission.

25. Consider appointing Councilmember Gerald McKinsey and staff member Michael Gilton as alternate member to the Joint Powers Authority (JPA) for the Turlock Irrigation District area surface water project.

Res. 96-181 adopted (Friedman/McClanahan, unan.; Fisher absent) appointing Councilmember Gerald McKinsey and staff member Michael Gilton as alternate member to the Joint Powers Authority (JPA) for the

Turlock Irrigation District area surface water project.

26. Matters Too Late For The Agenda

None.

27. Closed Session

This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District Court, case No. CV-F 94-6189 OWW DLB

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association

Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Management Assoc

Adjourned to closed session at 4:52 p.m. City Attorney returned at 7:05 p.m. and stated there was nothing to report.

**COUNCIL MEETING OF TUESDAY, APRIL 16, 1996, AT 7:00 P.M.**

1. Presentation of rewards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

William Seavy presented monetary rewards to various citizens who reported graffiti vandalism which resulted in the perpetrators' arrest.

2. Approval of the minutes of the regular City Council meeting of April 9, 1996.

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

3. Final adoption of:

- a. Ord. No. 2980-C.S. relating to the garbage, industrial garbage and salvageable waste license of Bertolotti Disposal Service.
- b. Ord. No. 2981-C.S. rezoning from R-1 to P-O, property located on the east side of Coffee Road, south of West Orangeburg Avenue. (Norman E. Wilson)
- c. Ord. No. 2982-C.S. rezoning from R-1 to P-D(346) as an addition to P-D(346) property located on the south side of West Rumble Road, east of Hahn Drive. (Terry Mundy)
- d. Ord. No. 2983-C.S. rezoning from P-D(346) to R-1, as a revocation, property located on the north side of West Rumble Road, east of Hahn Drive. (Terry Mundy)

By motion, approved (McKinsey/Friedman, unan.) final adoption of Ord. Nos. 2980-C.S., 2981-C.S., 2982-C.S., 2983-C.S.

4. Hearing to consider confirming the report of work and cost of construction of improvements along an alley in Block 1024 from Brighton Avenue to Roselene Avenue between Locke Road and Elizabeth Court.

Res. 96-182 adopted (Friedman/Dobbs, unan.) confirming report of work and cost of construction.

5. Hearing to consider establishing a fee schedule for Recreation on Campus for Kids (R.O.C.K.S.) recreational programs on individual school campuses.

Res. 96-183 adopted (McClanahan/McKinsey, unan.) establishing recreational programs on individual school campuses and a fee schedule.

6. Consider declaring Com-Aid low bidder and authorizing the purchase of

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telephone hardware and software upgrades for a total cost of \$59,344.97.

Res. 96-184 adopted (McKinsey/Friedman, unan.) declaring low bidder and authorizing purchase.

7. Consider accepting the work for the contract of Collins Electrical Co., Inc. for traffic signal modifications at W. Orangeburg Avenue and Tully Road as complete and authorize the City Clerk to file the Notice of Completion. (Original contract and final cost: \$102,350.)

Res. 96-185 adopted (McKinsey/Friedman, unan.) accepting work as complete.

8. Consider waiving formal bid procedures and authorizing the purchase of five hand held computerized parking ticket tracking systems from Cardinal Tracking for \$27,492.62.

Res. 96-186 adopted (McKinsey/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

9. Consider waiving formal bid procedures and authorizing the purchase and installation of a rebuilt chiller for the Police building air conditioning system, as the result of informal solicitations, from Champion Industrial Contractors for \$27,000, and consider amending budget.

Res. 96-187 adopted (McKinsey/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

Res. 96-188 adopted (McKinsey/Friedman, unan.) amending the budget.

10. Consider authorizing expenditure of Community Development Block Grant Funds for the purchase and installation of street trees in Prescott Estates and amending the Consolidated Plan.

Res. 96-189 adopted (McKinsey/Friedman, unan.) authorizing expenditure of CDBG funds and amending the Consolidated Plan.

#### Item 11 Dropped from the Agenda

11. Consider implementing a 12-month Modesto Youth Conservation Program with total expenditures of \$241,626 and total revenue of \$85,695. (Resolution authorizing City Manager to sign grant application and agreement with State of California for \$85,695 in funding from the State Resources Agency needed; resolution amending the budget to appropriate \$32,500 for start up costs and program expenses for one month needed; and motion directing staff to include allocation of resources for remaining 1996-97 General Fund operating

budget needed.)

12. Consider approval of final map of Symphony Place No. 3 subdivision of the City of Modesto and consider accepting the improvements. (Owner: Sarjak Enterprises)

Res. 96-190 adopted (McKinsey/Friedman, unan.) approving final map, accepting improvements, and authorizing execution of subdivision agreement.

13. Oral Communications

Councilmember Serpa asked for a statement in writing from the City Manager's office regarding information he had requested but not yet received.

14. Letter from John Costanzo requesting a waiver of fees by 50% for a senior citizen apartment complex construction project on Carver Road, Valley Heights.

By motion, (Dobbs/McClanahan, unan.) referred to staff or Committee for further analysis and review. This item will return to Council at the May 7, 1996 meeting.

15. Matters Too Late For The Agenda

None.

Closed Session Dropped from Agenda.

16. Closed Session. This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, 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: Two Cases.

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: The union representing two groups of City employees has threatened litigation to collect additional overtime that the union contends is due.

Meeting adjourned at 7:25 p.m.

4/16/96

## **COUNCIL MEETING OF TUESDAY, APRIL 23, 1996, AT 4:00 P.M.**

1. a. Presentation of Certificates of Recognition to the Regional Science Bowl Champions from Thomas Downey High School.  
  
Mayor Lang acknowledged students and announced that they would be at a future Council meeting to receive certificates.
  - b. Recognition of the City of Modesto as a Recipient of the National Arbor Day Foundation's Tree City USA Award and presentation of a proclamation declaring April 26, 1996, as Arbor Day.  
  
Mayor Lang commended Parks & Recreation staff and presented proclamation to Parks & Recreation Director.
  - c. Presentation of annual update of activities by Modesto Convention and Visitors Bureau Manager Linda Hoile.  
  
Linda Hoile introduced members of advisory council and staff, and presented annual report.
2. Approval of the minutes of the regular City Council meeting of April 16, 1996.  
  
By motion, (Fisher/Dobbs, unan.) minutes approved.
  3. Consider awarding contract for the sidewalk repair project for Spring 1996 to Central California Paving Company for \$117,968.99, and consider amending the budget.  
  
Res. 96-191 adopted (Fisher/Dobbs, unan.) awarding contract.  
  
Res. 96-192 adopted (Fisher/Dobbs, unan.) amending budget.
  4. Consider declaring Central Janitors Supply and Randik Paper Company low bidders and authorizing the purchase of recycled janitorial paper products under a one-year cooperative local government agency bid for a total estimated cost to the City of Modesto of \$27,000.  
  
Res. 96-193 adopted (Fisher/Dobbs, unan.) declaring low bidders and authorizing purchase.
  5. Consider accepting Auburn Constructors contract for the Water Tank No. 4 and Well No. 54 installation project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$889,000)

Res. 96-194 adopted (Fisher/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

6. Consider declaring Ricker Machinery low bidder and authorize the purchase of one new street sweeper for a total cost of \$120,890.80; and consider approving an appropriation transfer in the amount of \$5,891.

Res. 96-195 adopted (Fisher/Dobbs, unan.) declaring Ricker Machinery low bidder and authorizing purchase.

Res. 96-196 adopted (Fisher/Dobbs, unan.) approving appropriation transfer.

7. Consider waiving formal bid procedures and authorizing the lease/purchase of a 105-foot heavy duty aerial apparatus from Pierce Manufacturing through Golden State Fire Apparatus for \$517,566; consider authorizing City Manager to sign a five year leasing agreement; and consider amending the budget.

Res. 96-197 adopted (Fisher/Dobbs, unan.) waiving formal bid procedures and authorizing lease/purchase.

Res. 96-198 adopted (Fisher/Dobbs, unan.) approving leasing agreement.

Res. 96-199 adopted (Fisher/Dobbs, unan.) amending budget.

8. Budget Status Report, Third Quarter Fiscal Year 1995-96.

By motion, (Friedman/McClanahan, maj., Fisher, no) acknowledged receipt of report.

Res. 96-200 adopted (Friedman/McClanahan, maj., Fisher, no) amending the FY 1995-96 budget.

Res. 96-201 adopted (Friedman/McClanahan, maj., Fisher, no) re-estimating the revenue for FY 1995-96 budget.

9. Report on LAFCO consideration of The Wood Colony Community Association request to amend Modesto's Sphere of Influence Policies.

Information only; no action taken.

10. Consider authorizing payment of \$288,132.03 deposit to Modesto irrigation District for utility pole relocation required in conjunction with the upcoming Briggsmore/Coffee intersection improvements.

Res. 96-202 adopted (Fisher/Dobbs, unan.) authorizing payment of deposit.

11. Quarterly Treasurer's Report - March 1996.

4/23/96



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

12. Consider amending the budget to appropriate \$6,230 from the General Fund Contingency Reserve for emergency repair of the roof at the Daisy Tree building at 1016 G Street which is being used by the Police Activities League to provide services to youth.

Res. 96-203 adopted (Fisher/Dobbs, unan.) amending budget.

13. Consider approving the allocation of up to \$60,000 in HOME funds to B & B Properties to assist in the rehabilitation of a 14-unit rental complex at 604 Briggs Avenue and authorizing the City Manager to execute loan agreements.

Res. 96-204 adopted (Fisher/Dobbs, unan.) approving allocation and authorizing City Manager to execute loan agreement.

Councilmember Fisher excused due to conflict of interest.

14. Consider approving Capital Facilities Fees Exemption Agreement with Paradise Road Partners for a 48-unit family rental project.

Res. 96-205 adopted (Friedman/Dobbs, unan., Fisher absent) approving agreement and authorizing City Manager to sign.

15. Consider authorizing the issuance and sale of 1996 Wastewater Treatment Facility Refunding Revenue Bonds in an amount not to exceed \$11,000,000, and approving and authorizing related actions with respect thereto.

Res. 96-206 adopted (Fisher/Dobbs, unan.) authorizing issuance and sale of bonds and authorizing related actions.

16. Oral Communications

None.

17. Written Communications

Letter from Nancy Young, Executive Director, Downtown Improvement, requesting the use of Downtown sidewalks for the selling of merchandise on Thurs, Friday, Saturday and Sunday, May 2, 3, 4, and 5, 1996.

By motion, (Fisher/Dobbs, unan.) authorized use of downtown sidewalks for merchandise sales on May 2 thru 5, 1996 by Downtown Improvement District.

18. Matters Too Late For The Agenda

None.

19. Closed Session. This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of cases: Joe Rambout v. City of Modesto,  
Workers' Compensation Appeals Board  
Case No. STK 89762

Harold Dennis Prouty v. City of Modesto,  
Workers' Compensation Appeals Board  
Case No. STK 113571

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: J. Edward Tewes  
Unrepresented Employees: All unrepresented Management and  
Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two cases.

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: The union representing two groups of City employees has threatened litigation to collect additional overtime that the union contends is due.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: MPMA vs. City of Modesto, United States District  
Court, case No. CV-F 94-6189 OWW DLB

Meeting adjourned to Closed Session. City Attorney returned at 6:55 p.m. and stated there was nothing to report.

**COUNCIL MEETING OF TUESDAY, MAY 7, 1996, AT 7:00 P.M.**

1. a. Acknowledge certification of the McHenry Mansion as accredited by the American Association of Museums.

Mayor Lang, Mark Jensen, and Wayne Mathes made presentation.

- b. Presentation by Linda Avedon of United Way expressing appreciation for the City's involvement in the Neighbors United activity.

Presentation by Linda Avedon.

2. Approval of the minutes of the regular City Council meeting of April 23, 1996.

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

3. Hearing to consider ordering the Fairview Village Reorganization, consisting of annexation to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment from the Industrial Fire Protection District.

Res. 96-207 approved (Friedman/Dobbs, unan.) ordering Fairview Village Reorganization.

4. Hearing to consider the proposed amendments to the Village One Specific Plan including the Precise Plan for Area No. 8 and the Precise Planning Area No. 33, downzoning underlying zoning from R-3 to R-1 for PPA No. 8, and to amend the design standards pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33 of the Village One Specific Plan, located south of Sylvan Avenue, north of Floyd and Briggsmore Avenues, east of Oakdale Road and west of the Santa Fe Railroad tracks.

By motion, (Fisher/Dobbs, unan.) continued to May 14, 1996 City Council meeting.

5. Consider approving specifications and authorizing call for bids for furnishing 21,000 pounds of polymer.

Res. 96-208 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

6. Consider approving specifications and authorizing call for bids for the purchase of one new cab and chassis with telescoping aerial lift.

Res. 96-209 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

7. Consider approving specifications and authorizing call for bids for furnishing landscape maintenance services at various locations.

Res. 96-210 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

8. Consider approving specifications and authorizing call for bids for digester cleaning services.

Res. 96-211 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

9. Consider approving specifications and authorizing call for bids for water well construction and testing services.

Res. 96-212 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

10. Consider approving specifications and authorizing call for bids for furnishing water well pump repair service for the City's ground water pumping stations.

Res. 96-213 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

11. Consider approving specifications and authorizing call for bids for elevator maintenance service.

Res. 96-214 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

12. Consider approving specifications and authorizing call for bids for tire recapping service requirements.

Res. 96-215 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

13. Consider approving specifications and authorizing call for bids for underground fuel tank removal/above ground fuel tank and installation at the Police Department.

Res. 96-216 adopted (Fisher/Friedman, unan.) approving specifications and authorizing call for bids.

14. Consider declaring Industrial Fence Company low bidder and authorize the purchase and installation of chain link security fence at the Waste Water Treatment Plant for a total cost of \$29,286.

Res. 96-217 adopted (Fisher/Friedman, unan.) declaring Industrial Fence Company low bidder and authorizing purchase and installation of chain link security fence.

ITEM 15 DROPPED FROM AGENDA

15. Consider declaring Holt Brothers low bidder and authorizing the purchase of two

generators mounted on two trailers for a total cost of \$91,268.76.

16. Consider acceptance of the contract of George Reed, Inc. as complete for the Coffee Road - road construction and storm drain project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$1,681,556.95)

Res. 96-218 adopted (Fisher/Friedman, unan.) accepting the contract of George Reed Inc. as complete.

17. Consider acceptance of the contract of Mer-Cal Electric, Inc. as complete for the Airport sign upgrade project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$106,300)

Res. 96-219 adopted (Fisher/Friedman, unan.) accepting the contract of Mer-Cal Electric Inc. as complete.

18. Consider declaring Briscoe Enterprises low bidder and authorizing the purchase of services for removal/beneficial reuse of primary plant wastewater dried biosolids for Fiscal Year 1996-97 for the total estimated price of \$160,550 and authorizing the purchase of services for removal/beneficial reuse of primary plant wastewater dried biosolids for four additional years.

Res. 96-220 adopted (Fisher/Friedman, unan.) declaring Briscoe Enterprises low bidder and authorizing purchase.

19. Consider declaring as surplus lost, stolen, unclaimed and/or seized property 44 vehicles and miscellaneous equipment and excess property accumulated by the City and authorize the sale by sealed bid, by auction, or sell as scrap.

Res. 96-221 adopted (Fisher/Friedman, unan.) declaring surplus property and authorizing sale.

20. Consider privatizing the City's fuel resources for fleet management and authorize the purchase from Boyette Petroleum for one year with up to two additional one-year extensions.

Res. 96-222 adopted (Friedman/Serpa, unan.; McClanahan absent) authorizing privatizing city's fuel resources and authorizing purchase.

21. Consider waiving formal bid procedures and authorizing purchase of one chipper from Empire Equipment Company for a total cost of \$22,548.75.

Res. 96-223 adopted (Fisher/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

22. Consider waiving formal bid procedures and authorizing the purchase of providing and installing of the GFI-Genfare Data Collection system for \$29,303, and consider approving appropriation transfer in the amount of \$3,000.

Res. 96-224 adopted waiving formal bid procedures and authorizing purchase.

Res. 96-225 adopted approving appropriation transfer.

23. Consider request from John Costanzo for a reduction in Capital Facilities Fees for a senior housing project on Carver Road.

By motion, (Fisher/Friedman, unan.) rejected request.

24. Consider approving agreement with Stanislaus County to provide a Greater Avenues for Independence Job Prep/Work Experience work site.

Res. 96-226 adopted (Fisher/Friedman, unan.) approving agreement.

25. Consider decrease in the developer fee for tree planting required by the Street Tree Master Plan.

Res. 96-227 adopted (Fisher/Friedman, unan.) decreasing fee.

26. Consider approving lease agreement with Modesto Garden Project for the lease of approximately two acres of the Tuolumne River Regional Park, adjacent to the Wastewater Treatment Plant, for the purpose of growing organic produce.

Res. 96-228 adopted (Fisher/Friedman, unan.) approving lease agreement.

#### CONSENT ITEM #27 DROPPED FROM AGENDA

27. Consider terminating Dry Creek lease agreement with Mr. and Mrs. James Coleman and authorizing City Manager to send letter of termination per the conditions of the agreement.

#### CONSENT

28. Consider approving agreement with the Modesto A's Professional Baseball Club for the use of John Thurman Field.

Res. 96-229 adopted (Fisher/Friedman, unan.) approving agreement.

29. Consider authorizing payment to Stanislaus County Local Agency Formation Commission for reimbursement of staff costs in the amount of \$8,823.42 for processing the Modesto Sphere of Influence application, and consider amending the budget to pay for the total charge.

By motion, authorize payment.

Res. 96-230 adopted amending budget.

30. Consider approving agreement with DJH Engineering for consultant services to conduct a study for the utilization of the City's ranch land as a part of the Wastewater Master Plan.

Res. 96-231 adopted (Fisher/Friedman, unan.) approving agreement.

31. Consider approving agreement with the Salvation Army - Red Shield Community Center to provide athletic program for youth.

Res. 96-232 adopted (Fisher/Friedman, unan.) approving agreement

32. Consider ordering the Director of Public Works and Transportation to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 through 6.

Res. 96-233 adopted (Fisher/Friedman, unan.) ordering Public Works & Transportation Director to file Annual Report.

33. Consider ordering the Director of Public Works and Transportation to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7 through 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units No. 1 & 2.

Res. 96-234 adopted (Fisher/Friedman, unan.) ordering Public Works & Transportation Director to file Annual Report.

34. Consider approving amendments to agreements with utility pay stations to increase the amount paid for utility collections from \$.20 to \$.23 per transaction.

Res. 96-235 adopted (Fisher/Friedman, unan.) approving amendment to agreement with Model Pharmacy, 2400 Coffee Rd.

Res. 96-236 adopted (Fisher/Friedman, unan.) approving amendment to agreement with Paradise Rexall Drugs, 400 Paradise Rd.

Res. 96-237 adopted (Fisher/Friedman, unan.) approving amendment to agreement with Paul's Rexall Drugs #1, 130 N Santa Cruz.

Res. 96-238 adopted (Fisher/Friedman, unan.) approving amendment to agreement with Paradise Rexall Drugs #2, 1031 W Orangeburg Rd.

Res. 96-239 adopted (Fisher/Friedman, unan.) approving amendment to agreement with California Check Cashing, 2508 Oakdale Rd, #3.

Res. 96-240 adopted (Fisher/Friedman, unan.) approving amendment to agreement with California Check Cashing, 1320 Standiford Ave.

Res. 96-241 adopted (Fisher/Friedman, unan.) approving amendment to agreement with New Deal Market, 1612 Crows Landing Rd.

Res. 96-242 adopted (Fisher/Friedman, unan.) approving amendment to agreement with Quesenberry's Waterford Pharmacy, 12641 Bentley Rd, Waterford.

35. Consider approving amendment to agreement with the Chamber of Commerce for operation of the Convention and Visitors Bureau concerning payment schedule.

Res. 96-243 adopted (Fisher/Friedman, unan.) approving amendment to agreement.

36. Oral Communications

Don Pascarelli presented fire works orientation packets to the Council.

By order of the Chair, request from Dennis McDonald for increase in per trip taxi fare referred to Transportation Committee.

MATTERS TOO LATE FOR THE AGENDA

37. Matters Too Late For The Agenda

None.

38. Closed Session. This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiators: Robin Renwick  
Employee organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiators: Don Norris  
Employee organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiators: Robin Renwick  
Employee organization: Modesto Police Officers Association

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 to closed session at 7:30 p.m. City Attorney returned at 8:50 p.m. and reported that no action was taken.



## **COUNCIL MEETING OF TUESDAY, MAY 14, 1996, AT 4:00 P.M.**

1. a. Presentation by the Public Works and Transportation Director regarding Public Works and Transportation Week and presentation of a Proclamation declaring May 19-25, 1996, as National Public Works and Transportation Week.

Mayor Lang made presentation.

- b. Presentation of Proclamation declaring the week of May 19-25, 1996, as Emergency Medical Services Week to Fire Department and American Medical Response.

Mayor Lang made presentation.

Wendy Byrd commented on Youth in Government Day on May 15, 1996; students introduced themselves.

2. Approval of the minutes of the special City Council meeting of May 1, 1996, and the special and regular City Council meetings of May 7, 1996.

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

3. Hearing to consider fare rate increases for Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (DAR) and route changes for MAX, to be effective July 1996.

Res. 96-244 adopted (Dobbs/McClanahan, unan.) changing rates for Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (DAR), and route changes for MAX.

By motion, adopted (Dobbs/McClanahan, unan.) approving MAX route changes.

4. Hearing to consider the proposed amendments to the Village One Specific Plan including the Precise Plan for Area No. 8 and the Precise Planning Area No. 33, downzoning the underlying zoning from R-3 to R-1 for PPA No. 8, and to amend the design standards pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33 of the Village One Specific Plan, located south of Sylvan Avenue, north of Floyd and Briggsmore Avenues, east of Oakdale Road and west of the Santa Fe Railroad tracks. (Hearing continued from May 7, 1996, City Council meeting.)

Ordinance No. 2984-C.S. introduced.

Res. 96-245 adopted (McClanahan/Friedman, maj.; Fisher, no) deleting multi-family designation of PPA No. 33.

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Res. 96-246 adopted (McClanahan/Friedman, maj.; Fisher, no) amending design standards for PPA Nos. 8, 32, and 33.

Res. 96-247 adopted (McClanahan/Friedman, maj.; Fisher, no) certifying use of previous EIR.

5. Consider authorizing call for bids for furnishing construction material testing services.

Res. 96-248 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

6. Consider authorizing call for bids for furnishing dry cell battery requirements.

Res. 96-249 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

7. Consider authorizing call for bids for furnishing janitorial services at the Modesto Centre Plaza.

Res. 96-250 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

8. Consider authorizing call for bids for furnishing business licensing software for the Finance Department's Customer Services Division.

Res. 96-251 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

9. Consider authorizing call for bids for the purchase of irrigation backflow prevention devices and related installation.

Res. 96-252 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

10. Consider declaring Altec Industries low bidder and authorize the purchase of an hydraulic digger/derrick truck for the total cost of \$113,746.

Res. 96-253 adopted (Friedman/McClanahan, unan.) awarding bid to Altec Industries and authorizing purchase.

11. Consider awarding bid for the removal of below ground fuel tanks to Paydirt Excavating for the total cost of \$27,881.64; and consider awarding bid for the purchase and installation of above ground diesel fuel tanks to Donlee Pump for the total cost of \$33,715.98.

Res. 96-254 adopted (Friedman/McClanahan, unan.) awarding bid for below ground fuel tank removal to Paydirt Excavating.

Res. 96-255 adopted (Friedman/McClanahan, unan.) awarding bid for above ground diesel fuel tank purchase and installation to Donlee Pump.

12. Consider awarding bid for two new backhoe/loaders and two new trailers from Modesto Ford Tractor, Inc. and Nixon-Egli Equipment Company for a combined total cost of \$110,370.76.

Res. 96-256 adopted (Friedman/McClanahan, unan.) awarding bid to Modesto Ford Tractor Inc., and Nixon-Egli Equipment Company.

13. Presentation of City Manager's Proposed 1996-97 Operating Budget and Proposed Capital Improvement Program (CIP) for 1996-97 through (1999-2000)

Res. 96-257 adopted (Friedman/McKinsey, unan.) setting public hearing on May 28, 1996 at 4:00 p.m.

By motion, (Friedman/McKinsey, unan.) referred proposed budget and CIP to the Financial Policy Committee.

14. Consider implementing the Modesto Youth Conservation Corps.

Res. 96-258 adopted (McClanahan/Friedman, maj.; McKinsey, no) authorizing City Manager to sign grant application and agreement.

Res. 96-259 adopted (McClanahan/Friedman, maj.; McKinsey, no) amending the 1995-96 Fiscal Year budget.

By motion, (McClanahan/Friedman, maj.; McKinsey, no) directed staff to allocate resources in 1996-97 Fiscal year budget.

15. Consider establishing a sulfide corrosion user charge for highly concentrated sulfide discharges to the sewer system.

Res. 96-260 adopted (McClanahan/Dobbs, unan.) establishing sulfide corrosion user charge.

16. Consider authorizing and approving the borrowing of funds for Fiscal Year 1996-97, approval of the issuance and sale of 1996-97 Tax and Revenue Anticipation Note (TRAN) not to exceed \$3,500,000 and participation in the California Communities Cash Flow Financing Program.

Res. 96-261 adopted (Friedman/McClanahan, unan.) authorizing borrowing of funds, approving issuance and sale of TRAN, and authorizing participation.

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17. Consider amending the Modesto Municipal Code to allow for the collection of Commercial Landscape Plan Review fees at the time of plan submittal.

Ordinance No. 2985-C.S. introduced.

18. Consider approving agreement with Modesto Rotary for the installation of playground equipment at Westside Park.

Res. 96-262 adopted (Friedman/McClanahan, unan.) approving agreement.

19. Consider approving a lease agreement with Stewart W. and Betty J. Bradley for the lease of approximately one-half acre of property in Village One for the purpose of providing water to their property.

Res. 96-263 adopted (Friedman/McClanahan, unan.) approving agreement.

20. Consider approving agreement consenting to common use with Modesto Irrigation District in the Empire West Neighborhood Park site.

Res. 96-264 adopted (Friedman/McClanahan, unan.) approving agreement.

21. Consider approving agreement with Beard Land Improvement Company for reimbursement for the cost of improvements related to the improvement to the Yosemite/Claus/Garner intersection.

Res. 96-265 adopted (Friedman/McClanahan, unan.) approving agreement.

22. Consider approving agreement with Modesto and Empire Traction Company (M&ET) for reimbursement for the cost of lowering the railroad tracks at Garner Road.

Res. 96-266 adopted (Friedman/McClanahan, unan.) approving agreement.

23. Oral Communications

None.

24. Written Communications

Letters from Nancy Young, Executive Director, Downtown Improvement District, requesting the reappointment of Tom Slater and Norma Reed to the Downtown Improvement district.

Res. 96-267 adopted (Friedman/McClanahan, unan.) reappointing.

25. Matters Too Late For The Agenda

None.

Meeting adjourned at 5:50 p.m.

**COUNCIL MEETING OF TUESDAY, MAY 21, 1996, AT 7:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the regular City Council meeting of May 14, 1996.

By motion, (Serpa/Dobbs, unan.; Fisher & McClanahan absent) minutes approved.

3. Final adoption of Ord. No. 2984-C.S. amending the Precise Plan for Area No. 8 of the Village One Specific Plan, to rezone from R-3 to R-1, property located on the southeast corner of Sylvan Avenue and Litt Road, extended. (Inland Westpointe Partnership-Village Highlands)

By motion, (Friedman/McKinsey, unan.; Fisher & McClanahan absent) Ord. No. 2984-C.S. adopted.

4. Final adoption of Ord. No. 2985-C.S. amending the Municipal Code relating to landscaping and irrigation fees.

By motion, (Serpa/Dobbs, unan.; Fisher & McClanahan absent) Ord. No. 2985-C.S. adopted.

5. Hearing to consider mandatory construction of curb and/or sidewalk along certain streets in the City of Modesto - Rose Avenue, Brighton Avenue, Elm Avenue and Emerald Avenue.

Res. 96-268 adopted (Friedman/Dobbs, unan.; Fisher & McClanahan absent) ordering the construction of improvements.

6. Consider award of contract for the Public Facilities District No. 11 project - Rose/Elm sidewalks to Ross F. Carroll, Inc., and consider amending the budget to consolidate funds.

Res. 96-269 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) awarding contract.

Res. 96-270 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) amending budget.

7. Consider authorizing call for bids for furnishing liquid chlorine requirements.

Res. 96-271 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) authorizing call for bids.

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8. Consider authorizing call for bids for furnishing rock, sand and gravel.  

Res. 96-272 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) authorizing call for bids.
9. Consider authorizing call for bids for furnishing traffic signal accessories.  

Res. 96-273 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) authorizing call for bids.
10. Consider authorizing call for bids for the purchase of oil recycling containers.  

Res. 96-274 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) authorizing call for bids.
11. Consider authorizing call for bids for the purchase of flap gate check valves.  

Res. 96-275 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) authorizing call for bids.
12. Consider declaring Trident Data Systems, a division of FileNet Corporation low bidder and authorize the purchase of an electronic document imaging system with software and related training.  

Res. 96-276 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) declaring Trident Data Systems low bidder and authorizing purchase.
13. Consider rejecting all bids received for variable speed drives - effluent drives.  

Res. 96-277 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) rejecting bids.
14. Consider amending the budget to accept an operating transfer, establishing a new Capital Improvement Program Account, and appropriating \$226,000 for the purchase of the Covell Hotel at a tax sale.  

Res. 96-278 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) amending budget.
15. Consider approving Merger Agreement with Highway Village Community Services District, and consider requesting the Local Agency Formation Commission to proceed with the merger of the Highway Village Community Services District with the City of Modesto.  

Res. 96-279 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent)

approving agreement.

Res. 96-280 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) requesting LAFCO to proceed with merger.

16. Consider approving agreement with the City of Ceres to provide maintenance and management of their traffic signal system, and consider amending the 1995-96 budget for a new Capital Improvement Project.

Res. 96-281 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) approving agreement.

Res. 96-282 adopted (Serpa/Dobbs, unan.; Fisher & McClanahan absent) amending budget.

#### CONSENT ITEM #17 DROPPED FROM AGENDA

17. Consider approving final map of Symphony Place 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: Sarjak Enterprises)

18. Oral Communications

Students of Hughes Elementary School made comments regarding park development (Yosemite Park).

Ann Miller commented regarding 911 system.

19. Matters Too Late For The Agenda

None.

20. This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

#### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Robert Barker vs. City of Modesto, Superior Court of California, County of Stanislaus, Case No. 26379.

Meeting adjourned to Closed Session at 7:16. City Attorney returned at 7:40 p.m. to report pursuant to Section 54957.1 (a) (3) (B) of the Brown Act, the Council voted to propose or offer settlement in the amount of \$22,500, with the plaintiff to settle all liens.



**COUNCIL MEETING OF TUESDAY, MAY 28, 1996, AT 4:00 P.M.**

1. a. Introduction of the Fourth Grade Class of Joan Boblitt, Sherwood School, and acknowledgement of their participation in community service projects.

Presentation by the Mayor.

Presentation by the students of their projects.

- b. Acknowledgement of Mr. Paul Hackbarth and Mr. Vince Hooper for their heroic actions on March 2, 1996, in acting upon their suspicions that a burglary was about to be committed and assisting the Modesto Police Department in arresting the responsables in the series of computer burglaries plaguing the City.

Police Chief Jefferson made presentation.

- c. Report by Starrett Kreissman, County Librarian, regarding the changes in service at the Modesto Library since the successful passage of Measure C in 1995 and the public response to those changes.

Report given by Starrett Kreissman.

2. Approval of the minutes of the special City Council meeting of May 16, 1996, and the regular City Council meeting of May 21, 1996.

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

3. Hearing to consider the proposed 1996-97 Operating Budget and the proposed 1996-97 through 1999-2000 Capital Improvement Program (C.I.P.)

No action taken.

4. Hearing to consider approving the Fiscal Year 1996-97 Annual Action Plan for Community Development Block Grant (CDBG), the HOME Investment Partnership (HOME) Program and the Emergency Shelter Grant (ESG).

Res. 96-283 adopted (McClanahan/McKinsey, unan.) approving Annual Action Plan, excluding Item 31.

Res. 96-283a adopted (McClanahan/Lang, maj.; Dobbs/Fisher/Serpa, no) including Item 31 of the list of proposed projects.

**Item #5 - Councilmember McClanahan excused due to conflict of interest.**

5. Hearing to consider an amendment to Section 7-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(512),

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to allow a fast food restaurant on property located on the northeast corner of Carver and Standiford. (Steinpress)

Introduced Ord. No. 2986-C.S. (Dobbs/Serpa, unan.; McClanahan absent) rezoning R-1 to P-D (512).

Res. 96-284 adopted (Dobbs/Serpa, unan.; McClanahan absent) certifying use of Master EIR.

Res. 96-285 adopted (Dobbs/Serpa, unan.; McClanahan absent) approving development plan.

6. Consider rejecting all bids received for furnishing two trailer mounted generators and authorize a new call for bids to be opened on June 17, 1996, at 11:00 a.m.

Res. 96-286 adopted (Friedman/Serpa, unan.) rejecting bids and authorizing new call for bids.

7. Consider authorizing joinder in amicus briefs in: Tomlinson v. City of Long Beach; County of San Bernardino v. City of San Bernardino; Nunez v. City of San Diego; Los Angeles County Metropolitan Transportation Authority v. Continental Development Corporation; Stacy and Witbeck, Inc. v. City and County of San Francisco; City of Alhambra, et al. v. Ikemoto; Santa Monica Beach, Ltd., v. Superior Court of Los Angeles; Malick v. Athenour; and Zuniga v. Housing Authority of the City of Los Angeles; and Tily B. v. City of Newport Beach.

By motion, (Friedman/Serpa, unan.) approved authorizing the City to join in the ten amicus briefs and directing the City Attorney to execute and forward letters of support.

8. Consider approving agreement with Ball, Janik and Novack for provision of Federal Legislation Advocacy for the City of Modesto for Fiscal Year 1996-97.

Res. 96-287 adopted (Friedman/Serpa, unan.) approving agreement.

9. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 - 6, and consider adoption a Resolution of Intention setting a hearing on the levy of the proposed assessment on June 18, 1996, at 7:00 p.m.

By motion, (Friedman/Serpa, unan.) approved City Engineer's Annual Report.

Res. 96-288 adopted (Friedman/Serpa, unan.) approving Resolution of Intention setting hearing.

10. Consider approving the City Engineer's Annual Report for Landscape Maintenance

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District No. 2 for Dry Creek Meadows Subdivisions No. 7 - 10, and consider adoption a Resolution of Intention setting a hearing on the levy of the proposed assessment on June 18, 1996, at 7:00 p.m.

By motion, (Friedman/Serpa, unan.) approved the City Engineer's Annual Report.

Res. 96-289 adopted (Friedman/Serpa, unan.) approving Resolution of Intention setting hearing.

11. Report of two loans approved under the Emergency Home Repair Program (EHRP) during April 1996.

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

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12. Consider approving the request of Modesto Band of Stanislaus County for additional funds for concerts in the park.

Res. 96-290 adopted (Friedman/Serpa, unan.) amending the 1996-96 budget.

13. Oral Communications  
None.

14. Appointments

Airport Advisory Committee

Res. 96-291 adopted (Serpa/McClanahan, unan.) appointing Teresa Berry to the Airport Advisory Committee.

Human Relations Commission

Res. 96-292 adopted (Serpa/McClanahan, unan.) appointing Mary Van Loon to the Human Relations Commission and rescinding Res. 96-178.

Economic Development Loan Committee

Res. 96-293 adopted appointing Jim Poore to the Economic Development Loan Committee.

15. Matt Too Late for the Agenda

None.

16. This meeting will adjourn to the Mayor's Chambers , City Hall, 801 11th Street, for a Closed Session to consider the following:

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PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

TITLE: City Clerk

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

TITLE: City Manager

ADJOURNMENT

Meeting adjourned at 5:12 p.m. to closed session. City Attorney returned at 5:40 p.m. and reported that no action was taken.

**COUNCIL MEETING OF TUESDAY, JUNE 4, 1996, AT 7:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the regular City Council meeting of May 28, 1996.

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

3. Final adoption of Ord. No. 2986-C.S. amending Section 7-3-9 of the Zoning Map to rezone from R-1 to P-D(512) property located on the northeast corner of Standiford Avenue and Carver Road (Irwin Steinpress).

By motion, (Friedman/Serpa, unan.; McClanahan, absent) final adoption of Ord. No. 2986-C.S.

4. Hearing to consider the Pelandale-Snyder Reorganization to the City of Modesto, consisting of the annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Salida Fire Protection District.

Res. 96-294 adopted (Friedman/McClanahan, unan.) approving Pelandale-Snyder Reorganization.

5. Hearing to consider the proposed Village2 One Specific Plan Amendment No. 8 (SPA#8), including a realignment of the street system to more closely follow property lines, a reconfiguration of the Village Center Commercial area, and changes to reduce costs and increase flexibility in the Specific Plan.

Res. 96-295 adopted (Fisher/Friedman, unan.) approving Village One Specific Plan Amendment No. 8.

Res. 96-295a adopted (Fisher/Friedman, unan.) finding that the project is consistent with the Village One EIR (SCH No. 90020181) as amended by the Supplemental EIR.

6. Hearing to consider revising the Master Plan for Village One to conform with the changes in Village One Specific Plan Amendment No. 8.

Res. 96-296 adopted (McClanahan/Serpa, unan.) approving revision to the Master Plan for Village One to conform with changes in Village One Specific Plan Amendment No. 8. (NOTE: Setliff property to be reviewed by staff.)

7. Hearing to consider an amendment to Section 7-4-9 of the Zoning Map to prezone to Low Density Residential Zone, R-1, property located between Yuma and Tucson

Avenues north of Whitmore and south of the northern edge of the alley between Imperial and Inyo Avenues. (Tom and Edward David)

Introduced Ord. No. 2987-C.S.

Res. 96-297 adopted (Dobbs/McClanahan, unan.) finding that the project is within the scope of the project covered by a Master EIR report (SCH No. 92042017).

8. Hearing to consider a proposed 1.8% increase in rent for hangars and offices and the proposed 46% decrease in the rate for aircraft tiedowns at the Modesto City-County Airport, to be effective July 1, 1996.

Res. 96-298 adopted (McKinsey/Friedman, unan.) approving increases in fees at the Airport.

9. Hearing to consider a proposed off-airport rental concession fee for the Modesto City-County Airport, to be effective July 1, 1996.

Res. 96-299 adopted (Serpa/McKinsey, unan.) approving rental concession fee at Airport.

10. Consider awarding contract for the 1996 cape seal project to Western States Surfacing for \$333,173.92.

Res. 96-300 adopted (Friedman/McClanahan, unan.) awarding contract.

11. Consider approving in concept the Fiscal Year 1996-97 Sewer Revenue and Financing Plan and increasing sewer user rates by 3%.

Res. 96-301 adopted (McKinsey/McClanahan, unan.) approving in concept the FY 1996-97 Sewer Revenue and Financing Plan and increasing rates.

12. Consider increasing water rates 10% in the Rate Zone 3 service areas (formerly served by Del Este Water Company).

Res. 96-302 adopted (McKinsey/Fisher, unan.) increasing rates.

13. Consider amending Section 12-4.103 of Article 1 of Chapter 4 of Title XII of the Modesto Municipal Code relating to Mancini Bowl General Regulations to require written approval of the Director of Parks and Recreation for use of alcoholic beverages.

Introduced Ord. No. 2988-C.S.

14. Consider amending the 1995-96 budget to appropriate \$1,500 to cover cost of

damage to a tree at McHenry Mansion.

Res. 96-303 adopted (Friedman/McClanahan, unan.) amending budget.

15. Consider approving an agreement with Stanislaus Arts Council for the Artists in the Park program.

Res. 96-304 adopted (Friedman/McClanahan, unan.) approving agreement.

16. Consider approval of final map of Symphony Place 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: Sarjak Enterprises)

Res. 96-305 adopted (Friedman/McClanahan, unan.) approving final map of Symphony Place No. 2, and authorizing City Manager to sign an agreement with subdividers.

17. Oral Communications

Hindu Temple spoke regarding public hearing Item #6.

18. Matters Too Late For The Agenda

None.

Meeting adjourned at 8:08 p.m.

**COUNCIL MEETING OF TUESDAY, JUNE 11, 1996, AT 4:00 P.M.**

1. a. Presentation by Bill Seavy, President and CEO, and Lucille Hammer, Chairman of the Board, Modesto Chamber of Commerce concerning their "Modesto 2001 Vision" and the Chamber's direction for the next five years.

Presentation given by Bill Seavy and Lucille Hammer.

- b. Presentation by Jocelyn Reed, Integrated Waste Specialist, regarding grant funded solid waste programs.

Jocelyn Reed gave presentation.

2. Approval of the minutes of the special and regular City Council meeting of June 4, 1996.

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

3. Final adoption of:

- a. Ord. No. 2987-C.S. rezoning to R-1, property located between Yuma and Tucson Avenues north of Whitmore and south of the northern edge of the alley between Imperial and Inyo Avenues. (David)
- b. Ord. No. 2988-C.S. amending the Municipal Code relating to Mancini Bowl General Regulations.

By motion, (Serpa/McClanahan, unan; Fisher absent) final adoption of Ord. No. 2987-C.S. and Ord. No. 2988-C.S.

4. Consider awarding contract for Project 22 - replace curb, drive aprons and sidewalks to BDS Construction for \$125,264.15.

Res. 96-305A adopted (Serpa/McClanahan, unan; Fisher absent) awarding contract to BDS Construction.

5. Consider accepting the contract of Teichert Construction for Airport District Improvements - Empire and Kerr Avenues as complete and authorize the City Clerk to file the Notice of completion. (Original contract: \$274,356)

Res. 96-306 adopted (Serpa/McClanahan, unan; Fisher absent) accepting work as complete.

**Councilmember McClanahan absent due to conflict of interest.**

6. Consider authorizing participating with the County of Stanislaus in a joint study of downtown public facilities.

6/11/96



Res. 96-307 adopted (Dobbs/McKinsey, unan; Fisher & McClanahan absent) authorizing actions as recommended and authorizing City Manager to execute proper agreements.

7. Review of Financial Policy Committee recommendations for the 1996-97 Operating Budget and 1996-2000 Capital Improvement Program.

By motion, (Friedman/McKinsey, unan; Fisher absent) approved recommendations and directing staff.

8. Consider approving the request of the Modesto Jaycees Fourth of July Celebration Committee to hold a parade, picnic in the park and fireworks display for the Fourth of July.

Res. 96-308 adopted (Serpa/McClanahan, unan; Fisher absent) granting approval.

9. Consider appointing Arlene Silva Mattos as Poet Laureate of the City of Modesto from July 1, 1996, through June 30, 1998.

Res. 96-309 adopted (Friedman/Dobbs, unan; Fisher absent) appointing Arlene Silva Mattos as Poet Laureate.

10. Consider commending the Modesto Police Department Citizen Volunteers, the Modesto Police Department Explorers and the Modesto Police Reserves for contributions to the Community Welfare and Safety.

Res. 96-310 adopted (Serpa/McClanahan, unan; Fisher absent) commending the Modesto Police Department Citizen Volunteers.

Res. 96-311 adopted (Serpa/McClanahan, unan; Fisher absent) commending the Modesto Police Department Explorers.

Res. 96-312 adopted (Serpa/McClanahan, unan; Fisher absent) commending the Modesto Police Reserves.

11. Consider approving an amendment to an agreement with Brady and Associates for the Kiernan Business Park Specific Plan and Focused Environmental Impact Report to develop a business park in the Kiernan-Pelandale Corridor for additional tasks to be completed.

Res. 96-313 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement.

12. Consider approving agreements with five new businesses to operate as pass

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outlets, and amendments to agreements with eight existing bus pass outlets, authorizing the increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 to bus pass outlets.

Res. 96-314 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with Pak Mail.

Res. 96-315 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with Scotty's Doughnuts.

Res. 96-316 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with Gold Star Check Cashing.

Res. 96-317 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with Bear Postal.

Res. 96-318 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with California Infoplace.

Res. 96-319 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with Paradise Drug.

Res. 96-320 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with Postal Convenience.

Res. 96-321 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with Carranza Pharmacy.

Res. 96-322 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with The Bookstore.

Res. 96-323 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with Yogurt Pump #2.

Res. 96-324 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with We Cash #2.

Res. 96-325 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with We Cash #4.

Res. 96-326 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to agreement with Cash King.

13. Consider amending the Position Classification Plan to adopt a class specification for Meter Reader Crewleader, and consider amending the Class Range Tables to establish a salary for Meter Reader Crewleader.

Res. 96-327 adopted (Serpa/McClanahan, unan; Fisher absent) amending the Position Classification.

Res. 96-328 adopted (Serpa/McClanahan, unan; Fisher absent) amending the Class Range Tables

14. Consider approving a renewal agreement with Glendale Federal Bank for the deposit of lump sum draw down funds allocated to housing rehabilitation programs from the Community Development Block Grant Letter of Credit in exchange for receiving certain bank services.

Res. 96-329 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement.

15. Consider approving lease agreement with Delta International Group, Inc., dba West Air Aviation Group/Modesto AeroClub for the lease of Suite A in Office Building No. 2.

Res. 96-330 adopted (Serpa/McClanahan, unan; Fisher absent) approving lease agreement.

16. Consider authorizing City Public Works and Transportation Director or his authorized representative to accept dedications of real property for public purposes on behalf of the City.

Res. 96-331 adopted (Serpa/McClanahan, unan; Fisher absent) authorizing Public Works & Transportation Director to accept dedications.

17. Consider approving an amendment to the application process for ABC liquor licenses.

Res. 96-332 adopted (Serpa/McClanahan, unan; Fisher absent) approving amendment to application process.

- 17A. Consider approving agreements with Sills Plaza and Modesto Irrigation District (MID) to provide for design and installation of landscaping in public right-of-way and MID property, and for the provision of plant material for the landscaping of Sills Plaza Shopping Center, located on the south side of Briggsmore Avenue at Prescott Road.

Res. 96-333 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement between City of Modesto, MID and property owners.

Res. 96-334 adopted (Serpa/McClanahan, unan; Fisher absent) approving agreement with Sills Plaza.

18. Oral Communications

None.

WRITTEN COMMUNICATIONS

19. Written Communications

Letter from Dottie Spivak, Bicycle Advocacy Chairperson, Bicycle Advisory Committee of Stanislaus County, requesting the City Council to adopt a resolution encouraging and promoting the increased use of the bicycas a mode of transportation in the City of Modesto.

Res. 96-335 adopted (McClanahan/Dobbs, unan; Fisher absent).

20. Letter from Karen Gervase, Gervase's Mobile Espresso Bar, requesting permission to set up the mobile espresso bar at Graceada Park during the weekly concert series.

By motion, (Friedman/Dobbs, unan; Fisher absent) referred to staff to handle.

21. Matters Too Late For The Agenda

None.

Meeting adjourned at 4:50 p.m.

**COUNCIL MEETING OF TUESDAY, JUNE 18, 1996, AT 7:00 P.M.**

1. Presentation of rewards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

Rewards presented by William Seavy.

2. Approval of the minutes of the regular City Council meeting of June 11, 1996.

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

3. Hearing to consider the levy of the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 - 6.

Res. 96-336 adopted (Friedman/Fisher, unan.) levying the proposed assessment.

4. Hearing to consider the levy of the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7-10.

Res. 96-337 adopted (McClanahan/Friedman, unan.) levying the proposed assessment.

5. Hearing to consider the adoption of the proposed General Plan to revise the text and diagram of the Circulation and Transportation Diagram and General Plan Text to more precisely designate the number of lanes in certain expressway segments.

Res. 96-338 adopted (McClanahan/McKinsey, majority; Serpa, no) proposed General Plan revision.

Res. 96-339 adopted (McClanahan/McKinsey, majority; Serpa, no) approving Environmental Impact Report.

6. Consider awarding the contract for the Sunrise and Tokay storm drain tie-in to Rolfe Construction for \$49,853, and consider approving an appropriation transfer in the amount of \$32,331 to fully fund the project.

Res. 96-340 adopted (Friedman/Dobbs, unan.) awarding contract to Rolfe Construction Company.

Res. 96-341 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

7. Consider awarding bid for the purchase of 21,000 pounds of polymer to Western Environmental Services, Inc. for the total price of \$43,744.54.

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Res. 96-342 adopted (Friedman/Dobbs, unan.) awarding bid to Western Environmental Services Inc.

8. Consider accepting the contract of Community Playgrounds as complete for the installation of play apparatus at Aqueduct Park, Floyd Park, Mildred Perkins Park and Riverside Park and authorize the City Clerk to file the Notice of Completion. (Original contract \$170,831.03)

Res. 96-343 adopted (Friedman/Dobbs, unan.) accepting work as complete.

9. Consider adoption of the 1996-97 Operating Budget and Capital Improvement Program, including reappropriation of capital projects in progress.

Councilmembers Fisher & McClanahan excused from the following portion of action on the budget due to a conflict of interest.

By motion, approved (Friedman/McKinsey, unan.; Fisher & McClanahan absent) land acquisition Plaza Project Parking, 9th Street railroad, Lincoln/Lakewood bridge to be included in the budget adoption.

Councilmembers Fisher & McClanahan returned.

By motion, Ord. No. 2989-C.S. adopted (Friedman/Serpa, unan.).

Res. 96-344 adopted (Friedman/Serpa, unan.) establishing the 1996-97 Fiscal Year Appropriations Limit.

Res. 96-345 adopted (Friedman/Serpa, unan.) amending the 1995-96 Budget.

10. Consider adopting the Village One Finance Plan and directing staff to proceed with establishing funding mechanisms.

Res. 96-346 adopted (Fisher/Friedman, unan.) approving Village One Finance Plan.

By motion, (Fisher/Friedman, unan.) directed staff to proceed with establishing funding mechanisms.

11. Consider approving amendments to the Modesto Municipal Code relating to drinking alcohol in public and use of parks.

By motion, (Friedman/Dobbs, unan.) Ord. No. 2990-C.S. amending Title IV relating to drinking in public introduced

By motion, (Friedman/Dobbs, unan.) Ord. No. 2991-C.S. amending Title XII

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relating to regulations governing use of parks introduced.

12. Report of loans approved under the Emergency Home Repair Program (EHRP) during May, 1996.

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

13. Semi-Annual Monitoring Reports for organizations funded with Community Development Block Grant funds during Fiscal Year 1995-96.

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

14. Consider approval of Annual Claim for Local Transportation Funds.

Res. 96-347 adopted (Friedman/Dobbs, unan.) approving Annual Claim for Local Transportation Funds.

15. Consider approving Operational Letter of Agreement with Barton ATC International regarding the operation of Airport Light System.

Res. 96-348 adopted approving Operational Letter of Agreement.

16. Oral Communications

Carmen Sabatino commented on Downtown issues.

Dr. LeFevre commented on traffic issues.

Anthony Backus commented on gun permit issue.

17. Letter of resignation from the Citizens Advisory Committee on Recycling from Dan Gianni.

Res. 96-349 adopted (Friedman/Dobbs, unan.) accepting resignation of Dan Gianni with regret.

18. Matters Too Late For The Agenda

None.

19. Closed Session. This meeting will adjourn to the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a Closed Session to consider the following:

1. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Management Association

## 2. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Don Norris  
Employee organization: Modesto City Firefighters Association

## 3. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association

## 4. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: J. Edward Tewes  
Unrepresented Employees: All unrepresented Management and Confidential Employees

Meeting adjourned to closed session at 7:47 p.m. City Attorney returned at 9:45 p.m. and reported that no action was taken.



**COUNCIL MEETING OF TUESDAY, JUNE 25, 1996, AT 4:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang recognized Modesto High School Government Class in the audience.

2. Approval of the minutes of the regular City Council meeting of June 18, 1996.  
(Motion approving needed.)

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

3. Final adoption of:

a. Ord. No. 2990-C.S. relating to drinking in public.

b. Ord. No. 2991-C.S. relating to general regulations governing use of parks.

By motion, (Friedman/Fisher, unan.) final adoption of Ord. Nos. 2990-C.S. and 2991-C.S.

4. Hearing to consider a rate increase for taxis during the time that the increased fuel costs are in effect.

Adoption of Ord. 2992-C.S. approved (Dobbs/Fisher, unan.).

5. Hearing to consider an increase in tipping fees at the Stanislaus Resource Recovery Facility.

Res. 96-350 adopted (McKinsey/Lang, unan.; McClanahan absent due to conflict) approving increase in tipping fees.

Res. 96-351 adopted (McKinsey/Lang, unan.; McClanahan absent due to conflict) urging Stanislaus County to develop a formal policy.

6. Consider awarding the contract for the McHenry Mansion sewer gravity line project to B-ZAP-B Corporation for \$82,938.81, and consider amending the budget estimating revenue and transferring funds to fully fund the project.

Res. 96-352 adopted (Friedman/Fisher, unan.) awarding contract to B-ZAP-B Corporation.

Res. 96-353 adopted (Friedman/Fisher, unan.) amending budget.

7. Consider rejecting all bids for construction materials testing and authorizing a new call for bids to be opened on July 8, 1996, at 11:00 a.m.

Res. 96-354 adopted (Friedman/Fisher, unan.) rejecting bids and authorizing new call for bids.

8. Consider declaring Brannon Tire low bidder for annual tire recapping services for fiscal year 1996-97, with two one-year extensions, with a total first year cost of \$25,160 and a three-year total of \$77,040.

Res. 96-355 adopted (Friedman/Fisher, unan.) declaring Brannon Tire low bidder.

9. Consider declaring U. S. Elevator lowest bidder and authorize the purchase of elevator maintenance services for fiscal year 96-97, with two one-year extensions with a total first year cost of \$22,746, with a three year total of \$77,712.

Res. 96-356 adopted (Friedman/Fisher, unan.) declaring U.S. Elevator low bidder and authorizing purchase.

10. Consider declaring Continental Landscape and Grover Landscape Service low bidders and authorize the purchase of landscape maintenance services at various City locations for fiscal year 96-97, with two one-year extensions, with a total first year cost of \$92,520, with a three year total of \$282,972.

Res. 96-357 adopted (Friedman/Fisher, unan.) declaring Continental Landscape and Grover Landscape Service low bidders and authorizing purchase.

11. Consider declaring Semco low bidder for and authorize the purchase of the removal of a below ground fuel tank for \$9,975; and consider declaring Donlee Pump low bidder for and authorize the purchase and installation of an above ground unleaded fuel tank for \$19,409.

Res. 96-358 adopted (Friedman/Fisher, unan.) declaring Semco low bidder for removal of below ground tank and Donlee Pump low bidder for purchase and installation of above ground tank.

12. Consider declaring All Pure Chemical sole bidder and authorize the purchase of liquid chlorine for fiscal year 96-97, with two one-year extensions, with a total first year cost of \$378,543, with a three year total cost of \$1,202,529.

Res. 96-359 adopted (Friedman/Fisher, unan.) declaring All Pure Chemical sole bidder and authorizing purchase.

13. Consider declaring McCain Traffic Supply and Intersection Development Corporation low bidders and authorizing the purchase of traffic signal accessories for a combined total cost of \$51,238.30.

Res. 96-360 adopted (Friedman/Fisher, unan.) declaring McCain Traffic Supply and Intersection Development Corporation low bidders.

14. Consider declaring Pacific Utility Equipment low bidder and authorizing the purchase of one new cab and chassis with aerial lift for the total price of \$68,367.45, and consider amending the budget.  
  
Res. 96-361 adopted (Friedman/Fisher, unan.) declaring Pacific Utility Company low bidder.  
  
Res. 96-362 adopted (Friedman/Fisher, unan.) amending budget.
15. Consider accepting contract of D & L Concrete Pumping, Inc. for sidewalks repairs - 1995 as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$101,140)  
  
Res. 96-363 adopted (Friedman/Fisher, unan.) accepting work as complete.
16. Consider declaring 14 pieces of golf course sprinkler equipment as surplus and authorizing the Purchasing Officer to sell by sealed bid, auction, negotiation, or scrap.  
  
Res. 96-364 adopted (Friedman/Fisher, unan.) declaring equipment surplus and authorizing disposition.
17. Consider directing the City Manager to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements with the Modesto A's for its long-term use for professional baseball subject to specified parameters.  
  
Res. 96-365 adopted (Friedman/Fisher, unan.) directing the City Manager to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements, subject to specified parameters.
18. Consider salary and benefit changes for unrepresented Management and Confidential employees.  
  
Res. 96-366 adopted (McClanahan/Friedman, unan.; McKinsey absent) amending the Salary Schedule.  
  
Res. 96-367 adopted (McClanahan/Friedman, unan.; McKinsey absent) amending the Deferred Compensation Plan.  
  
Res. 96-368 adopted (McClanahan/Friedman, unan.; McKinsey absent) authorizing employee cashouts needed.
19. Consider approving agreement with Dow Associates for pavement condition survey services for \$53,727.20, and consider approving an appropriation transfer in the amount of \$23,000 to fully fund the project.  
  
Res. 96-369 adopted (Friedman/Fisher, unan.) approving agreement.

Res. 96-370 adopted (Friedman/Fisher, unan.) approving appropriation transfer.

20. Consider amending the budget to re-estimate revenue and appropriate \$5,000 received from Community Development Block Grant funds.

Res. 96-371 adopted (Friedman/Fisher, unan.) amending the budget and appropriating CDBG funds.

21. Consider approving amendment to agreement with Stanislaus Area Association of Governments (SAAG) to comply with new State law regarding the Abandoned Vehicle Abatement Program.

Res. 96-372 adopted (Friedman/Fisher, unan.) approving amendment to agreement.

22. Consider authorizing the City Manager to extend for up to 60 days the Communication Center Agreement between the City and the County of Stanislaus.

Res. 96-373 adopted (Friedman/Fisher, unan.) authorizing City Manager to sign extension to agreement.

23. Oral Communications

None.

24. Written Communications

Letter of resignation from the Community Qualities Forum from Carole Richard.

Res. 96-374 adopted (Friedman/Fisher, unan.) accepting resignation with regret.

25. Matters Too Late For The Agenda

None.

Meeting adjourned at 5:11 p.m.

**COUNCIL MEETING OF TUESDAY, JULY 2, 1996, AT 7:00 P.M.**

1. Acknowledgement of United States Airmen during terrorist bombing attack in Saudi, Arabia.

Presentations were made by Mayor Lang to the families of Justin Wood and Alfredo Guerrero.

2. Approval of the minutes of the regular City Council meeting of June 25, 1996, and the special City Council meeting of June 26, 1996.

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

Councilmember McClanahan excused due to a conflict of interest.

3. Hearing to consider changes to the garbage rates as a result of the annual garbage rate review and related program changes.

Res. 96-375 adopted (McKinsey/Dobbs, maj., Friedman no, Fisher and McClanahan, absent) setting revised garbage rates effective July 1, 1996, and directing staff to work with licensed haulers to implement garbage/green waste/recycle program changes effective January, 1997.

4. Consider amending the Modesto Municipal Code relating to deposits for utility services.

By motion, Ord. No. 2993-C.S. introduced (Friedman/Dobbs, unan; Fisher absent).

5. Consider approving a multi-year renewal agreement with Community Reinvestment Fund, Inc. to provide loan servicing for the Housing and Economic Development loan portfolios.

Res. 96-376 adopted (Friedman/Dobbs, unan; Fisher absent) approving agreement with Community Reinvestment Fund Inc.

6. Consider approving an agreement with Stanislaus County to provide maintenance and management of their traffic signal system, and consider amending the budget to estimate and appropriate revenues for a new Capital Improvement Project.

Res. 96-377 adopted (Friedman/Dobbs, unan; Fisher absent) approving agreement with Stanislaus County.

Res. 96-378 adopted (Friedman/Dobbs, unan; Fisher absent) amending budget.

7. Oral Communications

Harry Kullijian spoke about an adult business ordinance.

8. Human Relations Commission

Res. 96-379 adopted (Serpa/Friedman, unan., Fisher absent) appointing Randy Summers.

#### Affirmative Action Commission

Res. 96-380 adopted (Serpa/Friedman, unan., Fisher absent) appointing John Garcia and Nemi Harris.

#### Landmark Preservation Commission

Res. 96-381 adopted (Serpa/Friedman, unan., Fisher absent) appointing Barbara Parrill.

#### 9. Matters Too Late For The Agenda

None

#### 10. This meeting will adjourn to the Third Floor East Conference Room, City Hall, 801 11th Street, for a Closed Session to consider the following:

##### CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Gene Wilkinson, et al. v. City of Modesto, et al. - United States District Court, Eastern District of California, Case No. CV-F 94-6189 OWW  
DLB

##### CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association  
Modesto Firefighters Association  
Modesto Police Management Association

Meeting adjourned at 8:31 p.m. to Closed Session. City Attorney returned at 10:15 p.m. and reported no action was taken.

**COUNCIL MEETING OF TUESDAY, JULY 9, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the special and regular City Council meetings of July 2, 1996.

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

**Councilmember Friedman absent due to conflict of interest**

3. Hearing to consider an amendment to Section 33-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, Professional Office Zone, P-O, and Light Industrial Zone, M-1, to Planned Development Zone, P-D(514), for printing operations facility, property located on the north side of Yosemite Boulevard, west of Dry Creek and East of D Street. (Gallo Glass Company)

Ordinance No. 2994-C.S., introduced rezoning area to P-D(514).

Res. 96-382 adopted (Dobbs/Serpa, unan; Friedman absent) approving site plan.

Res. 96-383 adopted (Dobbs/Serpa, unan; Friedman absent) certifying Finds of Consistency with MEIR.

4. Consider awarding contract for the Crows Landing drainage basin outfall rebuild project to Wickum Construction for \$23,688.

Res. 96-384 adopted (Friedman/McClanahan, unan.) awarding contract to Wickum Construction.

5. Consider awarding contract for the La Loma/Morton Bridge rip rap installation project to Ross F. Carroll, Inc. for \$27,600.

Res. 96-385 adopted (Friedman/McClanahan, unan.) awarding contract to Ross F. Carroll, Inc.

6. Appeal of Francis R. Ruggieri, on behalf of Joseph C. Wagner, to a decision of the hearing officer denying a request for a variance to the Alcohol Beverage Control Standards to allow on-sale alcohol beverage license at Charlie's Spirits, 110 East Granger Avenue.

Res. 96-386 adopted (Friedman/McClanahan, majority; Dobbs, no) denying appeal.

7. Consider approving revisions to the City's Flexible Benefits Plan.

Res. 96-387 adopted (Friedman/McClanahan, unan.) approving revisions to the Flexible Benefits Plan.

8. Consider authorizing City Manager to execute agreement with Willi O. Coeler and Adelheid Coeler for the construction of a sound wall along the Coeler's property line as a part of the Yosemite widening project, and consider certifying Negative Declaration.

Res. 96-388 adopted (Friedman/McClanahan, unan.) approving agreement.

Res. 96-389 adopted (Friedman/McClanahan, unan.) certifying Negative Declaration.

9. Consider authorizing City Manager to execute agreement with Tourage Soleimani and Mahshid Soleimani for the acquisition of 0.421 acres of right of way and 0.083 acres of temporary easement for \$26,670 for the Yosemite widening project.

Res. 96-390 adopted (Friedman/McClanahan, unan.) approving agreement.

10. Consider approving lease agreement with Stanislaus County for the lease of Hangar No. 1 at the Modesto City-County Airport/Harry Sham Field.

Res. 96-391 adopted (Friedman/McClanahan, unan.) approving lease agreement.

11. Consider authorizing City Manager and City Clerk to execute a Road Deed to the County of Stanislaus for the street located on the north side of Empire West Neighborhood.

Res. 96-392 adopted (Friedman/McClanahan, unan.) authorizing execution of Road Deed.

12. Consider approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work Study Program for the 1996-97 August to June academic year.

Res. 96-393 adopted (Friedman/McClanahan, unan.) approving agreement.

13. Consider termination of Dry Creek lease agreement with Mr. and Mrs. James Coleman.

Res. 96-394 adopted (Friedman/McClanahan, unan.) approving termination of lease and authorizing signature of letter of termination.

14. Consider approval of temporary catering concession agreement with Red Lion Hotel.

Res. 96-395 adopted (Friedman/McClanahan, unan.) authorizing entering into a catering and concession agreement with Red Lion Hotel.

15. Oral Communications

Councilmember McClanahan addressed the vacancy of Councilmember McKinsey's seat.



City Attorney Mike Milich explained options available to Council regarding the vacancy.

Tim McKinsey spoke in favor of election to fill vacancy.

16. Written Communications

Letter from David Bautista, Pastor, Victory Outreach, requesting direct City assistance for a march on August 3, 1996.

By motion, (Friedman/McClanahan, unan.) referred to staff.

17. Matters Too Late For The Agenda

By majority vote, it was determined to add discussion of the Council vacancy.

Andy Schlinker spoke in favor of election to fill vacancy.

Gene Wilkinson spoke in favor of election to fill vacancy.

Gary McKinsey spoke in favor of election to fill vacancy.

Kevin Bertolotto spoke in favor of election to fill vacancy.

A motion was made by Councilmember McClanahan and seconded by Councilmember Fisher to place Chair 3, vacated by the death of Vice Mayor McKinsey, on the November 5, 1996 ballot. The motion was defeated.

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

TITLE: City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Section 54956.9 of the Government Code)

Name of case: Robert Surber v. City of Modesto, Workers' Compensation Appeals Board, Case No. STK 123129

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Subdivision (a) of Section 54956.9 of the Government Code)

Name of case: Gene Wilkinson, et al. v. City of Modesto, et al. - United States District Court, Eastern District of California, Case No. CV-F 94-6189 OWW  
DLB

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organizations: Modesto Police Officers Association  
Modesto Firefighters Association  
Modesto Police Management Association

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 4:59 p.m. Attorney returned at 7:25 p.m. and reported no action taken.

**COUNCIL MEETING OF TUESDAY, JULY 16, 1996, AT 7:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of July 9, 1996.

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

3. Final adoption of:

- a. Ord. No. 2993-C.S. amending Section 11-6.02 of Chapter 6 of Title XI of the Modesto Municipal Code relating to deposits for utility services.

By motion, (McClanahan/Friedman, unan.; Serpa absent) final adoption of Ord. No. 2993-C.S.

(Councilmember Friedman absent due to conflict of interest)

- b. Ord. No. 2994-C.S. rezoning from R-1, P-9 and M-1 to P-D(514), property located on the north side of Yosemite Boulevard, west of Dry Creek and east of D Street. (Gallo Glass)

By motion, (Dobbs/Fisher, unan.; Friedman & Serpa absent) final adoption of Ord. No. 2994-C.S.

4. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-2, Medium-Density Residential Zone, and C-1, Neighborhood Commercial Zone, to Planned Development Zone, P-D(513) to expand Salas Bros. Funeral Chapel, property located on the north side of Scenic Drive, west of High Street.

By motion, Ord. No. 2995 C.S. was introduced (Friedman/McClanahan, unan.; Serpa absent).

Res. 96-396 adopted (Friedman/McClanahan, unan.; Serpa absent) approving development plan.

5. Hearing to consider the proposed fees for Parks and Recreation Department services and facilities.

Res. 96-397 approved (McClanahan/Fisher, unan.; Serpa absent) adopting new policy and fees.

6. Consider approving a change order to Trident Data Systems to incorporate negotiated Terms and Conditions for furnishing an electronic imaging system with software and related training for the Police Department as authorized by May 21, 1996, by Resolution

No. 96-276.

Res. 96-398 adopted (Friedman/McClanahan, unan.; Serpa absent) authorizing change order.

7. Consider rejecting all bids received for furnishing one reader/printer and discontinuing further call for bids.

Res. 96-399 adopted (Friedman/McClanahan, unan.; Serpa absent) rejecting bids and discontinuing further call for bids.

8. Consider the appointment of a person to fill the vacancy on the Council

Res. 96-400 adopted (Friedman/Fisher, majority; McClanahan, no) appointing David Cogdill, former Councilmember, to fill the vacancy created by the death of Councilmember Gerald McKinsey, until the next municipal election held in November 1997.

9. Consider authorizing the City Manager to sign and submit to Stanislaus Area Association of Governments (SAAG) the Congestion Management Plan (CMP) Annual Self-Certification Checklist for 1995-96.

Res. 96-401 adopted (Friedman/McClanahan, unan.; Serpa absent) authorizing signing and submittal of Annual Self-Certification Checklist.

10. Consider accepting a Grant Offer for Federal funds in the amount of \$383,697 to complete the Airport's Fiscal Year 1996-97 Capital Improvement projects, and authorize the City Manager to sign the Grant Offer and any future amendment to increase the level of Federal funds for the recommended projects.

Res. 96-402 adopted (Friedman/McClanahan, unan.; Serpa absent) accepting Grant Offer and authorizing City Manager to sign future amendments to increase funds.

11. Consider amending the Position Classification Plan to amend the class specification for Equipment Crewleader.

Res. 96-403 adopted (Friedman/McClanahan, unan.; Serpa absent) amending Position Classification Plan.

12. Oral Communications

Miguel Donoso expressed desire to see the Councilmember election process changed to districts rather than at-large.

13. Written Communications

7/16/96

Letter of resignation from the Community Qualities Forum from Peter R. Dutton.

Res. 96-404 adopted (Friedman/McClanahan, unan.; Serpa absent) accepting resignation.

14. Matters Too Late For The Agenda

None.

15. This meeting will adjourn to the Mayor's Chambers to consider the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

Meeting adjourned to closed session at 8:15 p.m. Mayor Lang returned at 8:50 p.m. and reported that no action was taken.

**COUNCIL MEETING OF TUESDAY, JULY 23, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the special and regular City Council meetings of July 16, 1996.

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

3. Final adoption of Ord. No. 2995-C.S. rezoning from R-2, and C-1 to P-D(513) property located on the north side of Scenic Drive, west of High Street and east of Kimble Street.

Final adoption of Ord. No. 2995-C.S. (Friedman/Serpa, unan.)

4. Consider awarding contract for the Tully Road overlay from Ninth Street to Leonard Avenue project to Teichert Construction for \$355,355.14, and consider amending the budget to fully fund the project.

Res. 96-405 adopted (Dobbs/McClanahan, unan.) awarding contract.

Res. 96-406 adopted (Dobbs/McClanahan, unan.) amending budget.

5. Consider awarding contract for the Airport District improvements project - Thrasher, Benson and Larkin Avenues to Donald L. Oberg General Engineering Construction for \$390,917.85

Res. 96-407 adopted (Friedman/Serpa, unan.) awarding contract.

6. Consider awarding contract for the Yosemite storm drain line project to Rolfe Construction Company for \$105,760.

Res. 96-408 adopted (Friedman/Serpa, unan.) awarding contract.

7. Consider awarding contract for the Airport Way overlay and passenger terminal parking lot project to Teichert Construction for \$231,231.

Res. 96-409 adopted (Friedman/Serpa, unan.) awarding contract.

8. Consider awarding contract for the "H" Street sewer replacement project - 1st Street to 5th Street to Rolfe Construction Company.

Res. 96-410 adopted (Friedman/Serpa, unan.) awarding contract.

9. Consider awarding contract for the Airport pavement rehabilitation project to Valley Slurry

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Seal Company.

Res. 96-411 adopted (Friedman/Serpa, unan.) awarding contract.

10. Consider declaring GEO Plastics low bidder and authorize the purchase of oil recycling containers for a total cost of \$38,399.79.

Res. 96-412 adopted (McClanahan/Serpa, unan.) awarding bid and authorizing purchase.

11. Consider accepting the Orchard Neighborhood Park, Phase I project as complete and authorize City Clerk to file a Notice of Completion. (Original contract \$434,111.30)

Res. 96-413 adopted (Friedman/Serpa, unan.) accepting project as complete.

12. Consider supporting the coast-to-coast community crime prevention event, "National Night Out 1996" on Tuesday, August 6, 1996.

Res. 96-414 adopted (Serpa/McClanahan, unan.) proclaiming Tuesday, August 6, 1996 as "National Night Out".

13. Consider adopting the Action Plan to Address Impediments to Fair Housing Choice.

Res. 96-415 adopted (Friedman/Serpa, unan.) adopting the Action Plan.

14. Consider authorizing the use of budgeted direct loan appropriations in Community Development Block Grant Funds (CDBG) to bid on and (if the bid is accepted) acquire foreclosed property on which a City CDBG loan is outstanding.

Res. 96-416 adopted (Friedman/Serpa, unan.) authorizing advancing funds.

15. Consider approving amendment to agreement with Hein Hettinga and Amos DeGroot, and consider rejecting proposals received for the lease of the Hailwood Ranch, a part of the City's wastewater treatment and disposal system.

Res. 96-417 adopted (Fisher/Friedman, unan.) approving amendment to agreement.

Res. 96-418 adopted (Fisher/Friedman, unan.) rejecting proposals.

16. Consider authorizing the transfer of City property to a retired City employee, Police Detective Fred Vaughn.

Res. 96-419 adopted (Friedman/Serpa, unan.) authorizing transfer.

17. Quarterly Treasurers' Report - June 1996.

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

18. Consider approving an agreement with Roger Fry, Civil Engineer, of Camp Dresser & McKee, Inc. to provide environmental engineering services and environmental "audit" in connection with two parcels of land bounded by "B" Street, Tenth Street, and Morton Boulevard and Ninth Street, authorizing the City Attorney to execute the agreement and other similar contracts in amounts under \$20,000 for the same purposes, on behalf of the City.

Res. 96-420 adopted (Friedman/Serpa, unan.) authorizing execution of agreement and other similar agreements for the same purposes on behalf of the City of Modesto.

19. Consider amending the 1996-97 Capital Improvement Budget in the amount of \$210,000 to appropriate funds for the purchase of well site and installation of pump station in Hickman and for the purchase of equipment to increase the capacity of the electro dialysis filter at Well 295 in Grayson.

Res. 96-421 adopted (Friedman/Serpa, unan.) amending budget.

20. Consider introduction of an ordinance amending Section 8-3.102 of the Municipal Code to authorize City Manager to enter into agreements to spend up to \$3 million to improve stadium facilities at John Thurman Field without going through the public bidding process.

Ord. 2996-C.S. introduced (Friedman/Lang, majority; McClanahan, no)

21. Oral Communications

Carmen Sabatino addressed Item 20.

Tom Maher addressed Item 20.

22. Written Communications

Letter from Nancy Young, Downtown Improvement District, Bob Hurst, Downtown Merchants Association, and Connie Harris, Downtown Performing Arts Group, on behalf of the Downtown Sampler Committee requesting an amendment to the Municipal Code to allow special events, such as the Samplers, to continue.

By motion (Friedman/Serpa, unan.), referred to staff.

23. Matters Too Late For The Agenda

None.

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



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

Name of Case: Gene Wilkinson, et al. v. City of Modesto, et al. - United States District Court, Eastern District of California, Case No. CV-F 94-6189 OWW  
DLB

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association

Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

Meeting adjourned to Closed Session at 4:44 p.m. City Attorney returned at 7:45 p.m. and reported no action taken.

## **COUNCIL MEETING OF TUESDAY, AUGUST 6, 1996, AT 7:00 P.M.**

### 1. Acknowledgements and Presentations

Mayor Lang presented gifts to a representative of Modesto's Sister City, Khmel'nitsky, Ukraine for their Mayor, Mikhail Checkman.

### 2. Approval of the minutes of the regular City Council meeting of July 23, 1996.

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

### 3. Final adoption of Ord. No. 2996-C.S. amending the Modesto Municipal Code relating to contracting authority.

By motion, final adoption of Ord. No. 2996-C.S. (Friedman/Fisher, majority; McClanahan, no).

### 4. Hearing to consider the application of Warren Lawson and Lowe Development, Inc. for approval of Precise Plan Area No. 25 of Village One Specific Plan and to establish Principal Underlying R-1 Zoning together with SP-O Overlay Zone on Precise Plan Area 25 located at the southeast corner of Floyd Avenue and Esta Avenue.

Ord. No. 2997-C.S. introduced (Friedman/Cogdill, unan.) adopting Precise Plan for Area No. 25 of Village One Specific Plan.

Res. 96-422 adopted (Friedman/Cogdill, unan.) certifying previous use of EIR for Village One.

Ord. No. 2998-C.S. introduced (Friedman/Cogdill, unan.) granting R-1 Principal Underlying Zoning and SP-O Overlay Zone.

### 5. Consider awarding contract for the variable speed drives - influent/effluent pumps project to Ross F. Carroll, Inc. for \$265,700.

Res. 96-423 adopted (McClanahan/Fisher, unan.) awarding contract.

Item #6 removed from agenda.

### 6. Consider awarding contract for the co-compost site development project to Teichert Construction for \$798,205.

(Resolution awarding contract to Teichert Construction needed. Total estimated cost: \$901,971.65 (contract \$798,205; const. admin. & cont. \$103,766.65) Funds are budgeted.)

### 7. Consider awarding contract for the dredging project at the Secondary Treatment Plant to Western Dredge, Inc. for \$521,873.

Res. 96-424 adopted (McClanahan/Fisher, unan.) awarding contract.

8. Consider awarding contract for the Scenic Drive waterline project to Clyde Wheeler Pipeline, Inc. for \$149,469.70, and consider approving an appropriation transfer in the amount of \$47,842.17 to fully fund the project.

Res. 96-425 adopted (McClanahan/Fisher, unan.) awarding contract.

Res. 96-426 adopted (McClanahan/Fisher, unan.) approving appropriation transfer.

9. Consider awarding contract for the Prescott Road - road construction and drainage improvements project to Ross F. Carroll, Inc. for \$541,801.20, and consider amending the budget to fully fund the project.

Res. 96-427 adopted (McClanahan/Fisher, unan.) awarding contract.

Res. 96-428 amending (McClanahan/Fisher, unan.) budget.

10. Consider awarding contract for the rockwell replacement/addition project for 1996-97 to Ross F. Carroll, Inc. for \$356,330.05.

Res. 96-429 adopted (McClanahan/Fisher, unan.) awarding contract.

11. Consider awarding contract for the Chrysler 99 Park, Phase I project to Grover Landscaping, Inc. for \$310,250.38.

Res. 96-430 adopted (McClanahan/Fisher, unan.) awarding contract.

12. Consider accepting the contract of Howell Construction for the handicap restroom remodel project at Westside Park as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$38,378)

Res. 96-431 adopted (McClanahan/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

13. Consider accepting the contract of Collins Electrical Company for the Kansas Avenue and 9th Street traffic improvement project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$41,998)

Res. 96-432 adopted (McClanahan/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

14. Consider accepting the contract of Collins Electrical Company for the Woodland Avenue lift station generator project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$92,090)

Res. 96-433 adopted (McClanahan/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

15. Consider accepting the contract of Kings Roofing for the McHenry Museum reroofing project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$80,900)

Res. 96-434 adopted (McClanahan/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

16. Consider declaring Hennings Brothers Drilling low bidder and authorize the purchase of water well construction and testing services for fiscal year 1996-97, with two one year extensions, for a total first year cost of \$180,000, and a three year total cost of \$540,000.

Res. 96-435 adopted (Friedman/Fisher, unan., McClanahan excused) awarding contract and authorizing two one-year extensions.

17. Consider declaring Valley Electric and Wesco low bidders and authorize the purchase of dry cell battery requirements for fiscal year 1996-97, with two one year extensions, for a total first year cost of \$5,129, and a three year total cost of \$15,387.

Res. 96-436 adopted (McClanahan/Fisher, unan.) awarding contract and authorizing two one-year extensions.

18. Consider declaring Quality Control Inspection, Inc. low bidder and authorize the purchase of construction material testing requirements for fiscal year 1996-97, with two one year extensions, for a total first year cost of \$20,550, and a three year total cost of \$61,650.

Res. 96-437 adopted (McClanahan/Fisher, unan.) awarding contract and authorizing two one-year extensions.

19. Consider rejecting all bids received for rock, sand and gravel requirements and authorizing new call for bids.

Res. 96-438 adopted (McClanahan/Fisher, unan.) rejecting bids and authorizing new bid call.

20. Consider rejecting all bids received for annual water well pump repair requirements and authorizing new call for bids.

Res. 96-439 adopted (McClanahan/Fisher, unan.) rejecting bids and authorizing new bid call.

21. Consider rejecting all bids received for annual digester cleaning services and authorizing new call for bids.

Res. 96-440 adopted (McClanahan/Fisher, unan.) rejecting bids and authorizing new bid call.

22. Consider waiving formal bid procedures and authorizing the lease-purchase of two Pierce "Sabre" pumpers from Pierce Manufacturing through Golden State Fire Apparatus for \$507,553.04, authorizing the purchase from the City of Santa Cruz contract which was the result of a formal competitive bid; and authorizing the City Manager to sign a 10-year lease-purchase agreement; and amending the budget to appropriate a Capital Improvement Project and estimate offsetting lease payment proceeds revenue.

Res. 96-441 adopted (McClanahan/Fisher, unan.) waiving formal bid procedures and authorizing purchase from the City of Santa Cruz contract.

Res. 96-442 adopted (McClanahan/Fisher, unan.) authorizing City Manager to sign lease-purchase agreement.

Res. 96-443 adopted (McClanahan/Fisher, unan.) amending the budget.

23. Consider waiving formal bid procedures and authorizing the Purchasing Officer to negotiate the final price with the Gillig Corporation for three 40' buses and nine 35' buses.

Res. 96-444 adopted (McClanahan/Fisher, unan.) waiving formal bid procedures and authorizing Purchasing Office to negotiate final price.

24. Consider designation of Councilmember to serve as Vice Mayor for the remainder of the term of Vice Mayor McKinsey, pursuant to Section 603 of the Charter of the City of Modesto, which states that if a vacancy shall occur during the term of a Vice Mayor, the Council shall designate the next eligible member of the Council to fill the remainder of the term. If members of the Council have the same amount of service, the order in which such members shall be designated as Vice Mayor shall be determined by lot.

Res. 96-445 adopted (Serpa/Friedman, unan.) designating Tim Fisher Vice Mayor.

25. Consider designation of Voting Delegate and Voting Alternate for the League of California Cities Annual Conference, October 13 through October 15, 1996, in Anaheim, California.

By motion, (McClanahan/Fisher, unan.) designated Councilmember Stan Dobbs as Voting Delegate and Councilmember Kenni Friedman as Voting Alternate.

26. Consider selection of Recht/Hausrath Associates as the City's Affordable Housing Consultant and directing staff to negotiate the terms of an agreement for an Affordable Housing Study, and consider amending the budget.

By motion, (Fisher/Friedman, unan.) rejected selection of Recht, Hausrath and Associates as Affordable Housing Consultant.

Res. 96-446 adopted (McClanahan/Cogdill, majority; Fisher/Serpa, no) directing staff to research alternative funding sources for a trust fund and report back to Community Development & Housing Committee in 60 days; not consider the affordable housing fee for new homes; and prepare and process whatever amendments are required to the General Plan, any adopted Specific Plan, any approved Precise Plan, and any approved Development Agreements to eliminate the affordable housing fee.

27. Consider approving agreement with the Modesto City School District for the City of Modesto Wastewater Collection Division to operate and maintain the Johansen drainage basin.

Res. 96-447 adopted (McClanahan/Fisher, unan.) approving agreement.

28. Consider approving agreement with The Bank of Stockton for the rental of the office at 3121 Yosemite Boulevard, D-1, for the Southeast Area Substation.

Res. 96-448 adopted (Friedman/Dobbs, unan.) approving agreement.

29. Consider approving agreement with the California Highway Patrol, the District Attorney, the Stanislaus County Sheriff, the Stanislaus County Chief Probation Officer, and all other Chiefs of Police in Stanislaus County to form and participate in the Stanislaus County Auto Theft Task Force (SCATT).

Res. 96-449 adopted (McClanahan/Fisher, unan.) approving agreement.

30. Report of two loans approved under the Emergency Home Repair Program (EHRP) during June 1996.

By motion, (McClanahan/Fisher, unan.) acknowledging receipt of report.

31. Consider authorizing payment in the amount of \$2,125 to the Planning Center to pay for supplemental traffic analysis for the Pelandale-Snyder Specific Plan Environmental Impact Report, and consider amending the budget.

Res. 96-450 adopted (McClanahan/Fisher, unan.) authorizing payment.

Res. 96-451 adopted (same vote) amending budget.

Item #32 removed from agenda; will be placed on August 27 agenda.

32. County referral of rezoning application of Dennis Wilson, Mid-Valley Engineering, for Walter Koenig to rezone from A-2-10 (General Agriculture) to P-D, Planned Development Zone, for a commercial project including two fast-food restaurants and a mini-mart on an 8.22-acre property at the southwest corner of McHenry Avenue and Kiernan Avenue. (Resolution recommending that the County deny the application without prejudice needed.)

33. Oral Communications

Tom Maher requested meeting with City Attorney.

34. Matters Too Late For The Agenda

None.

35. 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: Two cases.

Meeting was adjourned to Closed Session at 8:10 p.m. The City Attorney returned at 9:00 p.m. and reported no action taken.

**COUNCIL MEETING OF TUESDAY, AUGUST 13, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

Presentation to Jason Scott for a life-saving act.

2. Approval of the minutes of the special and regular City Council meetings of August 6, 1996.

By motion, minutes approved.

3. Final adoption of:

a. Ord. No. 2997-C.S. adopting Precise Plan for Area No. 25 of Village One Specific Plan.

b. Ord. No. 2998-C.S. rezoning Village One property from SP-H to SP-O and R-1, as underlying zoning, property located at the southeast corner of Floyd Avenue and Esta Avenue.

By motion, (Friedman/Serpa, unan.) ordinances adopted.

4. Hearing to consider implementing Sunday service on Modesto Area Express (MAX), effective November 3, 1996.

By motion (Friedman/Fisher, unan.) implementation of Sunday service authorized.

Res. 96-452 (Friedman/Fisher, unan.) adopted amending budget.

(PW&T to handle)

5. Public hearing to consider Specific Plan Amendment No. 9 (SPA9) pertaining to standards for dwelling setbacks and three-car garages throughout the Village One Specific Plan.

Res. 96-453 (Fisher/McClanahan, unan.) adopted amending Village One Specific Plan.

6. Consider approving specifications and authorizing call for bids for furnishing the replacing of and/or repairing curbs, drive aprons, sidewalks and asphalt, as required.

Res. 96-454 (Friedman/Serpa, unan.) adopted authorizing bid call.

7. Consider awarding contract for the Co-Compost Site Development project to Teichert Construction for \$798,205.00

Res. 96-455 (Friedman/Serpa, unan.) adopted awarding contract.

8. Consider awarding contract for the Jennie Street and Fairview Avenue water and sewer improvements project to Rolfe Construction for \$148,894.

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Res. 96-456 (Friedman/Serpa, unan.) adopted awarding contract.

9. Consider awarding contract for the annual sewer rehabilitation, 1995-1996 project to Rolfe Construction for \$318,825.50

Res. 96-457 (Friedman/Serpa, unan.) adopted awarding contract.

10. Consider awarding contract for the L Street sewer reconstruction (sewer and storm drain) project to Rolfe Construction for \$220,330, and consider amending the budget to appropriate funds.

Res. 96-458 (Friedman/Serpa, unan.) adopted awarding contract.

Res. 96-459 (Friedman/Serpa, unan.) adopted amending budget.

11. Consider rejecting all bids received for furnishing flap gate check valves and authorizing new bid call.

Res. 96-460 (Friedman/Serpa, unan.) adopted rejecting bids and authorizing new call for bids.

12. Consider waiving formal bid procedures and authorize the purchase of Security Services from Mid-Valley Investigation & Security Company, based on informal bids for one year for a total cost of \$55,218.96.

Res. 96-461 (Friedman/Serpa, unan.) adopted rejecting bids and authorizing new call for bids.

13. Consider waiving formal bid procedures and authorizing the purchase of 140,000 pounds of recycled granular activated carbon (GAC) from the contract of the City of Fresno with Northwestern Carbon to be used at four well sites for a total cost of \$89,516.

Res. 96-462 (Friedman/Serpa, unan.) adopted rejecting bids and authorizing new call for bids.

14. Consider addition of processing a Specific Plan for a portion of the Kiernan/Carver Comprehensive Planning District (CPD) to the Kiernan Business Park Comprehensive Planning District.

Councilmember Cogdill excused due to a conflict of interest.

By motion (Fisher/Friedman, unan., Cogdill absent) staff recommendations approved.

15. Consider directing staff to proceed with processing the Kiernan Business Park without a "Measure A" vote.

Councilmember Cogdill excused due to a conflict of interest.

By motion (Fisher/McClanahan, majority, Serpa no, Cogdill absent) staff directed to proceed.

16. Consider adoption of an amendment to the Village One Finance Plan, and consider directing staff to proceed with establishing funding mechanism.

By motion (Fisher/Friedman, unan.) staff directed to proceed.  
Res. 96-463 (Fisher/Friedman, unan.) adopted approving amendment.

17. Consider authorizing the City Manager to execute a Utility Crossing License with Modesto & Empire Traction Company (M&ET) to allow a storm drain line to cross their right of way on Yosemite Boulevard.

Res. 96-464 (Friedman/Serpa, unan.) adopted authorizing City Manager to execute.

18. Consider authorizing pre-tax payroll deduction plan for PERS Service Credit purchases.

Res. 96-465 (Friedman/Serpa, unan.) adopted authorizing deduction plan.

19. Consider establishing procedures for employees promoted and/or hired into limited term positions for Biosolids Co-Compost Program

Res. 96-466 (Serpa/McClanahan, unan. ) adopted establishing procedures.

20. Report of Business and Development Activity in Modesto - January 1995 to July 1996.

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

21. Consider approving amendment and assignment of lease for a water transmission line across the Carpenter Road bridge with the State of California for the Del Este Water System acquisition.

Res. 96-467 (Friedman/Serpa, unan.) adopted approving amendment and assignment.

22. Consider approving two lease agreements with the United States of America, Federal Aviation Administration, for navigational facilities the FAA operates at the Modesto City-County Airport.

Res. 96-468 (Friedman/Serpa, unan.) adopted approving agreement.  
Res. 96-469 (Friedman/Serpa, unan.) adopted approving agreement.

23. Consider approving agreement with Susan Fiscoe to provide golf professional services at the Municipal Golf Course, Dryden Park Driving Range, Dryden Park Golf Course, Creekside Driving Range and Creekside Golf Course.

Res. 96-470 (Friedman/Serpa, unan.) adopted approving agreement.

24. Consider approving agreement with Brothers Two, Inc. for food and beverage concession at Creekside Golf Course.

Res. 96-471 (Friedman/Serpa, unan.) adopted approving agreement.

25. Oral Communications

Bill Cameron spoke regarding trash collection and recycling.

26. Written Communications

Letter from Frank Ruggieri on behalf of Joseph C. Wagner, requesting that the Council reconsider their decision of July 9, 1996, denying a variance to the Alcohol Beverage Control Standards to allow on-sale alcohol beverage license at Charlie's Spirits, 110 East Granger Avenue.

Request withdrawn by appellant.

27. Written Communications

Letter from Sky Trek Aviation appealing the decision of the Deputy Director of Public Works and Transportation - Transportation Division, regarding their qualifications for the operation, maintenance and administration of the Airport.

Request withdrawn by appellant.

28. Matters Too Late For The Agenda

None

29. This 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: Robin Renwick  
Employee organization: Modesto Police Officers Association

Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Management Association

The meeting adjourned to closed session at 5:06 p.m. The City Attorney returned at 6:05 p.m. and reported that no action had been taken.

## **AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 20, 1996, AT 7:00 P.M.**

### 1. Acknowledgements & Presentations

#### a. Presentation of a plaque to Ashly Saleen for a life saving act.

Fire Chief Larry Hughes made a presentation to Ashley Saleen and a plaque was presented for her life saving skills.

#### b. Presentations of graffiti rewards and recognition awards by William Seavy, Chair, Graffiti Reporting Rewards Committee.

William Seavy presented graffiti rewards to various recipients.

#### c. Presentation of Certificate of Recognition to Circle AW for their donation of thirty-six 55 gallon drums of paint to the City for the graffiti abatement program.

Mayor Lang made a presentation to Circle AW in appreciation for their donation of paint.

### 2. Approval of the minutes of the regular City Council meeting of August 13, 1996.

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

### 3. Consider awarding contract for the Taxiway D (Phase II) project to Teichert Construction, and consider approving an appropriation transfer in the amount of \$46,623 to fully fund the project.

Res. 96-472 adopted (Friedman/Serpa, unan.) awarding contract.

Res. 96-473 adopted (Friedman/Serpa, unan.) approving appropriation transfer.

### 4. Consider awarding contract for the service yard bus hoist slab project to Ross F. Carroll, Inc., and consider approving an appropriation transfer in the amount of \$5,314 to fully fund the project.

Res. 96-474 adopted (Friedman/Serpa, unan.) awarding contract.

Res. 96-475 adopted (Friedman/Serpa, unan.) approving appropriation transfer.

### 5. Consider awarding contract for the Roosevelt tennis court lighting project to Bowden Electric, Inc.

Res. 96-476 adopted (Friedman/Serpa, unan.) awarding contract.

### 6. Consider awarding contract for the Yosemite Boulevard street lights - D Street to Las Flores project to Richard A. Heaps, Electrical Contractor, Inc., and consider amending the

budget.

Res. 96-477 adopted (Friedman/Serpa, unan.) awarding contract.

Res. 96-478 adopted (Friedman/Serpa, unan.) amending budget.

7. Consider rejecting all bids for furnishing business licensing software for the Customer Services Division of the Finance Department and authorizing a new call for bids.

Res. 96-479 adopted (Friedman/Serpa, unan.) rejecting bids and authorizing new bid call.

8. Consider approving agreement with Convention and Visitors Bureau for promotion and marketing of Modesto for Fiscal Year 1996-97, based on 13.33% of Transient Occupancy Tax accrued for Fiscal Year 1996-97, and consider amending the budget to appropriate an additional \$6,761 to the Convention and Visitors Bureau.

Res. 96-480 adopted (Serpa/Friedman, unan.) approving agreement.

Res. 96-481 adopted (Serpa/Friedman, unan.) amending budget.

9. Consider adoption of the Public Transit Section's Disadvantaged Business Enterprise (DBE) Fiscal Year 1996-97 goal of 10% DBE participation in federally-funded transit contract awards.

Res. 96-482 adopted (Friedman/Serpa, unan.) approving a goal of 10% DBE participation for FY 96-97.

10. Consider approving an agreement with the Yosemite Community College District (YCCD) for the purchase and installation of a bus shelter on College Avenue at the Modesto Junior College East Campus.

Res. 96-483 adopted (Friedman/Serpa, unan.) approving agreement.

11. Consider approving an agreement for services the operations and programs at the King-Kennedy Memorial Center with the King-Kennedy Memorial Center Board of Directors.

Res. 96-484 adopted (Friedman/Serpa, unan.) approving agreement.

12. Consider approving an amendment to agreement for engineering services for Briggsmore/Coffee improvements with Mid-Valley Engineering.

Res. 96-485 adopted (Friedman/Serpa, unan.) approving amendment to agreement.

13. Consider adoption of Mitigated Negative Declaration for the Amtrak Station Project.

Res. 96-486 adopted (Cogdill/Friedman, majority; McClanahan, no) certifying review of Initial Study, adopting Mitigated Negative Declaration, adopting Mitigation Program, and directing the Community Development Department Director to file a Notice of Determination and directing staff to proceed with the project.

14. Oral Communications

None

15. Written Communications

Letter from Gwendolyn Abernathy, representing Amtrak Station Committee, concerning the proposed new site for the Amtrak Station.

16. Appointments

Board of Building Appeals

By motion, appointed Al Kaufman (Serpa/Friedman, unan.).

Board of Zoning Adjustments

By motion, appointed Andrew Mendlin (Serpa/Friedman, unan.).

Local Cable Programming Committee

By motion, appointed Mark Heinsinger (Serpa/Friedman, unan.).

Meeting was adjourned at 9:12 p.m.

**COUNCIL MEETING OF TUESDAY, AUGUST 27, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the special and regular City Council meetings of August 20, 1996.

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

3. Hearing to consider the appeal of Stone-Webb, et al, to a Planning Commission decision denying an application to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a special sign package, including freestanding signs for the Food-4-Less shopping center on the east side of McHenry Avenue, south of Coralwood Drive.

Ord. 2999-C.S. (Cogdill/Fisher, unan.) introduced approving rezoning from Highway Commercial Zone C-3 to Planned Development Zone P-D.

Res. 96-489 adopted (Cogdill/Fisher, unan.) granting the appeal and setting forth conditions of approval, including removal of smaller signs, approving two large signs, and considering Perko's sign as being grandfathered in.

By order of Chair, Planning Commission requested to review sign ordinance and return recommendations to Council.

4. Hearing to consider a proposal to amend Article 24 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to zoning regulations applicable to adult entertainment businesses and an amendment to Chapter 9 of Title V of the Modesto Municipal Code relating to adult entertainment businesses.

Ord. 3000-C.S. introduced (Serpa/Fisher, unan.).

5. County referral of rezone application of Dennis Wilson, Mid-Valley Engineering for Walter Koenig to rezone from A-2-10, General Agriculture, to P-D, (Planned Development Zone) for a commercial project including two fast-food restaurants and a mini-mart on an 8.11-acre property at the southwest corner of McHenry Avenue and Kiernan Avenue.

By motion (Friedman/McClanahan, unan.), item continued to October 8, 1996 Council meeting.

6. Consider approving agreement with the County of Stanislaus to provide Emergency Dispatch Services for three years.

Res. 96-490 adopted (Serpa/McClanahan, unan.) authorizing City Manager to sign

8/27/96



agreement.

7. Consider authorizing participation in the 1996 California State Fair exhibit, and consider amending the Fiscal Year 1996-97 Budget to appropriate \$1,000.

Res. 96-491 adopted (Serpa/McClanahan, unan.) authorizing participation.

Res. 96-492 adopted (Serpa/McClanahan, unan.) amending budget.

8. Consider approving an agreement with Environmental Science Associates, Inc. for the preparation of a draft environmental impact report for the Wastewater Master Plan.

Res. 96-493 adopted (Serpa/McClanahan, unan.) approving agreement.

9. Oral Communications

None.

10. Matters Too Late For The Agenda

None.

The meeting was adjourned at 4:44 p.m.

**COUNCIL MEETING OF TUESDAY, SEPTEMBER 3, 1996, AT 7:00 P.M.**

1. Acknowledgement and Presentations

United Way 1996 Campaign Kickoff.

Mayor presented proclamation to Marvelene Hughes and Marsena Buck, Campaign Chair. Miguel Galvez carried torch and handed off to Police Officer.

2. Approval of the minutes of the regular City Council meeting of August 27, 1996.

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

3. Final adoption of Ord. No. 3000-C.S. relating to adult entertainment businesses. (Motion adopting needed.)

Final adoption, Ord. No. 3000-C.S.

4. Consider authorizing call for bids for furnishing analytical laboratory testing and related laboratory services for the Public Works and Transportation Department Water Quality Control Laboratory for Fiscal Year 1996-97 with two one-year extensions.

Res. 96-494 adopted (Friedman/McClanahan, unan.) authorizing a call for bids.

5. Consider waiving formal bid procedures and authorizing the purchase of an on-call maintenance agreement from IBM for the Finance Department mainframe computer, and authorizing the City Manager to sign agreement.

Res. 96-495 adopted (Friedman/McClanahan, unan.) waiving formal bid procedures and authorizing City Manager to sign agreement for services.

6. Annual reports for City Council Committees for Fiscal Year 1995-96.

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

7. Capital Facilities Fees Annual Summary Report.

Res. 96-496 adopted (Friedman/McClanahan, unan.) accepting report and making the required statutory findings.

8. Consider approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Management Association for fiscal years 1996-97 through 1999-2000.

Res. 96-497 adopted (Friedman/McClanahan, unan.) approving Memorandum of Understanding.

9. Consider accepting the public improvements for Yosemite Meadows No. 2 subdivision as complete and authorizing the release of the faithful performance bond and the labor and materials bond, and authorizing City Clerk to file Notice of Completion.

Res. 96-498 adopted (Friedman/McClanahan, unan.) accepting public improvements as complete, authorizing release of bonds, and authorizing City Clerk to file Notice of Completion.

10. Consider approval of agreement for purchase of 7.739 acres of the Woodland Park site by Modesto City Schools in the amount of \$955,659.

Res. 96-499 adopted (Friedman/McClanahan, unan.) approving agreement.

11. Consider approving an amendment to the 1996-97 Capital Improvement Project Budget to fully fund Public Facilities District No. 11 project - installation of curb, sidewalk, and street improvements at various locations.

Res. 96-500 adopted (Friedman/McClanahan, unan.) amending the budget.

12. Consider adoption of a Resolution of Intention to Establish Community Facilities District No. 1996-1 (Village One) and to authorize the levy of a special tax within the proposed district.

Res. 96-501 adopting (Friedman/McClanahan, unan.) Resolution of Intention.

13. Consider joinder in amicus briefs in: Turner v. County of Butte; Hillsboro Properties, Inc. v. City of Rohnert Park; Breneric Associates v. City of Del Mar; Property Owners v. City of East Palo Alto; Suter v. City of Lafayette; Kavanau v. Santa Monica Rent Control Board; Akins v. State of California; Sinclair Paint Company v. Board of Equalization; City of San Jose v. State of California; Olsen v. City of San Jose; Chhour v. CRA Buena Park; and City of Oakland v. Superior Court.

By motion, authorize City to join in amicus briefs and direct the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

14. Consider approval of the final map of Nottingham Place Phase I 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: Stewart W. and Betty J. Bradley)

Res. 96-502 adopted (Fisher/McClanahan, unan.) approving final map and authorizing City Manager to sign agreement, subject to additional signature being secured.

Res. 96-503 adopted (Fisher/McClanahan, unan.) certifying review of EIR.

15. Oral Communications

None.

16. Matters Too Late For The Agenda

None.

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

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Association

Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

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 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 7:47 p.m. City Attorney returned to open session at 9:30 p.m. and announced no action was taken.

**COUNCIL MEETING OF TUESDAY, SEPTEMBER 10, 1996, AT 4:00 P.M.**

1. Presentation by Chris Chaffee regarding Interfaith Ministry Concert-in-the-Park Day on September 14, 1996.  
  
Announcement made by Velva Tinker, Chair of the Board.
2. Approval of the minutes of the special and regular City Council meetings of September 3, 1996.  
  
By motion (Serpa/Friedman, unan.), minutes approved.
3. Consider authorizing call for bids for furnishing Electronic Imaging Services for the Public Works and Transportation Department - Engineering Division.  
  
Res. 96-504 adopted (Serpa/Friedman, unan.) authorizing call for bids.
4. Consider declaring D & L Concrete Pumping, Inc. low bidder and authorizing the purchase of replacing and repairing curb, drive aprons, sidewalks and asphalt for Fiscal Year 1996-97 with two one-year extensions.  
  
Res. 96-505 adopted (Serpa/Friedman, unan.) awarding bid.
5. Consider declaring Hawk Systems low bidder and authorizing the purchase of annual water well pump requirements for Fiscal Year 1996-97 with two one-year extensions with a total first year cost of \$400,000 and a three-year total cost of \$1,200,000.  
  
Res. 96-506 adopted (Serpa/Friedman, unan.) awarding bid.
6. Consider declaring R & B and Sons low bidder and authorizing the purchase of annual rock, sand and gravel requirements for Fiscal Year 1996-97 with two one-year extensions with a total first year cost of \$43,000 and a three-year total cost of \$130,000.  
  
Res. 96-507 adopted (Serpa/Friedman, unan.) awarding bid.
7. Consider acceptance of the contract of Collins Electrical Company, Inc. for the traffic signals at Yosemite Boulevard (SR132) and Creekwood Drive project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$89,500)  
  
Res. 96-508 adopted (Serpa/Friedman, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.
8. Consider approving termination agreement for Hangar No. 1 and approving a lease agreement for Hangar No. 2, one bathroom and two tie-downs at the Modesto City-County Airport with Darold Jolliff.

9/10/96

Res. 96-509 adopted (Serpa/Friedman, unan.) approving termination agreement.

Res. 96-510 adopted (Serpa/Friedman, unan.) approving lease agreement.

9. Consider approving agreement with Caltrans for tree planting along State Highways in Modesto.

Res. 96-511 adopted (Serpa/Friedman, unan.) approving agreement.

10. Oral Communications

Loretta Carhart commented re: solid waste collection and use of second container.

11. Written Communications

Letter from Cathy Helie, B-93FM, Parade Coordinator, requesting Direct City Assistance including Police traffic control and Caltrans signage placement, Public Works for street sweepers and barricades, and Park and Recreation for staging and canopy for the Seventh Annual Christmas Parade on Saturday, December 7, 1996.

By motion (Serpa/Friedman, unan.), referred to staff.

12. Matters Too Late For The Agenda

None.

Meeting adjourned at 4:06 p.m.

**COUNCIL MEETING OF TUESDAY, SEPTEMBER 17, 1996, AT 7:00 P.M.**

1. Presentation of Pollution Prevention Week Proclamation.

Mayor Lang made a presentation to Councilmember McClanahan, Chairperson of Recycling Committee.

2. Approval of the minutes of the regular City Council meeting of September 10, 1996.

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

3. Final adoption of Ord. No. 2999-C.S. rezoning from C-3 to P-D(515) property located on the east side of McHenry Avenue, south of Coralwood Drive. (Food-For-Less Shopping Center, Stone-Webb)

By motion (Friedman/Fisher, unan.), final adoption of Ord. No. 2999-C.S.

4. Public hearing to consider the application of George Petrulakis, Normoyle and Newman, on behalf of Inland Westpointe Partnership, for approval of a development agreement pursuant to the vesting tentative map of Village Highlands in PPA #8 of the Village One Specific Plan.

Ord. No. 3001-C.S. introduced (McClanahan/Fisher, unan.).

5. Public hearing to consider the application of George Petrulakis, Normoyle and Newman, on behalf of Village Ventures One, Limited, for approval of a development agreement pursuant to the vesting tentative map of Nottingham Place in PPA #32 of the Village One Specific Plan.

Ord. No. 3002-C.S. introduced (Friedman/Cogdill, unan.).

6. Consider declaring Wastewater Solids Management low bidder and authorize the purchase of annual digester cleaning services for fiscal year 1996-97, with two one-year extensions, with a total first year cost of \$12,161.80 and a three-year cost of \$36,485.40.

Res. 96-512 adopted (Friedman/Fisher, unan.) awarding bid to Wastewater Solids Management and authorizing purchase.

7. Consider amending the 1996-97 Budget to re-estimate upward by \$186,254 "SB90 Mandated Cost Recovery" revenue in the General Fund; and appropriating \$60,420 in the Elections organization of the City Clerk & Auditor; and consider directing staff to pay \$60,420 to Modesto City Schools for the schools' share of State reimbursement for 1993 absentee ballot costs.

Res. 96-513 adopted (Friedman/Fisher, unan.) amending the 1996-97 budget.

9/17/96

By motion (Friedman/Fisher, unan.), directed staff to pay Modesto City Schools' share of State reimbursement for 1993 absentee ballot costs.

8. Consider amending Section 3-1.109 of Article 1 of Chapter 1 of Title III of the Modesto Municipal Code relating to manufacture, display and display of sales of fireworks.

Ord. No. 3003-C.S. introduced (Friedman/Fisher, unan.).

9. Consider authorizing the implementation of a reorganization of the Fire Division and Battalion Chiefs in the Modesto Fire Department.

By motion (Friedman/Fisher, unan.), authorized implementation of reorganization of the Fire Department.

Res. 96-514 adopted (Friedman/Fisher, unan.) amending Position Classification Plan job specifications.

Res. 96-515 adopted (Friedman/Fisher, unan.) amending Class Range Tables.

10. Consider approving operational agreement with California Department of Transportation to provide for communication, coordination, cooperation, and collaboration, concerning National Pollution Discharge Elimination System (NODES) stormwater requirements.

Res. 96-516 adopted (Friedman/Fisher, unan.) approving agreement.

11. Consider approving lease agreement with Mr. and Mrs. Mark Cullum for the McClure Country Place caretaker's cottage.

Res. 96-517 adopted (Friedman/Fisher, unan.) approving agreement.

12. Consider authorizing City Manager to sign a grant application for \$190,000 in Federal Funding for a three-year Juvenile Mentoring Program.

Res. 96-518 adopted (Friedman/Fisher, unan.) authorizing the City Manager to sign grant application.

13. Consider approving agreement with EIP Associates, Inc. to prepare a Draft Environmental Impact Report (EIR) for Solids Land Application; and consider approving subsequent agreement with EIP Associates, Inc., or another firm, to prepare a final EIR for Biosolids Land Application.

Res. 96-519 adopted (Friedman/Fisher, unan.) approving agreement for Draft EIR.

Res. 96-520 adopted (Friedman/Fisher, unan.) authorizing City Manager to sign



subsequent agreement for final EIR.

14. Oral Communications

Kenneth Marshall spoke concerning the Westridge subdivision.

15. Written Communications

Letter from Dave Haley, Secretary, Homeless Vets Stand Down Committee, regarding the Homeless Veterans Stand Down event in October.

By motion (Serpa/Fisher, unan.), referred to Financial Policy Committee to consider donation, and approved the waiver of fees for use of the soccer fields and approved a proclamation in support of the event.

16. Letter of resignation from the Human Relations Commission from Earl L. Howard, Jr.

Res. 96-521 adopted (Friedman/Fisher, unan.) accepting resignation with regret.

17. Appointments

Culture Commission

Res. 96-522 adopted (Dobbs/Friedman, unan.) appointing Mike Krajewski to the Culture Commission.

Citizens Advisory Committee on Recycling

Res. 96-523 adopted (Dobbs/Friedman, unan.) appointing David Chase to the Citizens Advisory Committee on Recycling.

18. Matters Too Late For The Agenda

None.

Meeting was adjourned at 7:20 p.m.

**COUNCIL MEETING OF TUESDAY, SEPTEMBER 24, 1996, AT 4:00 P.M.**

1. Robert Chandler was presented with a proclamation for Equal Parent Week.  
Boy Scout Troop 12 was acknowledged by the Mayor.
2. Approval of the minutes of the regular City Council meeting of September 17, 1996.  
By motion (Friedman/Serpa, unan.), minutes approved.
3. Final adoption of:
  - a. Ord. No. 3001-C.S. approving the Development Agreement with the Beck Family Trust, Inland Developers, LLC, and Heritage Group, LLC, regarding Village Highlands in the Village One Community.
  - b. Ord. No. 3002-C.S. approving the Development Agreement with Betty and Stewart Bradley regarding Nottingham Place in the Village One Community.
  - c. Ord. No. 3003-C.S. amending the Municipal Code relating to manufacture, display, and display of sales of fireworks.Final adoption (Friedman/Serpa, unan.) of Ord. Nos. 3001-C.S., 3002-C.S., and 3003-C.S.
4. Hearing to consider participation in the Supplemental Law Enforcement Services State Grant Program - Citizens' Option for Public Safety.  
Res. 96-524 adopted (Serpa/McClanahan, unan.) authorizing the City's allocation of \$415,824.  
Res. 96-525 adopted (Serpa/McClanahan, unan.) establishing an interest-bearing supplemental Law Enforcement Services Fund, separate from the General Fund.  
By motion (Serpa/McClanahan, unan.), approve staff recommendations.
5. Consider awarding contract for the Airport cable replacement project to Power Providers for \$63,627.  
Res. 96-526 adopted (Friedman/Serpa, unan.) awarding contract.
6. Consider awarding contract for the Scenic Drive overlay project between Burney Street and Coffee Road to George Reed, Inc. for \$172,229.05.  
Res. 96-527 adopted (Friedman/Serpa, unan.) awarding contract.

7. Consider rejecting all bids received for furnishing irrigation backflow prevention devices and related installation and authorizing a new call for bids.

Res. 96-528 adopted (Friedman/Serpa, unan.) rejecting bids and authorizing new call for bids.

8. Consider designating voting and alternate voting delegates for the Annual Congress of Cities, December 7 - 10, 1996, in San Antonio, Texas.

By motion (Serpa/Dobbs, unan.), designated Stan Dobbs as voting and Janine McClanahan as alternate voting delegates to the Annual Congress of Cities.

9. Consider amending the Position Classification Plan to delete job specifications for Museum Supervisor, Historical Building Supervisor and Business Development Officer; to amend the job specifications for Golf Services Manager, Police Corporal, Police Detective, Police Sergeant; and to create job specifications of Cultural Services Manager, Property Agent, and Business Analyst; and consider amending the Class Range Tables to establish salary ranges for Cultural Services Manager, Property Agent and Business Analyst.

Res. 96-529 adopted (Fisher/Dobbs, majority; Cogdill, no), amending Position Classification Plan.

Res. 96-530 adopted (Fisher/Dobbs, majority; Cogdill, no), amending the Class Range Tables.

Job classifications for Museum Supervisor, Historical Buildings Supervisor and Cultural Services Manager were removed and not acted on. They will be returned to the Council in two weeks.

10. Consider approving agreement with Modesto Irrigation District for the acquisition of 0.112 acre of right of way for the appraised value of \$3,000 needed for the Yosemite Avenue widening project.

Res. 96-531 adopted (Friedman/Serpa, unan.) approving agreement.

11. Consider approving agreement with Hanna, Brophy, MacLean, McAleer & Jensen for legal services for workers' compensation litigation.

Res. 96-532 adopted (Friedman/Serpa, unan.) approving agreement.

12. Oral Communications

Carol Davis spoke regarding tree trimming procedures.

Steve Day announced PAL Boxing Event this weekend.

13. Appointments

Airport Advisory Committee.

Res. 96-533 adopted (McClanahan/Friedman, unan.) appointing Jack Hinkle, with a term expiration date of January 1, 1999.

14. Matters Too Late For The Agenda

None.

This meeting will adjourn to the Court Floor Multipurpose Room, City Hall, 801 11th Street, Modesto, California, for a presentation on the Advanced Traffic Management System (ATMS).

At the close of the presentation, the City Council meeting will adjourn to the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Robin Renwick  
Employee Organization: Modesto Police Officers Association

Agency Negotiator: Don Norris  
Employee Organization: Modesto Firefighters Association

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 to Third Floor conference room at 4:29 p.m. for a slide presentaion on ATMS, followed by a tour of the ATMS computer room on the Court Floor of City Hall. After the ATMS presentation, meeting adjourned to Closed Session in the Third Floor Conference Room at 5:30 p.m. City Attorney returned at 6:30 p.m. to report no action taken.

**COUNCIL MEETING OF TUESDAY, OCTOBER 1, 1996, AT 7:00 P.M.**

1. Boy Scout Troop #8 acknowledged by Mayor Lang.
2. Approval of the minutes of the regular City Council meeting of September 24, 1996.

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

By motion, Item #3 continued to November 5, 1996.

3. Hearing to consider the application of Save Mart Supermarkets and I.C.I. for an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(516), for a shopping center, property located on a portion of the County Center No. 3 site at the northwest corner of Scenic Drive and Oakdale Road.
4. Hearing to consider the Annual Performance Report for Community Development Block Grant (CDBG) and HOME programs for Fiscal Year 1995-96.

Res. 96-534 adopted (Dobbs/McClanahan, unan.) approving report and authorizing submittal to the Department of Housing and Urban Development.

5. Consider waiving formal bid procedures and authorizing the purchase of electro dialysis filter equipment from Asahi Glass America, Inc., and the supervision of the installation by the Palmyra Group, Inc. for the total price of \$81,918.

Res. 96-535 adopted (Friedman/Serpa, unan.) waiving formal bid procedures and authorizing purchase.

6. Consider adoption of a resolution declaring two bars known as "522 Club" and "Club Expose" to be public nuisances and directing the City Attorney to initiate abatement actions in Stanislaus County Superior Court.

Res. 96-536 adopted (Friedman/Serpa, unan.) declaring bars to be public nuisances and directing City Attorney to initiate appropriate nuisance abatement action in Stanislaus County Superior Court.

Consent Item #7 dropped from Agenda.

7. Consider amending the Modesto Municipal Code relating to storm water management and discharge controls to give the City legal authority to implement the National Pollution Discharge Elimination System (NPDES) Program.
8. Consider approving agreement with Archibald and Wallberg Consultants to provide technical assistance for the National Pollutant Discharge Elimination System (NPDES) stormwater permit.

Res. 96-537 adopted (Friedman/Serpa, unan.) approving agreement.

9. Consider approving agreement with Southern Pacific Lines to construct, maintain, and operate a water line crossing the Southern Pacific railroad tracks near Pelandale Avenue.

Res. 96-538 adopted (Friedman/Serpa, unan.) approving agreement.

10. Consider approving agreement with Grothe and Smith Architects for architectural design services for the Wastewater Collection Maintenance Building.

Res. 96-539 adopted (Serpa/Friedman, unan.; Cogdill excused due to conflict) approving agreement.

11. Consider approving an agreement with Mid-Valley Engineering for engineering design services for the Yosemite widening from McClure to Frazine project.

Res. 96-540 adopted (Friedman/Serpa, unan.) approving agreement.

12. Oral Communications

Kenneth Marshall expressed concern with Westridge subdivision.

Richard Alberti, Dave Milleil and Phyllis Beasley also spoke regarding Westridge subdivision.

13. Written communications

Letter of resignation from the Landmark Preservation Committee from Al Menshew.

Res. 96-541 adopted (Friedman/Serpa, unan.) accepting resignation with regret.

14. Matters Too Late For The Agenda

None.

Meeting was adjourned at 7:29 p.m.

**COUNCIL MEETING OF TUESDAY, OCTOBER 8, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of October 1, 1996

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

3. Hearing to consider the proposed amendments, additions and deletions to Article 19 of Chapter 2 of Title X of the Modesto Municipal Code pertaining to Specific Plan Overlay Zone, (SP-O), to remove the requirement for "Principle Underlying Zoning" which is included in the current regulations.

Ord. No. 3004-C.S. introduced (Friedman/Fisher, unan.).

4. Hearing to consider the proposed designation of The First Church of Christ Scientist Building (commonly known as the Modesto Academy of Dance), located at 1328 H Street, as a Modesto Landmark Preservation Site.

Res. 96-542 adopted (Fisher/Dobbs, unan.) designating The First Church of Christ Scientist as a Modesto Landmark Preservation Site.

5. Hearing to consider the approval of a Mills Act Contract for the Wissner Medical Office Building at 901 McHenry Avenue for the preservation of historical property, pursuant to Sections 50280 - 50290 of the California Government Code. (Owner: John and Mary Ellen Hertle)

Res. 96-543 adopted (Fisher/Dobbs, unan.) approving a Mills Act contract with John and Mary Ellen Hertle.

6. Hearing to consider establishing Community Facilities District No. 1996-1 and to authorize the levy of a special tax within the proposed district to pay for the facilities and services, under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982."

Ordinance No. 3005-C.S. introduced (Fisher/Friedman, unan.).

Res. 96-544 adopted (Fisher/Friedman, unan.) establishing Community Facilities District No. 1996-1.

Res. 96-545 adopted (Fisher/Friedman, unan.) amending the "Policies and Procedures for the Use of Mello-Roos community Facilities Districts".

7. Consider awarding contract for the Held Avenue/MID Lateral No. 3 canal crossing project to Cunningham & Sons for \$318,890.20.

Res. 96-546 adopted (McClanahan/Friedman, unan.) awarding contract.

8. Consider waiving formal bid procedures and authorizing the purchase of an upgrade to the RS/6000 from the State of California Multiple Award Schedule (CMAS) contract with Jeskell Inc., an IBM business partner to be used in the RS/6000 City-wide network upgrade for a total cost of \$124,564.

Res. 96-547 adopted (McClanahan/Friedman, unan.) waiving formal bid procedures and authorizing purchase and installation.

9. Consider waiving formal bid procedures and authorizing the purchase and installation of various network infrastructure hardware from the State of California Multiple Award Schedule (CMAS) contract with Cabletron Systems to be used in the RS/6000 City-wide network upgrade for a total cost of \$40,212.

Res. 96-548 adopted (McClanahan/Friedman, unan.) waiving formal bid procedures and authorizing purchase and installation.

#### ITEM # 10 DROPPED FROM AGENDA

10. County Referral of rezoning application of Dennis Wilson, Mid-Valley Engineering for Walter Koenig, to rezone from General Agriculture (A-2-10, to Planned Development Zone, P-D, for a commercial project including two fast-food restaurants and a mini-mart on an 8.22 acre property at the southwest corner of McHenry Avenue and Kiernan Avenue. (Resolution recommending that the County deny the application without prejudice needed.) (Continued from August 27, 1996, City Council meeting.)

11. Consider reimbursement of prior Capital Expenditures for the rehabilitation of John Thurman Field, and consider certifying environmental review.

Res. 96-549 adopted (McClanahan/Friedman, unan.) declaring the City's intention to reimburse itself from the proceeds of tax-exempt bond financing for expenditures made and/or to be made in connection with the rehabilitation of John Thurman Field.

Res. 96-550 adopted (McClanahan/Friedman, unan.) certifying review of initial study, adopting mitigated negative declaration, adopting Mitigation Monitoring Program and directing the Community Development Department Director to file a Notice of Determination.

12. Consider amending Position Classification Plan to delete job specifications for Museum Supervisor and Historical Building Supervisor and to create the job specifications of Cultural Services Manager; and consider amending the Class Range Tables to establish salary ranges for Cultural Services Manager.



Res. 96-551 adopted (McClanahan/Friedman, unan.) amending the Position Classification Plan.

Res. 96-552 adopted (McClanahan/Friedman, unan.) amending the Class Range Tables.

13. Oral Communications

Jose Lugo commented on drugs and weapons control.

14. Written Communications

Letter of resignation from Golf Advisory Committee from Don Harmon.

Res. 96-553 adopted (McClanahan/Friedman, unan.) accepting the resignation of Don Harmon from the Golf Advisory Committee with regret.

15. Mattes Too Late For The Agenda

None.

Meeting was adjourned at 4:26 p.m.

**COUNCIL MEETING OF TUESDAY, OCTOBER 15, 1996, AT 7:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of October 8, 1996.

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

3. Final adoption of:

a. Ord. No. 3004-C.S. amending Article 19 of Chapter 2 of Title X of the Modesto Municipal Code relating to Specific Plan Overlay zone (SP-O).

By motion (Friedman/Dobbs, unan.), Ord. No. 3004-C.S. adopted.

b. Ord. No. 3005-C.S. authorizing the levy of a special tax within Community facilities District No. 1996-1.

By motion (Friedman/Dobbs, unan.), Ord. No. 3005-C.S. adopted.

Item #4 has been requested by appellant to be continued.

4. Hearing to consider the appeal of L.D. Crouse, 218 Camellia Way, to a decision of the Urban Forestry Superintendent to remove a Modesto ash tree on property located at 222 Camellia Way.

By motion (Fisher/Cogdill, unan.) item continued until November 5, 1996.

5. Hearing to consider the proposed amendment to Section 14-3-9 of the Zoning Map to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(518), to allow C-3 uses, specifically for a car wash facility, located on the east side of Oakdale Road and Lancey Drive. (Donald R. Gonsalves)

Ord. No. 3006-C.S. introduced (Friedman/Serpa, unan.).

Res. 96-554 adopted (Friedman/Serpa, unan.) approving development plan.

Res. 96-555 (Friedman/Serpa, unan.) adopted certifying Mitigated Negative Declaration of Environmental Impact.

6. Hearing to consider proposed amendment to Section 27-3-9 of the Zoning Map to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(517), to allow a mini-storage facility, property located on the north side of Scenic Drive between Brighton and Rose Avenues. (Ted Seybold)

Ord. No. 3007-C.S. introduced (Fisher/Dobbs, unan).

Res. 96-556 adopted (Fisher/Dobbs, unan) with the added condition of mature landscaping on Scenic, approving development plan.

Res. 96-557 adopted (Fisher/Dobbs, unan) finding project as being within the scope of the Master Environmental Impact.

7. Consider declaring Groeniger & Company the only responsive and responsible bidder and authorize the purchase of the Flap Gate Check valves and related installation for \$42,864.10.

Res. 96-558 adopted (Friedman/Dobbs, unan.) awarding bid and authorizing purchase.

Councilmembers Fisher and McClanahan excused due to conflict of interest.

8. Consider report of Joint City/County Downtown Government Facility Study.

By motion (Cogdill/Friedman, unan.; Fisher & McClanahan absent), acknowledged receipt of report and conceptually approved recommendations subject to CEQA review, if required.

9. Certification of canvass of votes at the October 15, 1996, election within the Community Facilities District No. 1996-1.

Res. 96-559 adopted (Friedman/Dobbs, unan.) certifying canvass of votes.

10. Consider report of loan approved under the Emergency Home Repair Program (EHRP) during September 1996.

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

11. Consider Community Qualities Forum Vision Statement for Downtown Redevelopment.

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

12. Consider an agreement with the State Lands Commission to install an 18" sanitary sewer pipeline crossing the Tuolumne River.

Res. 96-560 adopted (Friedman/Dobbs, unan.) approving agreement.

13. Consider approving an agreement for survey services with DeLaMare-Fultz Engineers for the Kiernan Avenue Plan Line.

Res. 96-561 adopted (Friedman/Dobbs, unan.) approving agreement.

14. Consider approving amendment to the FY 1996-97 Operating Budgets of the General Fund

10/15/96

and Fleet Management Fund to implement a personnel reallocation.

Res. 96-562 adopted (Friedman/Dobbs, unan.) approving amendment to General Fund and Fleet Management Fund budgets.

15. Consider Financial Policy Committee recommendation to adopt position of "opposition" on State Ballot Propositions #211 (Attorney-Client Fee Arrangements/Securities Fraud/Lawsuits/Initiative Statute), #217 (Top Income Tax Brackets/Reinstatement/Revenues to Local Agencies/Initiative Statute), and #218 (Voter Approval for Local Government Taxes/Limitations on Fees, Assessments, and Charges/Initiative Constitutional Amendment). General Election November 5, 1996.

Res. 96-563 approved (Friedman/Dobbs, unan.) adopting position of opposition.

#### ORAL COMMUNICATIONS

None.

16. Written Communications

Letter from John Gonzales regarding at-will and temporary employment issues.

Chair referred matter to City Manager's office.

#### MATTERS TOO LATE FOR THE AGENDA

None.

This meeting will adjourn to the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a Closed Session to consider the following:

#### CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator:	Robin Renwick
Employee Organization:	Modesto Police Officers Association

Meeting adjourned to Closed Session at 8:05 p.m. City Attorney returned at 8:45 p.m. and announced no action was taken.

**COUNCIL MEETING OF TUESDAY, OCTOBER 22, 1996, AT 4:00 P.M.**

1. Acknowledgements and Presentations

Bill Buckham reviewed the Foreign Exchange Program.

2. Approval of the minutes of the regular City Council meeting of October 15, 1996.

By motion, minutes approved.

3. Final adoption of:

a. Ord. No. 3006-C.S. rezoning from P-O to P-D(518) property located on the east side of Oakdale Road at Lancey Drive (Donald R. Gonsalves)

b. Ord. No. 3007-C.S. rezoning from R-3 to P-D(517) property located on the north side of Scenic Drive between Brighton and Rose Avenues (Ted Seybold).

Councilmember Fisher excused due to a conflict of interest.

By motion, (Serpa/Friedman, unan., Fisher absent) Ord. Nos. 3006-C.S. and 3007-C.S. adopted.

4. Consider awarding contract for the Standiford Avenue road construction and drainage improvements project to Donald L. Oberg General Engineering Contractor for \$804,580.72; and consider approving an appropriation transfer in the amount of \$20,000 and an appropriation transfer in the amount of \$93,859 to fully fund the project.

Councilmember McClanahan excused due to a conflict of interest.

Res.96-564 adopted (Dobbs/Serpa, unan., McClanahan absent) awarding contract.

Res. 96-565 adopted (same vote) approving appropriation transfers.)

5. Consider accepting the contract of Ross F. Carroll, Inc. for the rip rap installation - LaLoma/Morton Bridge project as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$27,600)

Res. 96-566 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

6. Consider declaring 12 vehicles and miscellaneous pieces of automotive equipment, one lot of high pressure CNG cylinders, two CNG compressors as surplus and authorizing the Purchasing Officer to sell by sealed bid, auction, negotiation or scrap.

Res. 96-567 adopted (Friedman/Dobbs, unan.) declaring property surplus and authorizing disposal.

7. Consider waiving formal bid procedures and authorizing the purchase of computers, photographic, office, audio and video and related equipment from various vendors who responded to an informal solicitation for bids.

Res. 96-568 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

8. Consider waiving formal bid procedures and authorizing the purchase of Local Area Network (LAN) and related computer equipment from CompUSA for a total cost of \$22,411.14.

Res. 96-569 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

9. Consider amending the 1996-1997 City budget to transfer funds in the amount of \$226,000 for the purchase of the Covell Hotel.

Councilmembers Fisher and McClanahan excused due to a conflict of interest.

Res. 96-570 adopted (Friedman/Cogdill, unan., Fisher, McClanahan absent) amending budget.

10. Consider amending the 1996-97 budget to appropriate \$16,500 from the Special Fund for Capital Outlays Contingency Reserve, establishing a new capital improvement program project to fund City Hall appraisal costs.

Councilmembers Fisher and McClanahan excused due to a conflict of interest.

Res. 96-571 adopted (Friedman/Cogdill, unan., Fisher, McClanahan absent) amending budget.

#### DROPPED FROM AGENDA

11. Consider actions leading to development of a storm water drainage basin in Village One, including an agreement with Elmer Winger, et al.; an agreement with Charleston Place, a limited partnership; and consider adopting a resolution stating that this project is consistent with the program Environmental Impact Report.
12. Consider approving agreement with LaLoma Properties for the lease an office for the Southeast Area Office Substation.

Res. 96-572 adopted (Serpa/McClanahan, unan.) approving agreement.

13. Consider amending the 1996-97 budget to appropriate \$70,360 for expenditures for the

addition of police office space and to estimate \$119,997 of revenue from State reimbursement of certain police training.

Res. 96-573 adopted (Friedman/Dobbs, unan.) amending budget.

14. Consider accepting United States Department of Justice federal grant funds in the amount of \$199,991 for the Modesto Project to Combat Domestic Violence, and consider amending the 1996-97 budget to estimate revenue and appropriate funds.

Res. 96-574 adopted (Friedman/Dobbs, unan.) accepting grant.

Res. 96-575 adopted (same vote) amending budget.

15. Consider removing Neighborhood Advisory Councils (NAC) chairman designation from two Citizens Housing and Community Development Committee seats and redesignating one seat be filled by low or moderate income citizen, making a total of 11 seats.

Res. 96-576 adopted (Friedman/Dobbs, unan.) making recommended changes.

16. Consider approving an operational letter of agreement with Barton ATC International, tower manager, regarding Airport Emergency Service.

Res. 96-577 adopted (Friedman/Dobbs, unan.) approving letter of agreement.

17. Consider approving an application for a State Transit Capital Improvement (TCI) Program grant in the amount of \$60,000 for a project to refurbish nine 1983 Gillig buses. (The project has been approved in the CIP for a total of \$600,000 with a local match of \$120,000. The Federal Transit Administration (FTA) is covering \$480,000 (80%) of the cost of the project. If approved by the State, this grant would cover 50% of the project's local match (the maximum allowed by the TCI program) reducing the required City funds to \$60,000. Resolution approving grant application and authorizing the City Manager to sign the grant application, grant agreement, and related documents for the grant needed.)

Res. 96-578 adopted (Friedman/Dobbs, unan.) approving grant application and authorizing City Manager to sign application, agreement and related documents.)

18. Consider authorizing the City Manager to execute a loan agreement with Sam and Malchy Toma, husband and wife, doing business as Best Way Food Store, under the Community Development Block Grant Small Business Loan Program. (Total estimated cost: \$15,000. CDBG funds are budgeted.)

Res. 96-579 adopted (Friedman/Dobbs, unan.) approving agreement.

19. Consider approving agreement with Turlock Fitness Center (a.k.a. Brenda Fitness Clubs) to provide personal fitness instruction for the Fire Fighter Physical Fitness Program.

Res. 96-580 adopted (Friedman/Dobbs, unan.) approving agreement.

20. Consider approving agreement with Young Olympians for co-sponsoring youth self defense classes.

Res. 96-581 adopted (Friedman/Dobbs, unan.) approving agreement.

21. Quarterly Treasurer's Report - September 1996.

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

22. Consider authorizing expenditure of \$1,000 from the Community Development Block Grant funds to support 1996 Central Valley Homeless Veterans Project.

Res. 96-582 adopted (Friedman/Dobbs, unan.) authorizing expenditure.

- 22A. Consider supporting the selection of the Altamont Pass corridor for high speed rail development between the San Joaquin Valley and the San Francisco Bay Area by the California High Speed Rail Commission.

Res. 96-583 adopted (Friedman/Dobbs, unan.) supporting selection of Altamont Pass corridor.

- 22B. Consider establishing the Lucas Plaza Project in the amount of \$50,000 from the 1996/97 Capital Improvement Program Budget, and consider approving an agreement with the Lucas Plaza Project Committee for purposes of construction the facility and acquiring a bronze sculpture from Betty Saletta.

Res. 96-584 adopted (Friedman/Dobbs, unan.) establishing project in 96-97 CIP.

Res. 96-585 adopted (same vote) approving agreement.

23. Oral Communications

None

24. Appointments

Downtown Improvement District

Res. 96-586 adopted (Friedman/Dobbs, unan.) appointing Andre David

Landmark Preservation Commission

Res. 96-587 adopted (Friedman/Dobbs, unan.) appointing William A. Stewart



Tuolumne River Regional Park Citizens Committee

Res. 96-588 adopted (Friedman/Dobbs, unan.) appointing Mary Grogan

25. Maaters Too Late For The Agenda

None

26. CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Purchase of property located at the southeast corner of Briggsmore Avenue and Coffee Road:

APN: 032-01-01

APN: 032-01-02

APN: 032-01-03

APN: 032-01-04

Negotiating Party: William D. Harper, City of Modesto Property Agent

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

The meeting adjourned to Closed Session at 4:16 p.m. The City Attorney returned at 4:42 p.m. and reported no action was taken.

**COUNCIL MEETING OF TUESDAY, NOVEMBER 5, 1996, AT 7:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the special City Council meeting of October 21, 1996, and the regular City Council meeting of October 22, 1996.

By motion, minutes adopted.

**DEVELOPER HAS REQUESTED A CONTINUANCE ON ITEM #3 UNTIL NOVEMBER 19, 1996**

3. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(516), for a shopping center, property located on a portion of the County Center No. 3 site at the northwest corner of Scenic Drive and Oakdale Road. (Save Mart Supermarkets and I.C.I.)  
(Continued from October 1, 1996, City Council meeting.)  
(Introduction of ordinance rezoning, resolution approving development plan and resolution certifying use of previous EIR needed.)

By motion (Friedman/McClanahan, unan.; Cogdill absent), continued until November 19, 1996.

4. Hearing to consider the appeal of L.D. Crouse, 218 Camellia Way, to a decision of the Urban Forestry Superintendent to remove a Modesto ash tree on property located at 222 Camellia Way.  
(Continued from October 15, 1996, City Council meeting.)

Res. 96-589 adopted (McClanahan/Fisher, unan.; Cogdill absent) denying appeal and calling for removal of tree.

**COUNCILMEMBER SERPA ABSENT TO DUE CONFLICT OF INTEREST**

5. Hearing to consider awarding an exclusive one-year franchise to Computer Pathways, Inc. for the right, privilege and permission to place, construct and maintain benches bearing printed matter or signs thereon at designated locations along the streets in the City of Modesto.  
(Introduction of ordinance awarding franchise needed.)

Ord. No. 3008-C.S. introduced (Dobbs/Lang, unan.; Cogdill & Serpa absent).

Res. 96-589A adopted (Dobbs/Lang, unan.; Cogdill & Serpa absent) approving lease agreement for advertising rack space inside the buses.

6. Consider authorizing call for bids for furnishing utility billing software and related installation for the Finance Department's Customer Service Division.  
(Suggested bid opening: December 10, 1996, at 11:00 a.m. Resolution authorizing bid

11/5/96

call needed. Estimated cost: \$128,000. Funds are budgeted.)

Res. 96-590 adopted (Friedman/Dobbs, unan.; Cogdill absent) authorizing call for bids on December 10, 1996.

7. Consider declaring Bibens Nursery low bidder and authorize the purchase of eight backflow prevention devices and related installation totaling \$25,302.33.

Res. 96-591 adopted (Friedman/Dobbs, unan.; Cogdill absent) awarding bid and authorizing purchase.

8. Consider accepting the contract of Teichert Construction as complete for the rockwell replacement/addition project for 1995-1996 and authorize the City Clerk to file the Notice of Completion. (Original contract: \$349,519)

Res. 96-592 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

9. Consider accepting the contract of Conco-West, Inc. as complete for the Evergreen lift station rehabilitation project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$90,500)

Res. 96-593 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

10. Consider accepting the contract of Central California Pavement Company as complete for the sidewalk repairs project - spring 1996 and authorize the City Clerk to file the Notice of Completion. (Original contract: \$117,968.99)

Res. 96-594 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

11. Consider accepting the contract of BDS Construction, Inc. as complete for Project 22 - replace curb, drive aprons and sidewalks, and authorize the City Clerk to file the Notice of Completion. (Original contract: \$125,264.15)

Res. 96-595 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

12. Consider accepting the contract of Wickum Construction as complete for the Crows Landing drainage basin outfall rebuild project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$23,530.24)

Res. 96-596 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

13. Consider accepting the contract of Conco-West, Inc. as complete for the gate modification project for clarifier No. 1 and 2 at the Water Quality Control Plant and authorize the City Clerk to file the Notice of Completion; and consider approving an appropriation transfer in the amount of \$1,900 to fully fund the project. (Original contract: \$96,600)

Res. 96-597 adopted (Friedman/Dobbs, unan.; Cogdill absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Res. 96-598 adopted (Friedman/Dobbs, unan.; Cogdill absent) approving appropriation transfer.

14. Consider waiving formal bid procedures and authorizing the purchase of various co-compost equipment from various vendors for the total price of \$1,175,911.41; consider waiving formal bid procedures and authorize the purchase of additional equipment for a total price of \$144,696; consider amending the budget to provide funding from the Wastewater Fund Contingency Reserve; and consider declaring intention to reimburse itself from tax exempt bond financing for expenditures made and/or to be made in connection with the acquisition, construction and equipping of certain wastewater capital improvements.  
(Resolution waiving formal bid procedures and authorizing purchase of co-compost equipment needed (Five affirmative votes needed.); resolution waiving formal bid procedures and authorizing purchase of truck with tank, storage tank and water reel and office trailer needed (Five affirmative votes needed.); resolution amending budget needed; and resolution declaring intention to reimburse from tax-exempt bond financing needed.)

By motion (Friedman/McClanahan, unan.; Cogdill absent), referred back to Utility Services and Franchises Committee and scheduled for November 12, 1996 Council Agenda.

15. Fiscal Year 1996-97 Budget -- First Quarter Status Report and Proposed Adjustments.

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

Res. 96-599 adopted (Friedman/Fisher, unan.; Cogdill absent), amending FY 1996-97 budget and re-estimating revenue.

Res. 96-600 adopted (Friedman/Fisher, unan.; Cogdill absent), establishing the revised 1996-97 FY Appropriations Limit, including the price and population factors to be used in the calculations.

16. Consider approving agreement with Elmer Winger, et al. for the purchase of 14.7 acres of land in Village I; consider approving agreement with Charleston Place for construction of a temporary drainage facility; consider amending the budget to appropriate funds from the Storm Drainage Contingency Reserve; and consider stating that this project is consistent with the EIR.

Res. 96-601 adopted (Friedman/Dobbs, unan.; Cogdill absent) approving agreement with Elmer Winger.

Res. 96-602 adopted (Friedman/Dobbs, unan.; Cogdill absent) approving agreement with Charleston Place.

Res. 96-603 adopted (Friedman/Dobbs, unan.; Cogdill absent) amending the budget.

Res. 96-604 adopted (Friedman/Dobbs, unan.; Cogdill absent) stating that this project is consistent with EIR.

17. Consider authorizing City Manager to execute a Consent to Common Use agreement with Modesto Irrigation District (MID) for the Held Avenue/MID Lateral No. 3 canal crossing to serve the proposed Amtrak Station.

Res. 96-605 adopted (Friedman/Dobbs, unan.; Cogdill absent) approving agreement.

18. Consider authorizing City Manager to sign grant application for \$350,000 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. 96-606 adopted (Friedman/Dobbs, unan.; Cogdill absent) authorizing City Manager to sign grant application.

19. Consider authorizing City Manager to execute a Fund Transfer Agreement with the State of California to provide \$2,036,391 in funding for the new Amtrak Station.

Res. 96-607 adopted (Friedman/Dobbs, unan.; Cogdill absent) approving agreement.

20. Consider amending the Class Range Tables to establish a new salary range for the Systems Analyst Classification

Res. 96-608 adopted (Friedman/Dobbs, unan.; Cogdill absent) amending the Class Range Tables.

21. Consider stating the intent of the City of Modesto to reclaim treated wastewater for beneficial reuse, in accordance with Water Code Sections 1210 and 1485.

Res. 96-609 adopted (Friedman/Dobbs, unan.; Cogdill absent) authorizing resolution of intent to reclaim treated wastewater.

22. Oral Communications

Councilmember Serpa requested staff to investigate Halloween burning accident.

COUNCILMEMBER MCCLANAHAN ABSENT DUE TO CONFLICT OF INTEREST

23. Written Communications

Letter from Jack R. Jones, representing Modesto Garbage Company, Inc., requesting an extension of the license to collect garbage, industrial garbage and salvageable waste of Modesto Garbage Company.

Res. 96-610 adopted (Serpa/Friedman, unan.; Cogdill & McClanahan absent) setting hearing for Tuesday, November 19, 1996 at 7:00 p.m.

24. Letter from Richard Gilton requesting an extension of the license to collect garbage, industrial garbage and salvageable waste and recyclable materials of Gilton Solid Waste Management.

Res. 96-611 adopted (Friedman/Dobbs, unan.; Cogdill absent) setting hearing for Tuesday, November 19, 1996 at 7:00 p.m.

25. Letter from Francis R. Ruggieri, on behalf of the proprietor of Club Expose, requesting the reconsideration of Res. No. 96-536, declaring the Club Expose to be a public nuisance.

Res. 96-612 adopted (Friedman/McClanahan, unan.; Cogdill absent), denying request.

26. MATTERS TOO LATE FOR THE AGENDA

None.

27. 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

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

A significant exposure to litigation against the City of Modesto based on the following facts and circumstances: A City employee has filed a sexual harassment complaint which may result in litigation.

Meeting was adjourned to Closed Session at 8:25 p.m. City Attorney returned at 8:45 p.m. to report no action was taken.

## **COUNCIL MEETING OF TUESDAY, NOVEMBER 12, 1996, AT 4:00 P.M.**

1. Presentation of a Certificate of Recognition to Tim Orr, a MAX bus driver, for placing third in the 1996 International Bus Rodeo.

Mayor made presentation to Tim Orr.

Mayor presented Livable Places Award - Transportation Center to Fred Cavanah.

2. Approval of the minutes of the regular City Council meeting of November 5, 1996.

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

Councilmember Serpa absent due to conflict of interest.

3. Final adoption of Ord. No. 3008-C.S. granting an exclusive one-year Bus Bench Franchise to Computer Pathways. Inc.

Final adoption of Ord. No. 3008-C.S. (Friedman/Dobbs, unan.; Serpa absent).

4. Consider waiving formal bid procedures and authorizing the purchase of various co-compost equipment from various vendors for the total price of \$1,175,911.41; consider waiving formal bid procedures and authorize the purchase of additional equipment for a total price of \$144,696; consider amending the budget to provide funding from the Wastewater Fund Contingency Reserve; and consider declaring intention to reimburse from tax exempt bond financing for expenditures made and/or to be made in connection with the acquisition, construction and equipping of certain wastewater capital improvements.

(At the 11/5/96 City Council meeting, by motion, this item was referred back to committee and rescheduled for this City Council meeting.)

By motion (Cogdill/Dobbs, unan.) postponed to future date.

5. Consider authorizing staff to solicit proposals for a five-year contract to provide drivers and other personnel to operate the Modesto Area Express bus system beginning June 1, 1997. (The current contract with Laidlaw Transit expires May 31, 1997. Motion authorizing solicitation of proposals needed. Estimated annual cost: \$2,650,000. Funds are budgeted.)

By motion (Friedman/McClanahan, unan.), authorized solicitation of proposals.

6. Consider designation of a Councilmember to serve as Vice Mayor to fill the term through November, 1997.

Res. 96-613 adopted (McClanahan/Dobbs, unan.) designating Councilmember Tim Fisher as Vice Mayor.

7. Consider amending the Conflict of Interest Codes for the Office of the City Manager, Community Development Department, Parks and Recreation Department, Finance Department and Police Department; consider rescinding the Conflict of Interest Code for the Environmental Assessment Committee.

Res. 96-614 adopted (Friedman/McClanahan, unan.) amending the Conflict of Interest Code for the Office of the City Manager.

Res. 96-615 adopted (Friedman/McClanahan, unan.) amending the Conflict of Interest Code for the Community Development Department.

Res. 96-616 adopted (Friedman/McClanahan, unan.) amending the Conflict of Interest Code for the Parks & Recreation Department.

Res. 96-617 adopted (Friedman/McClanahan, unan.) amending the Conflict of Interest Code for the Finance Department.

Res. 96-618 adopted (Friedman/McClanahan, unan.) amending the Conflict of Interest Code for the Police Department.

Res. 96-619 adopted (Friedman/McClanahan, unan.) rescinding the Environmental Assessment Committee Code.

8. Consider approving agreement with United Cerebral Palsy Association of Stanislaus County for the lease of a City-owned home at 308 Locust.

Res. 96-620 adopted (Friedman/McClanahan, unan.) approving agreement.

9. Consider approving Community Development Block Grant agreement for Catholic Charities/Laura's House for \$28,000 to provide rehabilitation improvements to their property at 405 15th Street, and consider amending the Fiscal Year 1996-97 Budget to provide funding.

Res. 96-621 adopted (Friedman/McClanahan, unan.) approving grant agreement.

Res. 96-622 adopted (Friedman/McClanahan, unan.) amending budget.

10. Summary listing of subrecipient contract agreements funded with Community Development Block Grant funds during Fiscal Year 1996-97.

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

11. Consider approving an amendment to the agreement with EIP Associates for the preparation of a Draft Environmental Impact Report for the Biosolids Land Application Project.

(Total estimated cost: \$7,367. Funds are budgeted.)



Res. 96-623 adopted (Friedman/McClanahan, unan.) approving amendment to agreement.

12. Consider amending the Municipal Code regarding storm water management and discharging controls allowing the City of Modesto to have the legal authority to implement the National Pollution Discharge Elimination System (NPDES) Program as mandated by the Environmental Protection Agency (EPA).

Ord. No.3009-C.S. (Friedman/McClanahan, unan.) introduced.

13. Oral Communications

None.

14. Matters Too Late For The Agenda

None.

15. 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: Robin Renwick  
Employee organization: Modesto Police Officers Association

Agency negotiator: Don Norris  
Employee organization: Modesto Firefighters Association

Agency negotiator: Paul Baxter  
Employee organization: Modesto City Employees Association

#### ADJOURNMENT

Meeting adjourned to Closed Session at 4:10 p.m. City Attorney returned at 5:05 p.m. and reported no action was taken.

**COUNCIL MEETING OF TUESDAY, NOVEMBER 19, 1996, AT 7:00 P.M.**

1. Acknowledgements and Presentations

None.

2. Approval of the minutes of the regular City Council meeting of November 12, 1996.

By motion (Friedman/McClanahan, unan.; Mayor Lang, absent), minutes approved.

3. Final adoption of Ord. No. 3009-C.S. relating to storm water management and discharge controls.

By motion (Friedman/McClanahan, unan.; Mayor Lang, absent), final adoption of Ord. No. 3009-C.S.

Councilmember Cogdill absent due to conflict of interest.

4. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(517), for a shopping center, 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.)

(Continued from October 1, and November 5, 1996, City Council meetings.)

By motion (Friedman/Fisher, majority; Dobbs, no; Cogdill & Mayor Lang absent) item will be continued to November 26, 1996.

Councilmember McClanahan absent due to conflict of interest.

5. Hearing to consider extension of the license to collect garbage, industrial garbage, and salvageable waste of Modesto Garbage Company. (The Utility Services & Franchises Committee has recommended that the hearing be continued.)

By motion (Cogdill/Dobbs, unan.; McClanahan & Mayor Lang absent), hearing continued to December 16, 1996.

6. Hearing to consider extension of the license to collect garbage, industrial garbage, salvageable waste and recyclable materials of Gilton Solid Waste Management. (The Utility Services & Franchises Committee has recommended that the hearing be continued.)

By motion (Friedman/Serpa, unan.; Mayor Lang absent), hearing continued to December 16, 1996.

7. Hearing to consider establishing a vehicle impound fee in the amount of \$80 for suspended, revoked or unlicensed drivers and to consider authorizing the City Manager to

make application to the State Office of Traffic Safety for the Comprehensive Traffic Safety Program Grant

Ord. No. 3010-C.S. introduced (Friedman/Dobbs, unan.; Mayor Lang absent).

Res. 96-624 adopted (Friedman/Dobbs, unan.; Mayor Lang absent), authorizing City Manager to submit a grant application.

Res. 96-625 adopted (Friedman/Dobbs, unan.; Mayor Lang absent), establishing vehicle impound fee of \$80.00.

8. Hearing to consider recommendations of the City of Modesto Golf Courses Committee to increase greens fees, introduce monthly 8- and 10-play weekday multiple play cards; introduce new 50% discount rate for juniors after 12 noon any day; introduce new earlybird rates; and continuance of existing twilight rates; and 20% weekday discounts for seniors, juniors, disabled. Also to be consider is the recommendation to delay the Cart Path Capital Improvement Project at Creekside until F.Y. 1997-98 and to approve proposed changes to tournament policy.

Res. 96-626 adopted (McClanahan/Cogdill, majority; Dobbs, no; Mayor Lang absent) establishing green fees for Modesto Municipal, Dryden and Creekside Golf Courses.

Res. 96-627 adopted (McClanahan/Cogdill, majority; Dobbs, no; Mayor Lang absent) amending the CIP.

Res. 96-628 adopted (McClanahan, Cogdill, majority; Dobbs, no; Mayor Lang absent) amending tournament policy, with the exception of the mandatory restaurant fee for tournament play. To be referred back to committee to research equity.

9. Consider declaring Legacy Solutions low bidder for business licensing software for a total cost of \$28,199.

Res. 96-629 adopted (Friedman/McClanahan, unan.; Mayor Lang absent) awarding bid.

10. Consider authorizing staff to seek an author for State legislation which would prohibit the sale of childrens' Halloween costumes which do not meet Federal Government standards for childrens sleep wear.

Res. 96-630 adopted (Serpa/McClanahan, unan.; Mayor Lang absent) authorizing staff to seek author for State and Federal legislation.

11. Consider authorizing City Manager to execute an agreement with Del Monte Foods for the relocation of their Yosemite Boulevard main plant entrance.

Res. 96-631 adopted (Friedman/McClanahan, unan.; Mayor Lang absent) approving agreement.

12. Consider authorizing request for qualification statements from traffic engineering consultants for the Kiernan Avenue plan line.  
  
By motion (Friedman/McClanahan, unan.; Mayor Lang absent), authorize request for qualifications.
13. Consider authorizing City Manager to execute an amendment to the agreement with Mid-Valley Engineering for engineering services for Briggsmore/Coffee intersection improvements.  
  
Res. 96-632 adopted (McClanahan/Dobbs, unan.; Friedman & Mayor Lang absent) approving amendment to agreement.
14. Consider authorizing City Manager to execute agreement with Memorial Hospital to reimburse the hospital for construction of improvements on the east side of Coffee Road from the Hospital entrance to Spanos Court to be constructed in conjunction with the Briggsmore/Coffee intersection improvements.  
  
Res. 96-633 adopted (McClanahan/Dobbs, unan.; Friedman & Mayor Lang absent) approving agreement.
15. Report of loan approved under the Emergency Home Repair Program during October 1996.  
  
By motion (Friedman/McClanahan, unan.; Mayor Lang absent), acknowledged receipt of report.
16. Consider allowing Community Hospice to use the McClure Country Place for their "Decorator Showhouse" in 1997.  
  
By motion (Friedman/McClanahan, unan.; Mayor Lang absent), authorize staff to negotiate an agreement for the use of the McClure Country Place.
17. Consider authorizing City Manager to sign agreements with Modesto City Schools as they are negotiated for Recreation on Campus for Kids (R.O.C.K.S.) programs to be provided by the Parks & Recreation at various school sites during the school year 1996-97.  
  
Res. 96-634 adopted (Friedman/McClanahan, unan.; Mayor Lang absent) authorizing City Manager to sign agreements as they are negotiated.
18. Consider supporting staff recommendation to receive the Culture Commission Master Plan for Cultural Activities and Historic Buildings and scheduling a workshop with the Culture Commission in January to discuss the Master Plan.  
  
By motion (Friedman/McClanahan, unan.; Mayor Lang absent), acknowledged receipt

to Master Plan and authorizing the scheduling of a workshop in January.

Councilmembers Fisher & McClanahan absent due to conflict on interest; Councilmember Serpa appointed Mayor Pro Tem.

19. Consider adoption of a resolution authorizing the City Manager to negotiate and execute a Joint Powers Agreement to provide for formation of a Joint Powers Agency (JPA) with Stanislaus County for the purpose of constructing and managing a City-County Administration Center to be located in downtown Modesto.

Res. 96-635 adopted (Cogdill/Friedman, unan.; Fisher, McClanahan & Mayor Lang absent) authorizing the City Manager to negotiate and execute a Joint Powers Agreement for the City-County Administration Center in downtown Modesto.

20. Consider approving agreement with G-Rem-Inc. for the donation of a barn to the Greater Modesto Community Foundation for the McClure Country Place.

Res. 96-636 adopted (Friedman/McClanahan, unan.; Mayor Lang absent) approving agreement.

21. Oral Communications  
None.

22. Matters Too Late For The Agenda  
None.

Meeting adjourned at 11:50.

**COUNCIL MEETING OF TUESDAY, NOVEMBER 26, 1996, AT 4:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the regular City Council meeting of November 19, 1996.

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

3. Final adoption of Ord. No. 3010-C.S. relating to Traffic Offender Fund.

By motion (Friedman/Serpa, unan.), final adoption of Ord. No. 3010-C.S.

Mayor Lang absent and Councilmember Cogdill absent due to conflict of interest.

4. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(516), for a shopping center, 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.)

(Continued from October 1, November 5, and November 19, 1996, City Council meetings.)

By motion, (Dobbs/Friedman, unan.; Lang/Cogdill absent) the Brook Vale turn lane issue will be returned to the Transportation Committee.

By motion, (Friedman/McClanahan, majority; Serpa, no; Lang/Cogdill absent) the median on Oakdale to remain as proposed on Alternate A.

By motion, (McClanahan/Serpa, unan.; Lang/Cogdill absent) the CFF fees to be amortized over ten years.

By motion, (Serpa/McClanahan, majority; Fisher, no; Lang/Cogdill absent) loading dock to be enclosed with unlimited loading hours.

By motion, (Serpa/Dobbs, majority; Lang/Cogdill absent) the median on Scenic Drive is to remain as recommended by staff.

By motion, (McClanahan/Friedman, unan.; Lang/Cogdill absent) public hearing reopened and will be continued to December 16, 1996.

Councilmember Cogdill excused due to conflict of interest.

5. Hearing to consider amending Section Map 28-3-9 of the Zoning Map to rezone from C-1, Neighborhood Commercial Zone, to P-D(490), to allow an expansion of the adjacent cemetery, property located on the northeast corner of Scenic Drive and Bodem Street. (Acacia Memorial Park)

Ord. No. 3011-C.S. introduced (Dobbs/Fisher, unan.; Cogdill absent).

Res. 96-637 adopted (Dobbs/Fisher, unan.; Cogdill absent) certifying use of MEIR.

Res. 96-638 adopted (Dobbs/Fisher, unan.; Cogdill absent) approving development plan.

6. Hearing to consider North Beyer Park Specific Plan, General Plan amendment, adoption of mitigated negative declaration, and rezoning to Specific Plan Overlay Zone, (SP-O), in the area located north of Mable Avenue, between Coffee and Oakdale Roads, and bounded on the north by the Pelandale Expressway (Claratina extended).

Ord. No.3012-C.S. introduced (Friedman/Fisher, unan.).

Res. 96-639 adopted (Friedman/Fisher, unan.) approving General Plan amendment.

Res. 96-640 adopted (Friedman/Fisher, unan.) approving mitigated negative declaration.

Res. 96-641 adopted (Friedman/Fisher, unan.) approving a Specific Plan.

7. Hearing to consider the application of Florsheim Development for approval of the vesting tentative subdivision map of North Beyer Park on the north side of Mabel Avenue and south of the Pelandale (Claratina) expressway extended.)

Res. 96-642 adopted (Fisher/Friedman, unan.) approving North Beyer Park vesting tentative subdivision map.

Res. 96-643 adopted (Fisher/Friedman, unan.) making findings that North Beyer Park subdivision is within the context of the MEIR for the City.

Councilmembers Cogdill and Fisher excused due to conflict of interest.

8. Hearing to consider the application of Redev Inc. for approval of Precise Plan for Area No. 3 of the Village One Specific Plan, and amendment to the Zoning Map from SP-H to SP-O, property located on the south side of Sylvan Avenue east of Oakdale Avenue east of Oakdale Road.

By motion, (McClanahan/Friedman, unan.; Cogdill/Fisher absent) approved to continue to December 16, 1996 to hear appeal.

9. Consider waiving formal bid procedures and authorizing the purchase of co-compost equipment from various vendors for the total price of \$1,175,911.41; consider waiving formal bid procedures and authorizing the purchase of additional equipment for a total price of \$144,696; consider amending the budget to provide funding from the Wastewater Fund Contingency Reserve; and consider declaring intention to reimburse from tax exempt bond financing for expenditures made and/or to be made in connection with acquisition, construction and equipping of certain wastewater capital improvements.

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(Continued from 11/5/96 and 11/12/96 City Council meetings.)

Res. 96-644 adopted (Cogdill/Friedman, majority; Dobbs/Lang, no) accepting low bid and authorizing purchase of co-compost equipment.

Res. 96-645 adopted (Cogdill/Friedman, majority; Dobbs/Lang, no) waiving formal bid procedures and authorizing purchase of truck with tank, storage tank and water reel, and office trailer.

Res. 96-646 adopted (Cogdill/Friedman, majority; Dobbs/Lang, no) amending budget.

Res. 96-647 adopted (Cogdill/Friedman, majority; Dobbs/Lang, no) declaring City's intention to reimburse itself from tax-exempt bond financing.

10. Consider authorizing call for bids for furnishing one new trailer-mounted stump cutting machine for the Public Works and Transportation-Fleet Services Division.  
(Suggested bid opening: January 8, 1997, at 11:00 a.m.)

Res. 96-648 adopted (Friedman/Serpa, unan.) authorizing bid call on January 8, 1997 at 11:00 a.m.

11. Consider authorizing call for bids for furnishing seven traffic enforcement motorcycles for the Public Works and Transportation Department-Fleet Services Division.  
(Suggested bid opening: January 8, 1997, at 11:00 a.m.)

Res. 96-649 adopted (Friedman/Serpa, unan.) authorizing bid call on January 8, 1997 at 11:00 a.m.

12. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessments for six 1915 Act Improvement Districts of 1996-97 property tax bills.

Res. 96-650 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #24, Sewer Improvements.

Res. 96-651 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #25, Sewer Improvements.

Res. 96-652 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #27, Storm Drainage Improvements.

Res. 96-653 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #28, Sewer

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Improvements.

Res. 96-654 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #29, Street and Water System Improvements.

Res. 96-655 adopted (Friedman/Serpa, unan.) authorizing Stanislaus County to levy and collect assessment on 1996-97 property tax bills for Improvement District #6, Street and Water System Improvements.

Councilmember Fisher excused due to conflict of interest.

13. Consider allocation of Emergency Shelter Grant (ESG) funds from HUD to the Housing Authority of Stanislaus County in the amount of \$20,100 and to STANCO in the amount of \$46,900 for the provision of homeless shelter and homeless prevention services.

Res. 96-656 adopted (McClanahan/Friedman, unan.; Fisher absent) allocating funds.

Councilmember Fisher excused due to conflict of interest.

14. Consider approving allocation of \$492,000 in Fiscal Year 1996 HOME funds to developers of affordable housing subject to certain conditions in the following amounts:

\$412,000 to Ashwood Village Project developed by Sunrise Partners

\$32,000 to STANCO for the Transitional Housing Program

\$48,000 to the Housing Authority of Stanislaus County for the Brighton Place Youthbuild Project.

Res. 96-657 adopted (McClanahan/Friedman, unan.; Fisher absent) approving allocation of funds.

15. Consider revising the Down Payment Assistance Program to allow sweat equity to be counted as portion of down payment requirement.

Res. 96-658 adopted (Friedman/Serpa, unan.) revising the Down Payment Assistance Program.

16. Consider authorizing joinder in amicus briefs in: Metropolitan Water District of Southern California v. Francis N. Domenigoni; Roman Catholic Archbishop of San Francisco (St. John's Cemetery) v. City of San Mateo; Blake v. City of Port Hueneme; East Bay Asian Local Development Corporation v. State of California; Howard Jarvis Taxpayers Assn. v. City of La Habra; and Ehrlich v. City of Culver City.

By motion (Friedman/Serpa, unan.), authorized the City to join in the six amicus briefs and direct the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

17. Consider amending the Modesto Municipal Code to provide for annual billing of gross

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receipts for business license.

Ord. No. 3013-C.S. introduced (Friedman/Serpa, unan.).

18. ORAL COMMUNICATIONS

None.

19. Consider support of H.R. 4339 proposing change to Federal Transported Pollution Policy.

Res. 96-659 adopted (Friedman/Serpa, unan.) supporting H.R. 4339.

20. Appointments

Golf Course Advisory Committee

Res. 96-660 adopted (Serpa/Fisher, unan.) appointing Arnie Blank to the Golf Course Advisory Committee, with a term expiration of January 1, 2000.

Human Relations Commission

Res. 96-661 adopted (Serpa/Fisher, unan.) appointing Paul Horn to the Human Relations Commission, with a term expiration of January 1, 2000.

Reappointments

Planning Commission

**ACTION:** Res. 96-662 adopted (Serpa/Fisher, unan.) reappointing Becky Ward and Michael Pratt to the Planning Commission, with a term expirations of January 2, 2001.

21. MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

Meeting adjourned at 6:45 p.m.

november 19, 1996 **COUNCIL MEETING OF TUESDAY, DECEMBER 3, 1996, AT 7:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

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

William Seavy made presentations.

- b. Presentation of Proclamation to United States Marine Corps for Toys For Tots program.

Mayor Lang presented Proclamation.

- c. Recognition of the Youth Commission for their participation and outstanding effort in the Make A Difference Day Book Drive.

Presentations made by Wendy Byrd, Teen Services Supervisor, and Mayor Lang.

2. Approval of the minutes of the regular and special City Council meetings of November 26, 1996.

By motion, minutes approved.

3. Hearing to consider designating five cemeteries on Scenic Drive - Acacia Memorial Park, Modesto Pioneer Cemetery, Modesto Cemetery, St. Stanislaus Catholic Cemetery, Stanislaus County Cemetery (aka Potter's Field) - as Landmark Preservation Sites.

Res. 96-663 adopted (Dobbs/Fisher, unan.) designating five cemeteries as Landmark Preservation Sites.

4. Hearing to consider designation of the Dr. Donald Robertson Home at 211 Elmwood Court as a Modesto Landmark Preservation Site. (John Fichtenkort, Owner)

Res. 96-664 adopted (Fisher/Friedman, unan.) designating home as a Landmark Preservation Site.

5. Hearing to consider approving a Mills Act Contract for the Dr. Donald Robertson Home at 211 Elmwood Court for the preservation of historical property. (John Fichtenkort, Owner)

Res. 96-665 adopted (Fisher/Friedman, unan.) approving a Mills Act Contract and authorizing City Manager to sign.

6. Hearing to consider the proposed closure of the alleys adjoining the apartment complex at 620 Paradise Road, on the southeast side of Paradise Road, northeast of Sheridan Avenue. (Security Mutual Asset Company)

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Res. 96-666 adopted (McClanahan/Fisher, unan.) approving alley closure.  
Res. 96-667 adopted (same vote) making findings of consistency with the Master Environmental Impact Report for the Modesto General Plan.

7. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone From P-O to P-D(519), for an office condominium, property located on the east side of Coffee Road between East Orangeburg and Brighton Avenues. (D. Rick Cheney)

Ord. No. 3014-C.S. introduced (Friedman/Fisher, unan.) rezoning property.

Res. 96-668 adopted (same vote) approving development plan.

Res. 96-669 adopted (same vote) stating that project is consistent with the EIR.

8. Consider acceptance of the contract of Barham, Inc. as complete for the Mellis Park renovation project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$186,743.48)

Res. 96-670 adopted (Serpa/Friedman, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

9. Consider acceptance of the contract of Ross F. Carroll, Inc. as complete for the intersection improvements - Claus Road at Briggsmore Avenue and Parker Road and authorize the City Clerk to file the Notice of Completion. (Original contract: \$158,545.65)

Res. 96-671 adopted (Serpa/Friedman, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

10. Consider declaring Central Visual Information Systems low bidder and authorizing the purchase of a design-build, engineering and computer network system for the total price of \$67,050.14.

Res. 96-672 adopted (Serpa/Friedman, unan.) declaring Central Visual Information Systems low bidder and authorizing purchase.

11. Consider rejecting all bids for furnishing two portable trailer mounted generators and authorizing new bid call.  
(Suggested bid opening: January 8, 1997, at 11:00 a.m.)

Res. 96-673 adopted (Serpa/Friedman, unan.) rejecting all bids for furnishing two portable trailer mounted generators and authorizing new bid call.

12. Consider waiving formal bid procedures and authorizing the purchase of 140,000 pounds of granular activated carbon through the City of Fresno contract from Northwestern Carbon to be used at four well sites for a total cost of \$134,196.

Res. 96-674 adopted (Serpa/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

13. Consider waiving formal bid procedures and authorizing the purchase of ten late model vehicles from Golden Gate Auto Auction and/or Bay Cities Auto Auction.

Res. 96-675 adopted (Serpa/Friedman, unan.) waiving formal bid procedures and authorizing purchase.

14. Consider 1996 Affirmative Action Status Report.

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

15. Consider Ad Hoc Committee on Privatization's recommendation to adopt City Council Policy on Competitive Delivery of City Services.

Res. 96-676 adopted (McClanahan/Fisher, unan.) adopting City Council Policy.

16. Submission of the 1996 Comprehensive Annual Financial Report.

By motion, (Serpa/Friedman, unan.) acknowledged receipt of report and referred to Financial Policy Committee.

17. Consider authorizing the City Manager to execute three agreements (one for each of three lots) cancelling the Site Agreement for Enterprise Business Park No. 1, Phase 1, and consider authorizing a refund for the Traffic Mitigation Fee deposited into trust pursuant to said Site Agreement.

Res. 96-677 adopted (Serpa/Friedman, unan.) cancelling site agreement Vallortigara Family Trust, Yoshimuras and Gaier Family Trust.

Res. 96-678 adopted (same vote) cancelling site agreement with Bill Coppedge Inc.

Res. 96-679 adopted (same vote) cancelling site agreement with Tartaric Manufacturing Corporation.

Res. 96-680 adopted (same vote) authorizing refund.

18. Consider amending the 1996-97 Capital Improvement Program Budget to establish a new CIP project entitled Police Facility Expansion Project and appropriating \$90,000 from the Police Capital Facility Fee Contingency Reserve; consider authorizing staff to procure Professional Services for the project.

Res. 96-681 adopted (Serpa/Friedman, unan.) amending 1996-97 CIP Budget.

Res. 96-682 adopted (same vote) authorizing staff to procure professional services.

Councilmember Friedman excused due to a conflict of interest

19. Consider authorizing City Manager to execute a deferral agreement for street improvements.

Res. 96-683 adopted (Serpa/McClanahan, unan., Friedman absent) approving agreement.

20. Consider approving agreement with the Yosemite Chapter of the California Association of Nurserymen for tree planting activities at Tuolumne River Regional Park.

Res. 96-684 adopted (Serpa/Friedman, unan.) approving agreement.

21. Consider approving request from KOSO, Inc for direct City assistance with Holiday Parade to be held in conjunction with the Celebration of Lights to be held on December 7, 1996.

Res. 96-685 adopted (Serpa/Friedman, unan.) approving request.

22. Consider approval of the final map of Symphony Place No. 4 subdivision and accepting the improvements.

Res. 96-686 adopted (Serpa/Friedman, unan.) approving the final map and accepting the improvements.

23. ORAL COMMUNICATIONS

None.

24. MATTERS TOO LATE FOR THE AGENDA

None.

25. CLOSED SESSION

The meeting adjourned to a Closed Session in the Third Floor Conference Room to consider the following:

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

Name of case: In Re: Consolidated DBCP Cases  
Superior Court Case No., 920427  
Modesto No. 939526

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation or litigation pursuant to subdivision (c) of Section 54956.9 of the

Government Code: One case.

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Don Norris  
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Robin Renwick  
Employee Organization: Modesto Police Officers Association

CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Robin Renwick  
Employee Organization: Modesto City Employees Association

ADJOURNMENT

Meeting adjourned to Closed Session at 8:14 p.m. City Attorney returned at 9:40 p.m. and reported that on a 7-0 vote, the City Council approved a settlement offer of the last three remaining defendants in the DBCP case. Under the terms of the settlement the City will receive an additional \$4 million in cash. In addition, the defendants have agreed to pay the actual O&M costs associated with the 15 contaminated wells for the next 40 years as well as 90% of the capital and O&M costs associated with wells that become contaminated in the future. The present value of the settlement package is estimated to be worth \$40-50 million.

**SPECIAL COUNCIL MEETING OF MONDAY, DECEMBER 16, 1996, AT 4:00 P.M.**

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

2. Approval of the minutes of the regular City Council meeting of December 3, 1996.

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

Councilmember Cogdill absent due to conflict of interest.

3. Final adoption of Ord No. 3011-C.S. rezoning from C-1 to P-D(490), property located on the northeast corner of Scenic Drive and Bodem Street. (Acacia Memorial Park)

By motion (Friedman/McClanahan, unan.; Cogdill absent), final adoption of Ord. No. 3011-C.S.

4. Final adoption of:

- a. Ord. No. 3012-C.S. rezoning from R-1 to SP-O, property within the North Beyer Park Specific Plan. (Florsheim Development)
- b. Ord. No. 3013-C.S. amending the Municipal Code relating to annual billing of business licenses.
- c. Ord. No. 3014-C.S. rezoning from P-O-, to P-D(519), property located on the east side of Coffee Road between Brighton Avenue and East Orangeburg Avenue. (D. Rick Cheney)

By motion (Friedman/Dobbs, unan.), final adoption of Ord. No. 3012-C.S., 3013-C.S., and 3014-C.S.

Councilmembers Cogdill and Fisher absent due to conflict of interest.

5. Hearing to consider the appeal of Josephine Cipponeri to a Planning Commission decision concerning the vesting tentative subdivision map of Symphony Park, in Precise Plan Area No. 3 of the Village One Specific Plan, on the south side of Sylvan Avenue east of Oakdale Road.

Res. 96-687 approved (Friedman/Serpa, unan.; Cogdill/Fisher) denying appeal.

Councilmembers Cogdill & Fisher absent due to conflict of interest.

6. Hearing to consider the application of Redev Inc. for approval of Precise Plan for Area No. 3 of the Village One Specific Plan, and amendment to the Zoning Map to rezone from SP-H to SP-O, property located on the south side of Sylvan Avenue east of Oakdale Road.  
(Continued from November 26, 1996, City Council meeting.)



Ord. No. 3015 introduced (McClanahan/Friedman, unan.; Cogdill/Fisher absent) approving Precise Plan.

Ord. No. 3016 introduced (McClanahan/Friedman, unan.; Cogdill/Fisher absent) rezoning.

Res. 96-688 adopted (McClanahan/Friedman, unan.; Cogdill/Fisher absent) certifying use of EIR for Village One.

Councilmember Cogdill absent due to conflict of interest.

7. Hearing to consider an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(516) for a shopping center, 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.)

(Continued from November 26, 1996, City Council meeting.)

Ord. No. 3017 introduced (Serpa/Fisher, unan.; Cogdill absent) rezoning.

Res. 96-689 adopted (Serpa/Fisher, unan.; Cogdill absent) conditioned upon receiving dedication of right turn lane on Oakdale Road approving development plan.

Res. 96-690 adopted (Serpa/Fisher, unan.; Cogdill absent) certifying use of previous EIR.

Councilmember McClanahan absent due to conflict of interest.

8. Hearing to consider extension of the license of Modesto Garbage Company to collect garbage, industrial garbage, and salvageable waste.

(Continued from November 19, 1996, City Council meeting.)

Ord. No. 3018 introduced (Dobbs/Lang, majority; Cogdill/Friedman, no; McClanahan absent).

Res. 96-691 adopted (Dobbs/Lang, majority; Cogdill/Friedman, no; McClanahan absent) authorizing City Manager to execute service agreement, removing service area. New service area will be taken back to Utility Services and Franchise Committee.

Councilmember McClanahan absent due to conflict of interest.

9. Hearing to consider extension of the license of Gilton Solid Waste Management, Inc. to collect garbage, industrial garbage, salvageable waste and recyclable materials.

(Continued from November 19, 1996, City Council meeting.)

Res. 96-692 adopted (Dobbs/Lang, majority; Cogdill/Friedman, no; McClanahan absent) authorizing City Manager to execute service agreement, removing service area. New service area will be taken back to Utility Services and Franchise Committee.

10. Consider awarding contract for the American Legion Hall Deck Renovation to Barham, Inc. for \$63,331.88, and consider amending the budget to appropriate funds to construct the project.

Res. 96-693 adopted (Friedman/Dobbs, unan.) awarding contract.

Res. 96-694 adopted (Friedman/Dobbs, unan.) amending 1996-97 operating budget.

11. Consider acceptance of Teichert Construction's contract for Widening Carpenter Road from Torrid Avenue to Blue Gum Avenue as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$146,460)

Res. 96-695 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

12. Consider acceptance of Rolfe Construction's contract for the Storm Drain project on Sunrise Avenue between Tokay Avenue and the Cavil Drain as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$49,853)

Res. 96-696 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

13. Consider acceptance of the contract of Collins Electric Company, Inc. for the Downey and Davis Park Tennis Court Lighting project as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$187,770)

Res. 96-697 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

14. Consider acceptance of the contract of GSE Construction for the Reconstruction of Thousand Oaks Lift Station as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$1,818,000)

Res. 96-698 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

15. Consider waiving formal bid procedures and authorizing the purchase of one Infilco Climber Screen from MISCO for the total cost of \$21,206.56.

Res. 96-699 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

16. Consider authorizing the City Manager to sign a license agreement with the Modesto A's Baseball Club, Inc. for the use of John Thurman Field; consider authorizing the City Manager to sign a maintenance agreement with the Modesto A's Baseball Club, Inc. to provide game/practice related activities; consider authorizing the City Manager to sign a cost overrun agreement with Fred Anderson; consider authorizing the City Manager to sign an agreement with L.D. Astorino & Associates, Ltd. for design and specifications; consider authorizing the City Manager sign an agreement with L.D. Astorino & Associates, Ltd. for construction

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management; consider authorizing the City Manager to sign a field improvement agreement with Acme Construction for renovation and improvements at John Thurman Field; consider authorizing the City Manager to sign future "Prime Contractor" agreements related to John Thurman Field renovation project; consider declaring surplus one lot of bleachers at John Thurman Field and authorizing the Purchasing Officer to sell by sealed bid, auction or negotiation or declare as scrap and donate other materials that may be removed and salvageable as part of the renovation project as determined by the Director of Parks and Recreation; consider amending the 1996-97 Capital Improvement Program to establish and appropriate a new CIP, John Thurman Field Renovation in Fund 130, Special Fund for Capital Outlays; consider amending the operating budget to estimate new revenue and appropriate new expenditures in Organization 3115, John Thurman Field; and consider approving certain actions related to the bond financing.

Res. 96-700 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign a license agreement with the Modesto A's Baseball Club Inc. for the use of John Thurman Field.

Res. 96-701 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign a maintenance agreement with the Modesto A's Baseball Club Inc. to provide game/practice related activities.

Res. 96-702 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign a cost overrun agreement with Fred Anderson.

Res. 96-703 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign an agreement with L.D. Astorino & Associates Ltd. for design and specifications.

Res. 96-704 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign an agreement with L.D. Astorino & Associates Ltd. for construction management.

Res. 96-705 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign a field improvement agreement with Acme Construction for renovation and improvements at John Thurman Field.

Res. 96-706 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) authorizing the City Manager to sign future "Prime Contractor" agreements related to John Thurman Field renovation project.

Res. 96-707 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) declaring bleacher surplus and authorizing Purchasing Officer to carry out activities related to disposal of project materials.

Res. 96-708 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) amending the 1996-97 Capital Improvement Program.

Res. 96-709 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) amending the operating budget.

Res. 96-710 adopted (Dobbs/Lang, majority; Cogdill/McClanahan/ Serpa, no) approving certain actions related to the bond financing.

17. Oral report by Miscellaneous Employees Bargaining Unit negotiators.

Report given by Phil Tomlin and Judi Ray.

18. Consider approval of the City of Modesto Telecommunications Plan and obtaining professional telecommunications services.

Res. 96-711 adopted (Dobbs/Fisher, unan.) approving development of a local telecommunications ordinance and business plan, pursuing a County-wide telecommunications partnership, and authorizing up to \$50,000 in professional services.

Res. 96-712 adopted (Dobbs/Fisher, unan.) amending the budget.

19. Consider amending the budget to create the North Beyer Subtrunk Project for \$1,005,860; consider authorizing the City Manager to sign an agreement with Mid-Valley Engineering for the design of the subtrunk, not to exceed \$75,000; and consider declaring Council's intention to reimburse from tax exempt bond financing for expenditures made in connection with the North Beyer subtrunk.

Res. 96-713 adopted (Friedman/Dobbs, unan.) amending the budget.

Res. 96-714 adopted (Friedman/Dobbs, unan.) approving agreement.

Res. 96-715 adopted (Friedman/Dobbs, unan.) declaring intention to reimburse City from tax exempt bond financing.

20. Consider approving an Alcohol and Drug Testing Policy and Procedure.

Res. 96-716 adopted (Friedman/Dobbs, unan.) approving policy and procedure.

21. Consider approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association.

Res. 96-717 adopted (Friedman/Dobbs, unan.) approving the MOU.

Item #22 Removed from Consent

22. Consider selecting Taussig and Associates as the consultant to provide on-call services to establish and administer Mello-Roos Community Facilities Districts (CFD) in future specific

plans.

By motion (Friedman/McClanahan, unan.), selected the firm of Taussig and Associates.

23. Consider approving an agreement with Purkiss-Rose-RSI for professional services for the design of a skateboard park.

Res. 96-718 adopted (Friedman/Dobbs, unan.) approving agreement.

24. Consider excusing Mayor Lang from the November 19, 1996, City Council meeting due to his trip to India as City of Modesto representative of the Mayoral delegation of the Sister City Program, and consider excusing Mayor and Councilmembers from the December 10, 1996, City Council meeting due to the National League of Cities conference in San Antonio, Texas.

By motion (Friedman/Dobbs, unan.), excused Mayor and Councilmembers.

25. Consider approving agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.

Res. 96-719 adopted (Friedman/Dobbs, unan.) approving agreement.

26. Consider approving an appropriation transfer in the amount of \$2,900 to fund the purchase of four flap gate check valves.

Res. 96-720 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

27. Consider approving the final map of Nottingham Place Phase 2 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owners: Stewart W. and Betty J. Bradley)

Res. 96-721 adopted (Friedman/Dobbs, unan.) approving final map and authorizing City Manager to sign agreement.

28. ORAL COMMUNICATIONS

Steve Burke spoke regarding environmental concerns on 10th Street.

29. Consider adoption of a resolution appointing three Councilmembers (two regular members and one alternate) to serve on the governing board (commission) of the City-County Capital Improvements and Financing Agency.

Res. 96-722 adopted (Serpa/McClanahan, unan.) appointing Mayor Lang and Councilmember Friedman to serve, with Councilmember Dobbs as an alternative.

30. MATTERS TOO LATE FOR THE AGENDA

None.

31. 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: Don Norris  
Employee organization: Modesto City Firefighters Assoc.

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto Police Officers Assoc.

CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Robin Renwick  
Employee organization: Modesto City Employees Assoc.

Meeting adjourned at 6:30 p.m. to Closed Session. Counsel returned at 7:15 p.m. to report no action had been taken.