

MINUTES, City Council Meeting, Tuesday, January 4, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Invocation: Father Stanley Collins, St. Paul’s Episcopal Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 13
Items 3, 10, & 12 removed from Consent

ACTION: (Friedman/Fisher, unan.)

CONSENT

1. Approval of the minutes of the regular City Council meeting on December 14, 1999 and the Special City Council meetings on December 16 and December 21, 1999.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting on December 14, 1999 and the Special City Council meetings on December 16 and December 21, 1999.

CONSENT

2. Consider authorizing the City Manager to execute an agreement to reimburse Kaufman and Broad Northern California Inc. for improvements and right-of-way dedications on Prescott Road and Pelandale Avenue.

ACTION: **Res. 2000-1** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute an agreement to reimburse Kaufman and Broad Northern California Inc. for improvements and right-of-way dedications on Prescott Road and Pelandale Avenue.

Item #3 removed from Consent

3. Consider estimating revenue from the Local Transportation Fund (LTF) and increase appropriations in the following budgets for the purposes shown: 1)MAX operations budget by \$37,000 for the provisions of supplemental bus service, 2)Amtrak operations budget by \$2,700 for increased security at the Amtrak Station; 3)Street Pavement Maintenance capital improvement project by \$100,000; and 4)Street Maintenance operating budget in the Operations & Maintenance Department by \$77,000.

ACTION: **Res. 2000-2** adopted (Friedman/Fisher, unan.) amending the budgets, estimating revenues, and establishing a new CIP project.

CONSENT

4. Consider accepting the improvements for Rose Hollow No. 3 subdivision and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation.)

ACTION: **Res. 2000-3** adopted (Friedman/Fisher, unan.) accepting the improvements for Rose Hollow No. 3 subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

5. Consider accepting the improvements for Kensington Park Unit No. 1 subdivision and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation.)

ACTION: **Res. 2000-4** adopted (Friedman/Fisher, unan.) accepting the improvements for Kensington Park Unit No. 1 subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

6. Consider accepting the improvements for Wildflower subdivision and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Kaufman Capital Corporation, a California Corporation.)

ACTION: **Res. 2000-5** adopted (Friedman/Fisher, unan.) accepting the improvements for Wildflower subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

Item #7 was removed from the Agenda

7. Consider approval of the Final Map of Chateau Provence Phase 1 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Anderson Homes.)

CONSENT

8. Consider entering into an agreement with Caltrans for installation of traffic signal controllers and foundations at various locations in the City of Modesto; consider amending the budget to estimate additional revenue from state cost sharing agreement.

ACTION: **Res. 2000-6** adopted (Friedman/Fisher, unan.) approving an agreement with Caltrans for installation of traffic signal controllers and foundations at various locations in the City of Modesto

Res. 2000-6A adopted (Friedman/Fisher, unan.) amending the budget to estimate additional revenue from state cost sharing agreement.

CONSENT

9. Consider approving an agreement with Tai Chi Chuan to provide self defense classes.

ACTION: **Res. 2000-7** adopted (Friedman/Fisher, unan.) approving an agreement with Tai Chi Chuan to provide self defense classes.

Item #10 removed from Consent

10. Consider a request from Chris Ricci to host a street festival in downtown Modesto on July 22, 2000.

ACTION: **Res. 2000-8** adopted (Conrad/Fisher, unan.) approving Chris Ricci to host a street festival in downtown Modesto on July 22, 2000 subject to inclusion of payment for security verification in agreement.

CONSENT

11. Consider initiating an application to LAFCO for the City of Modesto 12 Water Well Site Reorganization.

ACTION: **Res. 2000-9** adopted (Friedman/Fisher, unan.) initiating an application to LAFCO for the City of Modesto 12 Water Well Site Reorganization.

Councilmember Fisher absent due to conflict of interest

Item #12 removed from Consent

12. Consider approving angle parking on the east side of 13th Street between H and L Streets.

ACTION: **Res. 2000-10** adopted (Friedman/Conrad, unan.) approving angle parking on the east side of 13th Street between H and L Streets.

CONSENT

13. Consider amending the job specifications for Administrative Analyst I/II and Account Clerk.

ACTION: **Res. 2000-11** adopted (Friedman/Fisher, unan.) amending the job specifications for Administrative Analyst I/II and Account Clerk.

NEW BUSINESS

14. Final adoption of:

- a. **Ord. No. 3163-C.S.** amending Section 2-3-8 of the Zoning Map to rezone from Specific Plan-Overlay Zone, SP-O, to Planned Development Zone, P-D(537), as an addition to P-D(537), property located on the north side of Pelandale Avenue east of Sisk Road. (Costa Limited Partners)
- b. **Ord. No. 3164-C.S.** amending Section 2-3-8 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-

D(540), property located on the east side of Chapman Road north of Pelandale Avenue. (Costa Limited Partners)

- c. **Ord. No. 3165-C.S.** amending Section 2 of Ordinance No. 3099-C.S. entitled "An Ordinance Amending Section 2-3-8 of the Zoning Map to Rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(532), property located on the north side of Pelandale Avenue east of Sisk Road. (Costa Limited Partners)
- d. **Ord. No. 3166-C.S.** approving a development agreement between the City of Modesto and Costa Limited Partners relating to an amendment to P-D(532), to delete the theater from the allowed uses on property located on the west side of Chapman Road.
- e. **Ord. No. 3167-C.S.** approving a development agreement between the City of Modesto and Costa Limited Partners relating to an amendment to Planned Development Zone, P-D(537), to expand a retail commercial center on and to revise the development plan for the existing portion of Planned Development Zone, P-D(537), property located on the north side of Pelandale Avenue east of Sisk Road.
- f. **Ord. No. 3168-C.S.** approving a development agreement between the City of Modesto and Costa Limited Partners relating to a 17-screen 80,000 square foot theater, including one I-Max type large screen theater, on property located on the east side of Chapman Road north of Pelandale Avenue. (P-D(540))

ACTION: By motion (Friedman/Fisher, majority; Serpa, no), approved final adoption of Ordinances 3163-C.S. through 3168-C.S.

- 15. Consider authorizing assignment of right under the Development Agreement between Costa Limited Partners and the City of Modesto related to the development of P-D(537).

ACTION: **Res. 2000-12** adopted (Fisher/Friedman, unan.) authorizing assignment of right under the Development Agreement between Costa Limited Partners and the City of Modesto related to the development of P-D(537).

- 16. Consider authorizing staff to prepare an ordinance revising Sections 4-1.1001 – 4-1.1024 of Title 4 of the Modesto Municipal Code and to prepare Bingo Administrative Regulations, both to be submitted to the Public Safety Committee in April 2000. Requirements to include that all bingo operations undergo local investigation by Modesto Police Department; bingo operation permits pay a processing fee of \$2500; current bingo operations to submit fees and applications on or after January 10, 2000; set a bingo operation permit fee of \$50 pursuant to California Penal Code Section 326.5(1)(2); set bingo operation volunteer identification card fee at \$25.

ACTION: **Res. 2000-13** adopted (Conrad/Fisher, unan.) authorizing staff to prepare an ordinance revising Sections 4-1.1001 – 4-1.1024 of Title 4 of the Modesto Municipal Code and to prepare Bingo Administrative Regulations. Staff recommendation accepted and issue returned to Financial Policy Committee. Costs in report are interim and \$5.00 fee remains the same.

17. Consider appointment of a new vice-mayor for calendar year 2000.

ACTION: **Res. 2000-14** adopted (Frohman/Fisher, unan.) appointing Councilmember Kenni Friedman as vice-mayor for calendar year 2000

18. Consider creating an independent Council Financial Analyst position and a Citizen's Finance Committee to report directly to the Mayor and City Council.

ACTION: By motion, referred to Financial Policy Committee.

ORAL COMMUNICATIONS

Tom Ronayne expressed his concerns of the need to correct moral issues within the City.

Leslie Jewitt commented on Item 18 being needed, additional staff and taxes.

Marcus Nugent requested permission to photograph Council.

Pat Dobbs addressed the need for Item 18 and the need for City Manager placement.

Dale Garrett addressed need for street improvements on Kelly Street, need of new sewer line, and tree concerns.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:30 to a closed session in the Council Conference Room.

CLOSED SESSION

The meeting adjourned to a closed session in the Council Conference Room to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Name of case: Claim filed on April 28, 1999 by Frank Fusco

The City Attorney returned at 7:05 p.m. to report that no reportable action had been taken.

MINUTES, City Council Meeting, Tuesday, January 11, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Shepherd, Living Water Bible Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8
Item #7 removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation to Memorial Hospitals Association for their Waste Reduction of the Year Award.

ACTION: Presentation given by Karin Rodriguez.

Presentation to the City from the California Integrated Waste Management Board for the achievement of the 1995 AB939 mandated goal.

ACTION: Presentation given by Karin Rodriguez.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 4, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of January 4, 2000.

CONSENT

2. Consider awarding bid for linen services for the Fire Department to Mission Linen for a total cost of \$14,586 for one year.

ACTION: **Res. 2000-15** adopted (Friedman/Fisher, unan.) awarding bid for linen services for the Fire Department to Mission Linen for a total cost of \$14,586 for one year.

CONSENT

3. Consider awarding bid for rock, sand and gravel requirements to West Coast Materials for the total cost of \$228,000 for one year.

ACTION: **Res. 2000-16** adopted (Friedman/Fisher, unan.) awarding bid for rock, sand and gravel requirements to West Coast Materials for the total cost of \$228,000 for one year.

CONSENT

4. Consider declaring as surplus 40 unclaimed bicycles accumulated at the Police Department Evidence and Property Room and authorizing the sale by sealed bid, by auction, or sell as scrap.

ACTION: **Res. 2000-17** adopted (Friedman/Fisher, unan.) declaring as surplus 40 unclaimed bicycles accumulated at the Police Department Evidence and Property Room and authorizing the sale by sealed bid, by auction, or sell as scrap.

CONSENT

5. Consider authorizing the City Manager to execute an amendment to an agreement with Grothe & Smith Architects for architectural services for the Wastewater Collection Maintenance Building. (Total estimated cost: \$12,005. Funds are budgeted.)

ACTION: **Res. 2000-18** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute an amendment to an agreement with Grothe & Smith Architects for architectural services for the Wastewater Collection Maintenance Building.

CONSENT

6. Consider authorizing the City Manager to sign a 2000 LEGACI grant application and any subsequent agreements with the Great Valley Center for \$20,000 in funding for the purposes of establishing a non-profit tree foundation.

ACTION: **Res. 2000-19** adopted (Friedman/Fisher, unan.) authorizing the City Manager to sign a 2000 LEGACI grant application and any subsequent agreements with the Great Valley Center for \$20,000 in funding for the purposes of establishing a non-profit tree foundation.

Item #7 removed from Consent

7. Consider approving the Annual Claim for Local Transportation Funds for non-transit purposes.

ACTION: **Res. 2000-20** adopted (Frohman/Friedman, unan.) approving the Annual Claim for Local Transportation Funds for non-transit purposes.

CONSENT

8. Consider approving an amendment to lease agreement with Don Monaco, Charles Thompson, and LeRoy Del Don, to adjust the terms of the rental rate for use of Airport property.

ACTION: **Res. 2000-21** adopted (Friedman/Fisher, unan.) approving an amendment to lease agreement with Don Monaco, Charles Thompson, and LeRoy Del Don, to adjust the terms of the rental rate for use of Airport property.

UNFINISHED BUSINESS

9. Consider award of contract for installation of traffic signal at 9th Street and Carver Road to Tennyson Electric for \$191,472; consider amending the budget to estimate an additional \$38,253 in federal funds; and consider approving an appropriation transfer in the amount of \$60,000. (This item was continued from the December 14, 1999 City Council meeting.) (Total estimated cost: \$209,472 (contract \$181,472; construction administration & contingency \$28,000)

ACTION: **Res. 2000-22** adopted (Smith/Conrad, majority; Fisher, Frohman & Serpa, no) awarding contract for installation of traffic signal at 9th Street and Carver Road to Tennyson Electric for \$191,472

Res. 2000-23 adopted (Smith/Conrad, majority; Fisher, Frohman & Serpa, no) consider amending the budget to estimate an additional \$38,253 in federal funds to fund the installation of traffic signal at 9th Street and Carver Road.

Res. 2000-24 adopted (Smith/Conrad, majority; Fisher, Frohman & Serpa, no) approving an appropriation transfer in the amount of \$60,000 to fund installation of traffic signal at 9th Street and Carver Road.

HEARINGS

10. Hearing to consider an amendment to the Urban Area General Plan to re-designate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to Residential Uses. (Continued from October 26, November 16, and December 14, 1999 City Council meetings.)

ACTION: By motion (Fisher/Friedman, unan.) item continued to January 25, 2000.

NEW BUSINESS

11. Consider authorizing the execution of an amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste among the County of Stanislaus and the City of Modesto and Ogden Martin Systems of Stanislaus, Inc., the Communities Assignment Agreement for the Solid Waste-to-Energy Project, and the Purchase Agreement for the Waste-to-Energy Project; and consider authorizing the City Manager to sign a Letter Agreement to Reimburse Ogden Martin Systems of Stanislaus for Expenses Incurred in Connection with the Issuance of the 1999 Certificates of Participation and the Refunding of the 1990 Certificates.

ACTION: **Res. 2000-25** adopted (Smith/Fisher, unan.) amending the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste among the County of Stanislaus and the City of Modesto and Ogden Martin Systems of Stanislaus, Inc., the Communities Assignment Agreement for the Solid Waste-to-Energy Project, and the Purchase Agreement for the Waste-to-Energy Project

Res. 2000-26 adopted (Smith/Fisher, unan.) authorizing the City Manager to sign a Letter Agreement to Reimburse Ogden Martin Systems of Stanislaus for Expenses Incurred in Connection with the Issuance of the 1999 Certificates of Participation and the Refunding of the 1990 Certificates.

By motion (Fisher/Frohman, unan.) the discussion regarding rent will be placed on a future agenda.

12. Request of Councilmember Frohman to put the F.O.O.D. (Future Options On Development) item on the November 2001 ballot.

ACTION: **Res. 2000-27** adopted (Frohman/Friedman, unan.) directing staff to conduct CEQA review.

13. Consideration of process to appoint City Councilmembers to various boards and commissions.

ACTION: **Res. 2000-28** adopted (Serpa/Fisher, unan.) referring board and commission appointments to the Economic Development and Intergovernmental Relations Committee.

ORAL COMMUNICATIONS

Diane Moyer commented on agenda Item 7.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 11:02 p.m.

CLOSED SESSION

The meeting adjourned to a closed session in the Council Conference Room (Basement) to consider the following matters:

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Section 54957 of the Government Code)

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

The City Attorney returned at 12:15 a.m. to report that there was no reportable action had been.

MINUTES, City Council Meeting, Tuesday, January 18, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Mayor Sabatino

Absent: Smith

Invocation: Rev. Reynaldo Mora, Centro Christian Vino Nuevo

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3 & 6-9
Items #4 & #5 removed from Consent

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular and special City Council meetings of January 11, 2000.

ACTION: By motion (Fisher/Friedman, unan.; Smith absent), approved the minutes of the regular and special City Council meetings of January 11, 2000.

CONSENT

2. Consider accepting as complete the contract of Fagundes & Sons for the 1998-99 bike route improvements and authorize the City Clerk to file the Notice of Completion. (Original contract: \$49,272.50. Final cost: \$49,178.45. Funds are budgeted.)

ACTION: **Res. 2000-29** adopted (Fisher/Friedman, unan.; Smith absent) accepting as complete the contract of Fagundes & Sons for the 1998-99 bike route improvements and authorize the City Clerk to file the Notice of Completion.

CONSENT

3. Consider accepting as complete the contract of Teichert Construction for the rehabilitation of the sludge drying beds project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$278,852. Final cost: \$259,410.49. Funds are budgeted.)

ACTION: **Res. 2000-30** adopted (Fisher/Friedman, unan.; Smith absent) accepting as complete the contract of Teichert Construction for the rehabilitation of the sludge drying beds project and authorize the City Clerk to file the Notice of Completion.

Item #4 removed from Consent

4. Consider amending the budget to estimate revenue of \$177,600 in Local Transportation Funds (LTF) from the Stanislaus Association of Governments supplemental apportionment and \$710,400 in Federal Transit Administration (FTA) funds to create a CIP project for the for the purchase of three transit buses for the Modesto Area Express (MAX) bus service.

ACTION: **Res. 2000-31** adopted (Fisher/Conrad, unan.; Smith absent) amending the budget to estimate revenue of \$177,600 in Local Transportation Funds (LTF) from the Stanislaus Association of Governments supplemental apportionment and \$710,400 in Federal Transit Administration (FTA) funds to create a CIP project for the for the purchase of three transit buses for the Modesto Area Express (MAX) bus service.

Item #5 removed from Consent

5. Consider approving Transit and Airport Operations' Disadvantaged Business Enterprise (DBE) program and a 10% DBE goal for Fiscal Year 1999-2000 Transit and Airport contracts.

ACTION: **Res. 2000-32** adopted (Frohman/Fisher, unan.; Smith absent) approving Transit and Airport Operations' Disadvantaged Business Enterprise (DBE) program and a 10% DBE goal for Fiscal Year 1999-2000 Transit and Airport contracts.

CONSENT

6. Consider approving an amendment to the lease agreement with Oates, Sierra Pacific – Sacramento, LLC and Houlihan, and Sierra Pacific – Sacramento, LLC, a California general partnership for the lease of office space for the northwest area police office. (Total estimated cost: \$12,000. Funds are budgeted.)

ACTION: **Res. 2000-33** adopted (Fisher/Friedman, unan.; Smith absent) approving an amendment to the lease agreement with Oates, Sierra Pacific – Sacramento, LLC and Houlihan, and Sierra Pacific – Sacramento, LLC, a California general partnership for the lease of office space for the northwest area police office.

CONSENT

7. Consider approving an amendment to the agreement with Minagar and Associates to provide additional consultant services for the Modesto/Ceres Closed Circuit Television Cameras (CCTV) Systems Project. (Total estimated cost: \$1,923.06. Funds are budgeted.)

ACTION: Res. 2000-34 adopted (Fisher/Friedman, unan.; Smith absent) approving an amendment to the agreement with Minagar and Associates to provide additional consultant services for the Modesto/Ceres Closed Circuit Television Cameras (CCTV) Systems Project.

CONSENT

8. Consider approving 2000 Legislative Platform.

ACTION: Res. 2000-35 adopted (Fisher/Friedman, unan.; Smith absent) approving 2000 Legislative Platform.

CONSENT

9. Consider approving final map of Chateau Provence Phase 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Anderson Homes)

ACTION: Res. 2000-36 adopted (Fisher/Friedman, unan.; Smith absent) approving final map of Chateau Provence Phase 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers.

HEARINGS

10. Public hearing to consider the annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 and to consider calling an election (Annexation #3).

ACTION: Res. 2000-37 adopted (Friedman/Fisher, unan.; Smith absent) calling for election.

NEW BUSINESS

Item #11 was removed from the Agenda

11. Consider adopting the Revised Visioning Project 1999 (Countywide Visioning Project)

12A. Consider appointing Councilmember Serpa to the Interregional Partnership Advisory Board.
(Resolution appointing Councilmember Serpa to the Interregional Partnership Advisory Board needed.)

ACTION: Res. 2000-38 adopted (Frohman/Fisher, unan.; Smith absent) appointing Councilmember Serpa to the Interregional Partnership Advisory Board.

MISCELLANEOUS

APPOINTMENTS

Item #12 was removed from the Agenda

12. Re-appointments to Boards Commissions & Committees

Board of Building Appeals

Board of Zoning Adjustments

Community Qualities Forum

Disabled Access Appeals Board

Downtown Improvement District

Economic Development Loan Committee

Equal Opportunity/Disability Commission

Golf Course Advisory Committee

Housing Rehabilitation Loan Committee

Human Relations Commission

Planning Commission

Redevelopment Advisory Commission

Tuolumne River Regional Park

ORAL COMMUNICATIONS

Steve Burke commented on Item 11, Revised Visioning Project 1999.

Miguel Donoso spoke regarding the Modesto Tallow.

Councilmember Serpa commended the three officers involved in the shooting on January 14, 2000 and recommended a policy be considered by the Economic Development and Intergovernmental Relations Committee to address late information given to the Council regarding an agenda item.

Councilmember Conrad suggested using a lighted vote board for Council votes during a Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:38 p.m. to a Closed Session.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room regarding 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.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: Gilbert Reyna and Gary Johnson vs. City of Modesto, et al.
U.S. District Court, Eastern District of California
Case No. CIV-F-98-6426 AWI DLB

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 City Attorney returned at 6:40 p.m. to report that there was no reportable action taken.

MINUTES, Tuesday, January 25, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeff Norman, Modesto Covenant Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 6

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

- A. Consider accepting \$1,250 check from Lions Club for soccer goals at Robertson Road Neighborhood Park, and consider amending the C.I.P. to estimate revenue and appropriate funds.

ACTION: By motion, (Serpa/Fisher, unan.) accepted a \$1,500 check from the Lions Club and a \$700 check from community donations for soccer goals at Robertson Road Neighborhood Park.

Res. 2000-39 adopted (Serpa/Fisher, unan.) amending the CIP budget to estimate \$2,200 in revenue and appropriate \$2,000 in expenditures.

Proclamation for National Volunteer Blood Donor Month presented by Mayor Sabatino.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 18, 2000.

ACTION: By motion, (Friedman/Fisher, unan.) approved the minutes of the regular City Council meeting of January 18, 2000.

CONSENT

2. Consider approving an agreement with Modesto Irrigation District obligating the City to pay all M.I.D. costs related to relocating electric facilities for the proposed Kansas-Needham Overcrossing. (9th Street Railroad Relocations Project). (Total estimated cost: \$178,630. Funds are budgeted.)

ACTION: **Res. 2000-40** adopted (Friedman/Fisher, unan.) approving an agreement with Modesto Irrigation District obligating the City to pay all M.I.D. costs related to relocating electric facilities for the proposed Kansas-Needham Overcrossing.

CONSENT

3. Consider accepting the improvements in Silverado at the Village Phase II Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Jaguar/Sylvan Partnership)

ACTION: **Res. 2000-41** adopted (Friedman/Fisher, unan.) accepting the improvements in Silverado at the Village Phase II Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

4. Consider accepting the improvements in Silverado at the Village Phase III Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Jaguar/Sylvan Partnership)

ACTION: **Res. 2000-42** adopted (Friedman/Fisher, unan.) accepting the improvements in Silverado at the Village Phase III Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

5. Consider approving an agreement with the Center for HR Leadership for personnel consulting to conduct the initial implementation phase of the Personnel Redesign Project, and consider approving an appropriation transfer. Total estimated cost: \$72,780 (contract \$66,780; related expenses \$6,000)

ACTION: **Res. 2000-43** adopted (Friedman/Fisher, unan.) approving an agreement with the Center for HR Leadership for personnel consulting to conduct the initial implementation phase of the Personnel Redesign Project.

Res. 2000-44 adopted (Friedman/Fisher, unan.) approving an appropriation transfer.

CONSENT

6. Quarterly Treasurer's Report – December 31, 1999.

ACTION: By motion, (Friedman/Fisher, unan.) acknowledged receipt of Quarterly Treasurer's Report – December 31, 1999.

HEARINGS

7. Hearing to consider an amendment to the Urban Area General Plan to re-designate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to Residential Uses.
(Continued from October 26, November 16, December 14, 1999, and January 11, 2000 City Council meetings.)

ACTION: By motion, (Fisher/Friedman, unan.) hearing continued to February 8, 2000.

8. Hearing to consider designation of property at 124 Sycamore Avenue as a Modesto Landmark Preservation Site.
(Continued from December 14, 1999 City Council meeting.)
(Dropped from agenda. A new hearing will be set at a later date.)

NEW BUSINESS

9. Consider water and sewer rate impacts due to the elimination of Contributed Capital Transfers to the General Fund and other utility-related issues.
(Resolution reducing Zone 1 water rates needed.)

ACTION: **Res. 2000-45** adopted (Friedman/Conrad, unan.) reducing Zone 1 water rates.

ORAL COMMUNICATIONS

Paul LaGrone commented regarding lack of technology in the cable provider.

Steve Burke acknowledged openness of Council.

Mayor Sabatino commented regarding the letter from Bruce Frohman and Pat Paul concerning Waste-to-Energy plant rent.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 8:32 p.m.

MINUTES, Tuesday, February 1, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Big Valley Grace Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 7

ACTION: (Serpa/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a Proclamation to Pastor Michael Douglass and Joe and Michelle Williams proclaiming February 1st Reconciliation Day and the month of February, 2000 Reconciliation Month.

ACTION: Presented by Mayor Sabatino.

National Groundhog Job Shadow Day proclamation was presented to Lynette Houser by Mayor Sabatino.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 25, 2000.

ACTION: By motion (Serpa/Fisher, unan.), approved minutes of the regular City Council meeting of January 25, 2000.

CONSENT

2. Consider accepting as complete the contract of Cunningham & Sons for the effluent and drainage headwall project and authorize the City Clerk to file a Notice of Completion. Final cost: \$68,400. Funds are budgeted.

ACTION: **Res. 2000-45** adopted (Serpa/Fisher, unan.) accepting as complete the contract of Cunningham & Sons for the effluent and drainage headwall project and authorize the City Clerk to file a Notice of Completion.

CONSENT

3. Consider approving two agreements with Norman and June Galas and Stanley and Bonnie K. Galas for the acquisition of property needed for the parallel outfall project. Total estimated cost: \$40,500 (contract \$40,500; interest \$5000) Funds are budgeted.

ACTION: **Res. 2000-46** adopted (Serpa/Fisher, unan.) approving an agreement with Norman and June Galas and Stanley and Bonnie K. Galas for the acquisition of property needed for the parallel outfall project.

Res. 2000-47 adopted (Serpa/Fisher, unan.) approving an agreement with Norman and June Galas and Stanley and Bonnie K. Galas to pay compensation for damages of property needed for the parallel outfall project.

CONSENT

4. Consider approving a resolution canvassing the results of the January 25, 2000, election held within the territory to be annexed to the Village One Community Facilities District 1996-1 and order annexation of certain territory to the District (Village One Annexation #3).

ACTION: **Res. 2000-48** adopted (Serpa/Fisher, unan.) approving a resolution canvassing the results of the January 25, 2000, election held within the territory to be annexed to the Village One Community Facilities District 1996-1 and order annexation of certain territory to the District (Village One Annexation #3).

CONSENT

5. Consider designating the Finance Director, or his authorized designee, as officer authorized to request and receive confidential sales and use tax information from the State Board of Equalization.

ACTION: **Res. 2000-49** adopted (Serpa/Fisher, unan.) designating the Finance Director, or his authorized designee, as officer authorized to request and receive confidential sales and use tax information from the State Board of Equalization.

CONSENT

6. Consider donating surplus well site to John Gilmore and authorizing the Acting City Manager to take appropriate actions to complete the transfer of the site. (Resolution approving donation of surplus well site and authorizing Acting City Manager to take appropriate actions to complete transfer of site needed.)

ACTION: **Res. 2000-50** adopted (Serpa/Fisher, unan.) donating surplus well site to John Gilmore and authorizing the Acting City Manager to take appropriate actions to complete the transfer of the site.

CONSENT

7. Consider amending the budget to transfer funds from the Wastewater Contingency Reserve to the Subtrunk Sewer Extension Fund to allow reimbursement to Ling Investments (Opera House Subdivision).

ACTION: **Res. 2000-51** adopted (Serpa/Fisher, unan.) amending the budget to transfer funds from the Wastewater Contingency Reserve to the Subtrunk Sewer Extension Fund to allow reimbursement to Ling Investments (Opera House Subdivision).

ORAL COMMUNICATIONS

Mayor Sabatino reported on the Mayor's conference in Washington, D.C.

Paul LaGrone requested reason for litigation from Brenden Theaters.

Steve Burke explained his reason for being a plaintiff in this litigation pertained to CEQA issues.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 4:17 p.m.

MINUTES, Tuesday, February 8, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 6

ACTION: (Friedman/Frohman, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meetings of February 1, 2000.

ACTION: By motion (Friedman/Frohman, unan.), approved the minutes of the regular City Council meetings of February 1, 2000.

CONSENT

2. Consider acceptance as complete the contract of Western States Surfacing, Inc. for the 1998-99 Cape Seals Project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$298,354.83) (Final cost: \$287,283.11. Funds are budgeted.)

ACTION: **Res. 2000-52** adopted (Friedman/Frohman, unan.) accepting as complete the contract of Western States Surfacing, Inc. for the 1998-99 Cape Seals Project and authorize the City Clerk to file the Notice of Completion.

CONSENT

3. Consider acceptance as complete the contract of Conco West, Inc. for the Secondary Wastewater Treatment Plant Effluent Pump Station Foundation Stabilization Project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$275,105) (Final cost: \$274,998.21 Funds are budgeted.)

ACTION: **Res. 2000-53** adopted (Friedman/Frohman, unan.) accepting as complete the contract of Conco West, Inc. for the Secondary Wastewater Treatment

Plant Effluent Pump Station Foundation Stabilization Project and authorize the City Clerk to file the Notice of Completion.

CONSENT

4. Consider declaring as surplus lost, stolen, unclaimed and/or seized property and excess City property at the Jefferson Street warehouse and the Police Department Evidence and Property Room, and three wrecked patrol vehicles from the Fleet Services Division and authorizing the sale by sealed bid, by auction, or sell as scrap.

ACTION: **Res. 2000-54** adopted (Friedman/Frohman, unan.) declaring as surplus lost, stolen, unclaimed and/or seized property and excess City property at the Jefferson Street warehouse and the Police Department Evidence and Property Room, and three wrecked patrol vehicles from the Fleet Services Division and authorizing the sale by sealed bid, by auction, or sell as scrap.

CONSENT

5. Consider summary abandonment of two 10' Public Utility Easements along the east and west sides of Libby Way.

ACTION: **Res. 2000-55** adopted (Friedman/Frohman, unan.) approving summary abandonment of two 10' Public Utility Easements along the east and west sides of Libby Way.

CONSENT

6. Consider authorizing designated staff to sign necessary and required documents on behalf of the City of Modesto for the Emergency Services (OES) and Federal Emergency Management Association (FEMA).

ACTION: **Res. 2000-56** adopted (Friedman/Frohman, unan.) authorizing designated staff to sign necessary and required documents on behalf of the City of Modesto for the Emergency Services (OES) and Federal Emergency Management Association (FEMA).

HEARINGS

7. Hearing to consider an amendment to the Urban Area General Plan to re-designate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to Residential Uses. (Continued from 10/26/99, 11/16/99/, 12/14/99, 1/11/2000 and 1/25/2000 City Council meetings.)

ACTION: By motion (Conrad/Friedman, majority; Frohman, no) continued hearing to April 11, 2000.

ORAL COMMUNICATIONS

Frank Cousineau spoke on behalf of Citizens for Safe Drinking Water.

Councilmember Serpa commented on the Waste to Energy Plant rent issue and appraisal of the property. It was Council consensus to place this item on the March 7 Council agenda.

WRITTEN COMMUNICATIONS

8. Letter from Ruth Stephenson Stubbs regarding a take-over of the Burlington Northern and Santa Fe Corporation Railroad by the Canadian National Railroad.

ACTION: No action was taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

MINUTES, Special City Council Meeting, Tuesday, February 8, 2000, at 6:30 p.m.

Roll Call – Present: Councilmembers Conrad, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

Absent: Fisher

The business considered at this special City Council meeting consisted of the following:

A workshop regarding “Interest Based Negotiations”

Presentation was given by Personnel Director Robin Renwick.

Meeting adjourned at 6:50 p.m.

MINUTES, City Council Meeting, Tuesday, February 15, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Invocation: Rev. Wayne Bridegroom, Central Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-2, 4, & 6-8
Items 3, 5, & 9 removed from Consent

ACTION: (Friedman/Frohman, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of February 8 , 2000. (Motion approving needed.)

ACTION: By motion, approved the minutes of the regular City Council meeting of February 8, 1999.

CONSENT

2. Consider awarding contract for the traffic signal installation project at Dale Road and Pelandale Avenue to Tennyson Electric, Inc. for \$107,642; and consider amending the budget to estimate additional federal and Stanislaus County funds to fully fund the project. Total estimated cost: \$125,937 (contract \$107,642; construction contingency and administration \$18,295).

ACTION: **Res. 2000-57** adopted (Friedman/Frohman, unan.) awarding contract for the traffic signal installation project at Dale Road and Pelandale Avenue to Tennyson Electric, Inc.

Res. 2000-58 adopted (Friedman/Frohman, unan.) amending the budget to estimate additional federal and Stanislaus County funds to fully fund the project for the traffic signal installation project at Dale Road and Pelandale Avenue.

Item #3 removed from Consent

3. Consider accepting as complete the project of K. J. Woods Construction, Inc. for the Prescott/Pelandale and Carver Sewer Subtrunks project and authorize the City Clerk to file the Notice of Completion; and consider increasing the Director of Engineering and Transportation's authority level to issue change orders from 10 percent to 13 percent of the original contract price with K. J. Woods Construction, Inc. for the project. Final cost: \$424,555.97. Funds are budgeted.

ACTION: **Res. 2000-59** adopted (Friedman/Fisher, unan.) accepting as complete the project of K. J. Woods Construction, Inc. for the Prescott/Pelandale and Carver Sewer Subtrunks project and authorize the City Clerk to file the Notice of Completion.

Res. 2000-60 adopted (Friedman/Fisher, unan.) increasing the Director of Engineering and Transportation's authority level to issue change orders from 10 percent to 13 percent of the original contract price with K. J. Woods Construction, Inc. for the project of the Prescott/Pelandale and Carver Sewer Subtrunks.

CONSENT

4. Consider amending the budget to estimate revenues from State Transportation Improvement Program grant in the amount of \$125,000 for Fiscal Year 1999-00 Capital Improvement program and create one new project for the installation of lighted crosswalks in various locations.

ACTION: **Res. 2000-61** adopted (Friedman/Frohman, unan.) amending the budget to estimate revenues from State Transportation Improvement Program grant in the amount of \$125,000 for Fiscal Year 1999-00 Capital Improvement program and create one new project for the installation of lighted crosswalks in various locations.

Item #5 removed from Consent

5. Consider approving the submittal of a federal fund preapplication in the amount of \$900,100 to the Federal Aviation Administration (FAA) for airport improvement projects, and authorizing the Acting City Manager to sign on behalf of the City.

ACTION: **Res. 2000-62** adopted (Fisher/Friedman, unan.) approving the submittal of a federal fund preapplication in the amount of \$900,100 to the Federal Aviation Administration (FAA) for airport improvement projects, and authorizing the Acting City Manager to sign on behalf of the City.

CONSENT

6. Consider approving an airport use agreement with Enterprise Rent-A-Car to allow them to operate a car rental business from a site at Modesto City-County Airport.

ACTION: **Res. 2000-63** adopted (Friedman/Frohman, unan.) approving an airport use agreement with Enterprise Rent-A-Car to allow them to operate a car rental business from a site at Modesto City-County Airport.

CONSENT

7. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival 2000!" at Graceada Park and allow the sale of merchandise in the park during the event.

ACTION: **Res. 2000-64** adopted (Friedman/Frohman, unan.) affirming the City's co-sponsorship of "Earth Day in the Park Festival 2000!" at Graceada Park and allow the sale of merchandise in the park during the event.

CONSENT

8. Consider amending the Modesto Municipal Code Section 3-2.808 restricting the use of coasters, roller skates and similar devices to add the Amtrak Station to the previously covered Transportation Center and City parking facilities.

ACTION: By motion (Friedman/Frohman, unan.), introduced **Ord. 3169-C.S.** amending the Modesto Municipal Code Section 3-2.808 restricting the use of coasters, roller skates and similar devices to add the Amtrak Station to the previously covered Transportation Center and City parking facilities.

Item #9 removed from Consent

9. Consider appointment of Mayor's Finance Committee. Total estimated cost: \$1,000. Funds are budgeted.

ACTION: **Res. 2000-65** adopted (Fisher/Smith, unan.) appointing a Mayor's Ad Hoc Finance Committee to include Don Abel, John Amistadi, Jack Dickman, Sue Hollingsworth and Pete Kolf.

HEARINGS

10. Hearing to consider proposed amendments, additions and deletions to the Zoning Regulations and Subdivision Regulations of the City of Modesto (Omnibus No. 14). (Introduction of ordinance needed.)

ACTION: By motion (Fisher/Friedman, unan.), introduced **Ord. 3170-C.S.** amending the Modesto Municipal Code Zoning Regulations of the City of Modesto (Omnibus No. 14).

By motion (Fisher/Friedman, unan.), introduced **Ord. 3171-C.S.** amending the Modesto Municipal Code Subdivision Regulations of the City of Modesto (Omnibus No. 14).

NEW BUSINESS

11. Mid-Year Financial Report Fiscal Year 1999-2000.

ACTION: **Res. 2000-66** adopted (Fisher/Friedman, unan.) approving items I through 8 as set forth in the report amending the Fiscal Year 1999-2000 budget. Also included in the motion was a request that staff submits a report regarding sales tax distribution at a future Council meeting.

12. Consider adopting the Revised Visioning Project 1999, with Transportation identified as a separate section, as modified by City Council request.

ACTION: The areas of Transportation, Economy and Community will be revised and returned to the Council at the March 7, 2000 Council meeting.

13. Consider the proposed Coffee-Claratina Public Facility Finance Plan.

ACTION: **Res. 2000-67** adopted (Fisher/Smith, unan.) approving the Proposed Coffee-Claratina Public Facility Finance Plan, with the condition that both signals at the south end of the project on future Pelandale, return to the Council for consideration.

ORAL COMMUNICATIONS

Raul Ortega encouraged Council to oppose Measure 21.

Mayor Sabatino commented on Modesto Bee articles regarding Downtown Nights, possible election violations, and balancing the Council agendas

Bob Shook commented regarding citizen participation and the need to hold evening meetings for neighborhood issues.

Raul Ortega spoke regarding citizen participation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 6:58 p.m..

MINUTES, Special City Council Meeting, Tuesday, February 22, 2000, at 6:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino

Absent: None

The business considered at this special City Council meeting consisted of the following:

EMPLOYEE PERFORMANCE EVALUATION: City Clerk

Meeting adjourned at 6:55 p.m.

MINUTES, City Council Meeting, Tuesday, February 22, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ross Briles, Sherwood Bible Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 – 6, 9, 11 – 15, 17
Items 7, 8, 10, 16, 18 removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation to the Council from Caravan Group Modesto Trinity Church of the Nazarene to complete public speaking and community badge.

ACTION: Peggy Wild and students made a presentation to Council

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special City Council meeting of February 8, 2000 and the regular City Council meeting of February 15, 2000.

ACTION: By motion, (Friedman/Fisher, unan.) approved the minutes of the special City Council meeting of February 8, 2000 and the regular City Council meeting of February 15, 2000.

CONSENT

2. Consider authorizing staff to proceed with requests for qualifications and proposals for maintenance activities at John Thurman Baseball Stadium.

ACTION: **Res. 2000-68** adopted (Friedman/Fisher, unan.) authorizing staff to proceed with requests for qualifications and proposals for maintenance activities at John Thurman Baseball Stadium.

CONSENT

3. Consider supporting the nomination of the State Route 99 Corridor Enhancement Project for Caltrans Transportation Enhancements Activity funding.

ACTION: **Res. 2000-69** adopted (Friedman/Fisher, unan.) supporting the nomination of the State Route 99 Corridor Enhancement Project for Caltrans Transportation Enhancements Activity funding.

CONSENT

4. Consider authorizing staff to file a grant application with the Federal Transit Administration (FTA) for \$1,942,262 in formula apportioned funds and \$387,075 in Congestion Mitigation and Air Quality (CMAQ) funds to be used to partially offset the operating and capital expenses of the City's Public transportation program. All projects in this grant application have been previously approved by the City Council in the Capital Improvements Program or the Operating Budget.

ACTION: **Res. 2000-70** adopted (Friedman/Fisher, unan.) authorizing the City Manager to file the grant application with the FTA and execute the grant agreement.

CONSENT

5. Consider acceptance of George Reed Inc.'s contract for the project titled "Standiford Avenue: Road Construction and Drainage Improvements" as complete and authorize the City Clerk to file a Notice of Completion. (Final cost \$1,222,590.91)

ACTION: **Res. 2000-71** adopted (Friedman/Fisher, unan.) accepting George Reed Inc.'s contract for the project titled "Standiford Avenue: Road Construction and Drainage Improvements" as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

6. Consider acceptance of Acme Construction Company Inc.'s contract for the project titled "New Police Headquarters Building – Bid Package No. 1" as complete and authorize the City Clerk to file a Notice of Completion. (Final cost \$1,154,978.00)

ACTION: **Res. 2000-72** adopted (Friedman/Fisher, unan.) accepting Acme Construction Company Inc.'s contract for the project titled "New Police Headquarters Building – Bid Package No. 1" as complete and authorize the City Clerk to file a Notice of Completion.

Item #7 Removed from Consent

7. Consider approving a call for bids to be opened on March 14, 2000 at 11:00 a.m. for furnishing rockwell rejuvenation; and consider amending the budget to appropriate \$30,000 from the Storm Drain Fund Reserve to increase an existing CIP to fully fund the project.

ACTION: **Res. 2000-73** adopted (Friedman/Frohman, unan.) approving a call for bids to be opened on March 14, 2000 at 11:00 a.m. for furnishing rockwell rejuvenation.

Res. 2000-74 adopted (Friedman/Frohman, unan.) amending the budget to appropriate \$30,000 from the Storm Drain Fund Reserve to increase an existing CIP to fully fund the rockwell rejuvenation project.

Item #8 Removed from Consent

8. Consider waiving formal bid procedures by five affirmative votes and authorize purchase of drilling service for 13 monitoring wells and related installation at the Secondary Wastewater Treatment Plant. (Total estimated cost \$75,958 – funds are budgeted.)

ACTION: **Res. 2000-75** adopted (Friedman/Frohman, unan.) waiving formal bid procedures by five affirmative votes and authorize purchase of drilling service for 13 monitoring wells and related installation at the Secondary Wastewater Treatment Plant.

CONSENT

9. Consider approving the final map of The Carolinas Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: McRoy-Wilbur Communities Inc., a California Corporation.)

ACTION: **Res. 2000-76** adopted (Friedman/Fisher, unan.) approving the final map of The Carolinas Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #10 Removed from Consent

10. Consider abandoning an access easement located within a portion of P-D(148) to accommodate lot line adjustments and a new development plan for a mixture of commercial uses known as “Campus Marketplace” and including a mini-storage facility, property located on the southwest corner of Carpenter Road and Cummins Drive (Horizon Consulting Services).

ACTION: **Res. 2000-77** adopted (Fisher/Friedman, unan.) abandoning an access easement located within a portion of P-D(148) to accommodate lot line adjustments and a new development plan for a mixture of commercial uses known as “Campus Marketplace” and including a mini-storage facility, property located on the southwest corner of Carpenter Road and Cummins Drive.

CONSENT

11. Consider approving the final map of Rose Lane No. 5 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation).

ACTION: **Res. 2000-78** adopted (Friedman/Fisher, unan.) approving the final map of Rose Lane No. 5 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

12. Consider authorizing use of Community Development funds to cover the cost of non-City employees to attend the Workforce Development for Poverty Reduction Project in Denver, Colorado. (Total estimated cost \$4,112.00 – funds are budgeted.)

ACTION: **Res. 2000-79** adopted (Friedman/Fisher, unan.) authorizing use of Community Development funds to cover the cost of non-City employees to attend the Workforce Development for Poverty Reduction Project in Denver, Colorado.

CONSENT

13. Consider authorizing the City Manager to execute an application under the 1998 Juvenile Accountability Incentive Block Grant for approximately \$54,000 in federal funds with a ten- percent match from the City.

ACTION: **Res. 2000-80** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute an application under the 1998 Juvenile Accountability Incentive Block Grant for approximately \$54,000 in federal funds with a ten percent match from the City.

CONSENT

14. Consider authorizing the City Manager to execute an application under the 1999 Juvenile Accountability Incentive Block Grant for approximately \$54,000 in federal funds with a ten- percent match from the City.

ACTION: **Res. 2000-81** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute an application under the 1999 Juvenile Accountability Incentive Block Grant for approximately \$54,000 in federal funds with a ten percent match from the City.

CONSENT

15. Consider approving agreements with Modesto City Schools to provide after-school enrichment program at Bret Harte, Burbank, Franklin, Kirschen, Marshall, Pearson, Robertson Road, Shackelford, Tuolumne and Orville Wright school sites for the remainder of the current school year and the 2000-2001 school year; and consider amending the budget to estimate revenue and appropriate expenditures.

ACTION: **Res. 2000-82** adopted (Friedman/Fisher, unan.) approving agreements with Modesto City Schools to provide after-school enrichment program at Bret Harte, Burbank, Franklin, Kirschen, Marshall, Pearson, Robertson Road, Shackelford, Tuolumne and Orville Wright school sites for the remainder of the current school year and the 2000-2001 school year.

ACTION: **Res. 2000-83** adopted (Friedman/Fisher, unan.) amending the budget to estimate revenue and appropriate expenditures.

Item #16 Removed from Consent

16. Consider accepting the staff report on Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000.

ACTION: **Res. 2000-84** adopted (Fisher/Friedman, majority; Conrad, no) accepting the staff report on Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000.

CONSENT

17. Consider appointing Mayor Carmen Sabatino to the Joint Powers Authority for the 10th Street Place and Councilmember Mike Serpa as an alternate.

ACTION: **Res. 2000-85** adopted (Fisher/Friedman, unan.) appointing Mayor Carmen Sabatino to the Joint Powers Authority for the 10th Street Place and Councilmember Mike Serpa as an alternate.

Item #18 Removed from Consent

18. Consider joinder in amicus briefs in: County of Sonoma v. Commission of State Mandates, Ventura Port District, Swenson v. Council of Los Angeles, Howard Jarvis Taxpayers Association v. City of La Habra, and Barratt American Inc. v. City of Corona.

ACTION: By motion, (Fisher/Friedman, majority; Conrad, no) approved authorizing the City to join in the amicus briefs in County of Sonoma v. Commission of State Mandates, Ventura Port District, Swenson v. Council of Los Angeles, Howard Jarvis Taxpayers Association v. City of La Habra, and Barratt American Inc. v. City of Corona and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

HEARINGS

Item #19 was considered after Item 23.

19. Consider the Planning Commission recommendation to amend Planned Development Zone P-D(125) to allow expansion of the retail store area of the Target Store Center, property located on the west side of McHenry Avenue south of Standiford Avenue.

ACTION: By motion, (Friedman/Fisher, unan.) introduced **Ord. No. 3172-C.S.** amending P-D(125) allowing a revision to permitted uses

Res. 2000-86 adopted (Friedman/Fisher, unan.) approving a revised development plan for P-D(125)

Res. 2000-87 adopted (Friedman/Fisher, unan.) adopting required findings based on Initial Study of the Master EIR.

Councilmember Fisher excused due to a conflict of interest and left the meeting at 11:10 p.m..

20. Consider 1999-2000 HOME affordable housing projects.
(Resolution allocating funds and authorizing City Manager to execute documents needed.)

ACTION: **Res. 2000-88** adopted (Friedman/Serpa, unan.; Fisher, absent) approving 1999-2000 HOME affordable housing projects, including staff recommendation for HOME funds for Woodstone Apartments, CHDO funds for Airport District project, and the remaining CHDO funds for the 5th Street project.

Staff will return to Council at the end of March to address the housing rehabilitation dollars for the 5th Street project.

The Annual Action Plan will be revised and returned to Council in April.

NEW BUSINESS

This item was considered after Acknowledgements and Presentations.

21. Consider denying a request from the Carole Sund/Carrington Memorial Reward Foundation for amplified music at Graceada Park on March 11, 2000.

ACTION: By motion, (Friedman/Frohman, unan.) approved request from the Carole Sund/Carrington Memorial Reward Foundation for recorded with voice only music at Graceada Park on March 11, 2000.

Item #22 Dropped from agenda.

22. Consider supporting the preparation of a Transportation Expenditure Plan for the November 2000 ballot.

Item #23 was considered after Item 24.

23. Consider submitting Farmland Stabilization Initiative to the voters (FOOD Initiative).
(Resolution submitting the Farmland Stabilization Initiative to the qualified electors of the City of Modesto at an election to be determined by the Council needed; Resolution authorizing the City Attorney to prepare an impartial analysis of the Farmland Stabilization Initiative needed; Resolution authorizing the Mayor or other member of the City Council to prepare ballot arguments in favor of the Farmland Stabilization Initiative needed; Resolution determining that the action of placing the Farmland Stabilization Initiative before the voters is exempt from CEQA, or alternatively, making the findings set forth in the initial study (EA No. CDD 2000-

09) judging the action as being within the scope of the Master Environmental Impact Report (SCH No. 92052017) needed.)

ACTION: **Res. 2000-89** adopted (Frohman/Fisher, unan.) submitting the Farmland Stabilization Initiative to the qualified electors of the City of Modesto at the next regular Municipal Election provided the voters approve the measure at November 2000 election..

Res. 2000-90 adopted (Frohman/Fisher, unan.) authorizing the City Attorney to prepare an impartial analysis of the Farmland Stabilization Initiative.

Res. 2000-91 adopted (Frohman/Fisher, unan.) determining that the action of placing the Farmland Stabilization Initiative before the voters is exempt from CEQA, or alternatively, making the findings set forth in the initial study (EA No. CDD 2000-09) judging the action as being within the scope of the Master Environmental Impact Report (SCH No. 92052017)

Item #24 was considered after Item 21.

24. Consider charter amendments providing for a change in the regular municipal election date, district elections, and term limits, and consider submission of charter amendments to voters in November 2000.

(Resolutions needed as follows: Two resolutions submitting the recommended charter amendments to the qualified electors of the city of Modesto at a special municipal election to be held on Tuesday, November 7, 2000 to be consolidated with the statewide election; One resolution authorizing the City Attorney to prepare an impartial analysis of the proposed charter amendments; and one resolution authorizing the Mayor to prepare ballot arguments in favor of the proposed charter amendments.)

ACTION: A motion died (Conrad/Frohman; no, Fisher, Friedman, Serpa, Smith) to submit the recommended charter amendments to the qualified electors of the City of Modesto at a special municipal election to be held on Tuesday, November 7, 2000 to be consolidated with the statewide election.

Res. 2000-92 adopted (Conrad/Smith, majority; Frohman & Sabatino, no) returning to Economic Development, Community Intergovernmental Relations Committee, authorizing expending no more than \$10,000 on study and facilitator and return to Council at a future meeting to continue dialog.

WRITTEN COMMUNICATIONS

25. Letter received from Marcus Nugent regarding placement of public restrooms.

ACTION: Dropped from agenda.

26. Letter received from Gladys M. Ahart regarding establishing an ordinance prohibiting free-roaming cats.

ACTION: Item continued to the Council meeting on March 14, 2000.

MISCELLANEOUS

Appointments

Citizens Housing & Community Development Committee (City Council appointees)

ACTION: **Res. 2000-93** adopted (Friedman/Frohman, unan.; Fisher, absent) appointing Mayor Sabatino and Councilmember Conrad to the Citizens Housing & Community Development Committee.

Re-appointments

Board of Building Appeals

ACTION: **Res. 2000-94** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Alfred Kaufman and Ken Williams to the Board of Building Appeals, each with a term expiration of January 1, 2004.

Board of Zoning Adjustment

ACTION: **Res. 2000-95** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Daniel Hopkins to the Board of Zoning Adjustment, with a term expiration of January 1, 2004.

Community Qualities Forum

ACTION: **Res. 2000-96** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Charles Harding and William Wetmore to the Community Qualities Forum, each with a term expiration of January 1, 2004.

Disabled Access Appeals Board

ACTION: **Res. 2000-97** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Tammy Vanden Bosch to the Disabled Access Appeals Board, with a term expiration of January 1, 2004.

Downtown Improvement District

ACTION: **Res. 2000-98** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Norma Reed to the Downtown Improvement District, with a term expiration of January 1, 2004.

Economic Development Loan Committee

ACTION: **Res. 2000-99** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Richard Almanza to the Economic Development Loan Committee, with a term expiration of January 1, 2004.

Equal Opportunity/Disability Commission

ACTION: **Res. 2000-100** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Joseph Martinez to the Equal Opportunity/Disability Commission, with a term expiration of January 1, 2004.

Golf Course Advisory Committee

ACTION: **Res. 2000-101** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Robert Mauldin and Carole Silveria to the Golf Course Advisory Committee, each with a term expiration of January 1, 2004.

Housing Rehabilitation Loan Committee

ACTION: **Res. 2000-102** adopted. (Friedman/Conrad, unan.; Fisher, absent) re-appointing Chris Harrigfeld to the Housing Rehabilitation Loan Committee, with a term expiration of January 1, 2004.

Human Relations Commission

ACTION: **Res. 2000-103** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing Carolyn Fraser to the Human Relations Commission, with a term expiration of January 1, 2004

Redevelopment Advisory Commission

ACTION: **Res. 2000-104** adopted (Friedman/Conrad, unan.; Fisher, absent) re-appointing James Daniel, Lee Hedgepeth and Norma Reed to the Redevelopment Advisory Commission, each with a term expiration of January 1, 2004.

ORAL COMMUNICATIONS

Rodney Collins commented on the Homes 2000 Litigation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 12: 15 a.m.

CLOSED SESSION

The meeting adjourned to a closed session in the Council Conference Room to consider the following:

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

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management
Association

The City Attorney returned at 1:00 a.m. to report no action had been taken.

MINUTES, Special City Council Meeting, Tuesday, February 22, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino

Absent: None

The business considered at this special City Council meeting consisted of the following:

PUBLIC EMPLOYEE APPOINTMENT:
(Pursuant to Section 54957 of the Government Code)

Title: City Manager

Meeting adjourned at 1:00 a.m.

MINUTES, City Council Meeting, Tuesday, March 7, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Invocation: Rev. Nathaniel Green, Christ Unity Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 10
Items 7, 9 & 10 were removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation to Karen Skelly, Lupus Foundation of America, Inc., Stanislaus County Branch, proclaiming April 1, 2000 Lupus Alert Day.

ACTION: Item was continued to March 14, 2000.

Presentation of a Proclamation to Gary Martin proclaiming the first Wednesday of Every Month “Eat Dinner With Your Family Day.”

ACTION: Presentation was made by Mayor Sabatino.
Presentation by Peter S. Pen, The Cambodian Cultural Learning Center regarding the Cambodian New Year 2000 Celebration.

ACTION: Presentation was made by Peter Pen.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special and regular City Council meetings of February 22, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the special and regular City Council meetings of February 22, 2000.

CONSENT

2. Final adoption of the following:

Ord. No. 3169-C.S. amending Section 3-2.808 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to use of coasters, roller skates and similar devices restricted.

ACTION: By motion (Friedman/Fisher, unan.), approved final adoption of **Ord. No. 3169-C.S.** amending Section 3-2.808 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to use of coasters, roller skates and similar devices restricted.

Ord. No. 3170-C.S. amending Chapter 2 of Title 10 of the Municipal Code relating to Zoning.

ACTION: By motion (Friedman/Fisher, unan.), approved final adoption of **Ord. No. 3170-C.S.** amending Chapter 2 of Title 10 of the Municipal Code relating to Zoning.

Ord. No. 3171-C.S. amending Section 4-4.302 of Article 3 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to general conditions of design (cul-de-sac or dead-end streets).

ACTION: By motion (Friedman/Fisher, unan.), approved final adoption of **Ord. No. 3171-C.S.** amending Section 4-4.302 of Article 3 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to general conditions of design (cul-de-sac or dead-end streets).

Ord. No. 3172-C.S. amending P-D(125) to allow expansion of the retail store area of the Target Store Center, property located on the west side of McHenry Avenue south of Standiford Avenue.

ACTION: By motion (Friedman/Fisher, unan.), approved final adoption of **Ord. No. 3172-C.S.** amending P-D(125) to allow expansion of the retail store area of the Target Store Center, property located on the west side of McHenry Avenue south of Standiford Avenue.

CONSENT

3. Consider awarding contract for the traffic installation project at Hatch Road and Dallas Street to Tennyson Electric, Inc. for \$134,120. Total estimated cost: \$158,000 (contract \$134,120; contingency & const. admin. & engineering design \$23,880) Funds are budgeted.

ACTION: **Res. 2000-105** adopted (Friedman/Fisher, unan.) awarding contract for the traffic installation project at Hatch Road and Dallas Street to Tennyson Electric, Inc. for \$134,120.

CONSENT

4. Consider authorizing the submission of revised Annual Transportation Claims to include a supplement apportion in 1999-2000 claim and reapportion MAX and DAR funding from the 1998-1999 claim.

ACTION: **Res. 2000-106** adopted (Friedman/Fisher, unan.) authorizing the submission of revised Annual Transportation Claims to include a supplement apportion in 1999-2000 claim and reapportion MAX and DAR funding from the 1998-1999 claim.

CONSENT

5. Consider amending the Fiscal Year 1999-00 Water Fund Budget to appropriate \$90,600 from the Water Fund contingency reserve to provide funding for a new Senior Civil Engineering Assistant position.

ACTION: **Res. 2000-107** adopted (Friedman/Fisher, unan.) amending the Fiscal Year 1999-00 Water Fund Budget to appropriate \$90,600 from the Water Fund contingency reserve to provide funding for a new Senior Civil Engineering Assistant position.

CONSENT

6. Consider approving an appropriation transfer in the amount of \$4,664 from Non-Motorized Fund to the Rideshare Account to cover the local match of 11%.

ACTION: **Res. 2000-108** adopted (Friedman/Fisher, unan.) approving an appropriation transfer in the amount of \$4,664 from Non-Motorized Fund to the Rideshare Account to cover the local match of 11%.

Item #7 was removed from Consent

7. Consider authorizing the formation of an economic development advisory group on an ad hoc basis to assist in policy review and implementation for issues relating to economic development in Modesto.
(Resolution authorizing formation of an economic development advisory group on an ad hoc basis needed.)

ACTION: **Res. 2000-109** adopted (Fisher/Friedman, unan.) authorizing the formation of an economic development advisory group on an ad hoc basis to assist in policy review and implementation for issues relating to economic development in Modesto.

CONSENT

8. Consider approval of the final map of Bella Tuscany Unit 2 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as

required by Section 4-4.604(c) of the Municipal Code (Owner: Rodney K. Lowe, Inc.)

(Resolution approving final map and authorizing City Manager to execute subdivision agreement needed.)

ACTION: **Res. 2000-110** adopted (Friedman/Fisher, unan.) approval of the final map of Bella Tuscany Unit 2 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owner: Rodney K. Lowe, Inc.).

Item #9 was removed from Consent

9. Consider salary adjustment for City Clerk & Auditor.

ACTION: **Res. 2000-111** adopted (Friedman/Fisher, unan.) adjusting the salary of the City Clerk & Auditor position.

Item #10 was removed from Consent

10. Consider introduction of an ordinance amending Title VII, Chapter 3, of the Modesto Municipal Code to provide contracting authority to the District Administrator for public works projects funded by Community Facilities District (CFD) taxes.

ACTION: By motion (Fisher/Smith, unan.), introduced **Ord.3173-C.S.** amending Title VII, Chapter 3, of the Modesto Municipal Code to provide contracting authority to the District Administrator for public works projects funded by Community Facilities District (CFD) taxes.

HEARINGS

11. Hearing to consider the appeal of Francis R. Ruggieri, on behalf of Dennis Slewoo, who operates the Chevron USA service Station and convenience store at 3300 McHenry Avenue. This appeal is being heard due to the hearing Examiner's denial of an application for an off-sale alcoholic beverage license.

ACTION: By motion (Friedman/Frohman, unan.) continued item for 45 days.

NEW BUSINESS

12. Consider approving 35% design for the 9th Street Bridge Replacement project; and consider adopting findings that the project conforms to the Master Environmental Impact Report (EIR) for the Urban Area General Plan, based on the analysis presented in the Initial Study.

ACTION: Res. 2000-112 adopted (Frohman/Fisher, unan.) approving 35% design for the 9th Street Bridge Replacement project.

Res. 2000-113 adopted (Frohman/Fisher, unan.) approving findings that the project conforms to the Master Environmental Impact Report (EIR) for the Urban Area General Plan, based on the analysis presented in the Initial Study.

13. Oral report from the City Clerk regarding the status of study of district elections and term limits.

ACTION: Res. 2000-114 adopted (Friedman/Fisher, unan.) approving ad hoc committee consisting of Councilmembers Fisher and Smith, with Councilmember Friedman participating in April. Two citizens will also be appointed to the ad hoc committee.

14. Report on the City of Modesto – County of Stanislaus Sales Tax Revenue Division Agreement.

ACTION: By motion (Friedman/Frohman, unan.), directed staff with regard to the current sales tax division agreement to refer to Economic Development, Community & Intergovernmental Relations Committee.

ORAL COMMUNICATIONS

Councilmember Serpa commented regarding education needs for adults and children and suggested using a grant from Pacific Bell for education attainments.

Steve Burke gave times for the C3 program broadcast.

Councilmember Smith will report back to Council after attending the National League of Cities conference regarding education.

Councilmember Frohman announced the March 29 Area Code meeting to discuss possible changes.

WRITTEN COMMUNICATIONS

15. Letter from Marcus Nugent regarding placement of public restrooms.
(Motion referring to Recreation and Neighborhoods needed.)

ACTION: By motion (Friedman/Fisher, unan.), referred item to Recreation and Neighborhoods Department.

MISCELLANEOUS

Appointments

16. Local Cable Programming Committee

ACTION: **Res. 2000-115** adopted (Friedman/Fisher, unan.) appointing Robert Gausman to the Cable Programming Committee with a term expiration of January 1, 2004.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:07 p.m. to a Closed Session in the Council Conference Room to consider the following:

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

Agency Negotiators: *Paul Baxter, Acting City Manager*
Robin Renwick, Personnel Director

Employee Organization: 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 or initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

PUBLIC EMPLOYEE APPOINTMENT:
(Pursuant to Section 54957 of the Government Code)

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

The Acting City Manager returned at 10:00 p.m. to report that no action had been taken.

MINUTES, City Council Meeting, Tuesday, March 14, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Serpa, Mayor Sabatino

Absent: Councilmembers Frohman and Smith

Flag Ceremony by Girl Scout Troop No. 466 and Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 7, 8

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation to Girl Scout Troop No. 466 proclaiming March 11 – 17, 2000 Girl Scout Week and March 12, 2000 Girl Scout Day.

ACTION: Proclamation presented by Mayor Sabatino.

Presentation of Proclamation to Karen Skelly, Lupus Foundation of America, Inc., Stanislaus County Branch, proclaiming April 1, 2000 Lupus Alert Day.

ACTION: Mayor Sabatino presented proclamation.

Boy Scout Troop 143 was acknowledged by Mayor Sabatino.
Gladys Williams, President of NAACP, was acknowledged by Mayor Sabatino.

Juanita Jackson addressed the Council regarding Item 6 and requested it be removed from Consent.

Gladys Williams requested committee participation referring to Item 6.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of March 7, 2000.

ACTION: By motion, (Friedman/Fisher, unan.; Frohman, Smith, absent) minutes approved.

CONSENT

2. Final adoption of Ord. No. 3173-C.S. amending the Municipal Code to provide contracting authority to District Administrator for public works projects funded by Community Facilities District taxes.

ACTION: By motion, (Friedman/Fisher, unan.; Frohman, Smith, absent) approved final adoption.

Removed from Consent

3. Consider declaring as surplus and authorize the sale by sealed bid, by auction, or sell as scrap of 21 surplus vehicles at Fleet Services Division, 40 unclaimed bicycles accumulated at the Police Department Evidence and Property Room, 60 72" oak laminate tables at Modesto Centre Plaza and 21 classroom desks at King-Kennedy Memorial Center.

ACTION: **Res. 2000-116** adopted (Friedman/Serpa, unan.; Frohman, Smith absent) declaring property as surplus and authorizing the sale by sealed bid, by auction or sell as scrap.

Removed from Consent

4. Consider entering into a cost-sharing agreement with Caltrans for operation and maintenance of a traffic signal at the McHenry Avenue (SR 108)/Tokay Avenue intersection. The signal is required as part of the Safeway Stores' project at Briggsmore/McHenry. The developer will pay for the installation of the signal.

ACTION: **Res. 2000-117** adopted (Fisher/Friedman, unan.; Frohman, Smith, absent) approving agreement.

CONSENT

5. Consider entering into an agreement with Caltrans for the installation of a traffic signal at the Kansas Avenue and State Route 99 On/Off southbound ramps intersection.

ACTION: **Res. 2000-118** adopted (Friedman/Fisher, unan.; Frohman, Smith, absent) approving agreement.

Removed from consent

6. Consider amending the Position Classification Plan to add the job classifications of Area Manager, Project Coordinator and Neighborhood Organizer.

ACTION: By motion, (Fisher/Serpa, unan.; Frohman, Smith, absent) item continued for two months.

CONSENT

7. Consider amending the Position Classification Plan and Class Range Table to update the position of Secondary Treatment Facilities Supervisor.

ACTION: **Res. 2000-119** adopted (Friedman/Fisher, unan.; Frohman, Smith, absent) amending Position Classification Plan.

Res. 2000-120 (Friedman/Fisher, unan.; Frohman, Smith, absent) adopted amending the Class Range Tables.

CONSENT

8. Letter of resignation from the Community Qualities Forum from Kathleen J. Cohn.

ACTION: **Res. 2000-121** (Friedman/Fisher, unan.; Frohman, Smith, absent) adopted accepting resignation with regret.

NEW BUSINESS

9. Consider support of a pilot project in the Airport District to raise the educational attainment level of our community through a neighborhood GED program.

ACTION: **Res. 2000-122** (Serpa/Fisher, unan.; Frohman, Smith, absent) adopted approving support of project and development of a program.

ORAL COMMUNICATIONS

Mayor Sabatino commented on letter received from Marie Gallo regarding formation of an Ad Hoc Committee for Performing Arts Center.

Councilmembers Fisher and Smith appointed to Ad Hoc Committee for Performing Arts Center by Mayor and if determined that Councilmember Smith has a conflict, Councilmember Serpa will be appointed.

Councilmember Serpa commented on the JPA meeting held on March 14, 2000 for Communication Center and gave status of project.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

MINUTES, City Council Meeting, Tuesday, March 21, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Darius Crosby, Greater Glory Missionary Baptist Church

Item #5 removed from Agenda

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3-5, 7-8 & 10-11
Items 1, 2, 6 & 9 removed from Consent

ACTION: (Serpa/Friedman, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

CONSENT ITEMS

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

Item #1 removed from Consent

1. Approval of the minutes of the regular City Council meetings of March 14, 2000.

ACTION: By motion (Serpa/Friedman, unan.), approved the minutes of the regular City Council meetings of March 14, 2000, with Item 9 being amended by omitting the word “district” and replacing it with “neighborhood”.

Item #2 removed from Consent

2. Consider authorizing call for bids for printing of the monthly newsletter, to be issued by the City Manager’s Office and included with the monthly utility bill mailing, for up to three years. Suggested bid opening: April 11, 2000, at 11:00 a.m. Total estimated cost Fiscal Year 00-01 only: \$39,000. Funds will be made available in Fiscal Year 00-01 Budget.

ACTION: **Res. 2000-123** adopted (Friedman/Fisher, unan.) authorizing call for bids for printing of the monthly newsletter, to be issued by the City Manager’s Office and included with the monthly utility bill mailing, for up to three years. Bids due on April 11, 2000 at 11:00 a.m.

CONSENT

3. Consider award of contract for the annual sewer rehabilitation project – Phase 1 99/00 to Miller Pipeline Corporation for \$85,739. Final estimated cost: \$102,887 (contract \$85,739; const. contingency and administration \$17,148) Funds are budgeted.

ACTION: **Res. 2000-124** adopted (Serpa/Friedman, unan.) awarding contract for the annual sewer rehabilitation project – Phase 1 99/00 to Miller Pipeline Corporation for \$85,739.

CONSENT

4. Consider accepting as complete the contract of Paul Anderson Construction for the Bowen Avenue lift station storage building project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$67,816)

ACTION: **Res. 2000-125** adopted (Serpa/Friedman, unan.) accepting as complete the contract of Paul Anderson Construction for the Bowen Avenue lift station storage building project as complete and authorize the City Clerk to file a Notice of Completion.

Item #5 removed from Agenda

5. Consider amending the Position Classification Plan to delete Deputy Director – Engineering Services and Deputy Director – Utilities Services & Franchises and to create a classification for Deputy Director of Engineering & Transportation.

Item # 6 removed from Consent

6. Consider changes in executive compensation and vehicle allowances; consider amending Position Classification to delete classification of Community Services and Neighborhood Connections Director and add the classification of Recreation and Neighborhoods Director. Total estimated cost: \$3,150. Funds are budgeted

ACTION: **Res. 2000-126** adopted (Fisher/Smith, majority; Conrad & Serpa, no) amending the Class Range Table to adjust the salary ranges for certain Executive positions.

Res. 2000-127 adopted (Fisher/Smith, majority; Conrad & Serpa, no) authorizing vehicle allowance to specified positions.

Res. 2000-128 adopted (Fisher/Smith, majority; Conrad & Serpa, no) amending Position Classification Plan.

CONSENT

7. Consider adopting an economic development loan policy for the purpose of providing economic development incentives for business attraction and business retention within the City's General Plan area.

ACTION: **Res. 2000-129** adopted (Serpa/Friedman, unan.) approving an economic development loan policy for the purpose of providing economic development incentives for business attraction and business retention within the City's General Plan area.

CONSENT

8. Consider approving an agreement with Bernice Borboa for the acquisition of property at 109 Elm Street needed for the Corporation Yard expansion. Total estimated cost: \$91,000 (contract \$55,000; housing supplement \$35,000; estimated escrow \$1,000) Funds are budgeted.

ACTION: **Res. 2000-130** adopted (Serpa/Friedman, unan.) approving an agreement with Bernice Borboa for the acquisition of property at 109 Elm Street needed for the Corporation Yard expansion.

Item #9 removed from Consent

9. Consider approving an amendment to the agreement with FM Golf to provide concession services at Dryden and Muni Golf Courses; and consider amending the budget to appropriate \$15,500 from the Golf Fund Reserve to provide for renovation of the food service area at Dryden Golf Course.

ACTION: **Res. 2000-131** adopted (Friedman/Fisher, majority; Frohman & Sabatino, no) amending the agreement with FM Golf to provide concession services at Dryden and Muni Golf Courses.

Res. 2000-132 adopted (Friedman/Fisher, majority; Frohman & Sabatino, no) amending the budget to appropriate \$15,500 from the Golf Fund Reserve to provide for renovation of the food service area at Dryden Golf Course..

CONSENT

10. Consider accepting the resignation of Dyan Hayes from the City Advisory Committee on Recycling.

ACTION: **Res. 2000-133** adopted (Serpa/Friedman, unan.) accepting the resignation of Dyan Hayes from the City Advisory Committee on Recycling.

CONSENT

11. Consider excusing Councilmember Smith from the March 14, 2000 City Council meeting due to his attendance at the National League of Cities Congressional City 2000 Conference March 11 through March 14, 2000.

ACTION: By motion (Serpa/Friedman, unan.), excused Councilmember Smith from the March 14, 2000 City Council meeting due to his attendance at the National League of Cities Congressional City 2000 Conference March 11 through March 14, 2000.

HEARINGS

Item #12 was heard after Item 14

12. Hearing to consider the application of Candice Meservy for an amendment to Section 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(541), for a five-unit residential development, property located on the north side of East Coolidge Avenue west of Melrose Avenue at 409 East Coolidge Avenue.

ACTION: By motion (Friedman/Frohman, unan.), introduced **Ord. 3174-C.S.** amending Section Map.

Res. 2000-134 adopted (Friedman/Frohman, unan.) approving a development plan.

Res. 2000-135 adopted (Friedman/Frohman, unan.) approving required findings based on the Initial Study.

Item #13 was heard after Item 12

13. Hearing to consider the expansion of the existing Corporation Yard to include construction of a new bus and fleet maintenance facility and to authorize submittal of a grant application for a Federal Transit Administration (FTA) grant, and approve the environmental assessment for the Bus Maintenance Facility portion of the project, and adopt certain required findings based on the Initial Study.

ACTION: By motion (Fisher/Friedman, unan.), continued item to March 28, 2000 Council meeting.

Item #14 heard as first public hearing prior to Item 12

Councilmember Fisher absent to due conflict of interest

14. Hearing to consider approving the borrowing of \$3,700,000 in bond financing by the Housing Authority of Stanislaus County for the purpose of providing financing for a residential rental housing facility, Woodstone Apartments, to be acquired and constructed by the Great Valley Development Corporation.

ACTION: **Res. 2000-136** adopted (Frohman/Serpa, unan.) approving the borrowing of \$3,700,000 in bond financing by the Housing Authority of Stanislaus County for the purpose of providing financing for a residential rental housing facility, Woodstone Apartments, to be acquired and constructed by the Great Valley Development Corporation.

NEW BUSINESS

15. Update on Waste-to-Energy rent issue and summary of the Waste-to-Energy Refinancing.

ACTION: By motion (Fisher/Friedman, unan.), directed staff to request the County to consider jointly with the City the selection of an appraiser. If the County does not respond by Tuesday, March 28, 2000, the City will seek their own appraiser. Also included in the motion, staff was requested to pursue the audits and the rent issue on behalf of the ratepayers.

16. Consider approval of employment agreement appointing Jack R. Crist as Modesto City Manager.

ACTION: **Res. 2000-137** adopted (Frohman/Fisher, unan.) approving agreement appointing Jack R. Crist to the position of City Manager and authorizing Mayor Sabatino to sign agreement.

WRITTEN COMMUNICATIONS

17. Letter from Modesto Downtown Nights Chairman, Andrew S. Mendlin, requesting financial and direct City assistance for Modesto Downtown Nights in Summer 2000.

ACTION: **Res. 2000-138** adopted (Fisher/Smith, majority; Conrad & Sabatino, no) granting \$12,500 in direct assistance for Downtown Nights plus the in-kind contributions.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:10 p.m.

CLOSED SESSION

The meeting adjourned to the Council Conference Room (Basement) for a closed session as follows:

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

Agency Negotiators: Paul Baxter, Acting City Manager
Peter Cowles, Operations & Maintenance Director

Employee Organization: Modesto City Employees Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Clerk

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: Acting City Manager

The City Attorney returned at 7:25 p.m. and reported no action had been taken.

MINUTES, City Council Meeting, Tuesday, March 28, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4 & 6-7
Item #5 removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

The Mayor acknowledged Boy Scout Troop 76.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of March 21, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of March 21, 2000.

CONSENT

2. Final adoption of Ord. No. 3174-C.S. amending Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(541), property located at 409 East Coolidge. (Meservy)

ACTION: By motion (Friedman/Fisher, unan.), approved final adoption of **Ord. No. 3174-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(541), property located at 409 East Coolidge.

CONSENT

3. Consider awarding bid for uniformed security guard services to Specialists in Advanced Security for approximately \$179,300 annually.

ACTION: **Res. 2000-139** adopted (Friedman/Fisher, unan.) awarding bid for uniformed security guard services to Specialists in Advanced Security for approximately \$179,300 annually.

CONSENT

4. Consider awarding bid for rockwell rejuvenation for Fiscal Year 1999-2000 for a total cost not to exceed \$150,000, and authorizing the purchase of rockwell rejuvenation for an additional three years, up to and including June 30, 2003.

ACTION: **Res. 2000-140** adopted (Friedman/Fisher, unan.) awarding bid for rockwell rejuvenation for Fiscal Year 1999-2000 for a total cost not to exceed \$150,000, and authorizing the purchase of rockwell rejuvenation for an additional three years, up to and including June 30, 2003.

Item #5 removed from Consent

5. Consider declaring as surplus and authorizing the sale by sealed bid, by auction, or sell as scrap the following: obsolete traffic signal heads, lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and surplus City Vehicles.

(Public auction will be conducted by Roger Ernst and Associates at 824 Kiernan. (Resolution declaring property as surplus and authorizing sale by sealed bid, by auction, or sell as scrap needed.)

ACTION: **Res. 2000-141** adopted (Friedman/Frohman, unan.) declaring as surplus and authorizing the sale by sealed bid, by auction, or sell as scrap the following: obsolete traffic signal heads, lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and surplus City Vehicles, with public auction to be conducted by Roger Ernst and Associates at 824 Kiernan.

CONSENT

6. Consider amending the Position Classification Plan to delete Deputy Director – Engineering Services and Deputy Director – Utilities Services & Franchises; and to create classification for Deputy Director of Engineering & Transportation.

ACTION: **Res. 2000-142** adopted (Friedman/Fisher, unan.) amending the Position Classification Plan to delete Deputy Director – Engineering Services and Deputy Director – Utilities Services & Franchises.

Res. 2000-143 adopted (Friedman/Fisher, unan.) creating a classification for Deputy Director of Engineering & Transportation.

CONSENT

7. Annual Capital Facilities Fees (CFF) Report.

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

HEARINGS

8. Hearing to consider the expansion of the existing Corporation Yard to include construction of a new bus and fleet maintenance facility and to authorize submittal of a grant application for a Federal Transit Administration (FTA) grant, and approve the environmental assessment for the Bus Maintenance Facility portion of the project, and adopt certain required findings based on the Initial Study. (Continued from the March 21, 2000 City Council meeting.)

ACTION: By motion (Frohman/Friedman, unan.), approved in concept the expansion of the Corporation Yard, including new bus and fleet maintenance and storage facilities and authorizing staff to investigate funding for the fleet portion of the project

Res. 2000-144 adopted (Friedman/Frohman, unan.) approving submittal of a grant application and Environmental Assessment.

Res. 2000-145 adopted (Friedman/Frohman, unan.) adopting certain required findings based on the Initial Study prepared for the Corporation Yard Expansion.

NEW BUSINESS

Mayor Sabatino absent due to conflict of interest

9. Consider rescinding previous Council action of March 21, 2000 granting \$12,500 direct assistance for Downtown Nights plus in-kind contributions, at the request of Councilmembers Conrad and Frohman.

ACTION: No action was taken.

10. Consider approving an agreement with Stanislaus County, City of Ceres, and Emergency Dispatch JPA to provide back-up Emergency Operation Center, 911 Answering Point and Emergency Dispatch Center facilities for participants.

ACTION: **Res. 2000-146** adopted (Friedman/Frohman, unan.) approving an agreement with Stanislaus County, City of Ceres, and Emergency Dispatch JPA to provide back-up Emergency Operation Center, 911 Answering Point and Emergency Dispatch Center facilities for participants.

11. Consider amending the Modesto Municipal Code to increase from \$50,000 to \$300,000 the dollar limit for work done by City staff on the maintenance, repair, replacement, and improvement of existing water lines and increase from \$50,000 to \$75,000 the dollar limit for work done by City staff to install water services and establish water service connections associated with new development.

ACTION: By motion (Smith/Frohman, unan.), introduced **Ord. No. 3175** amending the Modesto Municipal Code to increase from \$50,000 to \$300,000 the dollar limit for work done by City staff on the maintenance, repair,

replacement, and improvement of existing water lines and increase from \$50,000 to \$75,000 the dollar limit for work done by City staff to install water services and establish water service connections associated with new development.

12. Oral report regarding the status of Waste-to-Energy appraisal and other issues related to the Geer Road Landfill Enterprise Fund and the Geer Road Landfill Closure Trust Fund.

ACTION: Res. 2000-147 adopted (Fisher/Frohman, majority; Serpa & Sabatino, no) to proceed with the shared appraiser with Stanislaus County

13. Report on the process for consideration of the issue of community water fluoridation.

ACTION: By motion (Fisher/Friedman, unan.), acknowledged receipt of report and endorsing the process for consideration of the community water fluoridation process.

14. Discussion regarding Council meeting date and times, as requested by Councilmembers Conrad and Frohman.

ACTION: By motion (Friedman/Fisher, unan.) referred to Economic Development, Community and Intergovernmental Relations Committee.

15. Discussion regarding keypad voting system at the request of Councilmember Conrad.

ACTION: By motion (Conrad/Frohman, unan.) directed issue to Economic Development, Community and Intergovernmental Relations Committee.

ORAL COMMUNICATIONS

- Louis Levin requested doors remain unlocked to Tenth Street Place during Council meetings.
- Jim Reed commented on FM Golf agreement for concession services at Dryden & Muni Golf Courses.
- Alan Dicks expressed concern on road repair needed.
- Miranda Moore addressed the Council regarding the Municipal Code section regarding front yard fences and requested an amendment.
- Councilmember Serpa commented on the sidewalk placed on Maze and the use it was receiving by the youth.
- Councilmember Serpa expressed concern with sharing the appraiser with the County on the Waste to Energy appraisal.
- Councilmember Friedman suggested to begin a Forward Modesto committee to seek clear direction for Council
- Mayor Sabatino read into the record Councilmember Fisher's letter regarding Forward Modesto, and commented on slow process of change.

- Councilmember Frohman commented regarding previous speaker concerns of needed road repair.
- Councilmember Frohman commented on graffiti on garbage cans – cans will be replaced by garbage company.
- Councilmember Frohman commented that he has spoken with the new City Manager and believes he will be a leader and has high regard for the new City Manager.
- Councilmember Smith spoke regarding community forum and suggested including new City Manager in Forward Modesto process.
- Pat Dobbs spoke in favor of Forward Modesto process and in favor of using own appraiser for Waste to Energy plant.
- Mayor Sabatino made reference to the ad hoc committees he's recently appointed.

WRITTEN COMMUNICATIONS

16. Letter from Mike Straker, ABC Reign, requesting a variance to current regulations regarding fireworks sales to allow him to obtain a permit to operate a fireworks stand at Dale and Pelandale.

ACTION: By motion (Conrad/Serpa, unan.), referred item to Fire Department for report to Public Safety Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

MINUTES, City Council Meeting, Tuesday, April 4, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeff Pisney, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6, 8, & 11
Items 7, 9 & 10 were removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by John Katz, General Manager, Modesto A's, kicking off the baseball season opening at home on April 5, 2000.

ACTION: Presentation made to Council by John Katz

Presentation of Special Recognition Plaques and Certificates for co-sponsorships of the City's 1999 Recreation Programs.

ACTION: Plaques presented by Mayor Sabatino and Recreation & Neighborhoods staff

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of March 28, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of March 28, 2000.

CONSENT

2. Consider accepting as complete the contract of Howk System for the Honeycreek Road and Nightingale Drive sewer lift station rehabilitation project as complete and authorize the City Clerk to file a Notice of Completion. Original contract and final cost: \$81,000. Funds are budgeted.

ACTION: **Res. 2000-148** adopted (Friedman/Fisher, unan.) accepting as complete the contract of Howk System for the Honeycreek Road and Nightingale

Drive sewer lift station rehabilitation project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

3. Consider accepting as complete the contract of Sancon Engineering II, Inc. for the interior recoating of digester Nos. 4 and 5 project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$121,400). Final cost: \$137,263.12. Funds are budgeted.

ACTION: **Res. 2000-149** adopted (Friedman/Fisher, unan.) accepting as complete the contract of Sancon Engineering II, Inc. for the interior recoating of digester Nos. 4 and 5 project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

4. Consider accepting as complete the contract of George Reed, Inc. for the Airport District improvements – Phase III project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$1,147,594.50). Final cost: \$1,338,960.69. Funds are budgeted.

ACTION: **Res. 2000-150** adopted (Friedman/Fisher, unan.) accepting as complete the contract of George Reed, Inc. for the Airport District improvements – Phase III project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Consider authorizing call for bids for heating, ventilation and air conditioning (HVAC) services for one year, with the City reserving the right to extend the agreement for up to two additional years. Suggested bid opening: April 25, 2000, at 11:00 a.m. Total estimated cost for one year: \$30,000. Funds are budgeted.

ACTION: **Res. 2000-151** adopted (Friedman/Fisher, unan.) authorizing call for bids for heating, ventilation and air conditioning (HVAC) services for one year, with the City reserving the right to extend the agreement for up to two additional years.

CONSENT

6. Consider authorizing a call for bids for janitorial services at Modesto Centre Plaza for one year, with the City reserving the right to extend the agreement for up to two additional years. (Suggested bid opening: April 25, 2000, at 11:00 a.m. Total estimated cost for one year: \$90,000. Funds are budgeted.

ACTION: **Res. 2000-152** adopted (Friedman/Fisher, unan.) authorizing a call for bids for janitorial services at Modesto Centre Plaza for one year, with the City reserving the right to extend the agreement for up to two additional years.

Item #7 removed from Consent

7. Consider declaring a Police K-9 surplus and authorize the sale of the animal by sealed bid.

ACTION: **Res. 2000-153** adopted (Friedman/Fisher, unan.) declaring a Police K-9 surplus and authorize the sale of the animal by sealed bid.

CONSENT

8. Consider amending the Classification Plan and establishing a salary range for Project Coordinator.

ACTION: **Res. 2000-154** adopted (Friedman/Fisher, unan.) amending the Classification Plan.

Res. 2000-155 adopted (Friedman/Fisher, unan.) establishing a salary range for Project Coordinator.

Item # 9 removed from Consent

9. Consider selling four surplus well sites to the Stanislaus County Redevelopment Agency and authorizing the Acting City Manager to appropriate actions to complete the sale.

ACTION: **Res. 2000-156** adopted (Serpa/Fisher, unan.) approving the sale of four surplus well sites to the Stanislaus County Redevelopment Agency and authorizing the Acting City Manager to appropriate actions to complete the sale.

Item #10 removed from Consent

10. Consider approving an amendment to the lease agreement with Foster Poultry Farms at the Airport, and consider approving a three-year option agreement for a hangar site.

ACTION: **Res. 2000-157** adopted (Conrad/Fisher, unan.) approving an amendment to the lease agreement with Foster Poultry Farms at the Airport.

Res. 2000-158 adopted (Conrad/Fisher, unan.) approving a three-year option agreement for a hangar site.

CONSENT

11. Consider approving request from the Center for Human Services for direct City assistance for its annual fund raising event "Broadway Comes to Motown;" and consider amending the budget to appropriate funds. Total estimated cost: \$2,109

ACTION: **Res. 2000-159** adopted (Friedman/Fisher, unan.) approving request from the Center for Human Services for direct City assistance for its annual fund raising event "Broadway Comes to Motown".

Res. 2000-160 adopted (Friedman/Fisher, unan.) amending the budget to appropriate funds for the Center for Human Services for direct City assistance for its annual fund raising event "Broadway Comes to Motown".

NEW BUSINESS

12. Consider rescinding previous City Council action that directed staff to proceed with an appraiser shared with Stanislaus County for the Waste to Energy Plant appraisal, and consider directing staff to hire the City's own independent appraiser. Request of Councilmember Serpa.

ACTION: By motion (Serpa/Sabatino; Fisher, Friedman, Frohman & Smith, no). Motion to rescind previous Council action failed.

13. Consider amending the Municipal Code to provide for changes of department and functions from Operations and Maintenance to Recreation and Neighborhoods; add landscaped public area and/or right of way to the definition of "Park;" allow Director of Recreation and Neighborhoods to assign management of function to Department staff; allow Director's authority to control the distribution of goods in parks; provide clear direction of where bicycles can be ridden in parks; and to allow for smoke free areas in parks playgrounds/tot lots, and around swimming and wading pools.

ACTION: By motion (Friedman/Conrad, majority; Frohman, no), referred item to amend the Municipal Code to provide for changes of department and functions from Operations and Maintenance to Recreation and Neighborhoods; add landscaped public area and/or right of way to the definition of "Park;" allow Director of Recreation and Neighborhoods to assign management of function to Department staff; allow Director's authority to control the distribution of goods in parks; provide clear direction of where bicycles can be ridden in parks; and to allow for smoke free areas in parks playgrounds/tot lots, and around swimming and wading pools, to the Human Services Committee.

ADDENDUM

14. Discussion of Forward Modesto. Request of Vice Mayor Friedman, Councilmember Fisher, and Councilmember Smith.

ACTION: By motion (Smith/Fisher, majority; Conrad & Sabatino, no) approved deferring action until Council receives information from staff.

ORAL COMMUNICATIONS

- Councilmember Serpa requested Transportation Committee to consider street standard and commented regarding the \$3.3 million transfer from the Geer Road Landfill enterprise account. He requested the Geer Road Landfill be placed on a future agenda.

- Councilmember Frohman announced Countywide FOOD Initiative petition is being circulated. He commented regarding input he's received on the Performing Arts Center and possible financing.
- Councilmember Conrad requested committee system and staff receiving direction from a majority of the Council be referred to the Economic Development, Community and Intergovernmental Relations Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting was adjourned to Closed Session at 8:05 p.m.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Council Conference Room to consider the following:

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Acting City Manager
Peter Cowles, Operations & Maintenance Director

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Director

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Director

Employee Organization: Modesto Police Officers Association

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiator: Paul Baxter, Acting City Manager
Robin Renwick, Director

Employee Organization: Modesto Fire Fighters Association

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

Property: Option or purchase of real property located north of Sylvan Avenue between Roselle Avenue and Litt Road in the City of Modesto for the Village I Community Park – Grogan Park.

Approximately 46 acres

APN: 52-18-36 (portion)

Ozetta Watson, Owner

Negotiating Parties: Paul Baxter, Acting City Manager
Bill Harper, Property Agent for the City of Modesto

Under Negotiation: Price and terms of payment for portion of parcel to be acquired.

The City Attorney returned at 10:00 p.m. and reported no action had been taken.

MINUTES, City Council Meeting, Tuesday, April 11, 2000 at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8

ACTION: (Fisher/Conrad, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a Proclamation to Dick Goodwill and Leona Korock proclaiming April 23 – 29, 2000 “Youth Temperance Education Week.”

ACTION: Mayor Sabatino presented proclamation.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of April 4, 2000.

ACTION: By motion (Fisher/Conrad, unan.), approved the minutes of the regular City Council meeting of April 4, 2000.

CONSENT

2. Final adoption of Ord. No. 3175-C.S. amending the Modesto Municipal Code relating to City Contracts – Contract Authority.

ACTION: By motion (Fisher/Conrad, unan.), approved final adoption of **Ord. 3175-C.S.** amending the Modesto Municipal Code relating to City Contracts – Contract Authority.

CONSENT

3. Consider rejecting the bids received for the installation of lighted crosswalks.

ACTION: **Res. 2000-161** adopted (Fisher/Conrad, unan.) rejecting the bids received for the installation of lighted crosswalks.

CONSENT

4. Consider amending the Position Classification Plan to amend the classification of Management Analyst.

ACTION: **Res. 2000-162** adopted (Fisher/Conrad, unan.) amending the Position Classification Plan to amend the classification of Management Analyst.

CONSENT

5. Consider approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on May 13, 2000, for their sixth annual Modesto Airport Day.

ACTION: **Res. 2000-163** adopted (Fisher/Conrad, unan.) approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on May 13, 2000, for their sixth annual Modesto Airport Day.

CONSENT

6. Consider approving a ground lease with the Federal Aviation Administration for the air traffic control tower and the Terminal Very High Frequency Omni-Directional Range (TVOR) facility sites at the Modesto City-County Airport.

ACTION: **Res. 2000-164** adopted (Fisher/Conrad, unan.) approving a ground lease with the Federal Aviation Administration for the air traffic control tower and the Terminal Very High Frequency Omni-Directional Range (TVOR) facility sites at the Modesto City-County Airport.

CONSENT

7. Consider accepting resignation of Forrest Heath from Local Cable Programming Committee.

ACTION: **Res. 2000-165** adopted (Fisher/Conrad, unan.) accepting resignation of Forrest Heath from Local Cable Programming Committee.

CONSENT

8. Consider annexation of additional territory (Annexation #1) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)

ACTION: **Res. 2000-166** approved (Fisher/Conrad, unan.) adopting a Resolution of Intention to Annex Territory (Annexation #1) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

HEARINGS

Mayor Sabatino absent due to conflict of interest

9. Hearing to consider an amendment to the Urban Area General Plan to re-designate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to residential uses. (Continued from 10/26/99, 11/16/99, 12/14/99, 1/11/2000, 1/25/2000 and 2/8/2000 Council meetings.)

ACTION: By motion (Fisher/Smith, majority; Frohman, no; Sabatino, absent) approved continuing item 120 days and will be referred to a Council workshop for discussion of problem issues.

NEW BUSINESS

10. Consider approving an agreement with Jones and Stokes Associates, Inc. to update the Master Environmental Impact report for the Modesto General Plan for \$129,285.

ACTION: **Res. 2000-167** adopted (Fisher/Friedman, unan.) approving an agreement with Jones and Stokes Associates, Inc. to update the Master Environmental Impact report for the Modesto General Plan for \$129,285.

11. Discussion of the financial status of the Geer Road Landfill Closure Trust Account and the financial status of the County's Fink Road Landfill Enterprise Fund and its impact on tip fees and garbage ratepayers.

ACTION: No action was taken.

ORAL COMMUNICATIONS

- Steve Burke commented on traffic, specifically on Pelandale.
- Councilmember Frohman acknowledged Paul Baxter's last meeting as Acting City Manager.
- Councilmember Serpa requested City to contact eight cities in the County regarding agricultural land preservation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 11:04 p.m.

CLOSED SESSION

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

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

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

Agency Negotiators: Paul Baxter, Acting City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Fire Fighters Association

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: Aaron Austin, et al., vs. Officer C. Ramirez, et al., in their individual capacities and as police officials of the City of Modesto, and City of Modesto,
United States District Court, Eastern District of California
No. CIV-F-99-5757 REC DLB

The City Attorney returned at 11:35 p.m. to announce no reportable action had been taken.

MINUTES, City Council Meeting, Tuesday, April 18, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeff Kreiser, Living Faith Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, 7, 9-10
Items 6 & 8 removed from Consent

ACTION: (Serpa/Friedman, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Jim Niskanen, Recreation & Neighborhoods Director introduced the new Deputy Director Robert Quintella.

Paul Baxter, Deputy City Manager, introduced the new City Manager, Jack Crist.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of April 11, 2000.

ACTION: By motion (Serpa/Friedman, unan.), approved the minutes of the regular City Council meeting of April 11, 2000.

CONSENT

2. Consider acceptance as complete the contract of Crutchfield Construction Company for the Carver/Standiford lift station replacement project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$290,930)

ACTION: **Res. 2000-168** adopted (Serpa/Friedman, unan.) accepting as complete the contract of Crutchfield Construction Company for the Carver/Standiford lift station replacement project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

3. Consider acceptance as complete the contract of Shoemate Building, Inc. for the Modesto Amtrak Station project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$1,762,345)

ACTION: **Res. 2000-169** adopted (Serpa/Friedman, unan.) accepting as complete the contract of Shoemate Building, Inc. for the Modesto Amtrak Station project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

4. Consider amending the Position Classification Plan to delete the classifications of Building Maintenance supervisor, Fleet Maintenance Supervisor, Parks Maintenance Supervisor, Public Works Supervisor and Trees Maintenance Supervisor, to add the classification of Operations and Maintenance Supervisor and to amend the classification of Administrative Services Officer; consider amending the Class Range Table to establish a salary for the classification of Operations and Maintenance Supervisor and to amend the salary for the class of Police Support Services Supervisor and administrative Services Officer.

ACTION: **Res. 2000-170** adopted (Serpa/Friedman, unan.) amending the Position Classification Plan to delete the classifications of Building Maintenance Supervisor, Fleet Maintenance Supervisor, Parks Maintenance Supervisor, Public Works Supervisor and Trees Maintenance Supervisor, to add the classification of Operations and Maintenance Supervisor and to amend the classification of Administrative Services Officer.

Res. 2000-171 adopted (Serpa/Friedman, unan.) amending the Class Range Table to establish a salary for the classification of Operations and Maintenance Supervisor and to amend the salary for the class of Police Support Services Supervisor and Administrative Services Officer.

CONSENT

5. Consider approving a three-year option agreement with Modesto Executive Air Charter, dba Skytrek Aviation, for a hangar site and the Modesto City-County Airport.

ACTION: **Res. 2000-172** adopted (Serpa/Friedman, unan.) approving a three-year option agreement with Modesto Executive Air Charter, dba Skytrek Aviation, for a hangar site and the Modesto City-County Airport.

Item #6 removed from Consent

6. Consider amending the 1999-2000 budget to appropriate \$25,000 and approving Fiscal Year 2000-2001 increase in ABS target and allocation by \$25,000 to the Youth/Senior/Disabled Financial Assistance Program.

ACTION: **Res. 2000-173** adopted (Serpa/Frohman, unan.) amending the 1999-2000 budget to appropriate \$25,000 to the Youth/Senior/Disabled Financial Assistance Program.

CONSENT

7. Consider adoption of a policy for accepting, displaying and deaccessioning artwork given to the City of Modesto.

ACTION: **Res. 2000-174** adopted (Serpa/Friedman, unan.) approving a policy for accepting, displaying and deaccessioning artwork given to the City of Modesto.

Item #8 removed from Consent

8. Consider approving a Vending Machine License agreement with the Seven-Up Bottling Company to install soda vending machines at seven additional park sites.

ACTION: **Res. 2000-175** adopted (Frohman/Fisher, majority; Serpa & Sabatino, no) approving a Vending Machine License agreement with the Seven-Up Bottling Company to install soda vending machines at seven additional park sites.

CONSENT

9. Consider approving the Amended and Restated Public Agency Retirement System (PARS) Trust Agreement; reaffirming the appointment of the Risk Manager as the Plan Administrator; authorizing the Plan Administrator to execute the adoption of the PARS Trust Agreement; and authorize the Plan Administrator to take whatever additional administrative actions necessary to maintain participation in PARS.

ACTION: **Res. 2000-176** adopted (Serpa/Friedman, unan.) approving the Amended and Restated Public Agency Retirement System (PARS) Trust Agreement; reaffirming the appointment of the Risk Manager as the Plan Administrator; authorizing the Plan Administrator to execute the adoption of the PARS Trust Agreement; and authorize the Plan Administrator to take whatever additional administrative actions necessary to maintain participation in PARS.

CONSENT

10. Consider accepting resignation of Patrick T. Phillips from the Golf Course Committee.

ACTION: **Res. 2000-177** adopted (Serpa/Friedman, unan.) accepting resignation of Patrick T. Phillips from the Golf Course Committee.

NEW BUSINESS

11. Consider approving a contract with the Keller Group for furniture for the New Police Headquarters at 600 Tenth Street for \$283,384.43 and approving a 5% contingency authorization above the contract amount; and consider approving a contract with the Keller Group for furniture for the existing Police Headquarters at 601 Eleventh Street for \$83,901.45 and approving a 5% contingency authorization above the contract amount.

Total estimated cost: \$385,649.88 (contract \$367,285.88; contingencies \$18,364)

ACTION: **Res. 2000-178** adopted (Fisher/Friedman, unan.) approving a contract with the Keller Group for furniture for the New Police Headquarters at 600 Tenth Street for \$283,384.43 and approving a 5% contingency authorization above the contract amount.

Res. 2000-179 adopted (Fisher/Friedman, unan.) approving a contract with the Keller Group for furniture for the existing Police Headquarters at 601 Eleventh Street for \$83,901.45 and approving a 5% contingency authorization above the contract amount.

ADDENDUM

- 11A. Consider pledge of \$50,000 to purchase tickets from America West Airlines to encourage them to service 135 cities at the Stockton Airport. At the request of Councilmember Smith.

ACTION: **Res. 2000-180** adopted (Smith/Frohman, majority; Fisher & Serpa, no) approving pledging \$25,000 (amount was changed from \$50,000 to \$25,000) to America West Airlines and requesting the Airport Committee to renew discussions regarding service to Los Angeles.

ORAL COMMUNICATIONS

- Councilmember Serpa announced he will request status of ATMS system at the next Council meeting.
- Mayor Sabatino announced he would be discussion the performing arts center outside the Chambers and would not discuss the City selling City property due to a conflict of interest.

WRITTEN COMMUNICATIONS

12. Letter from Shawn Lewis, owner of ART ON 10th, regarding a project of local citizens.

ACTION: No action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:05 p.m. to a Closed Session in the Council Conference Room.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Richard Huizar v. City of Modesto
Workers Compensation Appeal Board Case No. STK
144202

CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIMS (Pursuant to subdivision (d) of Section 54956.95 of the Government Code)

Claimant: Lillian Ott

Agency Claimed Against: City of Modesto

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Alvita Baxter v. City of Modesto,
Stanislaus County Superior Court No. 185135

The City Attorney returned at 6:25 p.m. to announce no reportable action had been taken.

MINUTES, City Council Meeting, Tuesday, April 25, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8
Item numbers 3, 4, 6, 7, & 8 removed from Consent

ACTION: (Friedman/Smith, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Sabatino reported on his visit to Modesto's Sister City in Mexico.

Mayor Sabatino requested a presentation from our Sister City in Mexico at the May 2 meeting.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of April 18, 2000.

ACTION: By motion (Friedman/Smith, unan.), approved the minutes of the regular City Council meeting of April 18, 2000.

CONSENT

2. Consider accepting as complete the contract of Kirkwood-Bly, Inc. for the Woodland lift station rehabilitation and authorize the City Clerk to file a Notice of Completion. (Original contract: \$209,761)

ACTION: **Res. 2000-181** adopted (Friedman/Smith, unan.) accepting as complete the contract of Kirkwood-Bly, Inc. for the Woodland lift station rehabilitation and authorize the City Clerk to file a Notice of Completion.

Item #3 removed from Consent

3. Consider accepting as complete the contract of K. J. Woods Construction, Inc. for the North Trunk sewer project, Marsala to Bangs to Carver, and authorize the City Clerk to file a Notice of Completion. (Original contract: \$2,424,000)

ACTION: **Res. 2000-182** adopted (Frohman/Fisher, unan.) accepting as complete the contract of K. J. Woods Construction, Inc. for the North Trunk sewer project, Marsala to Bangs to Carver, and authorize the City Clerk to file a Notice of Completion.

Item #4 removed from Consent

4. Acknowledge receipt of the Quarterly Treasurer's Report – March 31, 2000; and consider adopting a revised policy for Investment of Public Funds.

ACTION: By motion, acknowledged receipt of Quarterly Treasurers Report.
Res. 2000-183 adopted (Frohman/Fisher, unan.) approving revised policy for Investment of Public Funds.

CONSENT

5. Consider approving the proposed Bylaws of the Community Qualities Forum.

ACTION: **Res. 2000-184** adopted (Friedman/Smith, unan.) approving the proposed Bylaws of the Community Qualities Forum.

Item #6 removed from Consent

6. Consider authorizing staff to negotiate the allocation of four lots purchased with Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not-for-profit agency, for the development of new single family homes in the Airport neighborhood and authorizing the City Manager to execute all necessary documents.

ACTION: **Res. 2000-185** adopted (Fisher/Frohman, unan.) authorizing staff to negotiate the allocation of four lots purchased with Community Development Block Grant Funds to Desarrollo-Latino-Americano, a not-for-profit agency, for the development of new single family homes in the Airport neighborhood and authorizing the City Manager to execute all necessary documents.

Item #7 removed from Consent

7. Consider authorizing City staff to continue to provide game-related maintenance activities at John Thurman Baseball Stadium as recommended by the Technical Proposal Review Team.

ACTION: **Res. 2000-186** adopted (Frohman/Fisher, majority; Serpa & Sabatino, no) authorizing City staff to continue to provide game-related maintenance activities at John Thurman Baseball Stadium as recommended by the Technical Proposal Review Team.

Item #8 removed from Consent

8. Consider expanding the membership of Ad Hoc District Elections Committee and providing a charge to the committee.

ACTION: **Res. 2000-187** adopted (Smith/Sabatino, majority; Conrad, Frohman & Sabatino, no) expanding the membership of Ad Hoc District Elections Committee and providing a charge to the committee including appointment of four additional members from the four Councilmembers not on the ad hoc committee. Joel Broumas will not serve on the committee until Modesto Police Management Association negotiations are complete. The City Attorney will attend all committee meetings.

Councilmember Frohman appointed Miguel Donoso. Mayor Sabatino chose not to make an appointment.

Councilmember Conrad requested that District Elections, Term Limits and Change of Election Date be placed on the May 2 Council agenda.

Councilmember Serpa requested a nine-member Council and providing for the election of four member out of the nine to be by district.

HEARINGS

9. Hearing to consider increasing green fees at Dryden and Creekside Golf Courses.

ACTION: **Res. 2000-188** adopted (Fisher/Sabatino, unan.) establishing green fees and rescinding Resolution No. 99-68 including conducting a marketing study and a review done of unlimited play pass, coupons and a senior program.

NEW BUSINESS

10. Consider approving a license agreement with Chris Ricci Presents, Inc. to host a street festival, the Exclamation Fest, in downtown Modesto on Saturday, July 22, 2000.

ACTION: **Res. 2000-189** adopted (Frohman/Smith, unan) approving a license agreement with Chris Ricci Presents, Inc. to host a street festival, the Exclamation Fest, in downtown Modesto on Saturday, July 22, 2000 and authorizing City Manager to execute agreement.

11. Consider amending the budget by adjusting the contingency reserves to reimburse the Building Services Fund for expenses related to Tenth Street Place in the amount of \$200,000.

ACTION: **Res. 2000-190** adopted (Smith/Sabatino, unan.) amending the budget by adjusting the contingency reserves to reimburse the Building Services Fund for expenses related to Tenth Street Place in the amount of \$200,000.

12. Consider establishing telecommunications policies to guide the modifications of existing ordinances and the development of new ordinances for future

development of telecommunications within the City; consider appropriating \$50,000 from the General Reserve; and consider authorizing the City Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, or other consultants as deemed appropriate and assist with cable provider contract negotiations.

ACTION: **Res. 2000-191** adopted (Fisher/Frohman, unan.) establishing telecommunications policies to guide the modifications of existing ordinances and the development of new ordinances for future development of telecommunications within the City.

Res. 2000-192 adopted (Fisher/Frohman, unan.) appropriating \$50,000 from the General Reserve.

Res. 2000-193 adopted (Fisher/Frohman, unan.) authorizing the City Manager to negotiate a service agreement with the Law Firm of McDonough, Holland & Allen, or other consultants as deemed appropriate and assist with cable provider contract negotiations.

ORAL COMMUNICATIONS

- A citizen commented regarding homeless and availability of work.
- Alan Dickson commented regarding contracted work on Carver between Bangs & Snyder being inadequate.
- A citizen commented regarding District Elections.
- Councilmember Serpa requested that the bylaws for the Community Qualities Forum be returned at the May 2 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 10:50 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATORS
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Fire Fighters Association

The City Attorney returned at 11:55 to report no action had been taken.

MINUTES, City Council Meeting, Tuesday, May 2, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 11A

Items 11 and 11A removed from Consent

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a Proclamation to Marnelle White, President of Stanislaus County Commission on Aging, proclaiming the month of May Senior Awareness Month.

ACTION: Proclamation presented by Mayor Sabatino.

Presentation of a Proclamation to Barbara Anderson, Coordinator, West Modesto/King Kennedy Neighborhood Collaborative/Teen Life Challenge, proclaiming the month of May, 2000 National Teen Pregnancy Prevention Month.

ACTION: Proclamation presented by Mayor Sabatino.
Presentation given by Teresa Anderson,

Presentation of the CALED (California Association for Local Economic Development) Grand Prize Award of Excellence for Tenth Street Place.

ACTION: Phil Testa and Linda Boston made the presentation to the Council.

Presentation by Modesto Sister City, Inc. on delegation visit to Aquascaliente, Mexico.

ACTION: Rescheduled to the May 9, 2000 Council meeting.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of April 25, 2000.

ACTION: By motion, (Friedman/Fisher, unan.) approved the minutes of the regular City Council meeting of April 25, 2000.

CONSENT

2. Consider award of contract for the Downey Park and Modesto High School tennis court renovation project to Southwest Recreational Industries, Inc. for \$74,811. Estimated cost: \$84,536.43 (contract \$74,811; contingency & administration \$9,725.43)

ACTION: **Res. 2000-194** adopted (Friedman/Fisher, unan.) awarding of contract for the Downey Park and Modesto High School tennis court renovation project to Southwest Recreational Industries, Inc. for \$74,811.

CONSENT

3. Consider authorizing the City Manager to execute a master agreement for administering State funded transportation projects; consider authorizing the City Manager to execute program supplements for all State funded transportation projects.

ACTION: **Res. 2000-195** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute a master agreement for administering State funded transportation projects.

Res. 2000-196 adopted (Friedman/Fisher, unan.)(authorizing the City Manager to execute program supplements for all State funded transportation projects.

CONSENT

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

ACTION: **Res. 2000-197** adopted (Friedman/Fisher, unan.) ordering the Director of Engineering & Transportation to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 through 6.

CONSENT

5. Consider ordering the Director of Engineering & 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 Subdivision Units 1 and 2.

ACTION: **Res. 2000-198** adopted (Friedman/Fisher, unan.) ordering the Director of Engineering & 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 Subdivision Units 1 and 2.

CONSENT

6. Consider approving an amendment to the agreement with DeLeuw, Cather & Company to expand the scope of engineering services for the 9th Street railroad relocation project.

ACTION: **Res. 2000-199** adopted (Friedman/Fisher, unan.) approving an amendment to the agreement with DeLeuw, Cather & Company to expand the scope of engineering services for the 9th Street railroad relocation project.

CONSENT

7. Consider adopting a resolution proclaiming May 14-20, 2000 as "Bike Commute Week 2000."

ACTION: **Res. 2000-200** adopted (Friedman/Fisher, unan.) proclaiming May 14-20, 2000 as "Bike Commute Week 2000."

CONSENT

8. Consider establishing a formal Airport Oil Recycling Program Policy.

ACTION: **Res. 2000-201** adopted (Friedman/Fisher, unan.) establishing a formal Airport Oil Recycling Program Policy.

CONSENT

9. Consider approval of the final map of Village Highlands 4, Phase 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Inland Village, a California General Partnership by Heritage Homes, LLC, General Partner)

ACTION: **Res. 2000-202** adopted (Friedman/Fisher, unan.) approving the final map of Village Highlands 4, Phase 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider approving the request of the Farmers Market to establish a banner program in and near the downtown area and designate these banners as being installed for direction and/or informational purposes.

ACTION: **Res. 2000-203** adopted (Friedman/Fisher, unan.) approving the request of the Farmers Market to establish a banner program in and near the downtown area and designate these banners as being installed for direction and/or informational purposes.

Item #11 removed from Consent

11. Consider approving the proposed Bylaws of the Community Qualities Forum, at the request of Councilmember Serpa.

ACTION: **Res. 2000-204** adopted (Serpa/Friedman, unan.) approving the proposed Bylaws of the Community Qualities Forum, at the request of Councilmember Serpa.

Item #11A removed from consent

11A. Consider transferring ownership of City-owned property at 308 Ruberto to Y.M.C.A. for \$100.

ACTION: **Res. 2000-205** adopted (Conrad/Sabatino, majority; Serpa, no) approving transfer of property and authorizing City staff to negotiate binding agreements subject to Council approval needed.)

HEARINGS

12. Hearing to consider updating fees for miscellaneous documents and transcripts obtained from the City Clerk's office, including copies of audio and video tapes of City Council meetings.

ACTION: **Res. 2000-206** adopted (Serpa/Friedman, unan.) updating fees for miscellaneous documents and transcripts obtained from the City Clerk's office, including copies of audio and video tapes of City Council meetings.

NEW BUSINESS

13. Consider approving a property tax sharing agreement with Stanislaus County for the proposed North 99/Woodland Reorganization area.

ACTION: **Res. 2000-207** adopted (Friedman/Conrad, majority; Serpa, no.) approving a property tax sharing agreement with Stanislaus County for the proposed North 99/Woodland Reorganization area.

14. Consider authorizing the closing of 10th Street between J Street and K Street to vehicular traffic via the installation of removable bollards.

ACTION: **Res. 2000-208** adopted (Serpa/Smith, unan.) authorizing the closing of 10th Street between J Street and K Street to vehicular traffic via the installation of removable bollards, including the Human Services Committee developing guidelines for the use of the street.

15. Consider amending the budget in the amount of \$96,000 to establish a new CIP account for railroad concrete crossing work by transferring funds from various CIP and operating accounts.

ACTION: **Res. 2000-209** adopted (Frohman/Smith, unan.) amending the budget in the amount of \$96,000 to establish a new CIP account for railroad

concrete crossing work by transferring funds from various CIP and operating accounts.

This item deferred to the end of the meeting

Mayor Sabatino excused due to a conflict of interest..

16. Performing Arts Center Ad Hoc Committee recommendation to consider creation of a Joint Powers Authority with Stanislaus County and the Central Valley Center for the Performing Arts to determine the feasibility of siting and financing a Performing Arts Center in Modesto.

ACTION: By motion, (Frohman/Serpa, unan.; Mayor Sabatino, absent) authorized negotiations to proceed with Performing Arts Center stakeholders to create a Joint Powers Authority for the purpose of evaluating options to site and finance a Performing Arts Center in Modesto

17. At the request of Councilmember Serpa, discussion of a Charter amendment to increase the number of Councilmembers from seven to nine and providing for the election of four of the nine Councilmembers by district.

ACTION: By motion, (Serpa/Fisher, unan.) referred to District Election Ad Hoc Committee.

18. At the request of Councilmember Friedman, consider moving the public hearing on the fluoride issue from May 9 to May 23rd or June 13.

ACTION: By motion (Sabatino/Fisher, unan.) hearing continued to May 30, at 6:30 p.m. with no other agenda items being placed on that agenda.

ORAL COMMUNICATIONS

- Bill Cameron requested stop light at Dallas and Hatch and noted he was in favor of a performing Arts Center.
- Dale Williams reported on Census 2000 status and rate of 73% for mail back information. Mr. Williams thanked Council for the stoplight at Prescott and Chrysler.
- Councilmember Serpa requested the investigation of the situation brought to the Council's attention by Pat Dobbs.
- Councilmember Fisher requested the signal at Dallas and Hatch be reviewed by the Transportation Policy Committee in addition to three-way stop sign at Coldwell and Sycamore.
- Councilmember Conrad gave a status report of items being reviewed by the EDCIGR Committee which included possible changes in Council agendas, Council meeting times, and lighted vote board. He also requested the situation Pat Dobbs brought forward to be discussed in Closed Session.
- Councilmember Frohman noted his concern of continuing complaints regarding lack of notification to the public on projects. He suggested this be reviewed by EDCIGR.
- Bob Shook suggested the development of more e-mail and use that as another method of notifying the public of upcoming meetings and projects.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned to Closed Session at 8:10 p.m.
CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

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

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

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

Agency Negotiators: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Fire Fighters Association

The City Attorney returned at 8:50 p.m. and reported no action had been taken.

MINUTES, City Council Meeting, Tuesday, May 9, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Serpa, Smith, Mayor Sabatino

Absent: Friedman

Pledge of Allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 6
Item #5 removed from Consent

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

Introduction of Youth Commissioners participating in Youth in Government Day by Wendy Byrd, Youth Program Supervisor.

Presentation made by Wendy Byrd.

Presentation by Modesto Sister City, Inc. on delegation visit to Aguascaliente, Mexico.

Richard Navarro made the presentation to the Council. A representative from our Sister City in the Ukraine, Kmelnitsky, also made a presentation.

Presentation by Cecil Russell, Vice President of Merchandising and Marketing, and Loren Marple, Marketing Assistant for Save Mart to present the City Council T-shirts of the Modesto Relays.

Cecil Russell made the presentation to the Council.

Mayor Sabatino made remarks regarding Chambers decorum.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of May 2, 2000.

ACTION: By motion (Frohman/Fisher, unan.; Friedman, absent), approved the minutes of the regular City Council meeting of May 2, 2000.

CONSENT

2. Consider awarding contract for the College Avenue storm drain – MID Lateral No. 4 to Princeton Avenue project to SEMCO for \$353,740.00, and consider approving appropriation transfer. (Total estimated cost: \$417,413.20 (contract \$353,740; other \$63,673).

ACTION: **Res. 2000-210** adopted (Frohman/Fisher, unan.; Friedman, absent) awarding contract for the College Avenue storm drain – MID Lateral No. 4 to Princeton Avenue project to SEMCO for \$353,740.00.

Res. 2000-211 adopted (Frohman/Fisher, unan.; Friedman, absent) approving appropriation transfer for the College Avenue storm drain – MID Lateral No. 4 to Princeton Avenue project.

CONSENT

3. Consider accepting as complete the contract of Conco-West, Inc. for the California Avenue sewer lift station rehabilitation project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$200,770) (Final cost: \$214,533.10. Funds are budgeted.)

ACTION: **Res. 2000-212** adopted (Frohman/Fisher, unan.; Friedman, absent) accepting as complete the contract of Conco-West, Inc. for the California Avenue sewer lift station rehabilitation project and authorize the City Clerk to file the Notice of Completion.

CONSENT

4. Consider accepting as complete the contract of Howk System, Inc. for the Tully Road sewage lift station replacement project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$218,500) (Final cost: \$218,500. Funds are budgeted.)

ACTION: **Res. 2000-213** adopted (Frohman/Fisher, unan.; Friedman, absent) accepting as complete the contract of Howk System, Inc. for the Tully Road sewage lift station replacement project and authorize the City Clerk to file the Notice of Completion.

Item #5 removed from Consent

5. Consider authorizing call for bids for stop sign replacement for Engineering & Transportation – Traffic Engineering Services Division. Suggested bid opening: June 20, 2000, at 11:00 a.m. (Total estimated cost: \$50,000. Funds are budgeted.)

ACTION: **Res. 2000-214** adopted (Fisher/Frohman, unan.; Friedman, absent) authorizing call for bids for stop sign replacement for Engineering & Transportation – Traffic Engineering Services Division with the bid opening held on June 20, 2000, at 11:00 a.m.

CONSENT

6. Consider authorizing call for bids for street name sign replacement for Engineering & Transportation – Traffic Engineering Services Division. Suggested bid opening: June 27, 2000, at 11:00 a.m. (Total estimated cost: \$50,000. Funds are budgeted.)

ACTION: **Res. 2000-215** adopted (Frohman/Fisher, unan.; Friedman, absent) authorizing call for bids for street name sign replacement for Engineering & Transportation – Traffic Engineering Services Division with the bid opening held on June 27, 2000, at 11:00 a.m.

HEARINGS

7. Hearing to consider an amendment to City of Modesto 1999-2000 Annual Action Plan.

Councilmember Fisher excused due to conflict of interest

ACTION: **Res. 2000-216** adopted (Frohman/Conrad, unan.; Fisher & Friedman, absent) approving items 1 and 2 as listed in Exhibit A in the staff report regarding STANCO and the Randazzo project.

Res. 2000-217 adopted (Fisher/Frohman, unan.; Friedman, absent) approving an amendment to City of Modesto 1999-2000 Annual Action Plan excluding Items 1 and 2 in the Exhibit A of the staff report regarding STANCO and Randazzo project.

Item #8 dropped from Agenda

8. Hearing to consider approving the fluoridation of the community's drinking water. **(This item will not be considered at this meeting. The hearing is scheduled for May 30, at 6:30 p.m.)**

NEW BUSINESS

9. Third Quarter Budget Status Report, Fiscal Year 1999-2000.

ACTION: By motion (Fisher/Frohman, unan.), acknowledged receipt of report.

Res. 2000-218 adopted (Fisher/Frohman, unan.; Friedman, absent) amending the Fiscal year 1999-2000 Budget

10. Presentation of Proposed 2000-2001 Operating Budget and Proposed 2000-2001 Capital Improvement Program.

ACTION: **Res. 2000-219** adopted (Smith/Fisher, unan.; Friedman, absent) setting public hearing May 23,2000.

By motion (Smith/Fisher, unan.; Friedman, absent) referred the Proposed Operating Budget and Capital Improvement Program to the Financial Policy Committee.

ORAL COMMUNICATIONS

- Dale Williams commented on the Census count regarding the homeless.
- Councilmember Serpa requested status of building permit system and requested that the Transportation Policy Committee review the possible roundabout on Paradise Road.
- Cheryl Perrien commented on the roundabout on Bowen Avenue and expressed her concerns. This item will be reviewed by Transportation Policy Committee.
- Dave Geer commented on the future availability of the United Pentecostal Church and the possibility of its use for a Performing Arts Center.
- Mayor Sabatino requested the letters from appraisers regarding any potential conflicts for Councilmember Fisher and the Performing Arts Center be submitted to the Fair Political Practices Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

MINUTES, City Council Meeting, Tuesday, May 16, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Rev. David Shackelford, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6, and 9-11
Items 7, 8 and 12 removed from Consent

ACTION: Frohman/Friedman, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Recognition of Zeke Hernandez, Plant Mechanic in the Operations and Maintenance Department, for being named the State's California Water Environment Association Mechanical Technician Person of the Year for 1999.

ACTION: Presentation made by Mayor Sabatino and Robert Howard.

Presentation of a proclamation recognizing the contributions of public works services and facilities to the community's health, safety, comfort and quality of life by proclaiming May 21 – 27, 2000 as "National Public Works Week"

ACTION: Proclamation presented by Mayor Sabatino.

Acknowledgement and commendation of Floyd Sanderson on his service to the City of Modesto as Interim Chief of Police.
(Proclamation commending Floyd Sanderson needed.)

ACTION: Presentation of proclamation presented by Mayor Sabatino.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of May 9, 2000.

ACTION: By motion (Frohman/Friedman, unan.), approved the minutes of the regular City Council meeting of May 9, 2000.

CONSENT

2. Consider authorizing a call for bids for reservation software for the Recreation and Neighborhoods Department. Suggested bid opening: June 20, 2000, at 11:00 a.m.

ACTION: **Res. 2000-221** adopted (Frohman/Friedman, unan.) authorizing a call for bids for reservation software for the Recreation & Neighborhoods Department with bid opening scheduled for June 20, 2000 at 11:00 a.m.

CONSENT

3. Consider authorizing a call for bids for traffic control sign replacement for Engineering and Transportation Department – Traffic Engineering Service Division. Suggested bid opening: June 27, 2000, at 11:00 a.m.

ACTION: **Res. 2000-222** adopted (Frohman/Friedman, unan.) authorizing a call for bid for traffic control sign replacement for Engineering & Transportation Department with bid opening scheduled for June 27, 2000 at 11:00 a.m.

CONSENT

4. Consider accepting as complete the contract of George Reed, Inc. for the Briggsmore Avenue – road construction and drainage improvements project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$1,637,437.55)

ACTION: **Res. 2000-223** adopted (Frohman/Friedman, unan.) accepting as complete the contract of George Reed, Inc. for the Briggsmore Avenue – road construction and drainage improvements project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Consider declaring Valley Color Graphics low bidder and authorizing the purchase of printing of the monthly newsletter for Fiscal Year 2000-2001 for the total price of \$29,694, and consider authorizing the printing of the monthly newsletter for two years, up to and including Fiscal Year 2000-2003, for a total 3-year cost of \$89,670.

ACTION: **Res. 2000-224** adopted (Frohman/Friedman, unan.) declaring Valley Color Graphics low bidder and authorizing the purchase of printing of the monthly newsletter for Fiscal Year 2000-2001 for the total price of \$29,694, and authorizing the printing of the monthly newsletter for two years, up to and including Fiscal Year 2000-2003, for a total 3-year cost of \$89,670.

CONSENT

6. Consider declaring surplus a HP9000 Server and authorizing disposal by sealed bid, public auction, or through the Internet.
(Resolution declaring equipment surplus and authorizing disposal by sealed bid, public auction, or through the Internet needed.)

ACTION: **Res. 2000-225** adopted (Frohman/Friedman, unan.) declaring surplus a HP9000 Server and authorizing disposal by sealed bid, public auction, or through the Internet.

Item #7 removed from Consent

7. Consider authorizing the purchase of the BRASS budget software and implementation services from American Management Systems, Inc. for a total cost of \$226,000.

ACTION: **Res. 2000-226** adopted (Frohman/Friedman, unan.) authorizing the purchase of the BRASS budget software and implementation services from American Management Systems, Inc. for a total cost of \$226,000.

Item #8 removed from Consent

8. Consider authorizing the City Manager to execute an agreement with the Stanislaus County Office of Education for the use of the surface parking lot at 11th and H Streets.

ACTION: **Res. 2000-227** adopted (Serpa/Fisher, unan.) authorizing the City Manager to execute a three-year agreement with the Stanislaus County Office of Education for the use of the surface parking lot at 11th and H Streets.

CONSENT

9. Consider approving agreement with D'Andre, Peterson, Bobus & Bruscano to represent the City in workers' compensation litigation.

ACTION: **Res. 2000-228** adopted (Frohman/Friedman, unan.) approving agreement with D'Andre, Peterson, Bobus & Bruscano to represent the City in workers' compensation litigation.

CONSENT

10. Consider authorizing the submittal of two federal fund applications to the Federal Aviation Administration (FAA) and authorize the City Manager to sign both applications on behalf of the City in the amount of \$270,000 for completing an update to the Airport Master Plan and environmental impact report and a federal fund application in the amount of \$380,000 to complete repaving taxiway A and B, expanding the air carrier and transient apron, and seal coating the general aviation and terminal service road.

ACTION: **Res. 2000-229** adopted (Frohman/Friedman, unan.) authorizing the submittal of two federal fund applications to the Federal Aviation Administration (FAA) and authorize the City Manager to sign both applications on behalf of the City in the amount of \$270,000 for completing an update to the Airport Master Plan and environmental impact report and a federal fund application in the amount of \$380,000 to complete repaving taxiway A and B, expanding the air carrier and transient apron, and seal coating the general aviation and terminal service road.

CONSENT

11. Consider approval of the final map of Nottingham No. 5 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Stewart W. and Betty J. Bradley)

ACTION: **Res. 2000-230** adopted (Frohman/Friedman, unan.) approving the final map of Nottingham No. 5 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #12 removed from Consent

12. Consider authorizing assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto related to the development of P-D(532).

ACTION: **Res. 2000-231** adopted (Smith/Friedman, unan.) authorizing assignment of rights under the Development Agreement between Costa Limited Partners and the City of Modesto related to the development of P-D(532).

HEARINGS

13. Hearing to consider revising the assessment of street tree fees to developers in subdivisions.

ACTION: **Res. 2000-232** adopted (Friedman/Fisher, unan.) revising the assessment of street tree fees to developers in subdivisions.

14. Hearing to consider amending the Modesto Municipal Code to regulate bingo operations and establish application fees, volunteer identification card fees, billable fees for monitoring for compliance, and annual audit of financial records required because of non-compliance with laws, rules and/or regulations.

ACTION: By motion (Friedman/Fisher, majority; Serpa, no), introduced Ord. No. 3176–C.S. amending the Modesto Municipal Code to regulate bingo operations and establish application fees, volunteer identification card

fees, billable fees for monitoring for compliance, and annual audit of financial records required because of non-compliance with laws, rules and/or regulations.

ACTION: **Res. 2000-233** adopted (Friedman/Fisher, majority; Serpa, no) establishing fees and limiting administrative costs to bingo operators to more than one percent of each operations annual gross.

NEW BUSINESS

15. Consider approving the Revised "Visioning Project 2000" (Countywide Visioning Project).

ACTION: **Res. 2000-234** adopted (Frohman/Friedman, majority; Serpa, no) approving the Revised "Visioning Project 2000" (Countywide Visioning Project) with four statements of concern to be included in the resolution.

ORAL COMMUNICATIONS

- Patrick McGrath voiced his concern of interviews being requested from Stanislaus County TaxPayers Association members and him regarding the Pat Dobbs/Pete Kolf incident on April 25, 2000. He requested a list of those interviewed.
- Pat Dobbs commented that she did not give any names to the Police Department.
- John Michael Flint noted the same concern as Mr. McGrath.
- City Manager Crist clarified that he requested the Police Department to establish what the facts were and what happened. Upon completion, the issue will be reviewed in public.
- David Geer noted his attendance at the April 25 Council meeting.
- Dale Williams requested that audience members be given an opportunity to comment on agenda items prior to a vote taken.
- Mr. Williams commented on items the District Election Ad Hoc committee was considering.
- Responses were made to Mr. Williams from the City Attorney and Councilmembers.
- Pat Dobbs commented regarding Mr. Flint's statement.
- Bob Shook noted his concern of lack of citizen notification of City meetings.
- Mayor Sabatino requested the Police report regarding the Pat Dobbs/Pete Kolf incident be completed as soon as possible and turned over to the Grand Jury.
- Councilmember Fisher commented regarding the Police investigation for the Pat Dobbs/Pete Kolf issue.
- Patrick McGrath commented on Councilmember Fisher's comments.
- Councilmember Serpa requested the report be thorough and expeditious.
- Councilmember Smith commented on the State budget surplus and noted cities would receive \$250 million according to the Governor's plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:23 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Conference Room to consider the following:

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

Agency Representatives: Paul Baxter, Deputy City Manager
Robin Renwick, Personnel Director

Unrepresented Employees: All employees classified as "Management and Confidential"

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

The City Attorney returned at 7:55 p.m. and reported by a 6-0 vote (Councilmember Serpa absent) the Council accepted a proposal by Brendan Theaters to settle the litigation referred to in the closed session notice. Under the settlement agreement, the Plaintiff will file a dismissal and the City and Brendan mutually release each other. A copy of the settlement agreement will be provided to anyone requesting it.

MINUTES, City Council Meeting, Tuesday, May 23, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Mayor Sabatino opened the meeting in honor of Donna Macedo, a 24-year employee of the City of Modesto who passed away Saturday, May 20, 2000.

Invocation: Pastor Archie Levias, Seed of Joy Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, & 8-14
Items 6, 7, & 15 removed from Consent

ACTION: Friedman/Fisher, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a proclamation proclaiming June 12 – 18, 2000 as United States Army Week.

ACTION: Mayor Sabatino read proclamation.

Presentation of awards honoring Outstanding Youth for 1999.

ACTION: Presentations given by Wendy Byrd and Mayor Sabatino.

Jack Crist introduced Don Burnett, Interim Police Chief.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of May 16, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of May 16, 2000.

CONSENT

2. Consider rejecting bids for the project titled “Primary Clarifier No. 1 & 2 Renewal”.

ACTION: **Res. 2000-235** adopted (Friedman/Fisher, unan.) rejecting bids for the project titled “Primary Clarifier No. 1 & 2 Renewal”.

CONSENT

3. Consider amending the Capital Improvement Program to estimate \$40,466 in revenue and appropriate \$40,466 to Capital Project, McHenry Museum Stairs.

ACTION: **Res. 2000-236** adopted (Friedman/Fisher, unan.) amending the Capital Improvement Program to estimate \$40,466 in revenue and appropriate \$40,466 to Capital Project, McHenry Museum Stairs.

CONSENT

4. Consider authorizing the City Manager to execute a \$53,959 funding request for beverage container and litter reduction funds from the California Department of Conservation, Division of Recycling. Funds will be used to provide recycling containers at schools and parks, hire a 1,000-hour employee to collect recyclables, and to develop/distribute educational and promotional materials.

ACTION: **Res. 2000-237** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute a \$53,959 funding request for beverage container and litter reduction funds from the California Department of Conservation, Division of Recycling to be used to provide recycling containers at schools and parks, hire a 1,000-hour employee to collect recyclables, and to develop/distribute educational and promotional materials.

CONSENT

5. Consider accepting resignation of Lee DeLaMare from the Landmark Preservation Commission.

ACTION: **Res. 2000-238** adopted (Friedman/Fisher, unan.) accepting with regret the resignation of Lee DeLaMare from the Landmark Preservation Commission.

Item #6 removed from Consent

6. Consider amending the 1999-00 Capital Improvement Program to add grant-funded projects. Funds received from Congestion Management and Air Quality (CMAQ) in the amount of \$2,263.406.

ACTION: **Res. 2000-239** adopted (Frohman/Fisher, unan.) amending the 1999-00 Capital Improvement Program to add grant-funded projects to use funds received from Congestion Management and Air Quality (CMAQ) in the amount of \$2,263.406.

Item #7 removed from Consent

7. Consider authorizing the City Manager to execute a Storm Water License Agreement with Modesto Irrigation District to allow discharge of storm water from the Kiernan Business Park Drainage Basin to the Modesto Irrigation District lateral.

ACTION: **Res. 2000-240** adopted (Smith/Fisher, unan.) authorizing the City Manager to execute a Storm Water License Agreement with Modesto Irrigation District to allow discharge of storm water from the Kiernan Business Park Drainage Basin to the Modesto Irrigation District lateral.

CONSENT

8. Consider designating Desarrollo Latino-Americano Inc. (DLA) as a Community Based Development Organization (CBDO).

ACTION: **Res. 2000-241** adopted (Friedman/Fisher, unan.) designating Desarrollo Latino-Americano Inc. (DLA) as a Community Based Development Organization (CBDO).

CONSENT

9. Consider authorizing the City Manager to execute an agreement for a grant in the amount of \$90,000 with Desarrollo Latino-Americano for the Workforce Development Program. CDBG funding was allocated from the economic loan activity and approved by Council at the May 9, 2000 meeting.

ACTION: **Res. 2000-242** adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute an agreement for a grant in the amount of \$90,000 with Desarrollo Latino-Americano for the Workforce Development Program. CDBG funding was allocated from the economic loan activity and approved by Council at the May 9, 2000 meeting.

CONSENT

10. Consider amending the Capital Improvement Program to estimate \$7,000 in revenue received from AT&T Wireless as a development mitigation fee for relocation of antennas and to appropriate \$7,000 to the Park Fund's Miscellaneous Improvements Project to be used for purchase of items such as benches, play equipment and other amenities.

ACTION: **Res. 2000-243** adopted (Friedman/Fisher, unan.) amending the Capital Improvement Program to estimate \$7,000 in revenue received from AT&T Wireless as a development mitigation fee for relocation of antennas and to appropriate \$7,000 to the Park Fund's Miscellaneous Improvements Project to be used for purchase of items such as benches, play equipment and other amenities.

CONSENT

11. Consider adopting a policy to provide guidelines and procedures to be used when considering a site for designation of Mills Act contract.

ACTION: **Res. 2000-244** adopted (Friedman/Fisher, unan.) adopting a policy to provide guidelines and procedures to be used when considering a site for designation of Mills Act contract.

CONSENT

12. Consider introduction of an ordinance amending the Modesto Municipal Code to 1) repeal Chapter 4, of Title 7, relating to use of park and recreation areas and facilities, and add said chapter to Title 12 of the Modesto Municipal Code, 2) change the name of Title 12 from Community Services and Neighborhood Connections to Recreation and Neighborhoods, and 3) amend Article 2, Use of Park and Recreation Areas and Facilities 12-4.201 Definitions, and 12-4.202, General Regulations Governing Use of Parks to add landscaped public area and/or right-of-way to the definition of "Park"; allow Recreation and Neighborhoods Director to assign management of function to Department staff; allow for smoke free areas in children's play areas (playgrounds/tot lots, wading pools, skate parks).

ACTION: By motion (Friedman/Fisher, unan.), introduced **Ord. No. 3177-C.S.** amending the Modesto Municipal Code.

CONSENT

13. Consider accepting the improvements for Nottingham No. 4 subdivision and authorize the City Clerk to File Notice of Completion and to release securities upon expiration of statutory periods (Owners: Stewart W. and Betty J. Bradley).

ACTION: **Res. 2000-245** adopted (Friedman/Fisher, unan.) accepting the improvements for Nottingham No. 4 subdivision and authorize the City Clerk to File Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

14. Consider authorizing a call for bids for construction materials testing services to be opened on June 6, 2000 at 11 a.m.

ACTION: **Res. 2000-246** adopted (Friedman/Fisher, unan.) authorizing a call for bids for construction materials testing services to be opened on June 6, 2000 at 11 a.m.

Item #15 removed from Consent

15. Consider waiving formal bid procedures by five (5) affirmative votes and authorize the purchase of five (5) Lighted Crosswalk-Emitting Systems from Jam Service Inc. for a total amount of \$89,214.

ACTION: Res. 2000-247 adopted (Smith/Friedman, unan.) waiving formal bid procedures by five (5) affirmative votes and authorize the purchase of five (5) Lighted Crosswalk-Emitting Systems from Jam Service Inc. for a total amount of \$89,214.

UNFINISHED BUSINESS

Item 16 removed from Agenda

16. Consider placing the citizen-proposed charter amendment entitled "Election Reform Act of 2000" on the November 2000 ballot, at the request of Councilmember Conrad.

ACTION: Councilmember Conrad requested this item be continued to a future meeting.

Item #17 removed from Agenda

17. Consider placing the citizen-proposed charter amendment entitled "Term Limits Act of 2000" on the November 2000 ballot, at the request of Councilmember Conrad.

ACTION: Councilmember Conrad requested this item be continued to a future meeting.

HEARINGS

18. Hearing to consider the appeal of Francis R. Ruggieri, on behalf of Dennis Slewoo, who operates the Chevron USA Service Station and convenience store at 3300 McHenry Avenue. This appeal is being heard due to the hearing Examiner's denial of an application for an off-sale alcoholic beverage license continued from the March 7, 2000 meeting.

ACTION: By motion (Friedman/Frohman, majority; Conrad & Sabatino, no) item continued for 30 days. The Chevron station owner and the Sherwood Homeowners Association will continue their meetings to attempt to reach a compromise.

19. Hearing to consider Citizens Housing and Community Development Committee recommendation for funding allocations and adoption of FY 00-01 Annual Action Plan.

ACTION: This item continued to June 27, 2000 Council meeting.

20. Hearing to consider a request for an exemption of Capital Facilities Fees (CFF) for 20 very-low income or low-income fully accessible housing units being constructed by Accessible Space Inc. near the intersection of Snyder Avenue and Dale Road.

ACTION: **Res. 2000-248** adopted (Friedman/Fisher, unan.) approving a request for an exemption of Capital Facilities Fees (CFF) for 20 very-low income or low-income fully accessible housing units being constructed by Accessible Space Inc. near the intersection of Snyder Avenue and Dale Road.

21. Hearing to consider annexation of additional territory to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 and calling election (Annexation #1).

ACTION: **Res. 2000-249** adopted (Friedman/Fisher, unan.) approving annexation of additional territory to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 and calling election (Annexation #1).

22. Hearing to consider the proposed Operating Budget for Fiscal Year 2000-01 and Proposed 2001 through 2010 Capital Improvement Program Budget for the City of Modesto.

ACTION: No action required.

NEW BUSINESS

23. Consider approving a multi-year Memorandum of Understanding between the City and the Modesto Police Management Association.

ACTION: **Res. 2000-250** adopted (Friedman/Frohman, unan.) approving a multi-year Memorandum of Understanding between the City and the Modesto Police Management Association.

Res. 2000-251 adopted (Friedman/Frohman, unan.) amending the City's payment of the Employee Retirement Contributions.

24. Consider approving an amendment to the Memorandum of Understanding between the City and the Modesto Police Officer Association.
(Resolution approving multi-year MOU between City and MPOA needed.)

ACTION: **Res. 2000-252** adopted (Frohman/Fisher, unan.) approving an amendment to the Memorandum of Understanding between the City and the Modesto Police Officer Association.

Res. 2000-253 adopted (Friedman/Frohman, unan.) amending the City's payment of the Employee Retirement Contributions.

ORAL COMMUNICATIONS

- Daniel Hopkins noted that the doors to the building were locked when he tried to enter coming to the Council meeting. He commented on Church of the Nazarene Convention held in Modesto and the non-profit rate for hotel accommodations and Convention & Visitors Bureau services they received. He complimented the CVB and Centre Plaza staff for assisting with their event.
- Jim Reed noted his concern of private companies, specifically FM Golf, advertising on the City's Web site. City Manager Crist assured Mr. Reed that he would receive answers to all of his questions.
- Councilmember Serpa noted the special meeting regarding fluoride scheduled for May 30, 2000 at 6:30 p.m.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 10:22 p.m.

MINUTES, Special City Council Meeting, Tuesday, May 30, 2000, at 6:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag
Invocation – Councilmember Bill Conrad

HEARING

Hearing to consider approving the fluoridation of the Community's drinking water.

ACTION: **Res. 2000-254** adopted (Friedman/Smith, majority; Conrad, Frohman & Sabatino, no) approving the fluoridation of the Community's drinking water.

ORAL COMMUNICATIONS

Steve Burke referred to the letter addressed to the Council from his attorneys regarding fluoride.

ADJOURNMENT

The meeting adjourned at 1:25 a.m.

MINUTES, Tuesday, June 6, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 3 – 12, 14, 16 – 26
Items 2a, 13, 19 removed from Consent
Item 16 removed from agenda

ACTION: Friedman/Smith unan.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 15

ACTION: Friedman/Fisher, unan.; Smith, absent

ACKNOWLEDGEMENTS AND PRESENTATIONS

Recognition of Police Officers involved in shootings and support personnel
involved in saving their lives.

ACTION: Mayor Sabatino made presentations to Police officers.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of May 23, 2000.

ACTION: By motion, (Friedman/Smith, unan.) approved the minutes of the regular
City Council meeting of May 23, 2000, to include that a citizen requested
Items 16 and 17 be removed from agenda.

CONSENT

2. Final adoption of:

2a. removed from Consent

a. Ord. No. 3176-C.S. amending the Municipal Code relating to Bingo Games.

ACTION: By motion, (Friedman/Fisher, majority; Serpa, no) approved final adoption.

- b. Ord. No. 3177-C.S. amending the Municipal Code relating to use of Park and Recreation areas and facilities and changing the name from “Community Services and Neighborhood Connections Department” to “Recreation and Neighborhoods Department.”

ACTION: By motion, (Friedman/Smith, unan.) approved final adoption.

CONSENT

3. Consider awarding contract for cape sealing and restriping bus yard to California ISS, Inc. for \$40,594.45; consider amending the budget to fully fund the project. (Total estimated cost: \$45,871.73 (contract \$40,594.45; contingency and construction administration \$5,277.28).)

ACTION: **Res. 2000-255** adopted (Friedman/Smith, unan.) awarding contract for cape sealing and restriping bus yard to California ISS, Inc. for \$40,594.45.

Res. 2000-256 adopted (Friedman/Smith, unan.) amending the budget to fully fund cape sealing restriping bus yard project.

CONSENT

4. Consider accepting the contract of Mauldin-Dorfmeier Construction, Inc. as complete for the Coffee Road and Claratina Avenue sanitary sewer subtrunk and sewer lift station – North Beyer Park Neighborhood project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$794,082) Final cost: \$868,776.43. Funds are budgeted.

ACTION: **Res. 2000-257** adopted (Friedman/Smith, unan.) accepting the contract of Mauldin-Dorfmeier Construction, Inc. as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

5. Consider accepting the contract of Mauldin-Dorfmeier Construction, Inc. as complete for the parallel outfall sewer project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$3,667,505) (Final cost: \$3,975,361.23. Funds are budgeted.)

ACTION: **Res. 2000-258** adopted (Friedman/Smith, unan.) accepting the contract of Mauldin-Dorfmeier Construction, Inc. as complete and authorizing the City Clerk to file a Notice of Completion

CONSENT

6. Consider accepting the contract of Mazingo Construction Company as complete for the River Road waterline project and authorize the City Clerk to file a Notice of

Completion. (Original contract: \$332,146) (Final cost: \$349,130. Funds are budgeted.)

ACTION: **Res. 2000-259** adopted (Friedman/Smith, unan.) accepting the contract of Mozingo Construction Company as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

7. Consider accepting the contract of Fagundes and Son, Inc. as complete for the 1999 storm drain repairs project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$184,000) (Final cost: \$184,551.10. Funds are budgeted.)

ACTION: **Res. 2000-260** adopted (Friedman/Smith, unan.) accepting the contract of Fagundes and Son, Inc. as complete authorizing the City Clerk to file a Notice of Completion.

CONSENT

8. Consider accepting the contract of Interstate Construction, Inc. as complete for the construction of Modesto/Ceres urbanized area – system flow and surveillance – signalization project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$1,024,220) (Final cost: \$1,020,748.13) Funds are budgeted.)

ACTION: **Res. 2000-261** adopted (Friedman/Smith, unan.) accepting the contract of Interstate Construction, Inc. as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

9. Consider accepting the contract of Surebuilt, Inc. as complete for the Dryden golf cart shed project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$135,553) (Final cost: \$137,801.32 Funds are budgeted.)

ACTION: **Res. 2000-262** adopted (Friedman/Smith, unan.) accepting the contract of Surebuilt, Inc. as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

10. Consider accepting the contract of Ross F. Carroll, Inc. as complete for the rockwell replacement/addition project (1999/2000) and authorize the City Clerk to file a Notice of Completion. (Original contract: \$436,399) (Final cost: \$534,152 Funds are budgeted.)

ACTION: Res. 2000-263 adopted (Friedman/Smith, unan.) accepting the contract of Ross F. Carroll, Inc. as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

11. Consider waiving formal bid procedures and authorize the purchase of Fairbanks Morse Vertical Turbine Solids Handling (VTSH) pumps and related hardware from JM Squared for the Operations and Maintenance Department-Water Quality Division for discharging primary wastewater to the Secondary Treatment Facility for a total amount of \$349,917.95.

ACTION: Res. 2000-264 adopted (Friedman/Smith, unan.) waiving formal bid procedures and authorizing the purchase.

CONSENT

12. Consider approving an agreement with Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, and provide crisis debriefing. (Total estimated cost: \$38,445. Funds are budgeted.)

ACTION: Res. 2000-265 adopted (Friedman/Smith, unan.) approving agreement.

Removed from Consent

13. Consider commending the Modesto Police Reserves for their contributions to the City of Modesto's welfare and safety; consider commending the Modesto Police Department Explorers for their contributions of service to the citizens of the City of Modesto; and consider commending the Modesto Police Department citizen volunteers for contributions of service to the citizens of the City of Modesto.

Councilmember Serpa requested that the three resolutions be read into the record and the resolutions were not available.

ACTION: By motion, (Serpa/Frohman, unan.) item continued to June 13, 2000 City Council meeting.

CONSENT

14. Consider approving a soda vending machine license agreement with the Sacramento Coca-Cola Bottling Company, Inc. dba Modesto Coca-Cola Bottling Company to install coin-operated soda vending machines in various City parks.

ACTION: Res. 2000-266 adopted (Friedman/Smith, unan.) approving a soda vending machine license agreement.

CONSENT – Councilmember Smith excused due to a conflict of interest.

15. Consider approving agreement with Ray Wade Christiansen and John Robert Christiansen for the acquisition of their property located at 700 Franklin Street for the Kansas/Needham overcrossing project; consider approving two agreements with American Medical Response-West for relocation costs and to reimburse them for the payment of rent at two locations and conveyance of their rights to their lease for the property and conveyance of goodwill and payment for the tenant-owned improvements; and consider authorizing the City Manager to sign acceptance forms for the deeds involved in the acquisition. (Total estimated cost: \$307,900 (contract \$302,900; estimated escrow \$5,000) Funds are budgeted.)

ACTION: **Res. 2000-267** adopted (Friedman/Fisher,unan.; Smith, absent) approving agreement with Ray Wade Christiansen and John Robert Christiansen for the acquisition of their property.

Res. 2000-268 adopted (Friedman/Fisher,unan.; Smith, absent) approving two agreements with American Medical Response-West for relocation costs and to reimburse them for the payment of rent at two locations and conveyance of their rights to their lease for the property and conveyance of goodwill and payment for the tenant-owned improvements.

Res. 2000-269 adopted (Friedman/Fisher,unan.; Smith, absent) authorizing the City Manager to sign acceptance forms for the deeds involved in the acquisition.

Removed from agenda.

16. Consider introducing an ordinance amending the Modesto Municipal Code regarding property owner's responsibility for maintaining the house sewer lateral.

CONSENT

17. Consider approving an amendment to the treatment and delivery agreement with Modesto Irrigation District to eliminate references to the Del Este Water Company and to simplify annual payments to MID.
(Resolution approving amendment to agreement needed.)

ACTION: **Res. 2000-270** adopted (Friedman/Smith, unan.) approving an amendment to the treatment and delivery agreement with Modesto Irrigation District.

CONSENT

18. Consider approving agreement with Ball Janik for federal legislative services.
(Total estimated cost: \$33,000. Funds are budgeted.)

ACTION: Res. 2000-271 adopted (Friedman/Smith, unan.) approving agreement.

Removed from consent.

19. Consider salary and benefit changes for unrepresented Management and Confidential employees and changes to the City Council Expense Allowance Policy. (Total estimated cost: General Fund \$322,560; other funds \$180,160)

ACTION: Res. 2000-272 adopted (Frohman/Friedman, unan.) amending the Salary Schedule and authorizing benefit changes for Fiscal Year 2000-2001.

Res. 2000-273 adopted (Frohman/Friedman, unan.) amending the City's payment of the Employees' Retirement contributions.

Res. 2000-273A adopted (Frohman/Fisher) denying the City Council Expense Policy revision.

Councilmember Conrad requested Council's current staff assistance and method of handling complaints to be referred to EDCIGR, and Council compensation and salary survey referred to FPC for review.

CONSENT

20. Consider establishing a money purchase plan for the City Manager to be administered by the ICMA Retirement Corporation and authorize the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements.

ACTION: Res. 2000-274 adopted (Friedman/Smith, unan.) establishing a money purchase plan for the City Manager to be administered by the ICMA Retirement Corporation and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements.

CONSENT

21. Consider approving the City Engineer's Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6; and consider adoption a Resolution of Intention setting a public hearing July 11, 2000 at 7:00 p.m. on the levy of the proposed assessment.

ACTION: By motion, (Friedman/Smith, unan.) approved the City Engineer's Report.

Res. 2000-275 adopted (Friedman/Smith, unan.) approving a Resolution of Intention setting a public hearing July 11, 2000 at 7:00 p.m.

CONSENT

22. Consider approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivisions Units 1 and 2; and consider adoption a Resolution of Intention setting a public hearing July 25, 2000 at 7:00 p.m. on the levy of the proposed assessment.

ACTION: By motion, (Friedman/Smith, unan.) approved the City Engineer's Report.

Res. 2000-276 (Friedman/Smith, unan.) adopted approving a Resolution of Intention setting a public hearing July 25, 2000 at 7:00 p.m.

CONSENT

23. Letter of resignation from the Anti-Graffiti Task Force from Bill Seavy.

ACTION: Res. 2000-277 adopted (Friedman/Smith, unan.) accepting the resignation from the Anti-Graffiti Task Force from Bill Seavy.

CONSENT

24. Consider accepting the report submitted by the City Manager concerning the Grand Jury findings in Grand Jury Case No. 00-21-GL, Unsafe for Pedestrians to Cross Tully Road between Coldwell and Stoddard Avenues.
(Motion accepting City Manager's report needed.)

ACTION: By motion, (Friedman/Smith, unan.) accepted the report submitted by the City Manager.

CONSENT

25. Consider approving a Resolution Canvassing the Election for the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2, and Ordering Annexation of Territory to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 (Annexation #1)

ACTION: Res. 2000-278 adopted (Friedman/Smith, unan.) approving a Resolution Canvassing the Election for the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2, and Ordering Annexation of Territory to the Carver-Bangs/Pelandale-Snyder Community Facilities District No. 1998-2 (Annexation #1).

CONSENT

26. Consider accepting the improvements in Bella Tuscany Units 1 and 2 Subdivisions and authorize City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods. (Owner: Rodney K. Lowe, Inc.)

ACTION: **Res. 2000-279** adopted (Friedman/Smith, unan.) accepting the improvements in Bella Tuscany Unit 1 Subdivision and authorize City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods.

Res. 2000-280 adopted (Friedman/Smith, unan.) accepting the improvements in Bella Tuscany Unit 2 Subdivision and authorize City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods.

HEARINGS

27. Hearing to consider an amendment to Section 7-3-9 of the Zoning Map to rezone from Medium-High Residential Zone, R-3, to Planned Development Zone, as an addition to P-D(527) for expansion of a mini-warehouse storage facility, property located on the west side of Tully Road south of West Union Avenue. (Lance Ellis)

ACTION: **By motion**, (Conrad/Frohman, unan.) introduced Ord. No. 3178–C.S. amending Section 7-3-9 of the Zoning Map to rezone from Medium-High Residential Zone, R-3, to P-D(527).

Res. 2000-281 adopted (Conrad/Frohman, unan.) approving development plan.

Res. 2000-282 adopted (Conrad/Frohman, unan.) approving required findings based on Initial Study.

28. Hearing to consider extending the franchise of Cable One to construct, operate and maintain a cable communication system within the City of Modesto.

ACTION: **By motion**, (Fisher/Friedman, unan.) introduced No. Ord.3179–C.S. extending the franchise of Cable One.

ACTION: **Res. 2000-283** adopted (Fisher/Friedman, unan.) scheduling public workshop regarding cable on July 19, 2000, at 6:00 p.m.

29. Joint hearing with the Redevelopment Agency to consider and act upon the sale and development of certain real property pursuant to a proposed Disposition and Development Agreement between the Agency and Westland Development Company.

ACTION: **By motion**, (Frohman/Friedman, unan.) hearing continued to July 5, 2000, at 4:00 p.m.

NEW BUSINESS

Councilmembers Fisher and Smith excused due to a conflict of interest.

29A. Consider approving an agreement with Noble 95 Trust for the acquisition of its property located at 1601 Ninth Street for the Kansas/Needham overcrossing project; consider approving two agreements with Choice Electric, Inc. dba Choice Light Supply for relocation costs and conveyance of their rights to their lease for the property and for the conveyance of good will and to rent property from the City after close of escrow and to cover the acquisition of the tenant-owned improvements; consider approving two agreements with Tom Strohmeyer dba Valley Jeep Rebuilders for relocation costs and conveyance of rights to their lease for the property and conveyance of good will and to rent property from the City after the close of escrow; and consider authorizing the City Manager to sign acceptance forms for the deeds involved in this acquisition. (Total estimated cost: \$635,000 (contract \$625,000; estimated escrow \$10,000) Funds are budgeted.)

ACTION: **Res. 2000-284** adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) approving agreement with Noble 95 Trust for the acquisition of property at 1601 Ninth Street.

Res. 2000-285 adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) approving agreement with Choice Electric, Inc. for relocation costs and conveyance of rights to lease and for conveyance of good will and to rent property from the City.

Res. 2000-286 adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) approving agreement with Choice Electric, Inc. for acquisition of tenant-seller's interest in real property.

Res. 2000-287 adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) approving agreement with Tom Strohmeyer for relocation costs and conveyance of rights to lease and for conveyance of good will and to rent property from the City.

Res. 2000-288 adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) approving agreement with Tom Strohmeyer for acquisition of tenant-seller's interest in real property.

Res. 2000-289 adopted (Friedman/Conrad, unan.; Fisher, Smith, absent) authorizing City Manager to sign acceptance forms for deeds.

WRITTEN COMMUNICATIONS

30. Letter from Fred Ballard regarding hazardous conditions which exist on Coralwood Road at both the intersections of Dragoo Park Drive and the main entrance to Coralwood Home Community at Towery Avenue and the installation of "All-Way" Stop Signs.

ACTION: By order of the chair, referred to the Transportation Policy Committee.

ORAL COMMUNICATIONS

Dale Williams reported the census response rate was raised by 8%.

Frank Cousineau thanked the Council for their thorough consideration of the fluoride issue, but will pursue any legal and ethical option available.

Councilmember Frohman responded to Mr. Cousineau and clarified his statement of the May 30, 2000 City Council meeting. He also listed alternatives to fluoride delivery other than in the city's water supply.

Dale Williams noted the ABCD Workshop he attended and the speaker, Henry Moore. He noted his attendance at the open house for the dedication of Juvenile Hall. He expressed his concern of a delay in a 911 response call he made.

Councilmember Serpa responded to Dale Williams.

Dale Williams also announced the citizen soldier training he will be attending.

Danny Gottlieb expressed his concern of fluoridating the City's water.

Pat Dobbs suggested to rebroadcast the Council meetings. It was confirmed that the meetings are rebroadcast on Sundays.

Dale Williams acknowledged two National Guard Units.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned to Closed Session at 6:15 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room 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.

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code)

Agency negotiators: Jack R. Crist, City Manager
Peter Cowles, Operations & Maintenance

Director

Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association

The City Attorney returned at 6:35 p.m. to report no action had been taken.

MINUTES, Tuesday, June 13, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6, 8 & 11

Items 5, 7, 9 & 10 removed from Consent

ACTION: Friedman/Frohman, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- A. Consider commending the Modesto Police Reserves for their contributions to the city of Modesto's welfare and safety; consider commending the Modesto Police Department Explorer's for their contributions of service to the citizens of Modesto; and consider commending the Modesto Police Department citizen volunteers for contributions of service to the citizens of the City of Modesto. (Continued from June 6, 2000 City Council meeting.)

ACTION: **Res. 2000-290** adopted (Frohman/Friedman, unan.) commending the Modesto Police Reserves for their contributions to the City of Modesto's welfare and safety.
Res. 2000-291 adopted (Frohman/Friedman, unan.) commending the Modesto Police Department Explorer's for their contributions of service to the citizens of Modesto.

Res. 2000-292 adopted (Frohman/Friedman, unan.) commending the Modesto Police Department citizen volunteers for contributions of service to the citizens of the City of Modesto.

- B. Presentation of the Key to the City of Aguascalientes, Mexico to Mayor Sabatino by Richard Navarro of the Sister Cities Committee.

- Richard Navarro made the presentation to Council.

- C. Presentation of Tee Shirts from George Gardner and Jerry Richichi, Mo-Band conductor.

- Presentation of tee shirts made by George Gardner and Jerry Richichi

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special City Council meeting of May 30, 2000, and regular City Council meeting of June 6, 2000.

ACTION: **By motion** (Friedman/Frohman, unan.), approved the minutes of the special City Council meeting of May 30, 2000, and regular City Council meeting of June 6, 2000.

CONSENT

2. Consider authorizing a call for bids for fire hydrants and water meters. Suggested bid opening: June 27, 2000, at 11:00 a.m. (Total estimated cost for one year \$134,000. Funds to be budgeted.)

ACTION: **Res. 2000-293** adopted (Friedman/Frohman, unan.) authorizing a call for bids to be opened on June 27, 2000 at 11:00 a.m. for fire hydrants and water meters.

CONSENT

3. Consider rejecting all bids for janitorial services at Modesto Centre Plaza and authorizing a new call for bids. Suggested bid opening: June 27, 2000 at 11:00 a.m. (Total estimated cost: \$90,000. Funds are budgeted.)

ACTION: **Res. 2000-294** adopted (Friedman/Frohman, unan.) rejecting all bids for janitorial services at Modesto Centre Plaza and authorizing a new call for bids to be opened on June 27, 2000 at 11:00 a.m.

CONSENT

4. Consider rejecting all bids for heating, ventilation and air conditioning (HVAC) services and authorizing a new call for bids. Suggested bid opening: June 27, 2000 at 11:00 a.m. (Total estimated cost: \$30,000 for one year. Funds are budgeted.)

ACTION: **Res. 2000-295** adopted (Friedman/Frohman, unan.) rejecting all bids for heating, ventilation and air conditioning (HVAC) services and authorizing a new call for bids to be opened on June 27, 2000 at 11:00 a.m.

Item #5 removed from Consent

5. Consider declaring a 1996 Ford Crown Victoria as surplus and authorizing the disposal of the equipment by sealed bid, auction, or other means of disposal.

ACTION: **Res. 2000-296** adopted (Conrad/Fisher, unan.) declaring a 1996 Ford Crown Victoria as surplus and authorizing the disposal of the equipment by sealed bid, auction, or other means of disposal

CONSENT

6. Consider amending the budget to appropriate \$3,000 from the General Fund Reserve to Cultural Promotions for the King-Kennedy Board of Directors' Juneteenth activities.

ACTION: **Res. 2000-297** adopted (Friedman/Frohman, unan.) amending the budget to appropriate \$3,000 from the General Fund Reserve to Cultural Promotions for the King-Kennedy Board of Directors' Juneteenth activities.

Item #7 removed from Consent

7. Consider authorizing staff to solicit Requests for Proposals for relocation of the steam engine in Beard Brook Park to the new Amtrak station.

ACTION: **Res. 2000-298** adopted (Friedman/Smith, majority; Conrad & Frohman, no) authorizing staff to solicit Requests for Proposals for relocation of the steam engine in Beard Brook Park to the new Amtrak station.

CONSENT

8. Consider approving the final map of Kensington Park Unit No. 2 Subdivision, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

ACTION: **Res. 2000-299** adopted (Friedman/Frohman, unan.) approving the final map of Kensington Park Unit No. 2 Subdivision, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #9 removed from Consent

9. Consider approval of submission of annual claim for Local Transportation Funds to the Stanislaus Council of Government in the amount of \$4,007,412 for transit purposes only to support a total transit operating and capital program of \$12,044,618.

ACTION: **Res. 2000-300** adopted (Frohman/Friedman, unan.) approving submission of annual claim for Local Transportation Funds to the Stanislaus Council of Government in the amount of \$4,007,412 for transit purposes only to support a total transit operating and capital program of \$12,044,618.

Item #10 removed from Consent

10. Consider approving recommendation of the Employee Benefits Committee to continue to offer employee and dependant health coverage through National Health, PacifiCare, Lifeguard, Landmark Chiropractic Network and PacifiCare Behavior Health; to continue to provide dental and vision coverage through the City's self-insured program; and authorize the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements.

ACTION: **Res. 2000-301** adopted (Frohman/Smith, unan.) approving recommendation of the Employee Benefits Committee to continue to offer employee and dependant health coverage through National Health, PacifiCare, Lifeguard, Landmark Chiropractic Network and PacifiCare Behavior Health; to continue to provide dental and vision coverage through the City's self-insured program; and authorize the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements.

CONSENT

11. Consider adopting a Resolution of Intention to annex territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #4).

ACTION: **Res. 2000-302** adopted (Friedman/Frohman, unan.) approving a Resolution of Intention to annex territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #4).

HEARINGS

The following appeal has been withdrawn.

12. Hearing to consider the appeal of Mrs. Gary F. Smith to a Planning Commission decision concerning the application of Florsheim Development for a revised vesting tentative subdivision map, Arbor Glen, property located on the south side of Claratina Avenue, east of McHenry Avenue.

13. Hearing to consider an amendment to the urban Area General Plan to change the land use from residential to commercial for seven acres along the west side of Carpenter Road between Woodland and Torrid Avenues and to rezone 5.9 acres of that area from Low-Density Residential, R-1, to Highway Commercial, C-3 Zone.

ACTION: **Res. 2000-303** adopted (Frohman/Friedman, unan.) approving amendment to General Plan.

By motion (Frohman/Friedman, unan.), introduced Ord. 3180–C.S. amending Section 25-3-8 of the Zoning Map.

Res. 2000-304 adopted (Frohman/Friedman, unan.) approving required findings based on the Initial Study.

14. Hearing to consider setting the Specific Plan Reimbursement Fee for the Empire North Unit 1 Specific Plan Area.

ACTION: **Res. 2000-305** adopted (Fisher/Smith, unan.) making required Specific Plan Reimbursement Fee findings and setting Specific Plan Reimbursement Fee for the Empire North Unit No. 1 Specific Plan Area.

NEW BUSINESS

15. Review of Financial Policy Committee recommendations for Fiscal Year 2000-2001 Operating Budget and Fiscal Year 2000-2001 Capital Improvement Program.

ACTION: **By motion** (Fisher/Friedman, unan), accepted Financial Policy Committee recommendations with amendments and directing staff to incorporate into the budget adoption report to be presented for approval at June 20, 2000 City Council meeting

16. Consider approving agreement with Management Partners, Incorporated for consultant services relating to a review of the City's business processes in support of the City Council's legislative and policy-making activities. (Total estimated cost: \$49,900. Funds are budgeted.)

ACTION: **Res. 2000-306** adopted (Smith/Frohman, unan.) approving agreement with Management Partners, Incorporated for consultant services relating to a review of the City's business processes in support of the City Council's legislative and policy-making activities.

17. Consider supporting the retention of the 209 Area Code in Stanislaus County.

ACTION: **Res. 2000-307** adopted (Frohman/Fisher, unan.) supporting the retention of the 209 Area Code in Stanislaus County.

18. Consider approving endorsing the recruitment of United Airlines to provide regularly scheduled service between Modesto City-County Airport and Los Angeles International Airport.

ACTION: **Res. 2000-308** adopted (Fisher/Smith, unan.) endorsing the recruitment of United Airlines to provide regularly scheduled service between Modesto City-Council Airport and Los Angeles International Airport.

19. Consider supporting staff recommendations for local projects and programs using Tobacco Settlement Fund, Children and Families First Fund and Welfare to Work Fiscal Incentives allocated to Stanislaus County.

ACTION: **By motion** (Friedman/Smith, unan.) item continued to June 20, 2000.

20. Modesto Police Department Report on the investigation of alleged remarks made during the April 25, 2000 City Council meeting.

ACTION: **By motion** (Fisher/Conrad, unan.), acknowledged receipt of report.

Item #21 removed from Agenda

21. Request of Mayor Sabatino to rescind the resolution which supported the formation of a Service Authority for Freeways and Expressways (SAFE) for installing call boxes on State Routes within Stanislaus County.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

22 Letter from E. Paul Fulfer, Charles V. Duncan, Jr., Michael L. Brady and Frank Cousineau requesting a ballot measure "To prohibit the use of the City of Modesto's water supply to deliver products or substances intended to affect the physical or mental functions of persons consuming the water."

ACTION: **By motion** (Conrad/Frohman, motion failed), to direct the City Attorney to draft a ballot measure for an advisory vote.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 11:50 p.m.

MINUTES, City Council Meeting, Tuesday, June 20, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Dan Hopkins, First Church of the Nazarene

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3
Item 2b removed from Consent

ACTION: Friedman/Fisher, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by the Workforce Development Collaborative on the progress of the program and the Collaborative's recent trip to the NLC Convening in Denver, Colorado in April, 2000.

ACTION: Presentations given by Phil Testa, Community Development Director, Mike Garcia, American GI Forum, and Cindy Morano, National League of Cities.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of June 13, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of June 13, 2000.

CONSENT

2. Final adoption of:

- a. Ord. No. 3178-C.S. amending Section 7-3-9 of the Zoning Map to rezone from R-3 to P-D(527) as an addition to P-D(527), property located on the west side of Tully Road, south of West Union Avenue. (Lance E. Ellis)

Item 2b removed from Consent

- b. Ord. No. 3179-C.S. amending Ord. No. 2293-C.S. entitled "An Ordinance Granting Capital Cities Cable, Inc. a Nonexclusive Franchise to Construct,

Operate and Maintain a Cable Communications System Within the City of Modesto” to extend the term.

(Motion adopting needed.)

ACTION: By motion (Friedman/Fisher, unan.), approved adoption of **Ord. No. 3178-C.S.** amending Section 7-3-9 of the Zoning Map to rezone from R-3 to P-D(527) as an addition to P-D(527), property located on the west side of Tully Road, south of West Union Avenue.

By motion (Friedman/Fisher, majority; Conrad, no), approved adoption of **Ord. No. 3179-C.S.** amending Ord. No. 2293-C.S. entitled “An Ordinance Granting Capital Cities Cable, Inc. a Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto” to extend the term.

CONSENT

3. Consider accepting as complete the contract of Grover Landscape Services, Inc. for the Woodland Tot Lot project and authorize the City Clerk to file a Notice of Completion. Original contract and final cost: \$82,198.78. Funds are budgeted.

ACTION: **Res. 2000-309** adopted (Friedman/Fisher, unan.) accepting as complete the contract of Grover Landscape Services, Inc. for the Woodland Tot Lot project and authorize the City Clerk to file a Notice of Completion.

UNFINISHED BUSINESS

4. Consider supporting staff recommendations for local projects and programs using Tobacco Settlement Fund, Children and Families First Fund and Welfare to Work Fiscal Incentives allocated to Stanislaus County. (Continued from June 13, 2000 City Council meeting.)

ACTION: **Res. 2000-310** adopted (Friedman/Fisher, unan.) providing recommendations that include youth, economic development, infrastructure, transportation, and healthcare. The County is requested to allocate in funds for shares to the cities in conjunction with their representatives for local projects and programs using Tobacco Settlement Fund, Children and Families First Fund and Welfare to Work Fiscal Incentives allocated to Stanislaus County.

NEW BUSINESS

5. Consider dedicating the new City of Modesto Police Headquarters Building and the Patrol Operations Building to the memory of former Chief of Police, Gerald McKinsey, and by naming the buildings the “G. L. McKinsey Police Complex.”

ACTION: Res. 2000-311 adopted (Smith/Serpa, unan.) dedicating the new Modesto Police Headquarters Building and the Patrol Operations Building to the memory of Gerald McKinsey and naming the buildings the "G. L. McKinsey Police Complex"

6. Consider accepting report on the City of Modesto's Pavement Management System and an overview of the current condition of street pavement.

ACTION: By motion (Frohman/Fisher, unan.), accepted report on the City of Modesto's Pavement Management System and an overview of the current condition of street pavement.

7. Consider approving the status report on the City's Advanced Traffic Management System (ATMS) and directing staff regarding operational strategies.
(Motion approving status report and directing staff needed.)

ACTION: By motion (Frohman/Smith, unan.), accepted approving the status report on the City's Advanced Traffic Management System (ATMS) and directing staff regarding operational strategies.

8. Consider Mayor's Ad Hoc Financial Advisory Committee Report.

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

9. Consider adoption of Fiscal Year 2000-2001 Operating Budget and Fiscal Year 2000-2001 Capital Improvement Program Budget.

ACTION: By order of the chair, item continued to June 27, 2000.

ORAL COMMUNICATIONS

- Bill Cameron commented on stop light being installed at Dallas and Hatch, suggested that both Police Chief candidates pictures be put in the newspaper, and the Performing Arts Center.
- Dave Geer commented on City's long-range budget planning.

WRITTEN COMMUNICATIONS

10. Letter from Derik Bakker, Fresh Ideas Flower Co., appealing Fire Marshall's denial of an application to sell fire works.

ACTION: At the request of Derik Bakker, item continued to June 27, 2000.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:00 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room 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.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

The City Attorney returned at 8:05 p.m. and reported no action taken.

MINUTES, **City Council Meeting**, Tuesday, June 27, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Dave Marston, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9
Items 3 and 9 removed from Consent

ACTION: Friedman/Fisher, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of June 20, 2000.

ACTION: **By motion** (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of June 20, 2000.

CONSENT

2. Consider rejecting all bids received for the wastewater collection maintenance building project.

ACTION: **Res. 2000-312** adopted (Friedman/Fisher, unan.) rejecting all bids received for the wastewater collection maintenance building project.

Item #3 removed from Consent

3. Consider awarding the contract for the Carpenter Road improvements south of Maze Boulevard to Teichert Construction for \$197,556.70; and consider approving an appropriation transfer to fully fund the project. Total cost: \$223,239.70 (contract \$197,556.70; construction administration and contingency \$25,683).

ACTION: **Res. 2000-313** adopted (Frohman/Fisher, majority; Friedman, absent) awarding the contract for the Carpenter Road improvements south of Maze Boulevard to Teichert Construction for \$197,556.70.

Res. 2000-314 adopted (Frohman/Fisher, majority; Friedman, absent) approving an appropriation transfer to fully fund the Carpenter Road improvements south of Maze Boulevard project.

CONSENT

3. Consider awarding the contract for the traffic signal installation project at State Route 99 southbound ramps and Kansas Avenue to Steiny and Company for \$93,492; and consider amending the budget to estimate an additional \$17,000 in Federal funds. Total cost: \$116,600 (contract \$93,492; construction administration and contingency \$23,108).

ACTION: **Res. 2000-315** adopted (Friedman/Fisher, unan.) awarding the contract for the traffic signal installation project at State Route 99 southbound ramps and Kansas Avenue to Steiny and Company for \$93,492.

Res. 2000-316 adopted (Friedman/Fisher, unan.) amending the budget to estimate an additional \$17,000 in Federal funds for the traffic signal installation project at State Route 99 southbound ramps and Kansas Avenue.

CONSENT

5. Consider awarding the contract for the College Avenue overlay project – Cecil Way to Needham Avenue to Granite Construction Company for \$493,962. Total cost: \$558,177.35 (contract \$493,962; construction administration and contingency \$64,215).

ACTION: **Res. 2000-317** adopted (Friedman/Fisher, unan.) awarding the contract for the College Avenue overlay project – Cecil Way to Needham Avenue to Granite Construction Company for \$493,962.

CONSENT

6. Consider accepting as complete the contract of Ross F. Carroll, Inc. for the Northgate sewer lift station replacement project and authorize the City clerk to file a Notice of Completion. (Original contract: \$182,374) Final cost: \$192,049. Funds are budgeted.

ACTION: **Res. 2000-318** adopted (Friedman/Fisher, unan.) accepting as complete the contract of Ross F. Carroll, Inc. for the Northgate sewer lift station replacement project and authorize the City clerk to file a Notice of Completion.

CONSENT

7. Consider approving angle parking on J Street between 7th and 8th Street. (St. Stanislaus Catholic Church as requested that staff install angle parking on J Street between 7th Street and 8th Street to maximize parking stall yields.

ACTION: **Res. 2000-319** adopted (Friedman/Fisher, unan.) approving angle parking on J Street between 7th and 8th Street.

CONSENT

8. Consider accepting the improvements for Opera House Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Ling Investments)

ACTION: **Res. 2000-320** adopted (Friedman/Fisher, unan.) accepting the improvements for Opera House Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

Item #9 removed from Consent

9. Consider approving agreement with Chamber of Commerce for funding to the Convention and Visitors Bureau for a period not to exceed six months at \$18,861.95 per month. Funds are budgeted)

ACTION: **Res. 2000-321** adopted (Friedman/Fisher, majority; Conrad, no) approving agreement with Chamber of Commerce for funding to the Convention and Visitors Bureau for a period not to exceed six months at \$18,861.95 per month.

UNFINISHED BUSINESS

10. Consider amending the Classification Plan for Area Manager and Neighborhood Organizer; and consider amending the Class Range Table to establish a salary for the classifications. (Continued from March 14, 2000 City Council meeting.)

ACTION: Motion (Fisher/Smith) failed with a 5/2 vote (Fisher & Friedman, yes).

11. Mayor's Ad Hoc Financial Advisory Committee Report.
(This is returning to Council to provide an opportunity for public input.)

ACTION: No action taken.

12. Consider adoption of Fiscal Year 2000-2001 Operating Budget and Fiscal Year 2000-2001 Capital Improvement Program Budget. (Continued from June 20, 2000 City Council meeting.)

ACTION: **By motion** (Fisher/Frohman, majority; Conrad & Serpa, no), acknowledged receipt of report of Fiscal Year 2000-2001 Operating Budget and Fiscal Year 2000-2001 Capital Improvement Program Budget.

By motion (Fisher/Frohman, majority; Conrad & Serpa, no), adopted Ord. 3181-C.S. approving 2000-2001 Operating Budget and first year of the Fiscal Year 2000-2001 through 2009-2010 CIP Budget, including \$12,000 for the Teen Fair. The following CIP items were voted on separately due to various conflict of interests:

- Centre Plaza Furniture, Fixtures, & Equipment, CIP pg 40, adopted (Frohman/Friedman, unan.; Fisher, Smith & Sabatino, absent)
- 2000/01 Federally Funded Pavement Maintenance, CIP pg71, adopted (Frohman/Friedman, unan.; Conrad, Smith & Sabatino, absent)
- 9th Street Railroad Relocation, CIP pg 73, adopted (Frohman/Friedman, unan.; Fisher, Smith & Sabatino, absent)
- Kansas Avenue – Emerald to 8th, CIP pg 80, adopted (Friedman/Frohman, unan.; Smith absent)
- Roundabouts, CIP pg 89, failed (Frohman/Conrad, yes; Serpa & Sabatino, no; Fisher, Friedman & Smith, absent)
- Traffic Signal Modifications (Gas Tax/CMAQ), CIP pg 94, adopted (Frohman/Friedman, unan.; Fisher, Smith & Sabatino, absent)
- Upgrade/Infill New Traffic Signals (CFF Streets), CIP pg 97, adopted (Friedman/Fisher, unan.; Conrad, absent)
- Bus Maintenance Facility, CIP pg 116, adopted (Conrad/Frohman, unan.; Fisher, Smith & Sabatino, absent)
- Annual Catch Basin & Valley Gutter Repairs, CIP pg 122, adopted (Frohman/Fisher, unan.; Sabatino absent)
- Cultural Services Agreement, adopted (Frohman/Fisher, majority; Conrad, no; Friedman, absent)
- Stanislaus Partners in Education, adopted (Fisher/Friedman, unan.; Conrad, absent)

Res. 2000-322 adopted (Fisher/Frohman, majority; Conrad & Serpa, no), establishing the 2000-2001 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation.

Res. 2000-323 adopted (Frohman/Friedman, unan.) to set aside \$7.1 million in reserves until the response is made to the Grand Jury report regarding Proposition 218.

HEARINGS

13. Hearing to consider appeal of Francis R. Ruggieri, on behalf of Dennis Slewoo, who operates the Chevron USA Service Station and convenience store at 3300 McHenry Avenue to a decision of the hearing office denying an application for an off-sale beverage license. (Continued from March 7 and May 23 City Council meetings.)

ACTION: **Res. 2000-324** adopted (Fisher/Smith, unan.) granting appeal with the following six conditions: (1) Alcohol sales from 6:00am to 10:00pm; (2) No single bottles or cans; (3) The entry from Robinhood will be blocked by two steel beams and a metal wire from 10:00pm to 4:00am seven days each week from May through September and Friday and Saturday nights year round (The only exception is when fuel is being delivered; (4) No signs, banners and/or neon signs promoting alcohol outside the store; (5) Limited selling space (two cooler doors only); (6) Only two major brands (such as Budweiser and Coors products) will be sold.

14. Hearing to consider the City of Modesto 2000-2001 Annual Action Plan and the Five-year Consolidated Plan (July 1, 2000 through June 30, 2005).

ACTION: **Res. 2000-325** adopted (Fisher/Smith, unan.) approving the City of Modesto 2000-2001 Annual Action Plan and the Five-year Consolidated Plan (July 1, 2000 through June 30, 2005).

By motion (Fisher/Smith, unan.) hearing will be rescheduled to August 15, 2000 with a review by the Financial Policy Committee prior to the continuance. Council will submit comments to Financial Policy Committee to be discussed during their review.

NEW BUSINESS

15. At the request of Councilmember Serpa, consider a proposal by Burchell Nursery - William Burchell, and The Vintage Company - Bob Campana, to renovate and modernize the existing fountain at Briggsmore and McHenry. A number of local groups have expressed interest in maintaining the fountain area including the Women's Garden Club, the Kiwanis Clubs of Modesto, and the Yosemite Chapter of the California Association of Nurserymen and this is being coordinated by Dick Hagerty. The renovation and maintenance will be at no cost to the City. (An oral report will be given by William Burchell and Bob Campana.)

ACTION: **By motion** (Serpa/Fisher, unan.), directed staff to work with MID on project.

16. Consider changing the format and order of business for City Council meeting agenda, changing the meeting times of regular Council meetings, and changing

the manner in which Council votes are recorded; consider directing the Finance Department to solicit proposals for the purchase and installation of a lighted voting board system and authorizing the purchase of same for an amount not to exceed \$12,000; consider directing the City Clerk to include information on each Council agenda about whether or not any item has previously been reviewed by a Council committee and also noting the originating department of the item, and directing the City Clerk to prepare forms for distribution to members of the public at each Council meeting who wish to address the Council.

ACTION: **By motion** (Conrad/Fisher, unan.), continued item to July 5, 2000.

17. Designation of Voting Delegate and Alternate Voting Delegate for League of California Cities Annual Conference September 7 through September 9, 2000 in Anaheim, California.
(Motion designating Voting Delegate and Voting Alternate needed.)

ACTION: **By motion** (Fisher/Friedman, unan.), designated Armour Smith as Voting Delegate for League of California Cities Annual Conference September 7 through September 9, 2000 in Anaheim, California.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

18. Letter from Derik Bakker, Fresh Ideas Flower Co., appealing Fire Marshall's denial of an application to sell fire works.

ACTION: **Res. 2000-326** (Conrad/Smith, majority; Fisher & Serpa, no) granting application to sell fireworks.

By motion, referred current fireworks ordinance to Public Safety Committee for review and possible change.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 12:07 a.m.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Council Conference Room to consider the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Brenden Theatre Corporation vs.
City of Modesto, et al.
Stanislaus County Superior Court Case No. 182872

The City Attorney returned at 12:25 a.m. to report the Council, on a 7-0 vote, approved a settlement agreement with Brendan Theaters. Under the agreement, Brendan will dismiss its lawsuit in exchange for a mutual release.

MINUTES, City Council Meeting, Wednesday, July 5, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Bouck, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 13
Item 4,-6, 9, 11, & 13 removed from Consent

ACTION: Friedman/Frohman, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Fire Department on receiving Thermal Imaging Cameras.

Presentation given by Fire Chief Doug Hannink.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of June 27, 2000.

ACTION: By motion (Friedman/Frohman, unan.), approved the minutes of the regular City Council meeting of June 27, 2000.

Item #2 removed from Agenda

2. Consider authorizing a call for bids for the dismantling, moving and rebuilding of the Yosemite Community College District pistol range for an estimated cost of \$550,000. Suggested bid opening: July 16, 2000, at 11:00 a.m.

CONSENT

3. Consider approving the extension of the current contract with Dell Computers for one additional year, for the purchase of personal computers for the 2000-01 Fiscal Year at an estimated cost of \$290,000, including (California Multiple Awards Schedules (CMAS) fees.

ACTION: **Res. 2000-327** adopted (Friedman/Frohman, unan.), approving the extension of the current contract with Dell Computers for one additional year, for the purchase of personal computers for the 2000-01 Fiscal Year at an estimated cost of \$290,000, including (California Multiple Awards Schedules (CMAS) fees.

Item #4 removed from Consent

Councilmember Fisher & Mayor Sabatino absent due to conflict of interest

4. Consider awarding contract for modifying eight traffic signals along College Avenue and Tully Road to Collins Electrical for \$548,400; consider amending the budget to estimate an additional \$192,995 in federal funds. In addition, consider approving an appropriation transfer in the amount of \$25,005. Total estimated cost: \$647,112 (contract \$548,400; other amount \$98,712)

ACTION: **Res. 2000-328** adopted (Frohman/Conrad, unan., Fisher & Sabatino, absent) awarding contract for modifying eight traffic signals along College Avenue and Tully Road to Collins Electrical for \$548,400.

Res. 2000-329 adopted (Frohman/Conrad, unan., Fisher & Sabatino, absent) amending the budget to fully fund the modification of eight traffic signals along College Avenue and Tully Road project.

Res. 2000-330 adopted (Frohman/Conrad, unan., Fisher & Sabatino, absent) approving an appropriation transfer in the amount of \$25,005 for the modification of eight traffic signals along College Avenue and Tully Road project.

Item #5 removed from Consent

5. Consider approving lease agreement with Theodore M. Cook to increase the rent from \$696.21 per month to \$730 per month, property at 500 Ninth Street, Suite H, for storage of artifacts. Total estimated cost: \$8,760. Funds are budgeted.

ACTION: **Res. 2000-331** adopted (Conrad/Frohman, unan.) approving a lease agreement with Theodore M. Cook to increase the rent from \$696.21 per month to \$730 per month, property at 500 Ninth Street, Suite H, for storage of artifacts.

Item #6 removed from Consent

Councilmember Fisher absent due to conflict of interest

6. Consider amending City Council Resolution Nos. 96-294, 97-533 and 98-383 ordering the Pelandale-Snyder Reorganization to clarify the City's intention to not succeed to a protested Williamson Act Contract.

ACTION: **Res. 2000-332** adopted (Friedman/Conrad, unan.; Fisher, absent) amending City Council Resolution Nos. 96-294, 97-533 and 98-383 ordering the Pelandale-Snyder Reorganization to clarify the City's intention to not succeed to a protested Williamson Act Contract.

CONSENT

7. Consider approving the final map of Millbrook Estates Unit No. 3 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Bright Development)

ACTION: **Res. 2000-333** adopted (Friedman/Frohman, unan.), approving the final map of Millbrook Estates Unit No. 3 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

8. Consider approving an amendment to an agreement with Chris Ricci for the Exclamation Festival to be held on July 22, 2000 to change area of street closure, which is currently between 11th and 14th Streets, to occur between 10th and 13th Streets.

ACTION: **Res. 2000-334** adopted (Friedman/Frohman, unan.), approving an amendment to an agreement with Chris Ricci for the Exclamation Festival to be held on July 22, 2000 to change area of street closure, which is currently between 11th and 14th Streets, to occur between 10th and 13th Streets.

Item #9 removed from Consent

9. Consider authorizing issuance of a request for proposals for a qualified consultant to prepare CEQA documents necessary to obtain permits for accepting and processing medical waste at the Stanislaus Resource (Waste to Energy) Facility.

ACTION: **Res. 2000-335** adopted (Friedman/Fisher, majority; Frohman, no) authorizing issuance of a request for proposals for a qualified consultant to prepare CEQA documents necessary to obtain permits for accepting and processing medical waste at the Stanislaus Resource (Waste to Energy) Facility.

CONSENT

10. Consider approving a lease agreement with Kevin and Debra Crawford for the lease of City-owned property at 4205 Gomes Road.

ACTION: **Res. 2000-336** adopted (Friedman/Frohman, unan.), approving a lease agreement with Kevin and Debra Crawford for the lease of City-owned property at 4205 Gomes Road.

Item #11 removed from Consent

11. Consider amending Classification Plan to create the classifications of Computer Forensics Investigator and Senior Business Analyst and consider setting salary ranges, and to delete Development Services Division Manager.

ACTION: **Res. 2000-337** adopted (Friedman/Fisher, unan.) amending Classification Plan to create the classification of Computer Forensics Investigator, and to delete Development Services Division Manager.

Res. 2000-338 adopted (Friedman/Fisher, majority; Serpa, no) amending Classification Plan to create the classification of Senior Business Analyst.

Res. 2000-339 adopted (Friedman/Fisher, unan.), amending the Class Range Table to establish salaries for the classifications of Computer Forensics Investigator.

Res. 2000-340 adopted (Fisher/Friedman, majority; Serpa, no) amending the Class Range Table to establish salaries for the classification of Senior Business Analyst.

CONSENT

12. Consider approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 2000-2001 program year; consider approving agreement with Yosemite Junior College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 2000-2001 program year.

ACTION: **Res. 2000-341** adopted (Friedman/Frohman, unan.), approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 2000-2001 program year.

Res. 2000-342 adopted (Friedman/Frohman, unan.), approving agreement with Yosemite Junior College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 2000-2001 program year.

Item #13 removed from Consent

13. Consider approving a Website External Link Policy.

ACTION: By motion (Conrad/Frohman, unan.) item returned to staff and continued to a future date.

UNFINISHED BUSINESS

14. Consider changing the format and order of business for City Council meeting agenda, changing the meeting times of regular Council meetings, and changing the manner in which Council votes are recorded; consider directing the Finance Department to solicit proposals for the purchase and installation of a lighted voting board system and authorizing the purchase of same for an amount not to exceed \$12,000; consider directing the city Clerk to include information on each council agenda about whether or not any item has previously been reviewed by a Council committee and also noting the originating department of the item, and directing the City Clerk to prepare forms for distribution to members of the public at each Council meeting who wish to address the Council.

ACTION: By motion, introduced Ord.3182–C.S. (Fisher/Friedman, majority; Conrad, Serpa, & Sabatino, no) changing the format and order of business for City Council meeting agenda, and changing the meeting times of regular Council meetings. All Council meeting times changed to begin at 5:00 p.m.

Res. 2000-343 adopted (Fisher/Friedman, majority; Conrad, Serpa & Sabatino, no) directing the city Clerk to include information on each council agenda about whether or not any item has previously been reviewed by a Council committee and also noting the originating department of the item, and directing the City Clerk to prepare forms for distribution to members of the public at each Council meeting who wish to address the Council.

By motion (Conrad/Frohman, majority; Fisher, Friedman & Smith, no) the City Council accepted lighted vote board system concept without funding.

By motion (Conrad/Frohman, majority; Fisher & Friedman, no) proposals for purchase and installation of a lighted vote board system for amount not to exceed \$12,000 referred to staff and Economic Development and Intergovernmental Relations Committee.

HEARINGS

Item #15 is continued to July 18, 2000

15. Consider approving a Disposition and Development Agreement with Westland Development Company for their proposed office project at 12th and I Streets (the westerly half of Block 94) and related County-owned parking structure. (Continued from June 6, 2000 City Council meeting.)

NEW BUSINESS

16. Progress report on Performing Arts Center discussions.

ACTION: No action taken.

ORAL COMMUNICATIONS

- Tom Ronayne commented on his investigation of the Fire Chief.

WRITTEN COMMUNICATIONS

17. Letter from Modestans for Safe Drinking Water requesting information about fluoride and requesting that the question "Shall the City of Modesto fluoridate its water supply?" be placed on the November 7, 2000 ballot.

ACTION: Motion failed (Conrad/Frohman) to place advisory measure on General Municipal Election of November 2001 asking the question if Modesto should fluoridate its water supply.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:45 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Richard Fernandez v. City of Modesto,
Workers Compensation Appeal
Board Case No. SAC 274387

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

Agency Representatives: Paul Baxter, Deputy City
Manager

Director Robin Renwick, Personnel

Employee Organization: Unrepresented Management and
Confidential”

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

Agency Representatives: Peter Cowles, Operations &
Maintenance Director Robin Renwick, Personnel

Director

Employee organization: Modesto City Employees
Association

The City Attorney returned at 9:03 p.m. to report that the Council, with a 7/0 vote, authorized a \$110,000 payment to the plaintiff to settle the Workers Compensation claim.

MINUTES, City Council Meeting, Tuesday, July 11, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Joel Richards, La Loma

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

ACTION: Friedman/Fisher, unan.

Councilmember Fisher excused due to conflict of interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 and 5

ACTION: Friedman/Conrad, unan.; Fisher, absent

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Certificates of Recognition to Mark Jones and Jerry Hall for their heroic actions in saving the life of Brian Suska.

ACTION: Presentations made by Mayor Sabatino

CONSENT ITEMS

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

CONSENT

1. Consider approving lease agreement with Pahrump Heifer Ranch for land at the secondary site used for cannery segregation material and treated effluent.

ACTION: **Res. 2000-344** adopted (Friedman/Fisher, unan.) approving lease agreement with Pahrump Heifer Ranch for land at the secondary site used for cannery segregation material and treated effluent.

CONSENT

- 1A. Approval of the minutes of the regular City Council meeting of July 5, 2000.

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of July 5, 2000.

CONSENT

2. Consider setting a public hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services, and to consider recommendation to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City of Modesto.

ACTION: **Res. 2000-345** adopted (Friedman/Fisher, unan.) approving a Resolution of Intention to enter into a service agreement with Bertolotti Disposal for solid waste collection services, and to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City of Modesto, setting hearing on July 25, 2000 at 7:00 p.m.

CONSENT

3. Consider approving final map of Chateau Provence 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 Municipal Code. (Owners: Anderson Homes)

ACTION: **Res. 2000-346** adopted (Friedman/Fisher, unan.) approving final map of Chateau Provence 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 Municipal Code.

Councilmember Fisher excused due to conflict of interest

CONSENT

4. Consider approving final map of Davante Villas Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Davante Villas)

ACTION: **Res. 2000-347** adopted (Friedman/Conrad, unan.; Fisher, absent) approving final map of Davante Villas Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Councilmember Fisher excused due to conflict of interest

CONSENT

5. Consider approving final map of Olympic Park Unit No. 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Davante Villas)

ACTION: **Res. 2000-348** adopted (Friedman/Conrad, unan.; Fisher, absent) approving final map of Olympic Park Unit No. 1 Subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

UNFINISHED BUSINESS

Councilmembers Fisher & Smith and Mayor Sabatino excused due to conflict of interest
5A. Consider further discussion on Performing Arts Center.

ACTION: By motion (Frohman/Serpa, unan.; Fisher, Smith & Sabatino, absent) directed staff to report at the July 18, 2000 meeting regarding financing options.

HEARING

6. Hearing to consider confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6.

ACTION: **Res. 2000-349** adopted (Friedman/Fisher, unan.) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6.

NEW BUSINESS

7. Consider supporting the closure of Powell Street and Chrysler Street at the boundary of Prescott Estates; consider amending FY00-01 budget to appropriate \$107,544 to provide for additional Police Officers to Prescott Estates area for 90 days; consider designating Prescott Estates as an Emergency Housing Maintenance Target Program Area; and consider allocating \$500,000 in CDBG funding and authorizing City Manager to negotiate loans to complete roof repairs to fifty condominiums at Prescott Estates.

ACTION: **Res. 2000-350** adopted (Frohman/Fisher, unan.) supporting the closure of Powell Street and Chrysler Street at the boundary of Prescott Estates

Res. 2000-351 adopted (Smith/Fisher, unan.) amending FY00-01 budget to appropriate \$107,544 to provide for additional Police Officers to Prescott Estates area for 90 days.

Res. 2000-352 adopted (Serpa/Friedman, unan.) designating Prescott Estates as an Emergency Housing Maintenance Target Program Area.

Res. 2000-353 adopted (Fisher/Smith, unan.) allocating \$500,000 in CDBG funding and authorizing City Manager to negotiate loans to complete roof repairs to fifty condominiums at Prescott Estates.

7A. Consider recommendation from the City Manager regarding creation of a City Council Audit Committee and appointment of members.

ACTION: By motion (Fisher/Smith, unan.) directed staff to draft an Ordinance to create a City Council Audit Committee.

ORAL COMMUNICATIONS

- Councilmember Frohman spoke regarding a citizen's comments at the July 5, 2000 Council meeting regarding the Fire Chief.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 10:21 p.m.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Council Conference Room 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.

The City Attorney returned at 11:00 p.m. to report no action had been taken.

MINUTES, Special City Council Meeting, Tuesday, July 13, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher (at 4:25), Friedman, Frohman (at 4:30), Smith, Mayor Sabatino

Absent: Serpa

The business considered at this special City Council meeting consisted of a workshop regarding Joint Use Flood Control/Recreation Facilities (Dual-Use Basins).

Presentation given by Community Development Director Phil Testa, Recreation & Neighborhoods Director Jim Niskanen, Engineering & Transportation Director Glen Lewis, and the Consultant, Stantec.

Dennis Wilson spoke under the public comment period.

The workshop was to provide information only. No action was taken by the Council.

Meeting adjourned at 5:20pm.

MINUTES, City Council Meeting, Tuesday, July 18, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

Absent: Councilmember Fisher

Pledge of Allegiance to the Flag

Invocation: Rev. Dick McKee, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 10, 11, 12,
14, 15, 17

Item 13 removed from agenda

Items 5, 8, 9 & 16 removed from Consent

ACTION: Friedman/Conrad, unan., Fisher, absent

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of July 11, 2000.

ACTION: By motion, (Friedman/Conrad; unan., Fisher, absent) approved the minutes of the regular City Council meeting of July 11, 2000.

CONSENT

2. Final adoption of Ord. No. 3180 amending Section Map 25-3-8 of the Zoning Map to rezone from R-1 to C-3, property located on the west side of Carpenter Road between Woodland and Torrid Avenues.

ACTION: By motion, (Friedman/Conrad, unan.; Fisher, absent) final adoption of Ord. No. 3180-C.S. approved.

CONSENT

3. Consider authorizing a call for bids for the dismantling, moving and rebuilding of the Yosemite Community College District pistol range for an estimated cost of \$550,000. Suggested bid opening: August 1, 2000 at 11:00 a.m. Funds are budgeted.)

ACTION: **Res. 2000-354** adopted (Friedman/Conrad, unan.; Fisher, absent) authorizing call for bids to be opened on August 1, 2000 at 11:00 a.m.

Res. 2000-355 adopted (Friedman/Conrad, unan.; Fisher, absent) approving the Mitigated Negative Declaration for the Modesto Police Training Center

CONSENT

4. Consider authorizing request for proposals for pruned refuse transfer services for the estimated annual cost of \$130,000. Suggested proposal opening: August 1, 2000 at 11:00 a.m. Funds are budgeted.)

ACTION: **Res. 2000-356** adopted (Friedman/Conrad, unan.; Fisher, absent) authorizing request for proposals to be opened on August 1, 2000 at 11:00 a.m.

Removed from Consent

5. Consider rejecting all bids received for the Coldwell Avenue and Ninth Street improvements project.

ACTION: **Res. 2000-357** adopted (Friedman/Conrad, majority; Frohman, no; Fisher, absent) rejecting all bids.

CONSENT

6. Consider accepting as complete the contract of Steel River, Inc. for the Pelandale Expressway – irrigation relocation project and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$311,069. Final cost: \$301,668.51. Funds are budgeted.

ACTION: **Res. 2000-358** adopted (Friedman/Conrad, unan.; Fisher, absent) accepting contract as complete.

CONSENT

7. Consider approving agreement with Jamison & Moore Construction for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project; consider approving agreement with Jamison & Moore Construction for acquisition of the tenant-owned improvements; and consider authorizing City Manager to sign

acceptance forms for the deeds involved in the acquisition. Total estimated cost: \$30,370. Funds are budgeted.

ACTION: **Res. 2000-359** adopted (Friedman/Conrad, unan.; Fisher, absent) approving agreement with Jamison & Moore Construction for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project.

Res. 2000-360 adopted (Friedman/Conrad, unan.; Fisher, absent) approving agreement with Jamison & Moore Construction for acquisition of the tenant-owned improvements on property needed for the Kansas/Needham overcrossing project.

Res. 2000-361 adopted (Friedman/Conrad, unan.; Fisher, absent) authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project.

Removed from Consent

8. Consider approving agreement with Kelly Door, Inc. for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill and allows rental of the property after close of escrow for property needed for the Kansas/Needham overcrossing project; consider approving agreement with Kelly Door, Inc. for acquisition of the tenant-owned improvements; consider approving agreement with Joseph E. Smuts, III dba Continental Painting for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill and allows rental of the property after close of escrow for property needed for the Kansas/Needham overcrossing project; consider approving agreement with Joseph E. Smuts III dba Continental Painting for acquisition of the tenant-owned improvements; and consider authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition. Total estimated cost: \$186,000 (contract \$130,000; est. additional rent \$6,000; already advanced \$50,000). Funds are budgeted.)

ACTION: **Res. 2000-362** adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) approving agreement with Kelly Door, Inc. for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill and allows rental of the property after close of escrow for property needed for the Kansas/Needham overcrossing project.

Res. 2000-363 adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) approving agreement with Kelly Door, Inc. for acquisition of the tenant-owned improvements on property needed for the Kansas/Needham overcrossing project.

Res. 2000-364 adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) approving agreement with Joseph E. Smuts, III dba Continental Painting for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill and allows rental of the property after close of escrow for property needed for the Kansas/Needham overcrossing project.

Res. 2000-365 adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) approving agreement with Joseph E. Smuts III dba Continental Painting for acquisition of the tenant-owned improvements on property needed for the Kansas/Needham overcrossing project.

Res. 2000-366 adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project.

Removed from Consent

9. Consider approving agreement with Richard A. and Barbara Ferguson for the acquisition of property needed for the Pelandale Expressway project. Estimated total cost: \$95,100 (contract \$93,100; escrow \$2,000) Funds are budgeted.

ACTION: **Res. 2000-367** adopted (Smith/Friedman, majority; Serpa, no; Fisher, absent) approving agreement with Richard A. and Barbara Ferguson for the acquisition of property needed for the Pelandale Expressway project.

CONSENT

10. Consider approving a lease agreement with Howard Rogers and H.L. Rogers Enterprises to lease office space in the Modesto Airport's old administration building.

ACTION: **Res. 2000-368** adopted (Friedman/Conrad, unan.; Fisher, absent) approving a lease agreement with Howard Rogers and H.L. Rogers Enterprises to lease office space in the Modesto Airport's old administration building.

CONSENT

11. Consider approving a lease agreement with Stanislaus County Affordable Housing Corporation (STANCO) for City-owned property at 308 Locust.

ACTION: **Res. 2000-369** adopted (Friedman/Conrad, unan.; Fisher, absent) approving a lease agreement with Stanislaus County Affordable Housing Corporation (STANCO) for City-owned property at 308 Locust.

CONSENT

12. Consider approving agreement with California Federal Bank (CalFed) for performing the check disbursing and accounting services for the Housing Rehabilitation Program.

ACTION: **Res. 2000-370** adopted (Friedman/Conrad, unan.; Fisher, absent) approving agreement with California Federal Bank (CalFed) for performing the check disbursing and accounting services for the Housing Rehabilitation Program.

Removed from agenda

13. Consider authorizing City Manager to execute a common use agreement with Modesto Irrigation District for the installation, operation and maintenance of a storm drain pipeline under and across MID's Lateral No. 6. (Northgate Village Shopping Center)

CONSENT

14. Consider approving an application for a National Fire Safety Campaign Grant program funds in the amount of \$25,000.

ACTION: **Res. 2000-371** adopted (Friedman/Conrad, unan.; Fisher, absent) approving an application for a National Fire Safety Campaign Grant program funds in the amount of \$25,000.

CONSENT

15. Consider accepting the resignation of Andrew S. Mendlin from the Citizens Housing & Community Development Committee.

ACTION: **Res. 2000-372** adopted (Friedman/Conrad, unan.; Fisher, absent) accepting the resignation of Andrew S. Mendlin from the Citizens Housing & Community Development Committee.

Removed from Consent

16. Consider accepting the California Law Enforcement Technology Equipment Purchase Program Grant in the amount of \$200,000 for the acquisition of a Crime Analysis System; consider amending the 2000-01 Police Operating Budget to appropriate grant revenue.

ACTION: **Res. 2000-373** adopted (Frohman/Friedman, unan.; Fisher, absent) accepting the California Law Enforcement Technology Equipment Purchase Program Grant in the amount of \$200,000 for the acquisition of a Crime Analysis System.

Res. 2000-374 adopted (Frohman/Friedman, unan.; Fisher, absent) consider amending the 2000-01 Police Operating Budget to appropriate grant revenue for the acquisition of a Crime Analysis System.

CONSENT

17. Consider approving agreement with Community Reinvestment Fund, Inc. for loan servicing of the Housing and Economic Development loan portfolios.

ACTION: **Res. 2000-375** adopted (Friedman/Conrad, unan.; Fisher, absent) approving agreement with Community Reinvestment Fund, Inc. for loan servicing of the Housing and Economic Development loan portfolios.

UNFINISHED BUSINESS

Councilmember Smith and Mayor Sabatino excused due to a conflict of interest.

18. Continued discussion regarding the Performing Arts Center.

ACTION: By motion, (Frohman/Friedman, unan.; Fisher, Smith, Mayor Sabatino, absent) continued to July 25, 2000 City Council meeting to discuss an economic analysis, special tax to fund the center and the possibility of an advisory vote.

19. Final adoption of Ord. No. 3182-C.S. amending the Municipal Code relating to City Council organization and procedure.

ACTION: **A motion**, (Friedman/Frohman; Conrad, Frohman, Serpa, Mayor Sabatino, no; Fisher absent) to approve final adoption of Ord. No. 3182-C.S. failed to carry.

By motion, (Serpa/Frohman, unan.; Fisher, absent) **Ord. No. 3183-C.S.** introduced amending the Municipal Code relating to City Council organization and procedure to change the time of Council meetings to 5:15 p.m.

20. Consider adoption of an ordinance amending Section 2-1.18 of the Modesto Municipal Code to authorize the creation of an Audit Committee as the eighth standing committee of the City Council, and consider adoption of a resolution setting forth the responsibilities of the Council Audit Committee.

ACTION: **By motion**, (Serpa/Smith, unan.; Fisher, absent) introduced Ord. 3184-C.S. amending Modesto Municipal Code to authorize the creation of an Audit Committee as the eighth standing committee of the City Council.

Res. 2000-376 adopted (Serpa/Smith, unan.; Fisher, absent) setting forth the responsibilities of the Council Audit Committee.

HEARINGS

21. Hearing to consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation No. 4).

ACTION: **Res. 2000-377** adopted (Friedman/Smith, unan.; Fisher, absent) calling an election for annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation No. 4).

Councilmember Smith and Mayor Sabatino excused due to a conflict of interest.

22. Hearing to consider approving a Disposition and Development Agreement with Westland Development Company for their proposed office project at 12th and I Streets (the westerly half of Block 94) and related County-owned parking structure. (Continued from June 6 and July 5, 2000 meetings.)

ACTION: **By motion**, (Frohman/Conrad, unan.; Fisher, Smith and Mayor Sabatino, absent) hearing continued to July 25, 2000 City Council meeting.

NEW BUSINESS

23. Consider the following actions needed for the acquisition of a Police Records Management System: a) authorizing City Manager to execute agreement with HTE, Inc. for Police Records Management System for \$1,042,703; b) authorizing expenditure of \$100,000 for related hardware and software; c) amending the budget and estimating grant revenue and appropriating carryover revenue contained in the Supplemental Law Enforcement Services Fund.

ACTION: **Res. 2000-378** adopted (Serpa/Friedman, unan.; Fisher, absent) authorizing City Manager to execute agreement with HTE, Inc. for Police Records Management System for \$1,042,703.

Res. 2000-379 adopted (Serpa/Friedman, unan.; Fisher, absent) adopted authorizing expenditure of \$100,000 for related hardware and software.

Res. 2000-380 adopted (Serpa/Friedman, unan.; Fisher, absent) amending the budget and estimating grant revenue and appropriating carryover revenue contained in the Supplemental Law Enforcement Services Fund.

ORAL COMMUNICATIONS

Dale Williams commented on positive effect City is having on Prescott Estates and meeting in Muncy Park not being advertised.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 8:12 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

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

Agency Representatives: Peter Cowles, Operations & Maintenance Director

Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees 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

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to subdivision (a) of Section 54956.9 of the Government Code)

Name of case: Tri Valley Growers, a California cooperative association, Debtor
United States Bankruptcy Court Northern District of California
Oakland
Division, Bankruptcy No. 00-44089-J11

DROPPED FROM AGENDA

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 City Attorney returned at 9:50 p.m. to report no action had been taken.

MINUTES, Special City Council Meeting, Tuesday, July 19, 2000 at 6:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Smith,
Mayor Sabatino

Absent: Councilmember Serpa

A public hearing was held to consider Cable One's compliance with the terms of its cable television franchise to construct, operate and maintain a cable communications system within the City of Modesto and to allow Cable One an opportunity to report on its compliance with the terms of the franchise and to respond to reports and comments.

The staff report for this item was presented by Donna Hansen, Assistant to the City Manager.

Council received comments from the audience regarding Cable One.

This workshop was for information only. No action was taken by the Council.

The meeting adjourned at 8:00 p.m.

MINUTES, City Council Meeting, Tuesday, July 25, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Nightingale Raj, Bahai Faith

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6, and 8-10
Items #5 & 7 removed from

Consent

ACTION: (Frohman/Friedman, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation from Shel Izsak – “Cows Cows Cows.”

Shel Izsak made the presentation regarding “Cows Cows Cows”

Presentation of a Proclamation regarding “National Night Out,” August 1, 2000 to Barbara Parsens and Rosie Fabela.

Proclamation presented to Barbara Parsens and Rose Fabela by Mayor Sabatino.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of July 18, 2000.

ACTION: **By motion** (Frohman/Friedman, unan.), approved the minutes of the regular City Council meeting of July 18, 2000.

CONSENT

2. Final adoption of:

a. Ord. No. 3183-C.S. relating to City Council organization and procedure.

b. Ord. No. 3184-C.S. relating to City Council Standing Committees.

ACTION: **By motion** (Frohman/Friedman, unan.), approved final adoption of Ord. No. 3183-C.S. relating to City Council organization and procedure.

By motion (Frohman/Friedman, unan.), approved final adoption of Ord. No. 3184-C.S. relating to City Council Standing Committees.

CONSENT

3. Consider awarding contract for the pavement maintenance (cape seals 2000) project to Western States Surfacing, Inc. for \$209,409.54, and consider amending the budget to recognize additional revenue and appropriate it for this project needed.) Total estimated cost: \$236,632.78 (contract \$209,409.54; contingency & construction administration \$27,223.24) Funds are budgeted.

ACTION: **Res. 2000-381** adopted (Frohman/Friedman, unan.) awarding contract for the pavement maintenance (cape seals 2000) project to Western States Surfacing, Inc. for \$209,409.54.

Res. 2000-382 adopted (Frohman/Friedman, unan.) amending the budget to recognize additional revenue and appropriate it for the pavement maintenance (cape seals 2000) project.

CONSENT

4. Consider accepting the contract of T&S Construction Company, Inc. for the Carpenter Road waterline between Maze Boulevard and Chicago Avenue project as complete and authorize the City Clerk to file the Notice of Completion. (Original cost: \$426,190). Final cost: \$432,819.76. Funds are budgeted.

ACTION: **Res. 2000-383** adopted (Frohman/Friedman, unan.) accepting the contract of T&S Construction Company, Inc. for the Carpenter Road waterline between Maze Boulevard and Chicago Avenue project as complete and authorize the City Clerk to file the Notice of Completion.

Item #5 removed from Consent

5. Consider appointing Debbie Lloyd as Poet Laureate of the City of Modesto.

ACTION: **Res. 2000-384** adopted (Frohman/Friedman, unan.) appointing Debbie Lloyd as Poet Laureate of the City of Modesto.

CONSENT

6. Consider approval of the final map of Rose Lane No. 6 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.) (Resolution approving final map needed.)

ACTION: **Res. 2000-385** adopted (Frohman/Friedman, unan.) approving the final map of Rose Lane No. 6 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #7 removed from Consent

7. Consider approving a policy that will allow the development of the remaining vacant corporate aircraft hangar area at the Modesto City-County Airport.
(Resolution approving policy needed.)

ACTION: **Res. 2000-386** adopted (Friedman/Frohman, unan.) approving a policy that will allow the development of the remaining vacant corporate aircraft hangar area at the Modesto City-County Airport.

CONSENT

8. Consider approving a lease agreement with Modesto Executive Air Charter for property at the Modesto City-County Airport.
(Resolution approving agreement needed.)

ACTION: **Res. 2000-387** adopted (Frohman/Friedman, unan.) approving a lease agreement with Modesto Executive Air Charter for property at the Modesto City-County Airport.

CONSENT

9. Consider approving a lease agreement with Foster Poultry Farms for property at the Modesto City-County Airport.
(Resolution approving agreement needed.)

ACTION: **Res. 2000-388** adopted (Frohman/Friedman, unan.) approving a lease agreement with Foster Poultry Farms for property at the Modesto City-County Airport.

CONSENT

10. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts (Improvement District No. 27, Improvement District No. 28, Improvement District No 29 and Public Facilities District No. 6) on 2000-01 tax bills.
(Four resolutions needed.)

ACTION: **Res. 2000-389** adopted (Frohman/Friedman, unan.) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of the 1915 Act Improvement Districts, Improvement District No. 27, on 2000-01 tax bills.

Res. 2000-390 adopted (Frohman/Friedman, unan.) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of the 1915 Act Improvement Districts, Improvement District No.28, on 2000-01 tax bills.

Res. 2000-391 adopted (Frohman/Friedman, unan.) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of the 1915 Act Improvement Districts, Improvement District No. 29, and Public Facilities District No. 6) on 2000-01 tax bills.

Res. 2000-392 adopted (Frohman/Friedman, unan.) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of the 1915 Act Improvement Districts, Public Facilities District No. 6, on 2000-01 tax bills.

UNFINISHED BUSINESS

Item #17 was heard prior to Item #11

11. Continued discussion regarding the Performing Arts Center.

ACTION: By motion (Serpa/Frohman) proposed a \$7.5 million contribution from Redevelopment Agency and in no year would it exceed 75% of redevelopment projections. The motion was amended (Conrad/Frohman, unan.) to include a staff study, consider vote of the citizens for advisory vote or Transient Occupancy Tax increase, and consider use of Convention & Visitors Bureau and Capitol Facilities Fees. This item will return to Council at the August 1 Council meeting.

Item #12 was heard after Item #13

12. Final report on the gun sales in the Modesto Police Department and reforms in Property and Evidence handling.
(Resolution ratifying the 1996-97 sale of surplus City-owned guns to Modesto Police Officers, as deemed legal by the Stanislaus County District Attorney needed; motion accepting report regarding prohibition of future gun sales and remedial actions take to reform Police Department Property and Evidence handling and management structure needed; motion accepting the results of the formal audit of the Police Department Property and Evidence unit and procedures, performed in July and August of 1999 needed.)

ACTION: **Res. 2000-393** adopted (Smith/Fisher, majority; Conrad, no) directing City Manager to authorize the 1996-97 sale of 47 surplus City-owned guns on prospective basis to Modesto Police Officers, as deemed legal by the Stanislaus County District Attorney.

By motion (Smith/Fisher, majority; Conrad, no), accepted report regarding prohibition of future gun sales and remedial actions take to

reform Police Department Property and Evidence handling and management structure.

By motion (Smith/Fisher, majority; Conrad, no), accepted. the results of the formal audit of the Police Department Property and Evidence unit and procedures, performed in July and August of 1999

By motion (Serpa/Frohman, majority; Fisher, no) directing departments to request a review for compliance by the City Attorney prior to the sale of any surplus property.

HEARINGS

Item #13 heard after Item #11

13. Hearing to consider approving a Disposition and Development Agreement with Westland Development Company for their proposed office project at 12th and I Streets (the westerly half of Block 94) and related County-owned parking structure. (Continued from June 6, July 5, and July 18, 2000 City Council meetings.) (Resolution approving and authorizing the Disposition and Development Agreement needed.)

ACTION: **By motion**, (Serpa/Frohman, unan.) item continued to August 8, 2000.

14. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7 – 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 and 2. (Resolution confirming the diagram and assessment and levying the proposed assessment needed.)

ACTION: **Res. 2000-394** adopted (Conrad/Friedman, unan.) confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7 – 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 and 2.

15. Hearing to consider Pelandale-Snyder Specific Plan Amendment No. 9, an application by Brian Velthoen to redesignate 3.5 acres located on the north side of Snyder Avenue, east of Dale Road from Multifamily Residential to Multi-family Residential/Commercial. (Resolution approving or denying amendment needed.)

ACTION: **By motion** (Frohman/Friedman, majority; Serpa, no), continued to August 8, 2000.

16. Hearing to consider the request of Bertolotti Disposal to enter into a service agreement for solid waste collection services within the City of Modesto, and to consider adopting a formal policy on service providers for solid waste collection in former County areas that are annexed to the City.
(Motion continuing to a date certain needed.)

ACTION: **By motion** (Frohman/Conrad, majority; Serpa, no), continued to August 15, 2000.

NEW BUSINESS

Item #17 heard after Consent items.

17. At the request of Councilmember Frohman and Mayor Sabatino, consider placing district elections and term limits on November 2000 election.

ACTION: **By motion** (Smith/Frohman, majority; Conrad & Sabatino, no) to continue item to August 1, 2000.

18. Consider approving Memorandum of Understanding (MOU) with Modesto City Employees Association, and consider authorizing City to report Employer Paid Member Contribution (EPMC) as salary.
(Resolution approving MOU needed, and resolution authorizing the City to report EPMC as salary needed.)

ACTION: **Res. 2000-395** adopted (Serpa/Fisher, unan.) approving Memorandum of Understanding (MOU) with Modesto City Employees Association.

Res. 2000-396 adopted (Serpa/Fisher, unan.) authorizing City to report Employer Paid Member Contribution (EPMC) as salary.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

19. Letter from Tim Carazo, TC Landscaping Maintenance, regarding the removal and replacement of a tree at 1112 Grantland Court and changing the tree ordinance.

ACTION: No action taken. Citizen was not present in the audience.

MISCELLANEOUS

20. Appointments

Citizens Advisory Committee on Recycling

ACTION: **Res. 2000-397** adopted (Frohman/Friedman, unan.) appointing Edward Lotko and Ken Westervelt to the Citizens Advisory Committee on Recycling each with a term expiration of January 1, 2004.

Disabled Access Appeals Board

ACTION: **Res. 2000-398** adopted (Frohman/Friedman, unan.) appointing Toni Hector and Erma White to the Disabled Access Appeals Board each with a term expiration of January 1, 2004.

Downtown Improvement District

ACTION: **Res. 2000-399** adopted (Frohman/Friedman, unan.) appointing Robyn G. Elliott to the Downtown Improvement District each with a term expiration of January 1, 2004.

Equal Opportunity/Disability Commission

ACTION: **Res. 2000-400** adopted (Frohman/Friedman, unan.) appointing Charles Beamer, Rawlen Davis and Galena Gilstrap to the Equal Opportunity/Disability Commission each with a term expiration of January 1, 2004.

Golf Course Advisory Committee

ACTION: **Res. 2000-401** adopted (Frohman/Friedman, unan.) appointing Arnie Blank and Donald Kiger to the Golf Course Advisory Committee each with a term expiration of January 1, 2004.

Housing Rehabilitation Loan Committee

ACTION: **Res. 2000-402** adopted (Frohman/Friedman, unan.) appointing John De La Mora to the Housing Rehabilitation Loan Committee with a term expiration of January 1, 2004.

Human Relations Commission

ACTION: **Res. 2000-403** adopted (Frohman/Friedman, unan.) appointing Jeff Perine to the Human Relations Commission with a term expiration of January 1, 2004.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 1:35 a.m.

MINUTES, City Council Meeting, Tuesday, August 1, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Brad Hawn, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8
Item #1 dropped from Agenda
Items #3-5 removed from Consent

ACTION: Friedman/Smith, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation by Carol Shipley, Assistant District Attorney, regarding the Multi-Disciplinary Interview Center and a Multi-Disciplinary Interview Team for countywide use in the investigation of child abuse cases.

ACTION: Assistant District Attorney Carol Shipley gave presentation.

CONSENT ITEMS

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

Item #1 removed from Consent calendar

CONSENT

1. Approval of the minutes of the special City Council meetings of July 13 and July 19, 2000 and the regular City Council meeting of July 25, 2000.

CONSENT

2. Consider awarding contract for the Oakdale Road and Scenic Drive Improvements project to Fagundes and Sons, Inc. for \$647,938; consider authorizing the City Manager to execute an agreement with SaveMart Supermarkets, Inc. and ICI Development Company to fund improvements at the intersection of Oakdale Road and Scenic Drive; and consider amending the budget to recognize additional revenue from the developer and to appropriate the additional expense.

ACTION: Res. 2000-404 adopted (Friedman/Smith, unan.) awarding contract for the Oakdale Road and Scenic Drive Improvements project to Fagundes and Sons, Inc. for \$647,938.

Res. 2000-405 adopted (Friedman/Smith, unan.) authorizing the City Manager to execute an agreement with SaveMart Supermarkets, Inc. and ICI Development Company to fund improvements at the intersection of Oakdale Road and Scenic Drive.

Res. 2000-406 adopted (Friedman/Smith, unan.) amending the budget to recognize additional revenue from the developer and to appropriate the additional expense of improvements at the intersection of Oakdale Road and Scenic Drive.

Item #3 removed from Consent due to Councilmember Fisher conflict of interest

3. Consider approving agreement with J. Edward Gish, Inc., dba Woodland Stairs and Millwork for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project; consider approving agreement with J. Edward Gish, Inc., dba Woodland Stairs and Millwork for acquisition of the tenant-owned improvements; and consider authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition.

ACTION: **Res. 2000-407** adopted (Frohman/Friedman, unan.; Fisher, absent) approving agreement with J. Edward Gish, Inc., dba Woodland Stairs and Millwork for relocation costs and reconveyance of their rights to rental of the property and conveyance of goodwill for property needed for the Kansas/Needham overcrossing project.

Res. 2000-408 adopted (Frohman/Friedman, unan.; Fisher, absent) approving agreement with J. Edward Gish, Inc., dba Woodland Stairs and Millwork for acquisition of the tenant-owned improvements.

Res. 2000-409 adopted (Frohman/Friedman, unan.; Fisher, absent) authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project.

Item #4 removed from Consent

4. Consider approving an agreement with Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1-2-90 for the acquisition of a portion of their property located at 321 Kansas Avenue for the Kansas/Needham overcrossing project; consider approving an agreement with Ewing Irrigation Products for reimburse them to relocate pipes and a shed from right of way being purchased; and consider authorizing City Manager to sign acceptance forms for the deeds involved in this acquisition.

ACTION: **Res. 2000-410** adopted (Friedman/Frohman, unan.) approving an agreement with Ray Wade Christiansen, John Robert Christiansen, and

the Bradford Family Trust Dated 1-2-90 for the acquisition of a portion of their property located at 321 Kansas Avenue for the Kansas/Needham overcrossing project.

Res. 2000-411 adopted (Friedman/Frohman, unan.) approving an agreement with Ewing Irrigation Products for reimburse them to relocate pipes and a shed from right of way being purchased for the Kansas/Needham overcrossing project.

Res. 2000-412 adopted (Friedman/Frohman, unan.) authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition of property needed for the Kansas/Needham overcrossing project.

Item #5 removed from Consent

5. Quarterly Treasurer's Report – June 30, 2000.

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

CONSENT

6. Funding status of PERS Miscellaneous Retirement Plan.

ACTION: No action taken.

CONSENT

7. Consider approving a resolution canvassing the election for the Village One Community Facilities District No. 1996-1 (Village One Annexation #4) and ordering annexation of territory to the Village One Community Facilities District No. 1996-1.

ACTION: Res. 2000-413 adopted (Friedman/Frohman, unan.) approving a resolution canvassing the election for the Village One Community Facilities District No. 1996-1 (Village One Annexation #4) and ordering annexation of territory to the Village One Community Facilities District No. 1996-1.

CONSENT

8. Letter from Sebastian Jones requesting the adoption of an ordinance for funeral escort services.

ACTION: By motion (Friedman/Frohman, unan.), referred to Public Safety Committee.

UNFINISHED BUSINESS

9. Consideration of the Final Report of the Ad Hoc Committee on District Elections and Term Limits. Copies of the Report are available for inspection and review by the public at the following locations: The City Clerk's Office, the Modesto branch of the Stanislaus County Public Library, the Stanislaus County Law Library, and City Hall at the Mall.

ACTION: **By motion** (Fisher/Conrad, unan.), accepted final report and also the Dissenting Opinion submitted by Patrick McGrath.

10. Report from County Clerk Karen Mathews regarding petition signature verification process, at the request of Councilmembers Fisher, Friedman and Smith.

ACTION: **By motion** (Fisher/Conrad, unan.) requested County Elections Office to conduct a complete signature verification of the Charter amendment petitions, with the petition on term limits being verified first.

By motion (Conrad/Frohman, unan.) directed a notice of Special City Council meeting for August 10, 2000 at 6:00pm to place the initiatives on the November 2000 ballot if the Council determines in its discretion that enough signatures have been verified so that the initiatives will qualify.

- 10A. At the request of Mayor Sabatino, consider authorizing the expenditure of necessary funds to pay for overtime costs incurred by the County Elections Official to enable the completion of the signature verification process of the Charter amendment petitions for district elections, term limits and change of election date in time for placement on November, 2000, ballot.

ACTION: **No action taken.**

11. Continued discussion of placement of district elections and term limits on November 2000 election.

ACTION: **No action taken.**

Councilmembers Fisher, Smith and Mayor Sabatino excused due to conflict of interest

12. Continued discussion regarding the Performing Arts Center.

ACTION: **Res. 2000-414** (Serpa/Frohman, unan.; Fisher, Smith and Sabatino, absent) authorizing 2% Transient Occupancy Tax increase to be placed on the November 2000 ballot with 1% implemented in the first year and 1% the year after. A commitment of 30% of Redevelopment Agency tax increment surplus was also approved in concept to fund the Center.

Transient Occupancy Tax will be a special tax to fund the Performing Arts Center.

NEW BUSINESS

13. Consider adopting a resolution finding that Washington Street between First Street and H Street is no longer needed for vehicular traffic and closing Washington Street between First Street and H Street to through traffic; consider authorizing the City Manager to execute an agreement with Modesto City Schools relative to the street closure; consider amending the Fiscal Year 2000-2001 Budget to estimate additional revenue. Total estimated cost: \$50,000.

ACTION: **Res. 2000-415** adopted (Fisher/Smith, majority; Frohman, no) finding that Washington Street between First Street and H Street is no longer needed for vehicular traffic and closing Washington Street between First Street and H Street to through traffic.

Res. 2000-416 adopted (Fisher/Smith, majority; Frohman, no) authorizing the City Manager to execute an agreement with Modesto City Schools relative to the street closure of that Washington Street between First Street and H Street.

Res. 2000-417 adopted (Fisher/Smith, majority; Frohman, no) amending the Fiscal Year 2000-2001 Budget to estimate additional revenue.

ORAL COMMUNICATIONS

- Councilmember Serpa commended staff on placement of neon reflective signs and commented on Little League World Series.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

MINUTES, City Council Meeting, Tuesday, August 8, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Anthony J. Morello, PhD, St.Dunstan's Episcopal Church

*CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2, 4-7 & 9
Items 1 and 3 removed from Consent
Items 8 and 14A dropped from Agenda*

ACTION: Friedman/Fisher, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT ITEMS

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

Item #1 removed from Consent

1. Approval of the minutes of the special City Council meetings of July 13 and July 19, 2000 and the regular City Council meetings of July 25, and August 1, 2000.

ACTION: By motion (Fisher/Friedman, unan.), approved the minutes of the special City Council meetings of July 13 and July 19, 2000 and the regular City Council meetings of July 25 (as corrected), and August 1, 2000.

CONSENT

2. Consider adding one van to the Modesto Dial-A-Ride system to improve service during peak travel periods. (Annual cost is estimated at \$100,000; funds are budgeted.)

ACTION: Res. 2000-418 adopted (Friedman/Fisher, unan.) adding one van to the Modesto Dial-A-Ride system to improve service during peak travel periods.

Item #3 removed from Consent

3. Consider expanding the Modesto Dial-A-Ride service in the Salida area.

ACTION: By motion (Frohman/Fisher, unan.), approved expansion of Modesto Area Dial-A-Ride service in the Salida area.

CONSENT

4. Consider authorizing request for bids to be opened August 22, 2000 at 11:00 a.m. for liquid chlorine with two one-year extensions for the Water Quality Control Division of the Operations & Maintenance Department.

ACTION: Res. 2000-419 adopted (Friedman/Fisher, unan.) authorizing request for bids to be opened August 22, 2000 at 11:00 a.m. for liquid chlorine with two one-year extensions for the Water Quality Control Division of the Operations & Maintenance Department.

CONSENT

5. Consider authorizing the Purchasing Officer to purchase vehicles throughout FY 2000-01 in a cumulative amount not to exceed the budgeted amount of \$3,244,454.00.

ACTION: Res. 2000-420 adopted (Friedman/Fisher, unan.) authorizing the Purchasing Officer to purchase vehicles throughout FY 2000-01 in a cumulative amount not to exceed the budgeted amount of \$3,244,454.00.

CONSENT

6. Consider declaring American AVK and General Plumbing Supply low bidders and authorizing the purchase of fire hydrants and water valves for FY 2000-01 for a total cost of \$193,972.00, and authorizing the purchase of fire hydrants and water valves for an additional two years up to and including June 30, 2003.

ACTION: Res. 2000-421 adopted (Friedman/Fisher, unan.) declaring American AVK and General Plumbing Supply low bidders and authorizing the purchase of fire hydrants and water valves for FY 2000-01 for a total cost of \$193,972.00, and authorizing the purchase of fire hydrants and water valves for an additional two years up to and including June 30, 2003.

CONSENT

7. Consider approval of the final map of The Dominion subdivision, accepting the public improvements, 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: Dominion Developers, L.P.)

ACTION: Res. 2000-422 adopted (Friedman/Fisher, unan.) approving the final map of The Dominion subdivision, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #8 dropped from Agenda

8. Consider approval of the final map of Arbor Lane No. 1 subdivision, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (owners: Florsheim Bros.)

CONSENT

9. Consider declaring surplus five police canine puppies and authorizing the sealed bid disposition of the puppies.

ACTION: **Res. 2000-423** adopted (Friedman/Fisher, unan.) declaring surplus five police canine puppies and authorizing the sealed bid disposition of the puppies.

UNFINISHED BUSINESS

- 9A. Consider submitting the district elections and term limits initiatives to the voters because either:

1. The County Elections Officials have certified the signature counts on one or both of the initiatives;

Or alternatively:

2. The City Council has determined in its discretion that due to the number of signatures that have thus far been verified by the County Elections Official the Council is satisfied that one or both of the measures will qualify.

Action required: Under alternative one the following resolutions must be adopted:

1. A resolution accepting the certification of the signature count for the term limits initiative and ordering the City Clerk to place the proposed charter amendments on an election date to be determined by the City Council.
2. A resolution accepting the certification of the signature count for the district elections initiative and ordering the City Clerk to place the proposed charter amendments on an election date to be determined by the City Council.
3. A resolution approving the transmittal of the ballot measures to the City Attorney to prepare an impartial analysis.
4. **(OPTIONAL)** A resolution authorizing a member or group of members of the Council to prepare ballot arguments for or against one or both of the initiatives.

Under alternative two the following resolutions must be adopted:

1. A resolution submitting the term limits initiative to the qualified electors of the City of Modesto at an election date to be determined by the City Council.
2. A resolution submitting the district elections initiative to the qualified electors of the City of Modesto at an election date to be determined by the City Council.
3. A resolution approving the transmittal the ballot measures to the City Attorney to prepare an impartial analysis of each ballot measure.
4. **(OPTIONAL)** A resolution authorizing a member of the Council or a group of members of the Council to prepare ballot arguments for or against one or both of the measures.

ACTION: By motion (Fisher/Friedman, unan.) agreed to hold special meeting on August 10, 2000.

By motion (Smith/Mayor, unan.) agreed to change time of special meeting on August 10, 2000 to 5:00pm.

Councilmembers Fisher, Smith and Mayor Sabatino excused due to conflict of interest

10. Consider ballot measure to increase by two percentage points the Transient Occupancy Tax and calling for a special election on November 7, 2000.

ACTION: **Res. 2000-424** adopted (Serpa/Frohman, unan.; Fisher, Smith & Sabatino absent) approving ballot measure to increase Transient Occupancy Tax and calling for a special election on November 7, 2000.

Res. 2000-425 adopted (Serpa/Frohman, unan.; Fisher, Smith & Sabatino absent) transmitting ballot measure to City Attorney to prepare an impartial analysis.

Res. 2000-426 adopted (Serpa/Frohman, unan.; Fisher, Smith & Sabatino absent) authorizing a member of Council or a group of members of Council to prepare ballot arguments in favor or against the measures.

HEARINGS

Councilmembers Fisher, Smith and Mayor Sabatino excused due to conflict of interest

11. Hearing to consider Disposition and Development Agreement with Westland Development Company for the development of a multi-story office building and

parking garage. (Continued from June 6, July 5, July 18 and July 25, 2000 City Council meetings.)

ACTION: **Res. 2000-427** adopted (Frohman/Friedman, unan.; Fisher, Smith & Sabatino absent) approving and authorizing the Disposition and Development Agreement with Westland Development Company for the development of a multi-story office building and parking garage.

Res. 2000-427A adopted (Frohman/Friedman, unan.; Fisher, Smith & Sabatino absent) making CEQA findings presented in the initial study.

Mayor Sabatino introduced new Police Chief Roy Wasden.

12. Hearing to consider Pelandale-Snyder Specific Plan Amendment No. 9, an application by Brian Velthoen to re-designate 3.5 acres located on the north side of Snyder Avenue east of Dale Road from Multi-family Residential to MFR/Commercial. (Continued from July 25, 2000 meeting.)

ACTION: **Res. 2000-428** adopted (Conrad/Smith, majority; Frohman, Serpa, Sabatino, no) approving Pelandale-Snyder Specific Plan Amendment No. 9, an application by Brian Velthoen to re-designate 3.5 acres located on the north side of Snyder Avenue east of Dale Road from Multi-family Residential to MFR/Commercial.

13. Hearing to consider an amendment to the Urban Area General Plan to re-designate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to Residential Uses. Continued from October 26, November 16, December 14, 1999, January 11, January 25, and April 11, 2000 City Council meetings. A letter from Mana-Wagner Properties withdrawing appeal has been received.

ACTION: **No action required**, appeal withdrawn.

NEW BUSINESS

14. Consider adopting a long-range public transportation plan and make appropriate findings in accordance with CEQA.

ACTION: **By motion** (Friedman/Fisher, unan.), adopted long-range public transportation plan.

Res. 2000-429 adopted (Friedman/Fisher, unan.) approving the CEQA findings.

Item 14A dropped from Agenda

- 14A. Consider approving a policy for the ultralight vehicle operators to use Modesto City-County Airport, and consider introduction of an ordinance amending the Modesto Municipal Code to allow ultralight operations at the Airport.

ORAL COMMUNICATIONS

- Mark Williams, Water Technologies, spoke about bid not being received on time and not opened.
- Bill Cameron spoke about Performing Arts Center. Wants to pledge a donation in the name of a friend who passed away.

MISCELLANEOUS

15. Appointments:

Citizens Redevelopment Advisory Committee

ACTION: **By motion** (Serpa/Friedman, majority; Sabatino, no) item referred back to Economic Development and Intergovernmental Relations Committee.

Economic Development Loan Committee

ACTION: **Res. 2000-430** adopted (Serpa/Friedman, unan.) appointing Everett Jackson (term expiration January 1, 2004), Lisa Michael and Richard Rand (each with term expiration of January 2005) to the Economic Development Loan Committee.

Landmark Preservation Commission

ACTION: **Res. 2000-431** adopted (Serpa/Friedman, unan.) appointing John Crabb and Julius Manrique to the Landmark Preservation Commission each with term expiration of January 1, 2005.

Local Cable Programming Committee

ACTION: **Res. 2000-432** adopted (Serpa/Friedman, unan.) appointing Dr. Pelaji Kyauka to the Local Cable Programming Committee with term expiration of January 1, 2002.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

MINUTES, Special City Council Meeting, Tuesday, August 8, 2000, at 6:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

The business considered at this special City Council meeting consisted of 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)

ACTION: No action taken

Meeting adjourned at 6:55 p.m.

MINUTES, Special City Council Meeting, Thursday, August 10, 2000, at 5:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Recitation of the Lord's Prayer

NEW BUSINESS

Consider submitting the district elections and term limits initiatives to the voters because either:

1. The County Elections Officials have certified the signature counts on one or both of the initiatives;

Or alternatively:

2. The City Council has determined in its discretion that due to the number of signatures that have thus far been verified by the County Elections Official the Council is satisfied that one or both of the measures will qualify.

Action required: Under alternative one the following resolutions must be adopted:

1. A resolution accepting the certification of the signature count for the term limits initiative and ordering the City Clerk to place the proposed charter amendments on an election date to be determined by the City Council.
2. A resolution accepting the certification of the signature count for the district elections initiative and ordering the City Clerk to place the proposed charter amendments on an election date to be determined by the City Council.
3. A resolution approving the transmittal of the ballot measures to the City Attorney to prepare an impartial analysis.
4. **(OPTIONAL)** A resolution authorizing a member or group of members of the Council to prepare ballot arguments for or against one or both of the initiatives.

Under alternative two the following resolutions must be adopted:

1. A resolution submitting the term limits initiative to the qualified electors of the City of Modesto at an election date to be determined by the City Council.
2. A resolution submitting the district elections initiative to the qualified electors of the City of Modesto at an election date to be determined by the City Council.
5. A resolution approving the transmittal the ballot measures to the City Attorney to prepare an impartial analysis of each ballot measure.
6. **(OPTIONAL)** A resolution authorizing a member of the Council or a group of members of the Council to prepare ballot arguments for or against one or both of the measures.

ACTION: A motion of Councilmember Frohman to place the term limits petition on November 2000 ballot and wait until the district elections petition is verified died for lack of second.

By motion (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) it was determined to let initiative process proceed as it is designed and not put anything on ballot.

Councilmember Smith excused at 6:55pm.

ORAL COMMUNICATIONS

- Councilmember Frohman commented he bears no ill will to anyone for voting their conscience.
- Daniel Marsh spoke about Tri-Valley plant closure.
- Daniel Hopkins spoke about decorum by Mayor and Councilmembers and his position on ballot measure.
- Mayor Sabatino commented on a Modesto Bee article.
- Councilmember Fisher commented on the State laws regulating how matters can be presented and responded to under “Oral Communications”
- Tom Maher expressed concerns about inadequate staffing at Fire Stations and the need for more Police Officers.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:18 p.m.

MINUTES, **City Council Meeting**, Tuesday, August 15, 2000, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Bill Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-10 & 12
Item 11 removed from Consent

ACTION: Friedman/Frohman, unan.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation to the members of the musical group, Flying Blind, declaring August 19, 2000 as “Flying Blind Day.”

ACTION: Presentation made by Mayor Sabatino

Proclamation presented by Mayor Sabatino to Interim Policy Chief Don Burnett.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of August 8, 2000.

ACTION: **By motion** (Friedman/Frohman, unan.), approved the minutes of the regular City Council meeting of August 8, 2000.

CONSENT

2. Consider adopting revised resolution of support for the retention of the 209 Area Code in Stanislaus County and advise the California Public Utilities Commission that the City of Modesto supports Alternative Relief Plan 10B.

ACTION: **Res. 2000-433** adopted (Friedman/Frohman, unan.) approving revision of resolution of support for the retention of the 209 Area code in Stanislaus

County and advising the California Public Utilities Commission that the City of Modesto supports Alternative Relief Plan 10B.

CONSENT

3. Consider awarding contract to Teichert Construction for the Modesto City-County Airport project to rehabilitate taxiways "A" and "B", construct electrical vault building and relocate/upgrade electrical vault equipment for \$755,870. (A contract change order will be issued to eliminate a portion of the work and reduce the contract amount to \$557,230). Total estimated cost: \$640,815 (contract \$557,230; other \$83,585) Funds are budgeted.

ACTION: **Res. 2000-434** adopted (Friedman/Frohman, unan.) awarding contract to Teichert Construction for the Modesto City-County Airport project to rehabilitate taxiways "A" and "B", construct electrical vault building and relocate/upgrade electrical vault equipment for \$755,870.

CONSENT

4. Consider accepting contract of Fagundes & Son, Inc. as complete for the Enterprise Business Park waterline project and authorize the City Clerk to file a Notice of Completion. Final cost: \$270,330.93. Funds are budgeted.

ACTION: **Res. 2000-435** adopted (Friedman/Frohman, unan.) accepting contract of Fagundes & Son, Inc. as complete for the Enterprise Business Park waterline project and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Consider approving an appropriation transfer in the amount of \$41,465 to fully fund the Primary Plant Headworks and Cannery Segregation Project.

ACTION: **Res. 2000-436** adopted (Friedman/Frohman, unan.) approving an appropriation transfer in the amount of \$41,465 to fully fund the Primary Plant Headworks and Cannery Segregation Project.

CONSENT

6. Consider restating terms of office and procedures for the Citizens Housing and Community Development Committee to include dissolution of the Housing Maintenance and Counseling Subcommittee and rescinding Resolution No. 96-576.

ACTION: **Res. 2000-437** adopted (Friedman/Frohman, unan.) restating terms of office and procedures for the Citizens Housing and Community Development Committee to include dissolution of the Housing

Maintenance and Counseling Subcommittee and rescinding Resolution No. 96-576.

CONSENT

7. Consider approving request for fee waiver and use of amplified music at Graceada Park on Friday, September 8, 2000; and consider amending the budget to appropriate funds in the amount of \$785 to cover the cost of services and fees.

ACTION: **Res. 2000-438** adopted (Friedman/Frohman, unan.) approving request for fee waiver and use of amplified music for Rally for Recovery at Graceada Park on Friday, September 8, 2000.

Res. 2000-439 adopted (Friedman/Frohman, unan.) amending the budget to appropriate funds in the amount of \$785 to cover the cost of services and fees for the Rally for Recovery at Graceada Park on Friday, September 8, 2000.

CONSENT

8. Consider adopting the Risk Management Manual.
(Resolution approving the Risk Management Manual needed.)

ACTION: **Res. 2000-440** adopted (Friedman/Frohman, unan.) approving the Risk Management Manual.

CONSENT

9. Consider approving an agreement with Modesto Irrigation District for the installation, operation and maintenance of a storm drain pipeline under and across MID's Lateral 6.

ACTION: **Res. 2000-441** adopted (Friedman/Frohman, unan.) approving an agreement with Modesto Irrigation District for the installation, operation and maintenance of a storm drain pipeline under and across MID's Lateral 6.

CONSENT

10. Consider approval of final map of Legends Village Unit No. 4 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: JKB Homes, Corp.)

ACTION: **Res. 2000-442** adopted (Friedman/Frohman, unan.) approving the final map of Legends Village Unit No. 4 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Councilmembers Conrad & Friedman excused due to conflict of interest

11. Consider approval of final map of Arbor Lane No. 1 subdivision in the Coffee-Claratina Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

ACTION: **Res. 2000-443** adopted (Fisher/Smith, unan.; Conrad & Friedman, absent) approving the final map of Arbor Lane No. 1 subdivision in the Coffee-Claratina Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

12. Consider amending the Position Classification Plan to create the classifications of Events Supervisor I and Events Supervisor II, to delete the classification of Events Supervisor and Business Development Division Manager and to amend the classification for Maintenance Worker I, Maintenance Mechanic Crewleader-Pumps and Airport Operations and Maintenance Supervisor; and consider changing or creating salaries as necessary.

ACTION: **Res. 2000-444** adopted (Friedman/Frohman, unan.) amending the Position Classification Plan to create the classifications of Events Supervisor I and Events Supervisor II, to delete the classification of Events Supervisor and Business Development Division Manager and to amend the classification for Maintenance Worker I, Maintenance Mechanic Crewleader-Pumps and Airport Operations and Maintenance Supervisor.

Res. 2000-445 adopted amending the Class Range Tables as necessary relating to the creation of the classifications of Events Supervisor I and Events Supervisor II, the deletion of the classification of Events Supervisor and Business Development Division Manager and the amendment of the classification for Maintenance Worker I, Maintenance Mechanic Crewleader-Pumps and Airport Operations and Maintenance Supervisor.

HEARINGS

13. Hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services and recommendation to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City.
(Continued from July 25, 2000 City Council meeting.)

ACTION: By motion (Smith/Fisher, unan.) continued item 60 days and return to Utility Services and Franchise Committee for recommendation to Council.

NEW BUSINESS

14. Consider rescinding the designation of \$7.2 million of the General Fund's fund balances for the possible refund of utility fund transfers to the General Fund for the period of July, 1997 to September, 1999.

ACTION: Res. 2000-446 adopted (Frohman/Fisher, majority; Conrad, Serpa, Sabatino, no) returning \$7.2 million to the General Fund and to allocate a maximum of \$367,000 annually to be earmarked for street repair for streets that are in need of repair due to the installation and maintenance of water and sewer lines. The \$367,000 will be reviewed annually for any adjustment needed.

ORAL COMMUNICATIONS

- Councilmember Serpa commented on a minute excerpt from the May 2, 2000 Council meeting and noted changes in committee assignments, and declined the appointment of Chair of the Financial Policy Committee.
- Mayor Sabatino responded to Councilmember Serpa's comments and gave his reason for making the change in committee appointments.
- Shell Downing spoke regarding the auction of the German Shepherd puppies.
- Jack Crist explained background check will be conducted and noted the City would work with Ms. Downing.
- Councilmember Frohman acknowledged Jim Miller from the Modesto Bee and his acceptance of a new position in Sacramento.

WRITTEN COMMUNICATIONS

15. Letter from Mr. Mack Wilson regarding an issue with the Modesto Police Department.

ACTION: Continued to September 5, 2000.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 6:50 p.m.

CLOSED SESSION

The meeting adjourned to the Council Conference Room for a Closed Session as follows:

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

Agency negotiator: Robin Renwick, Personnel Director

Employee Organization: Modesto City Fire Fighters Association

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(A) of the Government Code)

*Name of case: James Howard v. City of Modesto
Workers Compensation Appeal Board Case Nos. STK152983, 152984,
152985, 149765 and 41010*

The City Attorney returned at 7:20 p.m. and reported no action had been taken.

MINUTES, City Council Meeting, Tuesday, August 22, 2000, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent:

Pledge of Allegiance to the Flag

Invocation: Rev. Clifford Sexton, First Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 3
Item 4 removed from consent

ACTION: (Frohman/Fisher, unan.)

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 5

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

Introduction of new Convention and Visitors Bureau Manager, Sam Burns, by Gary Plummer, Chamber of Commerce President.

Gary Plummer introduced Sam Burns.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special City Council meeting of August 10 and regular City Council meeting of August 15, 2000.

ACTION: By motion, (Frohman/Fisher, unan.) approved the minutes.

CONSENT

2. Consider accepting grant funding in the amount of \$159,483 from the Environmental Enhancement and Mitigation Program for a Class I bicycle trail within the Hetch Hetchy utility easement.

ACTION: **Res. 2000-447** adopted (Frohman/Fisher, unan.) accepting grant, authorizing City Manager to sign agreement.

Res. 2000-448 adopted (Frohman/Fisher, unan.) amending budget.

Res. 2000-449 adopted (Frohman/Fisher, unan.) approving appropriation transfer.

CONSENT

3. Consider supporting proposed projects for Reduce Motor Vehicle Emissions (REMOVE) grant applications through the San Joaquin Valley Air Pollution Control District.

ACTION: **Res. 2000-450** adopted (Frohman/Fisher, unan.) supporting proposed projects for REMOVE grant funding.

Removed from Consent

4. Consider authorizing a 5% salary increase and a one-time 5% bonus for the City Attorney, and a 4% salary increase for the City Clerk & Auditor.

ACTION: **Res. 2000-451** adopted (Frohman/Friedman, unan.) authorizing salary increase and one-time bonus for City Attorney.

Res. 2000-452 adopted (Frohman/Friedman, maj.; Serpa, no) authorizing salary increase for City Clerk & Auditor.

CONSENT – *Councilmembers Conrad and Friedman excused due to conflict of interest.*

5. Consider approval of the final map of Legacy Unit No. 1 subdivision in the Carver-Bangs Specific Plan, accepting the public improvements, 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: The Fitzpatrick Company)

ACTION: **Res. 2000-453** (Fisher/Smith, unan.; Conrad, Friedman, absent) adopted approving final map, accepting public improvements, and authorizing City Manager to sign agreement.

CONSENT

- 5A. Consider certifying signatures contained in an initiative amending the Modesto City Charter providing for term limits for members of the Modesto City Council and changing the date of Regular Municipal Elections from November to March. (“The Term Limits Act of 2000”)

ACTION: **Res. 2000-454** (Frohman/Fisher, unan.) adopted certifying signatures.

UNFINISHED BUSINESS

6. At the request of Councilmember Friedman, discussion of Forward Modesto V.

ACTION: By motion, (Friedman/Smith, unan.) referred to committee appointed by Mayor Sabatino consisting of Councilmembers Fisher, Frohman and Mayor Sabatino.

NEW BUSINESS

7. Consider authorizing City Manager to submit response to the 1999/00 Civil Grand Jury Final Report regarding the Modesto Fire Department.

ACTION: **Res. 2000-455** adopted (Friedman/Fisher, unan.) authorizing submission of response.

8. Consider authorizing the City Manager to execute an agreement with EIP Associates to prepare a Focused Environmental Impact Report for Modesto Junior College Commercial Center, for a total amount not to exceed \$80,000.

ACTION: **Res. 2000-456** adopted (Conrad/Fisher, maj.; Frohman and Sabatino, no) approving agreement with an unconditional reimbursement of costs within 3 years from the applicant.

9. Consider report on the recommended solutions regarding the homeless issues in the La Loma Neighborhood.

ACTION: By motion, (Conrad/Fisher, unan.) accepted report and referred to Human Services Committee.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

10. Letter from Father E.S. Joseph, St. Ephrim Scholarship Education Fund, regarding denial of bingo permit, denial of access to report used as basis for denial, and permit approval.

ACTION: No action taken. Appeal process will be completed when the Police Chief returns from vacation.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 11:05 p.m.

MINUTES, City Council Meeting, Tuesday, September 5, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Smith, Mayor Sabatino
Absent: None

Pledge of Allegiance to the Flag

Invocation: Vern Deatherage, Gospel Mission

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9
Items 6 & 7 removed from Consent

ACTION: Frohman/Friedman, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of August 22, 2000 and the special City Council meeting of August 25, 2000.
City Clerk

ACTION: **By motion** (Frohman/Friedman, unan.), approved the minutes of the regular City Council meeting of August 22, 2000 and the special City Council meeting of August 25, 2000.

CONSENT

2. Consider awarding contract for the Primary Clarifiers No. 1 and 2 Renewal project to Auburn constructors for \$895,400; consider approving an appropriation transfer to fully fund the project. Total estimated cost: \$1,011,802 (contract: \$895,400; other \$116,402)
Engineering & Transportation

ACTION: **Res. 2000-457** adopted (Frohman/Friedman, unan.) awarding contract for the Primary Clarifiers No. 1 and 2 Renewal project to Auburn constructors for \$895,400.

Res. 2000-458 adopted (Frohman/Friedman, unan.) approving an appropriation transfer to fully fund the Primary Clarifiers No. 1 and 2 Renewal project.

CONSENT

3. Consider amending the budget to appropriate \$77,000 from the 1999 Pavement Maintenance Fund and \$74,200 from the 2000 Pavement Maintenance Fund to the Kansas Avenue – Emerald to 8th account; consider amending the storm drain budget to appropriate \$40,000 from the Storm Drain Fund Reserves to the Kansas Avenue – Emerald to 8th account; consider awarding the contract for the Kansas Avenue reconstruction project to George Reed, Inc. for \$747,109. Total estimated cost: \$844,200 (contract \$747,109; other \$97,091)
Engineering & Transportation

ACTION: **Res. 2000-459** adopted (Frohman/Friedman, unan.) amending the budget to appropriate \$77,000 from the 1999 Pavement Maintenance Fund and \$74,200 from the 2000 Pavement Maintenance Fund to the Kansas Avenue – Emerald to 8th account and amending the storm drain budget to appropriate \$40,000 from the Storm Drain Fund Reserves to the Kansas Avenue – Emerald to 8th account.

Res. 2000-460 adopted (Frohman/Friedman, unan.) awarding the contract for the Kansas Avenue reconstruction project to George Reed, Inc. for \$747,109.

CONSENT

4. Consider accepting as complete the contract of Rutherford and Smith Construction, Inc. for the construction of ranch cannery pump station and forcemain project and authorizing the City Clerk to file a Notice of Completion. Final cost: \$3,578,334.69. Funds are budgeted.
Engineering & Transportation

ACTION: **Res. 2000-461** adopted (Frohman/Friedman, unan.) accepting as complete the contract of Rutherford and Smith Construction, Inc. for the construction of ranch cannery pump station and forcemain project and authorizing the City Clerk to file a Notice of Completion.

CONSENT

5. Consider authorizing the City Manager to execute a Joint Powers agreement with Stanislaus County for the purpose of acquiring right of way for the Pelandale/McHenry intersection improvements project; and consider making the findings that the project is within the scope of the General Plan Master Environmental Report (EIR).
Engineering & Transportation

ACTION: **Res. 2000-462** adopted (Frohman/Friedman, unan.) authorizing the City Manager to execute a Joint Powers agreement with Stanislaus County for the purpose of acquiring right of way for the Pelandale/McHenry intersection improvements project.

Res. 2000-463 adopted (Frohman/Friedman, unan.) making the findings that the project is within the scope of the General Plan Master Environmental Report (EIR).

Item #6 removed from Consent

6. Consider approving an amendment to the catering agreement with DoubleTree Hotel as it pertains to use by non-profit organizations.
Recreation & Neighborhoods/Financial Policy Committee

ACTION: **By motion** (Smith/Fisher, unan.) returned item to Financial Policy Committee.

Item #7 removed from Consent

7. Consider authorizing a Request for Proposals (RFP) for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000.
Recreation & Neighborhoods/Financial Policy Committee

ACTION: **Res. 2000-464** adopted (Frohman/Friedman, unan.) authorizing a Request for Proposals (RFP) for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000, with a review by the financial Policy Committee and the Audit Committee. The contract will return to the Council for consideration and final approval.

CONSENT

8. Consider declaring Pioneer Americas Inc. the low responsive and responsible bidder for liquid chlorine for an estimated \$106,047 for the Operations & Maintenance Department – Secondary Waste Water Treatment Plant.
Finance

ACTION: **Res. 2000-465** adopted (Frohman/Friedman, unan.) declaring Pioneer Americas Inc. the low responsive and responsible bidder for liquid chlorine for an estimated \$106,047 for the Operations & Maintenance Department – Secondary Waste Water Treatment Plant.

CONSENT

9. Consider supporting Proposition 35, “The Fair Competition and Taxpayer Savings Act” Initiative.
Engineering & Transportation/Financial Policy Committee

ACTION: **Res. 2000-466** adopted (Frohman/Friedman, unan.) supporting Proposition 35, “The Fair Competition and Taxpayer Savings Act” Initiative.

ACKNOWLEDGEMENTS AND PRESENTATIONS

10. Presentation by Pete Bakker, owner of Coit Services, Inc. and Coit Restoration, of a video entitled "Modesto – Our Quality of Life".

ACTION: No action was taken.

ORAL COMMUNICATIONS

- Miguel Donoso noted public safety concerns at the El Capitan Motel and requested an ethnic breakdown of Modesto Police Department workforce.

WRITTEN COMMUNICATIONS

11. Letter from Mr. Mack Wilson regarding an issue with the Modesto Police Department.

ACTION: No action was taken.

12. Letter from Barbara Deatherage requesting to address the City Council regarding the August 23rd Modesto Bee article by Suzanne Hurt regarding the homeless problems in the La Loma area.

ACTION: No action was taken.

13. Letter from James Lissner regarding cost of obtaining Police reports.

ACTION: By motion (Serpa/Frohman, unan.) item was referred to the Police Department.

HEARINGS

14. Hearing to consider designation of the property located at 124 Sycamore Avenue as a Modesto Landmark Preservation Site. (Dorothy and Arthur Scully, Property Owners)
(Item requested to be continued to October 10, 2000 to allow review by Human Services Committee)
Recreation & Neighborhoods

ACTION: **By motion** (Friedman/Fisher, unan.), item continued to October 10, 2000.

15. Hearing to consider designation of the property at 400 Tuolumne Boulevard as a Landmark Preservation Site. (Municipal Golf Course – City of Modesto, Property Owner)

(Item requested to be continued to October 10, 2000 to allow review by Human Services Committee)

Recreation & Neighborhoods

ACTION: **By motion** (Friedman/Fisher, unan.) item continued to October 10, 2000.

NEW BUSINESS

16. Consider approving the Internet/Intranet Technology Action Plan and authorize a fund transfer in the amount of \$107,000 from the General Fund Reserve for implementation.

City Manager/Utility Services & Franchises Committee

ACTION: **Res. 2000-467** adopted (Frohman/Friedman, unan.) approving the Internet/Intranet Technology Action Plan and authorize a fund transfer in the amount of \$107,000 from the General Fund Reserve for implementation.

17. Consider authorizing the City Attorney to convey the City's response to the 1999-2000 Stanislaus County Civil Grand Jury's Final Report regarding Modesto sewer and water rates.

City Attorney

ACTION: **Res. 2000-468** adopted (Sabatino/Fisher, majority; Conrad, no) authorizing the City Attorney to convey the City's response to the 1999-2000 Stanislaus County Civil Grand Jury's Final Report regarding Modesto sewer and water rates including clarifications made to responses 15, 21, 22, 24, 26 and 35.

18. Consider approving a resolution of intention to amend the contract between the City and CalPERS to provide 2% at 55 retirement formula and Third Level of 1959 Survivors Benefits for miscellaneous members.

Personnel

ACTION: **Res. 2000-469** adopted (Frohman/Friedman, unan.) approving a resolution of intention to amend the contract between the City and CalPERS to provide Section 21354 (2% at 55 Full and Modified formula) and Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members and authorizing City Clerk to certify compliance with Government Code Section 7507.

Res. 2000-470 adopted (Frohman/Friedman, unan.) approving an agreement with CalPERS to pool 1959 Survivor Benefits.

By motion (Frohman/Friedman, unan.) introduced Ordinance **3185-C.S.** to amend contract between the City and CalPERS to provide for 2% at 55 retirement formula and Third Level of 1959 Survivor's Benefits for miscellaneous members

19. Consider awarding a contract to Yeoman's Pump, Inc. for the Scenic Bend lift station – pumps for \$160,310.88. Total estimated cost: \$168,326 (contract \$160,310.88; other \$8,015.12) Funds are budgeted.)
Engineering & Transportation

ACTION: **Res. 2000-471** adopted (Fisher/Conrad, unan.) rejecting all bids received for Scenic Bend lift station – pumps project.

COUNCIL COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

CLOSED SESSION

The meeting adjourned to Closed Session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to section 54957.6 of the Government Code)

Agency negotiator: Robin Renwick, Personnel Director

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 10:25 p.m. and reported no action had been taken.

MINUTES, City of Modesto, Tuesday, September 12, 2000, at 5:15 p.m.

ROLL CALL – Present: Councilmembers Conrad, Fisher, Friedman, Frohman,
Serpa, Smith, Mayor Sabatino
Absent: None

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION: Reverend Cliff Sexton, First Baptist Church

DECLARE CONFLICT OF INTERESTS - None

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

ACTION: Friedman/Fisher, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 5, 2000.

ACTION: **By motion** (Friedman/Fisher, unan.), approved the minutes of the special and regular City Council meeting of September 5, 2000.

CONSENT

2. Consider approving a lease agreement with Leonard Reisz for lease of City-owned orchard property at 4205 Gomes Road.
Operations & Maintenance

ACTION: **Res. 2000-472** adopted (Friedman/Fisher, unan.), approving a lease agreement with Leonard Reisz for lease of City-owned orchard property at 4205 Gomes Road.

ACKNOWLEDGEMENTS AND PRESENTATIONS

3. Introduction of Recreation and Neighborhoods Department mascots, Mac and Maggie Magpie.

ACTION: Recreation and Neighborhoods Director Jim Niskanen introduced Mac and Maggie Magpie.

ORAL COMMUNICATIONS

- Alison Boucher, Friends of the Tuolumne, made requests to improve the Gateway Project Plan.
- Councilmember Smith congratulated Little A's on their success in leading their division.

UNFINISHED BUSINESS

4. Oral report from Police Department regarding Prescott Estates.

ACTION: No action taken.

HEARINGS

Councilmember Fisher absent due to conflict.

5. Hearing to consider the Planning Commission recommendation to amend the permitted uses allowed in P-D(225) to include on-sale liquor in addition to beer and wine, property located on the east side of North Carpenter Road south of Kansas Avenue at 500 North Carpenter Road (Legends Café, Art Mitchell)
Community Development Department

ACTION: **By motion** (Friedman/Conrad, unan.; Fisher, absent), introduced Ord. No.3186–C.S. amending the permitted uses allowed in P-D(225) to include on-sale liquor in addition to beer and wine, property located on the east side of North Carpenter Road south of Kansas Avenue at 500 North Carpenter Road (Legends Café, Art Mitchell).

6. Hearing to consider adopting a resolution increasing parking rates.
Operations & Maintenance Department; Transportation Policy Committee

ACTION: **Res. 2000-473** adopted (Sabatino/Fisher, unan.) increasing parking rates with a six-month review on the special events rate, review all rates annually and to include inflaters on all rate.

NEW BUSINESS

7. Consider approving policies relating to sewer rate equity and equity adjustment; a proposed equity adjustment; 3% across-the-board sewer rate increase; and consider setting November 14, 2000 as the Proposition 218 public hearing date.
Engineering & Transportation; Utility Services & Franchise Committee; Sewer Rate Advisory Group; Downtown Improvement District

ACTION: **Res. 2000-474** adopted (Fisher, Smith, unan.) setting November 14, 2000 as a public hearing with the intent to consider the policies, the proposed

equity adjustment, and the 3% across-the-board sewer rate increase, and also consider revising reserve policy.

COUNCIL COMMENTS AND REPORTS

8. Consider authorizing a formal request be sent to the Stanislaus County Board of Supervisors for an amendment to our Bradley Burns Sales Tax Agreement to discontinue the five percent (5%) transfer to Stanislaus County.
City Manager

ACTION: **Res. 2000-475** adopted (Fisher/Conrad, unan.) authorizing the City Manager and Mayor to initiate discussion with the Stanislaus County Board of Supervisors for an amendment to our Bradley Burns Sales Tax Agreement to discontinue the five percent (5%) transfer to Stanislaus County, and to invite Mayors from Turlock and Oakdale to participate in discussion for the same purpose on behalf of their cities. A background of other cities was also requested by the Council.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:19 p.m.

MINUTES, City Council Meeting, Tuesday, September 19, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent:

Pledge of Allegiance to the Flag

Invocation: Rev. John Fraioli, Big Valley Grace Church

Declare Conflicts of Interest - None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

ACTION: Friedman/Fisher, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 12, 2000.

ACTION: **By motion** (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of September 12, 2000.

CONSENT

2. Consider authorizing Request for Proposals (RFP) for the development, improvement or preservation of low- and moderate-income affordable housing units using HOME funds. A total of \$1,027, 658 of assistance is available for Fiscal Year 2000-01.
(Recreation & Neighborhoods)

ACTION: **Res. 2000-476** adopted (Friedman/Fisher, unan.) authorizing Request for Proposals (RFP) for the development, improvement or preservation of low- and moderate-income affordable housing units using HOME funds.

CONSENT

3. Consider approval of the final map of Madison Pointe Subdivision in the Pelandale-Snyder Specific Plan area 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: Western Pacific Housing-Windsor Pointe, LLC.)
(CDD/Development Services)

ACTION: **Res. 2000-477** adopted (Friedman/Fisher, unan.) approving the final map of Madison Pointe Subdivision in the Pelandale-Snyder Specific Plan area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

Consider authorizing benefit changes for unrepresented Management and Confidential employees to align with recent MCEA MOU provisions. Total estimated cost: \$9,180. Funds are budgeted.)
(*Personnel*)

ACTION: **Res. 2000-478** adopted (Friedman/Fisher, unan.) authorizing benefit changes for unrepresented Management and Confidential employees to align with recent MCEA MOU provisions.

CONSENT

4. Final adoption of Ord. No. 3186-C.S. amending permitted uses allowed in P-D(225), property located on the east side of North Carpenter Road south of Kansas Avenue at 500 North Carpenter Road (Legends, Café, Art Mitchell).

ACTION: **By motion** (Friedman/Fisher, unan.), approved final adoption of Ord. No. 3186-C.S. amending permitted uses allowed in P-D(225), property located on the east side of North Carpenter Road south of Kansas Avenue at 500 North Carpenter Road.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a Proclamation regarding Pollution Prevention Week, September 18-24, 2000.

ACTION: Presentation made by Mayor Sabatino. Bev Mc Cullough accepted proclamation.

Presentation of a Proclamation regarding Latino Behavioral Health Week, September 17-23, 2000.

ACTION: Presentation made by Mayor Sabatino. Dan Souza accepted proclamation.

ORAL COMMUNICATIONS

- Comments were received from concerned members of the community regarding the death of Alberto Sepulveda:

- Moises Sepulveda, Larry Hill, Raul Ortega, Norma Anaya Barron, Pablo Amaro, Gabriela Thompson-Gajara, Moises Sepulveda Jr., Hector Berra, Jeannette Martinez, Daniel Garcia Sr., Vangie Garca, Bob Shook, Ricardo Garcia, Hazel Tadlock, Elizabeth Mendoza, Ruth Valez-Laherock, Sadel Rodriguez, Ruben Martinez, Jose Cuevas, Donna Gonzalez, Mac Wilson, John Solavana, Marcus Ramirez, Phyllis Adelanto, Michael Garcia
- Oliver Sheldon spoke regarding Prescott Estates and noted the need to clean up the area.

NEW BUSINESS

Item #6 continued to September 26, 2000

6. Consider designating Voting and Alternate Voting Delegates, Annual Congress of Cities, December 5-9, 2000, Boston, Massachusetts.
(City Clerk)
7. Consider designating a specific crosswalk in the community the “Alberto Sepulveda Safety Crossing” at the suggestion of Councilmember Frohman.

ACTION: No action taken

COUNCIL COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

MINUTES, Special City Council Meeting – Workshop, Saturday, September 23, 2000, at 8:30 a.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

The business considered at said special workshop City Council meeting consisted of the following:

1. Discussion and formulation of economic development strategies.

Discussion took place regarding economic development strategies by the Council and Charter officers.

2. Oral Communications

None.

3. Council Comments and Reports

None.

4. Matters Too Late for the Agenda

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 2:20 p.m.

The City Attorney returned at 3:20 p.m. and reported no action was taken.

MINUTES, **City Council Meeting**, Tuesday, September 26, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Rev. David Seifert, Big Valley Grace Community Church

Declare Conflicts of Interest - None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 16
Items 5, 9, 13, 15 removed from Consent

ACTION: Fisher/Friedman, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 19, 2000.

ACTION: **By motion** (Fisher/Friedman, unan.), approved the minutes of the regular City Council meeting of September 19, 2000.

CONSENT

2. Final adoption of Ord. No. 3185-C.S. authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

ACTION: **By motion** (Fisher/Friedman, unan.), approved final adoption of Ord. No. 3185-C.S. authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

CONSENT

3. Consider accepting as complete the contract of Conco-West, Inc. for the clarifier control box rehabilitation project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$101,600)

ACTION: **Res. 2000-479** adopted (Fisher/Friedman, unan.) accepting as complete the contract of Conco-West, Inc. for the clarifier control box rehabilitation project and authorize the City Clerk to file the Notice of Completion.

CONSENT

4. Consider accepting as complete the contract of Mazingo Construction Company. for the Bangs Avenue water and sewer mains project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$1,705,854.36) Final cost: \$1,701,194.58. Funds are budgeted.

ACTION: **Res. 2000-480** adopted (Fisher/Friedman, unan.) accepting as complete the contract of Mazingo Construction Company. for the Bangs Avenue water and sewer mains project and authorize the City Clerk to file the Notice of Completion.

Item #5 removed from Consent

5. Consider declaring used Police Department furnishings as surplus and authorizing the disposal of the surplus furnishings by Modesto Junk Company.

ACTION: **Res. 2000-481** adopted (Serpa/Frohman, unan.) declaring used Police Department furnishings as surplus and authorizing the disposal of the surplus furnishings by Modesto Junk Company.

CONSENT

6. Consider rejecting all bids received for construction materials testing services and authorizing a new call for bids on October 10, 2000 at 11:00 a.m. Estimated cost for Fiscal Year 2000-01 \$50,000; 2001-02 \$50,000; Fiscal Year 2000-2-03 \$50,000.

ACTION: **Res. 2000-482** adopted (Fisher/Friedman, unan.) rejecting all bids received for construction materials testing services and authorizing a new call for bids on October 10, 2000 at 11:00 a.m.

CONSENT

7. Consider authorizing the City Manager to execute a settlement agreement between Rick Armstrong Engineering & Building Contractor, Burtson Construction and the City of Modesto.

ACTION: **Res. 2000-483** adopted (Fisher/Friedman, unan.) authorizing the City Manager to execute a settlement agreement between Rick Armstrong

Engineering & Building Contractor, Burtson Construction and the City of Modesto.

CONSENT

8. Consider accepting Federal AIP 24 grant in the amount of \$380,000 for improvements to the airport including the final phase of the reconstruction of taxiways A and B, resurfacing the general aviation service road, and Phase 1 to expand and reconstruct the air carrier and transient aircraft ramp next to the passenger terminal; and consider accepting Federal AIP 25 grant in the amount of \$270,000 for the completion of an Airport Master Plan and Environmental Impact Report, and authorizing the City Manager to sign both grant offers on behalf of the City.

ACTION: **Res. 2000-484** adopted (Fisher/Friedman, unan.) accepting Federal AIP 24 grant in the amount of \$380,000 for improvements to the airport including the final phase of the reconstruction of taxiways A and B, resurfacing the general aviation service road, and Phase 1 to expand and reconstruct the air carrier and transient aircraft ramp next to the passenger terminal.

Res. 2000-485 adopted (Fisher/Friedman, unan.) accepting Federal AIP 25 grant in the amount of \$270,000 for the completion of an Airport Master Plan and Environmental Impact Report, and authorizing the City Manager to sign both grant offers on behalf of the City.

Item #9 removed from Consent

Councilmembers Conrad & Friedman excused due to conflict of interest

9. Consider approval of the final map of Sereno Unit No. 3 subdivision (formerly The Bluffs Subdivision), on Parker Road east of railroad tracks, accepting the public improvements, 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: The Bluffs Senior Housing Development)

ACTION: **Res. 2000-486** adopted (Fisher/Smith, unan.; Conrad & Friedman, absent) approving the final map of Sereno Unit No. 3 subdivision (formerly The Bluffs Subdivision), on Parker Road east of railroad tracks, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider approving addendum to the professional services agreement with Dr. Philip Trompeter for provision of psychological services to Community Service officers. Total estimated cost: \$1,800. Funds are budgeted.

ACTION: **Res. 2000-487** adopted (Fisher/Friedman, unan.) approving addendum to the professional services agreement with Dr. Philip Trompeter for provision of psychological services to Community Service officers.

CONSENT

11. Consider amending the Position Classification Plan to amend the job specifications of Systems Analyst, Assistant City Clerk/Auditor, Deputy City Clerk, Housing Finance Specialist, and Drafting and Graphics Technician; and amending the Position Classification Plan to delete the classifications of Police Administrative Assistant, Public Improvement Specialist and Landscape Technician; consider amending the Class Range Table to amend the salary for Assistant City Attorney; and to delete the classifications of Police Administrative Assistant, Public Improvement Specialist and Landscape Technician.

ACTION: **Res. 2000-488** adopted (Fisher/Friedman, unan.) amending the Position Classification Plan to amend the job specifications of Systems Analyst, Assistant City Clerk/Auditor, Deputy City Clerk, Housing Finance Specialist, and Drafting and Graphics Technician; and amending the Position Classification Plan to delete the classifications of Police Administrative Assistant, Public Improvement Specialist and Landscape Technician.

Res. 2000-489 adopted (Fisher/Friedman, unan.) amending the Class Range Table to amend the salary for Assistant City Attorney; and to delete the classifications of Police Administrative Assistant, Public Improvement Specialist and Landscape Technician.

CONSENT

12. Consider adopting the appropriate resolutions to amend the conflict of interest codes for the following departments: Office of the City Manager, Community Development, Engineering & Transportation, Fire, Operations & Maintenance, Personnel, Police and Community services and Neighborhood Connections (Recreation & Neighborhoods).

ACTION: **Res. 2000-490** adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Office of the City Manager.

Res. 2000-491 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Community Development Department.

Res. 2000-492 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Engineering & Transportation Department.

Res. 2000-493 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Fire Department.

Res. 2000-494 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Operations & Maintenance Department.

Res. 2000-495 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Personnel Department.

Res. 2000-496 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Police Department

Res. 2000-497 adopted (Fisher/Friedman, unan.) amending the conflict of interest codes for the Community Services and Neighborhood Connections (Recreation & Neighborhoods) Department.

Item #13 removed from Consent

13. Consider approving agreement with McHenry Museum Society for staff at Museum store. Total est: exp. \$17,427; total est. rev. \$18,746

ACTION: **Res. 2000-498** adopted (Fisher/Friedman, unan.) approving agreement with McHenry Museum Society for staff at Museum store.

CONSENT

14. Consider approving agreement with Candi Cope for concession services at the Modesto Skate Park.

ACTION: **Res. 2000-499** adopted (Fisher/Friedman, unan.) approving agreement with Candi Cope for concession services at the Modesto Skate Park.

Item #15 removed from Consent

15. Consider amending Sections 3-1.125, 3-1.138 and 3-1.141 of Article 1 of Chapter 1 of Title 3 of the Modesto Municipal Code, relating to the Fire Code.

ACTION: **By motion** (Serpa/Friedman, majority; Conrad, Frohman & Sabatino, no), introduced Ordinance No. 3187- C.S. amending Sections 3-1.125, 3-1.138 and 3-1.141 of Article 1 of Chapter 1 of Title 3 of the Modesto Municipal Code, relating to the Fire Code.

CONSENT

16. Consider designating Voting Delegate, Annual Congress of Cities, December 5-9, 2000, Boston, Massachusetts.

ACTION: **By motion** (Fisher/Friedman, unan.), designating Councilmember Armour Smith as Voting Delegate, Annual Congress of Cities, December 5-9, 2000, Boston, Massachusetts.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

ORAL COMMUNICATIONS

- The following audience members spoke regarding the death of Alberto Sepulveda: Miguel Donoso, Raymond Ontiveroz, Michael Garcia, Raul Ortega, Daniel Garcia, Brian Muhammad, John Matalca, Jorge LeRand, Dale Williams
- Robert Galloway spoke regarding concerns of increasing rent in Prescott Estates
- Dale Williams spoke regarding concerns in Prescott Estates

WRITTEN COMMUNICATIONS

Item #17 dropped from the Agenda

17. Letter from Mike and Dolly Cason requesting discussion of traffic speed on Coralwood Road and actions they would like taken.

UNFINISHED BUSINESS

18. City of Modesto/County of Stanislaus Sales Tax Revenue Division Agreement. (Council concurrence on a strategy to remove this financial burden from each city in the County needed.)
Mayor

ACTION: **By motion** (Conrad/Smith, una.) referred to City Manager and City Attorney to study for 30 days and then refer to Financial Policy Committee. A review will also included with other cities in the County. This item will return to Council in 60 days.

HEARINGS

19. Hearing to consider the Police Department's plan for the use of the 24-month 1999 Federal Local Law Enforcement block grant funds in the amount of \$361,750.

ACTION: **Res. 2000-500** adopted (Serpa/Friedman, unan.) amending the 2000-01 Budget estimating revenues of \$361,750 and appropriating funds.

Res. 2000-501 adopted (Serpa/Friedman, unan.) appropriating \$36,175 from the Supplemental Law Enforcement Services Fund as match to the \$325,575 Federal grant.

20. Hearing to consider the application of Donald L. Sanders for an amendment to Section 8-4-9 of the Zoning Map to rezone from R-1 to P-D(542) for retail commercial development, property on the southwest and southeast corners of Hatch Road and Dallas Street.

ACTION: **By motion** (Friedman/Frohman, unan.), introduced Ordinance No. 3188-C.S. amending Section 8-4-9 of the Zoning Map to rezone from R-1 to P-D(542) for retail commercial development.

Res. 2000-502 adopted (Friedman/Frohman, unan.) approving development plan for retail commercial development of property located on the southwest and southeast corners of Hatch Road and Dallas Street.

Res. 2000-503 adopted (Friedman/Frohman, unan.) certifying conformity with the General Plan Master Environmental Impact Report the development plan for retail commercial development of property located on the southwest and southeast corners of Hatch Road and Dallas Street.

Councilmember Fisher absent due to conflict of interest

21. Hearing to consider the application of Ross Briles for an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(543), property located on the south side of East Floyd Avenue east of Oakdale Road at 2254 Floyd Avenue.

ACTION: **By motion** (Smith/Friedman, unan.; Fisher, absent), introduced an Ordinance No. 3189-C.S. amending Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(543).

Res. 2000-504 adopted (Smith/Friedman, unan.; Fisher, absent) approving development plan for property located on the south side of East Floyd Avenue east of Oakdale Road at 2254 Floyd Avenue.

Res. 2000-505 adopted (Smith/Friedman, unan.; Fisher, absent) certifying conformity with the General Plan Master Environmental Impact Report regarding development plan for property located on the south side of East Floyd Avenue east of Oakdale Road at 2254 Floyd Avenue.

22. Hearing to consider General Amendment No. 12, an application by Marchbrook Building Company to amend the General Plan to redesignate the portion of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A Expressway to a Class B Expressway.

ACTION: **Res. 2000-506** denied (Serpa/Frohman, unan.) General Plan Amendment No. 12 to redesignate the portion of Claus Road between Claribel Avenue and Briggsmore Avenue from a Class A Expressway to a Class B Expressway.

23. Hearing to consider Village One Specific Plan Amendment No. 15, an application by Marchbrook Building Company to amend the Village One Specific Plan to realign the future Claus Road Expressway, redesignate 14 acres from Business Park to Village Residential, and reduce the noise setback along Claus Road.

ACTION: **Res. 2000-507** adopted (Serpa/Frohman, unan.) approving the reduction of noise setback and denying the remainder of the proposed Village One Specific Plan Amendment No. 15.

Res. 2000-508 adopted (Serpa/Frohman, unan.) finding project within the scope of the General Plan Master Environmental Report.

MISCELLANEOUS

Appointments

Item #24 removed from Council Agenda and continued to a future meeting

24. Community Qualities Forum

Culture Commission

COUNCIL COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:54 p.m.

MINUTES, City Council Meeting, Tuesday, October 3, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ross Paterson, First Baptist Church

Declare Conflicts of Interest – Conrad & Friedman, Item #5; Fisher, Item #7b

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, & 6-7a

ACTION: Conrad/Friedman, unan.

Councilmembers Conrad & Friedman absent due to conflict of interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 5

ACTION: Fisher/Frohman, unan.; Conrad & Friedman, absent)

Councilmember Fisher absent due to conflict of interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 7a

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

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special City Council meetings of August 22, and September 23, 2000 and the regular City Council meeting of September 26, 2000.

ACTION: **By motion** (Conrad/Friedman, unan.), approved the minutes of the special City Council meetings of August 22, and September 23, 2000 and the regular City Council meeting of September 26, 2000.

CONSENT

2. Consider accepting as complete the contract of Teichert Construction for the runway 10R-28L resurfacing, runway 10R-28L light and signal relocation, runway 10L-28R runup apron construction, security lighting rehabilitation, rotating beacon rehabilitation and PAPI installation project at the Airport and authorizing the City Clerk to file a Notice of Completion. (Original contract: \$753,969) Final cost: \$777,527.07. Funds are budgeted.

ACTION: **Res. 2000-509** adopted (Conrad/Friedman, unan.) accepting as complete the contract of Teichert Construction for the runway 10R-28L resurfacing, runway 10R-28L light and signal relocation, runway 10L-28R runup apron construction, security lighting rehabilitation, rotating beacon rehabilitation and PAPI installation project at the Airport and authorizing the City Clerk to file a Notice of Completion.

CONSENT

3. Consider accepting as complete the contract of Hawk Systems, Inc. for the Carver/Scott lift station rehabilitation project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$199,400) Final cost: \$201,500. Funds are budgeted.

ACTION: **Res. 2000-510** adopted (Conrad/Friedman, unan.) accepting as complete the contract of Hawk Systems, Inc. for the Carver/Scott lift station rehabilitation project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

4. Consider approving an agreement with the Mathney Family Trust, the George R. Wills and Beverly A. Wills 1992 Trust, and Frank W. Roberts, Jr. for the acquisition of their property located at the intersection of McHenry and Downey; consider approving an agreement with Denny's Inc., consider accepting Right of Entry; consider authorizing City Manager to sign acceptance forms for the deeds involved in this acquisition for the McHenry/Downey right turn lane project; and consider making CEQA findings. Total estimated cost: \$15,254 (contract \$12,254; estimated escrow \$3,000) Funds are budgeted.

ACTION: **Res. 2000-511** adopted (Conrad/Friedman, unan.) approving an agreement with the Mathney Family Trust, the George R. Wills and Beverly A. Wills 1992 Trust, and Frank W. Roberts, Jr. for the acquisition of their property located at the intersection of McHenry and Downey.

Res. 2000-512 adopted (Conrad/Friedman, unan.) approving an agreement with Denny's Inc. regarding the McHenry/Downey right turn lane project.

Res. 2000-513 adopted (Conrad/Friedman, unan.) accepting Right of Entry for the McHenry/Downey right turn lane project.

Res. 2000-514 adopted (Conrad/Friedman, unan.) authorizing City Manager to sign acceptance forms for the deeds involved in the acquisition of property for the McHenry/Downey right turn lane project.

Res. 2000-515 adopted (Conrad/Friedman, unan.) making CEQA findings regarding the McHenry/Downey right turn lane project.

CONSENT

Councilmembers Conrad & Friedman absent due to conflict of interest

5. Consider accepting the improvements for Rose Lane No. 5 subdivision, except for the storm drain basin, located in the North Beyer Park Specific Plan Area, and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Florsheim Bros.)

ACTION: **Res. 2000-516** adopted (Fisher/Frohman, unan.; Conrad & Friedman, absent) accepting the improvements for Rose Lane No. 5 subdivision, except for the storm drain basin, located in the North Beyer Park Specific Plan Area, and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

6. Consider authorizing application for \$269,474 in federal Local Law Enforcement block Grant funds for purchase of mobile data terminals for police vehicles.

ACTION: **Res. 2000-517** adopted (Conrad/Friedman, unan.) authorizing application for \$269,474 in federal Local Law Enforcement block Grant funds for purchase of mobile data terminals for police vehicles.

CONSENT

7. Final adoption of:

- a. Ord. No. 3188-C.S. amending Section 8-4-9 of the Zoning Map to rezone from R-1 to P-D(542) property located on the southeast and southwest corners of Hatch Road and Dallas Street. (Donald L. Sanders)
- b. Ord. No. 3189-C.S. amending Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(543) property located on the south side of Floyd Avenue. (Ross Briles)

ACTION: **By motion** (Conrad/Friedman, unan.), approved final adoption of Ord. No. 3188-C.S. amending Section 8-4-9 of the Zoning Map to rezone from R-1 to P-D(542) property located on the southeast and southwest corners of Hatch Road and Dallas Street.

Councilmember Fisher absent due to conflict of interest

By motion (Conrad/Friedman, unan.; Fisher, absent), approved final adoption of Ord. No. 3189-C.S. amending Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(543) property located on the south side of Floyd Avenue.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Proclamation regarding National Employ the Older Worker Week to Green Thumb, a national non-profit organization which is dedicated to assisting mature workers in their efforts to obtain positions in the rapidly changing workplace.

ACTION: Mayor Sabatino made presentation to Carol Bassler & Carletta Steele.

Trees for Tots - 2000 Millennium Green Project event at Dry Creek Regional Park on October 14, 2000.

ACTION: Presentation made by Operations & Maintenance staff.

Lightning Bolt Weobles from Pack 6 were introduced by the Mayor

ORAL COMMUNICATIONS

- Jim Reed commented on use of the City's Web page, golf concession contracts, and Council participation in day-to-day operations. Mayor Sabatino confirmed that the golf concession contracts would be reviewed by Audit Committee on October 19, 2000.
- Moises Sepulveda Jr. requested the candlelight vigil be rescheduled from October 4, 2000 to October 12, 2000. Mayor confirmed.
- Councilmember Smith reported on Modesto's \$608,000 appropriation from the State and that the Governor vetoed a bill to cap the property tax transfer to the State.

WRITTEN COMMUNICATIONS

8. Letter from Greg Opinski Construction, Inc. regarding Modesto Police Headquarters Building.

ACTION: No action taken.

UNFINISHED BUSINESS

9. Final adoption of Ord. No. 3187-C.S. amending Sections 3-1.125, 3-1.138 and 3-1.141 of Article 1 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code.
(Motion adopting needed.)

ACTION: **By motion** (Friedman/Fisher, majority; Conrad, Frohman & Sabatino, no), approved final adoption of Ord. No. 3187-C.S. amending Sections 3-

1.125, 3-1.138 and 3-1.141 of Article 1 of Chapter 1 of Title 3 of the Modesto Municipal Code relating to the Fire Code.

HEARINGS

10. Hearing to consider the North 99/Woodland Reorganization to the City of Modesto consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Woodland Avenue Fire Protection District.

ACTION: **Res. 2000-518** adopted (Friedman/Fisher, unan.) ordering the North 99/Woodland Reorganization to the City of Modesto consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Woodland Avenue Fire Protection District.

Staff was requested to clarify contamination of the site.

COUNCIL COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 6:05 p.m.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

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

Property: Purchase, sale or lease of property and/or public facilities located at the Northwest corner of Carpenter Road and Whitmore for a regional sports complex (baseball, soccer, little league and football fields and related amenities).

APN: 17-42-03-812 consisting of approximately 152.57 acres

Negotiating party: M A G, A LIMITED PARTNERSHIP, Shiro B. and Walter G. Morimoto, owners

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

The City Attorney returned at 7:15 p.m. to report that no reportable action had been taken.

MINUTES, **Special City Council Meeting - Closed Session**, Tuesday, October 3, 2000, at 4:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

The business considered at this special City Council meeting consisted of 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)

Meeting adjourned at 5:10 p.m.

MINUTES, **City Council Meeting**, Tuesday, October 10, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Lonnie Skiles, Big Valley Grace Community Church

Declare Conflicts of Interest: Councilmember Fisher, Item #7;
Councilmember Fisher & Sabatino, Item #14

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6 & 8

ACTION: Serpa/Friedman, unan.

Councilmember Fisher absent due to conflict of interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 7

ACTION: Friedman/Frohman, unan.; Fisher, absent

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 3, 2000.
City Clerk

ACTION: **By motion** (Serpa/Friedman, unan.), approved the minutes of the regular City Council meeting of October 3, 2000.

CONSENT

2. Consider authorizing a call for bids for a high-pressure compressed air breathing system with storage tanks and authorizing the trade-in of the Bauer VT35 air compressor. Suggested bid opening: October 24, 2000 at 11:00 a.m. Total estimated cost: \$65,000. Funds are budgeted.)
Finance

ACTION: **Res. 2000-518A** adopted (Serpa/Friedman, unan.) authorizing a call for bids for a high-pressure compressed air breathing system with storage tanks and authorizing the trade-in of the Bauer VT35 air compressor.

CONSENT

3. Consider authorizing City Manager to execute an agreement with Dokken Engineering for professional design services for roadway approaches to the Carpenter Road Bridge over Tuolumne River. Total estimated cost: \$103,295. Funds are budgeted.
Engineering & Transportation

ACTION: **Res. 2000-519** adopted (Serpa/Friedman, unan.) authorizing City Manager to execute an agreement with Dokken Engineering for professional design services for roadway approaches to the Carpenter Road Bridge over Tuolumne River.

CONSENT

4. Consider amending the Classification Plan to adopt the job specification and establish a salary for Recreation Coordinator.
Personnel

ACTION: **Res. 2000-520** adopted (Serpa/Friedman, unan.) amending the Classification Plan to adopt the job specification for Recreation Coordinator.

Res. 2000-521 adopted (Serpa/Friedman, unan.) amending the Class Range Table to establish salary for Recreation Coordinator.

CONSENT

5. Consider adding Disabled Bowling to the City's recreation program.
Recreation & Neighborhoods/Committee Review:Human Services Committee

ACTION: **Res. 2000-522** adopted (Serpa/Friedman, unan.) adding the Disabled Bowling Program to City's recreation program activities.

Res. 2000-523 adopted (Serpa/Friedman, unan.) amending the budget to appropriate \$7,500 from the General Fund Contingency Reserve to fund the Disabled Bowling Program.

Res. 2000-524 adopted (Serpa/Friedman, unan.) revising Activity Fees and Revenue to include Adaptive Bowling at 25% cost of recovery for the Disabled Bowling Program.

Res. 2000-525 adopted (Serpa/Friedman, unan.) increasing the Recreation and Neighborhoods Department's ABS target for FY 00-01 and subsequent years due to the Disabled Bowling Program.

CONSENT

6. Consider re-naming the City park, currently referred to as "Floyd II Park" and located at 2025 Wolcott Way and Ellison, Brewer's Rose Park.

Recreation and Neighborhoods/Committee Review:Human Services Committee

ACTION: **Res. 2000-526** adopted (Serpa/Friedman, unan.) re-naming the City park, currently referred to as "Floyd II Park" and located at 2025 Wolcott Way and Ellison, Brewer's Rose Park.

Councilmember Fisher absent due to conflict of interest

7. Consider authorizing the purchase of seven Harley Davidson Police motorcycles from Mitchell's Modesto Harley Davidson and approve the trade-in of seven used motorcycles for a total cost of \$36,844.11. Funds are budgeted.

Finance

ACTION: **Res. 2000-527** adopted (Friedman/Frohman, unan.; Fisher, absent) authorizing the purchase of seven Harley Davidson Police motorcycles from Mitchell's Modesto Harley Davidson and approve the trade-in of seven used motorcycles.

CONSENT

8. Acknowledge receipt of report announcing the National League of Cities James C. Howland Gold Award for Urban Enrichment presented to the City for participation in the Tenth Street Place project and authorize donation of the \$2,000 cash award to the Greater Modesto Foundation.

Community Development

ACTION: **By motion** (Serpa/Friedman, unan.), acknowledged receipt of report announcing the National League of Cities James C. Howland Gold Award for Urban Enrichment presented to the City for participation in the Tenth Street Place project and authorize donation of the \$2,000 cash award to the Greater Modesto Foundation.

ACKNOWLEDGEMENTS AND PRESENTATIONS

9. a. Presentation of the 2000 National Economic Development Partnership Award from the Council for Urban Economic Development for the Tenth Street Place project to the City of Modesto and the Modesto Redevelopment Agency.

ACTION: Presentation made by Community Development Director Phil Testa

- b. Presentation of Modesto Poet Laureate, debbie loyd, who will read her poem "The Farmer's Market."

ACTION: Poem recited by debee loyd.

ORAL COMMUNICATIONS

- Bob Shook spoke in support of the Performing Arts Center and also noted the need to include an educational facility within the Center.
- John Mataka requested the Council to consider a Citizen Police Review Board. This suggestion was referred to the Public Safety Committee.
- Moises Sepulveda Jr. requested the picture of Alberto Sepulveda be posted in City Hall and invited the Council to the vigil scheduled on October 12, 2000.

HEARINGS

10. *Hearing to consider designation of Municipal Golf Course at 400 Tuolumne Boulevard a Modesto Landmark Preservation Site. (Continued from September 5, 2000 Council meeting.)*
Recreation & Neighborhoods/Committee Review: Human Services

ACTION: **By motion** (Serpa/Frohman, unan.) item referred back to Landmark Preservation Commission.

11. Hearing to consider designation of the property at 124 Sycamore Avenue as a Modesto Landmark Preservation Site. (Continued from September 5, 2000 City Council meeting.)
Recreation & Neighborhoods/Committee Review: Human Services

ACTION: **Res. 2000-528** adopted (Frohman/Smith, unan.; Sabatino, no) designating the property at 124 Sycamore Avenue as a Modesto Landmark Preservation Site.

12. Public hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services and recommendation to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City of Modesto. (Continued from July 25, 2000 and August 15, 2000 Council meetings.)
Engineering & Transportation/Committee Review: Utility Services & Franchises

ACTION: **By motion** (Fisher/Friedman, unan.), continued hearing to October 24, 2000.

13. Hearing to consider the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 1999-2000.
Recreation & Neighborhoods

ACTION: By motion (Fisher/Friedman, unan.) item continued to October 24, 2000.

Councilmember Fisher & Mayor Sabatino absent due to conflict of interest

14. Joint hearing with the Modesto Redevelopment Agency to consider a Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage.
Community Development

ACTION: **Res. 2000-529** adopted (Smith/Friedman, majority; Conrad, no) approving the Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage, subject to a good faith attempt to negotiate a parking solution with nearby property owners during the construction of the project.

Res. 2000-530 adopted (Smith/Friedman, majority; Conrad, no) approving required findings based on Initial Study.

COUNCIL COMMENTS AND REPORTS

- Mayor Sabatino commented on the Finance ad hoc committee and his concern of an attack on the committee and reviewed the utility transfer to the General Fund
- Councilmember Serpa requested to move forward on appointments for the Community Qualities Forum

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

MINUTES, City Council Meeting, Tuesday, October 17, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. David Oates, Big Valley Grace Community Church

Declare Conflicts of Interest: Conrad & Friedman, Item 7
Conrad, Item 6

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 7
Items 4 & 5 removed from Consent

ACTION: Friedman/Fisher, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 10, 2000.
City Clerk

ACTION: **By motion**, (Friedman/Fisher, unan.) approved the minutes of the regular City Council meeting of October 10, 2000.

CONSENT

2. Consider accepting as complete the contract of 7/11 Material Inc. for the Maze Boulevard sidewalk project and authorize the City Clerk to file a Notice of Completion. Original cost: \$26,932.95. Final cost: \$30,692.95. Funds are budgeted.
Engineering & Transportation

ACTION: **Res. 2000-531** adopted (Friedman/Fisher, unan.) accepting as complete the contract of 7/11 Material Inc. for the Maze Boulevard sidewalk project and authorize the City Clerk to file a Notice of Completion.

CONSENT

3. Consider accepting as complete the contract of 7/11 Material Inc. for the annual sunken sidewalk at rockwells 99/00 project and authorize the City Clerk to file a

Notice of Completion. Original cost: \$97,269.25. Final cost: \$100,771.23. Funds are budgeted.

Engineering & Transportation

ACTION: **Res. 2000-532** adopted (Friedman/Fisher, unan.) accepting as complete the contract of 7/11 Material Inc. for the annual sunken sidewalk at rockwells 99/00 project and authorize the City Clerk to file a Notice of Completion.

Item #4 removed from Consent

4. Consider authorizing the purchase of mobile data computers from Litton Industries for the Police Department in an amount totaling \$700,000 over the next two years, and consider amending the budget to recognize grant-funded revenue.

Finance

ACTION: **Res. 2000-533** adopted (Serpa/Frohman, unan.) authorizing the purchase of mobile data computers from Litton Industries for the Police Department in an amount totaling \$700,000 over the next two years.

Res. 2000-534 adopted (Serpa/Frohman, unan.) amending budget to fund the purchase of mobile data computers from Litton Industries for the Police Department in an amount totaling \$700,000 over the next two years.

Item #5 removed from Consent

5. Consider authorizing City Manager to execute agreements for pruned refuse receiving and transfer services with Waste Management dba Modesto Disposal and Gilton Resource Recovery for a combined cost not to exceed \$126,700 for the initial term of October 17, 2000 through October 18, 2001; and consider authorizing the City Manager to execute a maximum of two consecutive one-year extensions for a combined three year cost not to exceed \$380,100.

Finance

ACTION: **Res. 2000-535** adopted (Smith/Frohman, unan.) approving agreement with Waste Management dba Modesto Disposal and authorizing City Manager to execute two extensions

Res. 2000- 536 adopted (Smith/Frohman, unan.) approving agreement with Gilton Resource Recovery and authorizing City Manager to execute two extensions.

CONSENT

Councilmember Conrad absent due to conflict of interest

6. Consider Resolution of Intention to form a Mello-Roos Community Facilities District for Coffee-Claratina (CFD No. 2000-2).

City Attorney

ACTION: **Res. 2000-537** adopted (Friedman/Fisher, unan.; Conrad, absent) a Resolution of Intention to form a Mello-Roos Community Facilities District for Coffee-Claratina (CFD No. 2000-2).

Councilmembers Conrad & Friedman absent due to conflict of interest

CONSENT

7. Consider accepting the improvements for Rose Lane No. 6 Subdivision, and accepting the storm drain basin, located in the North Beyer Park Specific Plan area, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owner: Florsheim Bros.)
Community Development

ACTION: **Res. 2000-538** adopted (Fisher/Frohman, unan.; Conrad & Friedman, absent) accepting the improvements for Rose Lane No. 6 Subdivision, and accepting the storm drain basin, located in the North Beyer Park Specific Plan area, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

ACKNOWLEDGEMENTS AND PRESENTATIONS

8. a. Presentation of a Certificate of Recognition to Jeffery Amador for his quick response and calm demeanor at a gathering on September 16, 2000, which possibly resulted in saving a life.

ACTION: Mayor Sabatino presented Jeffery with the certificate.

- b. Presentation of a Proclamation to Miss Harmony Wheeler, the winner of the Miss California Preteen Achievement 2000 Award.

ACTION: Mayor Sabatino presented the proclamation to Harmony.

- c. Presentation of a Proclamation to Haven Women's Center observing October 2000 as "National Domestic Violence Awareness Month."

ACTION: Mayor Sabatino presented the proclamation to the Center representatives.

ORAL COMMUNICATIONS

- Dale Williams commented regarding evicted families from Prescott Estates.
 - Staff members responded to Mr. Williams' concerns.

HEARINGS

9. Hearing to consider approving the execution and delivery of Multifamily Housing Refunding Revenue Bonds for Shadowbrook Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended.

Finance

ACTION: **By motion**, (Fisher/Friedman, unan.) item continued to November 7, 2000.

NEW BUSINESS

10. Oral presentation regarding the Stanislaus Drug Court.

Police

ACTION: Program reviewed by Judge Don Shaver and comments were received from drug court graduates. No action taken.

11. Legislative Process Review Report – Management Partners.

City Manager

ACTION: **Res. 2000-539** adopted (Fisher/Friedman, unan.) accepting Legislative Process Review Report – Management Partners and directing staff regarding implementation of recommendations.

MISCELLANEOUS

Appointments

12. Citizens Housing & Community Development Committee

ACTION: **Res. 2000-540** adopted (Fisher/Conrad, unan.) appointing Charles Chituras, Brad Pitts, and Caroline Mitton to the Citizens Housing & Community Development Committee each with an expiration date of January 1, 2005.

Community Qualities Forum

ACTION: **Res. 2000-541** adopted (Fisher/Conrad, unan.) appointing Steven Barbieri, M. David Lopez, Alan Strauss, and Lee Sturgill to the Community Qualities Forum each with an expiration date of January 1, 2005.

Culture Commission

ACTION: **Res. 2000-542** adopted (Fisher/Conrad, unan.) appointing Kent Faulkner to the Culture Commission with an expiration date of January 1, 2004.

COUNCIL COMMENTS AND REPORTS

- Raul Ortega spoke regarding Empowerment Conference to be held for dislocated workers.
- Councilmember Fisher requested a business park development strategies item be placed on a future agenda.
- Councilmember Smith requested Proposition 36 be placed on a future agenda.
- Councilmember Smith reported on Trees for Tots event.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

MINUTES, City Council Meeting, Tuesday, October 24, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Dave Marsten, Big Valley Grace Community Church

Declare Conflicts of Interest - None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 – 10, 12, 15
Items 1, 11, 13 and 14 removed from Consent

ACTION: Friedman/Fisher, unan.

CONSENT ITEMS

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

Removed from Consent

1. Approval of the minutes of the special City Council meeting of October 16, 2000 and the regular City Council meeting of October 17, 2000.
City Clerk

ACTION: By motion, (Fisher/Friedman, unan.) approved the minutes of the special City Council meeting of October 16, 2000 and the regular City Council meeting of October 17, 2000 with corrections to the October 17, 2000 minutes noting Councilmember Fisher's request for business park discussions was for the Council meeting of October 24, 2000. It was confirmed that this issue would be discussed at the October 30, 2000 special City Council meeting.

CONSENT

2. Consider awarding the contract for the outfall rehabilitation – Phase 1 project to J. W. Ebert Corp. for \$763,600, and consider authorizing the City Manager to execute "Right of Entry" agreements. Total estimated cost: \$863,000 (contract: \$763,600; contingency & const. admin. \$99,400) Funds are budgeted.)
Engineering & Transportation

ACTION: **Res. 2000-543** adopted (Friedman/Fisher, unan.) awarding the contract for the outfall rehabilitation – Phase 1 project to J. W. Ebert Corp.

Res. 2000-544 adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute "Right of Entry" agreements for outfall rehabilitation project.

CONSENT

3. Consider authorizing a call for bids for prefabricated restrooms for the Recreation and Neighborhoods Department. (Suggested bid opening: November 14, 2000 at 11:00 a.m. Total estimated cost: \$115,000. Funds are budgeted.

Finance

ACTION: **Res. 2000-545** adopted (Friedman/Fisher, unan.) authorizing a call for bids for prefabricated restrooms for the Recreation and Neighborhoods Department.

CONSENT

4. Consider declaring as surplus one 1977 Oshkosh Model M-1500 crash/rescue truck and authorizing the Purchasing Division to sell the unit.

Finance

ACTION: **Res. 2000-546** adopted (Friedman/Fisher, unan.) declaring as surplus one 1977 Oshkosh Model M-1500 crash/rescue truck and authorizing the Purchasing Division to sell the unit.

CONSENT

5. Consider waiving formal bid procedures and authorizing the purchase of three used buses from Transit Sales International for Engineering & Transportation Department – Modesto Area Express (Max). Total estimated cost: \$106,301.25. Funds are budgeted.

Finance

ACTION: **Res. 2000-547** adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing the purchase of three used buses from Transit Sales International for Engineering & Transportation Department – Modesto Area Express (Max).

CONSENT

6. Consider approval of the final map of Chateau Maison Subdivision in the Pelandale-Snyder Specific Plan 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: Western Pacific Housing-Windsor Pointe, LC)

Community Development

ACTION: **Res. 2000-548** adopted (Friedman/Fisher, unan.) approving the final map of Chateau Maison Subdivision in the Pelandale-Snyder Specific Plan and

authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

7. Consider allocating four lots purchased with Community Development Block Grant (CDBG) funding to Desarrollo-Latino-Americano, a not for profit agency.
Recreation & Neighborhoods

ACTION: **Res. 2000-549** adopted (Friedman/Fisher, unan.) allocating four lots purchased with Community Development Block Grant (CDBG) funding to Desarrollo-Latino-Americano, a not for profit agency.

CONSENT

8. Consider approving a lease agreement with Tara Fairbairn for lease of City-owned property at 801 N. McClure Road.
Community Development

ACTION: **Res. 2000-550** adopted (Friedman/Fisher, unan.) approving a lease agreement with Tara Fairbairn for lease of City-owned property at 801 N. McClure Road.

CONSENT

9. Consider accepting resignation of Kenneth D. Shireman from the Community Qualities Forum.
City Manager

ACTION: **Res. 2000-551** adopted (Friedman/Fisher, unan.) accepting resignation of Kenneth D. Shireman from the Community Qualities Forum.

CONSENT

10. Consider authorizing the City Manager to sign a California "Trees for the Millennium" Initiative grant application and any subsequent agreements with the State Department of Forestry and Fire Protection for \$50,000 in funding to plant and care for approximately 600-800 trees within the city boundaries along State Route 99.
(Operations & Maintenance)

ACTION: **Res. 2000-552** adopted (Friedman/Fisher, unan.) authorizing the City Manager to sign a California "Trees for the Millennium" Initiative grant application and any subsequent agreements with the State Department of Forestry and Fire Protection for \$50,000 in funding.

Removed from Consent

11. Consider annual report from Modesto Sister Cities International.
Recreation and Neighborhoods

ACTION: **By motion**, (Frohman/Fisher, unan.) acknowledged receipt of report from Modesto Sister Cities International and referred to Human Services and to the Financial Policy Committee during budget review.

CONSENT

12. Consider amending the job specification of Public Information Technician and Assistant Traffic Engineer; consider amending the Class Range Table to amend the salary for the classification of Assistant City Clerk.
Personnel

ACTION: **Res. 2000-553** adopted (Friedman/Fisher, unan.) amending the job specification of Public Information Technician and Assistant Traffic Engineer.

Res. 2000-554 adopted (Friedman/Fisher, unan.) amending the Class Range Table to amend the salary for the classification of Assistant City Clerk.

Removed from Consent

13. Consider approving Local Programming Grant in the amount of \$3,456 to Steve Burke.
City Manager

ACTION: **Res. 2000-555** adopted (Fisher/Serpa, unan.) approving Local Programming Grant in the amount of \$3,456 to Steve Burke.

Removed from Consent

14. Consider approving Local Programming Grant in the amount of \$3,150 to Randy Magnus.
City Manager

ACTION: **Res. 2000-556** adopted (Fisher/Serpa, unan.) approving Local Programming Grant in the amount of \$3,150 to Randy Magnus.

CONSENT

15. Consider joinder in amicus briefs in: Emeryville Redevelopment Agency v. Elementis, Alameda Books, Inc. v. City of Los Angeles, Young v. City of Simi Valley, Cornette v. Department of Transportation, Delmer v. City of Riverside, Eastman Kodak Co. v. City and County of San Francisco, Servantes v. City and County of San Francisco and Tocher v. City of Santa Ana.

ACTION: By motion, (Friedman/Fisher, unan.) authorized joinder in amicus briefs.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

16. Letter from Mark Ethridge Woodward and Paul LaGrone regarding Separation of Church and State.

ACTION: No action taken.

HEARINGS

17. Hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services, and recommendation to adopt a formal policy on service providers for solid waste collection in former county areas that are annexed to the City of Modesto. (Continued from July 25, August 15 and October 10, 2000 City Council meetings.)
Engineering & Transportation:Utility Services and Franchises Committee

ACTION: By motion, (Friedman/Fisher, unan.) continued to December 12, 2000.

18. Hearing to consider the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 1999-2000. (Continued from October 10, 2000 City Council meeting.)
Recreation & Neighborhoods

ACTION: **Res. 2000-557** adopted (Friedman/Fisher, unan.) approving Consolidated Annual Performance and Evaluation Report and authorizing City Manager to submit to U.S. Department of Housing and Urban Development with the condition that corrections are referred to the City Manager prior to submittal to H.U.D.

19. Hearing to consider approving an amendment to the City of Modesto 2000/2001 Annual Action Plan.

Recreation & Neighborhoods:Financial Policy

ACTION: **Res. 2000-558** adopted (Fisher/Friedman, unan.) approving an amendment to the City of Modesto 2000/2001 Annual Action Plan reallocating 2000/2001 program funding to other Community Development Block Grant eligible activities, with the change of Project Sentinel to Administrative Services and a strong emphasis on reaching a resolution to the Prescott Estates loan.

Res. 2000-559 adopted (Fisher/Friedman, unan.) amending budget to allocate an additional \$44,930 from the General Fund Reserve to various accounts, reallocate expenditures and re-estimate revenues and increasing the Department's current and future ABS targets by \$44,930.

20. Hearing to consider the application of Marchbrook Building Company for an amendment to Precise Plan No. 10, property located on the east side of Fine Avenue north of Kodiak Drive.

Community Development

ACTION: **By motion**, (Fisher/Friedman, unan.) introduced Ord. No. 3190–C.S. approving amendment to Precise Plan No. 10

Res. 2000-560 adopted (Fisher/Friedman, unan.) finding project on the east side of Fine Avenue north of Kodiak Drive by Marchbrook Building Company in conformance with Village One Specific Plan EIR.

NEW BUSINESS

21. *Consider approving changing the bulky item pickup program from mass set outs in specified neighborhoods, to an "on-call" system where the resident schedules the collection day by appointment with the garbage hauler, and the items are collected the same day they are placed out.*

Engineering & Transportation

ACTION: **Res. 2000-561** adopted (Smith/Fisher, unan.) approving changes in the bulky item pickup program from mass set outs in specified neighborhoods, to an "on-call" system where the resident schedules the collection day by appointment with the garbage hauler, and the items are collected the same day they are placed out.

22. Consider approving appropriation transfer in the amount of \$60,000 for the City's share of installation of a traffic signal at the Crows Landing Road/School Street intersection near Shackelford School.

Engineering & Transportation:Transportation Policy Committee.

ACTION: **Res. 2000-562** adopted (Serpa/Frohman, majority; Smith, no) approving appropriation transfer in the amount of \$60,000 for the City's share of installation of a traffic signal at the Crows Landing Road/School Street intersection near Shackelford School.

By motion, (Serpa/Frohman, unan.) item to return in two weeks after staff evaluation of lights being placed down the middle of street as an addition to the signal installation.

COUNCIL COMMENTS AND REPORTS

23. At the request of Councilmember Smith, consider opposing State Ballot Proposition 36 – The Drugs, Probation and Treatment Program Initiative.

ACTION: **Res. 2000-563** adopted (Smith/Frohman, unan.) opposing State Ballot Proposition 36 – The Drugs, Probation and Treatment Program Initiative.

24. Mayor Sabatino recommends that the City Council adopt a resolution requesting access to the books and records of the Modesto Chamber of Commerce's Convention & Visitors Bureau.

ACTION: **Res. 2000-564** adopted (Fisher/Sabatino, unan.) requesting access to the books and records of the Convention & Visitors Bureau to be delivered to the City Clerk's office and requesting the City Manager to continue search for an auditor.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

COUNCIL MINUTES, Tuesday, November 7, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Conrad

Declare Conflicts of Interest - None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8

ACTION: (Friedman/Fisher, unan.)

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 24, 2000, and the special City Council meeting of October 30, 2000.

ACTION: **By motion** (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of October 24, 2000, and the special City Council meeting of October 30, 2000.

CONSENT

2. Consider awarding a contract for Rockwell Replacement/Addition 2000-2001 to D. A. Wood Construction for \$449,905. Total estimated cost: \$508,392.65. (contract \$449,905; construction contingency & administration \$58,487.65) Funds are budgeted.

ACTION: **Res. 2000-565** adopted (Friedman/Fisher, unan.), awarding a contract for Rockwell Replacement/Addition 2000-2001 to D. A. Wood Construction for \$449,905.

CONSENT

3. Consider rejecting bids received for the Bellenita Park restroom replacement project.

ACTION: **Res. 2000-566** adopted (Friedman/Fisher, unan.), rejecting bids received for the Bellenita Park restroom replacement project. Resolution rejecting bids.

CONSENT

4. Consider amending the Municipal Code to reinsert and renumber three sections relating to the sewer collection and disposal rules and regulations.

ACTION: Introduced **Ord. 3191-CS** (Friedman/Fisher, unan.), amending the Municipal Code to reinsert and renumber three sections relating to the sewer collection and disposal rules and regulations.

CONSENT

5. Quarterly Treasurer's Report – September 30, 2000.

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

CONSENT

6. Consider accepting resignation of Johnny M. Crabb from the Landmark Preservation Commission.

ACTION: **Res. 2000-567** adopted (Friedman/Fisher, unan.), accepting with regret the resignation of Johnny M. Crabb from the Landmark Preservation Commission.

CONSENT

7. Final adoption of Ord. No. 3190-C.S. amending the Precise Plan for Area No. 10 of the Village One Specific Plan to allow a gated subdivision with a private lake on property located on the east side of Fine Avenue. (Marchbrook Building Company)

ACTION: **By motion**, approved (Friedman/Fisher, unan.), final adoption of Ord. 3190-CS amending the Precise Plan for Area No. 10 of the Village One Specific Plan to allow a gated subdivision with a private lake on property located on the east side of Fine Avenue.

CONSENT

8. Consider accepting the work under the agreement with Keller Group for furniture for the New Police Headquarters at 600 10th Street as complete, and authorize the City Clerk to file a Notice of Completion. Final cost: \$291,469.77. Funds are budgeted.

ACTION: **Res. 2000-568** adopted (Friedman/Fisher, unan.), accepting the work under the agreement with Keller Group for furniture for the New Police Headquarters at 600 10th Street as complete, and authorize the City Clerk to file a Notice of Completion.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Sabatino acknowledged Pueblo Pack 49.

Acknowledgement of Modesto's second place award for "National Night Out 2000" from the National Association of Town Watch for cities with populations from 100,000 to 249,999.

ACTION: Police Department staff made presentation

Presentation by Operations & Maintenance regarding status of community beautification efforts.

ACTION: Operations & Maintenance staff made presentation.

ORAL COMMUNICATIONS

- Daniel Marsh announced that the polls closed at 8:00pm and reminded citizens it was Election Day.

UNFINISHED BUSINESS

9. Consider approving staff recommendations regarding traffic improvements at the Crows Land Road/School Street intersection near Shackelford School in conjunction with Stanislaus County.

ACTION: **Res. 2000-569** adopted (Serpa/Frohman, unan.) approving staff recommendations regarding traffic improvements at the Crows Land Road/School Street intersection near Shackelford School in conjunction with Stanislaus County and directed staff to conduct additional research regarding a flashing light at the intersection.

HEARINGS

10. Hearing to consider approving the execution and delivery of Multifamily Housing Refunding Revenue Bonds for Shadowbrook Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. Continued from October 17, 2000 City Council meeting.

ACTION: **By motion** (Fisher/Friedman, unan.), item continued to November 14, 2000.

11. Hearing to consider Notice of Breach of Cable One's Cable Television Franchise.

ACTION: Introduced **Ord. 3192-CS** (Conrad/Fisher, unan.) extending the cable franchise to December 20, 2000.

Res. 2000-570 adopted (Conrad/Fisher, unan.) finding Cable One in breach of their franchise. Motion included a request to AT&T to provide broadband Internet services to Modesto when transfer takes place.

COUNCIL COMMENTS AND REPORTS

12. Request from Mayor Sabatino to consider directing staff to prepare an ordinance amending the Modesto Municipal Code to change City Council seating at dais from alphabetical to Chair No.

ACTION: A motion (Sabatino/Conrad) directing staff to prepare an ordinance failed to carry.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:41pm to Closed Session.

CLOSED SESSION

The meeting will adjourn to the Conference Room for a Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: Jeff Stejskal and Lisa Stejskal v. City of Modesto,
Stanislaus County Superior Court Actions No. 156057 and No.
253724

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

Property: Purchase, sale or lease of property and/or public facilities located at the northwest corner of Carpenter Road and Whitmore for a regional sports complex (baseball, soccer, little league and football fields and related amenities).

APN: 17-42-03-812 consisting of approximately 152.57 acres

Negotiating party: M A G, a limited partnership, Shiro B. and Walter G. Morimoto, owners

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

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

*Agency Negotiator: Jack Crist, City Manager
Robin Renwick, Personnel Director*

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 10:40 p.m. to report no action had been taken.

Special City Council Meeting - Closed Session, Tuesday, November 7, 2000, at 4:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

The business considered at this special City Council meeting consisted of the following:

At the beginning of this Special Meeting, the City Attorney announced that facts and circumstances justifying this Closed Session are that the City Council is considering making a finding that Cable One is in breach of its cable franchise agreement.

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 at 5:10 p.m. No reportable action was taken.

MINUTES, City Council Meeting, Tuesday, November 14, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Allen Peters, Destiny Christian Center

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9
Item #1 removed from Consent

ACTION: Frohman/Fisher, unan.

CONSENT ITEMS

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

Item #1 removed from Consent

1. Approval of the minutes of the special and regular City Council meetings of November 7, 2000.
City Clerk

ACTION: By motion (Friedman/Fisher, unan.), approved the minutes of the special and regular City Council meetings of November 7, 2000, with an amendment noting the Mayor's absence during closed session.

CONSENT

2. Consider authorizing Request for Proposals for modifying twelve Gillig Corporation buses for Engineering and Transportation Department – Transit Division. (Suggested bid opening: January 9, 2001 at 11:00 a.m. Resolution authorizing Request for Proposals needed. Total estimated cost: \$1,367,000. Funds are budgeted.)
Finance

ACTION: **Res. 2000-571** adopted (Frohman/Fisher, unan.) authorizing Request for Proposals for modifying twelve Gillig Corporation buses for Engineering and Transportation Department – Transit Division, with bid opening on January 9, 2001 at 11:00 a.m.

CONSENT

3. Consider acceptance as complete the contract of Duley's Landscape, Inc. for the Woodland Park project and authorize the City Clerk to file a Notice of completion. (Original contract: \$498,310.90) Final cost: \$499,363.43. Funds are budgeted.
Engineering & Transportation

ACTION: **Res. 2000-572** adopted (Frohman/Fisher, unan.) accepting as complete the contract of Duley's Landscape, Inc. for the Woodland Park project and authorize the City Clerk to file a Notice of completion.

CONSENT

4. Consider acceptance as complete the contract of Grover Landscape Services, Inc. for the Creekwood Neighborhood Park, Phase 1 project and authorize the City Clerk to file a Notice of Completion. (Original contract: \$498,310.90) Final cost: \$499,363.43. Funds are budgeted.
Engineering & Transportation

ACTION: **Res. 2000-573** adopted (Frohman/Fisher, unan.) accepting as complete the contract of Grover Landscape Services, Inc. for the Creekwood Neighborhood Park, Phase 1 project and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Consider authorizing the Modesto Police Department to enforce State Vehicle Code Violations on private property at the Vintage Faire Mall.
Police/Committee Review: Public Safety

ACTION: **Res. 2000-574** adopted (Frohman/Fisher, unan.) authorizing the Modesto Police Department to enforce State Vehicle Code Violations on private property at the Vintage Faire Mall.

CONSENT

6. Consider authorizing Request for Proposals from architectural firms for modifications to the Maddux Youth Center and authorizing the City Manager to execute documents with the consultant to be selected.
Recreation & Neighborhoods

ACTION: **Res. 2000-575** adopted (Frohman/Fisher, unan.) authorizing Request for Proposals from architectural firms for modifications to the Maddux Youth Center and authorizing the City Manager to execute documents with the consultant to be selected.

CONSENT

7. Consider rescinding Resolution No. 2000-205 and approving the transfer (sale) of 308 Ruberto to the Y.M.C.A. for \$100.00 for development as a program center; forgiving a \$45,920.46 deferred payment loan (DPL) against the property; and authorizing the City Manager to execute all documents to effect the transfer (sale) and subsequent documents required to comply with the agreement between the City and the Y.M.C.A. Estimated escrow and closing costs: \$750. Funds are budgeted.

Recreation & Neighborhoods/Committee Review: Community Development & Housing

ACTION: **Res. 2000-576** adopted (Frohman/Fisher, unan.) rescinding Resolution No. 2000-205 and approving the transfer (sale) of 308 Ruberto to the Y.M.C.A. for \$100.00 for development as a program center; forgiving a \$45,920.46 deferred payment loan (DPL) against the property; and authorizing the City Manager to execute all documents to effect the transfer (sale) and subsequent documents required to comply with the agreement between the City and the Y.M.C.A.

Item #8 dropped from Agenda

CONSENT

8. Consider authorizing the purchase of facility reservation, program registration, and sports scheduling software from Escorn Software Services, Ltd. for the total cost of \$89,3500; authorize the purchase of additional hardware and operating systems for a total cost of \$34,127; and consider amending the CIP budget to allocate \$39,707 from Recreation and Neighborhoods Department Carry-over to Reservation Software.

Finance

ACTION: Item continued to November 21, 2000.

CONSENT

9. Final adoption of:

- a. Ord. No. 3191-C.S. amending the Municipal Code relating to the sewer collection and disposal rules and regulations.
- b. Ord. No. 3192-C.S. extending the term of franchise of Cable One, Inc. to extend the term to permit resolution of breach and compliance issues.

(Motion adopting needed.)

ACTION: **By motion** (Frohman/Fisher, unan.), approved final adoption of Ord. No. 3191-C.S. amending the Municipal Code relating to the sewer collection and disposal rules and regulations, and final adoption of Ord. No. 3192-C.S. extending the term of franchise of Cable One, Inc. to extend the term to permit resolution of breach and compliance issues.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of rewards to citizens by Wayne Henry, Chairman, and Scott Ousdahl, Member, Anti-Graffiti Steering Committee.

ACTION: Presentations given by Wayne Henry and Scott Ousdahl with the assistance of Captain Young and Detective Tyler.

ORAL COMMUNICATIONS

- Councilmember Frohman commented on an electric vehicle hybrid and suggested new city buses purchased use that this hybrid system. He also commented on the failure of Measure F and questioned the status of the Performing Arts Center committee.

WRITTEN COMMUNICATIONS

10. Letter from Steve Smith, spokesperson for the Mayor's Ad Hoc Committee on the Convention and Visitor's Bureau, regarding their assignment.

ACTION: **By motion** (Fisher/Friedman, unan.) item was returned to Audit Committee. Audit Committee will bring item back to Council on December 5, 2000 to consider extension of Convention & Visitor Bureau contract to allow time to complete audit.

UNFINISHED BUSINESS

11. Staff update on Prescott Estates.
(Motion accepting report needed.)
Recreation & Neighborhoods

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

Council recessed at 8:40pm and reconvened at 8:50pm.

HEARINGS

12. Hearing to consider approving the execution and delivery of Multifamily Housing Refunding Revenue Bonds for Shadowbrook Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. (Continued from October 17, and October 24, 2000 City Council meetings.)

Finance

ACTION: **Res. 2000-577** adopted (Friedman/Frohman, unan.) authorizing issuance of multifamily housing revenue bonds for the refinancing of and financing of improvements to the Shadowbrook Apartments in an aggregate principal amount not to exceed \$12,000,000.

Res. 2000-578 adopted (Friedman/Frohman, unan.) approving the issuance of the bonds and other related documents.

13. Hearing to consider approving 1) policies relating to sewer rate equity and equity adjustment process; 2) revising Sewer Fund Reserve Policy from 25% of annual operating expenditures to between 15-20%; 3) the proposed equity adjustment; 4) the 3% across-the-board sewer rate increase. (Protest letters on file in the City Clerk's office.)

(Resolution approving policies relating to sewer rate equity and adjustment process, revising Sewer Fund Reserve Policy; the proposed equity adjustment, and the 3% across-the-board sewer rate increase needed.)

Engineering & Transportation

ACTION: **Res. 2000-579** adopted (Fisher/Friedman, unan) approving policies relating to sewer rate equity and equity adjustment process.

Res. 2000-580 adopted (Smith/Friedman, unan.) revising Sewer Fund Reserve Policy from 25% of annual operating expenditures to between 15-20%.

Res. 2000-581 adopted (Friedman/Fisher, unan.) approving the proposed equity adjustment.

A motion (Smith/Fisher) to adopt a the 3% across-the-board sewer rate increase failed to carry.

NEW BUSINESS

14. Consider accepting the Annual Equal Opportunity Plan Status Report for Fiscal Year 1999-2000.

Personnel

ACTION: **Res. 2000-582** adopted (Sabatino/Serpa, unan.) accepting the Annual Equal Opportunity Plan Status Report for Fiscal Year 1999-2000.

MISCELLANEOUS

COUNCIL COMMENTS AND REPORTS

To be listed on the agenda Councilmembers must provide items to the City Clerk no later than 5:00 p.m. of the Wednesday prior to the meeting, otherwise there can be no Council discussion or Council action with respect to a Councilmember comment or report.

15. At the request of Councilmember Serpa, consider a motion directing Chief of Police to pay no more than \$503.00 for the repurchase of the canine recently sold to Sgt. Balentine in the event a decision is made to put the canine into service with canine unit. Further, in that event, neither Officer Corder or Sgt. Balentine are to participate in the decision as to whether or not the canine is to be placed into service.

ACTION: **By motion** (Serpa/Fisher, unan.) directed Chief of Police to pay no more than \$503.00 for the repurchase of the canine recently sold to Sgt. Balentine in the event a decision is made to put the canine into service with canine unit. Further, in that event, neither Officer Corder or Sgt. Balentine are to participate in the decision as to whether or not the canine is to be placed into service.

Councilmember Serpa requested material from the Mayor and requested information on fiscal controls as they relate to department billing.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 10:35pm.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Council Conference Room to consider the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Shary Wilson vs. Jeffrey Sprueill and City of Modesto,
Stanislaus County Superior Court Action No. 180920

The City Attorney returned at 10:45 and said there was nothing to report.

Minutes, City Council Meeting, Tuesday, November 21, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent:

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Big Valley Christian Church

Declare Conflicts of Interest - None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3-4 & 6
Items 2 and 5 removed from Consent

ACTION: Friedman/Fisher, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 14, 2000.
City Clerk

ACTION: **By motion** (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of November 14, 2000.

Item #2 removed from Consent

2. Consider authorizing the purchase of facility reservation, program registration, and sports scheduling software from Escom Software Services, Ltd. for the total cost of \$69,350; authorize the purchase of additional hardware and operating systems for a total cost of \$34,127; and consider amending the CIP budget to allocate \$39,707 from Recreation and Neighborhoods Department Carry-over to Reservation Software. *(Item continued from November 14, 2000 meeting)*
Finance

ACTION: **Res. 2000-582** adopted (Conrad/Smith, unan.) authorizing the purchase of facility reservation, program registration, and sports scheduling software from Escom Software Services, Ltd. for the total cost of \$69,350.

Res. 2000-583 adopted (Conrad/Smith, unan.) authorizing the purchase of additional hardware and operating systems for a total cost of \$34,127.

Res. 2000-584 adopted (Conrad/Smith, unan.) amending the CIP budget to allocate \$39,707 from Recreation and Neighborhoods Department Carry-over to Reservation Software

CONSENT

3. Consider accepting the California Law Enforcement Equipment Purchase Program grant in the amount of \$165,091 for acquisition of needed high technology police equipment; and consider amending the Police department Operating budget, estimating and appropriating \$165,091 of grant revenue.
Police Department

ACTION: **Res. 2000-585** adopted (Friedman/Fisher, unan.) accepting the California Law Enforcement Equipment Purchase Program grant in the amount of \$165,091 for acquisition of needed high technology police equipment.

Res. 2000-586 adopted (Friedman/Fisher, unan.) amending the Police department Operating budget, estimating and appropriating \$165,091 of grant revenue.

CONSENT

4. Consider extension of the Amendment to the Memorandum of Understanding (MOU) with Stanislaus County for the disbursement of funds held in the AB 939 – Source Reduction and Recycling Account.
Engineering & Transportation

ACTION: **Res. 2000-587** adopted (Friedman/Fisher, unan.) authorizing the City Manager to extend the Amendment to the Memorandum of Understanding (MOU) with Stanislaus County for the disbursement of funds held in the AB 939 – Source Reduction and Recycling Account.

Item #5 removed from Consent

5. Consider accepting the improvements for The Carolinas subdivision, in the North Beyer Park Specific Plan Area, and authorize the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods.
Community Development

ACTION: **Res. 2000-588** adopted (Frohman/Friedman, unan.) accepting the improvements for The Carolinas subdivision, and authorizing the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods.

CONSENT

6. Consider authorizing the issuance of a Request for Proposals for engineering services to design a new transit bus maintenance and storage facility. (Estimated cost: \$500,000; Funds are budgeted.)
Engineering & Transportation

ACTION: **Res. 2000-589** adopted (Friedman/Fisher, unan.) authorizing the issuance of a Request for Proposals for engineering services to design a new transit bus maintenance and storage facility.

ACKNOWLEDGEMENTS & PRESENTATIONS

7. Presentation of a proclamation designating November 20-24, 2000 as National Farm City Week.

ACTION: Mayor Sabatino read proclamation.

ORAL COMMUNICATIONS

- John Mataka requested the Police Department do a racial profiling for a period of three years for the number of Hispanics stopped and also searched.
- Miguel Donoso requested a date to expect the final report regarding the investigation of the Alberto Sepulveda shooting.

UNFINISHED BUSINESS

8. Consider staff analysis of legislative process report by Management Partners.
City Manager

ACTION: **Res. 2000-590** adopted (Smith/Fisher, unan.) authorizing implementation and refer additional areas of review to staff.

MISCELLANEOUS

Appointments

9. Planning Commission

ACTION: **Res. 2000-591** adopted (Conrad/Fisher, unan.) appointing Ray Feller and Alita Roberts to the Planning Commission.

By motion (Friedman/Fisher, majority; Frohman, no) approved deferring the third appointment to January 2001.

10. Citizens Redevelopment Advisory Commission

ACTION: Res. 2000-592 adopted (Frohman/Fisher, majority; Serpa, no) appointing Cynthia van Empel and Charles Brunn to the Citizens Redevelopment Advisory Commission.

COUNCIL COMMENTS AND REPORTS

To be listed on the agenda Councilmembers must provide items to the City Clerk no later than 5:00 p.m. of the Wednesday prior to the meeting, otherwise there can be no Council discussion or Council action with respect to a Councilmember comment or report.

11. Consider request from Councilmember Frohman for discussion of the role of Councilmembers on the Performing Arts Center ad hoc committee.

ACTION: Motion made by Councilmember Frohman to form a Council committee of three members to assist in fundraising efforts for the Performing Arts Center died due to lack of a second.

12. Consider request from Mayor Sabatino for discussion of procedure for assignment of City Councilmembers' offices.

ACTION: Withdrawn by Mayor Sabatino.

13. Consider request from Councilmember Fisher to appoint an Urban Growth Review Committee and prepare for public hearings.

ACTION: By motion (Fisher/Serpa, majority; Conrad, Frohman & Sabatino, no) authorized City Manager to seek Request for Proposals for consultant to assist the City in determining the amount of land available in the City for development, refer to Community Development & Housing Committee in December, and to include all land types, not just residential, in the review.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:20 p.m.

CLOSED SESSION

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

*Agency Negotiator: Jack Crist, City Manager
Robin Renwick, Personnel Director*

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 7:40 p.m. to report no action had been taken.

MINUTES, City Council Meeting, Tuesday, November 28, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: David Shackelford, Big Valley Grace Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 14
Items 7, 12, & 13 removed from Consent

ACTION: Friedman/Frohman, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the special City County meeting of November 20, 2000 and the regular City Council meeting of November 21, 2000.
City Clerk

ACTION: By motion (Friedman/Frohman, unan.), approved the minutes of the special City County meeting of November 20, 2000 and the regular City Council meeting of November 21, 2000.

CONSENT

2. Consider amending the Position Classification Plan to amend the classification of Civil Engineering Assistant.
Personnel

ACTION: **Res. 2000-593** adopted (Friedman/Frohman, unan.) amending the Position Classification Plan to amend the classification of Civil Engineering Assistant.

CONSENT

3. Consider authorizing the City Manager to sign an agreement with the Julio Gallo Foundation and the Modesto Garden Club for installation and maintenance of a flower clock on the K Street side of the Modesto Centre Plaza.
Operations & Maintenance

ACTION: **Res. 2000-594** adopted (Friedman/Frohman, unan.) authorizing the City Manager to sign an agreement with the Julio Gallo Foundation and the Modesto Garden Club for installation and maintenance of a flower clock on the K Street side of the Modesto Centre Plaza.

CONSENT

4. Consider acceptance of Amerine Systems Inc. contract for the project titled "Martin/Clayton Sewer Lift Station Rehabilitation" as complete and authorize the City Clerk to file a Notice of Completion. (Final cost: \$121,934.50; funds are budgeted.)

Engineering & Transportation

ACTION: **Res. 2000-595** adopted (Friedman/Frohman, unan.) accepting as complete the contract of Amerine Systems Inc. for the project titled "Martin/Clayton Sewer Lift Station Rehabilitation" and authorizing the City Clerk to file a Notice of Completion

CONSENT

5. Consider acceptance of Semco's contract for the project titled "College Avenue Storm Drain" as complete and authorize the City Clerk to file a Notice of Completion. (Final cost: \$359,076.51; funds are budgeted.)

Engineering & Transportation

ACTION: **Res. 2000-596** adopted (Friedman/Frohman, unan.) accepting as complete the contract of Semco for the project titled "College Avenue Storm Drain" and authorizing the City Clerk to file a Notice of Completion.

CONSENT

6. Consider authorizing Summary Abandonment of a 10-foot Public Utility Easement along the west side of Breezeway Drive.

Engineering & Transportation

ACTION: **Res. 2000-597** adopted (Friedman/Frohman, unan.) authorizing Summary Abandonment of a 10-foot Public Utility Easement along the west side of Breezeway Drive.

Item #7 removed from Consent

7. Consider appointing 16 high school students to the Modesto Youth Commission.
Recreation & Neighborhoods/Reviewed by Economic Development, Community & Intergovernmental Relations Committee

ACTION: **Res. 2000-598** adopted (Friedman/Fisher, unan.) appointing 16 high school students to the Modesto Youth Commission.

CONSENT

8. Consider authorizing the City Manager to sign an agreement between Oakbrook Apartments and the City of Modesto for installation of an on-site sewage lift station to prevent backup of sewage into the apartment units; consider amending the budget to create a CIP account titled "Oakbrook Lift Station" and appropriate \$80,000 from the Wastewater Reserve fund to fund the project.
Engineering & Transportation

ACTION: **Res. 2000-599** adopted (Friedman/Frohman, unan.) authorizing the City Manager to sign an agreement between Oakbrook Apartments and the City of Modesto for installation of an on-site sewage lift station to prevent backup of sewage into the apartment units.

Res. 2000-600 adopted (Friedman/Frohman, unan.) amending the budget to create a CIP account titled "Oakbrook Lift Station" and appropriate \$80,000 from the Wastewater Reserve fund to fund the project.

CONSENT

9. Consider conditional approval of Final Map of Siena, Phase 1 subdivision in the village One Specific Plan Area and authorize the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Sequoia Properties, a California Limited Partnership by Lily Development Inc., a California Corporation, its General Partner)
Community Development Department

ACTION: **Res. 2000-601** adopted (Friedman/Frohman, unan.) approving the final map of Siena, Phase 1 subdivision in the village One Specific Plan Area and authorize the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider accepting the improvements for Sierra View subdivision in the Village One Specific Plan Area, and authorize the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods. (Owners: Ling Investments, a Limited Partnership)
Community Development Department

ACTION: **Res. 2000-602** adopted (Friedman/Frohman, unan.) accepting the improvements for Sierra View subdivision in the Village One Specific Plan Area, and authorize the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods.

CONSENT

11. Consider approval of final map of Sutter Ridge subdivision in the Pelandale-Snyder Specific Plan Area 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: Anderson Homes, a California Corporation.)
Community Development Department

ACTION: **Res. 2000-603** adopted (Friedman/Frohman, unan.) approving the final map of Sutter Ridge subdivision in the Pelandale-Snyder Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

Item #12 removed from Consent

12. Consider setting the fee for copies of Police Reports at the \$.35 per page fee as set by the City Clerk in the City of Modesto's Master Fee Guide, and rescind Resolution 95-245 which set the current \$10 Police Report fee.
Police Department

ACTION: **Res. 2000-604** adopted (Frohman/Smith, unan.) setting the fee for copies of Police Reports at the \$.35 per page fee as set by the City Clerk in the City of Modesto's Master Fee Guide, and rescind Resolution 95-245 which set the current \$10 Police Report fee.

Item #13 removed from Consent

13. Consider approving Celebration of Lights Parade and Tree Lighting event on December 9, 2000, and rescind Res. 99-573.
Recreation & Neighborhoods

ACTION: **Res. 2000-605** adopted (Frohman/Friedman, unan.) approving Celebration of Lights Parade and Tree Lighting event on December 9, 2000, and rescind Res. 99-573.

CONSENT

14. Consider waiving formal bid procedures by five (5) affirmative votes and authorizing the Purchase Officer to purchase a backhoe for an amount not to exceed \$55,000.00; consider authorizing trade-in of an existing backhoe; and consider authorizing amending the budget.
Finance

ACTION: **Res. 2000-606** adopted (Friedman/Frohman, unan.) waiving formal bid procedures and authorizing purchase of a backhoe.

Res. 2000-607 adopted (Friedman/Frohman, unan.) authorizing trade-in of an existing backhoe.

Res. 2000-608 adopted (Friedman/Frohman, unan.) authorizing amending the budget.

ORAL COMMUNICATIONS

- In response to Miguel Donoso, Mayor Sabatino announced that the State of the City address will be made on January 8, 2001 at 7:00 p.m. at the Centre Plaza and at the noon Rotary Club on January 9, 2001.
- Dialog took place between Councilmembers Frohman and Fisher, and Mayor Sabatino, regarding the Urban Growth Policy Review item that was discussed at the previous Council meeting.
- Dale Williams requested that Prescott Estates be shut down.
- David Geer noted his concern of Council's action regarding the Urban Growth Policy at the previous Council meeting and the Performing Arts Center financing, and a concern of wild dogs on Jefferson Street.
- Councilmember Conrad announced that the next Community Development & Housing committee meeting is scheduled for December 11, 2000 at 5:30 p.m.
- Police Chief Wasden responded to David Geer's concern regarding animal control.
- City Manager Crist and Councilmember Fisher responded to David Geer's comments regarding the use of a consultant for the Urban Growth Policy review.
- Tonya Shank expressed her concern for the need for relocation programs for Prescott Estates tenants and the needed assistance for the displaced tenants.
- Dale Williams noted the fire inspections scheduled for Prescott Estates on November 29, 2000.
- Miguel Donoso commented regarding the report for the inventory of land, housing element, and CDBG affordable housing.
- Fire Chief Hannink confirmed that the Fire Department is scheduled to contact all residents in every unit in Prescott Estates to test smoke detectors, and to replace and install if necessary. An inspection on the state of the fire walls will also take place.
- Continued discussion took place regarding Prescott Estates among Dale Williams and Councilmembers.
- City Attorney Milich cautioned the Council regarding continued discussion on Prescott Estates and suggested to place the item on a future agenda.
- Bishop Bergstrom suggested to start with the Fire Chief and the landlords in resolving the Prescott Estates problem.

HEARINGS

15. Hearing to consider participation in the supplemental Law Enforcement Services Fund State Grant Program – Citizens' Option for Public Safety.

ACTION: **Res. 2000-609** adopted (Serpa/Fisher, unan.) approving participation in the supplemental Law Enforcement Services Fund State Grant Program – Citizens' Option for Public Safety.

NEW BUSINESS

16. Consider scheduling Agenda Review sessions to allow all Councilmembers to attend and notice the meeting accordingly, pursuant to the Brown Act.

ACTION: By motion (Conrad/Smith, unan.) item was referred to Economic Development, Community, & Intergovernmental Relations Committee.

COUNCIL COMMENTS AND REPORTS

To be listed on the agenda Councilmembers must provide items to the City Clerk no later than 5:00 p.m. of the Wednesday prior to the meeting, otherwise there can be no Council discussion or Council action with respect to a Councilmember comment or report.

- Councilmember Serpa commented regarding Urban Growth Review process and confirmed the City has no intent to lessen the war on drugs.
- Councilmember Smith reported on the California League of Cities report regarding ERAF and noted the League approved legal representation regarding binding interest arbitration.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 6:55 p.m.

CLOSED SESSION

The City Attorney returned at 7:15 p.m. to report no action had been taken.

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

*Agency Negotiator: Jack Crist, City Manager
Robin Renwick, Personnel Director*

Employee Organization: Modesto City Fire Fighters Association

MINUTES, City Council Meeting, Tuesday, December 5, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Mayor Sabatino

Absent: Councilmembers Serpa & Smith

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 6
Item 2 & 4 removed

ACTION: Friedman/Frohman, unan.; Serpa & Smith, absent

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 28, 2000.
Clerk

ACTION: **By motion** (Friedman/Frohman, unan.; Serpa & Smith, absent), approved the minutes of the regular City Council meeting of November 28, 2000.

Item #2 removed from Consent

2. Consider adopting a revised Disadvantaged Business Enterprise (DBE) program for federally funded street projects.
Engineering & Transportation

ACTION: **Res. 2000-610** adopted (Fisher/Friedman, unan.; Serpa & Smith, absent), approving a revised Disadvantaged Business Enterprise (DBE) program for federally funded street projects.

CONSENT

3. Consider amending the Position Classification Plan to change Strategic Planning Division Manager to Planning Division Manager.
Personnel Department

ACTION: **Res. 2000-611** adopted (Friedman/Frohman, unan.; Serpa & Smith, absent), amending the Position Classification Plan to change Strategic Planning Division Manager to Planning Division Manager.

Item #4 removed from Consent

4. Consider authorizing the City Manager to approve the costs of two additional non-City employees to attend the Workforce Development CalWORKs Partnership Conference.

Community Development Department

ACTION: **Res. 2000-612** adopted (Fisher/Friedman, unan.; Serpa & Smith, absent), authorizing the City Manager to approve the costs of two additional non-City employees to attend the Workforce Development CalWORKs Partnership Conference.

CONSENT

5. Consider approving an agreement with the new owners of PAK Mail to continue selling bus passes at one location.

Engineering & Transportation

ACTION: **Res. 2000-613** adopted (Friedman/Frohman, unan.; Serpa & Smith, absent), approving an agreement with the new owners of PAK Mail to continue selling bus passes at one location.

CONSENT

6. Consider approval of final map of Village Highlands 5 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Inland Village, a California General Partnership)

Community Development Department

ACTION: **Res. 2000-614** adopted (Friedman/Frohman, unan.; Serpa & Smith, absent), approving the final map of Village Highlands 5 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers.

ORAL COMMUNICATIONS

- Miguel Donoso noted his request to the Youth Commission and the school district to include more Hispanic youths on the Youth Commission.
- Dan Hopkins congratulated the Mayor on the opening of his new restaurant and asked for an explanation of Councilmember Fisher's removal from the Community Development & Housing Committee.
- Mayor Sabatino responded to Mr. Hopkins and stated his decision was made in the best interest of the City.
- Bob Shook expressed traffic concerns in Village One, and requested to re-prioritize the infrastructure to meet residents needs.

- Councilmember Frohman invited Mr. Shook to the Transportation Policy Committee meeting.
- Councilmember Conrad invited Mr. Shook to Community Development & Housing Committee meeting and requested development plans be discussed for Village One in a Community Development & Housing Committee meeting. He also pointed out the need to bond future Community Facilities Districts.
- Barbara Initi noted grants available for traffic and suggested considering flexible work schedules to ease traffic.

HEARINGS

Councilmember Conrad was excused due to conflict of interest

7. Hearing to consider the application of Omega Ventures for a Precise Plan for Area No. 14 of the Village One Specific Plan and for concurrent rezoning from Specific Plan – Holding Zone to Specific Plan – Overlay Zone, property located on the West Side of Roselle Avenue south of Sylvan Avenue.

Community Development Department

ACTION: **By motion** (Fisher/Friedman, unan.; Serpa & Smith, absent) introduced **Ordinance No. 3193**–C.S. approving Precise Plan No. 14.

By motion (Fisher/Friedman, unan.; Serpa & Smith, absent) introduced **Ordinance No. 3194**–C.S. approving rezoning from Specific Plan – Holding Zone to Specific Plan – Overlay Zone.

Res. 2000-615 adopted (Fisher/Friedman, unan.; Serpa & Smith, absent) finding precise plan and rezoning within scope of the Village One Specific Plan Program EIR.

8. Hearing to consider Resolution of Formation and introduction of Ordinance authorizing levy of a special tax within Community Facilities District No. 2000-2 (Coffee/Claratina).

City Attorney

ACTION: **Res. 2000-616** adopted (Conrad/Fisher, unan.; Serpa & Smith, absent) approving Resolution of Formation.

ACTION: **By motion** (Conrad/Fisher, unan.; Serpa & Smith, absent), introduced **Ordinance No. 3195**–C.S. authorizing levy of a special tax within Community Facilities District No. 2000-2 (Coffee/Claratina).

NEW BUSINESS

9. Consider Fiscal Year 2000-01 Budget first quarter status report, and proposed adjustments.

Finance

ACTION: **By motion** (Conrad/Fisher, unan.; Serpa & Smith, absent), acknowledged receipt of report.

By motion (Conrad/Fisher, unan.; Serpa & Smith, absent), referred any amendments and revenue estimates to the Financial Policy Committee.

COUNCIL COMMENTS AND REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:40 p.m. to Closed Session.

CLOSED SESSION

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

*Agency Negotiator: Jack Crist, City Manager
Robin Renwick, Personnel Director*

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 8:30 p.m. to report no reportable action had been taken.

MINUTES, City Council Meeting, Tuesday, December 12, 2000, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,
Mayor Sabatino

Absent: Councilmember Smith

Pledge of Allegiance to the Flag

Invocation: Ken Swett, Modesto Foursquare Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, 8-10, 12-15
Items 6, 7, & 11 removed from Consent

ACTION: Fisher/Conrad, unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of December 5, 2000.

ACTION: **By motion** (Fisher/Conrad, unan.) approved the minutes of the regular City Council meeting of December 5, 2000.

CONSENT

2. Consider authorizing Request for Proposals to be opened January 16, 2001 at 11:00 a.m. for Scum Pit Cleaning Service at the Primary Wastewater Treatment Plant.
Operations & Maintenance Department/Finance

ACTION: **Res. 2000-617** adopted (Fisher/Conrad, unan.), authorizing Request for Proposals to be opened January 16, 2001 at 11:00 a.m. for Scum Pit Cleaning Service at the Primary Wastewater Treatment Plant.

CONSENT

3. Consider excusing Councilmembers Serpa and Smith from the December 5, 2000 Council meeting, as they were attending the National League of Cities conference.
City Manager

ACTION: **By motion (Fisher/Conrad, unan.), excused the absence of Councilmembers Serpa & Smith from the December 5, 2000 meeting.**

CONSENT

4. Consider declaring as surplus from January 1, 2001 through December 30, 2001 the following items: (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; Unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and (3) surplus City vehicles authorizing the Purchasing Division to sell same by sealed bid, by auction, or sell as scrap. Public auction will be conducted by Roger Ernst & Associates at 824 West Kiernan Avenue.
Finance Department

ACTION: **Res. 2000-618** adopted (Fisher/Conrad, unan.), declaring items as surplus and authorizing the Purchasing Division to sell same by sealed bid, by auction, or sell as scrap. Public auction will be conducted by Roger Ernst & Associates at 824 West Kiernan Avenue, with the condition that these items are offered to other cities in the County prior to the bid process.

CONSENT

5. Consider setting a public hearing for January 9, 2001 to consider amending the schedule of fees in connection with encroachment permits and inspections required by the City of Modesto related to trench cuts.
Engineering & Transportation Department/ Reviewed by Utility Services & Franchise Committee

ACTION: **Res. 2000-619** adopted (Fisher/Conrad, unan.), setting a public hearing for January 9, 2001 to consider amending the schedule of fees in connection with encroachment permits and inspections required by the City of Modesto related to trench cuts.

Item #6 removed from Consent

6. Consider amending Chapter 2 of Title 7 of the Modesto Municipal Code relating to street cuts.
Engineering & Transportation Department/Reviewed by Utility Services & Franchise Committee

ACTION: **By motion** (Fisher/Friedman, majority; Frohman & Serpa, no) introduced **Ord. 3196-C.S.** amending Chapter 2 of Title 7 of the Modesto Municipal Code relating to street cuts.

Item #7 removed from Consent

7. Consider approving solicitation of proposals for Digital Ortho-Rectified Aerial Photos and digital base-map creation, and consider amending the Engineering & Transportation budget by \$100,000; funded by \$20,000 from Sewer Fund Reserve, \$20,000 from Water Fund Reserve, and \$60,000 from Engineering and Transportation's ABS Carryover Savings.

Engineering & Transportation Department

ACTION: **Res. 2000-620** adopted (Friedman/Fisher, unan.) approving solicitation of proposals for Digital Ortho-Rectified Aerial Photos and digital base-map creation.

Res. 2000-621 adopted (Friedman/Fisher, unan.) amending the budget to fully fund the Digital Ortho-Rectified Aerial Photos and digital base-map creation.

CONSENT

8. Consider accepting as complete the contract of Granite Construction Company for the project titled "College Avenue Overlay – Cecil Way to Needham Avenue", and authorizing the City Clerk to file a Notice of Completion.

Engineering & Transportation Department

ACTION: **Res. 2000-622** adopted (Fisher/Conrad, unan.), accepting as complete the contract of Granite Construction Company for the project titled "College Avenue Overlay – Cecil Way to Needham Avenue", and authorizing the City Clerk to file a Notice of Completion.

CONSENT

9. Consider a resolution awarding a \$93,683 contract to Soil Enterprises Inc. for the project titled "Hillside Drive Demolition"; and consider adopting a resolution making a finding that the project is within the scope of the General Plan Master EIR

Engineering & Transportation Department

ACTION: **Res. 2000-623** adopted (Fisher/Conrad, unan.), resolution awarding a \$93,683 contract to Soil Enterprises Inc. for the project titled "Hillside Drive Demolition".

Res. 2000-624 adopted (Fisher/Conrad, unan.), making a finding that the project is within the scope of the General Plan Master EIR.

CONSENT

10. Certification of Canvass and State of Votes for the November 7, 2000 Special Municipal Election.

City Clerk

ACTION: **Res. 2000-625** adopted (Fisher/Conrad, unan.), certifying Canvass and State of Votes for the November 7, 2000 Special Municipal Election.

Item #11 removed from Consent

11. Consider transferring funds to cover the cost of overtime to patrol Prescott Estates seven days per week, 16 hours per day, for the remainder of the fiscal year as follows: \$125,000 from the General Fund Reserve to Police Field Operations, Employee Services, Overtime fund.

Police Department/Reviewed by Public Safety Committee

ACTION: **Res. 2000-626** adopted (Friedman/Fisher, unan.) approving transfer of funds to cover the cost of overtime to patrol Prescott Estates seven days per week, 16 hours per day, for the remainder of the fiscal year as follows: \$125,000 from the General Fund Reserve to Police Field Operations, Employee Services, Overtime fund.

CONSENT

12. Consider cooperative agreement with the Housing Authority of Stanislaus County for acquisition, financing, and rehabilitation of Pine Meadows Garden Apartments.
Recreation & Neighborhoods

ACTION: **Res. 2000-627** adopted (Fisher/Conrad, unan.), approving cooperative agreement with the Housing Authority of Stanislaus County for acquisition, financing, and rehabilitation of Pine Meadows Garden Apartments.

CONSENT

13. Consider agreement with Macias, Gini & Company for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000.

Recreation & Neighborhoods/Reviewed by Financial Policy Committee

ACTION: **Res. 2000-628** adopted (Fisher/Conrad, unan.), approving agreement with Macias, Gini & Company for a financial program review and reconciliation of HUD funds received by the City of Modesto from 1997 through 2000.

CONSENT

14. Consider canvass of election for Community Facilities District 2000-2 (Coffee-Claratina), and asserting compliance with all of the provisions of Proposition 218.
(City Attorney)

ACTION: **Res. 2000-629** adopted (Fisher/Conrad, unan.), approving the canvass of election for Community Facilities District 2000-2 (Coffee-Claratina), and asserting compliance with all of the provisions of Proposition 218.

CONSENT

15. Consider awarding the purchase of prefabricated restrooms for various park sites, to Super Secur Manufacturing Company for the total cost of \$153,041.58.

Finance

ACTION: **Res. 2000-630** adopted (Fisher/Conrad, unan.), awarding the purchase of prefabricated restrooms for various park sites, to Super Secur Manufacturing Company for the total cost of \$153,041.58.

ACKNOWLEDGEMENTS AND PRESENTATIONS

16. Presentation of the National League of Cities 2000 James C. Howland Award for Urban Enrichment. This first place gold award includes \$2,000 that will be gifted to the Greater Modesto Community Foundation.

ACTION: Councilmember Serpa made the presentation.

ORAL COMMUNICATIONS

- Bishop Bergstrom requested the Council declare a Megan Mendez day and noted the Sepulveda case.
- Miguel Donoso noted that the Sepulveda investigation report was due and requested the report also be given in Spanish.
- City Attorney Milich responded to Mr. Donoso explaining that the report will be delayed until the outside agencies complete their independent review, and to review new information from the FBI.
- Chief Wasden and Councilmembers discussed the pending report.
- Dale Williams reported he missed the report on Prescott Estates at the Community Development & Housing Committee meeting, and requested a cost for relocation expenses and an appraisal for Prescott Estates.
- Councilmember Frohman & Conrad & Mayor Sabatino responded to Mr. Williams.

HEARINGS

17. Hearing to (a) consider whether Cable One has developed a binding plan that is satisfactory to the City to bring the system into full compliance or to otherwise cure any and all breaches of the franchise agreement, and (b) to consider the proposed transfer from Cable One to AT&T.

City Manager

ACTION: **Res. 2000-631** adopted (Fisher/Friedman, unan.) finding that Cable One is in breach of the Cable Franchise Agreement; that Cable One has failed to present a plan for cure acceptable to the City and imposing penalties under the Franchise Ordinance in addition to other breach remedies; that the City Manager and legal counsel notify Cable One's surety and make demand on Cable One's performance bond; and that the City Manager determines the total amount of City damages for cable one's non-

compliance and a plan for bringing the system into compliance and authorize reimbursement of consultant costs from Cable One.

By motion (Fisher/Friedman, unan.) introduced **Ord. 3197–C.S.** extending the present franchise term from December 20, 2000 to February 28, 2001 for the purpose of assuring that Cable One remains bound to the terms of the franchise and to take further action regarding breach of the franchise.

18. Hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services, and consider recommendation to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City. Item was continued from October 10, 2000 meeting.
Engineering & Transportation Department

ACTION: **By motion** (Conrad/Friedman, unan.) item continued to January 23, 2001.

19. Hearing to consider an amendment to the Urban Area General Plan to amend the Community Facilities Open Space and Parks and Storm Water sections to allow the development of Dual Use Flood Control/Recreation Facilities and adoption of design standards for Dual Use Flood Control/Recreation Facilities.
Community Development Department

ACTION: **Res. 2000-632** adopted (Conrad/Fisher, unan.) approving design standards for dual use flood control/recreation facilities.

Res. 2000-633 adopted (Conrad/Fisher, unan.) approving the proposed amendment to the Urban Area General Plan to amend the Community Facilities Open Space and Parks and Storm Water sections, with an amendment to #3(e) to provide that all facilities be developed as dual use as opposed to "wherever feasible".

Res. 2000-634 adopted (Conrad/Fisher, unan.) finding that the Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document.

20. Hearing to consider the Planning Commission recommendation to amend Section 22-3-9 of the zoning map to rezone from R-1 to Planned Development Zone P-D(544), property located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road (Don L. and Annette Baker).
Community Development Department

ACTION: **By motion** (Friedman/Fisher, unan.) introduced **Ord. 3198–C.S.** amending Section 22-3-9 of the zoning map from R-1 to P-D(544) to

rezone from R-1 to P-D(544) for a professional office building and off-street parking areas.

Res. 2000-635 adopted (Friedman/Fisher, unan.) approving a development plan for P-D(544).

Res. 2000-636 adopted (Friedman/Fisher, unan.) findings, provided by Environmental Assessment No. CDD 2000-67, judging the rezoning from R-1 to P-D(544) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017).

21. Hearing to consider the spending plan for the Federal Local Law Enforcement Block Grant Program 2000 to amend the 2000/2001 budget estimating revenues of \$299,416 for the grant program and appropriating the funds for expenditure; and consider appropriation of \$29,942 from Supplemental Law Enforcement Services Fund to Organization 1980-Federal Law Enforcement Block Grant, as a match to the \$269,474 federal grant.

Police Department

ACTION: **Res. 2000-637** adopted (Fisher/Friedman, unan.) amending 2000/2001 budget estimating revenues of \$299,416 and appropriating funds for expenditures of the Federal Local Law Enforcement Block Grant Program 2000.

Res. 2000-638 adopted (Fisher/Friedman, unan.) appropriating \$29,942 from one fund to another for the match to the \$269,474 federal grant of the Federal Local Law Enforcement Block Grant Program 2000.

22. Hearing to consider a fare and service increase for the Modesto Area Express (MAX) service operated between Modesto and the Dublin/Pleasanton BART Station.

Engineering & Transportation Department

ACTION: **Res. 2000-639** adopted (Frohman/Friedman, majority; Sabatino, no) approving new passenger fare rates and schedule changes for the MAX service operated between Modesto and the Dublin/Pleasanton BART Station.

NEW BUSINESS

23. Consider staff report on progress of Business Park Development.

Community Development Department

ACTION: **By motion** (Friedman/Fisher, majority; Frohman, no) acknowledged receipt of report.

24. Consider approving an agreement with EIP Associates to prepare a Focused Environmental Impact Report for the Northwest Business Park Specific Plan.
Community Development Department

ACTION: **Res. 2000-640** adopted (Conrad/Fisher, majority; Frohman, no) approving an agreement with EIP Associates to prepare a Focused Environmental Impact Report for the Northwest Business Park Specific Plan.

25. Consider agreement with Chamber of Commerce for funding to Convention & Visitors Bureau for a period not-to-exceed six months at \$20,416.69 per month.
Recreation & Neighborhoods

ACTION: **Res. 2000-641** adopted (Fisher/Friedman, majority; Conrad, no) approving agreement with Chamber of Commerce for funding to Convention & Visitors Bureau for a period not-to-exceed six months at \$20,416.69 per month.

26. Consider Draft Expressway Access Policy
Engineering & Transportation Department

ACTION: **By motion** (Friedman/Fisher, unan.) directed staff to pursue adoption of an Expressway Access policy in accordance with Council direction and guidelines via a General Plan amendment.

COUNCIL COMMENTS AND REPORTS

27. Consider request by Stanislaus County PAL for financial assistance for their Christmas program, as requested by Councilmember Serpa.

ACTION: A motion failed (Serpa/Fisher, Friedman, yes; Conrad, Frohman, Sabatino, no) to grant a \$500 donation to Stanislaus County PAL.

- Councilmember Serpa requested that the City Manager plan agenda items that are more evenly spread in the future so not to overload one agenda, and commented on the first quarter budget report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 11:51 p.m.