

MEETING OF TUESDAY, JANUARY 6, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Smith, Serpa,
Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 11,
13, 14, 15, 16, 17

ACTION: (Friedman/Dobbs, unan.)

Councilmember Friedman excused due to conflict of interest.
CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 12

ACTION: (Fisher/Conrad, unan.)

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 9, 1997, and the special City Council meetings of December 10, 1997, and December 16, 1997.

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

Mayor Lang acknowledged the attendance of Boy Scout Troop 76.

HEARINGS

Councilmember Dobbs excused due to conflict of interest.

3. Hearing to consider an amendment to Section 19-3-9 of the Zoning Map to rezone a portion of Planned Development Zone, P-D(304), to Light Industrial Zone, M-1, property located on the east side of Carpenter Road, south of Cummins Drive. (Jeff Stephens/MST Constructors, Inc.)
(Introduction of an ordinance rezoning needed; resolution judging this rezoning as being within the scope of the Master Environmental Impact Report needed.)

By motion (Serpa/Friedman, unan.; Dobbs, absent), introduced Ord. No. 3076-C.S.

Res. 98-1 adopted (Serpa/Friedman, unan.; Dobbs, absent) judging rezoning as being within the scope of the Master Environmental Impact Report.

BIDS

CONSENT

4. Consider accepting the contract of Ross F. Carroll, Inc. for the Service Yard bus hoist slab project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$24,761.20)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$23,886.30. Funds are budgeted.)

Res. 98-2 adopted (Friedman/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

5. Consider accepting the contract of W-Bar Construction for the Kewin/Moose Park bridge replacement project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$70,755.55)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$70,689.98. Funds are budgeted.)

Res. 98-3 adopted (Friedman/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

6. Consider accepting the contract of Howell Construction for the Water Division meeting room remodeling project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$84,674.00)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$85,099.00. Funds are budgeted.)

Res. 98-4 adopted (Friedman/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

NEW BUSINESS

CONSENT

7. Capital Facilities Fees (CFF) Report.

Res. 98-5 adopted (Friedman/Dobbs, unan.) accepting report of the CFF fund summaries and making the required statutory findings.

CONSENT

8. Consider approving the request of Central Calif

ornia Art League for the use of vertical banners, including location in the "I" Street right of way, to identify the Art League Facility within the McHenry Museum Building at 1402 "I" Street.

Res. 98-6 adopted (Friedman/Dobbs, unan.) authorizing the use of vertical banners.

CONSENT

9. Consider approving additional elements (tot-lot, basketball court, and relocation of overhead transmission lines) on the renovations projects specified in the merger agreement between the Highway Village Community Service District and the City of Modesto.

Res. 98-7 adopted (Friedman/Dobbs, unan.) approving additional elements.

CONSENT

10. Consider approving lease agreement with Chris Lee Johnson and Debbie Renee Johnson for the Crismon House.

Res. 98-8 adopted (Friedman/Dobbs, unan.) approving lease agreement.

CONSENT

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

Res. 98-9 adopted (Friedman/Dobbs, unan.) approving lease agreement.

Councilmember Friedman excused due to conflict of interest.

CONSENT

12. Consider approving amendment to lease agreement for Hangar 1 at the Modesto City/County Airport with the County of Stanislaus for the lease of office space and the right to sublet.

Res. 98-10 adopted (Fisher/Conrad, unan.; Friedman, absent) approving amendment to lease agreement.

CONSENT

13. Consider approving request from Principal of Bret Harte School to convert Bret Harte Place to a one-way street to improve traffic flow and safety in front of the school if conversion of the north end of Guthrie Street to Frazier Street to one-way westbound from Bret Harte Place to the alley is approved by Stanislaus County Board of Supervisors.

(Resolution authorizing conversion of Bret Hart Place to a one-way street needed. Total estimated cost: \$500. Funds are budgeted.)

Res. 98-11 adopted (Friedman/Dobbs, unan.) authorizing conversion of Bret Hart Place to a one-way street.

CONSENT

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

Res. 98-12 adopted (Friedman/Dobbs, unan.) approving the final map and authorizing the City Manager to sign agreement.

CONSENT

15. Consider approval of final map of Silverado at the Village Phase II subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Jaguar/Sylvan Partnership LP)

Res. 98-13 adopted (Friedman/Dobbs, unan.) approving the final map and authorizing the City Manager to sign agreement.

CONSENT

16. Consider Annual Report on Testing of CATV System.

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

CONSENT

17. Consider amending the Position Classification Plan to amend class specifications for Industrial Waste Inspector I/II, Building Inspector I/II, Maintenance Mechanic-Parks and Water Distribution System Operator.

Res. 98-14 adopted (Friedman/Dobbs, unan.) amending Position Classification Plan.

ORAL COMMUNICATIONS

18. Doug Myers presented a question regarding a public hearing notice for the 1/6/98 Council meeting.

MISCELLANEOUS

19. Appointments
 - a. Culture Commission

Res. 98-15 adopted (Serpa/Friedman, unan.) appointing Edward Hayden to the Culture Commission, with a term expiration of January 1, 2002.

b. Human Relations Commission

Res. 98-16 adopted (Serpa/Friedman, unan.) appointing Carolyn Fraser to the Human Relations Commission, with a term expiration of January 1, 2000.

c. Consider establishing the Highway Village Neighborhood Park Advisory Council and appointing Sylvia Poyorena, Shawn Gray and Ruth Moto to the Advisory Council.

Res. 98-17 adopted (Serpa/Friedman, unan.) establishing the Highway Village Neighborhood Park Advisory Council and appointing Sylvia Poyorena, Shawn Gray, and Ruth Moto, with term expirations of January 1, 2002.

Reappointments

d. Affirmative Action Commission

Res. 98-18 adopted (Serpa/Friedman, unan.) reappointing Dwight Bateman to the Affirmative Action Commission, with a term expiration of January 1, 2002.

e. Board of Zoning Adjustment

Res. 98-19 adopted (Serpa/Friedman, unan.) reappointing Garrad Marsh and Larry Erwin to the Board of Zoning Adjustment, with term expirations of January 1, 2002.

f. Citizens Advisory Committee on Recycling

Res. 98-20 adopted (Serpa/Friedman, unan.) reappointing Dyan Hayes and David Chase to the Citizens Advisory Committee on Recycling, with term expirations of January 1, 2002.

g. Downtown Improvement District

Res. 98-21 adopted (Serpa/Friedman, unan.) reappointing Bart Barringer and Romy Angle to the Downtown Improvement District, with term

expirations of January 1, 2002.

h. Golf Courses Advisory Committee

Res. 98-22 adopted (Serpa/Friedman, unan.) reappointing Linda McElroy, Jack Recca, and Jean Smith to the Golf Courses Advisory Committee, with term expirations of January 1, 2002.

i. Greater Modesto Community Foundation

Res. 98-23 adopted (Serpa/Friedman, unan.) reappointing Lowell Clark and Lee Hampson to the Greater Modesto Community Foundation, with term expirations of January 1, 2002.

j. Local Cable Programming

Res. 98-24 adopted (Serpa/Friedman, unan.) reappointing Forest Heath to the Local Cable Programming, with a term expiration of January 1, 2002.

Item k. removed from agenda.

k. Planning Commission

MATTERS TOO LATE FOR THE AGENDA

20. None.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to Closed Session at 7:46 p.m. The City Attorney returned at 9:25 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, JANUARY 13, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: None

Item #18 removed from Consent

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 15, 16, 17

ACTION: (Friedman/Dobbs, unan.)

Mayor Lang acknowledged a member of Boy Scout Troop 3.

The City Clerk announced Item 11 was removed from the Agenda. No action is required by the Council.

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of Proclamation to Delta Blood Bank proclaiming the month of January, 1998, National Volunteer Blood Donor Month.

Mayor Lang made the presentation.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 6, 1998.

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

HEARINGS

Councilmember Fisher excused due to conflict of interest.

3. Hearing to adopt a Resolution of Necessity to acquire real property interests for Hillglen Drive in Village I from Chris and Pauline Gianulias - APN 77-09-46 (portion).

Res. 98-25 adopted (Friedman/Serpa, unan.; Fisher, absent) approving the Resolution of Necessity.

4. Hearing to consider establishing fees for rental of the auditorium/kitchen and classroom at the Modesto Community Service Center at 800 E. Morris.

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Res. 98-26 adopted (Friedman/Fisher, unan.) establishing fees.

5. Hearing to consider an amendment to Modesto City Council Resolution No. 97-122, relating to the granting of deferral and exemption of Capital Facilities Fees (CFF), to allow all affordable housing developers to apply and be considered for CFF deferrals and exemptions.

Res. 98-27 adopted (Friedman/Dobbs, majority; Serpa, no) amending Res. No. 97-122 to allow all affordable housing developers to apply for CFF deferrals and exemptions.

Councilmember Fisher excused due to conflict of interest.

6. Hearing to consider request by STANCO for an exemption to Capital Facilities Fees, for a proposed three-unit affordable rental housing development at 1005 Maze Boulevard.

Res. 98-28 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving CFF exemption and authorizing City Manager to execute exemption agreement.

Councilmember Fisher excused due to conflict of interest.

7. Hearing to consider a request by Ashwood Village Apartments L.P. for an exemption to Capital Facilities Fees for 60 units of a proposed 120-unit apartment complex (Ashwood Village Apartments) at the southeast corner of Rumble Road and Lou Ann Drive.

Res. 98-29 adopted (Friedman/Conrad, majority; Serpa, no; Fisher, absent) approving CFF exemption and authorizing City Manager to execute exemption agreement.

BIDS

CONSENT

8. Consider authorizing call for bids for furnishing uniformed security guard services for Fiscal Year 97-98, with two one-year extensions, providing that continual funding is approved by Council for this service for one full year total cost of \$97,823, and a three year total cost of \$293,469.
(Suggested bid opening: February 10, 1998, at 11:00 a.m. Resolution authorizing call for bids needed. Funds for 97-98 are budgeted.)

Res. 98-30 adopted (Friedman/Dobbs, unan.) authorizing call for bids on February 10, 1998 at 11:00 a.m.

CONSENT

9. Consider awarding contract for the Corporation yard restroom restoration project to Stone-Cheney Construction for \$206,690; and consider approval of an

1/13/98

appropriation transfer to fully fund the project.
(Resolution awarding contract to Stone-Cheney Construction needed; and resolution approving appropriation transfer needed. Total estimated cost: \$241,827.30 (contract \$206,690; construction administration and contingencies \$35,137.30) Funds are partially budgeted.)

Res. 98-31 adopted (Friedman/Dobbs, unan.) awarding contract.

Res. 98-32 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

CONSENT

10. Consider declaring a 1967 Van Pelt snorkel truck and 1964 Van Pelt Pumper truck surplus to City needs and authorize their disposition through public auction or bid; and consider authorizing the transfer of a 1979 Van Pelt pumper truck to the Regional Fire Training Center for use in the Yosemite Community College's Fire Science program.
(Resolution declaring trucks surplus and authorizing disposition through public auction or bid needed; resolution authorizing transfer of 1979 Van Pelt pumper truck to Regional Fire Training Center needed.)

Res. 98-33 adopted (Friedman/Dobbs, unan.) declaring trucks surplus and authorizing disposition through public auction or bid needed, and authorizing transfer of 1979 Van Pelt pumper truck to Regional Fire Training Center.

NEW BUSINESS

Item #11 removed from Agenda. No action required.

11. Consider certifying the results of the examination of the signature count on the referendum petition - Resolution No. 97-590 Approving Amendment No. 3 to the Pelandale-Snyder Specific Plan to Allow a Phased Development of Pelandale Avenue, Delete a Collector Street Connection to Pelandale Avenue, and to Modify or Delete Certain Other Development Standards.
(Resolution certifying the results of the examination of the signature count needed; and one of the following alternatives needed (1) resolution rescinding Res. No. 97-590; (2) resolution ordering the City Clerk to submit Res. No. 97-590 to the voters at the next regular municipal election on November 9, 1999; or (3) resolution ordering the City Clerk to submit Res. No. 97-590 to the voters at a special municipal election to be held not less than 88 days after the date of the order; and resolution amending budget to appropriate adequate funds for that election needed.)
12. Citizens First Steering Team 1997 Year-End Report.
(Motion acknowledging receipt of report needed.)

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

13. Consider introduction of an ordinance relating to abandoned, wrecked, dismantled or inoperable vehicles, and parts thereof.

By motion (Serpa/Friedman, majority; Conrad & Fisher, no), introduced Ord. No. 3077-C.S., with review in three to six months.

14. Consider approval of the final map of The Bluffs Unit No. 1 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: The Bluffs Senior Housing Development, LLC)
(Resolution approving the final map and authorizing City Manager to sign the subdivision agreement needed.)

Res. 98-34 adopted (Dobbs/Conrad, majority; Fisher, Friedman & Smith, no) approving the final map and authorizing City Manager to sign the subdivision agreement.

CONSENT

15. Consider adopting Resolution of Intention to vacate and abandon a six-foot wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue (Patricia Lundquist).

Res. 98-35 adopted (Friedman/Dobbs, unan.) the Resolution of Intention to vacate and abandon and setting the hearing for February 10, 1998.

CONSENT

16. Consider adopting Resolution of Intention to vacate and abandon alleys and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving the Emanuel Lutheran Church, property located on the southeast corner of College And Stoddard Avenues at 324 College Avenue.

Res. 98-36 adopted (Friedman/Dobbs, unan.) the Resolution of Intention to vacate and abandon and setting the hearing for February 10, 1998.

CONSENT

17. Consider approving an amendment to the lease agreement with Modesto Executive Air Charter for the lease of Corporate Hangar Plots 3, 4 and 5 at the Modesto City/County Airport.

Res. 98-37 adopted (Friedman/Dobbs, unan.) approving amendment to agreement.

Item #18 removed from Consent

18. Consider authorizing the City Manager to sign an application for \$20,000 in funding from the Federal Small Business Administration for tree planting.

Res. 98-38 adopted (Friedman/Dobbs, unan.) authorizing City Manager to sign grant application.

19. ORAL COMMUNICATIONS

Councilmember Serpa commended the Police Department and Neighborhood Preservation Unit on various enforcement issues.

20. WRITTEN COMMUNICATIONS

Letter from James D. Mayol, Law Offices of Mayol & Barringer, on behalf of Mr. John Machado, owner of Bent Creek Estates Subdivision, requesting an interpretation of Modesto City Council Res. No. 97-74 regarding access to Machado property, and requesting a resolution that Measure M does not require an advisory vote prior to completion of processing of Bent Creek subdivision map.

By motion (Friedman/Smith, unan.), directed staff to review and refer to Community Development & Housing Committee.

21. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 6:25 p.m.

COUNCIL MEETING OF TUESDAY, JANUARY 20, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: None

ITEMS 3, 4, 5, 6, 7, and 8 removed from Consent
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2

ACTION: (Friedman/Fisher, unan.)

Mayor Lang acknowledged the attendance of Boy Scout Troop Pack #1.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Recognition of Todd Lundrigan of Modesto, a 12-year old Boy Scout, who saved his sister, Kelly, from choking on Monday, November 24, 1997, by performing the Heimlich maneuver.

Mayor Lang made the presentation and presented a certificate of commendation to Todd Lundrigan.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of January 13, 1998.

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

UNFINISHED BUSINESS

Councilmember Dobbs excuse due to conflict of interest.

Item #3 removed from Consent

3. Final adoption of Ord. No. 3076-C.S. rezoning from P-D(304) to M-1 property located on the east side of Carpenter Road, south of Cummins Drive. (Jeff Stephens/MST Constructors, Inc.)

By motion (Friedman/Serpa, unan.; Dobbs, absent), final adoption of Ord. No. 3076-C.S.

BIDS

Item #4 removed from Consent

4. Consider acceptance as complete the contract of Power Providers for the cable

1/20/98

replacement project (FAA Project No. AIP 3-0600153-18) and authorize the City Clerk to file the Notice of Completion. (Original contract: \$63,627)
(Resolution accepting the work as complete and authorizing the City Clerk to file the Notice of Completion needed. Final cost: \$57,846. Funds are budgeted.)

Res. 98-39 adopted (Fisher/Friedman, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

Item #5 removed from Consent

5. Consider declaring Maita Chevrolet low bidder for one ton truck with utility body and one van; Central Valley Golf and Utility low bidder for three electric vehicles; F. B. Hart low bidder for one packer truck; Garton Ford Tractor low bidder for one tractor; and GCS Western Power low bidder for three loaders, for a total cost of \$389,814.85; and consider amending the budget.
(Resolution awarding bid and declaring low bidders needed, and resolution amending budget needed. Funds are partially budgeted.)

Res. 98-40 adopted (Fisher/Friedman, unan.) awarding bid and declaring low bidders.

Res. 98-41 adopted (Fisher/Friedman, unan.) amending budget.

Item #6 removed from Consent

6. Consider waiving formal bid procedures and authorize the lease purchase of one Pierce Saber pumper from Pierce Manufacturing through Golden State Fire Apparatus via the Kern County Fire Department contract for a not to exceed price of \$277,219.70; consider authorizing the City Manager to sign a four-year lease purchase agreement, Supplement Two, under the Master Lease Agreement with California Statewide Communities Development Authority; and consider amending the budget to appropriate a CIP in the amount of \$277,219.70 into the Special Fund for Capital Outlay and estimate offsetting lease payment proceeds revenue.
(Resolution waiving formal bid procedures (five affirmative votes needed; resolution approving lease purchase agreement needed; and resolution amending the budget needed.)

Res. 98-42 adopted (Dobbs/Smith, unan.) waiving formal bid procedures.

Res. 98-43 adopted (Dobbs/Smith, unan.) approving lease purchase agreement.

Res. 98-44 adopted (Dobbs/Smith, unan.) amending the budget.

NEW BUSINESS

Councilmember Fisher excused due to conflict of interest.

1/20/98

Item #7 removed from Consent

7. Consider authorizing City Manager to execute an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.
(Resolution approving agreement needed. Total estimated cost: \$72,873 for 13 months. Funds are budgeted.)

Res. 98-45 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement.

Item #8 removed from Consent

8. Consider approving an agreement with Minagar & Associates to provide consultant services for the City of Modesto downtown traffic signal retiming project, consider amending the budget, and consider approving appropriation transfer.

Res. 98-46 adopted (Fisher/Dobbs, unan.) approving agreement.

Res. 98-47 adopted (Fisher/Dobbs, unan.) amending the budget.

Res. 98-48 adopted (Fisher/Dobbs, unan.) approving appropriation transfer.

9. ORAL COMMUNICATIONS

Vice Mayor Serpa expressed concern regarding lost revenue from unpaid traffic tickets.

10. MISCELLANEOUS

Appointments

Planning Commission

Res. 98-49 adopted (Fisher/Dobbs, unan.) reappointing Rod DeCristofaro to the Planning Commission, with a term expiration of January 1, 2002.

Res. 98-50 adopted (Friedman/Dobbs, majority; Serpa, no) reappointing Dan Thayer to the Planning Commission, with a term expiration of January 1, 2002.

11. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting was adjourned at 7:25 p.m.

COUNCIL MEETING OF TUESDAY, JANUARY 27, 1998, AT 4 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: None

Consent Items Removed from Consent: 10, 11, 12, 13, 14, 15, 18
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

ACTION: (Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Special Recognition Plaques and Certificates for co-sponsorships of the City's 1997 Parks and Recreation Programs.

Mayor Lang, with the assistance of Toina Vickers presented awards.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of January 20, 1998.

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

UNFINISHED BUSINESS

3. Final adoption of:
- a. Ord. No. 3077-C.S. adding Article 19 to Chapter 7 of Title IV of the Modesto Municipal Code relating to abandoned, wrecked, dismantled or inoperative vehicles, and parts thereof.

By motion Friedman/Lang, majority; Fisher, no), approved final adoption of Ord. 3077-C.S.

HEARINGS

4. Hearing to consider establishing fee schedule, usage policies and booking procedures for John Thurman Field.

Res. 98-51 adopted (Serpa/Fisher, unan.) approving fee schedules, usage policies and booking procedures. The first year will be a pilot year

and no parking fee will be charged to non-profit organizations.

Councilmember Fisher excused due to conflict of interest.

5. Hearing to consider the Planning Commission recommendation to rezone from R-1, Low-Density Residential Zone to Planned Development Zone, P-D(526) for a medical/dental office building and adjacent parking lot area, property located at the Northeast corner of East Orangeburg and Melrose Avenues. (Tim Fisher/Architecture Plus Inc.)
(Motion introducing ordinance needed; Resolution approving a development plan needed; and Resolution with Findings needed.)

By motion (Friedman/Dobbs, unan.; Fisher, absent), introduced Ord. 3078-C.S.

Res. 98-52 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving a development plan.

Res. 98-53 adopted (Friedman/Dobbs, unan.; Fisher, absent) with findings.

BIDS

6. Consider award of a \$285,100.00 contract for the project titled "Press Box and Elevator Tower Addition to John Thurman Field" to Acme construction Company Inc.; and consider amending the budget to recognize additional revenue and fully fund the project.
(Resolution awarding contract needed; and resolution amending the budget needed.)

Res. 98-54 adopted (Fisher/Smith, unan.) awarding contract.

Res. 98-55 adopted (Fisher/Smith, unan.) amending the budget.

NEW BUSINESS

7. Consider approving agreement with Modesto Auto Dealers Association for use of press box suite at John Thurman Field.

Res. 98-56 adopted (Friedman/Fisher, majority; Serpa, no) approving agreement.

Item #8 removed from agenda.

8. Consider approving amendment to the John Thurman Field License Agreement.

Item #9 removed from agenda.

9. Consider approving an amendment to the John Thurman Field Maintenance Agreement.

Item #10 removed from Consent.

10. Consider approving agreement with Tai Chi Chuan to conduct Tai Chi classes. (Resolution approving agreement needed.)

Res. 98-57 adopted (Friedman/Fisher, unan.) approving agreement.

Item #11 removed from Consent

11. Consider authorizing the City Manager to execute the Grant Award and the Special Conditions documents for the City of Modesto's 24-month Federal Local Law enforcement Block Grant Program for \$349,231 in federal funds for a comprehensive automated Records Management System; and consider amending the 1997/98 Budget estimating new revenues of \$349,231 from the grant contract and matching funds of \$38,803 to be transferred in from the Asset Forfeiture Trust Account, and appropriating \$388,034 to Organization 1980-Federal Law Enforcement Grant, for expenditure.

Res. 98-58 adopted (Fisher/Friedman, unan.) authorizing the City Manager to execute the Grant Award and Special Conditions documents.

Res. 98-59 adopted (Fisher/Friedman, unan.) amending the 1997/98 budget.

Item #12 removed from Consent

12. Consider approval to increase the encumbrance and expenditure authorization by \$150,000 on the 9th Street Railroad project for work performed by Union Pacific Railroad on Phase I of the project. (Resolution approving increase needed.)

Res. 98-60 adopted (Fisher/Friedman, unan.) approving increase.

Item #13 removed from Consent

13. Consider accepting the Stanislaus County Board of Supervisors' share of the aircraft tax from aircraft based at the Modesto City-County Airport during the fiscal year 1998 and agree to use the funds for airport general aviation area projects. (Resolution accepting the County's share needed.)

Res. 98-61 adopted (Friedman/Fisher, unan.) accepting the County's share.

Item #14 removed from Consent

14. Consider approving the Modesto City-County Airport's ACIP and multi-year

preapplication for \$2,100,500 to complete the first six projects listed on the ACIP, and authorize their submittal to the Federal Aviation Administration, and authorize the City Manager to sign the preapplication.

Res. 98-62 adopted (Dobbs/Friedman, unan.) approving preapplication and authorizing City Manager to execute the necessary documents.

Item #15 removed from Consent

15. Quarterly Treasurer's Report - December 31, 1997

By order of the chair, Treasurer's report was unanimously acknowledged.

16. Consider refunding Modesto Irrigation District Domestic Water Treatment Bonds.

Res. 98-63 adopted (Friedman/Fisher, unan.) approving the issuance of refunding revenue bonds by the Modesto Irrigation District Financing Authority related to the refinancing of the domestic water treatment and delivery systems of the Modesto Irrigation District.

17. ORAL COMMUNICATIONS

None.

18. WRITTEN COMMUNICATIONS

Item #18 removed from Consent

Consider accepting the resignation of Terri Amerio-Bell from the Affirmative Action Commission.

Res. 98-64 adopted (Friedman/Dobbs, unan.) accepting the resignation with regret.

19. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 4:50 p.m.

COUNCIL MEETING OF TUESDAY, FEBRUARY 3, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: None

Consent Items 4, 5, 6, 7, 8, 9 & 11 Removed from Consent
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

ACTION: (Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Present a Proclamation declaring February 1, 1998 as Reconciliation Day and February 1998 as Reconciliation Month, to Pastor Charlie Crane, True Light Church, and Pastor David Siefert, Big Valley Grace Church.

Mayor Lang presented a proclamation to Pastors Crane and Siefert.

- b. Present a Proclamation declaring February 8-14, 1998 as Burn Awareness Week, to Artis Ray Johnson of the Aahmes Shrine organization.

Mayor Lang present a proclamation to Mr. Johnson.

- c. Presentation on implementation of Wastewater Master Plan and construction progress on the Cannery Segregation Project

The Wastewater Master Plan construction progress presentation was made by Rich Ramirez, Alice Tulloch, and Jerry Berg.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 27, 1998.

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

UNFINISHED BUSINESS

Councilmember Fisher excused due to conflict of interest.

3. Final adoption of Ord. No. 3078-C.S. amending Section 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone (R-1), to Planned

Development Zone, P-D(256), property located on the northeast corner of East Orangeburg and Melrose Avenue (Tim Fisher/Architecture Plus Inc.)

By motion (Friedman/Dobbs, unan.; Fisher, absent), final adoption of Ord. 3078-C.S.

BIDS

Item #4 removed from consent

4. Consider award of a \$118,624.00 contract for the project titled "Water Storage Building at Water Tank No. 6" to Paul Anderson Construction and consider approval of an appropriation transfer to fully fund the project.

Res. 98-65 adopted (Fisher/Friedman, unan.) awarding contract.

Res. 98-66 adopted (Fisher/Friedman, unan.) approving appropriation transfer.

Item #5 removed from consent

5. Consider award of a \$101,877.59 contract for the project titled "J Street and 11th Street Water System Improvements" to All America Trenching and consider approval of an appropriation transfer to fully fund the project.

Res. 98-67 adopted (Fisher/Friedman, unan.) awarding contract.

Res. 98-68 adopted (Fisher/Friedman, unan.) approving appropriation transfer.

Item #6 removed from consent

6. Consider award of a \$214,326.00 contract for the project titled "96/97 Annual Sewer Rehabilitation" to Soares Underground Construction.

Res. 98-69 adopted (Friedman/Fisher, unan.) awarding contract.

NEW BUSINESS

Item #7 removed from consent

7. Consider amending the Position Classification Plan and Class Range Table for the classification of Senior Crime Analyst and Senior Community Development Program Specialist from the designation of Miscellaneous employee to a designation of Management employee.

Res. 98-70 adopted (Friedman/Fisher, unan.) amending the Position Classification Plan.

Res. 98-71 adopted (Friedman/Fisher, unan.) amending the Class Range Table.

Item #8 removed from consent

8. Consider agreement with Dryden Park Coffee Shop Inc., for food and beverage concession at Dryden and Muni Golf Courses.

Res. 98-72 adopted (Fisher/Smith, unan.) approving agreement.

Item #9 removed from consent

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

By motion of the chair, receipt of report was acknowledged.

10. ORAL COMMUNICATIONS

Steve Burke commented on his concerns regarding the 10th Street Place project.

WRITTEN COMMUNICATIONS

Item #11 removed from consent

11. Consider accepting resignation of Margie Lee from the Citizens Housing & Community Development Committee.

Res. 98-73 adopted (Friedman/Fisher, unan.) accepting resignation.

12. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

COUNCIL MEETING OF TUESDAY, FEBRUARY 10, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman,
Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2
Consent Items removed: 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 23, 24, 25

ACTION: (Friedman/Conrad, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Oral report was given by City Manager Ed Tewes on flood status.

- b. Mr. Randy Quebec of Pacific Bell gave a presentation regarding the creation of the Northern and Central California Community Enrichment program, which makes available grants of up to \$25,000 for use in projects or programs that help increase the use of technology.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 3, 1998.

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

HEARINGS

Item #3 continued to February 17, 1998

3. Hearing to consider the vacation and abandonment of a six-foot wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue.

Item #4 continued to February 17, 1998

4. Hearing to consider the vacation and abandonment of an alley right of way and reserve utility easement for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving the Emanuel Lutheran Church, property located on the southeast corner of College and Stoddard Avenue.

BIDS

Item #5 removed from Consent.

5. Consider accepting the George Reed Inc. contract for the project titled "Briggsmore/Coffee Intersection Improvements" as complete and authorize the City Clerk to file the Notice of Completion. (Final cost: \$1,722,955.28)

Res. 98-74 adopted (Dobbs/Friedman, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

Item #6 removed from Consent.

6. Consider waiving formal City bid procedures and authorizing the purchase of ten Police vehicles from the competitively bid State contract for a total cost not to exceed the City's budget of \$250,000.00.

Res. 98-75 adopted (Dobbs/Fisher, unan.) waiving formal bid procedures and authorizing purchase.

Item #7 removed from Consent.

7. Consider authorizing the purchase of eight pickup trucks from the competitively bid State contract for a total cost of \$143,778.41.

Res. 98-76 adopted (Fisher/Friedman, unan.) authorizing purchase.

Item #8 removed from Consent.

8. Consider declaring surplus and authorizing the sale of eight buses by sealed bid by the City of Modesto or at public auction by Roger Ernst & Associates.

Res. 98-77 adopted (Fisher/Friedman, unan.) declaring items surplus and authorizing sale.

NEW BUSINESS

9. Consider authorizing City Manager to execute an amendment to the Master Agreement between the County of Stanislaus, the Modesto Redevelopment Agency, the City of Modesto, and the City/County Capital Improvements and Financing Joint Powers Agency to eliminate the service parcel within the JPA site and to approve a lot line adjustment.

Res. 98-78 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute amendment.

10. Consider authorizing City Manager to execute an agreement with the County of Stanislaus regarding the ownership of the AT&T Building to provide for casualty and liability insurance and to allow the City to collateralize its one-half interest as part of the overall 10th Street Place financing.

Res. 98-79 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute agreement.

11. Consider authorizing the City Manager to deliver a Grant Deed for the conveyance from the City to the County of the City's real property (parking lot) located at the southeast corner of 11th Street and G Street behind the existing County Administration Building.

Res. 98-80 adopted (Dobbs/Fisher, unan.) denying deliverance of Grant Deed for conveyance.

12. Consider approving 10th Street Place Project Bond Financing. (Resolution approving the issuance of lease revenue bonds not to exceed \$65,000,000, and related documents and actions with respect thereto needed; Resolution declaring the City's intent to reimburse itself from bond proceeds for expenditures made or to be made in connection with the acquisition, construction and equipping of certain capital improvements needed.)

Res. 98-81 adopted (Friedman/Lang, majority; Serpa, no) approving the issuance of lease revenue bonds not to exceed \$65,000,000, and related documents and actions with respect thereto.

Res. 98-82 adopted (Friedman/Lang, majority; Serpa, no) declaring the City's intent to reimburse itself from bond proceeds for expenditures made or to be made in connection with the acquisition, construction and equipping of certain capital improvements.

Oral Communications and Matters Too Late For The Agenda were taken out of order and heard at this time.

Councilmember Dobbs left the meeting.

13. Consider adopting guiding principles for the development of a regional transportation policy.

Res. 98-83 adopted (Fisher/Friedman, unan.; Dobbs, absent) approving guiding principles.

14. Consider authorizing staff to proceed with formal Requests for Qualifications and Proposals (RFQ&P) for street sweeping services, and to delay decision on water meter reading and utility billing/collection for 12 months.

Res. 98-84 adopted (Friedman/Fisher, unan.; Dobbs, absent) authorizing proceeding with RFQ&P.

Res. 98-85 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving the delay for 12 months the decision on water meter reading and utility billing/collection.

Item #15 removed from Consent.

15. Consider authorizing the City Manager to execute an agreement with the Small Business Administration for \$20,000 in grant funding from the for tree planting, and consider amending the budget to estimate \$20,000 in revenue and appropriate \$20,000 in expenditure.

Res. 98-86 adopted (Friedman/Fisher, unan.; Dobbs, absent) authorizing execution of an agreement.

Res. 98-87 adopted (Friedman/Fisher, unan.; Dobbs, absent) amending the budget to estimate \$20,000 in revenue and appropriate \$20,000 in expenditure.

Item #16 removed from Consent.

16. Consider authorizing the City Manager to enter into any necessary contracts or Memorandums of Understanding with service providers for Earth Day in the Park 1998, and any future Earth Day events.

Res. 98-88 adopted (Friedman/Fisher, unan.; Dobbs, absent) authorizing the City Manager to enter into any necessary contracts or MOUs with service providers for Earth Day in the Park 1998 and any future Earth Day events.

Item #17 removed from Consent.

17. Consider authorizing the City Manager to execute a Revocable License Agreement with the Turlock Irrigation District.

Res. 98-89 adopted (Fisher/Friedman, unan.; Dobbs, absent) authorizing agreement.

Item #18 removed from Consent.

18. Consider accepting the improvements for Village Highlands Phase 1, authorizing the City Clerk to file the Notice of Completion and Release of Bonds upon expiration of statutory periods. (Owners: Inland Village, a General Partnership)

Res. 98-90 adopted (Fisher/Friedman, unan.; Dobbs, absent) accepting the improvements as complete. Vice Mayor Serpa requested the Community Development & Housing Committee to review the one year warranty.

Item #19 removed from Consent.

19. Consider accepting real property as a gift from the Estate of Daniel Soranno.

Res. 98-91 adopted (Friedman/Conrad, unan.; Dobbs, absent) accepting real property.

Item #20 removed from Consent.

20. Consider introduction of ordinance amending Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax.

By motion (Friedman/Fisher, unan.; Dobbs, absent), introduced Ord. No. 3079-C.S.

Oral Communications was taken out of order and heard just after Item #12.

21. ORAL COMMUNICATIONS

Kirk Lindsay, Dick Taylor and Steve Sidwell spoke regarding flooding in their neighborhood and requested assistance.

Stan Strohmeier spoke regarding out of town labor being used for downtown demolition on the 10th Street Plaza project.

WRITTEN COMMUNICATIONS

22. A letter from Steve Burke requesting a presentation from staff ground contamination and overall financing of the 10th Street Place project.

Item was referred to staff.

MISCELLANEOUS

Legislation

Item #23 removed from Consent.

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

By motion (Friedman/Fisher, unan.; Dobbs, absent), approved amendment of the legislative platform.

Appointments

Item #24 removed from Consent.

24. Board of Zoning Adjustment

Res. 98-92 adopted (Friedman/Serpa, unan.; Dobbs, absent) appointing Ray Feller as the Planning Commission's representative to the Board of Zoning Adjustment, with a term expiration of January 1, 1999.

Item #25 removed from Consent.

25. Anti-Graffiti Steering Committee

Res. 98-93 adopted (Friedman/Serpa, unan.; Dobbs, absent) appointing Sheila Britton and Jerry Sauls to the Anti-Graffiti Steering Committee.

Item #26 was taken out of order and heard just after Oral Communications.

26. MATTERS TOO LATE FOR THE AGENDA

By motion (Friedman/Fisher, unan.) it was determined that an emergency exists, or a threat of emergency, as defined by State law, and the need for action came to the City's attention after the agenda was posted regarding flood issues.

Res. 98-94 adopted (Dobbs/Friedman, unan.) declaring an emergency exists and directing City Manager to implement rules to preserve life and property in flood situations.

ADJOURNMENT

Meeting adjourned at 7:04 p.m.

COUNCIL MEETING OF TUESDAY, FEBRUARY 17, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:Item 2

Items 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 removed from Consent.

ACTION: (Friedman/Fisher, unan.)

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation to the Commission on Aging/Area Agency on Aging Advisory Council proclaiming May as Senior Awareness Month.

Rescheduled to April 28, 1998 Council meeting.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 10, 1998.

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

UNFINISHED BUSINESS

Item #3 removed from Consent.

3. Final adoption of Ord. 3079-C.S., amending Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax.

By motion (Friedman/Fisher, unan.), final adoption of Ord. 3079-C.S.

HEARINGS

4. Hearing to consider the vacation and abandonment of an alley right of way and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving the Emanuel Lutheran Church, property located on the southeast corner of College and Stoddard Avenue (Emanuel Lutheran Church) (continued from February 10, 1998).

Res. 98-95 adopted (Dobbs/Friedman, unan.) approving the vacation and

abandonment.

5. Hearing to consider the vacation and abandonment of a six-foot wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue (Patricia Lundquist) (continued from February 10, 1998).

Res. 98-96 adopted (Friedman/Dobbs, unan.) approving the vacation and abandonment.

Councilmember Fisher excused due to conflict of interest.

6. Hearing to consider the appeal of Redev. Inc. to the denial of an application for an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres located south of Sylvan Avenue and north of Hillglen Drive from multi-family to village residential, to all a single-family subdivision.

By motion (Dobbs/Serpa, majority; Friedman, no; Fisher, absent) introduced Ord. 3080-C.S. amending Precise Plan.

Res. 98-97 adopted (Dobbs/Serpa, majority; Friedman, no; Fisher, absent) granting the appeal and amending the Specific Plan.

Res. 98-97A adopted (Dobbs/Serpa, majority; Friedman, no; Fisher, absent) certifying use of previous EIR.

NEW BUSINESS

7. Consider adopting a resolution confirming City Manager's rules for duration of flood emergency.

Res. 98-98 adopted (Friedman/Fisher, unan.) confirming City Manager's rules for duration of flood emergency.

Item #8 removed from Consent.

8. Consider approving agreement with Mary Josephine Passalaqua Family Trust for the purchase of right of way needed for the Carpenter Road widening project. (Resolution approving agreement needed. Estimated cost: \$4,525; funds budgeted.)

Res. 98-99 adopted (Fisher/Friedman, unan.) approving agreement.

Item #9 removed from Consent.

9. Consider approving agreement with the Elsie M. Ownbey Living Trust for the purchase of right of way needed for the Carpenter Road widening project. (Resolution approving agreement needed. Estimated cost: \$4,500; funds

budgeted.)

Res. 98-100 adopted (Friedman/Dobbs, unan.) approving agreement.

Item #10 removed from Consent.

10. Consider approving a Resolution of Intention to vacate and abandon the middle portion of the north-south alley in Block 2098 of the City of Modesto and reserve an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, and set the public hearing for March 10, 1998 at 4:00 p.m.

(Resolution of Intention to vacate and abandon, and setting a public hearing for March 10, 1998 at 4:00 p.m. needed.)

Res. 98-101 adopted (Fisher/Conrad, unan.) setting March 10, 1998 at 4:00 p.m. for public hearing.

Item #11 removed from Consent.

11. Consider accepting the improvements for Silverado at the Village Phase 1 Subdivision, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Jaguar/Sylvan Partnership LP, a California limited partnership.)

Res. 98-102 adopted (Conrad/Fisher, unan.) accepting improvements for Silverado at the Village Phase 1 Subdivision, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

Item #12 removed from Consent.

12. Consider accepting the improvements for Rose Lane No. 2 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.)

Res. 98-103 adopted (Fisher/Conrad, unan.) accepting the improvements Rose Lane No. 2 Subdivision and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

Item #13 removed from Consent.

13. Consider approving an agreement with RRM & Associates for preparation of a Master Plan for Woodland Neighborhood Park and for construction documents for Woodland and Eisenhut Neighborhood Parks.

Res. 98-104 adopted (Fisher/Friedman, unan.) approving agreement and authorizing execution of documents.

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Item #14 removed from Consent.

14. Consider agreement with Purkiss Rose R.S.I. for preparation of a Master Plan and construction documents for Yosemite Neighborhood Park.

Res. 98-105 adopted (Friedman/Conrad, unan.) approving agreement and authorizing execution of documents.

Item #15 removed from Consent.

15. Consider an agreement with Stanislaus County Department of Public Health to provide a Male-Female Rite of Passage Program, and consider amending the budget to estimate revenue of \$7,940 and appropriate expenditures of \$7,940.

Res. 98-106 adopted (Fisher/Conrad, unan.) approving agreement.

Res. 98-107 adopted (Fisher/Conrad, unan.) amending the budget.

Item #16 removed from Consent.

16. Consider increasing the Engineering & Transportation Director's authority level to issue change orders from 8% to 17% of the original contract price with Mountain Cascade Inc. in the Section III - Relief Line Project; and consider amending the budget to appropriate an additional \$73,000.

Res. 98-108 adopted (Fisher/Conrad, unan.; Serpa, no) increasing the Engineering & Transportation Director's level of authority.

Res. 98-109 adopted (Fisher/Conrad, unan.; Serpa, no) amending the budget.

Item #17 removed from Consent.

17. Consider entering into negotiations with Storer Transit Systems to operate Modesto Area Dial-A-Ride (DAR) for a five-year period beginning May 2, 1998.

Res. 98-110 adopted (Dobbs/Friedman, unan.) approving negotiations with Storer Transit Systems.

18. Consider Fiscal Year 1997-98 Budget - Midyear Financial Status Report.

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

Res. 98-111 adopted (Friedman/Fisher, unan.) amending the budget.

19. ORAL COMMUNICATIONS

Steve Burke commented on the Proposition 218 law suit.

20. MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to Closed Session at 9:10 p.m. City Attorney returned at 9:45 p.m. to report no action had been taken.

COUNCIL MEETING OF TUESDAY, FEBRUARY 24, 1998, AT 4:00 P.M.

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

Absent: Smith

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2
Consent Items 7, 8, 9, 11 were removed from Consent

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 17, 1998.

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

UNFINISHED BUSINESS

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

Res. 98-112 adopted (Friedman/Dobbs, unan.; Smith, absent) continuing the local emergency to March 3, 1998.

HEARINGS

4. Hearing to consider establishment of a schedule of security deposits for self-haul solid waste.

Res. 98-113 adopted (Dobbs/Fisher, unan.; Smith, absent) approving schedule of security deposits for self-haul solid waste.

5. Consider adopting nine Resolutions of Necessity to acquire real property interests for Carpenter Road from Hogan Manufacturing Inc., APN 81-52-39; Gladys Wallis, APN 81-29-31; Robert Newman, APN 81-29-30; Neil Wise et al, APN 81-29-27; Tom Chaffee et ux, APN 81-29-26; James Ruiz et al, 81-29-25; Deepak Singh et al, APN 81-29-24; Michael Billington et al, APN 81-28-22; and Islamic Center of Modesto, APN 81-28-15 (portions).

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Res. 98-114 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Hogan Manufacturing Inc., APN 81-52-39.

Res. 98-115 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Gladys Wallis, APN 81-29-31.

Res. 98-116 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Robert Newman, APN 81-29-30.

Res. 98-117 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Neil Wise et al, APN 81-29-27.

Res. 98-118 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Tom Chaffee et ux, APN 81-29-26.

Res. 98-119 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from James Ruiz et al, 81-29-25.

Res. 98-120 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Deepak Singh et al, APN 81-29-24.

Res. 98-121 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Michael Billington et al, APN 81-28-22.

Res. 98-122 adopted (Dobbs/Fisher, unan.; Smith, absent) acquiring real property interests for Carpenter Road from Islamic Center of Modesto, APN 81-28-15 (portions).

NEW BUSINESS

6. Consider approving a resolution revising the 10th Street Place project budget to reflect the cost of construction based on bids received, and authorizing the JPA to award bid to the low bidder.

Res. 98-123 adopted (Friedman/Dobbs, majority; Serpa, no; Smith, absent) amending budget, including public art proposal.

Res. 98-124 adopted (Friedman/Fisher, unan; Smith, absent) authorizing City Manager to provide temporary assets for collateral to bond issuer for Police Building bid.

Item #7 removed from Consent.

7. Consider approving the concept of a joint emergency communications center.

Res. 98-125 adopted (Friedman/Serpa, unan.; Smith, absent) approving concept of a joint emergency communications center.

Item #8 removed from Consent.

8. Consider authorizing objection to sale of tax defaulted properties and offering to purchase said properties from Stanislaus County for the amount of delinquent taxes.

Res. 98-126 adopted (Dobbs/Friedman, unan.; Smith, absent) authorizing purchase of tax defaulted properties and offering to purchase said properties from Stanislaus County for the amount of delinquent taxes.

Item #9 removed from Consent.

9. Consider authorizing funding for two special police projects: 1) purchase of four new replacement police canines; and 2) continue conducting an ongoing investigation.

Res. 98-127 adopted (Fisher/Friedman, unan.; Smith, absent) amending budget.

ORAL COMMUNICATIONS

10. Stan Strohmeier requested low bidder for electrician be removed from the 10th Street Place Project and be shown as irresponsible.

Vice Mayor Serpa commented on fines regarding habitation in mobile living quarters or tents; requirements for out of state construction workers; and a possible resolution to consent calendar removal.

WRITTEN COMMUNICATIONS

Item #11 removed from Consent.

11. Consider request of Harlan Smith, Modesto Camellia Society, for the donation of the Sweepstakes Trophy at the 36th Annual Camellia Cavalcade on March 21 and 22, 1998.

(Motion approving request needed.)

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

12. Consider request received from the law offices of Mayol & Berringer to place the Machado property (Measure M) vote on the ballot for June 2, 1998 Statewide primary election.

By motion of Chair, item continued to March 3, 1998 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

13. By motion (Friedman/Serpa, unan.; Smith, absent) it was determined that there is a need to take immediate action, and that the need for action came to the City's attention after the agenda was posted to place substitute temporary assets needed in bond financing to satisfy bond issuer for police building bid on agenda.

Res. 98-124 adopted under Item #6 above.

ADJOURNMENT

Meeting adjourned at 5:05 p.m.

COUNCIL MEETING OF TUESDAY, MARCH 3, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items

Consent items 2, 3, 5, 6, 7, 8, 9, 10, & 12 were removed from Consent

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation proclaiming March 12, 1998 as Girl Scout Day and the week of March 7 through March 13, 1998 as Girl Scout Week.

Mayor Lang made the presentation to Girl Scout Troop 164.

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

(Resolution terminating the local emergency is possible.)

Emergency continued.

MINUTES

2. Approval of the minutes of the regular City Council meeting of February 24, 1998.

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

UNFINISHED BUSINESS

Councilmember Fisher excused due to a conflict of interest.

3. Final adoption of Ord. 3080-C.S., an ordinance amending the Precise Plan for Area No. 3 of the Village One Specific Plan to Redesignate 9.8 acres from Multi-family to Village Residential.

By motion, (Dobbs/Serpa, majority; Friedman, no; Fisher absent) approved final adoption of Ord. 3080-C.S.

4. Consider request received from the law offices of Mayol & Berringer to place the Machado property (Measure M vote) on the ballot for June 2, 1998 Statewide primary election. (Item continued from February 24 Council meeting.)

By motion, (Fisher/Serpa, majority; Dobbs, Friedman, no) request denied.

BIDS

5. Consider accepting the agreement with Donald L. Oberg, General Engineering Contractor, for the project titled "Standiford Avenue - Road Construction and Drainage Improvements" as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$804,580.72; Final cost, \$746,288.05)

Res. 98-129 adopted (Friedman/Dobbs, unan.) accepting agreement as complete and authorizing the City Clerk to file the Notice of Completion.

6. Consider accepting the agreement with Allen A. Waggoner Construction Inc. for the project titled "Encina Storm Drain Phase II" as complete and authorize the City Clerk to file the Notice of Completion; and consider approval of appropriation transfer to fully fund the project. (Original estimate: \$100,870; Final cost, \$107,814.56)

Res. 98-130 adopted (Fisher/Dobbs, unan.) accepting the agreement as complete and authorizing the city Clerk to file the Notice of Completion.

Res. 98-131 adopted (Fisher/Dobbs, unan.) approving an appropriation transfer to fully fund the project.

NEW BUSINESS

7. Consider joinder in amicus brief in Action Apartment Association v. Santa Monica Rent Control Board.

By motion, (Friedman/Smith, majority, Conrad, no) authorized joinder in the amicus brief and directed City Attorney to execute and forward a letter of support to the brief writer.

8. Consider authorizing the City Manager, Deputy City Manager, Parks Superintendent, or the Accounting Division Manager to sign necessary and required documents or forms for the Federal Emergency Management Administration (FEMA) and the California Office of Emergency Services (OES) for the purpose of filing claims for reimbursement due to the "El Nino 98" floods.

Res. 98-132 adopted (Dobbs/Fisher, unan.) authorizing signatures.

9. Consider approving an agreement with Islamic Center of Modesto for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-133 adopted (Friedman/Fisher, unan.) approving agreement.

10. Consider approving the change of name of the Affirmative Action Commission to Equal Opportunity/Disability Commission.

Res. 98-134 adopted (Serpa/Fisher, unan.) approving name change.

11. ORAL COMMUNICATIONS

Vice Mayor Serpa thanked Council for their expressions of support for the unexpected passing away of his mother.

WRITTEN COMMUNICATIONS

12. Consider accepting the resignation of Howard Mallory from the Human Relations Commission.

Res. 98-135 adopted (Friedman/Dobbs, unan.) accepting with regret the resignation of Howard Mallory from the Human Relations Commission.

MISCELLANEOUS

13. Appointments

- a. Culture Commission

Res. 98-136 adopted (Dobbs/Fisher, unan.) appointing Adrian Mendoza to the Culture Commission.

14. MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting was adjourned at 7:47 p.m.

COUNCIL MEETING OF TUESDAY, MARCH 10, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: Councilmembers Conrad, Dobbs

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2
Items 4, 5, 6, 7, 8, 9, 10, 11, 12 removed from Consent

(Friedman/Serpa, unan.; Conrad & Dobbs, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of Modesto Engineering Club Project of the Year Award to Michael Gilton for the Cannery Segregation Project.

Plaques presented by Mayor Lang to Lee DeLano and Mike Gilton.

- b. Presentation of Certificates of Recognition to the California Conservation Corps (CCC) Delta Service District and Vintage Faire Mall participation during the City's Emergency Preparedness Workshop on January 24, 1998.

Mayor Lang presented certificates of appreciation.

- c. Presentation of certificates to high school students for anti-pollution campaign.

Certificates presented by Mayor Lang to students. Presentation by Communications & Marketing staff of anti-pollution video and radio commercials.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 3, 1998.

By motion (Friedman/Serpa, unan.; Conrad & Dobbs, absent), minutes approved.

HEARINGS

3. Hearing to consider the vacation and abandonment of the middle portion of the north-south alley in Block 2098 in the City of Modesto and reserve an easement

3/10/98

for utility services located between 140 Covena and 145 Camellia Avenues, south of Miller Avenue.

Res. 98-137 adopted (Fisher/Lang, unan.; Conrad & Dobbs, absent) vacating and abandoning the middle portion of the north-south alley in Block 2098 in the City of Modesto and reserve an easement for utility services located between 140 Covena and 145 Camellia Avenues, south of Miller Avenue.

BIDS

Item #4 removed from Consent.

Councilmember Friedman excused due to conflict of interest.

4. Consider awarding contract for the Briggsmore and Coffee storm lift station to Amerine Systems, Inc., and consider approving an appropriation transfer in the amount of \$199,000 to create a new CIP account.
(Resolution awarding contract to Amerine Systems, Inc. needed, and resolution approving appropriation transfer needed. Total estimated cost: \$198,074 (contract \$165,074; construction admin. and contingencies \$33,000).

Res. 98-138 adopted (Fisher/Lang, unan.; Conrad, Dobbs & Friedman, absent) awarding contract to Amerine Systems Inc.

Res. 98-139 adopted (Fisher/Lang, unan.; Conrad, Dobbs & Friedman, absent) approving appropriation transfer.

Item #5 removed from Consent.

5. Consider declaring Wille Electric Supply Company low bidder for about ten variable frequency drives per year, for up to two and a half years, for a total first year total cost not to exceed \$90,000.

Res. 98-140 adopted (Fisher/Friedman, unan.; Conrad & Dobbs, absent) declaring Wille Electric Supply Company low bidder and authorizing purchase.

NEW BUSINESS

Item #6 removed from Consent.

6. Consider amending the 1997-98 Budget for the Tenth Street Place Projects.

Res. 98-141 adopted (Fisher/Smith, majority; Serpa, no; Conrad & Dobbs, absent) amending budget.

Item #7 removed from Consent.

7. Consider approving a commuter service between Modesto and the Pleasanton/Dublin BART station to begin July, 1998.

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(Initial capital cost would be \$280,000 for the bus that would be needed. The Federal Transit Administration (FTA) would cover 83% of the cost. Annual operating cost is estimated at \$60,000, which would be covered by a combination of fare revenues, federal transit funds, and money from the Local Transportation Fund. The Transportation Policy Committee recommends approval. Motion directing staff to finalize plans for the service needed.)

By motion (Fisher/Friedman, unan.; Conrad & Dobbs, absent) directed staff to finalize plans for the commuter service.

Item #8 removed from Consent.

8. Consider approval of an application for federal assistance from the Federal Transit Administration (FTA) in the amount of \$1,506,590 for public transit operating and capital purposes.

Res. 98-142 adopted (Friedman/Fisher, unan.; Conrad & Dobbs, absent) approving grant application and authorizing the City Manager to execute all grant application and grant agreement documents.

Item #9 removed from Consent.

9. Consider approving agreement with Robert Morris Newman for the purchase of right of way needed for the Carpenter Road widening project.
(Total estimated cost: \$1,700. Funds are budgeted.)

Res. 98-143 adopted (Fisher/Friedman, unan.; Conrad & Dobbs, absent) approving agreement with Robert Morris Newman for the purchase of right of way needed for the Carpenter Road widening project.

Item #10 removed from Consent.

10. Consider approving agreement with Neill Michael Wise, et al., for the purchase of right of way needed for the Carpenter Road widening project.
(Total estimated cost: \$6,000. Funds are budgeted.)

Res. 98-144 adopted (Fisher/Friedman, unan.; Conrad & Dobbs, absent) approving agreement with Neill Michael Wise, et al., for the purchase of right of way needed for the Carpenter Road widening project.

Item #11 removed from Consent.

11. Consider approving amendment to the Community Development Consolidated Plan Priorities.

Res. 98-145 adopted (Fisher/Serpa, unan.; Conrad & Dobbs, absent) approving amendment to the Community Development Consolidated Plan Priorities.

Item #12 removed from Consent.

12. Consider amendments to Chapter 2 of Title 10 of the Modesto Municipal Code to address fair housing issues.

By motion (Serpa/Fisher, unan.; Conrad & Dobbs, absent), introduced Ord. 3081-C.S.

13. ORAL COMMUNICATIONS

None.

14. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 4:54 p.m. to Special Closed Session meeting.

COUNCIL MEETING OF TUESDAY, MARCH 17, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 10, 11
Items 2, 4, 10 & 11 were removed from Consent Calendar

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

Item #2 removed from Consent.

2. Approval of the minutes of the regular City Council meeting of March 10, 1998.

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

UNFINISHED BUSINESS

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

Res. 98-146 adopted (Friedman/Dobbs, unan.) terminating the emergency.

Item #4 removed from Consent.

4. Final adoption of Ord. No. 3081-C.S. relating to Zoning Regulations -- Fair Housing.

By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No. 3081-C.S.

HEARINGS

5. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision concerning a condition of the vesting tentative subdivision map of the Couture/Waterman Subdivision in the Pelandale/ Snyder Specific Plan Area, property located on the northwest corner of Snyder Avenue and Carver

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Road.

A request was received from appellant asking to continue Item #5 to the April 14, 1998 Council meeting.

By motion (Fihser/Friedman, unan.) Item 5 continued to April 14, 1998 meeting.

6. Hearing to consider the appeal of William B. Hughes to a decision of the Community Development Director concerning capital facilities fees required for a building permit.

Res. 98-147 adopted (Fisher/Serpa, majority; Conrad, Friedman, & Smith, no) denying appeal.

NEW BUSINESS

7. Consider annual report for City Council Committees for Year 1997.

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

8. Consider approving City participation in the feasibility study for the Regional Center for the Arts by appropriating \$50,000 from the General Fund contingency reserve, advancing those funds to the Redevelopment Agency, and authorizing the City Manager/Executive Director to enter into an agreement with a non-profit foundation to contribute toward the feasibility study.

Res. 98-148 adopted (Friedman/Fisher, unan.) amending the budget.

Res. 98-149

9. Consider excusing Councilmember Dobbs for his absence from the March 10, 1998, City Council meeting due to his attendance at the National League of Cities Congressional Cities Conference in Washington, D.C.

By motion (Friedman/Fisher, unan.), excused Councilmember Dobbs absence from March 10, 1998 Council meeting.

Item #10 removed from Consent.

10. Consider authorizing City Manager to execute a professional services agreement with Beverly Prior Architects for design of the Modesto Police Building Expansion Project, and consider adopting the findings in the Initial Study.

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Res. 98-150 adopted (Serpa/Friedman, unan.) approving agreement.

Res. 98-151 adopted (Serpa/Friedman, unan.) approving the findings in the Initial Study.

Item #11 removed from Consent.

11. Consider authorizing City Manager to execute a professional services agreement with Vanir Construction Management, Inc. for construction management services through design and bidding of the Modesto Police Expansion Project.

Res. 98-152 adopted (Serpa/Friedman, unan.) approving agreement.

12. ORAL COMMUNICATIONS

None.

13. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 8:23 p.m.

COUNCIL MEETING OF TUESDAY, MARCH 24, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

Items 8, 9, 10, 11, 12, 13, 14, 15, 16 were removed from Consent Calendar
CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of a video on City Hall at the Mall by Vintage Faire Mall Manager Robb Jackson.

Video of City Hall at the Mall presented by Robb Jackson.

- b. Presentation honoring Outstanding Youth: Kia Lee, Alisha Rice and Aaron Johnson.

Presentation of plaques given by Wendy Byrd and Mayor Lang.

MINUTES

CONSENT

- 2. Approval of the minutes of the regular City Council meeting of March 17, 1998.

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

HEARINGS

- 3. Hearing to consider the application of Gregory Development Company for an amendment to Section 7-3-9 of the Zoning Map to rezone from R-3 and P-O to P-D(527) to allow a mini-warehouse storage facility, property located on the west side of Tully Road, north of Standiford Avenue at 3917 Standiford Avenue.

A request was received asking for a continuance to April 14, 1998.

By motion (Fisher/Friedman, unan.) item continued to April 14, 1998.

- 4. Hearing to consider the proposed designation of property located at 125 Poplar

Avenue, known as the W. H. Howell Residence, as a Modesto Landmark Preservation Site, and to consider approving a Mills Act Historic Property Contract with Virginia Lish (property owner) for preservation of the property.

Res. 98-153 adopted (Serpa/Friedman, unan.) designating property as a Modesto Landmark Preservation Site.

Res. 98-154 adopted (Serpa/Friedman, unan.) approving a Mills Act Contract.

5. Hearing to consider the proposed designation of property located at 215 Stoddard Avenue, known as the Norman S. West Home, as a Modesto Landmark Preservation Site, and to consider approving a Mills Act Historic Property Contract with Michael J. and Karen Guzman (property owner) for preservation of the property.

Res. 98-155 adopted (Friedman/Dobbs, unan.) designating property as a Modesto Landmark Preservation Site.

Res. 98-156 adopted (Friedman/Dobbs, unan.) approving a Mills Act Contract.

6. Hearing to consider the proposed designation of property located at 319 Elmwood Avenue, known as the R. G. O'Connell Residence, as a Modesto Landmark Preservation Site, and to consider approving a Mills Act Historic Property Contract with Theodore and Joyce Ayres (property owner) for preservation of the property.

Res. 98-157 adopted (Serpa/Dobbs, unan.) designating property as a Modesto Landmark Preservation Site.

Res. 98-158 adopted (Serpa/Dobbs, unan.) approving a Mills Act Contract.

7. Hearing to consider approval of the refunding of 1985 Multifamily Mortgage Revenue Bonds - Valley Oak Project.
(Resolution needed authorizing the issuance of an aggregate principal amount not to exceed \$5,000,000 multifamily housing revenue refunding bonds, 1998 Series A, and not to exceed \$1,000,000 federally taxable multifamily housing revenue refunding bonds, 1998 Series B, for the purpose of refinancing Valley Oak Project and determining other matters in connection therewith, and resolution amending the budget and re-estimating revenue needed.)

By motion (Dobbs/Lang, una.) referred to Financial Policy Committee.

BIDS

Item #8 removed from Consent.

8. Consider awarding contract for the Carpenter Road storm drain project to Ross F. Carroll, Inc. for \$997,399.50.

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(Total estimated cost: \$1,127,061.44 (contract \$997,399.50; other \$129,661.94)
Funds are budgeted.)

Res. 98-159 adopted (Fisher/Dobbs, unan.) awarding contract to Ross R. Carroll Inc.

Item #9 removed from Consent.

9. Consider accepting as complete the contract of Ross F. Carroll, Inc. for the rockwell replacement/addition project for 1997-98 and authorizing the City Clerk to file the Notice of Completion. Original contract: \$383,323
(Final cost: \$446,273.50. Funds are budgeted.)

Res. 98-160 adopted (Fisher/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

NEW BUSINESS

Item #10 removed from Consent.

10. Consider amending the Fiscal Year 1997-98 Housing and Neighborhoods Budget to account for the \$650,426 awarded to the City of Modesto for its HUD Disaster Relief Program and to include expenditure lines for the use of the funds.

Res. 98-161 adopted (Fisher/Friedman, unan.) amending the Fiscal Year 1997-98 Housing & Neighborhoods Budget.

Item #11 removed from Consent.

11. Consider authorizing the City Manager to execute an agreement with Modesto Irrigation District allowing the City to pump storm water into the MID Lateral No. 3.

Res. 98-162 adopted (Friedman/Dobbs, unan.) approving agreement with MID allowing the City to pump storm water into the MID Lateral No. 3.

Item #12 removed from Consent.

12. Consider approving the submittal of an application for Federal Airport Improvement Program (AIP) funds in the amount of \$2,100,250 to complete Airport improvement projects at the Modesto City-County Airport and authorizing the City Manager to sign on behalf of the City.

Res. 98-163 adopted (Friedman/Fisher, unan.) approving submittal of grant application.

Item #13 removed from Consent.

13. Consider staff cost recovery proposal and associated revision of Mello-Roos policies and procedures for Community Facilities District Formation.

3/24/98

Res. 98-164 adopted (Friedman/Lang, majority; Dobbs, no) approving Community Facilities district formation cost recovery proposal and associated revision of policies and procedures.

Item #14 removed from Consent.

14. Consider approving agreement with City of Lathrop for the use of Modesto Property Agent for the acquisition of property.

Res. 98-165 adopted (Serpa/Fisher, majority; Dobbs, no) approving agreement with City of Lathrop for the use of Modesto Property Agent for the acquisition of property.

Item #15 removed from Consent.

15. Consider approving an appropriation transfer in the amount of \$70,000 from the annual sewer rehabilitation account to the North Beyer subtrunk sewer account to fully fund the project.

Res. 98-166 adopted (Smith/Conrad, majority; Serpa, no) approving appropriation transfer.

Item #16 removed from Consent.

16. Consider amending the Fiscal Year 1997-98 Budget to appropriate \$34,000 funds for the Youth/Senior Financial Assistance; consider amending the Accountability Budget System (ABS) target for the Community Services and Neighborhood Connections Department to increase funding allocated to the Youth/Senior Financial Assistance in Fiscal Year 1998-99 by \$34,000; authorizing allocation of \$7,500 for disabled persons in F.Y. 98-99 and consider amending the eligibility guidelines to include disabled persons.

Res. 98-167 adopted (Friedman/Serpa, unan.) amending the 97-98 budget, amending ABS target and authorizing allocation of \$7,500 for disabled persons.

Res. 98-168 adopted (Friedman/Serpa, unan.) amending the eligibility guidelines to include disabled persons.

17. ORAL COMMUNICATIONS

Comments received from Ron Jourdanais.

Ed Apicella commented regarding closed session reporting and Brown Act requirements.

Councilmember Dobbs congratulated the Police Department for the tagging

3/24/98

arrests made recently.

18. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:16 p.m.

COUNCIL MEETING OF TUESDAY, APRIL 7, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

Consent Items 6, 7, 8, 10, 11, 12, 13, 14, 15, 16A were removed from Consent Calendar

(Friedman/Conrad, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Recognition of Lions Club contribution of Band Shell at Mancini Bowl.

By order of the Chair, accepted donation of Lions Club plaques and authorized staff to install at the plaques at Mancini Bowl.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 24, 1998.

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

HEARINGS

3. Hearing to consider approving a Precise Plan for Area No. 34 in the Village One Specific Plan, including concurrent rezoning to a Specific Plan Overlay Zone, SP-O, and certification of previous use of EIR (SCH No. 90020181), as revised, property located on the south side of Merle Avenue west of Claus Road.

By motion (Friedman/Dobbs, unan.), introduced Ord. No. 3082-C.S. adopting Precise Plan.

By motion (Friedman/Dobbs, unan.), introduced Ord. No. 3083-C.S. rezoning.

Res. 98-169 adopted (Friedman/Dobbs, unan.) certifying previous use of EIR.

4. Hearing to consider a proposed amendment to the Kiernan Business Park Specific Plan to allow theaters in the regional commercial portion of the Specific Plan area, property located on the north side of Pelandale Avenue, east of Sisk Road.

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Res. 98-170 adopted (Friedman/Dobbs, unan.) amending Specific Plan.

Res. 98-171 adopted (Friedman/Dobbs, unan.) making findings contained in initial study.

5. Hearing to consider the statement of expenses together with any objections incurred in abating the nuisance, including the razing and removal of the apartments/structures located at Sixth and "I" Streets (601, 607 "I" Street and 908 Sixth Street).

Res. 98-172 adopted (Serpa/Friedman, unan.) confirming statement of expenses.

BIDS

Item #6 removed from Consent.

6. Consider accepting as complete the contract of George Reed, Inc. for the College Avenue overlay between W. Orangeburg Avenue and Cecil Way project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$386,666)
(Final cost: \$389,283.61. Funds are budgeted.)

Res. 98-173 adopted (Friedman/Serpa, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Item #7 removed from Consent.

7. Consider accepting as complete the contract of Ross F. Carroll, Inc. General Engineering Contractor for the Prescott Road - road construction and drainage improvements and authorize the City Clerk to file the Notice of Completion. (Original contract: \$541,801.20)
(Final cost: \$542,469.92. Funds are budgeted.)

Res. 98-174 adopted (Dobbs/Smith, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

NEW BUSINESS

Item #8 removed from Consent.

8. Consider authorizing the City Manager to execute two contracts with Cole-Yee-Schubert for the structural plan check of the JPA building and parking structure; and consider amending budget to estimate and appropriate revenue. (Total estimated cost: \$41,900 (JPA building \$28,400; parking structure \$13,500).

Res. 98-175 adopted (Friedman/Smith, unan.) authorizing the City Manager to execute two contracts with Cole-Yee-Schubert for the structural plan check of the JPA building and parking structure.

Res. 98-176 adopted (Friedman/Smith, unan.) amending the budget to estimate and appropriate revenue.

9. Refunding of 1985 Multifamily Mortgage Revenue Bonds - Valley Oak Project. (Resolution needed authorizing the issuance of an aggregate principal amount of not-to-exceed \$5,000,000 multifamily housing revenue refunding bonds, 1998 Series A, and not-to-exceed \$1,000,000 federally taxable multifamily housing revenue refunding bonds, 1998 Series B, for the purpose of refinancing Valley Oak Project and determining other matters in connection therewith; and resolution amending the budget and re-estimating revenue needed.)

Res. 98-177 adopted (Smith/Dobbs, unan.) authorizing the issuance of an aggregate principal amount of not-to-exceed \$5,000,000 multifamily housing revenue refunding bonds, 1998 Series A, and not-to-exceed \$1,000,000 federally taxable multifamily housing revenue refunding bonds, 1998 Series B, for the purpose of refinancing Valley Oak Project and determining other matters in connection therewith.

By motion (Smith/Friedman, majority; Dobbs, no) return to Finance Policy Committee to develop expenditure plan.

Item #10 removed from Consent.

10. Consider extending the current park design consultant list through June 30, 1999, and approving a policy authorizing staff to establish park design consultant lists which are valid for three years.

Res. 98-178 adopted (Freidman/Lang, majority; Conrad, Fisher & Smith, no) extending current list and approving policy.

Item #11 removed from agenda.

11. Consider proposed Use & Fee Policy for leasing of public facilities to non-profit organizations.

Item #12 removed from Consent.

12. Consider approving Revised Annual Claim for Local Transportation Claim to include a supplemental apportionment, and consider amending budget to estimate and appropriate additional revenue.

Res. 98-179 adopted (Friedman/Serpa, unan.) approving and authorizing submission of revised Annual Transportation Claim.

Res. 98-180 adopted (Friedman/Serpa, unan.) amending the budget.

Item #13 removed from Consent.

13. Consider approving agreement with Gladys Wallis for the purchase of right of way needed for the Carpenter Road widening project.
(Total estimated cost: \$3,500. Funds are budgeted.)

Res. 98-181 adopted (Fisher/Smith, majority; Dobbs, no) approving agreement.

Item #14 removed from Consent.

14. Consider accepting the improvements for Parker Place Nos. 1 and 2 subdivision authorizing the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: Sarjak Enterprises)

Res. 98-182 adopted (Friedman/Fisher, unan.) accepting improvements and authorizing City Clerk to file Notice of Completion and release bonds.

Item #15 removed from Consent.

15. Consider approving three Consent to Common Use Agreements with the Modesto Irrigation District allowing three separate M.I.D. Lateral 6 canal crossings for the construction of the Pelandale Expressway.

Res. 98-183 adopted (Friedman/Fisher, unan.) approving a Consent to Common Use agreement with MID for Prescott Road at MID Lateral 6 canal crossing for the construction of the Pelandale Expressway.

Res. 98-184 adopted (Friedman/Fisher, unan.) approving a Consent to Common Use agreement with MID for Pelandale at MID Lateral 6 canal crossing for the construction of the Pelandale Expressway.

Res. 98-185 adopted (Friedman/Fisher, unan.) approving a Consent to Common Use agreement with MID for Pelandale at McHenry Avenue MID Lateral 6 canal crossing for the construction of the Pelandale Expressway.

16. Consider proposed amendment to Community Facilities District policies and procedures.

Res. 98-186 adopted (Friedman/Fisher, unan.) approving amendment.

Item #16A removed from Consent.

- 16A. Consider accepting proposal from KPMG Peat Marwick to assist the City's Blue Ribbon Citizens' Committee in its efforts to analyze the City's financial outlook and prepare recommendations for options to reduce costs, streamline operations, and maximize revenues.

Res. 98-187 adopted (Friedman/Serpa, unan.) accepting proposal of KPMG Peat Marwick and authorizing City Manager to execute.

17. ORAL COMMUNICATIONS

None.

18. WRITTEN COMMUNICATIONS

Letter from Richard I. Fultz, Delamare-Fultz Engineering and Surveying, on behalf of Cinemark USA, requesting that their application for a multiscreen theater project be heard concurrently with other similar projects.

By motion (Friedman/Smith, una.), referred to Community Development and Housing Committee.

19. MATTERS TOO LATE FOR THE AGENDA

None.

20. CLOSED SESSION

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

CONFERENCE WITH LABOR NEGOTIATOR:

Agency Negotiator: J. Edward Tewes, City Manager

Unrepresented Employees: All Unrepresented Management and Confidential Employees

ADJOURNMENT

Meeting adjourned at 8:26 p.m. to Closed Session. City Attorney returned at 8:45 p.m. and reported that no action had been taken.

MINUTES - COUNCIL MEETING OF TUESDAY, APRIL 14, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Smith

Absent: Vice Mayor Serpa, Mayor Lang

Designation of Mayor Pro Tempore

ACTION: By motion (Fisher/Smith, unan.), Stan Dobbs designated as Mayor Pro Tem.

The City Clerk announced the receipt of written correspondence from Vice Mayor Serpa requesting Items 3, 7, 8, 10, 11, 12, 13, 14, 15 and 16 be removed from Consent.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, 16

Items 8 and 11 removed from Consent.

ACTION: (Fisher/Conrad, unan.; Serpa & Lang, absent)

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of April 7, 1998.

By motion (Fisher/Conrad, unan.; Serpa & Lang, absent), minutes approved.

UNFINISHED BUSINESS

3. Final adoption of:

- a. Ord. No. 3082-C.S. adopting Precise Plan for Area No. 34 in the Village One Specific Plan. (Wes Brendler)
- b. Ord. No. 3083-C.S. rezoning Village One property from Specific Plan Holding Zone, SP-H, to Specific Plan Overlay Zone, SP-O, for property located on the south side of Merle Avenue west of Claus Road. (Wes Brendler)

By motion (Fisher/Conrad, unan.; Serpa & Lang, absent), approved final adoption of Ord. 3082-C.S. and Ord. 3083-C.S.

HEARINGS

4. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision concerning a condition of the vesting tentative subdivision map of the Couture/Waterman Subdivision in the Pelandale/Snyder Specific Plan Area, property located on the northwest corner of Snyder Avenue and Carver Road. (Continued from 3/17/98 City Council meeting)

By motion (Fisher/Friedman, unan.; Serpa & Lang absent) hearing will be continued to June 9, 1998, as requested by appellant.

5. Hearing to consider the application of Gregory Development for an amendment to Section 7-3-9 of the Zoning Map to rezone from R-3 and P-O to P-D(527) to allow a mini-warehouse storage facility, property located on the west side of Tully Road, north of Standiford Avenue at 3917 Standiford Avenue. (Continued from 3/24/98 City Council meeting.)

By motion (Friedman/Fisher, unan.; Serpa & Lang absent), introduced Ord. 3084-C.S. to rezone.

Res. 98-188 adopted (Friedman/Fisher, unan.; Serpa & Lang absent), approving development plan.

Res. 98-189 adopted (Friedman/Fisher, unan.; Serpa & Lang absent), approving findings based on Initial Study.

Councilmember Fisher excused due to conflict of interest.

6. Hearing to consider the application of Equity Management Group for an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to P-D(528) to allow conversion of a dwelling for a medical/dental office and addition of an off-street parking area, property located at the northwest corner of East Orangeburg and Sunrise Avenues at 1407 Sunrise Avenue.

By motion (Friedman/Conrad, unan.; Fisher, Serpa & Lang absent), introduced Ord. 3085-C.S. to rezone.

Res. 98-190 adopted (Friedman/Conrad, unan.; Fisher, Serpa & Lang absent), approving development plan.

Res. 98-191 adopted (Friedman/Conrad, unan.; Fisher, Serpa & Lang absent), approving findings based on Initial Study.

BIDS

7. Consider awarding of contract for Highway Village sidewalks project to K & D Enterprises, Inc. for \$69,816.32; and consider approving an appropriation

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transfer in the amount of \$18,000 to fully fund the project.

Res. 98-192 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) awarding contract to K&D Enterprises.

Res. 98-193 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) approving appropriation transfer.

Item #8 removed from Consent.

8. Consider rejecting all proposals received for Building Permit/Land Use Software; and consider waiving formal bid procedures and authorizing City Manager to sign service agreement for the purchase and installation of Building Permit/Land Use Software from Tidemark Computer Systems, Inc. for a total cost of \$144,813.

Res. 98-194 adopted (Smith/Friedman, unan.; Serpa & Lang, absent) rejecting all proposals received for Building Permit/Land Use Software.

Res. 98-195 adopted (Smith/Friedman, unan.; Serpa & Lang, absent) waiving formal bid procedures and authorizing City Manager to sign service agreement with Tidemark Computer Systems Inc.

NEW BUSINESS

9. Consider approving a five-year contract with Storer Transit Systems to operate Modesto Area Dial-A-Ride (DAR) commencing June 13, 1998 and terminating June 13, 2003, and extending the current contract with Storer through June 12, 1998.

Res. 98-196 adopted (Friedman/Smith, unan.; Serpa & Lang, absent) authorizing City Manager to execute contract and extend the existing contract through June 12, 1998.

10. Consider approving agreement with Thomas E. and Sue A. Chafee for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-197 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) approving agreement with Thomas E. and Sue A. Chafee for the purchase of right of way needed for the Carpenter Road widening project.

Item #11 removed from Consent.

11. Consider approving agreements with Thompson Family Trust and Jesse F. and Rosemarie Young for the purchase of 5.52 and 1.27 acres for the new Woodland Park site.

Res. 98-198 adopted (Fisher/Friedman, unan.; Serpa & Lang, absent) approving agreement with Thompson Family Trust for the purchase of 5.52

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acres of land for the new Woodland Park site.

Res. 98-199 adopted (Fisher/Friedman, unan.; Serpa & Lang, absent) approving agreement with Jesse F. and Rosemarie Young for the purchase of 1.27 acres of land for the new Woodland Park site.

12. Consider approving the request of Stanislaus County Sheriff's Aero Squadron to use Modesto City-County Airport on May 9, 1998, for their Fourth Annual Modesto Airport Appreciation Day, to include short aerial demonstrations.

Res. 98-200 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) approving the request of Stanislaus County Sheriff's Aero Squadron to use Modesto City-County Airport on May 9, 1998 for their Fourth Annual Modesto Airport Appreciation Day to include short aerial demonstrations.

13. Consider amending the budget to purchase three additional copies of the Quadrant Cashiering Software and necessary equipment to run software for the total price of \$21,000; and consider authorizing an increase of the City's Cash on Hand by \$1,150.

Res. 98-201 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) amending the budget for purchase of three additional copies of the Quadrant Cashiering Software and necessary equipment to run software.

Res. 98-202 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) authorizing an increase of cash on hand.

14. Consider amending the Modesto Municipal Code related to refunds of penalty charges for delinquent business license taxes.

By motion (Fisher/Conrad, unan.; Serpa & Lang, absent), introduced Ord. 3086-C.S., amending the Modesto Municipal Code relating to refunds of penalty charges for delinquent business license taxes.

15. Consider adopting a resolution affirming the City's sponsorship of "Earth Day in the Park 1998" at Graceada Park and allowing the sale of merchandise in the park during the event.

Res. 98-203 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) affirming sponsorship of, and allowing sale of merchandise at, "Earth Day in the Park 1998" at Graceada Park.

16. Consider authorizing the extension of the Memorandum of Understanding (MOU) between the City and Stanislaus County, allocating \$7,500 of the funds held in the AB939 - Source Reduction and Recycling Account to cover the City's portion of

disposal-based reporting costs.

Res. 98-204 adopted (Fisher/Conrad, unan.; Serpa & Lang, absent) approving amendment to MOU.

17. ORAL COMMUNICATIONS

Dean Stone commented on bus stop on Brighton Avenue. By motion (Fisher/Smith, unan.; Serpa & Lang, absent) item was referred to Community Development and Housing Committee.

By motion (Conrad/Smith, unan.; Serpa & Lang, absent) consent item placement on the Council agenda was referred to the Economic Development and Intergovernmental Relations Committee.

Steve Young gave status report on community preservation at 1553 Enslin.

MISCELLANEOUS

18. Appointments

Affirmative Action Commission

Res. 98-205 adopted (Friedman/Fisher, unan.; Serpa & Lang, absent) approving the appointment of Scott Hallmon to the Affirmative Action Commission, with a term expiration date of January 1, 2002.

Golf Courses Advisory Committee

Res. 98-206 adopted (Friedman/Fisher, unan.; Serpa & Lang, absent) approving the appointment of Patrick Phillips to the Affirmative Action Commission, with a term expiration date of January 1, 2002.

Landmark Preservation Commission

Res. 98-207 adopted (Friedman/Fisher, unan.; Serpa & Lang, absent) approving the appointment of Thom Torvend to the Affirmative Action Commission, with a term expiration date of January 1, 2002.

Local Cable Programming Committee

4/14/98

Res. 98-208 adopted (Friedman/Fisher, unan.; Serpa & Lang, absent)
approving the appointment of Carol Mingus Lancaster to the Local Cable
Programming Committee, with a term expiration date of January 1, 2002.

Blue Ribbon Committee appointments removed from agenda.

19. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 4:41 p.m.

MINUTES - COUNCIL MEETING OF TUESDAY, APRIL 21, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: Dobbs

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2

Items removed from Consent: 4, 7, 8, 9, 10, 11, 12, 13

(Conrad/Friedman, unan.; Dobbs, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of proclamation celebrating April 19-25, 1998, as National Library Week.

Mayor Lang presented the proclamation to Stanislaus County Librarian Starrett Kriessman.

MINUTES

2. Approval of the minutes of the regular City Council meeting of April 14, 1998.

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

UNFINISHED BUSINESS

3. Final adoption of:

a. Ord. No. 3084-C.S. rezoning from R-3 and P-O to P-D(527), property located on the west side of Tully Road north of Standiford Avenue. (Gregory Development)

By motion (Friedman/Fisher, unan.; Dobbs, absent), approved final adoption of Ord. Nos. 3084-C.S.

Councilmember Fisher excused due to conflict of interest.

b. Ord. No. 3085-C.S. rezoning from R-1 to P-D(528), property located on the northwest corner of East Orangeburg Avenue and Sunrise Avenue, 1407 Sunrise Avenue. (California Equity Management Group, Inc.)

By motion (Friedman/Conrad, unan.; Dobbs & Fisher, absent), approved final adoption of Ord. Nos. 3085-C.S.

4/21/98

- c. Ord. No. 3086-C.S. amending Modesto Municipal Code relating to refunds of penalty charges for delinquent business license taxes.

By motion (Friedman/Fisher, unan.; Dobbs, absent), approved final adoption of Ord. Nos. 3086-C.S.

BIDS

Item #4 removed from Consent.

4. Consider declaring as surplus; lost, stolen, unclaimed and/or seized property, excess City property, 26 vehicles, six miscellaneous pieces of equipment, and four motorcycles and authorizing the sale by sealed bid, by auction, or sell as scrap.

Res. 98-209 adopted (Friedman/Fisher, unan.; Dobbs, absent) providing for the sale of surplus property by sealed bid or public auction.

NEW BUSINESS

5. Consider amending Section 7-4.04 of Chapter 4 of Title 7 of the Modesto Municipal Code to address safety issues at City-owned skateboard facilities.

By motion (Fisher/Conrad, unan.; Dobbs, absent), introduced Ord. 3087-C.S. to amend Section 7-4.04 of Chapter r of Title 7 of the Modesto Municipal Code to address safety issues at City-owned skateboard facilities.

6. Consider certifying the Master Environmental Impact Report (EIR) for the Land Application of Class A Exceptional Quality (EQ) Biosolids and consider directing staff to submit the Master EIR to the Central Valley Regional Water Quality Control Board, requesting RWQCB to act as the Responsible Agency for subsequent regulatory actions regarding Modesto's biosolids.

Res. 98-210 adopted (Friedman/Smith, unan.; Dobbs, absent) certifying the Master EIR for the Land application of Class A EQ Biosolids.

Res. 98-211 adopted (Friedman/Smith, unan.; Dobbs, absent) directing staff to submit Master EIR to Central Valley Regional Water Quality Control Board.

Item #7 removed from Consent.

7. Consider authorizing the City to join in the amicus briefs in the following four cases: Kobzoff v. Harbor/UCLA Medical Center; California Attorneys for Criminal Justice v. Butts; Lambert v. City and County of San Francisco; and Santa Monica Beach Ltd. v. Superior Court of Los Angeles.

By motion (Fisher/Friedman, unan.; Dobbs, absent), approved authorizing joinder in the amicus briefs and directing the City Attorney to execute and

forward letters of support.

Item #8 removed from Consent.

8. Consider authorizing grant application to the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office in the amount of \$525,000 for the "Modesto/Stanslaus Domestic Violence Suppression Program.

Res. 98-212 adopted (Fisher/Friedman, unan.; Dobbs, absent) authorizing City Manager to sign grant application.

Item #9 removed from Consent.

9. Consider approving agreement with Hogan Manufacturing, Inc. for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-213 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving agreement with Hogan Mfg Inc for purchase of right of way needed for the Carpenter Road widening project.

Item #10 removed from Consent.

10. Consider approving agreement with Michael P. Billington, et. al., for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-214 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving agreement with Michael P. Billington, et al., for the purchase of right of way needed for the Carpenter Road widening project.

Item #11 removed from Consent.

11. Consider approving the summary vacation and abandonment of the excess west portion of Old Claus Road right of way at Block 2907, 2908 and 2909 at Yosemite Meadows subdivision.

Res. 98-215 adopted (Fisher/Friedman, unan.; Dobbs, absent) approving the vacation and abandonment of the excess west portion of Old Claus Road right of way at Block 2907, 2908 and 2909 at Yosemite Meadows subdivision.

Item #12 removed from Consent.

12. Consider authorizing City Manager and City Clerk to sign a grant deed transferring title of City-owned properties located on the west side of Old Claus Road at Yosemite Meadows subdivision to Lowe Development.

Res. 98-216 adopted (Friedman/Smith, unan.; Dobbs, absent) authorizing City Manager and City Clerk to sign grant deed transferring title of City-owned properties located on the west side of Old Claus Road at Yosemite Meadows subdivision to Lowe Development.

Councilmember Fisher excused due to conflict of interest.

Item #13 removed from Consent.

13. Consider requesting that the California Transportation Commission (CTC) authorize the transfer of title to three feet of K Street in Modesto on State Route 108 between 9th Street and 10th Street to the City of Modesto through vacation or sale of excess property.

Res. 98-217 adopted (Friedman/Smith, unan.; Dobbs & Fisher, absent) requesting vacation or sale of excess property.

14. ORAL COMMUNICATIONS

Mr. Bill Zoslocki, Sunrise Partners, requested referral of the Capital Facilities Fees agreement for Ashwood Village Apartments to a Council subcommittee.

By order of the Chair, request was referred to Community Development and Housing subcommittee.

Steve Burke commented on the Master Environmental Impact Report process for the land application of biosolids.

Michael Kotowski commented on a billing from the City of Modesto he received for an accident in 1997 and requested help with settling the bill.

Councilmember Fisher requested information on progress of Community Preservation issue at 1553 Enslin, and the City Manager made a follow-up report.

Councilmember Serpa requested staff report on designating where commercial vehicles might park.

Councilmember Serpa requested a report back to the Council regarding progress of the Automated Traffic Management System which is now in place.

Councilmember Serpa expressed disappointment that during his absence his request for the removal of Consent Items from Consent Calendar on the April 14, 1998 City Council agenda was not approved, and explained his intent.

Councilmember Serpa requested information concerning providing utility services to areas outside the City, and the City Manager made a report.

MISCELLANEOUS

Item #15 removed from agenda.

15. Appointments

Board of Zoning Adjustment

16. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

COUNCIL MEETING OF TUESDAY, APRIL 28, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

Consent Items Removed from Consent: 5, 6, 7, 8, 10, 11, 12, 13, 15

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation regarding Stanislaus County's 25th Annual Senior Awareness Day to Commission on Aging/Area Agency on Aging Advisory Council.

Mayor Lang presented proclamation.

MINUTES

2. Approval of the minutes of the regular City Council meeting of April 21, 1998.

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

UNFINISHED BUSINESS

Item #3 removed from Consent.

3. Final adoption of Ord. 3087-C.S. relating to use of Park and Recreation areas and facilities - skateboard facilities owned or operated by the City.

By motion (Friedman/Fisher, unan.), approved final adoption of Ord. 3087-C.S. relating to use of Park and Recreation areas and facilities - skateboard facilities owned or operated by the City.

HEARINGS

4. Hearing to consider approving the Use and Fee Policy for leasing City facilities to local non-profit organizations.

Res. 98-218 adopted (Smith/Fisher, unan.) approving Use and Fee Policy for leasing city facilities to local non-profit organizations.

BIDS

Item #5 removed from Consent.

5. Consider authorizing call for bids for furnishing one van with television system to be used by the Waste Water Collections Division for sewer and storm drain line inspections. (Suggested bid opening: May 26, 1998, at 11:00 a.m.)

Res. 98-219 adopted (Fisher/Friedman, unan.) approving call for bids for furnishing one van with television systems to be used by the Waste Water Collections Division for sewer and storm drain line inspections.

Item #6 removed from Consent.

6. Consider awarding contract for the Corporation Yard underground tank removal project to SEMCO for \$51,345.

Res. 98-220 adopted (Fisher/Friedman, unan.; Smith, absent) awarding contract to SEMCO for the Corporation Yard underground tank removal project.

Item #7 removed from Consent.

7. Consider accepting the contract of Collins Electrical, Inc. for street illumination at various locations (Federal Aid Project STPLH-5059(022) as complete, and authorize the City Clerk to file the Notice of Completion. Original contract: \$221,146

Res. 98-221 adopted (Friedman/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion for the project titled "Street Illumination at Various Locations (Federal Air Project STPLH-5059(022))."

Item #8 removed from Consent.

8. Consider waiving formal bid procedures and authorizing the purchase of a Motorola portable radio system with control station from Motorola Corporation Land Mobile Division for a total cost of \$61,879.75.

Res. 98-222 adopted (Fisher/Friedman, unan.) waiving formal bid procedures and authorizing purchase of a Motorola portable radio system with control station from Motorola corporation land Mobile Division.

NEW BUSINESS

9. Budget Status Report, Third Quarter Fiscal Year 1997-98.

By motion (Friedman/Fisher, unan), acknowledged receipt of the Third Quarter fiscal Year 1997-98 Budget Status Report.

Res. 98-222A adopted amending budget.

Item #10 removed from Consent.

10. Consider authorizing City Manager to execute an amendment to the agreement with Mid-Valley Engineering for additional design work for the Yosemite widening - McClure to Frazine project; and consider amending the budget to estimate \$142,0000 in revenue from the State Local Transportation Partnership Program.

Res. 98-223 adopted (Dobbs/Friedman, unan.) approving amendment to agreement with Mid-Valley engineering for additional design work for the Yosemite widening-McClure to Frazine project.

Res. 98-224 adopted (Dobbs/Friedman, unan.) amending the budget.

Item #11 removed from Consent.

11. Consider approving agreement with Adrianna Properties for Village I storm basin excavation and to set criteria for the fee credit agreement.

Res. 98-225 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving agreement with Adrianna Properties for Village I storm basin excavation and to set criteria for the fee credit agreement.

Item #12 removed from Consent.

12. Quarterly Treasurer's Report - March 31, 1998.

By order of the chairs, acknowledged receipt of Quarterly Treasurer's Report, March 31, 1998 report.

Item #13 removed from Consent.

13. Consider excusing Mayor Lang from the April 14, 1998, City Council meeting due to a trip to Fayetteville, Arkansas with the Regional Center for the Arts group; and consider excusing Vice Mayor Serpa from the April 14, 1998, City Council meeting due to a trip to Sister City Aquascaliente, Mexico.

By motion (Dobbs/Friedman, unan.) excused the absence of Mayor Lang and Vice Mayor Serpa from the April 14, 1998 Council meeting.

14. ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Item #15 removed from Consent.

15. Letter of resignation from the Economic Development Loan Committee from Norman Porges.

4/28/98

Res. 98-226 adopted (Friedman/Dobbs, unan.) accepting resignation of Norman Porges from the Economic Development Loan Committee with regret.

MISCELLANEOUS

16. Appointments

Blue Ribbon Committee on Budget Contingency Planning

Res. 98-227 adopted (Friedman/Dobbs, unan.) appointing Wayne Henry, Chair, and members Marsena Buck, Jerry Clendenin, Ralph Curtis, Mark Dunker, Bernie Fairfield, Denise Fontaine, John Herlihy, Al Kaufman, Mike Lipomi, Mike Marovich, Virgil McVicker, Chris Reardon, John Shores, John Sniffen, Steve Spriggs, and Tererance Withrow.

17. MATTERS TOO LATE FOR THE AGENDA

None.

18. CLOSED SESSION

The meeting will adjourn to the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California for a closed session to consider the following:

CONFERENCE WITH LABOR NEGOTIATOR:

Agency Negotiator J. Edward Tewes, City Manager

Unrepresented Employees: All Unrepresented Management and Confidential Employees

ADJOURNMENT

The meeting adjourned to Closed Session at 4:40 p.m. The City Attorney returned at 6:00 p.m. and reported no action had been taken.

COUNCIL MEETING OF TUESDAY, MAY 5, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

Items Removed from Consent Calendar: 4, 5, 6, 7, 8, 9, 10, 11, 13

ACTION: (Friedman/Smith, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation of Rewards and Junior High School and High School Poster Contest winners by Wayne Henry, Graffiti Reporting Rewards Committee.

Presentations made by Wayne Henry.

b. Presentation of Certificate of Recognition to Johansen High School Percussion Unit for their performance at the Winter Guard International World Championships in Dayton, Ohio.

Presentation made by Mayor Lang

Youth in Government Day participants acknowledged.

MINUTES

2. Approval of the minutes of the regular City Council meeting of April 28, 1998.

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

HEARINGS

3. Hearing to consider an amendment to Section 32-3-9 of the Zoning Map to rezone from Medium Density Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529), for a fast food restaurant and a retail commercial building, property located at the northeast corner of N. Martin Luther King Drive and Paradise Road. (Jim Click)

By motion (Friedman/Fisher, unan.), introduced Ord 3088-C.S.

Res. 98-228 adopted (Friedman/Fisher, unan.) approving development plan.

Res. 98-229 adopted (Friedman/Fisher, unan.) adopting findings based on initial study.

BIDS

Item #4 removed from Consent.

4. Consider declaring Mid-Valley Investigations & Security lowest responsive and responsible bidder and authorize the purchase of uniformed security guard service for fiscal year 1998-99 at a total cost of \$96,652.80.

Res. 98-230 adopted (Dobbs/Friedman, unan.) awarding bid to Mid-Valley Investigations & Security and authorizing purchase.

Item #5 removed from Consent.

5. Consider acceptance of the contract of Amerine Systems, Inc. for the River Road pump station project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$133,266)

Res. 98-231 adopted (Friedman/Smith, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Item #6 removed from Consent.

6. Consider waiving formal bid procedures and authorizing the purchase of 15 remote terminal units for the SCADA system from HSQ Technology for a total cost of \$81,281.25.

Res. 98-232 adopted (Fisher/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

Item #7 removed from Consent.

7. Consider approving an agreement with the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford to establish and participate in the Stanislaus Operational Area Organization, a partnership to develop and maintain a systematic approach for exchanging disaster information and resource requests, increase efficiency in the use and allocation of resources during disasters, and provide emergency preparedness on a day-to-day basis through training and exercise activities.

Res. 98-233 adopted (Serpa/Fisher, unan.) approving agreement with County of Stanislaus and the other cities of the County to establish and participate in the Stanislaus Operational Area Organization to develop and maintain efficiency in the use and allocation of resources during disasters and provide emergency preparedness through training and exercise activities.

Item #8 removed from Consent.

8. Consider ordering the Director of Engineering and Transportation to prepare and to file the annual report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 through 6.

Res. 98-234 adopted (Friedman/Smith, unan.) ordering the Engineering and Transportation Director to prepare and file the annual report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1 through 6.

Item #9 removed from Consent.

9. Consider ordering the Director of Engineering and Transportation to prepare and to 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.

Res. 98-235 adopted (Friedman/Smith, unan.) ordering the Engineering and Transportation Director 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, Yosemite Meadows No. 1 and 2 Subdivisions.

Item #10 removed from Consent.

10. Consider an addendum to the "grandfather clause" of Rental Facilities Use and Fee Policy, adding Baha'is of Modesto to the use of regular users of rental facilities prior to June, 1996.

Res. 98-236 adopted (Smith/Fisher, unan.) adding Baha'is of Modesto to the use of regular users of rental facilities prior to June 1996.

Item #11 removed from Consent.

11. Consider amending the Rental Facilities Use and Fee Policy to include policy for co-sponsor program requests submitted by non-profit and public organizations.

Res. 98-237 adopted (Friedman/Fisher, unan.) amending the Rental Facilities Use and Fee Policy.

12. Consider approving a resolution agreeing not to object to the elimination of parking on K Street, State Route 108, between 9th Street and 10th Street; and further agree not to object to Caltrans changing the street section profile in the same location, contingent to approval of the transfer of three feet of property on K Street between 9th and 10th Streets by the California Transportation Commission.

Res. 98-238 adopted (Friedman/Fisher, unan.) agreeing not to object to the elimination of parking on K Street, State Route 108, between 9th Street and 10th

Street; and further agree not to object to Caltrans changing the street section profile in the same location, contingent to approval of the transfer of three feet of property on K Street between 9th and 10th Streets by the California Transportation Commission.

Item #13 removed from Consent.

13. Consider the following:

- a. Commending the Modesto Police Department Citizen Volunteers for contributions to the community welfare and safety.
- b. Commending the Modesto Police Department Explorers for contributions to the community welfare and safety.
- c. Commending the Modesto Police Reserves for contributions to the community welfare and safety.

Res. 98-239 adopted (Friedman/Serpa, unan.) commending the Modesto Police Department Citizen Volunteers for contributions to the community welfare and safety.

Res. 98-240 adopted (Friedman/Serpa, unan.) commending the Modesto Police Department Explorers for contributions to the community welfare and safety.

Res. 98-241 adopted (Friedman/Serpa, unan.) commending the Modesto Police Reserves for contributions to the community welfare and safety.

14. ORAL COMMUNICATIONS

Councilmember Fisher requested the status of cleanup on Enslin Avenue residence.

Councilmember Smith announced a report to simplify the City's financial statements will be forthcoming.

Ken Kaufman spoke regarding a rescinded building permit at 314 Rosedale.

15. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

COUNCIL MEETING OF TUESDAY, MAY 12, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 2

Consent Items removed from consent: 3, 4, 5, 9, 10, 11, 12

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation to the National Defense Transportation Association, San Joaquin Valley Chapter, proclaiming May 10-16 as National Transportation Week and May 15 as National Defense Transportation Day.

Mayor Lang made the presentation to the National Defense Transportation Association, San Joaquin Valley Chapter, proclaiming May 10-16 as National Transportation Week and May 15 as National Defense Transportation Day.

MINUTES

2. Approval of the minutes of the regular City Council meeting of May 5, 1998.

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

UNFINISHED BUSINESS

Item #3 removed from Consent.

Councilmember Fisher excused due to conflict of interest.

3. Final adoption of Ord. No. 3088-C.S. amending Section 32-3-9 of the Zoning Map to rezone from R-2 and C-1 to P-D(529), property located at the northeast corner of N. Martin Luther King Drive and Paradise Road. (Jim Click)

By motion (Friedman/Smith, unan.,; Fisher absent), Ord. 3088-C.S. adopted.

BIDS

Item #4 removed from Consent.

4. Consider authorizing bid call for furnishing an infrared scanning camera for Operations and Maintenance Department - Water Quality Control.

Res. 98-242 adopted (Friedman/Dobbs, unan.) authorizing call for bids for

5/12/98

furnishing an infrared scanning camera to be opened June 10, 1998 @ 11:00 a.m.

Item #5 removed from Consent.

5. Consider awarding contract for the annual catch basin and valley gutter repair project to George Reed, Inc. for \$178,929; and consider approving an appropriation transfer in the amount of \$70,200 to fully fund the project.

Res. 98-243 adopted (Friedman/Dobbs, unan.) awarding contract to George Reed Inc. for the annual catch basin and valley gutter repair project.

Res. 98-244 adopted (Friedman/Dobbs, unan.) approving appropriation transfer to fully fund the project.

NEW BUSINESS

6. Presentation of Proposed 1998-99 Operating Budget and Proposed 1999-2008 Capital Improvement Program.

Res. 98-245 adopted (Friedman/Fisher, unan.) setting public hearing May 26, 1998.

By motion (Friedman/Fisher, unan.), referred Proposed Operating Budget and CIP to the Financial Policy Committee for review on May 18 and May 26, 1998.

7. Consider authorizing the City Manager to sign an Application for Service Agreement with Modesto Irrigation District for receiving discounted electrical service rates.

Res. 98-246 adopted (Fisher/Dobbs, unan.) authorizing City Manager to sign Application for Service Agreement.

8. Consider amending the Modesto Municipal Code relating to the juvenile curfew ordinance.

By motion (Serpa/Dobbs, unan.), introduced Ord. 3089-C.S. to amend Chapter 7 of Article 2 of Title 4 relating to juvenile curfew protection.

Item #9 removed from Consent.

9. Consider approving Policy and Procedures for participation as a housing rehabilitation contractor.

Res. 98-247 adopted (Friedman/Fisher, unan.) approving Policy and Procedures for participation as a housing rehabilitation contractor.

5/12/98

Item #10 removed from Consent.

10. Consider approving agreement with Deepak Singh and Promila Paul for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-248 adopted (Fisher/Friedman, unan.) approving agreement with Deepak Singh and Promila Paul for the purchase of right of way needed for the Carpenter Road widening project.

Item #11 removed from Consent.

11. Consider approving agreement with James Ruiz and Michelle Eileen Heller for the purchase of right of way needed for the Carpenter Road widening project.

Res. 98-249 adopted (Fisher/Friedman, unan.) approving agreement with James Ruiz and Michelle Eileen Heller for the purchase of right of way for the Carpenter Road widening project.

Item #12 removed from Consent.

12. Consider approval of the final map of Legends Village Unit No. 1 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Bruce D. and Theresa Vincent, Philip A. and Nella M. Mastagni, Forrest M. and Karen L. Aarvig, David O. and Natalie J. Hannah, Herbert P. and Helen L. Aderholt.)

Res. 98-250 adopted (Friedman/Fisher, unan.) approving final map and authorizing City Manager to sign the subdivision agreement for Legends Village Unit No. 1.

13. ORAL COMMUNICATIONS

In response to Councilmember Fisher, City Manager reported on cleanup effort at 1553 Enslin Avenue. The Community Preservation Ordinance returned to Community Development and Housing Committee by order of the Chair.

Councilmember Dobbs reported on Regional Partnership with several area counties to address air quality, land use, and transportation committee meeting scheduled on May 20, 1998.

MISCELLANEOUS

Legislation

14. Consider opposing State legislation to eliminate the vehicle license fee.

Res. 98-251 adopted (Fisher/Serpa, majority; Conrad, no) opposing legislation to eliminate the vehicle license fee.

15. MATTERS TOO LATE FOR THE AGENDA

None.

16. CLOSED SESSION

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

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

Name of case: Howard Jarvis Taxpayers Association, City of Modesto,
Stanislaus County Superior Court Action No. 168472

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Section
54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.

COUNCIL MEETING OF TUESDAY, MAY 19, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: Councilmember Dobbs

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2

(Friedman/Smith, unan., Dobbs absent)

Removed from Consent: Items 3, 5, 6, 7, 10, 11, 12, 14, 15

Item 13 Dropped from Agenda

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Proclamation recognizing the week of May 17-23, 1998 as National Public Works Week.

Mayor Lang presented proclamation to City Manager.

MINUTES

2. Approval of the minutes of the regular City Council meeting of May 12, 1998.

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

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3089-C.S. amending Article 2 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to curfew law.

By motion, (Friedman/Fisher, unan., Dobbs absent) ordinance adopted.

HEARINGS

4. Hearing to consider designation the property at 230 Sycamore Avenue as a Landmark Preservation Site and to consider approving a Mills Act Historic Property Contract with John and Carol Whiteside (property owners) for preservation of the property.

Res. 98-252 adopted (Friedman/Fisher, unan., Dobbs absent) designating property as Landmark Preservation Site.

5/19/98

Res. 98-253 adopted (Friedman/Fisher, unan., Dobbs absent) approving agreement.

BIDS

5. Consider authorizing call for bids for furnishing three trailer-mounted changeable message sign system for the Traffic Engineering Division.

Res. 98-254 adopted (Friedman/Smith, unan., Dobbs absent) authorizing bid call.

6. Consider accepting the contract of George Reed, Inc. as complete for the Yosemite Boulevard widening project from Frazine to McClure and authorize the City Clerk to file the Notice of Completion. (Original contract: \$1,035,555.55)

Res. 98-255 adopted (Friedman/Fisher, unan., Dobbs absent) accepting as complete and authorizing Clerk to file Notice of Completion.

7. Consider accepting the contract of Ross F. Carroll, Inc. as complete for the variable speed drives - effluent pumps project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$316,045.33)

Res. 98-256 adopted (Fisher/Friedman, unan., Dobbs absent) accepting as complete and authorizing Clerk to file Notice of Completion.

NEW BUSINESS

8. Consider accepting the Certification of Signature Count for the Charter Amendment Petition - Article 12. Section 1206 Impartial Arbitration for Police and Fire Department Employee Disputes.

Res. 98-257 adopted (Fisher/Friedman, unan., Dobbs, absent) certifying count and ordering City Clerk to place amendment on November 3, 1998 election.

9. Consider approving recommendation to hire a qualified consultant to provide a study of the Golf Fund and recommendations for future operation of the Golf Program; consider authorizing the City Manager to sign an agreement with the consultant to be selected; and consider amending the budget to appropriate \$25,000 from the General Fund for consultant services.

By motion, recommendation referred to Human Services Committee.

10. Consider salary and benefit changes for unrepresented Management and Confidential employees.

Res. 98-258 adopted (Friedman/Lang, unan., Dobbs absent) amending Salary Schedule and authorizing benefit changes.

11. Consider joinder in amicus briefs in Associated Builders and Contractors v. San Francisco Airport Commission and San Bernardino Public Employees Association v. City of Fontana.

By motion, (Friedman/Fisher, unan., Dobbs absent) authorized joinder and directed City Attorney.

12. Consider approving agreement with CTIC Associates for consultant services for the cable franchise negotiation.

Res. 98-259 adopted (Friedman/Fisher, unan., Dobbs absent) approving agreement.

DROPPED FROM AGENDA

13. Consider approving appropriation transfer in the amount of \$38,435 for the purchase of computerized maintenance management software.

14. Consider amending the Fiscal Year 1997-98 budget to estimate revenue in the special events insurance account for Modesto Centre Plaza and to appropriate \$7,500 in expenditures.

Res. 98-260 adopted (Fisher/Friedman, unan., Dobbs absent) amending budget.

15. Consider approving personal property tax utilization agreement with Stanislaus County on aircraft based at the Modesto City-County Airport.

Res. 98-261 adopted (Friedman/Fisher, unan., dobbs absent) approving agreement.

16. Consider a Resolution of Intention to form a Mello Roos Community Facilities District (CFD) for the Enterprise Business Park Project.

Res. 98-262 adopted (Friedman/Fisher, unan., Dobbs absent) adopted declaring intention to establish Community Facilities District 1998-1 Enterprise Business Park Project.

Res. 98-263 adopted (Friedman/Fisher, unan., Dobbs absent) declaring intention to incur bonded indebtedness.

17. ORAL COMMUNICATIONS

Steve Burke commented on budget process.

Neil Wilhite commented on bid specifications for aboveground storage tank installation and trees fallen in Tuolumne River.

Carmen Sabatino commented on consultant costs and financial position of City.

Councilmember Serpa commented regarding library needing a copy of budget, and reported that the recommendation from EDIGR Committee was to draft the agenda in a new format with consent items placed at the beginning of agenda and a summary of items read into record.

18. MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

COUNCIL MEETING OF TUESDAY, MAY 26, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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

Consent Items Removed: Items 7, 13

(Friedman/Dobbs, unan.)

Councilmember Fisher excuse due to conflict of interest.

CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 8

(Friedman/Dobbs, unan.; Fisher, absent)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation by G.I.F.T. (Graceada Is Fun Time) Committee to consider supporting inclusion of \$150,000 for playground renovation at Graceada Park in 1998-99 Capital Improvement Program and to consider approving the project Master Plan.

By motion (Friedman/Smith, unan.), supported inclusion in CIP.

Res. 98-264 adopted (Friedman/Smith, unan.) approving the project master plan.

- b. Presentation by Modesto Fire Department Battalion Chief Jim Miguel regarding new partnership and program resulting in parenting classes taught in neighborhood fire stations.

Presentation given by Jim Miguel.

MINUTES

2. Approval of the minutes of the special City Council meetings of May 15, 1998, and the regular City Council meeting of May 19, 1998.

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

HEARINGS

3. Hearing to consider the Proposed 1998-99 Operating Budget and Proposed 1999-2008 Capital Improvement Program.

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No action required.

Councilmember Fisher excused due to conflict of interest regarding STANCO item and CHDO.

4. Hearing to consider application to HUD for Fiscal Year 1998 Community Development Block Grant, HOME, and Emergency Shelter Grant (ESG) Program and to consider approving Annual Action Plan.

Res. 98-265 adopted (Dobbs/Lang, unan.) approving Annual Action Plan and authorizing City Manager to execute all necessary application documents and grant agreements, excluding STANCO item and CHDO.

Res. 98-266 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving Annual Action Plan and authorizing City Manager to execute all necessary application documents and grant agreements, including STANCO item and CHDO.

5. Hearing to consider the application of Mid-Valley Engineering, Inc. for an amendment to Section 32-3-9 of the Zoning Map to rezone from R-2 to P-D(411) as an addition to P-D(411), for an expansion of Sierra Vista Children's Center, property located on the south side of Sierra Drive between Rosedale and Roselawn Avenues at 908 Sierra Drive.

By motion (Friedman/Fisher, unan.), introduced Ord. 3090-C.S.

Res. 98-267 adopted (Friedman/Fisher, unan.), approving development plan.

Res. 98-268 adopted (Friedman/Fisher, unan.), judging project as being within the scope of the Master EIR (SCH No. 92042017).

NEW BUSINESS

6. Oral report on the Advanced Traffic Management System.

None required.

Item #7 removed from Consent.

7. Consider position classification changes and salary changes for selected classes as follows: Create job classification of Information Services Manager and Systems Engineer; amend classifications for Water Distribution System Operator and Cross Connection Specialist; delete the classifications of Deputy Director Public Works-Engineering, Deputy Director Public Works-Operations, and Deputy Director Public Works-Transportation; add classifications of Deputy Director-Engineering & Transportation, Deputy Director-Utilities; and consider the special assignment of

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Police Deputy Chief; and consider amending the Class Range Table for salaries.

Res. 98-269 adopted (Friedman/Lang, unan.) amending position Classification Plan.

Res. 98-270 adopted (Friedman/Lang, unan.) amending the Class Range Table.

Res. 98-271 adopted (Friedman/Lang, unan.) approving the special assignment of Police Deputy Chief.

Councilmember Fisher excused due to conflict of interest.

8. Annual Monitoring Reports for organizations funded with Community Development Block Grant funds during Fiscal Year 1996-97.

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

9. Consider approving agreements with Lifeguard Health Care, National Health Plans and PacifiCare of California to provide employee group health coverage; PacifiCare Behavioral Health for supplemental health coverage; Landmark Healthcare for supplement chiropractic care; and administrative services agreements with Vision Service Plan and Stanislaus Dental Foundation, effective August 1, 1998.

Res. 98-272 adopted (Friedman/Dobbs, unan.) approving agreement with Lifeguard Health Care to provide employee group health coverage effective August 1, 1998.

Res. 98-273 adopted (Friedman/Dobbs, unan.) approving agreement with National Health Plans to provide employee group health coverage effective August 1, 1998.

Res. 98-274 adopted (Friedman/Dobbs, unan.) approving agreement with PacifiCare of California to provide employee group health coverage effective August 1, 1998.

Res. 98-275 adopted (Friedman/Dobbs, unan.) approving agreement with PacifiCare Behavioral Health for supplemental health coverage effective August 1, 1998.

Res. 98-276 adopted (Friedman/Dobbs, unan.) approving agreement with Landmark Healthcare for supplement chiropractic care effective August 1, 1998.

Res. 98-277 adopted (Friedman/Dobbs, unan.) approving administrative services agreement with Vision Service Plan effective August 1, 1998.

Res. 98-278 adopted (Friedman/Dobbs, unan.) approving administrative services

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agreement with Stanislaus Dental Foundation effective August 1, 1998.

10. Consider approving an amendment to the agreement with Delamare-Fultz Engineering and Surveying for professional Survey services for Capital Improvement Program (CIP) projects.

Res. 98-279 adopted (Friedman/Dobbs, unan.) approving amendment to agreement.

11. Consider declaring funds and disbursing the surplus funds in Improvement District Nos. 24, 28 and 29 as allowed by Streets and Highways Code Section 10427.

Res. 98-280 adopted (Friedman/Dobbs, unan.) declaring funds and disbursing the surplus funds in Improvement District No. 24 as allowed by Streets and Highways Code Section 10427.

Res. 98-281 adopted (Friedman/Dobbs, unan.) declaring funds and disbursing the surplus funds in Improvement District No. 28 as allowed by Streets and Highways Code Section 10427.

Res. 98-282 adopted (Friedman/Dobbs, unan.) declaring funds and disbursing the surplus funds in Improvement District No. 29 as allowed by Streets and Highways Code Section 10427.

12. Consider approving agreements with Walgreens to sell monthly bus passes at two locations, and consider approving an agreement with the new owners of PAK Mail to continue operating as a bus pass outlet for Modesto Area Express.

Res. 98-283 adopted (Friedman/Dobbs, unan.) approving agreement with Walgreens at 1620 Standiford to sell monthly bus passes.

Res. 98-284 adopted (Friedman/Dobbs, unan.) approving agreement with Walgreens at 840 Oakdale Road to sell monthly bus passes.

Res. 98-285 adopted (Friedman/Dobbs, unan.) approving an agreement with the new owner of PAK Mail to continue operating as a bus pass outlet for Modesto Area Express.

Item #13 removed from Consent.

13. Consider amending the budget to appropriate \$2,500 for financial assistance to the Stanislaus County Orchestra from CSU Stanislaus for a performance tour to Kurume, Japan.

Res. 98-286 adopted (Friedman/Smith, unan.; Serpa, no) amending budget to appropriate \$2,500 for financial assistance to the Stanislaus County Orchestra

from CSU Stanislaus for a performance tour to Kurume, Japan.

14. Consider authorizing the City Manager to execute applications and grant-related documents for all solid waste-related grants available through the State of California.

Res. 98-287 adopted (Friedman/Dobbs, unan.) authorizing City Manager to execute applications and documents for all solid waste-related grants available through the State of California.

15. Consider approving an appropriation transfer in the amount of \$50,000 to fund a new Capital Improvement Program project - boiler replacement at the Water Quality Control Plant.

Res. 98-288 adopted (Friedman/Dobbs, unan.) approving appropriation transfer to fund a new CIP project - boiler replacement at the Water Quality Control Plant.

16. Consider approving agreement with Ball Janik LLP for provision of Federal Legislative Advocacy for the City of Modesto for Fiscal Year 1998-99.

Res. 98-289 adopted (Friedman/Dobbs, unan.) approving agreement with Ball Janik LLP for provision of Federal Legislative Advocacy for the City of Modesto for Fiscal Year 1998-99.

17. Consider approving agreement with United Express/SkyWest Airlines, Inc. to provide air service to Modesto City-County Airport as the United Express carrier.

Res. 98-290 adopted (Friedman/Dobbs, unan.) approving agreement with United Express/ SkyWest Airlines, Inc. to provide air service to Modesto City-County Airport as the United Express carrier.

18. ORAL COMMUNICATIONS

Councilmember Serpa commented regarding Committee action on the golf fund.

MISCELLANEOUS

19. Appointments

Board of Zoning Adjustment

Res. 98-291 adopted (Dobbs/Fisher, unan.) appointing Joseph Gardella to the Board of Zoning Adjustment with a term expiration of January 1, 2002.

20. MATTERS TOO LATE FOR THE AGENDA

None.

21. CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers to consider the following:

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Attorney
City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Michelle O'Neill, et al. v. City of Modesto, et al., Stanislaus County Superior Court Action No. 90052.

ADJOURNMENT

The meeting adjourned to Closed Session at 6:25 p.m. City Attorney returned at 7:00 p.m. and reported no action had been taken.

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COUNCIL MEETING OF TUESDAY, JUNE 2, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa,
Smith, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Archie LeVias, Seed of Joy Church

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

ACTION: (Friedman/Dobbs, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Boy Scout Troop 12 acknowledged by Mayor Lang.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 26, 1998.
(Motion approving needed.)

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

(Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 3090-C.S. amending Section 32-3-9 of the Zoning Map to rezone from R-2 to P-D(411), as an addition to P-D(411), property located at 908 Sierra Drive, between Rosedale and Roselawn Avenues. (Mid-Valley Engineering)
(Motion adopting needed.)

ACTION: By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3090-C.S.

HEARINGS

4. Hearing to consider the adoption of the proposed Specific Plan, General Plan amendment to substitute the use of a Mitigated Negative Declaration for a Focused Environmental Impact Report, and rezoning of the Coffee/Claratina Specific Plan Area to Specific Plan Overlay Zone, SP-O.
(Resolution adopting Mitigated Negative Declaration needed; resolution amending General Plan needed; resolution approving Specific Plan needed; introduction of ordinance rezoning needed.)

ACTION: Res. 98-292 adopted (Fisher/Dobbs, majority; Serpa, no) approving Mitigated Negative Declaration.

Res. 98-293 adopted (Fisher/Dobbs, majority; Serpa, no) amending General Plan.

Res. 98-294 adopted (Fisher/Dobbs, majority; Serpa, no) approving Specific Plan with the addition of, the collector street to consider including a jog to avoid creating a thoroughfare, and eliminate the identification of specific parcels. The issue of the four way stop will be returned to the Transportation Policy Committee for review.

By motion (Fisher/Dobbs, majority; Serpa, no), introduced Ord. 3091-C.S. rezoning.

(CDD to handle)

Councilmember Fisher was excused from the meeting.

NEW BUSINESS

- 4a. Consider agreement with Big Valley Community Church for the advance of funds in the amount of \$750,000 to fund the construction of the Pelandale Avenue extension from Dale Road to McHenry Avenue.
(Resolution authorizing the City Manager to execute agreement and resolution making appropriate CEQA findings.)

ACTION: Res. 98-295 adopted (Friedman/Lang, majority; Serpa, no; Fisher, absent)

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authorizing the City Manager to execute agreement.

Res. 98-296 adopted (Friedman/Lang, majority; Serpa, no; Fisher, absent) making appropriate CEQA findings.

(Finance to handle)

CONSENT

5. Consider authorizing the City Manager to make application to the U.S. Department of Justice, Office of Community Oriented Policing Services for a technology grant project through COPS MORE (Making Officer Redeployment Effective) in the amount of \$200,000 to purchase lap top computers for Modesto Police Officers. (Resolution authorizing grant application needed.)

ACTION: Res. 98-297 adopted (Friedman/Dobbs, unan.) authorizing grant application.
(Police Dept to handle)

CONSENT

6. Consider amending the budget to appropriate \$100,000 from the Storm Drain Fund reserve to the Storm Drain Operating Budget to restore funds to the salary accounts in the Storm Drain Fund impacted by the emergency storm-related work earlier this year. (Resolution amending budget needed.)

ACTION: Res. 98-298 adopted (Friedman/Dobbs, unan.) amending budget.
(Operations & Maintenance to handle)

CONSENT

7. Consider approving an amendment to the lease agreement with ARC of Stanislaus County for the operation of the snack bar at the Modesto City-County Airport. (Resolution approving amendment to lease agreement needed.)

ACTION: Res. 98-299 adopted (Friedman/Dobbs, unan.) approving amendment to lease agreement.
(E&T to handle)

CONSENT

8. Consider adopting a resolution of intention to vacate and abandon a portion of Tenth Street, consisting of five feet from each side of the street, located between J and K Streets (Redevelopment Agency of the City of Modesto.) (Resolution of intention to vacate and abandon and setting public hearing on June 23, 1998, at 4:00 p.m. needed.)

ACTION: Res. 98-300 adopting (Friedman/Dobbs, unan.) Resolution of Intention to vacate and abandon and setting public hearing on June 23, 1998 at 4:00 p.m.
(CDD to handle)

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CONSENT

9. Consider approving amendments to the City's Policies and procedures for formation and administration of Mello-Roos Community Facilities Districts.
(Resolution approving amendments needed.)

ACTION: Res. 98-301 adopted (Friedman/Dobbs, unan.) approving amendments to the City's policies and procedures for formation and administration of Mello-Roos Community Facilities Districts.

(City Attorney to handle)

10. ORAL COMMUNICATIONS

Bill Seavy, Chamber of Commerce, addressed the Council regarding the lack of tax sharing agreement with the County and requested resolution in thirty days.

Vice Mayor Serpa commented regarding possible change orders for 10th Stree Place.

11. MATTERS TOO LATE FOR THE AGENDA

None.

12. CLOSED SESSION

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Attorney
City Clerk

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 - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to Closed Session at 8:50 p.m. The City Attorney returned at 9:50 p.m. and reported no action had been taken.

MINUTES COUNCIL MEETING OF TUESDAY, JUNE 9, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

Item 9 removed from Consent

Item 24 removed from Agenda

(Friedman/Conrad, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

a. Presentation of Certificates to Modesto Convention & Visitors Bureau local "Modesto Super Heroes."

Mayor Lang and Linda Hoile, Modesto Convention and Visitors Bureau, made presentations.

b. Presentation of proclamation regarding "National Homeownership Week" June 6-13, 1998 to Stanislaus County Affordable Housing Corporation.

Mayor Lang presented proclamation to Marjorie Blom, Executive Director, STANCO.

MINUTES

2. Approval of the minutes of the regular City Council meeting of June 2, 1998.

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

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3091-C.S. rezoning the Coffee/Claratina Specific Plan Area to Specific Plan Overlay Zone, SP-O.

By motion (Friedman/Smith, majority; Serpa, no), approved final adoption of Ord. No. 3091-C.S.

HEARINGS

4. Hearing to consider the appeal of Mid-Valley Engineering to a Planning commission decision concerning a condition of the vesting tentative subdivision map of the Couture/Waterman Subdivision in the Pelandale/Snyder Specific Plan Area, property located on the northwest corner of Snyder Avenue and Carver Road.

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By motion (Friedman/Smith, unan.) hearing continued to July 14, 1998.

5. Hearing to consider proposed route and schedule changes for Modesto Area Express (MAX), effective July 17, 1998.

By motion (Dobbs/Fisher, unan.), approved route and schedule changes for Modesto Area Express (MAX), effective July 17, 1998.

6. Hearing to consider an increase in tipping fees at the Stanislaus Resource Recovery Facility, effective July 1, 1998.

Res. 98-302 adopted (Fisher/Smith, majority; Conrad, no), approving increase in tipping fees at the Stanislaus Resource Recovery Facility, effective July 1, 1998.

7. Hearing to consider adopting three Resolutions of Necessity to acquire real property interests for the North Trunk Sewer project from Calvary Chapel of Modesto, Inc., APN 78-18-23; Hans J. Wagner, et al., APN 78-18-21; and Snyder Ranches, APN 78-18-28 (portions); and consider adopting CEQA findings in an initial study prepared for the North Trunk Sewer Project.

By motion (Fisher/Friedman, unan.), continued two weeks to June 23, 1998.

BIDS

8. Consider awarding contract for the remote pond modular building contract to Pacific Mobile Structure, Inc. for \$64,967, and consider adopting findings based on the Initial Study of the Modesto Wastewater Master EIR.

Res. 98-303 adopted (Friedman/Conrad, unan.) awarding contract to Pacific Mobile Structure Inc.

Res. 98-304 adopting (Friedman/Conrad, unan.) findings based on the Initial Study of the Modesto Wastewater Master EIR.

Item #9 removed from Consent Calendar.

9. Consider authorizing the City of Modesto to purchase products or services off the State of California's Multiple Award Schedules (CMAS) Program.

Res. 98-305 adopted (Friedman/Conrad, unan.) authorizing the City to purchase from State CMAS Program.

Councilmember Dobbs excused from the meeting.

NEW BUSINESS

10. Review and recommendations on Fiscal Year 1998-99 Budget adoption.

By motion (Friedman/Smith, majority; Serpa, no; Dobbs, absent), accepted Financial Policy Committee recommendations and directed staff to incorporate recommendations into budget adoption report on June 16, 1998.

11. Report on proposed Strategic Business Plan for Modesto Airport prepared by Tri-Star Marketing.

By motion (Fisher/Serpa, unan.; Dobbs, absent), accepted the Strategic business Plan for Modesto Airport directing staff to prepare a consolidated summary of the study's recommendations to be subsequently adopted as the Business Plan for the Airport, and directing staff to prepared a scope of work for the second phase of the Airport program.

12. Consider approving a policy on water service extension for property outside the City limits.

Res. 98-306 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving a policy on water service extension for property outside the City limits.

13. Consider approving schedules and fares for Modesto Area Express (MAX) commuter services proposed to connect Modesto with the Dublin/Pleasanton BART station and the Lathrop Altamont Commuter Express train station and authorize staff to make minor adjustments to schedules and extend the introductory fares as determined to be appropriate by staff.

By motion (Friedman/Fisher, unan.; Dobbs, absent), approved schedules and fares for Modesto Area Express (MAX) commuter services proposed to connect Modesto with the Dublin/Pleasanton BART station and the Lathrop Altamont Commuter Express train station and authorize staff to make minor adjustments to schedules and extend the introductory fares as determined to be appropriate by staff.

14. Consider approving the alignment of Tuolumne Boulevard extension, authorizing staff to proceed with accepting dedication of land from the Tuolumne River Regional Park Advisory Committee, and endorsing recommendations from TRRP Advisory Committee and staff.

Res. 98-307 adopted (Friedman/Conrad, unan.) approving alignment of Tuolumne Boulevard extension.

Res. 98-308 adopted (Friedman/Conrad, unan.) approving a Negative Declaration.

By motion (Friedman/Conrad, unan.), authorized staff to proceed with accepting dedication of land and endorsing TRRP Committee and staff recommendations.

15. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions No. 1 - 6 and

adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment to be held July 7, 1998, at 7:00 p.m.

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

Res. 98-309 adopting (Friedman/Conrad, unan.) Resolution of Intention setting hearing on the levy of the proposed assessment to be held July 7, 1998 at 7:00 p.m.

16. Consider approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions No. 7 - 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2 and adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment to be held July 7, 1998, at 7:00 p.m.

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

Res. 98-310 adopted (Friedman/Conrad, unan.) Resolution of Intention setting hearing on the levy of the proposed assessment to be held July 7, 1998 at 7:00 p.m.

17. Consider approving an agreement for professional services with Vanir Construction Management, Inc. to monitor the 10th Street Place project on behalf of the City and Redevelopment Agency during construction phases on Block A and B.

Res. 98-311 adopted (Friedman/Conrad, unan.) approving agreement for professional services with Vanir Construction Management, Inc. to monitor the 10th Street Place project on behalf of the City and Redevelopment Agency during construction phases on Block A and B.

18. Consider approving an agreement with U.S. Fish and Wildlife Service (USF&WS) and The Nature Conservancy to pay a Vernal Pool Fee to mitigate the incidental take of endangered vernal pool species as a result of the Amtrak Station project.

Res. 98-312 adopted (Friedman/Conrad, unan.) approving an agreement with U.S. Fish and Wildlife Service (USF&WS) and The Nature Conservancy to pay a Vernal Pool Fee to mitigate the incidental take of endangered vernal pool species as a result of the Amtrak Station project.

19. Consider approving a lease agreement with the League of Women Voters of Modesto for Room 104 at the Modesto Community Service Center at 800 E. Morris Avenue.

Res. 98-313 adopted (Friedman/Conrad, unan.) approving agreement with the League of Women Voters of Modesto for use of Room 104 at the Modesto Community Service Center at 800 E. Morris Avenue.

20. Consider establishing new policy concerning acquisition and deaccessioning criteria and procedures for artifacts in historic buildings.

Res. 98-314 adopted (Friedman/Conrad, unan.) establishing new policy, rescinding Policy No. 6-101, Res. No. 73-682, and amending Addendum to 1983 Master Plan for Cultural Activities and Historical Buildings.

21. Consider approving the submission of the City of Modesto's Annual Claim for Transportation Development Act Funds to the Stanislaus Area Association of Governments (SAAG),

Res. 98-315 adopted (Friedman/Conrad, unan.) approving submission of Annual Claim to SAAG.

22. Consider amending the 1997-98 Budget in the amount of \$56,000 for a remodeling project to provide a larger Police shop, evidence and property storage, and Police maintenance work area.

Res. 98-316 adopted (Friedman/Conrad, unan.) amending 1997-98 budget.

23. Consider approval of final map of Olympic Village East Unit No. 2 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code (Owner: L & L Venture, a Joint Venture composed of Warren Smith Lawson Family, Inc., and Rodney K. Lowe, Inc.

Res. 98-317 adopted (Friedman/Conrad, unan.) approving the final map and authorizing the City Manager to execute subdivision agreement.

Item 24 removed from Agenda.

24. Consider approving an appropriation transfer in the amount of \$20,000 to fund the air condition replacement project at the Police Department.

25. ORAL COMMUNICATIONS

Steve Burke spoke about U.S. Fish & Wildlife Service and Nature Conservancy agreement regarding the Amtrak Station project.

Vice Mayor Serpa commented about signage for problem properties.

At Vice Mayor Serpa's request, City Manager Ed Tewes reported on the 10th Street Place change orders.

WRITTEN COMMUNICATIONS

26. Letter from David McConnell, D & B Towing, representing local towing companies,

6/9/98

requesting a rate increase and changes in equipment standards.

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

27. MATTERS TOO LATE FOR THE AGENDA

None.

28. CLOSED SESSION

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

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

Property: Purchase, sale or lease of property and/or public facilities located at the northwest quadrant of Parker Road and the Burlington Northern Santa Fe Railroad Track for the Amtrak Station.

Negotiating party: Ronald LaForce

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Attorney

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

Agency Negotiator: J. Edward Tewes, City Manager

Unrepresented Employees:
Unrepresented employee: Engineering & Transportation Director

ADJOURNMENT

Meeting adjourned to Closed Session at 6:44 p.m. City Attorney returned at 7:00 p.m. and reported no action had been taken.

MINUTES COUNCIL MEETING OF TUESDAY, JUNE 16, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. John Liotti, CC Vino Nuevo

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

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of a Stanislaus Arts Council commemorative medallion and a scholarship to Beyer High School student, Gina Found, for outstanding talent in drama and theater.

Stanislaus Arts Council made a presentation to Gina Found.

- b. Presentation of Eagles Scholarships to a senior from each high school in Modesto, Beyer, Davis, Downey, Johansen, and Modesto High Schools.

Scholarships presented by Eagles Organization.

MINUTES

- 2. Approval of the minutes of the regular City Council meeting of June 9, 1998.

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

HEARINGS

- 3. Hearing to consider the application of Macerich Vintage Faire Limited Partnership for an amendment to Planned Development Zone, P-D(109), to allow a multi-screen theater and restaurants at the Vintage Faire Mall, located on the east side of Sisk Road north of Standiford Avenue.

By motion (Fisher/Smith, unan.) item continued to August 18, 1998 meeting.

- 4. Hearing to consider the application of Costa Limited Partners for an amendment to

6/16/98

Section 2-3-8 of the Zoning Map to rezone from SP-O, Specific Plan Overlay-Zone, to Planned Development Zone, P-D(530), for a multi-screen theater, hotel, restaurants, and retail uses.

By motion (Fisher/Smith, unan.) item continued to August 18, 1998 meeting.

BIDS

5. Consider awarding contract for the Carpenter Road waterline project to Monzingo Construction for \$53,854.

Res. 98-318 adopted (Friedman/Fisher, unan.) awarding contract to Monzingo Construction.

NEW BUSINESS

6. Consider approving the Fiscal Year 1998-99 Annual Budget and Capital Improvement Program.

By motion, introduced Ord. 3092-C.S. (Friedman/Fisher, unan.; Serpa, no) adopting 1998-99 Operating Budget including the first year of the 10-year Capital Improvement Program and incorporating recommendations made by the Financial Policy Committee.

Res. 98-319 adopted (Friedman/Fisher, unan.; Serpa, no) establishing the 1998-99 Fiscal Year Appropriations Limit including the price and population factors to be used in the calculation as printed in the proposed budget.

Res. 98-320 adopted (Friedman/Fisher, unan.; Serpa, no) amending the 1998-99 budget adjusting appropriations and re-estimating revenues.

CIP: Lincoln-Lakewood Bridge (Friedman/Fisher, unan.; Dobbs, absent).

CIP: Cultural Services item (Fisher/Smith, unan.; Friedman, absent).

7. Consider accepting \$15,000 in grant funding from the Great Valley Center for planting of trees in the Tuolumne River Regional Park.

Res. 98-321 adopted (Friedman/Fisher, unan.) authorizing City Manager to sign grant agreement.

8. Consider approval of the final map of Rose Lane No. 3 subdivision of the City of Modesto and authorizing City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

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Res. 98-322 adopted (Friedman/Fisher, unan.) approving the final map of Rose Lane No. 3 and authorizing the City Manager to sign the agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

9. ORAL COMMUNICATIONS

Councilmember Serpa reported on his attendance at the Public Safety League of California Cities meeting regarding available grants for law enforcement.

MISCELLANEOUS

Appointments

10. Consider appointing June Kidd and Lee Allen to Highway Village Park Advisory Council.

Res. 98-323 adopted (Dobbs/Fisher, unan.) appointing June Kidd and Lee Allen to Highway Village Park Advisory Council.

11. MATTERS TOO LATE FOR THE AGENDA

None.

12. CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Grays v. City of Modesto, United States District Court
No. CV-F-96 5855 AWI SMS

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Benjamin J. Kreitl v. City of Modesto, Charles A. Lucas, et al., Superior Court of California, County of Stanislaus,
Case No. 150319

ADJOURNMENT

The meeting adjourned to Closed Session at 8:51 p.m. City Attorney returned at 9:30 p.m. and reported no action had been taken.

6/16/98

MINUTES - COUNCIL MEETING OF TUESDAY, JUNE 23, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 12, 13, 14, 15, 16, 17, 18, 20

(Friedman/Fisher, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of June 16, 1998.

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

HEARINGS

3. Hearing to consider adopting three Resolutions of Necessity to acquire real property interests for the North Trunk Sewer project from Calvary Chapel of Modesto, Inc., APN 78-18-23; Hans J. Wagner, et al., APN 78-18-21; and Snyder Ranches, APN 78-18-28 (portions); and consider adopting CEQA findings in an initial study prepared for the North Trunk Sewer Project. (Continued from June 9, 1998 City Council meeting.)

Res. 98-324 adopting (Fisher/Dobbs, unan.) Resolution of Necessity to acquire real property interests for the North Trunk Sewer project from Calvary Chapel of Modesto Inc., APN 78-18-23.

Res. 98-325 adopting (Fisher/Dobbs, unan.) Resolution of Necessity to acquire real property interests for the North Trunk Sewer project from Hans J. Wagner, et al., APN 78-18-21.

Res. 98-326 adopting (Fisher/Dobbs, unan.) Resolution of Necessity to acquire real property interests for the North Trunk Sewer project from Snyder Ranches, APN 78-18-28 (portions).

Res. 98-327 adopting (Fisher/Dobbs, unan.) CEQA findings in an initial study prepared for the North Trunk Sewer Project.

4. Hearing to consider an application to vacate and abandon a portion of 10th Street,

6/23/98

consisting of five feet from each side of the street located between J and K Streets.

Res. 98-328 adopted (Friedman/Fisher, unan.) vacating and abandoning a portion of 10th Street, consisting of five feet from each side of the street located between J and K Streets.

5. Hearing to consider proposed new green fees for Dryden Park Golf Course and Creekside Golf Course; consider approving golf tournament policy for Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S., and adjusting "Valu-Play" discount.

Res. 98-329 adopted (Conrad/Fisher, unan.) establishing fees and golf tournament policies.

6. Hearing to consider the establishment of the Community Facilities District No. 1998-1 (Enterprise Business Park) and the proposed rate, method of appointment and manner of collection of the special tax, and to consider the necessity to incur bonded indebtedness in an amount not to exceed \$2,025,000 within the Community Facilities District (CFD).

Res. 98-330 adopted (Friedman/Fisher, unan.) Resolution of Formation establishing Community Facilities District No. 1998-1.

By motion (Friedman/Fisher, unan.), introduced Ord. 3093-C.S. authorizing the levy of a special tax.

Res. 98-331 adopted (Friedman/Fisher, unan.) incurring bonded indebtedness within CFD 1998-1.

BIDS

7. Consider awarding contract for the SCADA system additions project - Phase III to Collins Electrical Company, Inc. for \$49,666.

Res. 98-332 adopted (Friedman/Fisher, unan.) awarding contract to Collins Electrical Company Inc. for SCADA System Additions Project-Phase III.

8. Consider awarding contract for the bus yard fuel facility replacement project to Rick Armstrong Engineering and Building Contractor for \$257,500.

Res. 98-333 adopted (Friedman/Fisher, unan.) awarding contract to Rick Armstrong Engineering and Building Contractor for Bus Yard Fuel Facility Replacement.

NEW BUSINESS

9. Consider approving a policy to implement the Modesto Citizens Advisory Growth Management Act of 1995 (Measure M).

Received a letter from the Building Industry Association of Central California asking for a 2-week continuance to July 7, 1998.

By motion (Friedman/Dobbs, unan.) continued item to July 7, 1998.

10. Consider approving an agreement with the Center for HR Leadership for personnel consulting services to conduct a Personnel System re-design.

Res. 98-334 adopted (Friedman/Smith, unan.) approving agreement with the Center for HR Leaderships for personnel consulting services to conduct a Personnel System re-design.

11. Consider introduction of an ordinance amending Sections 2-1.03 and 2-1.08 of the Modesto Municipal Code to reflect new method of handling consent items.

By motion (Serpa/Dobbs, unan.), introduced Ord. 3094-C.S. to amend Sections 2-1.03 and 2-1.08 of the Modesto Municipal Code to reflect new method of handling consent items.

12. Consider approving recommendations concerning realignment of the Kansas-Needham overcrossing to connect with the new State Highway 132 and endorsing the priority of the Kansas-Needham project over the Tuolumne Boulevard extension.

Res. 98-335 adopted (Friedman/Fisher, unan.) approving recommendations concerning realignment of the Kansas-Needham overcrossing to connect with the new State Highway 132 and endorsing the priority of the Kansas-Needham project over the Tuolumne Boulevard extension.

13. Consider approving a renewal agreement with Glendale Federal Bank to provide disbursement services for the Housing Rehabilitation Program.

Res. 98-336 adopted (Friedman/Fisher, unan.) approving a renewal agreement with Glendale Federal Bank to provide disbursement services for the Housing Rehabilitation Program.

14. Consider approving a sewer service mutual aid agreement with the Empire Sanitary District.

Res. 98-337 adopted (Friedman/Fisher, unan.) approving a sewer service mutual aid agreement with the Empire Sanitary District.

15. Consider authorizing City Manager to sign a grant application for approximately \$65,000 in grant funding under the CALFED Bay-Delta program for environmental education programs.

Res. 98-338 adopted (Friedman/Fisher, unan.) authorizing City Manager to sign grant application for environmental education programs.

16. Consider approval of the final map of Silverado at the Village Phase 3 subdivision and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.
(Owners: Jaguar/Sylvan Partnership L.P.)

Res. 98-339 adopted (Friedman/Fisher, unan.) approving the final map of Silverado at the Village Phase 3 subdivision and authorizing City Manager to execute the subdivision agreement.

17. Consider approval of the final map of The Bluff at Seven Falls 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: Wellington Cove Development Company, LCC.)

Res. 98-340 adopted (Friedman/Fisher, unan.) approving the final map of The Bluff at Seven Falls subdivision and authorizing the City Manager to execute the subdivision agreement.

18. Report of five loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since January 1998.

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

19. Consider approving an Addendum to State of California Purchase Card Program Master Service Agreement to implement a City purchasing card program.

Res. 98-341 adopted (Friedman/Dobbs, unan.) authorizing City Manager to sign Addendum to Master Service Agreement.

20. Consider approving renewal agreement with Community Reinvestment Funds, Inc. to service the City's Housing and Economic Development loan portfolios.

Res. 98-342 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute renewal agreement with Community Reinvestment Funds Inc. to service the City's Housing and Economic Development loan portfolios.

21. ORAL COMMUNICATIONS

Steve Burke made comments regarding theater project lease agreement.

Councilmember Conrad commented on upcoming project for Regional Sports Complex.

22. WRITTEN COMMUNICATIONS

Letter from Steve Burke regarding an update on City recycling program.

23. MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

Meeting adjourned to Closed Session at 5:36 p.m. City Attorney returned at 5:50 p.m. and reported no action had been taken.

MINUTES COUNCIL MEETING OF TUESDAY, JULY 7, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman,
Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 11,
15, 17, 18, 20, 22, 23, 24, 25

Consent Items #9 and #10 removed from Consent

(Friedman/Dobbs, unan.)

Councilmember Fisher excused due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 16

(Friedman/Dobbs, unan.; Fisher, absent)

Councilmember Dobbs absent due to conflict of interest.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 19, 21

(Friedman/Fisher, unan.; Dobbs, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of June 23, 1998.

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

UNFINISHED BUSINESS

3. Final adoption of Ord. No. 3093-C.S. authorizing the levy of a special tax within Community Facilities District No. 1998-1 (Enterprise Business Park).

By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3093-C.S.

4. Final adoption of Ord. No. 3094-C.S. amending Sections 2-1.03 and 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure.

By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3094-C.S.

HEARINGS

Councilmember Fisher excused due to conflict of interest.

5. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Big Valley Grace Community Church, a decision from the Board of Zoning Adjustment concerning a condition of the Conditional Use Permit for Big Valley Grace Community Church for expansion of the existing church, requiring elimination of a second access point from the project site to Pelandale Avenue, property located on the east side of Tully Road south of the future Pelandale Expressway.

Res. 98-343 approved (Dobbs/Conrad, majority; Serpa, no; Fisher, absent) granting the appeal of a BZA decision concerning a condition of the Conditional Use Permit for Big Valley Grace Community Church for their expansion project.

6. Hearing considering levy of proposed assessment in Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1-6.

Res. 98-344 adopted (Friedman/Smith, unan.) confirming the diagram and assessment, and levying the proposed assessment.

7. Hearing considering levy of proposed assessment in Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision No. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Units 1 & 2.

Res. 98-345 adopted (Friedman/Smith, unan.) confirming the diagram and assessment, and levying the proposed assessment.

8. Hearing to consider an adjustment to Modesto City-County Airport's general aviation hangars, offices and aircraft rental rates and fees.

Res. 98-346 adopted (Dobbs/Fisher, unan.) establishing new Airport rates and fees.

BIDS

Item #9 removed from Consent

9. Consider accepting the contract of All America Trenching Inc. as complete for the "J Street and 11th Street Water System Improvements" project and authorize the City Clerk to file the Notice of Completion; and consider approving an appropriation transfer in the amount of \$4,100.00 to fully fund the project. (Original Contract: \$101,877.59)

Res. 98-347 adopted (Dobbs/Fisher, unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

Res. 98-348 adopted (Dobbs/Fisher, unan.) approving appropriation transfer.

Item #10 removed from Consent

10. Consider awarding contract for "Rockwell Replacement/Addition 1998-99" for \$382,231.00 to Cunningham & Sons Inc.

Res. 98-349 adopted (Friedman/Fisher, unan.) awarding contract.

11. Consider waiving formal bid procedures and declare ABC Services the low responsive and responsible bidder to provide labor and services for cleaning sewer siphon and trunk lines; and consider appropriation transfer to fully fund the project.

Res. 98-350 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and awarding contract.

Res. 98-351 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

NEW BUSINESS

Item #12 removed from Agenda.

12. Consider approving a policy to implement the Modesto Citizens Advisory Growth Management Act of 1995 (Measure M). (Continued from June 23, 1998 meeting.)

13. Consider calling for a Measure M election in November 1998 for the Bent Creek Estates Subdivision to be consolidated with the statewide election and that election costs associated with the Bent Creek Estates Subdivision be paid by the City of Modesto.

Res. 98-352 adopted (Fisher/Friedman, majority; Serpa, no) calling for consolidation.

14. Consider approving the Property Enhancement Program (PEP) for Modesto's low income census tracts.

Res. 98-353 adopted (Fisher/Friedman, unan.) approving the PEP.

15. Consider approving an agreement with Calvary Chapel of Modesto Inc. for the acquisition of property rights needed for the North Trunk Sewer project; consider rescinding Resolution of Necessity; and consider making CEQA findings.

Res. 98-354 adopted (Friedman/Dobbs, unan.) approving agreement.

Res. 98-355 adopted (Friedman/Dobbs, unan.) rescinding Resolution of Necessity.

Councilmember Fisher excused due to conflict of interest.

16. Consider approving a Lease Renewal with Stanislaus County Affordable Housing Corporation (STANCO).

Res. 98-356 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving lease renewal.

17. Consider amending the budget to estimate revenues of \$155,000 for the project titled "PVEA City of Modesto to Upgrade Incandescent Lamps in Traffic Signals with Energy Efficient Light Emitting Diode Traffic Lights" and authorizing City Manager to execute an agreement with State of California Department of Transportation to receive funds.

Res. 98-357 adopted (Friedman/Dobbs, unan.) amending the budget to estimate revenues.

Res. 98-358 adopted (Friedman/Dobbs, unan.) authorizing City Manager to enter into agreement with Caltrans.

18. Consider an amendment to the City's Airport Improvement Program (AIP) Grant in the amount of \$3,816.00 and authorize City Manger to execute the grant amendment.

Res. 98-359 adopted (Friedman/Dobbs, unan.) amending Airport Improvement Program grant.

Councilmember Dobbs excused due to conflict of interest.

19. Consider approving amendment to agreement with Adrianna Properties, a California Limited Partnership, for Village I Central Storm Basin excavation and fee credit.

Res. 98-360 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving amendment to agreement.

20. Consider program to promote City services utilizing signs on the back of Modesto Area Express (MAX) buses.

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

Councilmember Dobbs excused due to conflict of interest.

21. Consider approval of Final Map of Adrianna One A Gated Community 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: Max Norton Enterprises Inc., a California Corporation.

Res. 98-361 adopted (Friedman/Fisher, unan.; Dobbs, absent) approving final map and authorizing City Manager to execute the subdivision agreement.

22. Consider approving a Local Programming Grant to Randy Magnus.

Res. 98-362 adopted (Friedman/Dobbs, unan.) approving grant.

23. Consider adoption of a resolution authorizing the City Manager to sign 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.

Res. 98-363 adopted (Friedman/Dobbs, unan.) approving agreement.

24. Consider approving the canvass of the July 7, 1998 election held within the Community Facilities District 1998-1 (Enterprise Business Park).

Res. 98-364 adopted (Friedman/Dobbs, unan.) canvassing election for Community Facilities District 1998-1 (Enterprise Business Park).

25. Consider amending the fiscal year 1998-99 budget, Capital Improvement Program, to estimate and appropriate revenue received from the federal Congestion Management and San Joaquin Valley Unified Air Pollution Control District (REMOVE) grant funds.

Res. 98-365 adopted (Friedman/Dobbs, unan.) amending the fiscal year 1998-99 Capital Improvement Program to estimate and appropriate grant revenue.

26. ORAL COMMUNICATIONS

None.

27. MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers to consider the following:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Benjamin J. Kreidl, v. City of Modesto, Charles A. Lucas, et al., Superior Court of California, County of Stanislaus, Case No. 150319.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned at 8:25 p.m. City Attorney returned at 9:05 p.m. and reported no action had been taken.

MINUTES COUNCIL MEETING OF TUESDAY, JULY 14, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman,
Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 11

Removed from Consent: Item 8

(Friedman/Dobbs, unan.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Certificate of Recognition to Dee Silva for his heroic actions on July 4, 1998, in saving a neighbor's life by rescuing her from her burning home.

Mayor Lang made the presentation to Dee Silva and Tracy Able.

MINUTES

2. Approval of the minutes of the regular City Council meeting of July 7, 1998.

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

HEARINGS

Dropped from agenda.

3. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision concerning a condition of the vesting tentative subdivision map of the Couture/Waterman Subdivision in the Pelandale/Snyder Specific Plan Area, property located on the northwest corner of Snyder Avenue and Carver Road. (Continued from 3/17, 4/14 and 6/9/98 City Council meetings.)

A letter was received from appellant withdrawing appeal.

4. Public hearing to consider designating the historic large Valley Oak Tree in the Tuolumne River Regional Park, used to tie up river barges in Modesto's early days, as a Modesto Landmark Preservation Site.

Res. No. 98-366 adopted (Friedman/Smith, unan.) designating Valley Oak Tree in Tuolumne River Regional Park as a Landmark Preservation Site.

5. Hearing to consider the annual garbage rate review.

7/14/98

(This item will be continued to July 28, 1998. Motion continuing to July 28, 1998, at 4:00 p.m. needed.)

By motion, (Dobbs/Smith, unan.) hearing continued to July 28, 1998, at 4:00 p.m.

NEW BUSINESS

6. Consider authorizing staff to negotiate a contract with HDR, Inc. to conduct an assessment of the City's current and long-term solid waste management program options.

Res. No. 98-367 adopted (Friedman/Dobbs, unan.) authorizing negotiation of contract with HDR, Inc.

7. Consider amending the 1998-99 budget in the amount of \$53,000 for remodeling the Performance Tire building for Police Department expansion.

Res. No. 98-368 adopted (Friedman/Dobbs, unan.) amending 1998-99 budget.

Councilmember Fisher excused due to a conflict of interest.

8. Consider approving agreements with Bright Development; L and L Venture; Robert D. Calcagno and J.K.B. Homes Corporation for Village I Central Storm Basin excavation and fee credit.

Res. No. 98-369 adopted (Dobbs/Friedman/, unan.; Fisher absent) approving agreement with Bright Development upon approval of surety requirements by City Attorney.

Res. No. 98-370 adopted (Dobbs/Friedman/, unan.; Fisher absent) approving agreement with L & L Venture upon approval of surety requirements by City Attorney.

Res. No. 98-371 adopted (Dobbs/Friedman/, unan.; Fisher absent) approving agreement with Robert D. Calcagno upon approval of surety requirements by City Attorney.

Res. No. 98-372 adopted (Dobbs/Friedman/, unan.; Fisher absent) approving agreement with J.K.B. Homes Corporation upon approval of surety requirements by City Attorney.

9. Consider approving a policy to implement the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M).

By motion, (Serpa/Dobbs, unan.) continued to August 4, 1998, City Council

7/14/98

meeting.

10. ORAL COMMUNICATIONS

Vice Mayor Serpa commented on staff communications with Councilmembers.

Don Swatman commented on planned growth.

WRITTEN COMMUNICATIONS

11. Letter of resignation from Golf Course Advisory Committee from Elouise Hanson.

Res. 98-373 adopted (Friedman/Dobbs, unan.) accepting resignation with regret.

12. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:25 p.m.

MINUTES - SPECIAL COUNCIL MEETING OF TUESDAY, JULY 21, 1998, AT 6:00 P.M.

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

Absent: Councilmembers Conrad

NEW BUSINESS

1. Consider placing a companion measure to the recently qualified Measure on Binding Interest Arbitration on the November 1998 ballot.

Res. 98-374 adopted (Friedman/Smith, majority; Dobbs, Serpa, no; Conrad, absent) authorizing placement on November 1998 ballot.

2. ORAL COMMUNICATIONS

None.

3. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 6:46 p.m.

MINUTES - COUNCIL MEETING OF TUESDAY, JULY 21, 1998, AT 7:00 P.M.

Roll Call - Present: Councilmembers Fisher, Friedman, Serpa, Smith,
Mayor Lang

Absent: Councilmembers Conrad, Dobbs

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 8, 10,
11, 12

Item 9 removed from Consent

(Friedman/Fisher, unan.; Conrad, Dobbs, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

2. Approval of the minutes of the regular City Council meeting of July 14, 1998.

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

BIDS

3. Consider awarding contract for Carpenter Road - Kansas to Sisk improvements/overlay project to George Reed, Inc. for \$1,711,579; and consider amending the budget to fund utility improvements included in the project.

Res. 98-375 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) awarding contract.

Res. 98-376 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) amending the budget.

NEW BUSINESS

4. Consider placing a Measure M ballot measure on the Statewide election in November 1998 for the Pelandale/McHenry Comprehensive Planning District, and request consolidation with the County for that election.

By motion, (Fisher/Friedman, majority; Smith, no; Conrad, Dobbs, absent) request denied.

7/21/98

5. Consider placing a Measure M ballot measure on the Statewide election in November, 1998 for the Johansen and Empire North Comprehensive Planning Districts, and request consolidation with the County for that election.

By motion, (Friedman/Fisher, unan.; Conrad, Dobbs, absent) request denied.

6. Consider approving an agreement with Economics Research Associates to conduct a comprehensive management audit of the City Golf Program; and consider amending the budget to appropriate \$30,000 from the General Fund Contingency Reserve to fund the professional services.

By motion, (Smith/Fisher, unan.; Conrad, Dobbs, absent) staff authorized to negotiate agreement with the condition that consultant agrees to the full scope of agreement.

Res. 98-377 adopted (Smith/Fisher, unan.; Conrad, Dobbs, absent) amending the budget.

7. Consider approval of the schematic design for the New Police Headquarters Expansion Project.

Res. 98-378 adopted (Friedman/Serpa, unan.; Conrad, Dobbs, absent) approving schematic design.

8. Consider authorizing notification of Zone 3 water customers (serving the former Del Este served communities of Salida, Del Rio, Waterford, Hickman, Grayson and parts of Ceres and Turlock) of a proposed 15% across-the-board increase, and of a \$4.19 per month fire standby surcharge for the Turlock customers and setting a public hearing on October 6, 1998, at 7:00 p.m.

Res. 98-379 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) authorizing notification and setting hearing October 6, 1998, at 7:00 p.m.

9. Consider amending the City's Drought Contingency Plan to eliminate the requirement that outdoor water use occur only on certain days of the week based on street address.

Res. 98-380 adopted (Smith/Friedman, unan.; Conrad/Dobbs, absent) establishing water use guidelines and rescinding Res. 91-666.

10. Consider authorizing City Manager to execute a Federal Local Law Enforcement Block Grant Program Application for \$371,714 in federal funds for an interactive firearms training simulator, firearms training, and 25 mobile workstations for installation in the department's patrol vehicles.

Res. 98-381 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) authorizing City Manager to execute grant application.

11. Consider approving a soda vending machine license agreement with the Seven Up Bottling Company for installing coin-operated soda vending machines in Davis, Downey, Graceada, and East La Loma Parks.

Res. 98-382 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) approving vending machine license agreement.

12. Consider amending Resolution Nos. 96-294 and 97-533 ordering the Pelandale-Snyder Reorganization to clarify the City's intention to not succeed to a protested Williamson Act Contract.

Res. 98-383 adopted (Friedman/Fisher, unan.; Conrad, Dobbs, absent) amending resolutions.

13. ORAL COMMUNICATIONS

Diane Moyer spoke regarding water rate notification.

Vice Mayor Serpa commented regarding local agencies for 10th Street Place lease agreements.

Councilmember Fisher requested status of 10th Street Place project and money expended.

MISCELLANEOUS

14. Appointments

Community Qualities Forum

Res. 98-384 adopted (Friedman/Serpa, unan.; Conrad, Dobbs, absent) appointing Randy Clark to Community Qualities Forum.

15. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:48 p.m.

MINUTES COUNCIL MEETING OF TUESDAY JULY 28, 1998 4:00 p.m.

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

Absent: Conrad

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

ACTION: (Friedman/Dobbs, unan.; Conrad, absent)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 21, 1998.

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

HEARINGS

3. Hearing to consider proposed maximum rates for solid waste collection services, effective retroactive to July 1, 1998.
(Continued from July 14, 1998 City Council meeting.)

Res. 98-385 adopted (Dobbs/Smith, majority; Fisher & Friedman, no) setting maximum rate schedule effective retroactive to July 1, 1998.

BIDS

CONSENT

4. Consider awarding contract to K. J. Woods Construction, Inc. for the North Trunk Sewer - Marsala - Bangs to Carver project for \$2,424,000; and consider approving an appropriation transfer in the amount of \$347,386 to designate funds for the water line portion of the project.

Res. 98-386 adopted (Friedman/Dobbs, unan.; Conrad, absent) awarding contract to K.J. Woods Construction Inc.

Res. 98-387 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving

7/28/98

appropriation transfer.

CONSENT

5. Consider awarding contract to George Reed, Inc. for the Airport District Improvement, Phase III project for \$1,148,569; and consider approving an appropriation transfer to consolidate funds into one account for ease of accounting and auditing.

Res. 98-388 adopted (Friedman/Dobbs, unan.; Conrad, absent) awarding contract to George Reed Inc.

Res. 98-389 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving appropriation transfer.

CONSENT

6. Consider awarding contract to Soares Underground Construction for the Alice Street - McHenry Avenue sewer bypass project for \$223,496; and consider approving an appropriation transfer to fully fund the project.

Res. 98-390 adopted (Friedman/Dobbs, unan.; Conrad, absent) awarding contract to Soares Underground Construction.

Res. 98-391 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving appropriation transfer.

CONSENT

7. Consider awarding a contract to Tru-Tech Coating and Roofing System in the amount of \$15,975 to repair the roof on Hangar #3 at the Modesto Airport.

Res. 98-392 adopted (Friedman/Dobbs, unan.; Conrad, absent) awarding contract to Tru-Tech Coating and Roofing System.

Res. 98-392A adopted (Friedman/Dobbs, unan.; Conrad, absent) amending budget.

CONSENT

8. Consider waiving formal bid procedures and authorizing the purchase of one loader/backhoe from Empire Equipment Company for a total price of \$64,371.31 under the competitively assessed State of California's Multiple Award Schedules (CMAS) program.

Res. 98-393 adopted (Friedman/Dobbs, unan.; Conrad, absent) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

9. Consider Refinance of Fire Training Center debt in an amount not to exceed \$700,000.

Res. 98-394 adopted (Friedman/Smith, unan.) approving the refinance of the 1992 Fire Training Center debt in an amount not to exceed \$700,000 and related documents and authorizing related actions.

CONSENT

10. Consider authorizing the issuance of Community Facilities District No. 1998-1 (Enterprise Business Park) Special Tax Bonds Series 1998, in an aggregate principal amount not to exceed \$2,025,000, approving an indenture, a bond purchase agreement and an official statement in connection therewith, authorizing the distribution of the official statement, and authorizing other related actions and the execution of other related documents; and consider approving an agreement with developer to construct and acquire public improvements for Community Facilities District.

Res. 98-395 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing issuance of bonds and other related actions.

Res. 98-396 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving agreement with developer.

CONSENT

11. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1998-99 property tax bills.

Res. 98-397 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing levy and collection.

Res. 98-398 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing levy and collection.

Res. 98-399 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing levy and collection.

Res. 98-400 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing levy and collection.

CONSENT

12. Quarterly Treasurer's Report - June 30, 1998.

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

7/28/98

CONSENT

13. Consider approving an agreement with Corn and Harris Development for the acquisition of property rights needed for the North Trunk Sewer project.

Res. 98-401 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving agreement with Corn and Harris Dev.

CONSENT

14. Consider approving an agreement with Hans Wagner, Donald E. Wagner Trust and John Regusci for the acquisition of property rights needed for the North Trunk Sewer project.

Res. 98-402 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving agreement with Hans Wagner, Donald E. Wagner Trust and John Regusci.

15. ORAL COMMUNICATIONS

Chris Grayston requested status of the sign ordinance update.

MISCELLANEOUS

16. Appointments

Human Relations Commission

Res. 98-403 adopted (Friedman/Dobbs, unan.; Conrad, absent) appointing Renae Cooksey to the Human Relations Commission, with a term expiration of January 1, 2003 and Robert Mayberry with a term expiration of January 1, 2001.

Disabled Access Appeals Board

Res. 98-404 adopted (Friedman/Dobbs, unan.; Conrad, absent) appointing Tammy Vanden Bosch to the Disabled Access Appeals Board, with a term expiration of January 1, 2000.

Economic Development Loan Committee

Res. 98-405 adopted (Friedman/Dobbs, unan.; Conrad, absent) appointing Everett Jackson to the Economic Development Loan Committee, with a term expiration of January 1, 2001.

17. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 4:44 p.m.

Special City Council Meeting of Tuesday, August 4, 1998, at 4:00 p.m.

Roll Call Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

Consent Item #12 removed from Consent

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 9, 10, 11, 13, 14

ACTION: (Friedman/Dobbs, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Recognition of Bernie Vizcarra as recipient of the \$500 Detective Nicholas Chilles Memorial Law Enforcement Scholarship and presentation of the scholarship check by Nick Chilles widow, Linda.

Scholarship check presented by Linda Chilles.

- 1b. Presentation of Annual Miss and Mr. National Night Out Awards.

Mayor Lang made the presentation.

City Manager Ed Tewes introduced Glen Lewis, the new Engineering and Transportation Director.

MINUTES

CONSENT

- 2. Approval of the minutes of the regular City Council meeting of July 28, 1998.

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

HEARINGS

- 3. Hearing to consider the application of Kearney Ventures for an amendment to Section 21-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(531), to allow Highway Commercial uses, (C-3), including a mini warehouse storage facility, property located on the east side of McHenry Avenue at 1234 McHenry Avenue.

By motion (Dobbs/Fisher, unan.), Ord. 3094-C.S. introduced

Res. 98-406 adopted (Dobbs/Fisher, unan.) approving development plan.

Res. 98-407 adopting (Dobbs/Fisher, unan.) findings based on the initial study.

BIDS

CONSENT

4. Consider accepting as complete the contract of Mountain Cascade, Inc. for the relief line and appurtenant structures, Cannery Segregation Section III project and authorize the City Clerk to file the Notice of Completion. (Original contract: \$1,160,940)

Res. 98-408 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

5. Consider accepting as complete the contract of Safety Striping Services, Inc. for the pavement delineation at various locations project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$64,874.80)

Res. 98-409 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

6. Consider waiving formal bid procedures and authorizing the purchase of one cab and chassis with dump body from F. B. Hart Company for a total cost of \$56,448.12.

Res. 98-410 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

NEW BUSINESS

7. Consider approving a policy to implement the Modesto Citizens Advisory Growth Management Act of 1995 (Measure M).

Res. 98-411 adopted (Fisher/Friedman, majority; Conrad & Dobbs, no) approving policy.

8. Consider approving the Airport Business Plan, and consider approving an agreement with Tri-Star Marketing Company.

Res. 98-412 adopted (Fisher/Friedman, unan.) approving the Airport Business Plan.

Res. 98-413 adopted (Fisher/Friedman, unan.) approving agreement.

CONSENT

9. Consider approving an amendment to a lease agreement with Dorothy Boggeri, Trustee; Dorothy Boggeri; and Robert Boggeri for the lease of 940 11th Street for the Housing and Neighborhoods Division of the Community Development Department.

Res. 98-414 adopted (Friedman/Dobbs, unan.) approving amendment to lease agreement.

CONSENT

10. Consider renaming that portion of Parker Road located between Claus Road and the Burlington Northern Santa Fe Railroad Tracks to East Briggsmore Avenue.

Res. 98-415 adopted (Friedman/Dobbs, unan.) renaming portion of Parker Road.

CONSENT

11. Consider approval of final map of Manor Oak Place subdivision, accepting the 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: Noralco, Inc.)

Res. 98-416 adopted (Friedman/Dobbs, unan.) approving final map, accepting improvements and authorizing City Manager to sign agreement.

Item #12 removed from Consent

12. Consider approving request of Homegrown for waiver of park rental fees, security through police officers, facilitation of clean-up, provision of insurance, and provision of a sound and light technician for a concert at Mancini Bowl on August 15, 1998 to benefit the Citrus for Charity program.

Res. 98-417 adopted (Dobbs/Friedman, unan.) providing direct City assistance for concert. Assigned to Financial Policy Committee to develop policy for requests of this type.

CONSENT

13. Consider authorizing staff to solicit proposals for a five-year bus bench franchise and interior bus advertising lease to replace the existing franchise which expires December 31, 1998.

By motion, authorized staff to solicit proposals.

CONSENT

14. Consider approval of the use of amplified instruments and voice for the City-Wide Christian Concert at Mancini Bowl at Graceada Park, and consider approval of the use of the chemical toilets previously used during the concert in the parks series.

Res. 98-418 adopted (Friedman/Dobbs, unan.) approving the use of amplified live music and the use of the chemical toilets for the City-Wide Christian Concert at Mancini Bowl in Graceada Park.

15. Consider authorizing the Mayor to send correspondence to the County expressing comments regarding Community Plan Updates within Stanislaus County.

By motion (Fisher/Friedman, unan.), authorized the Mayor to send correspondence.

ORAL COMMUNICATIONS

16. None.

MATTERS TOO LATE FOR THE AGENDA

17. None.

CLOSED SESSION

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

CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION

Name of case: County of Stanislaus, A Political Subdivision of the State of California; and City of Modesto, A Municipal Corporation v. Pacific Gas & Electric Company, A Public Utility; Ogden Martin Systems of Stanislaus, A California Corporation; and Does 1 through 20, Inclusive.

Stanislaus County Superior Court Action No. 156011

Judicial Coordination Proceeding No. 3241, Superior Court of the State of California, County of San Francisco

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned to Closed Session at 5:00 p.m. The City Attorney returned at 5:50 p.m. to report no action had been taken.

ATTEST:
JEAN ZAHR, City Clerk

COUNCIL MEETING OF TUESDAY, AUGUST 11, 1998, AT 4:00 P.M.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items A, B, C, D, E, H, J
Consent Item I removed from Consent calendar

ACTION: (Fisher/Friedman, unan.)

Councilmember Fisher absent due to conflict of interest

CONSENT ITEMS - ROLL CAL VOTE REQUIRED: Items F & G

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

1. **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a \$5,000 check in grant funding from the Pacific Bell Community Enrichment Program for purchase of computer equipment for King-Kennedy Memorial Center.

(Motion accepting grant funding needed.)

Cathy Halsey, Pacific Bell, presented check and plaque to Mayor Lang.

2. **CONSENT ITEMS**

CONSENT

A. Approval of the minutes of the special City Council meeting of August 4, 1998.

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

CONSENT

B. Final adoption of Ord. No. 3094-C.S. amending Section Map 21-3-9 to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(531), to allow Highway Commercial uses, C-3, property located at 1234 McHenry Avenue.

By motion (Fisher/Friedman, unan.), final adoption of Ord. No. 3094-C.S.

CONSENT

C. Consider directing the City Clerk to transmit Charter Amendment Measures and Sewer Extension Measure to City Attorney for impartial analysis; and

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consider authorizing the Mayor to prepare ballot arguments relating to the measures.

Res. 98-419 adopted (Fisher/Friedman, unan.) directing the City Clerk to transmit measures to City Attorney for impartial analysis.

Res. 98-420 adopted (Fisher/Friedman, unan.) authorizing Mayor to prepare ballot arguments.

CONSENT

- D. Consider approving agreement with Manuel Juaregui for the acquisition of the property located at 1718 Hillside Drive for the flood protection project.

Res. 98-421 adopted (Fisher/Friedman, unan.) approving agreement.

CONSENT

- E. Consider approving amendment to lease agreement with Basic Resources, Inc. for the lease of office space in the Beaty Building located at 1024 J Street to house the Neighborhood Preservation Unit of the Housing and Neighborhoods Division.

Res. 98-422 adopted (Fisher/Friedman, unan.) approving amendment to lease agreement.

Councilmember Fisher absent due to conflict of interest.

CONSENT

- F. Consider approving agreement with REDEV, Inc. for the purchase of right of way in Village One for Wildflower Subdivision.

Res. 98-423 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement.

Councilmember Fisher absent due to conflict of interest.

CONSENT

- G. Consider reallocation of \$125,000 in HOME funds from the Self-Help Enterprise Briggs Road Subdivision Project to the Paradise Road Subdivision Project.

Res. 98-424 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving reallocation in HOME funds.

CONSENT

- H. Consider authorizing the sale of property at 1009 Marklee Way to Antonio and Valerise Ramirez and authorizing the City Manager to sign all necessary documents.

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Res. 98-425 adopted (Fisher/Friedman, unan.) authorizing the sale of property and authorizing City Manager to sign documents.

Item I removed from Consent.

- I. Consider amending the budget in the amount of \$637,287 to allocate Disaster Relief Funds received during Fiscal Year 1997-98 to Fiscal Year 1998-99 operating budget.

Res. 98-426 adopted (Fisher/Dobbs, unan.) amending budget.

CONSENT

- J. Consider approval of the final map of Almond Valley subdivision and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Kaufman and Broad - Central Valley, Inc.)

Res. 98-427 adopted (Fisher/Friedman, unan.) approving final map and authorizing City Manager to sign agreement.

HEARINGS

3. Hearing to consider the proposed use and fee policy for City Hall at the Mall.

Res. 98-428 adopted (Friedman/Fisher, unan.) approving Use and Fee Policy, with the recommendation that the Financial Policy Committee address a policy allowing the use of the conference room by non-profit groups and return to full Council.

NEW BUSINESS

4. Consider designation of voting delegate and voting alternate for the League of California Cities Annual Conference October 2 through October 4, 1998 in Long Beach California.

By motion (Friedman/Dobbs, unan.), designated Mayor Lang, voting delegate and Vice Mayor Serpa, voting alternate.

5. Consider initiating the annexation of the Kiernan Avenue Reorganization area located in the eastern portion of the Kiernan Avenue Business Park Specific Plan area.

Res. 98-429 (Fisher/Friedman, unan.) adopting Resolution of Application initiating annexation of Kiernan Avenue Reorganization.

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6. ORAL COMMUNICATIONS

Loretta Carhart spoke about the desire to have meetings for the handicapped held in Graceada Park.

7. WRITTEN COMMUNICATIONS

Letter of resignation from the Golf Course Committee from Greg Clark.

Res. 98-430 adopted (Fisher/Friedman, unan.) accepting resignation of Greg Clark from the Golf Course Committee with regret.

MISCELLANEOUS

8. Appointments

Economic Development Loan Committee

Res. 98-431 adopted (Friedman/Dobbs, unan.) rescinding Res. No. 98-405 and appointing new member, Julian Lemaster, to the Economic Development Loan Committee.

9. MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 4:39 p.m. to Closed Session. City Attorney returned at 5:45 p.m. and reported no action had been taken.

CLOSED SESSION

The meeting adjourned to a closed session in the Mayor's Chambers for 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.

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ATTEST:
JUDY C. HALL, Acting City Clerk

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City Council Meeting of Tuesday, August 18, 1998, at 7:00 p.m.

Roll Call Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

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

ACTION: (Friedman/Dobbs, 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 August 11, 1998.

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

CONSENT

2. Consider acceptance as complete the contract of Insituform West, Inc. for the pipeline rehabilitation project - cannery segregation Section III, and authorize the City Clerk to file the Notice of Completion. (Original contract: \$686,905)

Res. 98-432 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

CONSENT

3. Consider acceptance as complete the contract of Acme Construction Company, Inc. for the press box and elevator tower addition to John Thurman Field and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$285,100.)

Res. 98-433 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing City Clerk to file the Notice of Completion.

CONSENT

4. Consider authorizing request for bids for furnishing video vehicle detection system for Engineering and Transportation Department Traffic Division.

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(Suggested bid opening: September 29, 1998, at 11:00 a.m.)

Res. 98-434 adopted (Friedman/Dobbs, unan.) authorizing call for bids for furnishing video vehicle detection system on September 29, 1998 at 11:00 a.m.

Item #5 removed from Consent

5. Consider authorizing a 5% salary increase for the City Manager and City Attorney, effective August 18, 1998.

Res. 98-435 adopted (Friedman/Dobbs, unan.) approving salary increase for the City Manager and City Attorney.

CONSENT

6. Consider amending Position Classification Plan to create class specification for Development and Operations Coordinator and Fleet Maintenance Supervisor, to delete various classifications outlined in agenda report; consider amending class specification for Police Officer Trainee; consider amending Class Range Tables to establish a salary for Development and Operations Coordinator and Fleet Maintenance Supervisor.

Res. 98-436 adopted (Friedman/Dobbs, unan.) amending Position Classification Plan.

Res. 98-437 adopted (Friedman/Dobbs, unan.) amending the Class Range Tables.

CONSENT

7. Consider approving an agreement with Economics Research Associates to conduct a comprehensive management audit of the City Golf Program.

Res. 98-438 adopted (Friedman/Dobbs, unan.) approving agreement with Economics Research Associates to conduct a comprehensive management audit of the City Golf Program.

HEARINGS

The hearings for #8, #9, #10, & #11 were opened concurrently. The following motions were considered:

A motion (Friedman) to deny both projects; motion died due to lack of second.

A motion (Dobbs/Smith) to approve both projects; no vote.

A motion (Fisher) to approve the Mall project; motion died due to lack of second.

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A motion (Serpa) to continue the hearing for three weeks and have staff work out excess windfall issue with Brenden; motion died due to lack of second.

A motion (Dobbs/Smith, failed to carry) to approve both projects.

A motion (Friedman/Lang, failed to carry) to deny both projects.

A motion (Conrad/Dobbs, failed to carry) to approved both projects and separate time restrictions and access issues.

A motion (Serpa/Dobbs, failed to carry) to refer back to staff to work with Brenden Theater to work out windfall profit.

A motion (Conrad/Dobbs, failed to carry) to approve both projects as per staff studies, without access between Gagos/Macerich properties.

A motion (Fisher/Lang, failed to carry) to deny without prejudice on the Vintage Faire Macerich proposal.

A motion (Conrad/Dobbs, failed to carry) to approve the Costa project.

A motion (Dobbs/Serpa, failed to carry) to continue this meeting for two weeks and come back just for the vote.

8. Hearing to consider the application of Macerich Vintage Faire Limited Partnership for an amendment to Planned Development Zone, P-D(109), to allow a multi-screen theater and restaurants at the Vintage Faire Mall, located on the east side of Sisk Road north of Standiford Avenue. (Continued from June 16, 1998 City Council meeting.)

Res. 98-439 adopted (Fisher/Friedman, majority; Conrad, no) denying without prejudice.

9. Hearing to consider a development agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, in conjunction with an amendment to P-D(109) to add a multi-screen cinema to the Vintage Faire Mall.

Res. 98-440 adopted (Fisher/Friedman, majority, Conrad, no) denying without prejudice.

10. Hearing to consider the application of Costa Limited Partners for an amendment to Section 2-3-8 of the Zoning Map to rezone from SP-O, Specific Plan Overlay Zone, to Planned Development Zone, P-D(530), for a multi-screen theater, hotel, restaurants, and retail uses. (Continued from June 16, 1998 City Council

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meeting.)

Res. 98-441 adopted (Fisher/Friedman, majority, Conrad, no) denying without prejudice.

11. Hearing to consider a development agreement between the City of Modesto and Costa Limited Partners and WestStar Cinemas, Inc. in conjunction with a rezoning from SP-O to P-D to allow a multi-screen Cinema, hotel, and retail center on the north side of Pelandale Avenue east of Sisk Road.

Res. 98-442 (Fisher/Friedman, majority, Conrad, no) denying without prejudice.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting was adjourned at 12:45 a.m.

City Council Meeting of Tuesday, August 25, 1998, at 4:00 p.m.

Roll Call Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 1-6 and 8-11

Item # 7 removed from Consent

Item #1, Minutes of 8/18 meeting require amendments to 8-11.

(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 August 18, 1998.

By motion (Friedman/Fisher, unan.), minutes approved with amendments to Item 8-11, adding all motions.

CONSENT

2. Consider authorizing call for bids for furnishing vaporooter service for Operations and Maintenance Department-Wastewater Collection Division.
(Suggested bid opening: September 29, 1998, at 11:00 a.m.)

Res. 98-443 adopted (Friedman/Fisher, unan.) authorizing call for bids due September 29, 1998 at 11:00 a.m. for furnishing vaporooter service for Operations and Maintenance Department-Wastewater Collection Division.

CONSENT

3. Consider awarding contract for the ranch cannery pump station and forcemain project to Rutherford and Smith Construction, Inc. for \$3,428,570, and consider adopting findings that the project is within the scope of the final master environmental impact report relating to the Wastewater Master Plan.

Res. 98-444 adopted (Friedman/Fisher, unan.) awarding contract for the ranch cannery pump station and forcemain project to Rutherford and Smith Construction, Inc.

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Res. 98-445 adopting (Friedman/Fisher, unan.) findings that the project is within the scope of the final master environmental impact report relating to the Wastewater Master Plan.

CONSENT

4. Consider accepting the contract of Paul Anderson Construction as complete for the water storage building at Water Tank No. 6 and authorize the City Clerk to file the Notice of Completion. (Original contract and final cost: \$118,624)

Res. 98-446 adopted (Friedman/Fisher, unan.) accepting the contract of Paul Anderson Construction as complete for the water storage building at Water Tank No. 6 and authorize the City Clerk to file the Notice of Completion.

CONSENT

5. Consider approving an agreement with Stanislaus County to reimburse City for rides taken by County employees on Modesto Area Express (MAX).

Res. 98-447 adopted (Friedman/Fisher, unan.) approving an agreement with Stanislaus County to reimburse City for rides taken by County employees on Modesto Area Express (MAX).

CONSENT

6. Consider authorizing the Engineering and Transportation Department to proceed with design on the realignment of the Kansas-Needham overcrossing and expend up to \$100,000 in design costs prior to receiving authorization from Caltrans for 9th Street railroad relocation project.

Res. 98-448 adopted (Friedman/Fisher, unan.) authorizing the Engineering and Transportation Department to proceed with design on the realignment of the Kansas-Needham overcrossing and expend up to \$100,000 in design costs prior to receiving authorization from Caltrans for 9th Street railroad relocation project.

Item #7 removed from Consent

7. Consider approving lease agreement with Graceada Mansion Partnership for the lease of a portion of Well No. 2 located at 110 Poplar Avenue.

A motion by Councilmember Serpa to approve lease agreement with rental amount of \$154 per month failed to carry.

Res. 98-449 adopted (Fisher/Friedman, majority; Serpa, no) approving lease agreement with Graceada Mansion Partnership for the lease of a portion of Well No. 2 located at 110 Poplar Avenue.

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CONSENT

8. Consider approving a water reimbursement agreement with Kaufman and Broad Central Valley, Inc. for water line extension along Prescott Road and Snyder Avenue. (Almond Valley Subdivision)

Res. 98-450 adopted (Friedman/Fisher, unan.) approving a water reimbursement agreement with Kaufman and Broad Central Valley, Inc. for water line extension along Prescott Road and Snyder Avenue.

CONSENT

9. Consider approving final map of Wildflower Subdivision and authorizing the City Manager to sign an agreement as required by Section 4-4.604(c) of the Municipal Code. (Owners: Kaufman Capital Corporation)

Res. 98-451 adopted (Friedman/Fisher, unan.) approving final map of Wildflower Subdivision and authorizing the City Manager to sign an agreement as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider amending the budget to appropriate funds from contingency reserve to the promotions account in the Downtown Improvement District Fund to hire a consultant for the Mayor's Downtown Nights.

Res. 98-452 adopted (Friedman/Fisher, unan.) amending the budget to appropriate funds from contingency reserve to the promotions account in the Downtown Improvement District Fund to hire a consultant for the Mayor's Downtown Nights.

CONSENT

11. Consider accepting resignation of Jack Dooley from the Landmark Preservation Commission.

Res. 98-453 adopted (Friedman/Fisher, unan.) accepting resignation of Jack Dooley from the Landmark Preservation Commission.

HEARINGS

12. Hearing to consider Public Health Goals Report on water quality standards, as required by Title 22 of the California Health and Safety Code.

Res. 98-454 adopted (Dobbs/Smith, unan.) accepting Public Health goals Report.

ORAL COMMUNICATIONS

8/25/98

None.

MISCELLANEOUS

Appointments

13. Community Qualities Forum appointments and reappointments.

Res. 98-455 adopted (Fisher/Friedman, unan.) appointing Kathleen Cohn and Linda Avedon, with term expirations of January 1, 2002; and reappointing Honor Denney with term expiration of January 1, 2000, Judith Kenyon, term expiration of January 2002, and Kathleen Morgan and Patriot Roberts, term expirations of January 1, 2001.

MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

The meeting adjourned to the Mayor's Chambers 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: Howard Jarvis Taxpayers Association v. City of Modesto,
Stanislaus County Superior Court Action No. 168472

Name of case: Steven Whiteside v. City of Modesto
Stanislaus County Superior Court Action No. 113114

ADJOURNMENT

The meeting adjourned to Closed Session at 4:19 p.m. City Attorney returned at 5:55 p.m. to report no action had been taken.

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City Council Meeting of Tuesday, September 1, 1998, at 7:00 p.m.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 1-2 & 4-7
Item #3 removed from Consent

(Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

City Manager Ed Tewes' birthday was acknowledged.

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 25, 1998.

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

CONSENT

2. Consider approving a change in policy by authorizing the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1998-1999 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of \$1,309,000.

Res. 98-456 adopted (Friedman/Fisher, unan.) approving a change in policy by authorizing the Purchasing Office to purchase vehicles as recommended.

Item #3 removed from Consent.

3. Consider awarding contract for the Pelandale Expressway Phase IA project to George Reed, Inc. for \$1,644,227.20; consider approving an appropriation transfer to create a new CIP project account; and consider adopting findings based on the Initial Study of the Modesto Urban Area General Plan Master EIR.

Res. 98-457 adopted (Fisher/Friedman, majority; Serpa, no) awarding contract to George Reed Inc.

Res. 98-458 adopted (Fisher/Friedman, majority; Serpa, no) approving

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appropriation transfer.

Res. 98-459 adopting (Fisher/Friedman, majority; Serpa, no) findings.

CONSENT

4. Consider accepting as complete the contract of Soares Underground Construction for the 96/97 annual sewer rehabilitation project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$214,326)

Res. 98-460 adopted (Friedman/Fisher, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

5. Consider authorizing the City Manager to execute a contract with HDR, Inc. to conduct an assessment of the City's current and long term solid waste management program options.

Res. 98-461 adopted (Friedman/Fisher, unan.) approving agreement with HDR Inc. to conduct an assessment of the City's current and long-term solid waste management program options.

CONSENT

6. Consider amending the Position Classification Plan to create class specification for Geographic Information Systems Coordinator, Equal Opportunity Officer and Airport Operations and Maintenance Supervisor; to delete various classifications and amend job classification for Senior Equipment Operator; consider amending the Class Range Tables to establish a salary for Geographic Information Systems Coordinator; and consider amending the budget.

Res. 98-462 adopted (Friedman/Fisher, unan.) amending the Position Classification Plan.

Res. 98-462A adopted (Friedman/Fisher, unan.) amending Res. 95-26 regarding Class Range Table for Non-sworn Classes.

Res. 98-463 adopted (Friedman/Fisher, unan.) amending Res. 98-258 regarding salary and benefit changes.

Res. 98-464 adopted (Friedman/Fisher, unan.) amending the budget.

CONSENT

7. Consider approving an agreement with Yosemite Community College District and Modesto Junior College for participating in the subsidized Federal Work Study Program for the 1998-99 August to May academic year.

9/1/98

Res. 98-465 adopted (Friedman/Fisher, unan.) approving agreement with YCCD and MJC for participating in the subsidized Federal Work Study Program for the 1998-99 August to May academic year.

NEW BUSINESS

8. Consider the recommendations of the Citizens Redevelopment Advisory Commission.

By motion (Conrad/Smith, majority; Serpa, no), accepted the recommendations of the Citizens Redevelopment Advisory Commission.

Boy Scout Troop 12 acknowledged by Mayor Lang.

9. Consider authorizing the City Manager to convey official response to the 1997-98 Stanislaus County Civil Grand Jury 's Final Report regarding Woodland Neighborhood Park.

By motion (Friedman/Conrad, unan.), authorized the City Manager to convey official response to the 1997-98 Stanislaus County Civil Grand Jury 's Final Report regarding Woodland Neighborhood Park, with amendment acknowledging park concern.

10. Consider adopting a resolution waiving zoning application fees in the event the Macerich and Costa cinema projects are resubmitted within one year.

Res. 98-466 adopted (Friedman/Dobbs, unan.) waiving zoning application fees in the event the Macerich and Costa cinema projects are resubmitted within one year.

ORAL COMMUNICATION

Lisa Hileman spoke regarding a death at the State Rehabilitation Hospital.

Councilmember Dobbs complimented the Tree Division for assistance.

Steve Burke commented regarding Lisa Hileman's concern.

MISCELLANEOUS

Appointments

11. Appointment of Human Relations Commission liaison to:

Equal Opportunity/Disability Commission

Res. 98-467 adopted (Serpa/Smith, unan.), appointing Carolyn Fraser as the Human Relations Commission's liaison to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2000.

Citizens Housing & Community Development Committee

Res. 98-468 adopted (Serpa/Smith, unan.), appointing Arnold Naimark as the Human Relations Commission's liaison to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2000.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:41 p.m. The City Attorney returned at 7:55 p.m. to report that no action had been taken.

CLOSED SESSION

The meeting adjourned to a closed session in the Mayor's Chambers for a Closed Session as follows:

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

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

City Council Meeting of Tuesday, September 8, 1998, at 4:00 p.m.

Roll Call - Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1 through 15
Item #16 removed from Consent.

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation on the 1997-98 Year-End Report by Linda Hoile, Manager, Modesto Convention & Visitors Bureau.

MINUTES

1. Approval of the minutes of the regular City Council meeting of September 1, 1998.

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

2. Consider waiving formal bid procedures and authorize the purchase of Risk Management Information System Software (RMIS) from Valley Oak Systems for a total cost of \$94,000.

Res. 98-469 adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing purchase of Risk Management Information System Software (RMIS).

3. Consider awarding contract for the Butte Avenue Waterline project to Mazingo Construction; and consider approving an appropriation transfer to consolidate project funding. Total estimated cost: \$104,608.62 (contract \$92,574; construction administration & contingencies \$12,034.62). Funds are budgeted.

Res. 98-470 adopted (Friedman/Fisher, unan.) awarding contract to Mazingo Construction.

Res. 98-471 adopted (Friedman/Fisher, unan.) approving appropriation transfer.

4. Consider approving agreement with the Modesto Chamber of Commerce to provide funding to the Convention and Visitors Bureau for Fiscal Year 1998-99 based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1998-99. Total estimated cost: \$236,874. Funds are budgeted.

Res. 98-472 adopted (Friedman/Fisher, unan.) approving agreement with the Modesto Chamber of Commerce to provide funding to the Convention and Visitors Bureau for Fiscal Year 1998-99 based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1998-99.

5. Consider declaring the Fire Department's 1988 Suburban Vehicle Surplus and authorize the sale at auction by the City's Purchasing Officer at the next available auction.

Res. 98-473 adopted (Friedman/Fisher, unan.) declaring vehicle surplus and authorizing sale at auction.

6. Consider approving an amendment to the agreement with Pahrump Heifer Ranch for the lease of the Hailwood Ranch property to remove land needed for a training facility for the Police Department.

Res. 98-474 adopted (Friedman/Fisher, unan.) approving an amendment to the agreement with Pahrump Heifer Ranch for the lease of the Hailwood Ranch property to remove land needed for a training facility for the Police Department.

7. Consider approving an agreement with Haskell and Inez N. Medders for the acquisition of the property located at 1710 Hillside Drive for the flood protection project. Total estimated cost: \$67,900 (contract amount \$23,000; housing supplement \$41,900; escrow \$3,000) Funds are budgeted.

Res. 98-475 adopted (Friedman/Fisher, unan.) approving agreement with Haskell and Inez N. Medders for the acquisition of the property located at 1710 Hillside Drive for the flood protection project.

8. Consider approving release agreement with Beverly A. Cabral for the parallel outfall project. Total estimated cost: \$4,500. Funds are budgeted.

Res. 98-476 adopted (Friedman/Fisher, unan.) approving release agreement with Beverly A. Cabral for the parallel outfall project.

9. Consider approval of final map of Symphony Park Subdivision, accepting the 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: Robert J. and Joan J. Cardoza, John R. and Anne L. Porteous, and Redev, Inc.)

Res. 98-477 adopted (Friedman/Fisher, unan.) approving the final map, accepting the improvements and authorizing the City Manager to sign agreement.

10. Consider authorizing joinder in the following amicus briefs: Lim v. City of Long

Beach; Howard Jarvis Taxpayers Ass'n v. City of Riverside; Lindsey v. Tacoma-Pierce County Health Department; Perkins v. West Covina; San Jose Mercury News v. City of San Jose; Howard Jarvis Taxpayers Ass'n v. City of San Diego; Long v. City of Rialto; San Bernardino Public Employees Ass'n v. City of Fontana; Del Monte Dunes at Monterey, Ltd., et al. V. City of Monterey; and Keller v. Chowchilla Water Dist.

By motion, authorized joinder in amicus briefs and directing City Attorney to execute and forward letters of support.

11. Consider authorizing the City Manager to execute the Phase II Railroad Agreement with Union Pacific Railroad as soon as the Federal authorization to proceed is received. Final estimated cost: \$4,600,000. Funds are budgeted.

Res. 98-478 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute the Phase II Railroad Agreement with Union Pacific Railroad as soon as the Federal authorization to proceed is received.

12. Consider accepting \$200,000 grant from California Energy Commission under the Petroleum Violation Escrow Account for new windows and lighting at the Police Department main building, new HVAC at the Police Evidence and Property Facility, replacement of HVAC at the McHenry Museum and addition of film coating to windows at Maddux Youth Center.

Res. 98-479 adopted (Friedman/Fisher, unan.) accepting grant from California Energy Commission and authorizing City Manager to sign agreement.

13. Consider amending the budget to appropriate \$5,000 from the General Fund Contingency Reserve to Cultural Promotions, to provide funding for First Night (a national organization that provides alcohol-free events on New Years Eve).

Res. 98-480 adopted (Friedman/Fisher, unan.) amending the budget to appropriate \$5,000 from the General Fund Contingency Reserve to Cultural Promotions, to provide funding for First Night.

14. Letter of resignation from the Sign Improvement Committee from Kathleen A. Morgan.

Res. 98-481 adopted (Friedman/Fisher, unan.) accepting resignation with regret.

15. Consider waiving formal bid procedures and authorizing Conco West to provide labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer. Total estimated cost: \$400,000. Funds are budgeted.

Res. 98-482 adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing Conco West to provide labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer.

Item #16 removed from Consent

16. Consider adopting a resolution making certain specified amendments to the City's Community Facilities District policies and procedures manual.

Res. 98-483 adopted (Friedman/Fisher, unan.) amending the Community Facilities District policies and procedures with an extension granted for final map approvals to December 1, 1998, and the taxation of church property within a CFD returned to Financial Policy Committee on September 15, 1998.

HEARINGS

17. Hearing to consider a request by Mr. Jim Click of Westnet Properties for an exemption of Capital Facilities Fees for a six-unit very-low-income studio apartment at 830 Second Street.

Res. 98-484 adopted (Dobbs/Fisher, unan.) approving an exemption of Capital Facilities Fees and authorizing City Manager to execute agreement.

Councilmember Fisher excused due to conflict of interest.

18. Hearing to consider a request from Self-Help Enterprises (SHE) for an exemption and/or deferral of Capital Facilities Fees for 21 very-low or low-income housing units to be built at the south side of Briggs Avenue at Seybold Avenue.

Res. 98-485 adopted (Friedman/Dobbs, majority; Serpa, no; Fisher, absent) approving an exemption or deferral of Capital Facilities Fees and authorizing City Manager to execute agreement; and requested Self-Help Enterprises to give presentation to Council at a future meeting regarding construction quality.

NEW BUSINESS

19. Update on City Recycling Program, which was implemented in March 1997.

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

WRITTEN COMMUNICATIONS

Item #20 was removed from the agenda.

20. Letter from Ross Condit, Grand Events, regarding connecting a project at 4623 McHenry Avenue to the City of Modesto Water System.

ORAL COMMUNICATIONS

Lee Allen, Highway Village resident, spoke regarding concern of neighboring apartment complex.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 4:50 p.m.

Tuesday, September 15, 1998, at 7:00 p.m.

Roll Call Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa,
Smith, Mayor Lang

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 1-2 and 4-10
Item #3 removed from Consent

(Friedman/Dobbs, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of rewards to citizens reporting graffiti offenders.

Wayne Henry presented rewards to two citizens.

Presentation by Self-Help Enterprises regarding construction quality, as requested by the City Council.

Presentation postponed.

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 8, 1998.

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

CONSENT

2. Consider approving the proposed traffic-calming plan on Bowen Avenue. This plan consists of a series of devices along Bowen Avenue to help slow down vehicles.

Res. 98-486 adopted (Friedman/Dobbs, unan.) approving Bowen Avenue Traffic Calming Plan.

Item #3 removed from Consent

3. Consider approving an ordinance amending Municipal Code Sections 3-2.1401 and 3-2.1401.1 updating the speed limits throughout the City.

Introduction of Ord. 3096-C.S. (Serpa/Fisher, unan.) amending speed limits.

4. Consider acceptance of K&D Enterprises Inc.'s contract as complete for the project titled "Highway Village Sidewalk/Curb Repairs" and authorize the City Clerk to file a Notice of Completion. Original contract: \$69,816.32

Res. 98-487 adopted (Friedman/Dobbs, unan.) accepting contract as complete and authorizing the city Clerk to file a Notice of Completion.

9/15/98

5. Consider award of a \$278,852 contract to Teichert Construction for the project titled "Rehabilitation of Sludge Drying Beds at Wastewater Treatment Plant", and consider amending the budget to estimate new FEMA revenue of \$195,965 and already recognized FEMA revenue of \$87,454 from Reserves; and appropriate a new CIP project entitled Rehabilitation of Sludge Drying Beds at the Wastewater Treatment Plant.

Res. 98-488 adopted (Friedman/Dobbs, unan.) awarding contract to Teichert Construction for "Rehabilitation of Sludge Drying Beds at Wastewater Treatment Plant".

Res. 98-489 adopted (Friedman/Dobbs, unan.) amending the budget.

6. Consider designating Desarrollo Latino-Americano Inc. (DLA) as a Community Housing Development Organization for Modesto HOME program.

Res. 98-490 adopted (Friedman/Dobbs, unan.) designating Desarrollo Latino-Americano Inc. as a Community Housing Organization.

7. Consider approving Woodland Neighborhood Park Master Plan and making CEQA findings.

Res. 98-491 adopted (Friedman/Dobbs, unan.) approving Woodland Neighborhood Park Master Plan and making CEQA findings.

8. Consider approving Yosemite Neighborhood Park Master Plan, making CEQA findings set forth in Initial Study, and renaming the park Creekwood Neighborhood Park.

Res. 98-492 adopted (Friedman/Dobbs, unan.) approving Yosemite Neighborhood Park Master Plan and making CEQA findings, and renaming the park Creekwood Neighborhood Park.

9. Consider awarding \$2,000 in CDBG grant funding and providing direct City assistance to the Homeless Veterans Stand Down Event.

Res. 98-493 adopted (Friedman/Dobbs, unan.) awarding \$2,000 CDBG grant funding and providing direct City assistance to the Homeless Veterans Stand Down Event.

10. Consider declaring Pearpoint Inc. the lowest responsive and responsible bidder and authorizing the purchase of one new van with closed circuit television system for the total price of \$131,058.90; and consider appropriating \$90,500 from the Fleet Reserve Account and \$40,558.90 from the Sewer Reserve Account.

Res. 98-494 adopted (Friedman/Dobbs, unan.) declaring Pearpoint Inc. low responsive/responsible bidder and authorizing purchase

Res 98-495 adopted (Friedman/Dobbs, unan.) approving appropriation transfers

HEARINGS

11. Hearing to consider participation in the Supplemental Law Enforcement Services State Grant Program - Citizens' Option for Public Safety.
By motion (Serpa/Fisher, unan.), accepted staff recommendations.

ORAL COMMUNICATIONS

Marcus Ludwig of Walmart presented \$3,000 to the City, which is the remainder of a \$6,00 grant.

A citizen announced Mexican Independence Day.

Miguel DeNoso introduced Hispanic audience members.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:25 p.m. City Attorney returned at 7:40 p.m. to report no action had been taken.

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,
Stanislaus County Superior Court Action No. 168472

Tuesday, September 22, 1998, at 4:00 p.m.

Roll Call Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa,
Smith, Mayor Lang

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 1-5 and 7-13

Consent Item #6 removed from Consent

(Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation from Modesto Youth Conservation Corps Program to the Modesto City Council in appreciation for employment opportunities to the youth of Modesto.

John Ervin and MYCC members presented plaque to Council.

Presentation of a proclamation designating the week of September 21-25, 1998 as Pollution Prevention Week.

Mayor Lang presented proclamation to Karin Rodriguez.

Presentation of a proclamation designating the month of October 1998 as Multi-Cultural Awareness Month.

Mayor Lang presented proclamation to International Festival co-chair.

Presentation of a proclamation designating the week of September 21-25, 1998 as Prostate Cancer Awareness Week.

Mayor Lang presented proclamation to Louis Woodward.

Presentation of a proclamation commending the American Automobile Association for coordinating School's Open Drive Carefully campaign and designating September 1998 as School's Open Drive Carefully Month.

Mayor Lang made presentation and presented proclamation to AAA.

1. Approval of the minutes of the regular City Council meeting of September 15, 1998.

By motion (Friedman/Fisher, unan.), approved minutes of September 15, 1998.

2. Final adoption of Ord. No. 3096-C.S. relating to speed limits.
By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No.

3096-C.S.

3. Consider award of contract for the Standiford road construction and storm drainage improvements project to George Reed, Inc. for \$1,244,444; and consider approving an appropriation transfer to fully fund the project.

Res. 98-496 adopted (Friedman/Fisher, unan.) awarding contract to George Reed Inc.

Res. 98-497 adopted (Friedman/Fisher, unan.) approving appropriation transfer.

4. Consider initiating an application for the Village One High School Reorganization.

Res. 98-498 adopted (Friedman/Fisher, unan.) initiating an application for the Village One High School Reorganization.

5. Consider approving a Property Tax Sharing agreement with Stanislaus County for the portion of the Coffee/Claratina Reorganization not included in the City-County Master Property Tax Sharing Agreement.

Res. 98-499 adopted (Friedman/Fisher, unan.) approving a Property Tax Sharing agreement with Stanislaus County for the portion of the Coffee/Claratina Reorganization not included in the City-County Master Property Tax Sharing Agreement.

Item #6 removed from Consent.

6. Consider approving a request of Bill Barr of Festival Events, promoters of the Pasta Festival, for Direct City Assistance for the Modesto Pasta Festival and consider amending the budget to appropriate \$4,500 from the General Fund Contingency Reserve.

Res. 98-500 adopted (Fisher/Dobbs, majority; Friedman, no) authorizing the amount needed for Police overtime up to \$4,500.

Res. 98-500A adopted (Fisher/Dobbs, majority; Friedman, no) amending the budget.

7. Consider approving an agreement with Callander Associates for consultant services to provide a Master Plan, design Development Report and construction documents for Stockard Coffee Neighborhood Park.

Res. 98-501 adopted (Friedman/Fisher, unan.) approving an agreement with Callander Associates for consultant services to provide a Master Plan, design Development Report and construction documents for Stockard Coffee Neighborhood Park.

9/22/98

8. Consider accepting \$15,000 in grant funding from the United States Golf Association for the City's Junior Golf Program.

Res. 98-502 adopted (Friedman/Fisher, unan.) accepting \$15,000 in grant funding from the United States Golf Association for the City's Junior Golf Program.

9. Consider approving agreement with RRM Design Group for consultant services to provide a Master Plan, design Development Report and construction documents for Mark Twain Neighborhood Park.

Res. 98-503 adopted (Friedman/Fisher, unan.) approving agreement with RRM Design Group for consultant services to provide a Master Plan, design Development Report and construction documents for Mark Twain Neighborhood Park.

10. Consider accepting Federal Grant Agreement AIP 3-06-0153-21 in the amount of \$600,400 for airport improvements and authorizing City Manager to sign grant and any future amendments related to the grant.

Res. 98-504 adopted (Friedman/Fisher, unan.) accepting Federal Grant Agreement AIP 3-06-0153-21 in the amount of \$600,400 for airport improvements and authorizing City Manager to sign grant and any future amendments related to the grant.

11. Annual approval of City's Investment Policy.

Res. 98-505 adopted (Friedman/Fisher, unan.) approving the City's Investment Policy.

12. Consider accepting with regret the resignation of Skip McCabe from the Golf Courses Committee, effective September 22, 1998.

Res. 98-506 adopted (Friedman/Fisher, unan.) accepting with regret the resignation of Skip McCabe from the Golf Courses Committee, effective September 22, 1998.

13. Consider changes to the International Festival, eliminating the parade, changing the event from two days to a one-day Saturday event, waiving business license fees, extending the time on Saturday from 6:00 p.m. to 10:00 p.m. and providing setup of the City's portable awning at no cost to the Festival.

Res. 98-507 adopted (Friedman/Fisher, unan.) approving recommendations and rescinding Res. 95-394.

HEARINGS

By motion, (Serpa/Smith, unan.) all testimony of August 18, 1998 hearing incorporated into this record.

14. Hearing to consider the application of Macerich Vintage Faire Limited Partnership to amend Planned Development Zone, P-D(109) for a multi-screen theater and restaurants at the Vintage Faire Mall; and consider approving a Development Agreement with Macerich Vintage Faire Limited partnership and Signature Theaters, LLC.

By motion (Fisher/Dobbs, majority; Friedman, Serpa & Lang, no), introduced Ord. No. 3097-C.S. amending P-D (109);

Adopted Res. 98-508 finding that the amendment and development agreement are within the scope of the General Plan Master EIR;

Adopted Res. 98-509 approving development plan, and;

Introduced Ord. 3098-C.S. approving development agreement as submitted.

By motion, (Dobbs/Fisher, unan.) comments from the Costa Hearing of August 18, 1998 incorporated into record.

Item #15 heard prior to Item #14.

15. Hearing to consider the application of Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from SP-O to P-D for a multi-screen theater, hotel and retail commercial center; and consider approving a Development Agreement with Costa Limited Partners and WestStar Cinemas, Inc.

By motion (Fisher/Dobbs, majority; Conrad, Friedman & Serpa, no), introduced Ord. 3099-C.S. rezoning;

Adopted Res. 98-510 finding rezoning and development agreement consistent with Kiernan Business Park Specific Plan Focused EIR;

Adopted Res. 98-511 approving development plan, and;

Introduced Ord. 3100-C.S. approving development agreement and directed staff to make the changes to the development agreement as requested by the applicant, approving those changes in concept only, directing staff to schedule a public hearing to bring those changes back to the Planning Commission and the City Council for consideration on October 5th and October 6th.

Councilmember Dobbs left meeting at 8:05 p.m.

NEW BUSINESS

16. Consider designating Voting and Alternate Voting Delegates at the National League of Cities Annual Congress of Cities, December 1-5, 1998, in Kansas City, Missouri.

By motion (Friedman/Conrad, unan.; Dobbs, absent), designated Mayor Lang as Voting Delegate and Vice-Mayor Serpa as Alternate Voting Delegate, unless neither attend the Congress, then the voting delegate will be the most senior Councilmember.

17. Consider recommendations of the Council's Blue Ribbon Committee on Prevailing Wages.

Res. 98-512 adopted (Friedman/Conrad, unan.; Dobbs, absent) endorsing recommendations of the Blue Ribbon Committee on prevailing wages, declaring that the Committee's activities be deemed complete, and dissolving the Blue Ribbon Committee on Prevailing Wages.

WRITTEN COMMUNICATIONS

18. Letter from Carmen Sabatino requesting a discussion of the Historic Property Preservation Agreement with John and Carol Whiteside approved at May 19, 1998 City Council meeting.

No action taken.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

By motion (Fisher/Smith, unan.; Serpa, no; Dobbs, absent), it was determined that there was a need for immediate action, and that the need for action came to the City's attention after the agenda was posted.

Res. 98-513 adopted (Fisher/Conrad, majority; Serpa, no; Dobbs, absent) approving Charleston Place on-site subdivision improvements.

ADJOURNMENT

The meeting adjourned at 8:25 p.m. to Closed Session on September 23, 1998 at 6:00

p.m.

Tuesday, October 6, 1998, at 7:00 p.m.

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

Absent: Smith

CONSENT ITEMS ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 12, 13
Items 2, 3, 7, 8, 9, 11, 14 & 15 removed from Consent

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

Councilmember Dobbs excused due to conflict of interest
CONSENT ITEM - ROLL CALL VOTE REQUIRED: Item 10

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a proclamation to the Stanislaus County Domestic Violence
Coordinating Council proclaiming October as Domestic Violence Awareness Month.

Mayor Lang presented proclamation.

Presentation of a proclamation regarding violence in America to Helen Morante,
Stanislaus Medical Society Alliance, proclaiming October 14, 1998, as SAVE Today.

Mayor Lang presented proclamation.

Police Chief Paul Jefferson acknowledged Detective Ray Taylor for his efforts
toward stemming domestic violence in Modesto.

1. Approval of the minutes of the regular City Council meeting of September 22, 1998.

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

Item #2 removed from Consent

2. Consider awarding contract to Grover Landscape Services, Inc. for the Woodland
tot lot project for \$82,198.78; and consider amending the budget to appropriate
\$30,00 from the Parks CFF Contingency Reserve to fully fund the project.

Res. 98-514 adopted (Friedman/Dobbs, unan.; Smith, absent) awarding
contract to Grover Landscape Services Inc.

Res. 98-515 adopted (Friedman/Dobbs, unan.; Smith, absent) amending budget.

Item #3 removed from Consent

3. Consider awarding contract to Allen Waggoner Construction for the Roselle Avenue waterline project for \$220,825; and consider approving an appropriation transfer to fund the project.

Res. 98-516 adopted (Dobbs/Fisher, unan.; Smith, absent) awarding contract to Allen Waggoner Construction for Roselle Avenue waterline project.

Res. 98-517 adopted (Dobbs/Fisher, unan.; Smith, absent) approving appropriation transfer.

Item #4 removed from agenda

4. Consider rejecting all bids for the Wastewater Collection Maintenance Building project.
5. Consider rejecting all bids for the Modesto City-County Airport construction bids (AIP 19 and 20 projects) and authorize advertising and bidding the projects next spring.

Res. 98-518 adopted (Fisher/Friedman, unan.; Smith, absent) rejecting all bids for the Modesto City-County Airport construction bids (AIP 19 and 20 projects) and authorize advertising and bidding the projects next spring.

6. Consider accepting the contract of Mozingo Construction Company for the Carpenter Road waterline project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$53,854)

Res. 98-519 adopted (Fisher/Friedman, unan.; Smith, absent) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion on the Mozingo Construction Company Carpenter Road waterline project.

Item #7 removed from Consent

7. Consider authorizing request for proposals for biosolids removal at the Secondary Wastewater Treatment Plant for Operations and Maintenance Department Wastewater Collection Division.

Res. 98-520 adopted (Dobbs/Fisher, unan.; Smith, absent) authorizing request for proposals for biosolids removal at the Secondary Wastewater Treatment Plant for Operations and Maintenance Department Wastewater Collection Division, with a bid opening date of October 20, 1998 at 11:00 a.m.

Item #8 removed from Consent

8. Consider waiving formal bid procedures and declaring Groeniger & Company low bidder and authorizing the purchase of Water Specialty water meters for Fiscal Year 1998-199 for the total cost not to exceed \$90,000, and authorizing the purchase of Water Specialty water meters for two additional years, up to and including Fiscal Year 2000-2001, for a total 3-year cost not to exceed \$270,000.

Res. 98-521 adopted (Friedman/Fisher, unan.; Smith, absent) waiving formal bid procedures and declaring Groeniger & Company low bidder.

Item #9 removed from Consent

9. Consider authorizing City Manager to sign application for \$250,000 in funding from the State Resources Agency, Environmental Enhancement and Mitigation Program for development of a bicycle trail within the Hetch Hetchy utility easement from Shawnee Avenue to Semallon Drive.

Res. 98-522 adopted (Friedman/Dobbs, unan.; Smith, absent) authorizing City Manager to sign grant application.

Councilmember Dobbs excused due to conflict of interest

CONSENT

10. Consider approval of the final map of Bradley Estates Phase 1 subdivision of the City of Modesto and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Stewart W. and Betty J. Bradley)

Res. 98-523 adopted (Friedman/Fisher, unan.; Dobbs & Smith, absent) approving the final map and authorizing the City Manager to sign an agreement with Bradley Estates Phase 1 subdividers.

Item #11 removed from Consent

11. Consider accepting improvements in Olympic Village East No. 2 subdivision and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

Res. 98-524 adopted (Fisher/Conrad, unan.; Smith, absent) accepting improvements and authorizing City clerk to file Notice of Completion.

12. Consider accepting resignation of John Garcia from the Equal Opportunity/Disability Commission.

Res. 98-525 adopted (Fisher/Friedman, unan.; Smith, absent) accepting resignation of John Garcia from the Equal Opportunity/Disability Commission, with regret.

13. Consider accepting resignation of Mark Heinzinger from the Local Cable Programming Committee.

Res. 98-526 adopted (Fisher/Friedman, unan.; Smith, absent) accepting resignation of Mark Heinzinger from the Local Cable Programming Committee, with regret.

Item #14 removed from Consent

14. Consider approving the revised Stanislaus Area Association of Governments (SAAG) Joint Powers Agreement.

Res. 98-527 adopted (Friedman/Dobbs, unan.; Smith, absent) approving the revised SAAG Joint Powers Agreement.

Item #15 removed from Consent

15. Consider approving grant agreement with the California Energy Commission for \$182,000 for a Petroleum Violation Escrow Grant to benefit the Modesto City School District.

Res. 98-528 adopted (Friedman/Fisher, unan.; Smith, absent) approving grant agreement with the California Energy Commission for a Petroleum Violation Escrow Grant to benefit the Modesto City School District.

UNFINISHED BUSINESS

16. Final adoption of:

- a. Ord. No. 3097-C.S. relating to Planned Development Zone, P-D(109), Vintage Faire.
(The Macerich Company)

By motion (Fisher/Dobbs, majority; Serpa, no; Smith, absent), adopted Ord No. 3097-C.S.

- b. Ord. No. 3098-C.S. approving a development agreement with Macerich Vintage Faire Limited relating to adding a multi-screen cinema to the Vintage Faire Mall.

By motion (Fisher/Conrad, majority; Serpa, no; Smith, absent), adopted Ord No. 3098-C.S.

- c. Ord. No. 3099-C.S. amending Section 2-3-8 of the Zoning Map to rezone from SP-O to P-D(530), property located on the north side of Pelandale Avenue east of Sisk Road. (Costa Limited Partners)

By motion (Fisher/Dobbs, majority; Serpa, no; Smith, absent), adopted Ord No. 3099-C.S., with an amendment correcting clerical error of "16 screen theater" rather than a "multi-screen theater".

- d. Ord. No. 3100-C.S. approving a development agreement with Costa Limited Partners and Westar Cinemas, Inc., relating to a large retail center to include a 16-screen theater, hotel, and other retail uses.

By motion (Fisher/Friedman, majority; Serpa, no; Smith, absent), adopted Ord No. 3100-C.S.

HEARINGS

- 17. Hearing to consider an amendment to the development agreement with Costa Limited Partners pursuant to a retail and theater development on the north side of Pelandale Avenue east of Sisk Road.

By motion (Fisher/Conrad, majority; Serpa, no; Smith, absent), introduced Ord. No. 3101-C.S., to include timing of opening in development agreement of March 2002.

Res. 98-529 adopted (Fisher/Conrad, majority; Serpa, no; Smith, absent) finding project as amended is consistent with Kiernan Business Park Specific Plan EIR.

- 18. Hearing to consider declaring property at 930 Seventh and 710 J Street a nuisance and allowing the owners to repair or demolish buildings within 30 days of posting.

Res. 98-530 adopted (Friedman/Serpa, unan.; Smith, absent) declaring property a nuisance and allowing owners to repair or demolish.

- 19. Hearing to consider declaring property at 608 East Coolidge a nuisance and allowing the owners to repair or demolish the buildings within 30 days of posting.

Res. 98-531 adopted (Dobbs/Serpa, unan.; Smith, absent) declaring property a nuisance and allowing owners to repair or demolish.

20. Hearing to consider declaring property at 117 Maple Street a nuisance and allowing the owners of the property to repair or demolish the buildings within 30 days of posting.

Res. 98-532 adopted (Dobbs/Friedman, majority; Conrad, no; Smith, absent) declaring property a nuisance and allowing owners to repair or demolish.

21. Hearing to consider declaring property at 712 Empire Avenue a nuisance and allowing the owners of the property to repair or demolish the buildings within 30 days of posting.

Res. 98-533 adopted (Dobbs/Friedman, majority; Conrad, no; Smith, absent) declaring property a nuisance and allowing owners to repair or demolish.

22. Hearing to consider approving the Consolidated Annual Performance and Evaluation Report for Fiscal Year 1997-98 of the Community Development Block Grant, the HOME Investment Partnership Program, and the Emergency Shelter Grant funded by the U.S. Department of Housing and Urban Development.

Res. 98-534 adopted (Dobbs/Lang, unan.; Smith, absent) approving Consolidated Annual Performance and Evaluation Report and recommendations related to expenditure of CDBG funds and authorizing the City Manager to execute all necessary documents.

23. Hearing to consider a proposed water rate increase in Zone 3, serving former Del Este service communities of Salida, Del Rio, Waterford, Hickman, Grayson and parts of Ceres and Turlock, and a fire standby surcharge for the Turlock customers; and consider providing customers in Zone 2 and Zone 3 the option of converting metered single-family residential customer to the corresponding flat rate, by their lot size, except in accordance with the City's water conservation policy, effective November 1.

Res. 98-535 adopted (Dobbs/Fisher, unan.; Smith, absent) approving rate increase and approving a Turlock Fire Standby Charge for Turlock customers.

Councilmember Serpa excused due to conflict of interest

Res. 98-536 adopted (Friedman/Fisher, unan.; Serpa & Smith, absent) approving policy providing option of converting.

NEW BUSINESS

24. Consider setting public hearing for December 8, 1998, at 4:00 p.m. for a sewer rate increase for 1998-99; and consider establishing the proposed sewer rate increase at 4% (alternatively, the Utility Services and Franchise Committee recommends 2%) for monthly user rates, effective January 1, 1999.

Res. 98-537 adopted (Friedman/Dobbs, unan.; Smith, absent) setting public hearing for December 8, 1998 at 4:00 p.m. for a sewer rate increase.

Res. 98-538 adopted (Friedman/Dobbs, unan.; Smith, absent) establishing the proposed sewer rate of 2%.

25. Consider establishing policies and directives related to the Sewer Fund.

Res. 98-539 adopted (Fisher/Friedman, unan.; Smith, absent) establishing October 1st as the target date for future annual rate review.

Res. 98-540 adopted (Fisher/Friedman, unan.; Smith, absent) establishing a working capital objective of a 3-month operating amount for the Sewer Fund.

By motion (Fisher/Friedman, unan.; Smith, absent), directed staff to coincide any sewer rate equity adjustments to be implemented concurrently with the annual rate adjustment process, no sooner than October 1, 1999 and to study and recommend a long-term, multi-year, rate setting program.

ORAL COMMUNICATIONS

None.

MISCELLANEOUS

Appointments

26. Golf Courses Advisory Committee

Res. 98-541 adopted (Dobbs/Fisher, unan.; Smith, absent) appointing Robert Mauldin to the Golf Courses Advisory Committee with a term expiration date of January 1, 2003.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 10:00 p.m. The City Attorney returned at 10:15 p.m. to report no action had been taken.

CLOSED SESSION

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

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,
Stanislaus County Superior Court Action No. 168472

Tuesday, October 13, 1998, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 10

ACTION: (Friedman/Dobbs, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Self-Help Enterprises regarding construction quality, as requested by City Council.

Presentation given by Holly Smith of Self-Help Enterprises.

Presentation regarding the FOOD Initiative by Dennis Jackman.

Presentation made by Dennis Jackman.

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 6, 1998.

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

CONSENT

2. Consider awarding contract for the renovation of tennis courts at East La Loma Park to Southwest Recreational Industries, Inc. for \$65,311.98; and consider amending the budget to appropriate \$9,000 from the Parks Contingency Reserve to fully fund the project.

ACTION: Res. 98-542 adopted (Friedman/Dobbs, unan.) awarding contract to Southwest Recreational Industries Inc.

Res. 98-543 adopted (Friedman/Dobbs, unan.) amending budget.

CONSENT

3. Consider waiving formal bid procedures and authorizing the purchase of Light

Emitting Diode (LED) Signal Modules from Synchronex for a total cost of \$154,951.79.

ACTION: Res. 98-544 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing purchase.

CONSENT

4. Consider approving a vending agreement with R.P. Vending Services to provide food and beverage service in the Modesto Airport Passenger Terminal.

ACTION: Res. 98-545 adopted (Friedman/Dobbs, unan.) approving vending agreement with R.P. Vending Services.

CONSENT

5. Consider approving agreement with Modesto City Schools for financing repairs and improvements to jointly developed facilities, and consider amending the budget to appropriate \$100,000 from the General Fund Contingency Reserve.

ACTION: Res. 98-546 adopted (Friedman/Dobbs, unan.) approving agreement with Modesto City Schools.

Res. 98-547 adopted (Friedman/Dobbs, unan.) amending budget.

CONSENT

6. Consider approving an agreement with High Country Hockey, Inc. for In-Line Hockey Program.

ACTION: Res. 98-548 adopted (Friedman/Dobbs, unan.) approving agreement with High Country Hockey Inc.

CONSENT

7. Consider approving agreement with First Institute of Street Tactics to provide youth self-defense classes.

ACTION: Res. 98-549 adopted (Friedman/Dobbs, unan.) approving agreement with First Institute of Street Tactics.

CONSENT

8. Consider approving agreement with William O. Harris for the acquisition of property located at 1734 Hillside Drive for the Flood Protection Project.

ACTION: Res. 98-550 adopted (Friedman/Dobbs, unan.) approving agreement with William O. Harris for acquisition of property located at 1734 Hillside Drive for the Flood Protection Project.

CONSENT

9. Consider renaming that portion of Claus Road located between Yosemite Boulevard on the south and the new realigned right-of-way for Claus Road on the north to Yosemite Meadows Drive.

ACTION: Res. 98-551 adopted (Friedman/Dobbs, unan.) approving street name change.

CONSENT

10. Consider approving a five- year agreement with the County of Stanislaus for payment of jail booking fees.

ACTION: Res. 98-552 adopted (Friedman/Dobbs, unan.) approving agreement with the County of Stanislaus.

HEARINGS

Councilmember Fisher excused due to conflict of interest.

11. Hearing to consider approving allocation of HOME funds for Affordable Housing Applications.

ACTION: Res. 98-553 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving allocation of funds and authorizing City Manager to execute all necessary documents.

NEW BUSINESS

12. Presentation of the Local Government Commission's project to promote infill development in Modesto and throughout the Central Valley.

ACTION: No action necessary.

Councilmember Fisher excused due to conflict of interest.

13. Consider amending the Downpayment Assistance Program (DAP) Guidelines to add additional eligibility requirements.

ACTION: Res. 98-554 adopted (Dobbs/Friedman, unan.; Fisher, absent) amending Downpayment Assistance Program Guidelines.

ORAL COMMUNICATIONS

Ron Jourdanais spoke.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

Meeting adjourned at 5:36 p.m.

Tuesday, October 20, 1998, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

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

ACTION: (Friedman/Dobbs, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a book, “The Modesto Story,” by Colleen Stanley Bare.

Presentation made by Colleen Bare.

Presentation made by Karin Rodriguez for Make A Difference Day.

Boy Scout Troop 143 acknowledged by Mayor Lang.

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 13, 1998.

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

CONSENT

2. Consider awarding contract to Teichert Construction for the co-compost exit road project for \$125,020.50; and consider approving appropriation transfer to fully fund the project; and consider adopting findings of the Initial Study to the Modesto Wastewater Master Plan, Master EIR.

Res. 98-555 adopted (Friedman/Dobbs, unan.) awarding bid to Teichert Construction.

Res. 98-556 adopted (Friedman/Dobbs, unan.) approving appropriation transfer.

Res. 98-557 adopting (Friedman/Dobbs, unan.) findings based on the Initial Study.

CONSENT

3. Consider awarding contract to Acme Construction Company, Inc. for the new Police headquarters building project – Bid Package No. 1 for \$599,221.

Res. 98-558 adopted (Friedman/Dobbs, unan.) awarding contract to Acme

Construction Company, Inc. for Police headquarters building project.

CONSENT

4. Consider amending the 1998-99 Budget in the amount of \$30,000 to create a new Capital Improvement project entitled "State Route 132 (East) Project Study Report."

Res. 98-559 adopted (Friedman/Dobbs, unan.) amending budget.

CONSENT

5. Consider amending the Modesto Municipal Code to make available a more comprehensive and uniform system for resolution of enforcement issues pertaining to the entire Municipal Code.

By motion (Friedman/Dobbs, unan.), introduced Ord. No. 3102-C.S. adding Chapter 6 to Title 1 of the Modesto Municipal Code.

CONSENT

6. Consider adopting a resolution of intention to vacate and abandon a three-foot portion of "K" Street located between 9th and 10th Streets and contiguous to City of Modesto Block 57 (Redevelopment Agency of the City of Modesto)

Res. 98-560 adopting (Friedman/Dobbs, unan.) Resolution of Intention to vacate and abandon a three-foot portion of "K" Street located between 9th and 10th Streets and contiguous to City of Modesto Block 57, and setting hearing on November 10, 1998 at 4:00 p.m.

CONSENT

7. Consider authorizing submittal of an application in the amount of \$233,750 to the Federal Aviation Administration for the Passenger Facility Charge Program and authorizing the City Manager to sign on behalf of the City.

Res. 98-561 adopted (Friedman/Dobbs, unan.) authorizing submittal of a grant application to the Federal Aviation Administration for the Passenger Facility Charge Program and authorizing the City Manager to sign on behalf of the City.

UNFINISHED BUSINESS

8. Final adoption of Ord. No. 3101-C.S. approving an amended development agreement with Costa Limited Partners relating to a large retail center to include a 16-screen theater, hotel, and other retail uses.

By motion (Friedman/Conrad, majority; Serpa, no), approved final adoption of Ord. No. 3101-C.S. amending a development agreement with Costa Limited Partners relating to a large retail center to include a 16-screen theater, hotel, and other retail uses.

HEARINGS

9. Hearing to consider an amendment to Sections 11-3-9 and 12-3-9 of the Zoning Map to prezone to Specific Plan Overlay Zone, P-SP-O, pursuant to the Village One High School Reorganization, property located on the north side of Sylvan Avenue between Roselle Avenue and Litt Road.

By motion (Friedman/Dobbs, unan.), introduced Ord. 3103-C.S. to prezone.

Res. 98-562 adopted (Friedman/Dobbs, unan.) finding that the prezoning is within the scope of the Village One Program EIR.

10. Hearing to consider a proposed addition to Title 10 of the Modesto Municipal Code, Planning and Zoning Regulations, to add a specific plan reimbursement fee ordinance to enable the collection of fees to reimburse the parties who paid the cost of preparation, adoption and administration of specific plans, including related documentation, such as environmental analysis.

By motion (Friedman/Fisher, unan.), introduced Ord. 3104-C.S. amending the Modesto Municipal Code.

NEW BUSINESS

11. Consider amending the budget to allocate \$15,000 for an advertising campaign to inform the public that removal of shopping carts from a store's premises is a violation of State law and to conduct a one-time only City-wide sweep to collect all carts and return identifiable carts to proper location.

Res. 98-563 adopted (Fisher/Lang, majority; Conrad, no) amending budget.

ORAL COMMUNICATIONS

Miguel DeNoso commented on the upcoming meeting scheduled on November 20 regarding Hispanic community needs.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:55 p.m. City Attorney returned at and reported no action had been taken.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers to consider the following:

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto
Stanislaus County Superior Court Action No. 168472

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

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

Tuesday, October 27, 1998, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 17

Item # 9 removed from Agenda

Item #15 continued to November 3, 1998

ACTION: (Friedman/Dobbs, unan.)

Mayor Lang acknowledged the presence of an Explorer Group in the audience.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of status report on the G.I.F.T. (Graceada Is Fun Time) Program by Jerry Peterson, Chair of the G.I.F.T. Committee.

Presentation made by Fred Allen and Jerry Peterson.

By motion, (Friedman/Lang, unan.) approved extension of fund raising for 30 days.

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 20, 1998.

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

CONSENT

2. Final adoption of:

a. Ord. No. 3102-C.S. adding Chapter 6 relating to Administrative Remedies to Title 1 of the Municipal Code.

b. Ord. No. 3103-C.S. amending Sections 11-3-9 and 12-3-9 of the Zoning Map to prezone the Village One High School Reorganization area to SP-O.

c. Ord. No. 3104-C.S, adding Chapter 4 to Title 10 of the Municipal Code relating to reimbursement of Specific Plan fees.

By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. Nos. 3102-C.S., 3103-C.S., and 3104-C.S.

CONSENT

3. Consider accepting as complete the contract of Barham, Inc. for the Beyer Skate

Park and authorize the City Clerk to file the Notice of Completion. (Original contract: \$144,788)

Res. 98-564 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

4. Consider accepting as complete the contract of D.C. Vient, Inc. for the McHenry Mansion exterior painting and authorize the City Clerk to file the Notice of Completion. (Original contract and final cost: \$42,426)

Res. 98-565 adopted (Friedman/Dobbs, unan.) accepting the work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

5. Consider approving an agreement with the Estate of A. J. Redmond for the acquisition of property located at 1734 Hillside Drive for the Flood Protection Project.

Res. 98-566 adopted (Friedman/Dobbs, unan.) approving agreement with the Estate of A. J. Redmond for the acquisition of property located at 1734 Hillside Drive for the Flood Protection Project.

CONSENT

6. Consider approving agreement with James J. and Nellie Gerber for the acquisition of property located at 1726 Hillside Drive for the Flood Protection Project.

Res. 98-567 adopted (Friedman/Dobbs, unan.) approving agreement with James J. and Nellie Gerber for the acquisition of property located at 1726 Hillside Drive for the Flood Protection Project.

CONSENT

7. Consider approving agreement with Frank G. Arroyo for the acquisition of property located at 1700 Hillside Drive for the Flood Protection Project.

Res. 98-568 adopted (Friedman/Dobbs, unan.) approving agreement with Frank G. Arroyo for the acquisition of property located at 1700 Hillside Drive for the Flood Protection Project.

CONSENT

8. Consider approving agreement with Donald I. Steely for the acquisition of property located at 1742 Hillside Drive for the Flood Protection Project.

Res. 98-569 adopted (Friedman/Dobbs, unan.) approving agreement with Donald I. Steely for the acquisition of property located at 1742 Hillside Drive for the Flood Protection Project.

Item #9 was removed from the Agenda.

9. Consider approving three agreements with William L. Lamb, William Leroy and Vernona Lamb for the acquisition of properties located at 1638, 1634 and 1630 Hillside Drive for the Flood Protection Project

CONSENT

10. Consider approving an amendment to the agreement with Carroll, Burdick & McDonough for Special Counsel Services for the Waste-to-Energy Project.

Res. 98-570 adopted (Friedman/Dobbs, unan.) approving an amendment to the agreement with Carroll, Burdick & McDonough for Special Counsel Services for the Waste-to-Energy Project.

CONSENT

11. Consider approving an appropriation transfer in the amount of \$125,000 to fund the purchase of a crane truck with mounted compressor and various related equipment for aboveground pump construction work

Res. 98-571 adopted (Friedman/Dobbs, unan.) approving an appropriation transfer in the amount of \$125,000 to fund the purchase of a crane truck with mounted compressor and various related equipment for aboveground pump construction work.

CONSENT

12. Consider approving an agreement with Edgar and June Tuttle Trust dated June 12, 1998 and Edgar Tuttle, Jr. for the acquisition of property located at 742 Kerr Avenue as part of the airport Neighborhood Property Acquisition Project and authorizing City Manager to execute all necessary documents.

Res. 98-572 adopted (Friedman/Dobbs, unan.) approving an agreement with Edgar and June Tuttle Trust dated June 12, 1998 and Edgar Tuttle, Jr. for the acquisition of property located at 742 Kerr Avenue as part of the airport Neighborhood Property Acquisition Project and authorizing City Manager to execute all necessary documents.

CONSENT

13. Consider introduction of an ordinance amending the Municipal Code to allow the repair and distribution of unclaimed bicycles and toys to either the County Probation Officer, the County Welfare Department or a nonprofit organization for use in any program or activity designed to prevent juvenile delinquency.

By motion, introduced Ord. 3105–C.S. amending the Municipal Code to allow the repair and distribution of unclaimed bicycles and toys to either the County Probation Officer, the County Welfare Department or a nonprofit organization for use in any program or activity designed to prevent juvenile delinquency.

CONSENT

14. Consider introduction of an ordinance amending the Municipal Code, the Community Preservation Chapter, for general housekeeping revision including the removal of administrative remedies from the chapter and changes reflecting input from the Rental Property Owners' Association.

By motion, introduced Ord. No. 3106–C.S. amending the Municipal Code, the Community Preservation Chapter, for general housekeeping revision including the removal of administrative remedies from the chapter and changes reflecting input from the Rental Property Owners' Association.

Item #15 removed from Agenda – continued to November 3, 1998

15. Consider adopting a Resolution of Intention to Establish Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) and to authorize the levy of a special tax within the proposed district.

CONSENT

16. Quarterly Treasurer's Report – September 30, 1998.

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

CONSENT

17. Consider approval of final map of Tuscany 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: Rodney K. Lowe, Inc.)

Res. 98-573 adopted (Friedman/Dobbs, unan.) approving the final map of Tuscany 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.

HEARINGS

18. Hearing to award a five-year franchise to United Cerebral Palsy of Stanislaus County (UCPA), effective January 1, 1999, to place benches bearing printed matter thereon along the streets of the City of Modesto and an exclusive lease agreement to advertise in the card rack space inside the City's buses.

By motion (Fisher/Friedman, unan.), introduced Ord. No. 3107–C.S. awarding bus bench franchise to UCPA.

Res. 98-574 adopted (Fisher/Friedman, unan.) approving agreement for the advertising rack space inside bus.

19. Hearing to consider an amendment to Planned Development Zone, P-D(147), to allow professional office uses to occupy the Wells Fargo Building portion of the site, property located on the southeast corner of Oakdale Road (Dr. and Mrs.

Stanley Heiner)

By motion (Friedman/Fisher, unan.), introduced Ord. No. 3108–C.S. Planned Development Zone, P-D(147).

Res. 98-575 adopted (Friedman/Fisher, unan.) judging project as exempt from environmental review.

NEW BUSINESS

20. Consider accepting the City of Modesto's Five Year Equal Opportunity Plan for the fiscal years 1997-98 through 2001-02.

Res. 98-576 adopted (Friedman/Fisher, unan.) accepting the City of Modesto's Five Year Equal Opportunity Plan for the fiscal years 1997-98 through 2001-02

21. Consider awarding contract to Shoemate Buildings, Inc. for the Modesto Amtrak Station for \$1,762,345; and consider amending the budget to appropriate \$25,000 in additional funding from Local Transportation Fund Reserves to fully fund the project.

Res. 98-577 adopted (Friedman/Dobbs, unan.) awarding contract to Shoemate Buildings, Inc.

Res. 98-578 adopted (Friedman/Dobbs, unan.) amending budget.

WRITTEN COMMUNICATIONS

22. Letter from Kenneth L. Williams, Sun Specs N Grabbers, Galleria Palms, regarding the sign ordinance update.

No action taken.

ORAL COMMUNICATIONS

Ron Jourdenais spoke.

Vice Mayor Serpa expressed his concern regarding ballot arguments written by the Mayor for Measures A&B for the November 3, 1998 election.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 4:58 p.m. The City Attorney returned at

6:35 p.m. and reported no action had been taken.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers to consider the following:

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto
Stanislaus County Superior Court Action No. 168472

Tuesday, November 3, 1998, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

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

ACTION: (Friedman/Smith, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

CONSENT

1. Approval of the minutes of the regular City Council meeting of October 27, 1998.

By motion, minutes approved.

CONSENT

2. Final adoption of:

- a. Ord. No. 3105-C.S. relating to disposal of unclaimed property.
- b. Ord. No. 3106–C.S. relating to Community Preservation.
- c. No. 3108-C.S. amending P-D(147), property located on the southeast corner of Oakdale Road. (Dr. & Mrs. Stanley Heiner)

By motion, ordinances adopted.

CONSENT

3. Consider award of a contract for the Eisenhut Park project to Duley's Landscape for \$352,582.25; and consider amending the budget to fully fund the project.

Res. 98-579 adopting warding contract to Duley's Landscape.

Res. 98-580 adopted amending budget.

CONSENT

4. Consider accepting as complete the contract of George Reed, Inc. for the Coffee Road – road construction and storm drain project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$1,196,794.00)

Res. 98-581 adopted accepting project as complete and authorizing City Clerk to file notice of completion.

CONSENT

5. Consider adopting a Resolution of Intention to Establish Community Facilities district No. 1998-2 (Carver-Bangs/Pelandale –Snyder) and to authorize the levy of

a special tax within the proposed district.

Res. 98-582 adopted indicating intention to establish Community Facilities District No. 1998-2 and to authorize the levy of a special tax within the proposed district.

(Clerk to handle)

CONSENT

6. Consider joinder in amicus briefs in: Brock v. Contra Costa County; Barner v. Leeds; Alameda Books, Inc. v. City Los Angeles; Fukuda v. City of Angeles Camp; Chemical Manufacturers Assoc. v. Environmental Protection Agency; California Public Utilities Commission Case regarding jurisdiction over City street issues; Long v. City of Rialto; Howard Jarvis Taxpayers Ass'n. v. City of San Diego; and Lindsey v. Tacoma-Pierce County Health Dept.

By motion joinder in amicus briefs authorized.

NEW BUSINESS

DROPPED FROM AGENDA (Continued to November 10, 1998 City Council meeting.)

7. Consider authorizing the City Manager to execute a settlement agreement with the plaintiffs in the Howard Jarvis Taxpayers Association, et al. V. City of Modesto litigation.

ORAL COMMUNICATIONS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:06 p.m

Tuesday, November 10, 1998, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 13

Item 10 removed from Consent

Item 12 removed from Agenda

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Starret Kriesman, Stanislaus County Librarian, and Reagan Wilson, Stanislaus County Chief Executive Officer, regarding Stanislaus County Library.

Res. 98-583 adopted (Friedman/Fisher, majority; Conrad, no) endorsing upcoming election for 1/8 cent sales tax measure.

Presentation of a Certificate of Recognition to Boyd Reid for receiving the Third Place Award at the International Bus Rodeo.

Mayor Lang made presentation of a Certificate of Recognition to Boyd Reid.

Mayor Lang also recognized Velda Lowe of Laidlaw

Presentation of a Proclamation concerning America Recycles Day.

Presentation of Proclamation made by Mayor Lang.

Presentation of Certificates of Recognition to Memorial Hospitals Association and English Oaks Convalescent Hospital for being winners of the California Integrated Waste Management Board Waste Reduction Awards Program.

Presentations made by Mayor Lang.

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 3, 1998.

By motion (Friedman/Fisher, unan.), minutes of November 3, 1998 approved.

CONSENT

2. Final adoption of Ord. No. 3107-C.S. granting bus bench franchise to the United

Cerebral Palsy Association, Inc. of Stanislaus/Tuolumne Counties.

By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No. 3107-C.S. granting us bench franchise to the United Cerebral Palsy Association, Inc. of Stanislaus/Tuolumne Counties.

CONSENT

3. Consider awarding contract for the water system improvements project – C Street/Second Street/G Street – Empire, California to Rolfe Construction for \$213,405; and consider approving an appropriation transfer to consolidate funding for the project.

Res. 98-584 approved (Friedman/Fisher, unan.) awarding contract to Rolfe Construction.

Res. 98-585 adopted (Friedman/Fisher, unan.) approving appropriation transfer.

CONSENT

4. Consider awarding contract for the Elm Avenue waterline project – Broadway Avenue to Bush Avenue – Salida, California to Fagundes & Son for \$92,168; and consider amending the budget to appropriate additional funding from the Water Fund Contingency Reserves.

Res. 98-586 adopted (Friedman/Fisher, unan.) awarding contract to Fagundes & Son.

Res. 98-587 adopted (Friedman/Fisher, unan.) amending the budget.

CONSENT

5. Consider authorizing City Manager to execute an amendment to agreement with Vanir Construction Management for construction management services for the Police Building Expansion project.

Res. 98-588 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute an amendment to agreement with Vanir Construction Mgmt. For construction management services for the Policy Building Expansion project.

CONSENT

6. Consider approving agreement with Senior Opportunity Services Program (S.O.S.P.) for lease of City-owned facility at 416 Downey Avenue.

Res. 98-589 adopted (Friedman/Fisher, unan.) approving agreement.

CONSENT

7. Consider authorizing the sale of the “EDPro” software database program, software developed to assist with the operations of an economic development program.

Res. 98-590 adopted (Friedman/Fisher, unan.) authorizing the sale of “EDPro” database software program.

CONSENT

8. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District – CFD No. 1996-1.
Res. 98-591 adopted (Friedman/Fisher, unan.) approving Resolution of Intention to annex territory to Village One Community Facilities District (CFD No. 1996-1).

CONSENT

9. Consider adopting the appropriate resolutions to amend the conflict of interest codes for Office of the City Manager, Finance Department, Fire Department, Personnel Department, and Police Department; consider adopting resolutions rescinding the conflict of interest code for the Parks and Recreation and Public Works & Transportation Departments; consider adopting resolutions adopting conflict of interest codes for the Community Services and Neighborhood Connections, the Engineering and Transportation, and the Operations and Maintenance Departments.

Res. 98-592 adopted (Friedman/Fisher, unan.) amending the conflict of interest code for the Office of the City Manager.

Res. 98-593 adopted (Friedman/Fisher, unan.) amending the conflict of interest code for the Finance Department.

Res. 98-594 adopted (Friedman/Fisher, unan.) amending the conflict of interest code for the Fire Department.

Res. 98-595 adopted (Friedman/Fisher, unan.) amending the conflict of interest code for the Personnel Department.

Res. 98-596 adopted (Friedman/Fisher, unan.) amending the conflict of interest code for the Police Department.

Res. 98-597 adopted (Friedman/Fisher, unan.) rescinding the conflict of interest code for the Parks & Recreation Department.

Res. 98-598 adopted (Friedman/Fisher, unan.) rescinding the conflict of interest code for the Public Works & Transportation Department.

Res. 98-599 adopted (Friedman/Fisher, unan.) approving the conflict of interest code for the Community Services and Neighborhood Connections Department.

Res. 98-600 adopted (Friedman/Fisher, unan.) approving the conflict of interest

code for the Engineering and Transportation Department.

Res. 98-601 adopted (Friedman/Fisher, unan.) approving the conflict of interest code for the Operations and Maintenance Department.

Item #10 removed from Consent

10. Consider approval of the final map of Opera House 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: Ling Investments)

Res. 98-602 adopted (Fisher/Smith, unan.) approving the final map of Opera House subdivision and authorizing the City Manager to sign an agreement with subdividers.

CONSENT

11. Consider approving agreement with William L. Lamb and two agreements with William Leroy and Vernona Lamb for the acquisition of properties located at 1638, 1634 and 1630 Hillside Drive for the Flood Protection Project.

Res. 98-603 adopted (Friedman/Fisher, unan.) approving agreement with William L. Lamb and two agreements with William Leroy and Vernona Lamb for the acquisition of properties located at 1638, 1634 and 1630 Hillside Drive for the Flood Protection Project.

Item #12 removed from Agenda

12. Certificate of Canvass and Statement of Vote for the November 3, 1998 Special Municipal Election.

CONSENT

13. Report and recommendations on the Housing Rehabilitation Loan Processing Program test in the managed competition process.

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

HEARINGS

14. Hearing to consider the approval of a Mills Act Contract for the "Hawke Castle" located at 115 Magnolia Avenue for the preservation of historical property. (Owner: Artie Fauss)

Res. 98-604 approving (Dobbs/Friedman, unan.) agreement and authorizing City Manager to sign.

15. Hearing to consider the proposed designation of the historic Bunya Bunya Tree planted in Graceada Park as a City of Modesto Landmark Preservation Site.

Res. 98-605 adopted (Friedman/Fisher, unan.) designating Bunya Bunya Tree

as a Landmark Preservation Site.

16. Hearing to consider the vacation and abandonment of three feet of K Street located between 9th and 10th Streets and contiguous to Block 57. (Redevelopment Agency of the City of Modesto)

Res. 98-606 adopted (Friedman/Fisher, unan.) vacating and abandoning three-foot-wide strip of K Street located between 9th and 10th Streets and contiguous to Block 57.

NEW BUSINESS

17. Report on the City's Year 2000 (Y2K) Status.

By motion (Dobbs/Smith, unan.), acknowledged receipt of report and authorized designated staff from all City departments to continue to prepare for the Year 2000 (Y2K).

18. Fiscal Year 1998-99 Budget – First Quarter Status Report and proposed adjustments.

By motion, acknowledged receipt of report.

Res. 98-607 adopted (Friedman/Smith, unan.) amending Fiscal Year 1998-99 Budget and re-estimating revenue for FY 1998-99.

19. Consider request from Church of Paradise for the use of amplified music in James Marshall Park for an event on Saturday, November 21, 1998.

By motion (Serpa/Lang, majority; Dobbs, no), approved request for amplified music.

ORAL COMMUNICATIONS

Phyllis Adelanto commented regarding curbside recycling.

Councilmember Smith noted resident concerns regarding parking in junior college district. City Manager directed to contact College.

Vice Mayor Serpa commented regarding street sign for area command office near Savemart on Paradise.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 5:25 p.m. City Attorney returned at 6:15 p.m. and reported that no action had been taken.

CLOSED SESSION

This meeting adjourned to a Closed Session in the Mayor's Chambers for the following item:

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

Name of Case: Howard Jarvis Taxpayers Association v. City of Modesto,
Stanislaus County Superior Court Action No. 168472

Tuesday, November 17, 1998, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

ACTION: (Friedman/Smith, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 10, 1998.

By motion (Friedman/Smith, unan.), approved minutes of November 10, 1998 meeting. **(Clerk to handle)**

CONSENT

2. Consider rejecting all bids received for furnishing video vehicle detection system and authorizing a new call for bids. Suggested bid opening: November 30, 1998, at 11:00 a.m.

Res. 98-609 adopted (Friedman/Smith, unan.) rejecting all bids received for furnishing video vehicle detection system and authorizing a new call for bids on November 30, 1998 at 11:00 a.m.

CONSENT

3. Consider waiving formal bids and authorize the purchase of traffic signal equipment from McCain Traffic Supply for Engineering & Transportation Department – Traffic Engineering Services Division for a total cost of \$83,870.61.

Res. 98-610 adopted (Friedman/Smith, unan.) waiving formal bids and authorize the purchase of traffic signal equipment from McCain Traffic Supply.

CONSENT

4. Consider approval of final map of Adrianna Two, a gated community 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.

Res. 98-611 adopted approving final map of Adrianna Two, a gated community 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

5. Report of seven loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Program (DAAP) since the last report.
By motion (Friedman/Smith, unan.), acknowledged receipt of report.

NEW BUSINESS

6. Consider designation of a Councilmember to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter.

Res. 98-612 adopted (Serpa/Dobbs, unan.) designating Armour Smith as Vice Mayor.

7. Consider authorizing the City Manager to execute a settlement agreement with the plaintiffs in the Howard Jarvis Taxpayers Association, et al. V. City of Modesto.

Res. 98-613 adopted (Friedman/Dobbs, majority; Serpa, no) authorizing the City Manager to execute a settlement agreement with the plaintiffs in the Howard Jarvis Taxpayers Association, et al. V. City of Mode.

Mayor Lang acknowledged a Boy Scout Troop in the audience.

Fire Chief recognized Serrafan Gutierrez for his heroic action in saving a 13-year old from her burning house.

ORAL COMMUNICATIONS

David Dolan addressed the Council regarding cable access programming which was referred to the Utility Services and Franchises Committee.

MATTERS TOO LATE FOR THE AGENDA

ACTION: By motion (Fisher/Lang, majority; Serpa, no), it was determined that the need for immediate action came to the City's attention after the agenda was posted.

By motion (Fisher/Friedman, majority; Serpa, no) directed staff to make a new offer to Mistlin Honda to provide water service.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:51 p.m. City Attorney returned at 8:20 p.m. to report no action had been taken .

CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session, as follows:

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

Property: Lease of property and/or public facilities located at Modesto Airport.

Negotiating parties: J. Edward Tewes, City Manager for the City of
Modesto, for the City of Modesto, for Lessor.

Unknown at this time for Lessee.

Under negotiation: Terms of a negotiated lease.

Tuesday, November 24, 1998, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9

ACTION: (Friedman/Fisher, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation regarding City Hall at the Mall.

Chris Elms gave presentation and gave the City Council an award.

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 17, 1998.

By motion (Friedman/Fisher, unan.), approved minutes of November 17, 1998.

CONSENT

2. Consider award of contract for the Mitchell Road waterline – Lapham Drive to Tenaya Drive project to Rolfe Construction for \$176,237. (8.12% below Engineer's Estimate)

Res. 98-614 adopted (Friedman/Fisher, unan.) awarding contract for the Mitchell Road waterline – Lapham Drive to Tenaya Drive project to Rolfe Construction.

CONSENT

3. Consider waiving formal bid procedures and authorize the purchase of an upgrade to the City's current network infrastructure hardware utilizing the State of California Multiple Award Schedule (CMAS) contract with Cabletron Systems for \$84,665 to be used to replace/upgrade an existing hub at the Police Department which is at full capacity.

Res. 98-615 adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing the purchase of an upgrade to the City's current network infrastructure hardware to replace/upgrade an existing hub at the Police Department.

CONSENT

4. Consider waiving formal bid procedures and authorize the purchase of four generators from Holt Brothers and Makelim Power Systems for a total cost of \$101,097.85.

Res. 98-616 adopted (Friedman/Fisher, unan.) waiving formal bid procedures and authorizing the purchase of four generators.

CONSENT

5. Consider approving a lease agreement with Leonard J., Diana L., and Kimberly A. Sorrano and the Cardoza Family Partnership L.P. for the Southwest Area Police Substation.

Res. 98-617 adopted (Friedman/Fisher, unan.) approving a lease agreement with Leonard J., Diana L., and Kimberly A. Soranno, and the Cardoza Family Partnership L.P. for the Southwest Area Police Substation.

CONSENT

6. Consider approving lease agreement with Modesto Executive Air Charter, Inc., dba Skytrek for facilities at the Modesto City-County Airport.

Res. 98-618 adopted (Friedman/Fisher, unan.) approving lease agreement with Modesto Executive Air Charter, dba Skytrek

CONSENT

7. Consider approving release agreement with Carolyn V. Whisler for issues related to the Parallel Outfall project.

Res. 98-619 adopted (Friedman/Fisher, unan.) approving release agreement with Carolyn V. Whisler for issues related to the Parallel Outfall project.

CONSENT

8. Consider approving the Managed Competition Review Panel's recommendation to award the five-year street sweeping contract to the City of Modesto's Street Sweeping Division.

Res. 98-620 adopted (Friedman/Fisher, unan.) approving the Managed Competition Review Panel's recommendation to award the five-year street sweeping contract to the City of Modesto's Street Sweeping Division.

CONSENT

9. Consider awarding contract for the Secondary Wastewater Treatment Plant effluent pump station foundation stabilization project to Conco West, Inc. for \$275,105; and consider amending the 1998-99 Capital Improvement Budget to establish a new CIP Project (Secondary Wastewater Treatment Plant Effluent Pump Station Foundation Stabilization Project).

Res. 98-621 adopted (Friedman/Fisher, unan.) awarding contract to Conco West Inc.

Res. 98-622 adopted (Friedman/Fisher, unan.) amending 1998-99 CIP budget.

HEARINGS

10. Hearing to consider approving the proposed issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds, in an amount not to exceed \$13,000,000, on behalf of the City of Modesto to finance the acquisition and rehabilitation of an approximately 250-unit multifamily rental housing project at 310 Standiford Avenue, known as Standiford Gardens Apartments.

Res. 98-623 adopted (Friedman/Fisher, unan.) approving the issuance of multifamily housing revenue bond.

11. Hearing to consider the adoption of a Precise Plan for Area No. 11 of the Village One Specific Plan and concurrent rezoning to Specific Plan Overlay Zone, (SP-O) for property located on the south side of Hillglen Avenue, west of Fine Road.

Ord. No. 3109 introduced (Dobbs/Friedman, unan.) adopting Precise Plan No. 11.

Ord. No. 3110 introduced (Dobbs/Friedman, unan.) adopting rezoning.

Res. 98-624 adopted (Dobbs/Friedman, unan.) stating project is consistent with previous EIR.

NEW BUSINESS

12. Consider calling a special election on Utility Fund Transfers.

(Total estimated cost: \$100,000. The following resolutions implementing a settlement agreement are needed:

1. Resolution proposing to the voters an amendment to the Modesto Municipal Code establishing a new general tax on the revenue of the City's water and sewer utility enterprise funds and establishing the Citizens Budget Review Committee; calling for a special election on March 2, 1999, and asking the County to consolidate that election with their election extending the existing Library Tax in the event they call for such an election, and if not, directing the City Clerk to conduct the City's election by mail ballot.
2. Resolution directing the City Clerk to transmit the proposed amendment to the Modesto Municipal Code to the City Attorney for Impartial Analysis.
3. Resolution authorizing the Mayor to prepare ballot arguments on behalf of the Council needed.
4. Resolution authorizing rebuttals to arguments in favor of or in opposition to

the proposed amendment to the Modesto Municipal Code.

5. Resolution appropriating \$100,000 from General Fund Contingency Reserve to pay for the special election.)

ACTION: Motion failed (Dobbs/Friedman, majority; Conrad & Serpa, no) calling a special election on March 2, 1999. Under the State Constitution a unanimous vote is required.

ACTION: Res. 98-625 adopted (Friedman/Lang, majority; Serpa, no) directing the City Clerk to publish a notice of special election for March 2, 1999. All other items were continued to December 1, 1998.

WRITTEN COMMUNICATIONS

Item #13 heard after the Special Meeting

13. Letter from Ross Condit requesting opportunity to address the Council regarding City of Modesto water for a project in 4600 block of McHenry Avenue.

By order of the chair, agreement with Ross Condit for water service placed on December 1, 1998 agenda for consideration.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned to Closed Session at 4:55 p.m. The City Attorney returned at 6:15 p.m. and reported no action had been taken.

CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers for the following item:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54596.9 of the Government Code. One case.

Tuesday, December 1, 1998, at 7:00 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Smith, Mayor Lang

Absent: Councilmembers Dobbs, Serpa

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

ACTION: (Friedman/Smith; Dobbs, Serpa, absent)

ACKNOWLEDGEMENTS AND PRESENTATIONS

A presentation of a proclamation to the United States Marine Corps proclaiming December 9 through December 15, 1998 as Toys for Tots Awareness Week.

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 24, 1998.

By motion (Friedman/Smith; Dobbs, Serpa, absent), approved minutes of November 24, 1998 meeting.

CONSENT

2. Consider approving Amendment No. 11 to the Agreement with DeLeuw, Cather & Company for engineering services for 9th Street Railroad Relocation Project.

Res. 98- 628 adopted (Friedman/Smith; Dobbs, Serpa, absent) approving amendment to agreement.

CONSENT

3. Consider approving Amendment No. 12 to the Agreement with DeLeuw, Cather & Company for engineering services for 9th Street Railroad Relocation Project.

Res. 98-629 adopted (Friedman/Smith; Dobbs, Serpa, absent) approving amendment to agreement.

CONSENT

4. Consider accepting as complete the project “Annual Catch Basin and Valley Gutter Repair” by George Reed Inc. and authorize the City Clerk to File the Notice of Completion.

Res. 98-630 adopted (Friedman/Smith; Dobbs, Serpa, absent) accepting as complete the project “Annual Catch Basin and Valley Gutter Repair” by George Reed Inc. and authorizing the City Clerk to File the Notice of Completion.

CONSENT

5. Consider authorizing Request for Bids for furnishing four Light Emitting Diodes

(LED) and two Retro Reflective Shutter Flap (RSF) trailer mounted changeable message signs for Engineering & Transportation Department – Traffic Engineering Services Division. Suggested date for bids to be opened, January 6, 1999 at 11:00 a.m.

Res. 98-631 adopted (Friedman/Smith; Dobbs, Serpa, absent) authorizing Request for Bids.

NEW BUSINESS

6. Consider adopting a resolution approving an agreement between the City of Modesto and Grand Events for providing City water service and authorizing the City Manager to sign agreement.

Res. 98-632 adopted (Friedman/Fisher, unan.; Dobbs & Serpa, absent) approving agreement.

Item #7 continued from November 24, 1998 meeting.

7. Consider calling a special election on Utility Fund Transfers.
(Total estimated cost: \$100,000. The following resolutions implementing a settlement agreement are needed:
 1. Resolution proposing to the voters an amendment to the Modesto Municipal Code establishing a new general tax on the revenue of the City's water and sewer utility enterprise funds and establishing the Citizens Budget Review Committee; calling for a special election on March 2, 1999, and asking the County to consolidate that election with their election extending the existing Library Tax in the event they call for such an election, and if not, directing the City Clerk to conduct the City's election by mail ballot.
 2. Resolution directing the City Clerk to transmit the proposed amendment to the Modesto Municipal Code to the City Attorney for Impartial Analysis.
 3. Resolution authorizing the Mayor to prepare ballot arguments on behalf of the Council needed.
 4. Resolution authorizing rebuttals to arguments in favor of or in opposition to the proposed amendment to the Modesto Municipal Code.
 5. Resolution appropriating \$100,000 from General Fund Contingency Reserve to pay for the special election.)

ACTION: By motion, (Smith/Fisher, majority; Conrad, no; Dobbs, Serpa, absent) it was determined that in the event there is an election in March 1999, the Council would immediately convene a public meeting to review an

unspecified rate adjustment.

ORAL COMMUNICATIONS

Mr. Tim Dunaway thanked the City Council for allowing amplified music in Marshall Park at the Thanksgiving event sponsored by the Church of Paradise and invited Councilmembers to a volunteer awards ceremony and requested the use of amplified music again next year at the Church-sponsored Thanksgiving event in Marshall Park next year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:27 p.m. to a Closed Session in the Mayor's Chambers to consider the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

The Closed Session adjourned at 9:55 p.m. and the city Attorney returned and reported that on a 5-0 vote, the Modesto City Council approved a settlement agreement with Fluor Daniel, Inc., and other related entities to resolve claims arising out of sunk costs incurred by the claimants prior to the termination of the original 10th Street Place Disposition and Development Agreement. Under the settlement agreement, the City and the Redevelopment Agency will pay \$965,000 to the claimants. This is slightly less than one-half of the amount of sunk costs claimed. In return, all of the public entities involved in the claim are released as well as the City's partner in the current DDA.

Tuesday, December 8, 1998, 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-12 and 14-20
Item #13 removed from Consent

ACTION: (Friedman/Dobbs, unan.)

CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 3

ACTION: (Friedman/Fisher, unan.; Dobbs & Serpa, absent)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang acknowledged Bret Ladine for a perfect score on his SAT.

CONSENT ITEMS

CONSENT

1. Approval of the minutes of the special City Council meeting of November 24, 1998 and regular City Council meeting of December 1, 1998.

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

CONSENT

2. Final adoption of the following:
 - a. Ord. No. 3109-C.S. adopting a Precise Plan for Area No. 11 of the Village One Specific Plan relating to property located on the south side of Hillglen Avenue west of Fine Road.
 - b. Ord. No. 3110-C.S. rezoning Village One property from Specific Plan Holding Zone, (SP-H), to Specific Plan Overlay Zone, (SP-O), for property located on the south side of Hillglen Avenue west of Fine Road. (Precise Plan for Area No. 11 – Kaufman and Broad)

By motion (Friedman/Dobbs, unan.), approved adoption of Ord. No. 3109-C.S. and Ord. No. 3110-C.S.

CONSENT

3. Consider excusing Councilmembers Dobbs and Serpa from the December 1, 1998, City Council meeting due to their attendance at the National League of Cities Annual Congress of Cities in Kansas City, Missouri.

By motion (Friedman/Fisher, unan.; Dobbs & Serpa, absent), excused Councilmembers Dobbs and Serpa from the December 1, 1998 Council meeting.

CONSENT

4. Consider approval of final map of Briggs Avenue subdivision, accepting the 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: K&D Enterprises, a California Corporation).
(Resolution approving final map, accepting the improvements and authorizing City Manager to sign agreement needed.)

Res. 98-633 adopted (Friedman/Dobbs, unan.) approving final map, accepting the improvements and authorizing City Manager to sign agreement.

CONSENT

5. Consider approval of final map of Village Highlands Phase III 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 General Partnership).

Res. 98-634 adopted (Friedman/Dobbs, unan.) approving final map and authorizing City Manager to sign agreement.

CONSENT

6. Consider acceptance of Soares Underground Construction's contract for the Alice Street – McHenry Avenue Sewer Bypass as complete and authorizing the City Clerk to file the Notice of Completion. (Original contract: \$223,496.00)

Res. 98-635 adopted (Friedman/Dobbs, unan.) accepting work as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

7. Consider approving an agreement with Jeffrey Hennings and Madeline Roddy to defer fees for Parcel Map (APN 78-14-03).

Res. 98-636 adopted (Friedman/Dobbs, unan.) approving an agreement with Jeffrey Hennings and Madeline Roddy.

CONSENT

8. Consider approving a renewal of an agreement with Modesto Irrigation District for line clearance tree trimming.

Res. 98-637 adopted (Friedman/Dobbs, unan.) approving renewal of

agreement with Modesto Irrigation District.

CONSENT

9. Consider approving an agreement with Minagar and Associates to provide consultant services for the project titled Modesto/Ceres CCTV Systems Project.

Res. 98-638 adopted (Friedman/Dobbs, unan.) approving agreement with Minagar & Associates.

CONSENT

10. Consider approving and authorizing submission of the Annual Claim for Local Transportation Funds in the amount of \$1,401,623 for non-transit purposes for non-transit purposes.

Res. 98-639 adopted (Friedman/Dobbs, unan.) approving and authorizing submission of claim for funds.

CONSENT

11. Consider amending the budget to allocate \$14,000 for additional street lighting in Prescott Estates and Roselawn Avenue.

Res. 98-640 adopted (Friedman/Dobbs, unan.) amending the budget.

CONSENT

12. Consider approving expansion of the Modesto Area Dial-A-Ride area boundary in Salida to include the area bounded by Sisk Road, Finney Road, and Kiernan Avenue.

Res. 98-641 adopted (Friedman/Dobbs, unan.) approving expansion of the Dial-A-Ride area boundary.

Item #13 removed from Consent

13. Consider initiating an application for the North McHenry-East Reorganization.

Res. 98-642 adopted (Friedman/Smith, majority; Serpa, no) authorizing initiating an application to LAFCO.

Res. 98-643 adopted (Friedman/Smith, majority; Serpa, no) making findings of conformance with the General Plan MEIR.

CONSENT

14. Consider authorizing the City Manager to sign the National Pollutant Discharge Elimination System Permit for the City's storm water program.

Res. 98-644 adopted (Friedman/Dobbs, unan.) authorizing City Manager to sign permit.

CONSENT

15. Consider amending the Capital Improvement Program to estimate Hazard Elimination Safety and Congestion Management Air Quality grant revenues in the amount of \$574,444 for Fiscal Year 1998/99 and create four new projects.

Res. 98-645 adopted (Friedman/Dobbs, unan.) amending CIP budget.

Res. 98-646 adopted (Friedman/Dobbs, unan.) amend the budget appropriating funds from the Gas Tax Contingency Reserve Fund.

CONSENT

16. Certificate of Canvass and Statement of Vote for the November 3, 1998, Special Municipal Election.

Res. 98-647 adopted (Friedman/Dobbs, unan.) certifying the Canvass of Votes for the November 3, 1998 Special Municipal election.

CONSENT

17. Consider initiating an application for the North 99 Reorganization to the City of Modesto.

Res. 98-648 adopted (Friedman/Dobbs, unan.) approving application to the LAFCO initiating annexation.

Res. 98-649 adopted (Friedman/Dobbs, unan.) making findings of conformance with the General Plan MEIR.

CONSENT

18. Consider initiating an application for the Morgan/Whitmore Reorganization to the City of Modesto.

Res. 98-650 adopted (Friedman/Dobbs, unan.) approving application to LAFCO initiating the annexation.

Res. 98-651 adopted (Friedman/Dobbs, unan.) making findings of conformance with the General Plan MEIR.

CONSENT

19. Report of the Capital Facilities Fees (CFF) Fund Summaries.

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

CONSENT

20. Consider approving a Storm Drainage License Agreement with Modesto Irrigation District for the Pelandale Snyder/Carver Bangs Storm Drainage Basin discharge

Res. 98-652 adopted (Friedman/Dobbs, unan.) approving agreement with Modesto Irrigation District.

HEARINGS

Councilmembers Dobbs & Fisher excused due to conflict of interest

21. Hearing to consider establishing Community Facilities District No. 1998-2 (CFD No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

Res. 98-653 adopted (Friedman/Lang, unan.; Dobbs & Fisher absent) approving formation of CFD No. 1998-2, subject to execution of agreement for property.

Introduced Ord. No. 3111-C.S. (Friedman/Lang, unan.; Dobbs & Fisher absent) authorizing levy of special tax.

Councilmember Conrad excused due to conflict of interest

22. Hearing to consider changes to the Capital Facilities Fees program.

Res. 98-654 adopted (Fisher/Smith, majority; Serpa, no; Conrad, absent) approving changes to the CFF based on staff recommendations of December 8, 1998.

23. Hearing to consider proposed amendments, additions, deletions, and reorganization of the sign regulations of the Modesto Municipal Code.

By motion (Fisher/Friedman, unan.), introduced Ord. No. 3112-C.S.

24. Hearing to consider a 2% sewer rate increase.

By motion (Smith/Serpa, unan.), denied staff recommendation of 2% sewer user rate increase.

25. Hearing to consider the Coffee-Claratina Reorganization to the City of Modesto.

Res. 98-656 adopted (Dobbs/Fisher, majority; Serpa, no) approving reorganization.

26. Hearing to consider the Kiernan Avenue Reorganization to the City of Modesto.

Res. 98-657 adopted (Fisher/Friedman, unan.) approving reorganization.

27. Hearing to consider adoption of a Precise Plan for Area No. 7 of the Village One Specific Plan and concurrent rezoning to Specific Plan-Overlay Zone for property located on the south side of Sylvan Avenue East of Esta Avenue.

By motion (Friedman/Fisher, unan.), introduced Ord. No. 3113-C.S. adopting Precise Plan No. 7.

By motion (Friedman/Fisher, unan.), introduced Ord. No. 3114-C.S. rezoning property.

Res. 98-658 adopted (Friedman/Fisher, unan.), finding consistency with Village One Specific Plan Program EIR.

NEW BUSINESS

28. City of Modesto's Equal Opportunity Status Report.

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

29. Consider approving revised terms of the North McHenry Area Tax Sharing Agreement with the County of Stanislaus and directing the City Manager to cause a formal agreement to be prepared within sixty days for execution by the City Council and the Board of Supervisors by February 8, 1999.

Res. 98-659 adopted (Friedman/Fisher, majority; Serpa, no) approving agreement with the County of Stanislaus.

MISCELLANEOUS

APPOINTMENTS

30. Airport Advisory Committee

Res. 98-660 adopted (Friedman/Dobbs, unan.) appointing Bonnie Cerrutti to the Airport Advisory Committee with term expiration of December 31, 2001.

Golf Course Advisory Committee

Res. 98-661 adopted (Friedman/Dobbs, unan.) appointing Horace Henline & Joan Bonaccine to the Golf Course Advisory Committee with term expirations of December 31, 2001.

Human Relations Committee

Res. 98-662 adopted (Friedman/Dobbs, unan.) appointing Carolyn Fraser as the Human Relations Committee representative to the Equal Opportunity/Disability Commission with term expiration of December 31, 1999; and appointing Arnold Naimark as the Human Relations Committee representative to the Citizens Housing & Community Development committee

with term expiration of December 31, 2001.

REAPPOINTMENTS

Airport Advisory Committee

Res. 98-663 adopted (Friedman/Dobbs, unan.) reappointing Jack Hinkle & Robert Hauff to the Airport Advisory Committee with term expiration of December 31, 2001.

Board of Zoning Adjustment item removed from Agenda Board of Zoning Adjustment

Downtown Improvement District

Res. 98-664 adopted (Friedman/Dobbs, unan.) reappointing Frank Boots, David Boring, & Tom Slater to the Downtown Improvement District with term expirations of December 31, 2001.

Equal Opportunity/Disability Commission

Res. 98-665 adopted (Friedman/Dobbs, unan.) reappointing James Anderson, Clarence Atterbury, Dwight Bateman, & Edwin Penfold to the Equal Opportunity/Disability Commission with term expirations of December 31, 2001; and reappointing Donald Horton, Joseph Martinez, & Shelly Scribner with term expirations of December 31, 2000.

Human Relations Committee

Res. 98-666 adopted (Friedman/Dobbs, unan.) reappointing Jess Dacuycuy to the Human Relations Committee with term expiration of December 31, 2001.

Landmark Preservation Commission

Res. 98-667 adopted (Friedman/Dobbs, unan.) reappointing Bill Latham & Jerry Beamish to the Landmark Preservation Commission with term expirations of December 31, 2001.

Redevelopment Commission

Res. 98-668 reappointing Tony Varni to the Redevelopment Commission with term expiration of December 31, 2001.

Tuolumne River Regional Park

Res. 98-669 appointing Mary Grogan, Dave Gianelli, & Margaret Leaman to the

Tuolumne River Regional Park with term expiration of December 31, 2001.

ORAL COMMUNICATIONS

Steve Burke addressed the Council.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:38 p.m.

Tuesday, December 15, 1998, at 4:30 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, 8-9, & 11

Item #6 removed from Agenda

Item #7 removed from Consent

ACTION: (Friedman/Dobbs, unan.)

Councilmembers Dobbs & Fisher excused due to conflict of interest

CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 10

ACTION: (Friedman/Conrad, unan.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of a Certificate of Recognition to Frank Russo for his 90th birthday.

Mayor Lang made presentation to Frank Russo.

CONSENT

1. Approval of the minutes of the regular City Council meeting of December 8, 1998.

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

CONSENT

2. Final adoption of the following:

a. Ord. No. 3113-C.S. adopting a Precise Plan for Area No. 7 of the Village one Specific Plan, relating to property located on the south side of Sylvan Avenue east of Esta Avenue. (K-D Land and Cattle Company)

b. Ord. No. 3114-C.S. rezoning Village One property from SP-H to SP-O, property located on the south side of Sylvan Avenue east of Esta Avenue. (Precise Plan for Area No. 7 – K-D Land and Cattle Co.)

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

CONSENT

3. Consider rejecting all bids for the Wastewater Collection Maintenance Building project.

Res. 98-670 (Friedman/Dobbs, unan.) adopted rejecting bids.

CONSENT

4. Consider authorizing the City Manager to sign an agreement for the Police Department to participate in the multi-agency Pedestrian Safety Task Force, a California Office of Traffic Safety grant project awarded to the California Highway Patrol; and consider amending the 1998-99 budget to estimate new revenues.

Res. 98-671 adopted (Friedman/Dobbs, unan.) approving agreement.

Res. 98-672 adopted (Friedman/Dobbs, unan.) amending budget.

CONSENT

5. Consider amending class specification for Construction Inspector.

Res. 98-673 adopted (Friedman/Dobbs, unan.) amending class specifications.

REMOVED FROM AGENDA

6. Consider approving an amendment to the agreement with Environmental Care, Inc. (E.C.I.) to extend the termination date of their agreement for golf course maintenance services from January 15, 1999 to June 30, 1999 and to modify staffing requirements.

CONSENT

7. Consider approving an amendment to the agreement with the Modesto A's to extend the termination date of their lease agreement for John Thurman Field from December 31, 1998 to January 31, 1999.

By motion, (Fisher/Dobbs, unan.) authorized City Manager to utilize existing 30-day hold-over period in existing agreement.

CONSENT

8. Consider authorizing the City Manager to execute an agreement with Scott LaMunyon Farming to lease a 34-acre portion of Dry Creek Regional Park through June 30, 1999.

Res. 98-674 adopted (Friedman/Dobbs, unan.) approving agreement.

CONSENT

9. Consider declaring as surplus lost, stolen, unclaimed and/or seized property, excess City property and 11 vehicles, and authorizing the sale by sealed bid, by auction conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue on January 2, and January 16, 1999, or sell as scrap.

98-675 adopted (Friedman/Dobbs, unan.) declaring property as surplus.

CONSENT

Councilmembers Dobbs & Fisher excused due to conflict of interest.

10. Consider canvassing election for Community Facilities District 1998-2 (Carver-Bangs/Pelandale-Snyder) and asserting compliance with all of the provisions of Proposition 218.

Res. 98-676 adopted (Friedman/Conrad, majority; Dobbs & Fisher, absent) canvassing election and asserting compliance with provisions of Prop. 218.

CONSENT

11. Consider asserting compliance with all of the provisions of Proposition 218 with respect to Community Facilities District 1996-1 (Village One) and Community Facilities District 1997-1 (North Beyer).

Res. 98-677 adopted (Friedman/Dobbs, unan.) asserting compliance with provisions of Prop. 218.

UNFINISHED BUSINESS

12. Final adoption of Ord. No. 3111-C.S. authorizing the levy of a Special Tax within Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)

By motion, (Friedman/Conrad, majority; Dobbs & Fisher, absent) final adoption approved.

HEARINGS

13. Hearing to consider annexation of additional territory to the Village One Mello-Roos Community Facilities District 1996-1; consider introduction of an ordinance amending the ordinance imposing Mello-Roos taxes in the District; and consider calling an Election for the purpose of submitting the levy of a special tax to the qualified electors of the territory proposed to be annexed to the Village One Community Facilities District No. 1996-1.

Res. 98-678 adopted (Friedman/Dobbs, unan.) calling an election.

By motion (Friedman/Dobbs, unan.), Ord. No. 3115-C.S. introduced.)

NEW BUSINESS

- 13A. Councilmember Conrad requests that the Council consider options to allow temporary outdoor display of merchandise, pending Planning Commission review of modification to Zoning Code.

By motion (Friedman/Conrad, majority; Fisher, Serpa & Smith, no) suspending enforcement of the section of the code that Tangles, Bangles & Chocolates

were found to be in violation of regarding outdoor displays, until the omnibus code revisions are returned to the Council currently schedule in late January.

- 13B. Councilmember Serpa requests that the Council consider approving an Economic Development Loan Committee recommendation to approve a loan in the amount of \$40,000 to Dale E. Volz, Deluxe Bookbinding, for equipment and working capital.

Res. 98-679 adopted (Serpa/Fisher, unan.) approving loan.

ORAL COMMUNICATIONS

Dennis Schuler, Gilton Solid Waste, addressed the Council regarding a rate review

Carmen Sabatino spoke regarding Modesto BART commuter bus.

Steve Burke spoke regarding certificates of participation and lease revenue bonds.

MISCELLANEOUS

Appointments

14. Planning Commission

Res. 98-680 adopted (Friedman/Fisher, unan.; Dobbs, absent) appointing Andrew Mendlin to the Planning Commission with a term expiration of December 31, 2002.

Board of Zoning Adjustment

Res. 98-681 adopted (Friedman/Fisher, unan.; Dobbs, absent) appointing Susan Banton to the Board of Zoning Adjustment with a term expiration of December 31, 2002.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned to Closed Session in Mayor's Chambers at 5:52 p.m. to hear the following Items.

CLOSED SESSION

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,
Stanislaus County Superior Court Action No. 168472

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: Larry Sederquist v. City of Modesto
Case Nos. WCAB STK 127347, 131497, 135192, 140930 and
142043

Name of case: William Flint v. City of Modesto
Case Nos. WCAB STK 101567, 134757, 134523

City Attorney returned at 7:05 p.m. to report no action was taken.