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MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, January 10, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

PRESENTATIONS

1. Presentation by Public Works Department regarding the MAX Route Planning.
(Funding Source: Not Applicable)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Public Works Transit Manager Fred Cavanah gave a presentation regarding the MAX Route Planning.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2; 4

CONSENT

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

Consent

2. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not

Applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Motion (Hawn/Burnside; unan.) accepting a status report of development projects processed by the Community and Economic Development Department.

Removed from Consent

3. Consider approving the Protected-Permissive Traffic Signals Report for 2010.
(Funding Source: Gas Tax)
*Community & Economic Development; Jeffrey L. Barnes, 577-5468,
jbarnes@modestogov.com*

ACTION: Motion (Hawn/Muratore; unan.) directing staff to change the signal at Orangeburg and Tully to “Protected Left Turn Only” and forward the Protected-Permissive Traffic Signals Report for 2010 to City Council for approval.

Consent

4. Consider the installation of angled parking along the north side of K Street and parallel parking along the south side of K Street between 415 K Street and 6th Street for New Bethany Missionary Baptist Church (NBMBC), and parking on the K Street bridge deck in the City of Modesto. The California Vehicle Code requires parking on the bridge deck to be authorized by City Council prior to the installation. Providing parallel or angle on-street parking benefits the adjacent property users. (Funding Source: Gas Tax)
*Community & Economic Development; Jeffrey L. Barnes, 577-5468,
jbarnes@modestogov.com*

ACTION: Motion (Hawn/Burnside; unan.) approving the installation of angled parking along the north side of K Street and parallel parking along the south side of K Street between 415 K Street and 6th Street for New Bethany Missionary Baptist Church (NBMBC), and parking on the K Street bridge deck in the City of Modesto and forwarding to Council for approval.

UNFINISHED BUSINESS

5. Consider accepting an informational report regarding follow-up action to a presentation to Council regarding the broader scope of procurement procedures for the City of Modesto. (Funding Source: Not Applicable)
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Motion (Muratore/Hawn; unan.) accepting an informational report regarding follow-up action to a presentation to Council regarding the broader scope of procurement procedures for the City of Modesto.

NEW BUSINESS

6. Consider recommending to the City Council approval of the Fiscal Year 2010/11 Planning Division Work Program. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Hawn/Burnside; unan.) requesting a Special Economic Development Committee Meeting on January 31, 2011 at 5:30 pm in Conference Room 2001 to review and discuss: (i) Urban Growth Limits as proposed by the Farmland Working Group; (ii) General Plan Amendment; and (iii) Ag Mitigation.

7. Consider approving work plan for the amendments to the Circulation and Land Use Elements of the General Plan. (Funding Source: Not applicable)
Community & Economic Development; Patrick Kelly, AICP, 577-5267, pkelley@modestogov.com

ACTION: Motion (Hawn/Muratore; unan.) approving work plan for the amendments to the Circulation and Land Use Elements of the General Plan

8. Consider accepting the top ten project priorities as identified by the Citizens Redevelopment Advisory Commission (CRAC) and expansion of the Redevelopment Area to one or more of the following areas: (i) McHenry Avenue to Orangeburg Avenue; (ii) Yosemite Blvd. to Mitchell Road; (iii) Former Tallow Plant property; and (iv) Airport Neighborhood and forwarding to the Modesto Redevelopment Agency for approval. (Funding Source: Not Applicable)
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Motion (Muratore/Hawn; unan.) continuing item to the April 11, 2011 Economic Development Committee meeting.

9. Consider accepting the 2011 Urban Growth Review (UGR) project be deferred to 2013 and forwarding to Council for approval. (Funding Source: Not Applicable)
Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: Item continued to February 16, 2011 Economic Development Committee meeting.

10. Consider approving conceptual options for pedestrian-oriented (destination-oriented) street design (cross sections) for the downtown area and provide direction to staff regarding continued work on this effort. (Funding Source: Not applicable)
Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

ACTION: Item continued to February 16, 2011 Economic Development Committee meeting.

11. Consider recommending appointments to fill two vacancies on the City of Modesto Citizens Housing and Community Development Committee (CH&CDC). (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Judith Ray, 571-5351, jray@modestogov.com

ACTION: Item continued to February 16, 2011 Economic Development Committee meeting.

12. Consider recommending an appointment to fill a vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC). (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Judith Ray, 571-5351, jray@modestogov.com

ACTION: Item continued to February 16, 2011 Economic Development Committee meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

Attest: _____
Stephanie Lopez, City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 11, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements - Item 15 will be heard following Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session - No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring Tuesday, January 18, 2011, as World Series Champion San Francisco Giants Day in Modesto. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring Tuesday, January 18, 2011, as World Series Champion San Francisco Giants Day in Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the reappointment of Tim Ragsdale to the Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution approving the reappointment of Tim Ragsdale to the Board of Building Appeals for a term of four years, with a term expiration of January 1, 2015 recommended.
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Resolution 2011-01 (Lopez/Muratore; 7/0) approving the reappointment of Tim Ragsdale to the Board of Building Appeals for a term of four years, with a term expiration of January 1, 2015.

3. Consider approving the reappointment of Margaret Leaman and Brian Hill to the City of Modesto Tuolumne River Regional Park Citizens Advisory Committee (Funding Source: Not Applicable)
 - Resolution approving the reappointments of Margaret Leaman and Brian Hill to the Tuolumne River Regional Park Citizens Advisory Committee for an additional two-year term, with an expiration date of January 1, 2013.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-02 (Lopez/Geer; 7/0) approving the reappointments of Margaret Leaman and Brian Hill to the Tuolumne River Regional Park Citizens Advisory Committee for an additional two-year term, with an expiration date of January 1, 2013.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 12

ACTION CONSENT ITEMS 4-12: (Lopez/Muratore; unan.)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes of the City Council meeting of December 14, 2010. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the December 14, 2010 meeting.

Consent

5. Consider approving a property lease agreement between the City of Modesto and the California State Lands Commission for continued use and maintenance of the Carpenter Road Bridge across the Tuolumne River, the proposed seismic Retrofit of the bridge and the use of a temporary construction area. (Funding Source: Streets Capital Facility Fees)
 - Resolution approving a property lease agreement between the City of Modesto and the California State Lands Commission for continued use and maintenance of the

Carpenter Road Bridge across the Tuolumne River, the proposed seismic retrofit of the bridge and the use of a temporary construction area; and authorizing execution of the lease agreement by the City Manager, or his designee recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-03 (Lopez/Muratore; 7/0) approving a property lease agreement between the City of Modesto and the California State Lands Commission for continued use and maintenance of the Carpenter Road Bridge across the Tuolumne River, the proposed seismic retrofit of the bridge and the use of a temporary construction area; and authorizing execution of the lease agreement by the City Manager, or his designee.

Consent

6. Consider approving Amendment #1 to the Standard Agreement for Consultant Services between the City of Modesto and Bender Rosenthal, Inc. for appraisal services in the amount of \$14,000. (Funding Source: Developer Deposit)
 - Resolution approving Amendment No. 1 to the Standard Agreement for Consultant Services between the City of Modesto and Bender Rosenthal, Inc. for appraisal services in the amount of \$14,000; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2011-04 (Lopez/Muratore; 7/0) approving Amendment No. 1 to the Standard Agreement for Consultant Services between the City of Modesto and Bender Rosenthal, Inc. for appraisal services in the amount of \$14,000; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

7. Consider accepting the Monthly Investment Report for October, 2010. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for October, 2010 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) accepting the Monthly Investment Report for October, 2010.

Consent

8. Consider authorizing the sole brand procurement of one John Deere 210LJ landscape loader for the Public Works, Fleet Services Division to Pape Machinery, French Camp, CA, for an estimated total cost of \$91,075 and authorizing the City Manager to accept \$67,000 as the trade-in value of a John Deere 770C grader and a John Deere 310SG backhoe, towards the purchase of a John Deere 201LJ landscape loader for an estimated total cost of \$24,075. (Funding Source: Fleet Equipment Replacement)
 - Resolution authorizing the sole brand procurement of one John Deere 210LJ landscape loader for the Public Works, Fleet Services Division, to Pape Machinery, French Camp, CA, for an estimated total cost of \$91,075, and authorizing the City Manager to accept \$67,000 as the trade-in value of a John Deere 770C grader and a

John Deere 310SG backhoe, towards the purchase of a John Deere 210LJ landscape loader for an estimated total cost of \$24,075 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-05 (Lopez/Muratore; 7/0) authorizing the sole brand procurement of one John Deere 210LJ landscape loader for the Public Works, Fleet Services Division, to Pape Machinery, French Camp, CA, for an estimated total cost of \$91,075, and authorizing the City Manager to accept \$67,000 as the trade-in value of a John Deere 770C grader and a John Deere 310SG backhoe, towards the purchase of a John Deere 210LJ landscape loader for an estimated total cost of \$24,075.

Consent

9. Consider accepting the recommended list of qualified firms who provide investment banking services. (Funding Source: Non-Applicable)
- Resolution approving a prequalified list of firms who provide investment banking services for an initial three (3) year term with two (2) one-year extension options, at the sole discretion of the City recommended.

Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Resolution 2011-06 (Lopez/Muratore; 7/0) approving a prequalified list of firms who provide investment banking services for an initial three (3) year term with two (2) one-year extension options, at the sole discretion of the City.

Consent

10. Consider authorizing renewal of a Walk-In Payment Processing Services Agreement with CheckFreePay Corporation, Wallingford, CT, for electronic pay station collection and remittance processing services for a five (5) year term, at the sole discretion of the City, with an approximate annual cost of \$41,000. (Funding Source: Utility Fund)
- Resolution approving renewal of a Walk-In Payment Processing Services Agreement with CheckFreePay Corporation, Wallingford, CT, for electronic pay station collection and remittance processing services for a five (5) year term, at the sole discretion of the City, with an approximate annual cost of \$41,000; and authorizing the City Manager, or his designee to execute the Agreement recommended.

Finance; Gina Brown, 577-5381, gbrown@modestogov.com

ACTION: Resolution 2011-07 (Lopez/Muratore; 7/0) approving renewal of a Walk-In Payment Processing Services Agreement with CheckFreePay Corporation, Wallingford, CT, for electronic pay station collection and remittance processing services for a five (5) year term, at the sole discretion of the City, with an approximate annual cost of \$41,000; and authorizing the City Manager, or his designee to execute the Agreement.

Consent

11. Consider approving a Fifth Amendment to Agreement with Geological Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th and G Streets in the amount of \$2,553.27. (Total final cost for this project is \$96,616.27) (Funding Source: Water Fund-CIP)
- Resolution approving a Fifth Amendment to the Agreement with Geological

Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th and G Streets in the amount of \$2,553.27, and authorizing the City Manager, or his designee, to execute the Fifth Amendment to Agreement recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-08 (Lopez/Muratore; 7/0) approving a Fifth Amendment to the Agreement with Geological Technics, Inc. for Environmental Consultant Services for the Police Headquarters Building at 10th and G Streets in the amount of \$2,553.27, and authorizing the City Manager, or his designee, to execute the Fifth Amendment to Agreement.

Consent

12. Consider accepting the work by D A Woods Construction for the “Downstream Water System Improvements – Tier 2 West Tank 12 Water Transmission Mains” project as complete. (Total construction cost is \$2,462,658.38, with a total project cost of \$2,924,210.38) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by D A Woods Construction for the “Downstream Water System Improvements – Tier 2 West Tank 12 Water Transmission Mains” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,462,658.38 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-09 (Lopez/Muratore; 7/0) accepting the work by D A Woods Construction for the “Downstream Water System Improvements – Tier 2 West Tank 12 Water Transmission Mains” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$2,462,658.38.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

13. Consider approving the plans and specifications for the Virginia Corridor Phase V – Briggsmore Overcrossing project, accepting the bid, and approving an Agreement with A. Teichert & Son, Inc., dba Teichert Construction, Stockton, CA, in the amount of \$3,494,870.65; approving an Agreement with Harris & Associates for construction management support services for the project in an amount not-to-exceed \$269,159; and amending the fiscal year 2010-2011 Capital Improvement Program Budget to fully fund the project. (Total estimated project cost is \$4,976,573.03, which includes Design/Construction Documents, Construction, Construction Contingency and

Construction Administration.) (Funding Source: Federal and Local Grants, Capital Facilities Fees)

- Resolution approving the Plans and Specifications for the Virginia Corridor Phase V – Briggsmore Overcrossing project, accepting the bid and approving an Agreement with Teichert Construction of Stockton in the amount of \$3,494,870.65 for the Virginia Corridor Phase V – Briggsmore Overcrossing project; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving an agreement with Harris & Associates, Inc. for Construction Management Services of the Virginia Corridor Phase V project in an amount not to exceed \$244,690 for the identified scope of services, plus \$24,469 for additional services (if needed), for a maximum total amount of \$269,159, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program Budget in order to fully fund the construction contract for the Virginia Corridor Phase V – Briggsmore Overcrossing Project, including contingency and construction administration recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-10 (Hawn/Lopez; 7/0) approving the Plans and Specifications for the Virginia Corridor Phase V – Briggsmore Overcrossing project, accepting the bid and approving an Agreement with Teichert Construction of Stockton in the amount of \$3,494,870.65 for the Virginia Corridor Phase V – Briggsmore Overcrossing project; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-11 (Hawn/Lopez; 7/0) approving an agreement with Harris & Associates, Inc. for Construction Management Services of the Virginia Corridor Phase V project in an amount not to exceed \$244,690 for the identified scope of services, plus \$24,469 for additional services (if needed), for a maximum total amount of \$269,159, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-12 (Hawn/Lopez; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program Budget in order to fully fund the construction contract for the Virginia Corridor Phase V – Briggsmore Overcrossing Project, including contingency and construction administration.

NEW BUSINESS

14. Consider appointing a new Vice Mayor for calendar year 2011. (Funding Source: Not Applicable)
- Resolution designating Councilmember Brad Hawn to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-13 (Muratore/Geer; 7/0) designating Councilmember Brad Hawn to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of

the City of Modesto recommended.

15. Consider approving: (i) Modesto Regional Fire Authority Joint Powers Agreement between the City of Modesto, the Salida Fire Protection District and the County of Stanislaus for the provision of fire and life safety services; and authorizing the City Manager to execute the Agreement; (ii) authorizing the Mayor to appoint a Councilmember as the City of Modesto's representative on the Modesto Regional Fire Authority Board of Directors; and (iii) authorizing the establishment of a Modesto Regional Fire Authority fund to include revenue and expense accounts. (Funding Source: General Fund)

- Resolution approving the Modesto Regional Fire Authority Joint Powers Agreement between the City of Modesto, Salida Fire Protection District and the County of Stanislaus for the Provision of Life Safety Services; and authorizing the City Manager to execute the agreement recommended.
- Resolution authorizing the Mayor to appoint a Council member as the City's representative on the Modesto Regional Fire Authority Board recommended.
- Resolution authorizing the establishment of a Modesto Regional Fire Authority fund to include revenue and expense accounts recommended.

Fire; Lori Martinez, 572-9660, lmartinez@modestofire.com

ACTION: Resolution 2011-14 (Lopez/Hawn; 7/0) approving the Modesto Regional Fire Authority Joint Powers Agreement between the City of Modesto, Salida Fire Protection District and the County of Stanislaus for the Provision of Life Safety Services; and authorizing the City Manager to execute the agreement.

ACTION: Resolution 2011-15 (Lopez/Hawn; 7/0) authorizing the Mayor to appoint a Council member as the City's representative on the Modesto Regional Fire Authority Board.

ACTION: Resolution 2011-16 (Lopez/Hawn; 7/0) authorizing the establishment of a Modesto Regional Fire Authority fund to include revenue and expense accounts.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:08 p.m.

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, January 13, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez, and Geer
Absent: None
Also Present: Councilmember Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

UNFINISHED BUSINESS

1. Consider reviewing the Mission Statement for the Blue Ribbon Commission on Homelessness prepared by Councilmember Muratore, discuss the formation of a diversified Commission, and begin the application process.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (Lopez/Geer; Marsh no) accepting the Mission Statement for the Blue Ribbon Commission on Homelessness prepared by Councilmember Muratore.

ACTION: Motion (Geer/Marsh; unan.) appointing Councilmember Muratore as the liaison for the Blue Ribbon Commission on Homelessness

ACTION: Motion (Lopez/Marsh; unan.) approving the deadline of February 1, 2011 for accepting applications the Blue Ribbon Commission on Homelessness. (Applications will be reviewed at the next Safety & Communities Committee meeting on February 7, 2011.)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:15 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, January 24, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2

CONSENT

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

Consent

1. Consider accepting the Monthly Budget Adjustment Reports for December 2010 and January 2011 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Burnside;unan.) accepting the Monthly Budget Adjustment Reports for December 2010 and January 2011 and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on the Quarterly Water Meter/Automated Reading Program Update. (Funding Source: None required)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Burnside;unan.) accepting an informational report on the Quarterly Water Meter/Automated Reading Program Update.

NEW BUSINESS

3. Consider reviewing the Finance Department's Fiscal Year 2010-11 First Quarter Budget Update and forwarding to Council for approval. (Funding Source: Various Funds)

Finance; Cynthia Gale, 571-5855, cgale@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** accepting the Finance Department's Fiscal Year 2010-11 First Quarter Budget Update and forwarding to Council for approval.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:18 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday January 25, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible

City Clerk's Announcements - Item 7 removed from Consent
Item 14 removed from Agenda

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Parks, Recreation and Neighborhoods Department honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 2nd Annual Breakfast with Santa. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation was made by the Parks, Recreation and Neighborhoods Department honoring the North Modesto Kiwanis Club and Sunnyside Farms as presenting sponsors of the 2nd Annual Breakfast with Santa.

2. Presentation by the Parks, Recreation and Neighborhoods Department thanking ShadowChase Running Club for partnering with the City of Modesto to present the 1st Annual Spirit of Giving Run (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation was made by the Parks, Recreation and Neighborhoods Department thanking ShadowChase Running Club for partnering with the City of Modesto to present the 1st Annual Spirit of Giving Run.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider accepting the resignation of Ron Jeske from the Airport Advisory Committee. (Funding Source: Not Applicable)
- Resolution accepting the resignation of Ron Jeske from the Airport Advisory Committee recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-17 (Lopez/Muratore; 6/0; Hawn absent) accepting the resignation of Ron Jeske from the Airport Advisory Committee.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 13

ACTION CONSENT ITEMS 4-6; 8-13: (Lopez/Geer; unan.; Hawn absent)
CONSENT ITEM 7: (Geer/Muratore; unan. Hawn absent)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes of the City Council meeting of January 11, 2011. (Funding Source: Not Applicable)
- Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Hawn absent) approving the Minutes of the City Council meeting of January 11, 2011.

Consent

5. Consider accepting the Second Quarter Update of the City of Modesto Capital Improvement Projects. (Funding Source: Not Applicable.)
- Motion accepting the Second Quarter Update of City of Modesto Capital Improvement Projects recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Hawn absent) accepting the Second Quarter Update of City of Modesto Capital Improvement Projects.

Consent

6. Consider accepting the Monthly Investment Report for November, 2010. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for November, 2010 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Hawn absent) accepting the Monthly Investment Report for November, 2010.

Removed from Consent

7. Consider authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$667,535. (Funding Source: Fleet Replacement Fund)

- Resolution authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$667,535 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-18 (Geer/Muratore; 6/0; Hawn absent) authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section through the Public Works Department, Fleet Services Division, to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$667,535.

Consent

8. Consider approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, American Specialty Health Plans and PacifiCare Behavioral Health; continuing dental and vision coverage through the City's self-insured program; authorizing the Director of Human Resources to serve as the coordinator for the various plans; and authorizing the City Manager to execute the necessary agreements. (Funding Source: Not Applicable)

- Resolution approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare, American Specialty Health Plans and Pacificare Behavioral Health; continuing dental and vision coverage through the City's self-insured programs; authorizing the Director of Human Resources to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute all necessary agreements recommended.

Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Resolution 2011-19 (Lopez/Geer; 6/0; Hawn absent) approving agreements between the City of Modesto and Kaiser Permanente, Anthem Blue Cross, United Healthcare,

American Specialty Health Plans and Pacificare Behavioral Health; continuing dental and vision coverage through the City's self-insured programs; authorizing the Director of Human Resources to serve as the coordinator for the various plans; and authorizing the City Manager, or his designee, to execute all necessary agreements.

Consent

9. Consider accepting the work by Teichert Construction for the "Claus Road Pavement Rehabilitation" project as complete. (Total construction cost is \$938,023, with a total project cost of \$1,185,503.14). (Funding Source: Capital Grants Fund)
- Resolution accepting the work by Teichert Construction for the "Claus Road Pavement Rehabilitation" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$938,023 recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2011-20 (Lopez/Geer; 6/0; Hawn absent) accepting the work by Teichert Construction for the "Claus Road Pavement Rehabilitation" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$938,023.

Consent

10. Consider approving the Prospective Bidder Prequalification List for the Phase 2 BNR/Tertiary Wastewater Treatment Project. (Funding Source: Not Applicable)
- Resolution approving the Prospective Bidder Prequalification List for the Phase 2 BNR/Tertiary Wastewater Treatment Project recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2011-21 (Lopez/Geer; 6/0; Hawn absent) approving the Prospective Bidder Prequalification List for the Phase 2 BNR/Tertiary Wastewater Treatment Project.

Consent

11. Consider authorizing the Director of Utility Planning and Projects to issue change orders on the E. Coolidge Area Waterline Replacement project in the total amount of \$131,713.64 (21.3% of the original contract price). (Total estimated construction costs pertaining to the Clyde Wheeler Pipeline, Inc. contract are estimated at \$748,850.04.) (Funding Source: Water Fund-CIP)
- Resolution authorizing the Director of Utility Planning and Projects to issue change orders on the E. Coolidge Area Waterline Replacement project in the total amount of \$131,713.64 (21.3% of the original contract price) recommended.
- Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2011-22 (Lopez/Geer; 6/0; Hawn absent) authorizing the Director of Utility Planning and Projects to issue change orders on the E. Coolidge Area Waterline Replacement project in the total amount of \$131,713.64 (21.3% of the original contract price).

Consent

12. Consider rejecting all bids for the Jennings Wastewater Treatment Plant Potable Water Supply Project and authorizing City staff to re-advertise the project. (Funding Source:

Wastewater Fund)

- Resolution rejecting all bids for the Jennings Wastewater Treatment Plant Potable Water Supply Project, and authorizing staff to re-advertise the project for the Jennings Wastewater Treatment Plant Potable Water Supply recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-23 (Lopez/Geer; 6/0; Hawn absent) rejecting all bids for the Jennings Wastewater Treatment Plant Potable Water Supply Project, and authorizing staff to re-advertise the project for the Jennings Wastewater Treatment Plant Potable Water Supply.

Consent

13. Consider (i) accepting the Preliminary Design Report dated October 2010 for the Industrial Tank 13 and Pump Station project as complete, and (ii) approving an agreement with NorthStar Engineering Group, Inc. for final design services for Industrial Tank 13 and Pump Station, in an amount not to exceed \$369,383.40. (Total estimated cost for the final design portion of the project is \$402,963.40) (Funding Source: Water Fund-CIP)

- Resolution accepting the Preliminary Design Report dated October 2010 for the Industrial Tank 13 and Pump Station project as complete recommended.
- Resolution approving an agreement with NorthStar Engineering Group, Inc. for final design services for Industrial Tank 13 and Pump Station project in an amount not to exceed \$335,803.40 for the identified scope of services, plus \$33,580.00 for additional services (if needed), for a maximum total amount of \$369,383.40, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-24 (Lopez/Geer; 6/0; Hawn absent) accepting the Preliminary Design Report dated October 2010 for the Industrial Tank 13 and Pump Station project as complete.

ACTION: Resolution 2010-25 (Lopez/Geer; 6/0; Hawn absent) approving an agreement with NorthStar Engineering Group, Inc. for final design services for Industrial Tank 13 and Pump Station project in an amount not to exceed \$335,803.40 for the identified scope of services, plus \$33,580.00 for additional services (if needed), for a maximum total amount of \$369,383.40, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding graffiti in the City of Modesto. He requested the City Attorney, in conjunction with the Stanislaus County Probation Department, research having juvenile graffiti offenders cover graffiti in the neighborhoods they vandalized. The City Attorney will return with an update to the Safety & Communities Committee on March 7, 2011.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

Removed from Agenda

14. Consider correspondence received from Mr. Charles R. Evins, II regarding the City of Modesto and the New Bethany Missionary Baptist Church. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Removed from Agenda.

UNFINISHED BUSINESS

15. Consider accepting the work by Conco West for the “Wellhead Treatment and Blending Lines – Wells 283 & 236” project as complete. (Total construction cost is \$982,972.76 with a total project cost of \$1,217,325.92) (Funding Source: American Recovery and Reinvestment Act of 2009 (ARRA) Environment-Water)
 - Resolution accepting the work by Conco West for the “Wellhead Treatment and Blending Lines – Wells 283 & 236” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$982,972.76 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-26 (Lopez/Marsh; 6/0; Hawn absent) accepting the work by Conco West for the “Wellhead Treatment and Blending Lines – Wells 283 & 236” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$982,972.76.

HEARINGS

Published in the Modesto Bee on January 5, 2011

16. Hearing to consider approving Specific Plan Amendment No. 4 to the North Beyer Park Specific Plan to delete the requirement for twenty-two units of moderate-income restricted housing, for properties located west of Oakdale Road between Claratina and Mable Avenues; and consider approving the payment of Sewer Bond Redemption Charges in lieu of the Wastewater Capacity Charges for the 114-lot Rose Villas Vesting Tentative Subdivision Map. (Funding Source: Not Applicable)
 - Resolution approving Specific Plan Amendment No. 4 to the North Beyer Park Specific Plan to modify the development policies and standards by removing a provision from the land use regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located on the west side of Oakdale Road between Claratina and Mable Avenues (Modesto Mable, LLC) recommended.

- Resolution approving the payment of Sewer Bond Redemption charges in lieu of Wastewater Capacity Charges for the 114-lots of the Rose Villas Vesting Tentative Subdivision Map, for building permits issued within two years of the recordation of a final map for said vesting tentative subdivision map recommended.
- Resolution finding that the following project is within the scope of the City of Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amendment to the North Beyer Park Specific Plan to modify the development policies and standards by removing a provision from the land use regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located on the west side of Oakdale Road between Claratina and Mable Avenues (Modesto Mable, LLC) recommended.

*Community & Economic Development; Katharine Martin, 577-5267,
kamartin@modestogov.com*

ACTION: Resolution 2011-27 (Muratore/Mayor Ridenour; 4/2; Geer, Marsh no, Hawn absent) approving Specific Plan Amendment No. 4 to the North Beyer Park Specific Plan to modify the development policies and standards by removing a provision from the land use regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located on the west side of Oakdale Road between Claratina and Mable Avenues (Modesto Mable, LLC).

ACTION: Resolution 2011-28 (Muratore/Mayor Ridenour; 4/2; Geer, Marsh no, Hawn absent) approving the payment of Sewer Bond Redemption charges in lieu of Wastewater Capacity Charges for the 114-lots of the Rose Villas Vesting Tentative Subdivision Map, for building permits issued within two years of the recordation of a final map for said vesting tentative subdivision map.

ACTION: Resolution 2011-29 (Muratore/Mayor Ridenour; 4/2; Geer, Marsh no, Hawn absent) finding that the following project is within the scope of the City of Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amendment to the North Beyer Park Specific Plan to modify the development policies and standards by removing a provision from the land use regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located on the west side of Oakdale Road between Claratina and Mable Avenues (Modesto Mable, LLC).

Published in the Modesto Bee on January 15, 2011

17. Hearing to consider approving the proposed building rental fee schedule for Maddux Youth Center and accepting an update on the status of other funding opportunities for support of this facility. (Funding Source: General Fund)
- Resolution approving a building rental fee schedule for the Maddux Youth Center recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Resolution 2011-30 (Marsh/Geer; 6/0; Hawn absent) approving a building rental fee schedule for the Maddux Youth Center.

Published in the Modesto Bee on January 15, 2011

18. Hearing to consider adoption of a special session administrative fee in the amount of \$125 for those entertainment permits requiring either an expedited process and/or a special session of the Entertainment Commission. (Funding Source: General Fund)
- Resolution approving an administrative fee in the amount of \$125 for those City of Modesto entertainment permits requiring a special session of the Entertainment Commission and/or an expedited permit recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2011-31 (Marsh/Geer; 6/0; Hawn absent) approving an administrative fee in the amount of \$125 for those City of Modesto entertainment permits requiring a special session of the Entertainment Commission and/or an expedited permit.

NEW BUSINESS

19. Consider approving the appointment of Tom Krippaehne as City Auditor, and approving a Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP. (Funding Source: General Fund)
- Resolution approving the appointment of Tom Krippaehne as City Auditor, and approving a Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP; and authorizing the Mayor, or his designee, to execute the Agreement recommended.
- City Council; Jim Ridenour, 571-5597, jridenour@modestogov.com*

ACTION: Resolution 2011-32 (Muratore/Lopez; 6/0; Hawn absent) approving the appointment of Tom Krippaehne as City Auditor, and approving a Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP; and authorizing the Mayor, or his designee, to execute the Agreement.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. Two potential cases.

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

Name of case: Pablo Perez v. Officer Freddie Gaines and City of Modesto, et al.; Stanislaus County Superior Court No. 658878

MINUTES
City of Modesto
**Special Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2001
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, January 31, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None.

NEW BUSINESS

1. Consider review and discussion regarding: (i) Urban Growth Limits proposed by the Farmland Working Group; (ii) General Plan Amendments; and (iii) Agricultural Mitigation to ensure all three efforts proceed in a coordinated manner. (Funding Source: General Plan Amendments: various--General Fund Water Fund-CIP, Caltrans Community Based Transportation Planning grant, HUD Smart Valley Places grant, possible Proposition 84 grant; Agricultural Mitigation –General Fund) *Community and Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

ACTION: No reportable action.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

Follow-Up Items for next Special Economic Development Committee:

- Request Stanislaus County Board of Supervisor Terry Withrow's attendance
- Discussion of areas north of Kiernan, McHenry and Tully, Salida, and Riverbank proposed plans
- Request Farm Bureau Representative attendance to speak regarding buffer

- Request LAFCO representative to speak on process

ADJOURNMENT

This meeting adjourned at 6:50 p.m.

MINUTES

City of Modesto
**Special Audit Committee Meeting/
Special City Council Workshop Meeting**
Second Floor, Room 2005

Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 1, 2011 at 10:00 a.m.

Roll Call: Present - Committee Members Muratore, Geer, Mayor Ridenour

Absent - None

Also Present – Councilmember Burnside

PUBLIC COMMENT PERIOD **Three minute time limit per speaker**

None.

CONSENT ITEMS

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

None.

NEW BUSINESS

1. Consider accepting (i) the City's Fiscal Year 2009-2010 Comprehensive Annual Financial Report (CAFR), Single Audit Report, and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong; (ii) Fiscal Year 2009-2010 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) Fiscal Year 2009-2010 audit reports for various Joint Powers Agencies and other audits reports. (Funding Source: Not Applicable)

Finance; DeAnna Espinoza, 577-5387, despinoza@modestogov.com

ACTION: Motion (Geer/Muratore; unan.) accepting the City's Fiscal Year 2009-2010 Comprehensive Annual Financial Report (CAFR), Single Audit Report, and the City's audit report on Internal Controls and Required Communications from external auditors Brown and Armstrong; (ii) Fiscal Year 2009-2010 audited financial statements and audit reports for nine Community Facilities Districts; and (iii) Fiscal

Year 2009-2010 audit reports for various Joint Powers Agencies and other audits reports and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:39 a.m.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, February 7, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh and Geer
Absent: Committee Member Lopez
Also Present: Councilmember Muratore (alternate)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider supporting the recommendation of the Landmark Preservation Commission to designate the site located at 305 Magnolia Avenue as Modesto Landmark Preservation Site No. 59.
Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com

ACTION: **Motion (Geer/Muratore;unan.)** supporting the recommendation of the Landmark Preservation Commission to designate the site located at 305 Magnolia Avenue as Modesto Landmark Preservation Site No. 59.

UNFINISHED BUSINESS

2. Consider recommending appointments to the City of Modesto Blue Ribbon Commission on Homelessness.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: **Motion (Muratore/Geer;unan.)** recommending the following appointments to the City of Modesto Blue Ribbon Commission on Homelessness: Brad Wilson, Michael Moradian, Steve Madison, Vanessa Czopek, Cynthia Hamilton, Frank Ploof, Alan Cassidy, J. David Wright, Jr., and Darryl Fair.

NEW BUSINESS

3. Consider accepting an informational report regarding Modesto's Crime Statistics for January through December 2010 as compared to January through December 2009.

Police; Michael Harris, 572-9550, harrism@modestopd.com

ACTION: **Motion (Muratore/Geer; unan.)** accepting an informational report regarding Modesto's Crime Statistics for January through December 2010 as compared to January through December 2009.

4. Consider acceptance of an informational report regarding Modesto's Gang Crime Statistics for January through December 2010 as compared to January through December 2009.

Police; Michael D. Harris, 572-9550, harrism@modestopd.com

ACTION: **Motion (Muratore/Geer; unan.)** accepting an informational report regarding Modesto's Gang Crime Statistics for January through December 2010 as compared to January through December 2009.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:25 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 08, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Muratore - Items 8, 9 and 12
Burnside - Item 11

Reports from Closed Session – City Attorney Wood reported on Closed Session matters.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Steve Qualls, League of California Cities, in opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California. (Funding Source: Not Applicable)
 - Resolution in opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California recommended.
City Council; Jim Ridenour, 577-5597, jridenour@modestogov.com

ACTION: Resolution 2011-33 (Muratore/Lopez; 7/0) in opposition to the Administration's Proposal to Abolish Redevelopment Agencies in California.

2. Presentation of Proclamation to Joe and Michelle Williams proclaiming February 2011 Reconciling God's Way Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 577-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Joe and Michelle Williams declaring February 2011 Reconciling God's Way Month.

3. Presentation of Certificate of Recognition to Matthew and Michael Pascual. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Councilmember Lopez presented a Certificate of Recognition to Matthew and Michael Pascual.

4. Presentation by the Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey. (Funding Source: Not Applicable)
Information Technology; Kevin Harless, 577-5331, kharless@modestogov.com

ACTION: Presentation was made by the Information Technology Department acknowledging the City of Modesto as one of the top-ranked local governments in the nation, in the 10th annual Digital Cities Survey

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 10

ACTION CONSENT ITEMS: 5-7, 10 (Lopez/Marsh; unan.)

ACTION CONSENT ITEMS 8, 9 (Marsh/Burnside; unan.; Muratore absent due to conflict)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes of the City Council meeting of January 25, 2011. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modetogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes from the January 25, 2011 meeting.

Consent

6. Consider approving the Monthly Budget Adjustment Report for December 2010 and January 2011. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.*Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2011-34 (Lopez/Marsh; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

7. Consider authorizing the award of bid for the purchase of nine (9) Crown Victoria Police Interceptor vehicles – 2011 model year, for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of San Jose, CA, through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$255,612. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of nine (9) Crown Victoria Police Interceptor vehicles for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of San Jose through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$255,612 recommended.
- Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2011-35 (Lopez/Marsh; 7/0) authorizing the award of bid for the purchase of nine (9) Crown Victoria Police Interceptor vehicles for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of San Jose through Theodore Robins Ford, Costa Mesa, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$255,612.

Consent – *Councilmember Muratore absent due to conflict*

8. Consider adopting Neighborhood Stabilization Program 2 (NSP2) Resale Guidelines for a property located at 802 Kerr Avenue and funded through the Neighborhood Stabilization Program 1 (NSP1) grant. (Funding Source: Neighborhood Stabilization Program 1)
- Resolution approving Neighborhood Stabilization Program 2 Resale Guidelines for the property located at 802 Kerr Avenue and purchased with Neighborhood Stabilization Program 1 funds recommended.
- Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com*

ACTION: Resolution 2011-36 (Marsh/Burnside; 6/0; Muratore absent due to conflict) approving Neighborhood Stabilization Program 2 Resale Guidelines for the property located at 802 Kerr Avenue and purchased with Neighborhood Stabilization Program 1 funds.

Consent – *Councilmember Muratore absent due to conflict*

9. Consider affirming that the property acquisition and rehabilitation loans obtained by the Housing Authority of Stanislaus County utilizing Neighborhood Stabilization Program (NSP) grant funds will be subject to the same terms and conditions as those approved by the City Council for non-profit developers. (Funding Source: Neighborhood Stabilization Program Grants)
- Resolution affirming that the Housing Authority of Stanislaus County will be subject to the same loan terms and conditions as the non-profit developers under both the Neighborhood Stabilization Program 1 and 2, and shall have the loans forgiven if affordability covenants are met recommended.
- Parks, Recreation & Neighborhoods; Judith R Ray, 577-5351, jray@modestogov.com*

ACTION: Resolution 2011-37 (Marsh/Burnside; 6/0; Muratore absent due to conflict) affirming that the Housing Authority of Stanislaus County will be subject to the same loan terms and conditions as the non-profit developers under both the Neighborhood Stabilization Program 1 and 2, and shall have the loans forgiven if affordability covenants are met .

Consent

10. Consider approving authority for the Airport Manager to offer promotional airport hangar rental rates for the calendar year 2011 in order to increase occupancy. (Funding Source: Airport Operating Budget)
- Resolution approving promotional airport hangar rental rates for calendar year 2011 in order to increase occupancy at the Modesto City/County Airport recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-38 (Lopez/Marsh; 7/0) approving promotional airport hangar rental rates for calendar year 2011 in order to increase occupancy at the Modesto City/County Airport.

COUNCIL COMMENTS & REPORTS

- Councilmember Hawn spoke regarding his trip to Washington, D.C. for meetings regarding water issues and funding for water projects.
- Councilmember Lopez spoke regarding the possibility of staff reviewing the January 25, 2011 Council item regarding the 26 units Florsheim Homes Rose Villas Subdivision. City Manager will have staff return to Council.

CITY MANAGER COMMENTS & REPORTS

None.

Councilmember Burnside left meeting at 6:00 p.m.

HEARINGS

Published in the Modesto Bee and Vida on January 26, 2011 – Councilmember Burnside Conflict of Interest

11. Hearing to consider approving submittal of a formal application for Federal Transit Administration (FTA) State of Good Repair funds previously awarded to the City and submittal of amendments to two previously approved FTA grants. (Funding Source: FTA Revenue)
- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$3,481,456 in State of Good Repair funds for the new Bus Maintenance Facility project recommended.
 - Resolution approving submittal of grant amendments to the Federal Transit Administration (FTA) requesting line item budget amendments in Modesto's Job Access and Reverse Commute Grant and New Freedom Grant recommended.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-39 (Marsh/Geer; 6/0; Burnside absent) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$3,481,456 in State of Good Repair funds for the new Bus Maintenance Facility project.

ACTION: Resolution 2011-40 (Marsh/Geer; 6/0; Burnside absent) approving submittal of grant amendments to the Federal Transit Administration (FTA) requesting line item budget amendments in Modesto's Job Access and Reverse Commute Grant and New Freedom Grant.

NEW BUSINESS

Councilmember Muratore absent due to conflict of interest

12. Consider approving submission of the Neighborhood Stabilization Program 3 (NSP3) Substantial Amendment to the Annual Action Plan to receive \$2,951,549 from the U.S. Department of Housing and Urban Development (HUD) as authorized under the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 for the purpose of stabilizing communities significantly impacted by property foreclosure and abandonment. (Funding Source: Neighborhood Stabilization Program 3 Grant)

- Resolution accepting Neighborhood Stabilization Program 3 (NSP3) grant award from the U.S. Department of Housing and Urban Development (HUD); approving NSP3 Substantial Amendment to the Annual Action Plan and its submission to HUD; authorizing the City Manager, or his designee, to sign all related documents and approve future technical amendments to NSP3 grant per direction from HUD; and authorizing staff to prepare sub-recipient agreement with Housing Authority of the County of Stanislaus to be approved by Council recommended.
- Resolution amending the Fiscal Year 2010-2011 budget to create five multi-year organizations in Fund 1131 and to estimate and appropriate \$2,951,549 from the U.S. Department of Housing and Urban Development (HUD) for Neighborhood Stabilization Program 3 (NSP3) recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2011-41 (Lopez/Geer; 5/0; Burnside absent; Muratore absent due to conflict) accepting Neighborhood Stabilization Program 3 (NSP3) grant award from the U.S. Department of Housing and Urban Development (HUD); approving NSP3 Substantial Amendment to the Annual Action Plan and its submission to HUD; authorizing the City Manager, or his designee, to sign all related documents and approve future technical amendments to NSP3 grant per direction from HUD; and authorizing staff to prepare sub-recipient agreement with Housing Authority of the County of Stanislaus to be approved by Council.

ACTION: Resolution 2011-42 (Lopez/Geer; 5/0; Burnside absent, Muratore absent due to conflict) amending the Fiscal Year 2010-2011 budget to create five multi-year organizations in Fund 1131 and to estimate and appropriate \$2,951,549 from the U.S. Department of Housing and Urban Development (HUD) for Neighborhood Stabilization Program 3 (NSP3).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Agency Negotiators: Dania Torres Wong, Tom Morrison
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Dania Torres Wong
Tom Morrison
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Dania Torres Wong
Tom Morrison
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Dania Torres Wong
Tom Morrison
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Dania Torres Wong
Tom Morrison
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Dania Torres Wong
Tom Morrison
Employee Organization Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

Special Audit Committee Meeting/ Special City Council Workshop Meeting

Second Floor, Room 2005

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday, February 15, 2011 at 10:00 a.m.

Roll Call: Present - Committee Member Muratore, Mayor Ridenour

Absent - None

Also Present – Councilmember Burnside

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

CONSENT ITEMS

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

None.

NEW BUSINESS

1. Consider discussing proposed work plan and task list for approving the appointment of Tom Krippaehne as City Auditor, and approving a Master Agreement for auditing services between the City of Modesto and Moss-Adams, LLP. (Funding Source: General Fund)
City Council; Jim Ridenour, 577-5597, jridenour@modestogov.com

ACTION: The Audit Committee directed the auditing firm of Moss-Adams, LLP to return to the Audit Committee with a work plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:30 a.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Wednesday, February 16, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Motion (Hawn/Burnside;unan.) accepting status report of development projects processed by the Community and Economic Development Department.

Councilmember Hawn left meeting at 5:51 p.m.

UNFINISHED BUSINESS

2. Consider approving conceptual options for pedestrian-oriented (destination-oriented) street design (cross sections) for the downtown area and provide direction to staff regarding continued work on this effort. (Funding Source: Not applicable)
*Community & Economic Development; Josh Bridegroom, 577-5267,
jbridegroom@modestogov.com*

ACTION: Motion (Muratore/Burnside; Hawn absent) recommending conceptual options for pedestrian-oriented (destination-oriented) street design (cross sections) for the downtown area:

Alternates 1 and 2b and forwarding to Council for approval.

3. Consider accepting the 2011 Urban Growth Review (UGR) project be deferred to 2013 and forwarding to Council for approval. (Funding Source: Not Applicable)

Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: Motion (Burnside/Muratore; Hawn absent) accepting the 2011 Urban Growth Review (UGR) project be deferred to 2013 and forwarding to Council for approval.

NEW BUSINESS

4. Consider recommending an appointment to fill a vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC). (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Judith Ray, 571-5351, jray@modestogov.com

ACTION: Motion (Muratore/Burnside; Hawn absent) recommending the appointment of Brad Pitts to the City of Modesto Housing Rehabilitation Loan Committee (HRLC).

5. Consider recommending appointments to fill five (5) current vacancies on the City of Modesto Golf Course Advisory Committee. (Funding Source:)

Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com,

ACTION: Motion (Muratore/Burnside; Hawn absent) recommending the appointments of Marcus Raposas, Joseph Cataline, Joshua Vander Veen, Harold Aycock and Nancy Norton to the City of Modesto Golf Course Advisory Committee.

6. Consider recommending appointments to fill two vacancies on the City of Modesto Citizens Housing and Community Development Committee (CH&CDC). (Funding Source: Not Applicable)

Parks, Recreation & Neighborhoods; Judith Ray, 571-5351, jray@modestogov.com

ACTION: Motion (Muratore/Burnside; Hawn absent) recommending the appointments of Carmen Morad and Oscar Cabello to the City of Modesto Citizens Housing and Community Development Committee (CH&CDC).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday February 22, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - : None.

Declaration of Conflicts of Interest - Hawn, Muratore - Item 18

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Pete Warner, President of the Camellia Society of Modesto, declaring March 2011 as Camellia Month for the City of Modesto. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Pete Warner, President of the Camellia Society of Modesto, declaring March 2011 as Camellia Month for the City of Modesto.

PUBLIC COMMENT PERIOD

Jenny Kenoyer spoke regarding affordable and senior housing, specifically Downey Terrace. Mayor Ridenour referred Ms. Kenoyer to Parks, Recreation & Neighborhoods Director Julie Hannon.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 16

ACTION CONSENT ITEMS 2-16: (Lopez/Hawn; unan.)

CONSENT ITEMS

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

Councilmember.

Consent

2. Consider approving the Minutes of the City Council meeting of February 8, 2011.
(Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the February 9, 2011 meeting.

Consent

3. Consider amending the City Council resolutions approving the filing of applications for the Kiernan Business Park East and Jennings Addition No. 2 annexations, to specify the City Council Districts that these annexations are located in. (Funding Source: Not Applicable)
 - Resolution amending City Council Resolution No. 2010-344 to specify that the Jennings Addition No. 2 annexation area is to be located in Council District No. 2 upon annexation recommended.
 - Resolution amending City Council Resolution No. 2010-245 to specify that the Kiernan Business Park East annexation area is to be located in Council District No. 1 upon annexation recommended.*Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com*

ACTION: Resolution 2011-043 (Lopez/Hawn; 7/0) amending City Council Resolution No. 2010-344 to specify that the Jennings Addition No. 2 annexation area is to be located in Council District No. 2 upon annexation.

ACTION: Resolution 2011-044 (Lopez/Hawn; 7/0) amending City Council Resolution No. 2010-245 to specify that the Kiernan Business Park East annexation area is to be located in Council District No. 1 upon annexation.

Consent

4. Consider approving a contract amendment to the agreement with Dokken Engineering for preparation of Plans Specifications and Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project. (Funding Source: Not applicable)
 - Resolution approving an Amendment to Agreement with Dokken Engineering for preparation of the Plans Specifications & Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.*Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2011-045 (Lopez/Hawn; 7/0) approving an Amendment to Agreement with Dokken Engineering for preparation of the Plans Specifications & Estimates for the State Route 99/Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

5. Consider approving the Protected-Permissive Traffic Signals Report for 2010. (Funding Source: Gas Tax)
 - Resolution approving the Protected-Permissive Traffic Signals Report for 2010 recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2011-046 (Lopez/Hawn; 7/0) approving the Protected-Permissive Traffic Signals Report for 2010.

Consent

6. Consider approving a License Agreement between the City of Modesto and Modesto Irrigation District for the purpose of obtaining permission to make improvements within MID Lateral 7 for the project titled “New Traffic Signal Installation-Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way” to use certain real property located within MID right of way, as described in Exhibit A of the License Agreement, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: N/A)
 - Resolution approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for the purpose of obtaining permission to make improvements within MID Lateral 7 for the project titled “New Traffic Signal Installation-Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way” to use certain real property located within MID right-of-way,; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2011-047 (Lopez/Hawn; 7/0) approving a License Agreement between the City of Modesto and Modesto Irrigation District (MID) for the purpose of obtaining permission to make improvements within MID Lateral 7 for the project titled “New Traffic Signal Installation-Standiford Avenue at Hahn Drive and Prescott Road at Cheyenne Way” to use certain real property located within MID right-of-way,; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider accepting the State of California Department of Transportation Grant Section 130 funds in the amount of \$476,691, and authorizing the City Manager, or his designee, to execute the necessary grant documents; and approving the amendment of the 2010/2011 Capital Improvement Program budget accepting the grant funds, and establishing one new CIP project titled, “Railroad Pre-Traffic Signal and Intersection Improvements 7th and B Streets.” (Funding Source: 100% DOT Section 130 Grant)
 - Resolution accepting the State of California Department of Transportation Grant Section 130 funds in the amount of \$476,691; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2010/2011 Capital Improvement Program budget accepting the grant funds, and establishing one new CIP project titled,

“Railroad Pre-Traffic Signal and Intersection Improvements 7th and B Streets” recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2011-048 (Lopez/Hawn; 7/0) accepting the State of California Department of Transportation Grant Section 130 funds in the amount of \$476,691; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2011-049 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010/2011 Capital Improvement Program budget accepting the grant funds, and establishing one new CIP project titled, “Railroad Pre-Traffic Signal and Intersection Improvements 7th and B Streets”.

Consent

8. Consider approving the installation of angled parking along the north side of K Street between 415 K Street and 6th Street for New Bethany Missionary Baptist Church and parking on the K Street bridge deck in the City of Modesto and rescind Resolution No. 2010-308. (Funding Source: Gas Tax)
- Resolution approving the installation of angled parking along the north side of K Street between 415 K Street and 6th Street for New Bethany Missionary Baptist Church (NBMBC), and parking on the K Street bridge deck in the City of Modesto, and rescinding Resolution No. 2010-308 recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2011-050 (Lopez/Hawn; 7/0) approving the installation of angled parking along the north side of K Street between 415 K Street and 6th Street for New Bethany Missionary Baptist Church (NBMBC), and parking on the K Street bridge deck in the City of Modesto, and rescinding Resolution No. 2010-308.

Consent

9. Consider approving an Agreement for Drainage System Maintenance with California Department of Transportation for City owned drainage manhole within state right of way. (Funding Source: Not applicable)
- Resolution approving an Agreement for Drainage System Maintenance with California Department of Transportation for maintenance for City owned Drainage Inlet within state Right-of-Way; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2011-051 (Lopez/Hawn; 7/0) approving an Agreement for Drainage System Maintenance with California Department of Transportation for maintenance for City owned Drainage Inlet within state Right-of-Way; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider accepting the Monthly Investment Report for December, 2010. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for December, 2010 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for December, 2010.

Consent

11. Consider approving the submittal of the Airport Capital Improvement Plan Update to the Federal Aviation Administration and Caltrans Aeronautics. (Funding Source: Not applicable)
- Resolution approving the submittal of the Airport Capital Improvement Plan Update to the Federal Aviation Administration and Caltrans Aeronautics recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2011-052 (Lopez/Hawn; 7/0) approving the submittal of the Airport Capital Improvement Plan Update to the Federal Aviation Administration and Caltrans Aeronautics.

Consent

12. Consider approving the submittal of a Federal Airport Improvement Program Grant Application for \$256,500 to the Federal Aviation Administration for Drainage/Electrical Assessments (A027) and a new ADA Lift. (Funding Source: Federal Grant Funds/Passenger Facility Charges)
- Resolution approving the submittal of a Federal Airport Improvement Program Grant Application for \$256,500 to the Federal Aviation Administration for Drainage/Electrical Assessments and a new ADA Lift, and authorizing the City Manager, or his designee, to sign the subsequent Grant Offer Acceptance and any documents related to projects contained in the Grant recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2011-053 (Lopez/Hawn; 7/0) approving the submittal of a Federal Airport Improvement Program Grant Application for \$256,500 to the Federal Aviation Administration for Drainage/Electrical Assessments and a new ADA Lift, and authorizing the City Manager, or his designee, to sign the subsequent Grant Offer Acceptance and any documents related to projects contained in the Grant.

Consent

13. Consider approving the Second Amendment to Agreement with Larry Walker Associates for Storm Water Management Plan work in the amount of \$280,000. (Funding Source: Storm Drain Fund)
- Resolution approving the Second Amendment to Agreement with Larry Walker Associates for Storm Water Management Plan Work in the amount of \$280,000, with a total agreement amount not to exceed \$580,000 recommended.
- Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com*

ACTION: Resolution 2011-054 (Lopez/Hawn; 7/0) approving the Second Amendment to Agreement with Larry Walker Associates for Storm Water Management Plan Work in the amount of \$280,000, with a total agreement amount not to exceed \$580,000.

Consent

14. Consider approving a Pipeline Crossing Agreement with Union Pacific Railroad Company to allow the construction, operation, and maintenance of a sewer pipeline crossing the company's right-of-way on H Street, in the amount of \$7,300. (Funding Source: Wastewater Fund)
- Resolution approving a Pipeline Crossing Agreement with Union Pacific Railroad Company to allow the construction, operation, and maintenance of a sewer pipeline crossing the company's right-of-way on H Street, in the amount of \$7,300, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2011-055 (Lopez/Hawn; 7/0) approving a Pipeline Crossing Agreement with Union Pacific Railroad Company to allow the construction, operation, and maintenance of a sewer pipeline crossing the company's right-of-way on H Street, in the amount of \$7,300, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving an amendment to agreement with West Yost Associates, Inc. for additional services not included in the original agreement for Constructability Review Services in an amount not to exceed \$104,965, for a maximum total amount of \$153,965. (Total estimated consultant cost is \$7,542,623.) (Funding Source: Wastewater Fund-CIP)
- Resolution approving an amendment to agreement with West Yost Associates, Inc. (West Yost) for additional services not included in the original agreement for Constructability Review/Construction Management Services of the Phase 2 BNR/Tertiary Wastewater Treatment Facility Project, for an amount not to exceed \$104,965, for a maximum total amount of \$153,965, and authorizing the City Manager, or his designee, to execute the second amendment to the agreement recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-056 (Lopez/Hawn; 7/0) approving an amendment to agreement with West Yost Associates, Inc. (West Yost) for additional services not included in the original agreement for Constructability Review/Construction Management Services of the Phase 2 BNR/Tertiary Wastewater Treatment Facility Project, for an amount not to exceed \$104,965, for a maximum total amount of \$153,965, and authorizing the City Manager, or his designee, to execute the second amendment to the agreement.

Consent

16. Consider accepting the work by DSS Company dba Knife River Construction for the "Pelandale Avenue at Sisk Road and SR99 Northbound On-Ramp" project as

complete. (Total construction cost is \$607,819.58, with a total project cost of \$1,443,324.28) (Funding Source: Capital Facility Fees)

- Resolution accepting the work by DSS Company dba Knife River Construction for the “Pelandale Avenue at Sisk Road and SR99 Northbound On-Ramp” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$607,819.58 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-057 (Lopez/Hawn; 7/0) accepting the work by DSS Company dba Knife River Construction for the “Pelandale Avenue at Sisk Road and SR99 Northbound On-Ramp” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$607,819.58.

COUNCIL COMMENTS & REPORTS

Mayor Ridenour announced the second City of Modesto Community Forum Meeting on Wednesday, February 24, 2011 at the Maddux Youth Center from 6:00-8:00 pm; the Youth Forum is scheduled from 3:00-4:00 pm at Maddux Youth Center.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

17. Consider correspondence received from Mark Gray, Director of the Prop 215 Info Center. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mr. Gray was referred to the City Attorney's Office.

HEARINGS

Published in the Modesto Bee on February 4, 2011—Councilmembers Hawn and Muratore absent due to conflict of interest

18. Hearing to consider: (i) approving the issuance of revenue bonds by the California Municipal Finance Authority for the benefit of Golden Valley Health Centers; (ii) providing for the financing of an acquisition of a building located at 1510 Florida Avenue, Modesto, California, for use as a primary care community clinic, and (iii) approving the issuance of the Bonds by the CMFA for the benefit of Golden Valley Health Centers, to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Internal Revenue Code and the California Government Code Section 6500. (Funding Source: Not Applicable)

- Resolution approving the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$5,00,000, to provide for the financing of the Golden Valley Health Centers recommended.
Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2011-058 (Lopez/Geer; 5/0; Hawn, Muratore absent due to conflict of interest) approving the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$5,00,000, to provide for the financing of the Golden Valley Health Centers.

Published in the Modesto Bee on February 8 and 15, 2011

19. Hearing to consider approving a Second Amended and Restated Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto and EAH, Inc. for the proposed development of the affordable housing unit complex also referred to as Archway Commons. (Funding Source: HOME and Redevelopment Agency Housing Set-Aside)

- Resolution approving a Second Amended and Restated Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto and EAH, Inc. for the proposed development of 76 units of affordable housing, also known as Archway Commons; and an amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. and authorizing the City Manager, or his designee, to execute the Agreement and any related documents recommended.
- Resolution approving an amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. for the proposed development of affordable housing units, also known as Archway Commons and authorizing the City Manager, or his designee, to execute the Agreement and any related documents recommended.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2011-059 (Hawn/Marsh; 7/0) approving a Second Amended and Restated Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto and EAH, Inc. for the proposed development of 76 units of affordable housing, also known as Archway Commons; and an amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. and authorizing the City Manager, or his designee, to execute the Agreement and any related documents.

ACTION: Resolution 2011-060 (Hawn/Marsh; 7/0) approving an amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. for the proposed development of affordable housing units, also known as Archway Commons and authorizing the City Manager, or his designee, to execute the Agreement and any related documents.

Published in the Modesto Bee on February 8, 2011 and February 15, 2011

20. Hearing to consider approving: (i) a Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto and American Baptist Homes of the West and Satellite Housing for the sale of real property located at 17th & G Streets also known as “Tower Park” to the developer for the development of 48 Affordable Senior

Housing units and (ii) a HOME Loan Agreement between the City of Modesto and the developer in the amount of \$2.7 million. (Funding Source: HOME and Redevelopment Agency Housing Set-Aside)

- Resolution approving a Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto (RDA) and American Baptist Homes of the West and Satellite Housing (developer) for the sale of real property located at 17th & G Streets also known as “Tower Park” to the developer for the development of 48 Affordable Senior Housing units recommended.
- Resolution approving a HOME Loan Agreement between the City of Modesto and American Baptist Homes of the West and Satellite Housing in the amount of \$2.7 million; and authorizing the City Manager, or his designee, to execute all documents related to the HOME Loan Agreement recommended.

Parks, Recreation & Neighborhoods; Scott Humphries, 571-5506, shumphries@modestogov.com

ACTION: Resolution 2011-061 (Hawn/Marsh; 7/0) approving a Disposition and Development Agreement between the Redevelopment Agency of the City of Modesto (RDA) and American Baptist Homes of the West and Satellite Housing (developer) for the sale of real property located at 17th & G Streets also known as “Tower Park” to the developer for the development of 48 Affordable Senior Housing units.

ACTION: Resolution 2011-062 (Hawn/Marsh; 7/0) approving a HOME Loan Agreement between the City of Modesto and American Baptist Homes of the West and Satellite Housing in the amount of \$2.7 million; and authorizing the City Manager, or his designee, to execute all documents related to the HOME Loan Agreement.

Published in the Modesto Bee on February 11, 2011

21. Hearing to consider accepting a Methodology Consumption Calculation that determines per-capita water use targets and the associated per-capita water uses, as required by the State Water Code, in the 2010 Urban Water Management Plan. (Funding Source: Water Fund)
- Resolution approving a methodology for consumption calculation for determining urban water use target and the associated per-capita water uses, as required by the State Water Code, in the 2010 Urban Water Management Plan recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-063 (Hawn/Muratore; 7/0) approving a methodology for consumption calculation for determining urban water use target and the associated per-capita water uses, as required by the State Water Code, in the 2010 Urban Water Management Plan.

NEW BUSINESS

22. Consider authorizing the City Manager to execute a Cooperative Agreement with Caltrans for acquisition of right-of-way for the State Route 99/Pelandale Avenue Interchange. (Funding Source: Not Applicable)
- Resolution approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for acquisition of right-of-way for State Route 99/Pelandale Avenue Interchange Reconstruction Project; and

authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 577-5356,
bsandhu@modestogov.com*

ACTION: Resolution 2011-064 (Muratore/Lopez; 7/0) approving a Cooperative Agreement between the City of Modesto and the California Department of Transportation (Caltrans) for acquisition of right-of-way for State Route 99/Pelandale Avenue Interchange Reconstruction Project; and authorizing the City Manager, or his designee, to execute the Agreement.

23. Consider awarding a five year contract extension to Grover Landscape Services, Inc. for \$1,883,743.80 to provide park landscape services to various City-owned park sites. (Funding Source: General Fund, Community Facility District, Enterprise Funds)
- Resolution approving an Agreement with Grover Landscape Services, Inc., for a period of five (5) years, in the amount of \$1,883,743.80, with the option to negotiate a five (5) year extension, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

*Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579,
dfortino@modestogov.com*

ACTION: Resolution 2011-065 (Lopez/Geer; 7/0) approving an Agreement with Grover Landscape Services, Inc., for a period of five (5) years, in the amount of \$1,883,743.80, with the option to negotiate a five (5) year extension, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

24. Consider introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and installation of water lines and equipment used to upgrade water mains, service connections and hydrants in the Del Rio water service area for a cost not to exceed \$390,000. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority recommended.

Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Geer; 7/0) introducing **Ordinance No. 3546-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to meeting

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

Property: Sale of Property Related to the Empire Avenue
Improvement Project:

APN: 035-048-004; 035-048-005; 035-048-006; 035-048-007; 035-048-008; 035-048-017;
035-048-011; 035-048-012; 035-048-013; 035-048-014; 035-049-024; 035-049-023; 035-050-
001; 035-050-022; 035-051-001; 035-051-021

Negotiating parties: Jon Yuriar, City Property Agent
Julie Hannon, Director of Parks, Recreation & Neighborhoods
Judy Ray, Deputy Director of Parks, Recreation & Neighborhoods

Under negotiation: Price and terms of sale of partial property acquisition and construction
easement

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

1. Property: Sale of Property and Acquisition of Right-of-Way for the
following properties:

(Primary Outfall Rehabilitation Project, Phase II)

APN: 017-058-046 & 017-058-047
APN: 017-062-035
APN: 017-062-030
APN: 017-062-003

Negotiating parties: Vern Cummings, Associated Right of Way Services

Under negotiation: Price and terms of sale.

2. Property: Sale of Property and Acquisition of Right-of-Way for the following
properties:

(Primary Outfall Rehabilitation Project, Phase II)

APN: 017-051-061
APN: 017-051-063
APN: 017-051-069
APN: 017-051-041
APN: 017-038-010
APN: 017-058-045
APN: 017-058-044
APN: 017-051-040

Negotiating parties: Vern Cummings, Associated Right of Way Services
Steve Castellano, Associated Right of Way Services

Under negotiation: Price and terms of sale.

3. Property: Sale of Property

309 Mensinger Avenue
APN: 113-004-022

Negotiating parties: Jon Yuriar, Property Agent

Under negotiation: Price and terms of sale.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2001
1010 10th Street
Modesto, California
Monday, February 28, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh
Absent: Councilmember Stephanie Burnside
Also Present: Councilmember Dave Geer (Alternate)

PUBLIC COMMENTS

None.

ACKNOWLEDGEMENTS and PRESENTATIONS

1. Consider presentation by Nick Pinhey, Utility Planning and Projects Director regarding the Turlock Irrigation District reimbursement of design costs for the Regional Surface Water Supply Project. (Funding Source: Not Applicable)
Utility Planning and Projects; Nick Pinhey, 577-5205 , npinhey@modestogov.com

ACTION: No reportable action.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2

CONSENT

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

Consent

2. Consider approving the Monthly Budget Adjustment Report for February 2011 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** approving the Monthly Budget Adjustment Report for February 2011 and forwarding to Council for approval

NEW BUSINESS

3. Consider discussing Funding a Plan to Provide Focused Attention on Strengthening Our Council Commitments and Economic Development Initiatives. (Funding Source: Not Applicable)
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) recommending funding a plan to provide focused attention on strengthening our Council Commitments and Economic Development Initiatives.

4. Consider recommending to the City Council approval of the Comprehensive Fees Task Force recommendations regarding Development User Fees, Wastewater Capacity Fees, Capital Facility Fees and related policies and procedures. (Funding Source: General Fund, Sewer Fund, CFF)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Geer/Marsh;unan.) approving recommendations of the Comprehensive Fees Task Force regarding Development User Fees, Wastewater Capacity Fees, Capital Facility Fees and related policies and procedures (without subsidies options) and forwarding to Council for approval..

Recess at 7:42 p.m.

Reconvened at 7:53 p.m.

5. Consider discussing the use of the City of Modesto reserve/investment monies and giving direction to staff. (Funding Source: Not Applicable)
City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com

ACTION: No reportable action.

6. Consider approving retirement of the City's Water Fund 1997 Refunding Revenue Certificates of Participation and forwarding to Council for approval. (Funding Source: Water Fund)
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving retirement of the City's Water Fund 997 Refunding Revenue Certificates of Participation and forwarding to Council for approval.

7. Consider approving the financial policies recommended by staff to preliminarily use in the water rate study. (Funding Source: Water Fund)
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) approving the financial policies recommended by staff to preliminarily use in the water rate study.

8. Consider accepting a status report on a Request for Proposal and Fee Quotations for a Direct Pay Letter of Credit and/or a Standby Purchase Agreement (Funding Source: General and Water Funds)
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** accepting a status report on a Request for Proposal and Fee Quotations for a Direct Pay Letter of Credit and/or a Standby Purchase Agreement.

9. Consider accepting the City of Modesto Fiscal Year 2010-11 Second Quarter Budget Update and forwarding to City Council for approval. (Funding Source: Various Funds)
Finance; Cynthia Gale, 571-5855, cgale@modestogov.com

ACTION : **Motion (Marsh/Geer;unan.)** accepting the City of Modesto Fiscal Year 2010-11 Second Quarter Budget Update and forwarding the six month Report to City Council for approval.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:00 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 01, 2011, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements - Item 5 Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session – No Closed Session Matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider approving the designation of the Modesto Historic American Graffiti Cruise Route. (Funding Source: Not applicable)
 - Resolution approving the designation of the Modesto Historic American Graffiti Cruise Route recommended.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2011-066 (Marsh/Lopez; 7/0) approving the designation of the Modesto Historic American Graffiti Cruise Route.

PUBLIC COMMENT PERIOD

- Emerson Drake spoke about neighborhood associations.
- Fred Herman spoke regarding the economy in California.
- Carmen Sabatino spoke regarding the Modesto Police Department.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6

ACTION CONSENT ITEMS 2-4; 6: (Lopez/Muratore;unan.)

CONSENT ITEMS

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

Consent

2. Consider approving the Minutes of the City Council meeting of February 22, 2011. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes from the February 22, 2011 meeting.

Consent

3. Consider approving final adoption of **Ordinance No. 3546-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3546-C.S. amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3546-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority.

Consent

4. Consider authorizing the award of bid for the purchase of nine (9) utility trucks, for the Public Works Department, Fleet Services Division, to the following companies: Albany Ford, Albany, CA for seven (7) utility trucks for an estimated total cost of \$353,689 and Downtown Ford, Sacramento, CA, for two (2) utility trucks for an estimated total cost of \$208,923 and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$562,612. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of bid for the purchase of nine (9) utility trucks for the Public Works Department, Fleet Services Division, to the following companies: Albany Ford, Albany, CA for seven (7) Utility Trucks for a total estimated cost of \$353,689 and Downtown Ford, Sacramento, CA, for two (2) Utility Trucks for a total estimated cost of \$208,923; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for a total estimated cost of \$562,612 recommended.
Finance; Meagan Torres,, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-067 (Lopez/Muratore; 7/0) authorizing the award of bid for the purchase of nine (9) utility trucks for the Public Works Department, Fleet Services Division, to the following companies: Albany Ford, Albany, CA for seven (7) Utility Trucks for a total estimated cost of \$353,689 and Downtown Ford, Sacramento, CA, for two (2) Utility Trucks for a total estimated cost of \$208,923; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for a total estimated cost of \$562,612.

Removed from Agenda

5. Consider approving a five-year lease agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street (APN 104-001-018). (Funding Source: Not Applicable)
 - Resolution approving a five-year lease agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Removed from Agenda.

Consent

6. Consider adopting a Mitigated Negative Declaration (EA/UP&P No. 2010-13), and a Mitigation Monitoring & Reporting Program dated December 2010, for the Phase 2 Tertiary Wastewater Treatment Project. (Funding Source: Not Applicable)
 - Resolution approving a Mitigated Negative Declaration and a Mitigation Monitoring & Reporting Program dated December 2010, for the Phase 2 Tertiary Wastewater Treatment Project, and adopting a finding that the City Council has reviewed and considered and made findings regarding the Mitigated Negative Declaration documentation recommended.
Utility Planning and Projects; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2011-068 (Lopez/Muratore; 7/0) approving a Mitigated Negative Declaration and a Mitigation Monitoring & Reporting Program dated December 2010, for the Phase 2 Tertiary Wastewater Treatment Project, and adopting a finding that the City Council has reviewed and considered and made findings regarding the Mitigated Negative Declaration documentation.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced cancellation of Council in the Park on Saturday and will be rescheduled in May. He also reminded citizens to attend the City of Modesto Community Forum Meetings on March 10, 2011 at Fremont Elementary School, March 31, 2011, La Loma Junior High School, April 21, 2011 at Beyer High School, and April 28, 2011 at Enochs High School from 6:00 p.m. to 8:00 p.m.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced the appointment of Michael Kraus as City of Modesto Fire Chief and his swearing-in ceremony to be held on March 8, 2011.

WRITTEN COMMUNICATIONS

7. Consider written correspondence received from Modesto Neighbors requesting support of Governor Brown's request for tax extensions. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Council declined to take action.

NEW BUSINESS

8. Consider accepting the Comprehensive Annual Financial Report (CAFR) and other audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs. (Funding Source: Not Applicable)
- Resolution accepting the Fiscal Year 2009-2010 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs recommended.

Finance; DeAnna Espinoza, 577-5387, daespinoza@modestogov.com

ACTION: Resolution 2011-069 (Hawn/Marsh; 7/0) accepting the Fiscal Year 2009-2010 annual audit reports for the City of Modesto, its Community Facilities Districts, and various Joint Powers Agencies and grant programs.

9. Consider supporting the submittal of the grant application for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements under the Title XVI Reclamation and Reuse Program, and authorizing a transfer from Wastewater Reserves in the amount of \$290,000 to provide matching funds for the grant. (Funding Source: Wastewater Fund)
- Resolution approving the submittal of the grant application for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements under the Title XVI Reclamation and Reuse Program recommended.
 - Resolution amending the Fiscal Year 2010/11 Capital Improvement Program Budget in order to provide match funding for the North Valley Regional Recycled Water Program – Eastside Improvements Feasibility Study by transferring \$290,000 from Wastewater Fund Reserves to Capital Improvement Project (6210-430-B119) recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-070 (Marsh/Geer; 7/0) approving the submittal of the grant application for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements under the Title XVI Reclamation and Reuse Program.

ACTION: Resolution 2011-071 (Marsh/Geer; 7/0) amending the Fiscal Year 2010/11 Capital Improvement Program Budget in order to provide match funding for the North Valley Regional Recycled Water Program – Eastside Improvements Feasibility Study by transferring \$290,000 from Wastewater Fund Reserves to Capital Improvement Project (6210-430-B119).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:27 p.m.

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, March 7, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Absent: None
Also Present: Councilmember Burnside

PUBLIC COMMENTS

Emerson Drake spoke regarding the City of Modesto Blue Ribbon Commission on Homelessness.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider a report regarding research on implementation of a program to allow juvenile offenders, as part of their community service sentencing for graffiti violations, to return to their own neighborhood or a general vicinity within the City, to paint over graffiti, for Committee review, discussion and further direction to Staff.

City Attorney; Susana Wood, 577-5284, swood@modestogov.com

ACTION: Motion (Lopez/Geer;unan.) accepting report and requesting staff to return to next month's Safety & Communities Meeting on April 4, 2011 with additional information.

2. Consider: (i) approving the Mary E. Grogan Community Park updated Design Development Report and Master Plan; (ii) certifying the finding of conformance with the General Plan Master Environmental Impact Report for Mary E. Grogan Park; (iii) amending the CIP to reflect the project funding for the development of Mary E. Grogan Community Park Phase 1 and (iv) adding one full-time Park Project Coordinator at an annual cost of \$ 114,548 (salary/benefits) to manage the development of Mary E. Grogan Community Park and forwarding to Council for approval.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Motion (Lopez/Geer;unan.) accepting a report regarding the Mary E. Grogan Community Park updated Design Development Report and Master Plan;

certifying the finding of conformance with the General Plan Master Environmental Impact Report for Mary E. Grogan Park; amending the CIP to reflect the project funding for the development of Mary E. Grogan Community Park Phase 1; adding one full-time Park Project Coordinator at an annual cost of \$ 114,548 (salary/benefits) to manage the development of Mary E. Grogan Community Park; and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 6:42 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 08, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor
Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Items 5,12 – Lopez (miscellaneous streets)
Items 8, 12 – Muratore (miscellaneous streets)
Item 12 (miscellaneous streets)

Reports from Closed Session - City Attorney Wood reported on Closed Session matters.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider accepting the staff report updating the status of Department Performance Measures Commitments for the 2010-2013 Strategic Plan. (Funding Source: Not Applicable)
 - Motion accepting the staff report updating the status of Department Performance Measures Commitments for the 2010-2013 Strategic Plan recommended.
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Lopez/Geer; 7/0) accepting the staff report updating the status of Department Performance Measures Commitments for the 2010-2013 Strategic Plan.

2. Presentation by Deputy City Manager, Dee Williams-Ridley, of the Mayor's top 50 Teens program. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Presentation was made by Deputy City Manager, Dee Williams-Ridley, of the Mayor's top 50 Teens program.

MISCELLANEOUS

Legislation

Appointments
Other

3. Consider approving the appointments of Brad Morad and Susan Johnston to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
 - Resolution appointing Brad Morad and Susan Johnston to the Downtown Improvement District Advisory Board recommended.
City Council; Kathy Espinoza, 577-5396, kespinoza@modestogov.com

ACTION: Resolution 2011-072 (Lopez/Hawn; 7/0) appointing Brad Morad and Susan Johnston to the Downtown Improvement District Advisory Board.

4. Consider approving the appointments of Carmen Morad and Oscar Cabello to fill vacancies on the City of Modesto Citizens Housing and Community Development Committee. (Funding Source: Not Applicable)
 - Resolution appointing Carmen Morad and Oscar Cabello to the City of Modesto Citizens Housing and Community Development Committee recommended.
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-073 (Lopez/Hawn; 7/0) appointing Carmen Morad and Oscar Cabello to the City of Modesto Citizens Housing and Community Development Committee.

Councilmember Lopez absent due to conflict of interest

5. Consider approving the appointments of Marcus Raposas, Joseph Cataline, Joshua Vander Veen, and Nancy Norton as members of the Golf Course Advisory Committee representing the City of Modesto, and Harold Aycock as a member of the Committee representing Modesto Golf Club. (Funding Source: Not Applicable)
 - Resolution appointing Marcus Raposas, Joseph Cataline, Joshua Vander Veen, and Nancy Norton as members of the Golf Course Advisory Committee representing the City of Modesto, and Harold Aycock as a member of the Committee representing the Modesto Golf Club recommended.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-074 (Hawn/Muratore; 6/0; Lopez absent due to conflict of interest) appointing Marcus Raposas, Joseph Cataline, Joshua Vander Veen, and Nancy Norton as members of the Golf Course Advisory Committee representing the City of Modesto, and Harold Aycock as a member of the Committee representing the Modesto Golf Club.

PUBLIC COMMENT PERIOD

- Ray Pefferini spoke regarding the trees in Modesto.
- Dan Brown spoke regarding regarding his support of tax extensions on the State ballot.
- Cathy Conrado spoke regarding support of Governor's Brown proposed plan for tax extensions.

- Chris Tyler, Senator Canella's Office, spoke regarding redevelopment agencies in California.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 10

ACTION CONSENT ITEMS 6-7; 9-10: (Lopez/Burnside; 7/0)

ACTION ITEM 8: (076 (Hawn/Burnside; 6/0; Muratore absent)

CONSENT ITEMS

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

Consent

6. Consider approving the Minutes of the City Council meeting of March 1, 2011. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the March 1, 2011 meeting.

Consent

7. Consider amending the “Procedures and Requirements for the Consideration of Development Agreements” to simplify the procedures for periodic review of good-faith compliance. (Funding Source: Not applicable)
 - Resolution amending Article 5 of the “Procedures and Requirements for the Consideration of Development Agreements”, and rescinding Resolution No. 97-492 recommended.
Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Resolution 2011-075 (Lopez/Burnside; 7/0) amending Article 5 of the “Procedures and Requirements for the Consideration of Development Agreements”, and rescinding Resolution No. 97-492.

Consent – *Councilmember Muratore absent due to conflict of interest*

8. Consider amending the lease agreement between Andrew B. Katakis, California Equity Management Group Inc. and the City of Modesto, to lower the lease amount to current market values, and authorizing the City Manager to execute the Agreement. (Funding Source: Reduction in CFF)
 - Resolution approving a First Amendment to Agreement to Construct Improvements and Grant Revocable License between California Equity Management Group, Inc. and the City of Modesto; and authorizing the City Manager, or his designee, to execute the First Amendment recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2011-076 (Hawn/Burnside; 6/0; Muratore absent due to conflict of

interest) approving a First Amendment to Agreement to Construct Improvements and Grant Revocable License between California Equity Management Group, Inc. and the City of Modesto; and authorizing the City Manager, or his designee, to execute the First Amendment.

Consent

9. Consider accepting dedications for three commons lots, within the Hillglen Sunrise Subdivision in the Village One Specific Plan Area, located at the northeast corner of Oakdale Road and La Force Drive, and allowing the landscaping for these lots to be maintained by the existing CFD. (Funding Source: Community Facilities District: 2004-1 in Village One No. 2 for landscape maintenance only)
- Resolution approving the dedication in fee of three lots, within the Hillglen Sunrise Subdivision, in the Village One Specific Plan Area, and allowing these lots to be maintained by the existing Community Facilities District recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2011-077 (Lopez/Burnside; 7/0) approving the dedication in fee of three lots, within the Hillglen Sunrise Subdivision, in the Village One Specific Plan Area, and allowing these lots to be maintained by the existing Community Facilities District.

Consent

10. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2011" on Saturday, April 16, 2011 at Graceada Park and allowing the sale of merchandise in the Park during the event. (Funding Source: Solid Waste Management Enterprise Fund)
- Resolution affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2011" at Graceada Park, and allowing the sale of merchandise in the Park during the event recommended.
Parks, Recreation & Neighborhoods; Bev Stokke, 577-5495, bstokke@modestogov.com

ACTION: Resolution 2011-078 (Lopez/Burnside; 7/0) affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2011" at Graceada Park, and allowing the sale of merchandise in the Park during the event.

COUNCIL COMMENTS & REPORTS

Councilmember Geer announced a break dancing competition program on Saturday, March 12, 2011 at the Maddux Youth Center.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider: (i) amending the Fiscal Year 2010-2011 Capital Improvement Program (CIP) budget to reduce the Scope of the "Install Solar Panels EECBG" project (Account #0390-355-P030) by \$570,830; (ii) creating a new CIP project entitled

“Modesto Centre Plaza Lighting Upgrades EECBG” with \$570,830 of American Recovery and Reinvestment Act (ARRA) – Energy Efficiency and Conservation Block Grant (EECBG); and (iii) due to the grant’s expenditure deadlines, authorize the City Manager or his designee to approve and award contracts, for all projects funded by the EECBG program based on the submission of acceptable bids, to the lowest responsible bidder, as long as the bids received are no greater than 6% above the engineer’s estimate. (Funding Source: Funding Source: ARRA - EECBG)

- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program Budget to reduce the Scope of the “Install Solar Panels (EECBG)” project; creating a new Capital Improvement Project entitled “Modesto Centre Plaza Lighting Upgrades (EECBG)”; and authorizing the City Manager or his designee to approve and award contracts, for all projects funded by the EECBG program based on the submission of acceptable bids, to the lowest responsible bidder, as long as the bids received are no greater than six percent (6%) above the engineer’s estimate recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-079 (Hawn/Marsh; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program Budget to reduce the Scope of the “Install Solar Panels (EECBG)” project; creating a new Capital Improvement Project entitled “Modesto Centre Plaza Lighting Upgrades (EECBG)”; and authorizing the City Manager or his designee to approve and award contracts, for all projects funded by the EECBG program based on the submission of acceptable bids, to the lowest responsible bidder, as long as the bids received are no greater than six percent (6%) above the engineer’s estimate.

NEW BUSINESS

Councilmembers Hawn, Lopez, Muratore absent due to conflict of interest (miscellaneous streets)

12. Consider approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81. (Total estimated cost of the project is \$1,189,994.00.) (Funding Source: Prop. 42 Gas Tax)
 - Resolution approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81, for the 2011 Microsurfacing Project; and authorizing the City Manager, or his designee, to execute the contract recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-080 (Hawn/Muratore; 7/0) approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81, for the 2011 Microsurfacing Project; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-081 (Burnside/Geer; 6/0; Hawn absent due to conflict of interest) approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81, for

the 2011 Microsurfacing Project; and authorizing the City Manager, or his designee, to execute the contract.

- Hackberry Ave.
- Poplar Ave.
- Stoddard Ave

ACTION: Resolution 2011-082 (Burnside/Geer; 6/0; Muratore absent due to conflict of interest) approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81, for the 2011 Microsurfacing Project; and authorizing the City Manager, or his designee, to execute the contract.

- Magnolia Ave.
- Sycamore Ave.

ACTION: Resolution 2011-083 (Geer/Marsh; 6/0; Lopez absent due to conflict of interest) approving the plans and specifications for the 2011 Microsurfacing Project, accepting the bid, and approving a contract with Bond Blacktop, Inc. in the amount of \$980,105.81, for the 2011 Microsurfacing Project; and authorizing the City Manager, or his designee, to execute the contract.

- Lucern Avenue

13. Consider approving the retirement of the Water Fund's 1997 Refunding Revenue Certificates of Participation. (Funding Source: Water Fund)
- Resolution approving the retirement of the Water Fund's 1997 Refunding Revenue Certificates of Participation recommended.
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Resolution 2011-084 (Marsh/Hawn; 7/0) approving the retirement of the Water Fund's 1997 Refunding Revenue Certificates of Participation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

1. Property: Acquisition of fee simple (portion) and temporary construction easement interest of real property located at:

3200 Roselle Avenue
Modesto, CA
APN: 085-001-048

Negotiating parties: Claudia Gorham, Esq. of Meyers Nave
Richard B. Evans, Senior Deputy City Attorney

Under negotiation: Acquisition of fee simple (portion) and temporary construction easement.

2. Property: Acquisition of fee simple (portion) and temporary construction easement interest of real property located at:

Southeast corner of Kodiak Drive and Roselle Avenue
Modesto, CA
APN: 085-010-001

Negotiating parties: Claudia Gorham, Esq. of Meyers Nave
Richard B. Evans, Senior Deputy City Attorney

Under negotiation: Acquisition of fee simple (portion) and temporary construction easement.

Removed from Agenda

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

Name of case: *Addison J. DeMoura, et al. v. County of Stanislaus (SDEA), et al.* ;
Case No: USDC No. 1:09-CV-01344-OWW-GSA.

Removed from Agenda

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

Name of case: *The Committee Concerning Community Improvement, et al. v. City of Modesto, County of Stanislaus, et al.*; U.S. District Court for the Eastern District of California
Case No. CIV-F-04-6121 AWI DLB

MINUTES
City of Modesto
**Special Audit Committee Meeting/
Special City Council Workshop Meeting**
Basement Training Room, Room B-300

Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, March 10, 2011 at 10:00 a.m.

Roll Call: Present - Committee Members Mayor Ridenour, Muratore, Geer
Absent - None

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS
An item may be removed from consent and discussed at the request of an audience member or Committee Member.

None.

NEW BUSINESS

1. Consider directing Moss-Adams to provide the Audit Committee with an update on performance review and scope of services to be performed, (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Mayor Ridenour/Geer; unan.) nominated Councilmember Joe Muratore as the City's contact person for Moss-Adams.

ACTION: Motion (Muratore/Geer; unan.) approving the City of Modesto Center Plaza Scope of Work and City of Modesto Peer Local Government Best Practices Research Scope of Work prepared by Moss-Adams and directing Moss-Adams return to the next Audit Committee meeting with a schedule, budget and any issues encountered.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:48 a.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, March 14, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 (removed from Consent) and 2

CONSENT

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

Removed from Consent

Consent

1. Consider accepting a status report on the San Joaquin Valley Blueprint. (Funding Source: Not Applicable)
*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Motion (Hawn/Burnside;unan.) accepting the status report on the San Joaquin Valley Blueprint and forwarding to Council for approval.

Consent

2. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Motion (Hawn/Muratore;unan.) accepting the status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

3. Consider recommending an appointment to fill a vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC). (Funding Source: Not Applicable) *Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Motion (Burnside/Hawn;unan.) recommending the appointment of Jeanne MacDonald to fill a vacancy on the City of Modesto Housing Rehabilitation Loan Committee (HRLC) and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:06 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday March 22, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House

City Clerk's Announcements - Item 22 to be heard before Item 21

Declaration of Conflicts of Interest - Burnside - Item 11

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Mike Gorrasi, Modesto Nuts, regarding the 2011 Baseball Season.
(Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5376, slopez@modestogov.com

ACTION: Presentation was made by Mike Gorrasi, Modesto Nuts, regarding the 2011 Baseball Season.

2. Proclamation recognizing Nestle USA – Northern California Water Environment Association Industrial Treatment Plant of the Year (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation recognizing Nestle USA – Northern California Water Environment Association Industrial Treatment Plant of the Year.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the reappointment of Richard Laurenz and Jackie Wilson to the City of Modesto's Golf Course Advisory Committee. (Funding Source: Not

Applicable)

- Resolution approving the reappointments of Richard Laurenz and Jackie Wilson to the Golf Course Advisory Committee for an additional four-year term, with an expiration date of January 1, 2015 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Resolution 2011-085 (Hawn/Muratore; 7/0) approving the reappointments of Richard Laurenz and Jackie Wilson to the Golf Course Advisory Committee for an additional four-year term, with an expiration date of January 1, 2015.

PUBLIC COMMENT PERIOD

Emerson Drake spoke regarding the La Loma Neighborhood Association.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 20

ACTION CONSENT ITEMS: 4-10; 12-20 (Lopez/Hawn;unan.)

ACTION CONSENT ITEM 11: (Hawn/Lopez; Burnside absent due to conflict of interest)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes of the City Council meeting of March 8, 2011 (Funding Source: Not Applicable)

- Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the March 8, 2011 meeting.

Consent

5. Consider accepting the Economic Development Committee recommendation that the 2011 Urban Growth Review project be deferred to 2013. (Funding Source: Not Applicable)

- Motion accepting staff's report and deferring the 2011 Urban Growth Review to 2013 recommended.

Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting staff's report and deferring the 2011 Urban Growth Review to 2013.

Consent

6. Consider approving the plans and specifications for the project titled, "ARRA LED Streetlight Upgrade;" accepting the bid; approving a construction contract for the

project with Republic Intelligent Transportation Services, Inc., for \$366,850; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Federal American Recovery and Reinvestment Act-Energy Efficiency and Conservation Block Grant Fund Program (ARRA-EECBG))

- Resolution approving the plans and specifications for the project titled, “ARRA LED Streetlight Upgrade;” accepting the bid; approving a construction contract for the project with Republic Intelligent Transportation Services, Inc., for \$366,850; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.

Community & Economic Development; Jeffrey Barnes, 577-5214, jbarnes@modestogov.com

ACTION: Resolution 2011-086 (Lopez/Hawn; 7/0) approving the plans and specifications for the project titled, “ARRA LED Streetlight Upgrade;” accepting the bid; approving a construction contract for the project with Republic Intelligent Transportation Services, Inc., for \$366,850; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

Consent

7. Consider approving the Monthly Budget Adjustment Report for February 2011. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2011-087 (Lopez/Hawn; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

8. Consider amending: (i) the Classification Plan for the City of Modesto to establish the classification of Environmental Services Supervisor and to amend the classification of Parking Adjudication Program Coordinator; (ii) the Class Range Table for General Non-Sworn Classes to delete the classification of Parking Adjudication Program Coordinator from Salary Range 125; and (iii) the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Environmental Services Supervisor to Salary Range 436 and to add Parking Adjudication Program Coordinator to Salary Range 425. (Funding Source: Wastewater Fund and General Fund)

- Resolution amending the Position Classification Plan for the City of Modesto to establish the classification of Environmental Services Supervisor and to amend the classification of Parking Adjudication Program Coordinator recommended.
- Resolution amending Exhibit “A” of Resolution No. 2008-682 to revise the Class Range Table for General Non-Sworn Classes to delete the class of Parking Adjudication Program Coordinator recommended.
- Resolution amending Exhibit “A” of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Environmental Services Supervisor and to add Parking Adjudication Program Coordinator recommended.

Human Resources; Jill Peltier, 577-5209, jpeltier@modestogov.com

ACTION: Resolution 2011-088 (Lopez/Hawn; 7/0) amending the Position Classification Plan for the City of Modesto to establish the classification of Environmental Services Supervisor and to amend the classification of Parking Adjudication Program Coordinator.

ACTION: Resolution 2011-089 (Lopez/Hawn; 7/0) amending Exhibit "A" of Resolution No. 2008-682 to revise the Class Range Table for General Non-Sworn Classes to delete the class of Parking Adjudication Program Coordinator.

ACTION: Resolution 2011-090 (Lopez/Hawn; 7/0) amending Exhibit "A" of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Environmental Services Supervisor and to add Parking Adjudication Program Coordinator.

Consent

9. Consider approving the recommendation of the Landmark Preservation Commission to designate the site located at 305 Magnolia Avenue as Modesto Landmark Preservation Site No. 59. (Funding Source: Not applicable)
- Resolution supporting the recommendation of the Landmark Preservation Commission in designating 305 Magnolia Avenue as a Modesto Landmark Preservation Site recommended.
- Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com*

ACTION: Resolution 2011-091 (Lopez/Hawn; 7/0) supporting the recommendation of the Landmark Preservation Commission in designating 305 Magnolia Avenue as a Modesto Landmark Preservation Site.

Consent

10. Consider approving the quarterly adjustments to the maximum rate schedule for City residential and commercial solid waste collection services, to become effective April 1, 2011, and rescinding Resolution No. 2010-393. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2011, including fuel cost; and rescinding Resolution No. 2010-393 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2011-092 (Lopez/Hawn; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective April 1, 2011, including fuel cost; and rescinding Resolution No. 2010-393.

Consent - *Councilmember Burnside Absent due to Conflict of Interest*

11. Consider approving the plans and specifications for the ARRA Heating, Ventilating and Air Conditioning Upgrades for Various City Owned Buildings project, accepting the bid, and approving an Agreement with Champion Industrial Contractors, Inc., Modesto, CA, in the amount of \$144,813.00. (Total estimated project cost is \$203,267.00, which includes Design/Construction Documents, Construction,

Construction Contingency and Construction Administration.) (Funding Source: ARRA EECBG)

- Resolution approving the Plans and Specifications for the ARRA HVAC Upgrades for Various City Owned Buildings project, accepting the bid and approving an Agreement with Champion Industrial Contractors, Inc. of Modesto in the amount of \$144,813.00 for the ARRA HVAC Upgrades for Various City Owned Buildings project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-093 (Hawn/Lopez; 6/0; Burnside absent due to conflict of interest) approving the Plans and Specifications for the ARRA HVAC Upgrades for Various City Owned Buildings project, accepting the bid and approving an Agreement with Champion Industrial Contractors, Inc. of Modesto in the amount of \$144,813.00 for the ARRA HVAC Upgrades for Various City Owned Buildings project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

12. Consider accepting grant funds from the State of California Natural Resources Agency under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006, California River Parkways Grant Program – Proposition 84 in the amount of \$2,200,500 for the development of the Tuolumne River Regional Park Gateway Parcel, Phase 2 and amending the Fiscal Year (FY) 2010-2011 Capital Improvement Program Budget recognize the revenue, allocate TRRP Fund reserves in the amount of \$322,382, and allocate the expense budget for TRRP CIP Account 8910-390-P008. (Funding Source: Grant Revenue)

- Resolution accepting \$2,200,500 from the State of California Natural Resources Agency under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006, California River Parkways Grant Program – Proposition 84 for the development of the Tuolumne River Regional Park (TRRP) Gateway Parcel, Phase 2 and amending the Fiscal Year 2010-2011 Capital Improvement Program Budget in order to recognize revenue from the grant, allocate TRRP reserves in the amount of \$322,382 and to allocate the expense budget to the project recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-094 (Lopez/Hawn; 7/0) accepting \$2,200,500 from the State of California Natural Resources Agency under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006, California River Parkways Grant Program – Proposition 84 for the development of the Tuolumne River Regional Park (TRRP) Gateway Parcel, Phase 2 and amending the Fiscal Year 2010-2011 Capital Improvement Program Budget in order to recognize revenue from the grant, allocate TRRP reserves in the amount of \$322,382 and to allocate the expense budget to the project.

Consent

13. Consider introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contacting Authority by adding subsection (S) - Contracts for public works projects consisting of

energy efficient improvements to City facilities that are funded through the American Recovery and Reinvestment Act (ARRA) of 2009, Energy Efficiency and Conservation Block Grant (EECBG) Program. (Funding Source: ARRA-EECBG)

- Motion introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contacting Authority recommended.

Parks, Recreation & Neighborhoods; Loren R. Holt, 571-5573, lholt@modestogov.com,

ACTION: Motion (Lopez/Hawn; 7/0) introducing **Ordinance No. 3547-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contacting Authority.

Consent

14. Consider: (i) accepting the Governor’s California Emergency Management Agency Anti-Drug Abuse Enforcement Program Grant of \$382,214 for the Stanislaus Drug Enforcement Agency to combat major drug trafficking; and (ii) amending the Fiscal Year 2010-2011 Multi-Year Budget to appropriate revenues and expenditures.

(Funding Source: Grant Revenue)

- Resolution accepting the Anti-Drug Abuse Enforcement Program Grant from the California Emergency Management Agency in the amount of \$382,214; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Resolution amending the Fiscal Year 2010/2011 Multi-Year Budget to appropriate revenues and expenditures of \$382,214 from the California Emergency Management Agency for the Stanislaus Drug Enforcement Agency recommended.

Police; Clint Raymer, 342-6142, raymerc@modestopd.com

ACTION: Resolution 2011-095 (Lopez/Hawn; 7/0) accepting the Anti-Drug Abuse Enforcement Program Grant from the California Emergency Management Agency in the amount of \$382,214; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2011-096 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010/2011 Multi-Year Budget to appropriate revenues and expenditures of \$382,214 from the California Emergency Management Agency for the Stanislaus Drug Enforcement Agency.

Consent

15. Consider accepting the Annual Report for the City’s Economic Incentive Wastewater Treatment Capacity Banking, as required by the Modesto Municipal Code 5-6.910.

(Funding Source: Not applicable)

- Resolution accepting the Annual Report for the City’s Economic Incentive Wastewater Treatment Capacity Banking recommended.

Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Resolution 2011-097 (Lopez/Hawn; 7/0) accepting the Annual Report for the City’s Economic Incentive Wastewater Treatment Capacity Banking.

Consent

16. Consider: (i) approving the plans and specifications for the project titled, “Communications Tower Construction for the Jennings Road Wastewater Treatment Facilities,” accepting the bid, and approving a contract with S.R.P. Company in the amount of \$114,208.11; and (ii) approving an Agreement with JES Engineering, Inc. for design support services during construction for the project in an amount not-to-exceed \$11,517.00. (Total estimated cost of the tower portion of this project is \$202,306.14) (Funding Source: Wastewater)

- Resolution approving the plans and specifications for the project titled, “Communications Tower Construction for Jennings Road Wastewater Treatment Facilities,” accepting the bid, and approving a contract with S.R.P. Company in the amount of \$114,208.11; and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution approving an agreement with JES Engineering, Inc. for design support during construction services for the WQC Communications project in an amount not to exceed \$10,470.00 for the identified scope of services, plus \$1,047.00 for additional services (if needed), for a maximum total amount of \$11,517.00; and authorizing the City Manager, or his designee, to execute the agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-098 (Lopez/Hawn; 7/0) approving the plans and specifications for the project titled, “Communications Tower Construction for Jennings Road Wastewater Treatment Facilities,” accepting the bid, and approving a contract with S.R.P. Company in the amount of \$114,208.11; and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-099 (Lopez/Hawn; 7/0) approving an agreement with JES Engineering, Inc. for design support during construction services for the WQC Communications project in an amount not to exceed \$10,470.00 for the identified scope of services, plus \$1,047.00 for additional services (if needed), for a maximum total amount of \$11,517.00; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

17. Consider accepting the work by George Reed, Inc. for the “Hillglen Roundabout Improvements-Hillglen/Wood Sorrel and Hillglen/Kodiak” project as complete. (Total construction cost is \$220,817.33, with a total project cost of \$319,065.13) (Funding Source: Congestion Mitigation and Air Quality (CMAQ))

- Resolution accepting the work by George Reed, Inc., for the “Hillglen Roundabout Improvements-Hillglen/Wood Sorrel and Hillglen/Kodiak” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$220,817.33 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-100 (Lopez/Hawn; 7/0) accepting the work by George Reed, Inc., for the “Hillglen Roundabout Improvements-Hillglen/Wood Sorrel and Hillglen/Kodiak” project as complete, authorizing the City Clerk to file a Notice of Completion with the

Stanislaus County Recorder and authorizing payment of amounts totaling \$220,817.33.

Consent

18. Consider approving an Agreement for Preliminary Design Report for Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station with HDR Engineering, Inc. in the amount of \$235,969.34. (Total estimated cost for the preliminary design portion is \$270,969.34.) (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with HDR Engineering, Inc. for Preliminary Design Report for Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station in an amount not to exceed \$214,517.34 for the identified scope of services, plus \$21,452.00 for additional services (if needed), for a maximum total amount of \$235,969.34, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-101 (Lopez/Hawn; 7/0) approving an Agreement with HDR Engineering, Inc. for Preliminary Design Report for Rehabilitation of Emerald Lift Station and Replacement of Hahn Lift Station in an amount not to exceed \$214,517.34 for the identified scope of services, plus \$21,452.00 for additional services (if needed), for a maximum total amount of \$235,969.34, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

19. Consider: (i) extending one limited-term position of Senior Civil Engineer (Organization 4112 – Engineering Design), to serve as project liaison on the Phase 2 BNR/Tertiary Treatment project for a period not to exceed five years or project closeout, whichever occurs first; (ii) moving the position from Organization 4112 – Engineering Design to Organization 5201 – Capital Improvement Services; and (iii) amending the FY 2010-11 Operating Budget in order to fund prorated salary and benefits for the remaining three months in the amount of \$32,000. (Funding Source: Wastewater Fund)

- Motion amending the Utility Planning and Projects Department Position Allocation as adopted by the City Council as part of the FY 2010-11 Budget to extend one (1) limited-term position of Senior Civil Engineer (Organization 4112 – Engineering Design), for a period not to exceed five (5) years or project closeout, whichever occurs first, to serve as project liaison on the Phase 2 Tertiary Treatment project recommended.
- Motion amending the Utility Planning and Projects Department Position Allocation as adopted by the City Council as part of the FY 2010-11 Budget to move one (1) limited-term Senior Civil Engineer position allocation from Organization 4112 – Engineering Design to Organization 5201 – Capital Improvement Services for the sole purpose of funding this position through the Wastewater Fund for the Phase 2 Tertiary Treatment project recommended.
- Resolution amending Fiscal Year 2010-11 Operating Budget in order to fund prorated salary and benefit expenses for the remaining three months in FY2010-11 for one (1) Limited-term Senior Civil Engineer position to provide project liaison on the Phase 2 Tertiary Treatment project recommended.

Utility Planning and Projects; Rich Ulm, , 577-5261, rulm@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) amending the Utility Planning and Projects Department Position Allocation as adopted by the City Council as part of the FY 2010-11 Budget to extend one (1) limited-term position of Senior Civil Engineer (Organization 4112 – Engineering Design), for a period not to exceed five (5) years or project closeout, whichever occurs first, to serve as project liaison on the Phase 2 Tertiary Treatment project.

ACTION: Motion (Lopez/Hawn; 7/0) amending the Utility Planning and Projects Department Position Allocation as adopted by the City Council as part of the FY 2010-11 Budget to move one (1) limited-term Senior Civil Engineer position allocation from Organization 4112 – Engineering Design to Organization 5201 – Capital Improvement Services for the sole purpose of funding this position through the Wastewater Fund for the Phase 2 Tertiary Treatment project.

ACTION: Resolution 2011-102 (Lopez/Hawn; 7/0) amending Fiscal Year 2010-11 Operating Budget in order to fund prorated salary and benefit expenses for the remaining three months in FY2010-11 for one (1) Limited-term Senior Civil Engineer position to provide project liaison on the Phase 2 Tertiary Treatment project.

Consent

20. Consider approving an increase in the scope of work of the Phase 2 BNR/Tertiary Treatment Project UV disinfection system by transferring procurement of process-related equipment from the future construction contract to the equipment supplier agreement with Trojan Technologies, in the amount of \$124,710. (The total estimated revised equipment cost is \$1,826,041) (Funding Source: Wastewater Fund)
- Resolution approving an increase in the scope of work of the Phase 2 BNR/Tertiary Treatment Project UV disinfection system by transferring procurement of process-related equipment from the future construction contract to the equipment supplier agreement with Trojan Technologies in the amount of \$124,710, and authorizing the City Manager, or his designee, to execute the change order recommended.
Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-103 (Lopez/Hawn; 7/0) approving an increase in the scope of work of the Phase 2 BNR/Tertiary Treatment Project UV disinfection system by transferring procurement of process-related equipment from the future construction contract to the equipment supplier agreement with Trojan Technologies in the amount of \$124,710, and authorizing the City Manager, or his designee, to execute the change order.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced Taking it to the Streets on April 2, 2011.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on March 8, 2011

21. Hearing to consider adopting the Comprehensive Fees Task Force recommendations regarding Development User Fees, Wastewater Capacity Fees, Capital Facility Fees, and related policies and procedures. (Funding Source: General Fund, Wastewater Fund and Capital Facilities Fund)
- Resolution amending or adopting user fees for development related activities and amending Resolution Nos. 1989-1003, 1989-1004, 1989-1005, 1989-1006, 1990-836, 1992-255, 1992-271, 1993-263, 1993-587A, 1997-93, 2000-232, 2001-17, and 2002-200, related to certain Development User Fees recommended.
 - Motion approving the Comprehensive Fees Task Force recommendations regarding Wastewater Capacity Fees recommended.
 - Resolution amending the Parks, Air Quality, and Streets portions of the Capital Facilities Fees Program included in Resolution No. 2010-272, as recommended by the Comprehensive Fees Task Force and the Finance Committee, and restating all other provisions in Resolution Nos. 2010-272 and 2006-055 recommended.
 - Resolution approving the Comprehensive Fees Task Force recommendations for policy, process and procedural changes and amending Resolution Nos. 2010-272, 2003-446, 205-278, 2007-287 and 2008-070 recommended.
- Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com*

ACTION: Resolution 2011-104 (Marsh/Hawn; 7/0) amending or adopting user fees for development related activities and amending Resolution Nos. 1989-1003, 1989-1004, 1989-1005, 1989-1006, 1990-836, 1992-255, 1992-271, 1993-263, 1993-587A, 1997-93, 2000-232, 2001-17, and 2002-200, related to certain Development User Fees.

ACTION: Motion (Marsh/Hawn; 7/0) approving the Comprehensive Fees Task Force recommendations regarding Wastewater Capacity Fees.

ACTION: Resolution 2011-105 (Marsh/Hawn; 7/0) amending the Parks, Air Quality, and Streets portions of the Capital Facilities Fees Program included in Resolution No. 2010-272, as recommended by the Comprehensive Fees Task Force and the Finance Committee, and restating all other provisions in Resolution Nos. 2010-272 and 2006-055.

ACTION: Resolution 2011-106 (Marsh/Hawn; 7/0) approving the Comprehensive Fees Task Force recommendations for policy, process and procedural changes and amending Resolution Nos. 2010-272, 2003-446, 205-278, 2007-287 and 2008-070.

NEW BUSINESS

22. Consider: (i) approving the Mary E. Grogan Community Park updated Design Development Report and Master Plan; (ii) certifying the finding of conformance with the General Plan Master Environmental Impact Report for Mary E. Grogan Park; (iii) authorizing the allocation of one full-time Parks Project Coordinator effective April 12, 2011 in the General Fund with an annual salary and benefits of \$114,548; and (iv) amending the Fiscal Year 2010-11 budget to increase the Parks, Recreation, and Neighborhoods service credit revenue by \$24,000 and increase the salary/benefit by the

same amount. (Funding Source: Village One Community Facilities District)

- Resolution approving the Mary E. Grogan Community Park Updated Design Development Report and Master Plan, and certifying the Finding of Conformance with the General Plan Master EIR (EA/PR&N 2011-03) recommended.
- Resolution amending the Fiscal Year 2010-11 General Fund Operating Budget to allocate \$24,000 for the addition of one full-time Park Project Coordinator (salary/benefits) and to increase service credit revenue by the same amount for managing the development of Mary Grogan Community Park and assisting in the development of additional Parks, Recreation, & Neighborhoods Department capital improvement projects recommended.

Parks, Recreation & Neighborhoods; Loren R. Holt, 551-5573, lholt@modestogov.com

ACTION: Resolution 2011-107 (Hawn/Lopez; 7/0) approving the Mary E. Grogan Community Park Updated Design Development Report and Master Plan, and certifying the Finding of Conformance with the General Plan Master EIR (EA/PR&N 2011-03).

ACTION: Resolution 2011-108 (Hawn/Lopez; 7/0) amending the Fiscal Year 2010-11 General Fund Operating Budget to allocate \$24,000 for the addition of one full-time Park Project Coordinator (salary/benefits) and to increase service credit revenue by the same amount for managing the development of Mary Grogan Community Park and assisting in the development of additional Parks, Recreation, & Neighborhoods Department capital improvement projects.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2001
1010 10th Street
Modesto, California
Monday, March 28, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh
Absent: Councilmember Stephanie Burnside
Also Present: Councilmember Dave Geer (Alternate)

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 and 2

CONSENT

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

Consent

1. Consider accepting the Monthly Budget Adjustment Report for March 2011 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting the Monthly Budget Adjustment Report for March 2011 and forwarding to Council for approval.

Consent

2. Consider accepting an informational report on Quarterly Water Meter/Automated Reading Program Update. (Funding Source: Not applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting an informational report on Quarterly Water Meter/Automated Reading Program Update..

UNFINISHED BUSINESS

3. Consider accepting a report on the annual review of Wastewater rates and forwarding to Council for approval. (Funding Source: Wastewater Enterprise Funds)
Utility Planning and Projects; Richard Ulm, 577-5215, rulm@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting a report on the annual review of Wastewater rates and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:47 p.m.

MINUTES
City of Modesto
**Special Economic Development Committee/
Special City Council Workshop Meeting**

**Sixth Floor, Room 6105
Tenth Street Place, 1010 10th Street
Modesto, California**

Wednesday, March 30, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Brad Hawn and Stephanie Burnside
Absent: Councilmember Joe Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider interviews with potential applicants for the Planning Commission and Board of Zoning Adjustment and recommend appointments to City Council. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: The Committee recommended appointments as follows: Pat Gillum (term expires January 1, 2015) and Amy Neumann (term expires January 1, 2014) to the Planning Commission; Greg Matas (term expires January 1, 2015) and Jaylen French (January 1, 2013) to the Board of Zoning Adjustment, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, April 4, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Absent: None
Also Present: Councilmember Hawn

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider receiving an update on the status of the Helen White Trail.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: The Committee requested the Coalition and Collaborative move forward working with homeowners along the Trail and to work with the City Attorney's Office to draft template for easements.

2. Consider discussing a study for police services consolidation.
City Council; Brad Hawn, 571-5597, bhawn@modestogov.com

ACTION: No reportable action. The Committee requested Councilmember Hawn and Supervisor Withrow return to the Safety & Communities Committee with a more detailed plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:34 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 05, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Item 16 - Muratore

Reports from Closed Session - City Attorney reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April 2011 as DMV/Donate Life California Month. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring April 2011 as DMV/Donate Life California Month.

2. Presentation of the Modesto Garden Club's Annual Report. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modetogov.com

ACTION: Penny Benny, President of the Garden Club, gave a presentation regarding the Modesto Garden Club's Annual Report.

3. Presentation by the Modesto Police Department of the second re-accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and recognizing the Modesto Police Department as a CALEA Flagship Agency. (Funding Source: Not Applicable)
Police; Michael Harden, 342-6122, mharden@modestogov.com

ACTION: Modesto Police Chief Michael Harden gave a presentation regarding the second re-accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and recognizing the Modesto Police Department as a CALEA Flagship Agency.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving an appointment to fill a current vacancy on the City of Modesto Housing Rehabilitation Loan Committee (Funding Source: Not Applicable)
 - Resolution appointing Jeanne MacDonald to the City of Modesto Housing Rehabilitation Loan Committee recommended.
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-109 (Lopez/Geer; 7/0) appointing Jeanne MacDonald to the City of Modesto Housing Rehabilitation Loan Committee.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 15

ACTION CONSENT ITEMS 5-15: (Lopez/Marsh;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes of the City Council meeting of March 22, 2011. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes from the March 22, 2011 meeting.

Consent

6. Consider approving final adoption of **Ordinance No. 3547-C.S.** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts - Contracting Authority by adding subsection (S) - Contracts for public works projects consisting of energy efficient improvements to City facilities that are funded through the American Recovery and Reinvestment Act (ARRA) of 2009, Energy Efficiency and Conservation Block Grant (EECBG) Program. (Funding

Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3547-C.S.** an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

City Clerk; Stephanie Lopez, 577-5396, slopez@modetogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving final adoption of Ordinance 3547 C.S an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

Consent

7. Consider directing staff to prepare and file the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)

- Resolution directing staff to prepare and file the Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2011-110 (Lopez/Marsh; 7/0) directing staff to prepare and file the Annual Engineer's Report for Landscape Maintenance Assessment District No. 1.

Consent

8. Consider directing staff to prepare and file the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)

- Resolution directing staff to prepare and file the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Resolution 2011-111 (Lopez/Marsh; 7/0) directing staff to prepare and file the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2.

Consent

9. Consider approving: (i) a new Capital Improvement Program (CIP) account for the project titled, "7th Street Bridge at Tuolumne River;" and (ii) a Memorandum of Agreement (MOA) between the City of Modesto and Stanislaus County for preliminary engineering costs associated with the 7th Street Bridge project, and authorizing execution of the Memorandum of Understanding by the City Manager or his designee. (Funding Source: Streets Capital Facility Fees)

- Resolution approving a new Capital Improvement Program account for the project titled, "7th Street Bridge at the Tuolumne River" and amending the Fiscal Year 2010-2011 Capital Improvement Program budget to allocate Capital Facility Fee reserves in the amount of \$50,000 to fund a portion of the preliminary engineering activities for the 7th Street Bridge project recommended.
- Resolution approving a Memorandum of Agreement between the City of Modesto and Stanislaus County for the Preliminary Engineering Phase of the 7th Street

Bridge project and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-112 (Lopez/Marsh; 7/0) approving a new Capital Improvement Program account for the project titled, "7th Street Bridge at the Tuolumne River" and amending the Fiscal Year 2010-2011 Capital Improvement Program budget to allocate Capital Facility Fee reserves in the amount of \$50,000 to fund a portion of the preliminary engineering activities for the 7th Street Bridge project.

ACTION: Resolution 2011-113 (Lopez/Marsh; 7/0) approving a Memorandum of Agreement between the City of Modesto and Stanislaus County for the Preliminary Engineering Phase of the 7th Street Bridge project and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

10. Consider accepting the Monthly Investment Report for January, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for January, 2011 recommended. *Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) accepting the Monthly Investment Report for January, 2011.

Consent

11. Consider: (i) declaring as surplus from March 1, 2011 through February 28, 2012 the following items: lost, stolen, unclaimed and /or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, as scrap, or donate to an eligible non-profit 501(c)(3) organization; and (ii) authorizing the City Manager or his designee to renew an agreement with PropertyRoom.com for a one-year term for online auctioning of lost, stolen, unclaimed and /or seized property from the Modesto Police Department (Funding Source: Various Funds)
- Resolution declaring as surplus from March 1, 2011 through February 28, 2012 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment; and authorize the Purchasing Division to sell the same by sealed bid, consignment, public auction, online auction, online or as scrap, or donate to eligible non-profit organizations recommended.
 - Resolution approving an Agreement with PropertyRoom.com for a one-year term for online auctioning of lost, stolen, unclaimed and /or seized property from the Modesto Police Department; and authorizing the City Manager, or his designee, to execute the Agreement recommended. *Finance; Mark L. Averell, 577-5412, maverell@modestogov.com*

ACTION: Resolution 2011-114 (Lopez/Marsh; 7/0) declaring as surplus from March 1,

2011 through February 28, 2012 the following items: lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles and equipment; and authorize the Purchasing Division to sell the same by sealed bid, consignment, public auction, online auction, online or as scrap, or donate to eligible non-profit organizations.

ACTION: Resolution 2011-115 (Lopez/Marsh; 7/0) approving an Agreement with PropertyRoom.com for a one-year term for online auctioning of lost, stolen, unclaimed and /or seized property from the Modesto Police Department; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider authorizing the award of bid for the purchase of one dump truck, for the Department of Public Works, Water Division through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$116,661. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of one dump truck for the Department of Public Works, Water Division through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$116,661 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-116 (Lopez/Marsh; 7/0) authorizing the award of bid for the purchase of one dump truck for the Department of Public Works, Water Division through the Fleet Services Division, to Delta Truck Center, French Camp, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$116,661.

Consent

13. Consider authorizing the award of bid for the purchase of one truck tractor, for the Department of Public Works, Streets Division through the Fleet Services Division, to Valley Peterbilt, Turlock, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$113,000. (Funding Source: Fleet Replacement Funds)
- Resolution authorizing the award of bid for the purchase of one truck tractor for the Department of Public Works, Streets Division through the Fleet Services Division, to Valley Peterbilt, Turlock, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$113,000 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-117 (Lopez/Marsh; 7/0) authorizing the award of bid for the purchase of one truck tractor for the Department of Public Works, Streets Division through the Fleet Services Division, to Valley Peterbilt, Turlock, CA, and authorizing the Purchasing Manager or his designee to issue a purchase order for a total estimated cost of \$113,000.

Consent

14. Consider approving an agreement with URS Corporation dba URS Corporation Americas for design services for the Install New Well in Del Rio Project in the amount of \$85,852. (Total estimated cost for the design portion of the project is \$93,852) (Funding Source: Water Fund-CIP)

- Resolution approving an agreement with URS Corporation dba URS Corporation Americas (URS) for design services for the Install New Well in Del Rio Project in an amount not to exceed \$78,047 for the identified scope of services, plus \$7,805 for additional services (if needed), for a maximum total amount of \$85,852, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com

ACTION: Resolution 2011-118 (Lopez/Marsh; 7/0) approving an agreement with URS Corporation dba URS Corporation Americas (URS) for design services for the Install New Well in Del Rio Project in an amount not to exceed \$78,047 for the identified scope of services, plus \$7,805 for additional services (if needed), for a maximum total amount of \$85,852, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider accepting the work by Clyde Wheeler Pipeline, Inc. for the "E. Coolidge Area Waterline Replacement" project as complete. (Total construction cost is \$735,989.28, with a total project cost of \$843,955.31) (Funding Source: Water Fund-CIP)

- Resolution accepting the work by Clyde Wheeler Pipeline, Inc., for the "E. Coolidge Area Waterline Replacement" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$735,989.28 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-119 (Lopez/Marsh; 7/0) accepting the work by Clyde Wheeler Pipeline, Inc., for the "E. Coolidge Area Waterline Replacement" project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$735,989.28.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the "I Love Modesto" event held last weekend and Council in the Park to be held during Earth Day on Saturday, April 16, 2011 at Graceada Park.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on March 26, 2011 – Councilmember Muratore absent due to conflict of interest

16. Hearing to consider the appeal of the La Loma Neighborhood Association to a Board of Zoning Adjustment decision approving a conditional use permit and variance to allow an expansion of an emergency shelter by the Modesto Union Gospel Mission, property located on the south side of De Harro Street, west of Kerr Avenue. (Funding Source: Not Applicable)

- Resolution denying the appeal of the La Loma Neighborhood Association to a Board of Zoning Adjustment decision approving a Conditional Use Permit and variance to allow an expansion of an emergency shelter by the Modesto Union Gospel Mission recommended.

Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Item removed from Agenda. Appeal was withdrawn by the La Loma Neighborhood Association and an Agreement entered into between the Association and the Modesto Gospel Mission.

Published in the Modesto Bee on March 14, 2011

17. Hearing to consider the appeal filed by Brunn & Flynn, on behalf of Stanislaus Towing Services, Inc., to a decision regarding the termination of Stanislaus Towing Services, Inc. Agreement with the City of Modesto. (Funding Source: Not Applicable)

- Resolution denying the appeal of Brunn & Flynn, on behalf of Stanislaus Towing Services, Inc., to a decision by the Modesto Police Department to terminate their Towing Service Agreement with the City of Modesto recommended.

Police; Rick Applegate, 342-6119, applegater@modestopd.com

ACTION: Resolution 2011-120 (Hawn/Lopez; 5/2; Geer, Marsh no) denying the appeal of Brunn & Flynn, on behalf of Stanislaus Towing Services, Inc., to a decision by the Modesto Police Department to terminate their Towing Service Agreement with the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:09 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: Randi Fisher v. COM, et al.; U.S. District Court for the Eastern District of California; No. 1:10-CV-01029-OWW-DLB

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, April 11, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: **Motion (Hawn/Burnside;unan.)** accepting a status report of development projects processed by the Community and Economic Development Department.

UNFINISHED BUSINESS

2. Consider accepting the top ten project priorities as identified by the Citizens Redevelopment Advisory Commission (CRAC) and expansion of the Redevelopment Area to one or more of the following areas: (i) McHenry Avenue to Orangeburg Avenue; (ii) Yosemite Blvd. to Mitchell Road; (iii) Former Tallow Plant property; and (iv) Airport Neighborhood and forwarding to the Modesto Redevelopment Agency for approval. (Funding Source: Not Applicable)
*Community & Economic Development; Laurie A. Smith, 577-5347,
lsmith@modestogov.com*

ACTION: **Motion (Muratore/Hawn;unan.)** tabling this item and directing staff to return to the Committee after July 1, 2011.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 12, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Burnside, Hawn, Lopez, Marsh – Item 6
Marsh – Item 14
Geer – Item 15

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring April 24-30, 2011 Youth Temperance Education Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring April 24-30, 2011 Youth Temperance Education Week.

2. Presentation of Proclamation declaring April 10-16, 2011 National Library Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring April 10-16, 2011 National Library Week.

3. Presentation of Proclamation declaring April 14-16, 2011 celebration of the Cambodian New Year. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring April 14-16, 2011 celebration

of the Cambodian New Year.

- 4. Presentation by Recycling Program Coordinator, Bev Stokke, regarding Earth Day in the Park to be held April 16th from 10:00 a.m. to 5:00 p.m. at Graceada Park. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Bev Stokke, 577-5495, bstokke@modestogov.com

ACTION: Presentation was made by Recycling Program Coordinator, Bev Stokke, regarding Earth Day in the Park to be held April 16th from 10:00 a.m. to 5:00 p.m. at Graceada Park

PUBLIC COMMENT PERIOD

- Isaiah Williams spoke regarding trees in his yard. Mayor Ridenour referred Mr. Williams to Parks, Recreation & Director Julie Hannon.
- A citizen spoke regarding youth in the community and his non-profit organization.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 12

ACTION CONSENT ITEMS 5, 7-12: (Lopez/Marsh;unan.)
CONSENT ITEM 6: (Hawn/Muratore;majority; Burnside, Hawn, Lopez Marsh absent due to conflict of interest; lots drawn for quorum – Councilmember Hawn to vote)

CONSENT ITEMS

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

Consent

- 5. Consider approving the Minutes of the City Council meeting of April 5, 2011 (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the Minutes of the City Council meeting of April 5, 2011.

Consent – *Councilmembers Burnside, Hawn, Lopez, Marsh absent due to conflict of interest; lots drawn for quorum – Councilmember Hawn to vote*

- 6. Consider approving a requirement that candidates pay a \$500.00 deposit for their Candidate Statement at the time of filing their nomination papers, and pay the actual cost of printing their candidate statement in the sample ballot for the November 8, 2011 election. (Funding Source: Not Applicable)
 - Resolution requiring that candidates for the November 8, 2011, Regular Municipal Election pay a \$500.00 deposit as a Condition of Having his or her Candidate Statement included in the Voter Pamphlet and requiring the City Clerk to Bill Such Candidates for their Pro Rata Share of the Actual Cost of the Printing of such Statements after the Election recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-121 (Hawn/Muratore; 4/0; Burnside, Lopez, Marsh absent due to conflict of interest) requiring that candidates for the November 8, 2011, Regular Municipal Election pay a \$500.00 deposit as a Condition of Having his or her Candidate Statement included in the Voter Pamphlet and requiring the City Clerk to Bill Such Candidates for their Pro Rata Share of the Actual Cost of the Printing of such Statements after the Election.

Consent

7. Consider: (i) requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 8, 2011, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City School Board; and (ii) requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by mail, if necessary, to be held on February 7, 2012, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor on behalf of the City of Modesto . (Funding Source: Elections Fund)
- Resolution of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 8, 2011, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City School Board recommended.
 - Resolution of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 7, 2012, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-122 (Lopez/Marsh; 7/0) of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto General Municipal Election to be held on November 8, 2011, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Election on behalf of the City of Modesto and the Modesto City School Board.

ACTION: Resolution 2011-123 (Lopez/Marsh; 7/0) of the City of Modesto requesting from the Stanislaus County Board of Supervisors to Consolidate the City of Modesto Run-Off Election for Mayor by Mail, if necessary, to be held on February 7, 2012, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to Conduct the Run-Off Election for Mayor by mail on behalf of the City of Modesto.

Consent

8. Consider approving the plans and specifications for the project titled, "Construction of

Right Turn Lane Improvements at Northbound Dale Road to Eastbound Snyder Avenue, Southbound Oakdale Road to Westbound Sylvan Avenue, and Westbound Sylvan Avenue to Northbound Boyce lane" project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$699,277. (Total estimated cost of the project is \$909,061.) (Funding Source: CIP - Four (4) Right Turn Lanes)

- Resolution approving the plans and specifications for the Construction of Right Turn Lane Street Improvements at Northbound Dale Road to Eastbound Snyder Avenue, Southbound Oakdale Road to Westbound Sylvan Avenue and Westbound Sylvan Avenue to Northbound Boyce Lane project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$699,277; and authorizing the City Manager, or his designee, to execute the contract recommended.

Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2011-124 (Lopez/Marsh; 7/0) approving the plans and specifications for the Construction of Right Turn Lane Street Improvements at Northbound Dale Road to Eastbound Snyder Avenue, Southbound Oakdale Road to Westbound Sylvan Avenue and Westbound Sylvan Avenue to Northbound Boyce Lane project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$699,277; and authorizing the City Manager, or his designee, to execute the contract.

Consent

9. Consider rejecting all bids for the project titled, "Dale Road CCTV (Closed Circuit Television) and CCTV System Upgrade," and authorizing staff to re-advertise the project. (Funding Source: CMAQ and CFF)
 - Resolution rejecting all bids for the project titled, "Dale Road CCTV and CCTV System Upgrade," and authorizing staff to re-advertise the project recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2011-125 (Lopez/Marsh; 7/0) rejecting all bids for the project titled, "Dale Road CCTV and CCTV System Upgrade," and authorizing staff to re-advertise the project.

Consent

10. Consider approving the Monthly Budget Adjustment Report for March of 2011. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2011-126 (Lopez/Marsh; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

11. Consider approving the dedication of net revenues of the Sewer Enterprise Fund to pay any and all Clean Water State Revolving Fund financing; and rescinding Resolution

No. 2010-521. (Funding Source: Sewer Fund)

- Resolution dedicating net revenues of the sewer enterprise fund to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board; and rescinding Resolution No. 2010-521 recommended.
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Resolution 2011-127 (Lopez/Marsh; 7/0) dedicating net revenues of the sewer enterprise fund to payment of any and all Clean Water State Revolving Fund financing. This dedicated source of revenue shall remain in effect throughout the term of such financing unless modification or change of such dedication is approved in writing by the State Water Resources Control Board; and rescinding Resolution No. 2010-521.

Consent

12. Consider approving an Agreement with West Yost Associates, Inc. for Hydraulic Modeling Services for Cannery Segregation Line in the amount of \$76,115. (Total estimated cost for the hydraulic modeling portion is \$87,532) (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with West Yost Associates, Inc. for Hydraulic Modeling Services for Cannery Segregation Line in an amount not to exceed \$69,196 for the identified scope of services, plus \$6,919 for additional services (if needed), for a maximum total amount of \$76,115, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the Fiscal Year 2010-2011 operating budget in the amount of \$6,414 in order to fully fund the agreement for hydraulic modeling services for Cannery Segregation Line, including engineering/design/administration support by City staff recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-128 (Lopez/Marsh; 7/0) approving an Agreement with West Yost Associates, Inc. for Hydraulic Modeling Services for Cannery Segregation Line in an amount not to exceed \$69,196 for the identified scope of services, plus \$6,919 for additional services (if needed), for a maximum total amount of \$76,115, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-129 (Lopez/Marsh; 7/0) amending the Fiscal Year 2010-2011 operating budget in the amount of \$6,414 in order to fully fund the agreement for hydraulic modeling services for Cannery Segregation Line, including engineering/design/administration support by City staff.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

13. Consider accepting the annual review of Wastewater rates. (Funding Source: Wastewater Enterprise Funds)
- Motion accepting the annual review of Wastewater rates recommended.
Utility Planning and Projects; Richard Ulm, 577-5261, rulm@modestogov.com

ACTION: Motion (Hawn/Marsh; 7/0) accepting the annual review of Wastewater rates.

HEARINGS

Published in the Modesto Bee on March 23, 2011 – Councilmember Marsh absent due to conflict of interest

14. Hearing to consider the application of Acacia Memorial Park Association of Modesto to rezone property located on the south side of E. Morris Avenue, south of Auburn Street, east of Bodem Street from Low-Density Residential Zone, (R-1) to Planned Development Zone, P-D(490) to allow for the expansion of the existing Acacia Memorial Park. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street. (Acacia Memorial Park Association of Modesto) recommended.
 - Resolution approving a Development Plan for Planned Development Zone, P-D(490). (Acacia Memorial Park Association of Modesto) recommended.
 - Resolution finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street. (Acacia Memorial Park Association of Modesto) recommended.
Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com

ACTION: Motion (Muratore/Lopez; 6/0; Marsh absent due to conflict of interest) introducing an **Ordinance No. 3548-C.S.** amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street.

ACTION: Resolution 2011-130 (Muratore/Lopez; 6/0; Marsh absent due to conflict of interest) approving a Development Plan for Planned Development Zone, P-D(490). (**Block Walls to be constructed on two sides, Morris Avenue and park side, to the same specifications as the Block Wall on Bodem Avenue with landscaping in front of Wall along Morris Avenue; 10 foot setback for Wall along Morris Avenue, instead of 15 foot setback; allow two entrances; and sign to be constructed will be placard type, residential in character.**)

ACTION: Resolution 2011-131 (Muratore/Lopez; 6/0; Marsh absent due to conflict of

interest) finding that the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street.

Councilmember Marsh left meeting at 7:13 pm

Recess at 7:20 p.m.

Reconvened at 7:30 p.m.

Published in the Modesto Bee on April 2, 2011 – Councilmember Geer absent due to conflict of interest

15. Hearing to consider the appeal of Charles Evins II to an approval by the Board of Zoning Adjustment of a variance to allow for a 33-foot-high, 48-square-foot freestanding non-electronic static-copy sign for the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99. (Funding Source: Not Applicable)
- Resolution denying the appeal by Charles Evins II of a Board of Zoning Adjustment decision denying a variance to allow a 33-foot high, 48-square foot electronic message board sign at property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99 recommended.

*Community & Economic Development; Katharine Martin, 577-5465,
kamartin@modestogov.com*

ACTION: Resolution 2011-132 (Mayor Ridenour/Burnside; 4/1; Lopez no, Geer absent due to conflict of interest, Marsh absent) denying the appeal by Charles Evins II of a Board of Zoning Adjustment decision denying a variance to allow a 33-foot high, 48-square foot electronic message board sign at property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99.

ACTION: Motion (Mayor Ridenour/Burnside; 4/1; Lopez no, Geer absent due to conflict of interest, Marsh absent) directing Staff to amend the City's Sign Ordinance regarding digital signs and return to the Planning Commission within ninety (90) days and then forwarding to Council; Appellant's fees for future variance application for an electronic message board type sign, if proposed, will be waived if the City's Sign Ordinance is amended.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:23 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday April 19, 2011, at 10:00 a.m.

Roll Call Present: Jim Ridenour, Chair and Dave Geer, Member
Absent: Joe Muratore, Vice-Chair

PUBLIC COMMENTS

None.

CONSENT ITEMS

None

NEW BUSINESS

1. Consider accepting an Internal Audit Status Report (mid-March to mid-April, 2011) from Mark Steranka, Moss Adams, LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809 , dwilliams-ridley@modestogov.com

ACTION: Motion (Geer/ Mayor Ridenour; Muratore absent) accepting an Internal Audit Status Report (mid-March to mid-April, 2011) from Mark Steranka, Moss Adams, LLP and directing Moss-Adams, LLP to include Wastewater Operations as the next item to work on.

2. Consider accepting the Auditor's Report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal years ended June 30, 2010 and 2009. (Funding Source: Not Applicable)
Finance and Public Works; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Geer/ Mayor Ridenour; Muratore absent) accepting the Auditor's Report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal years ended June 30, 2010 and 2009.

COMMITTEE MEMBERS COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:26 a.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, April 25, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index. (Funding Source: Water Fund)
Finance; Emma Loethen, 577-5394, eloethen@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index.

NEW BUSINESS

2. Consider options for the City's golf program including: setting up an ongoing loan from the General Fund to help cover debt service payments, the possible closure of a golf course(s), or continuation of a General Fund subsidy to the Golf Fund (Funding Source: General Fund)
Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com

ACTION: Staff directed to return to the Golf Courses Advisory Committee.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

ACTION: **Motion (Burnside/Marsh;unan.)** approving matter that came to late for Agenda and the need for the Finance Committee to take immediate action.

3. Consider refunding of 1998D MID Bonds.

ACTION: Staff directed to take to Council.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 03, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace

City Clerk's Announcements – Item 15 – removed from Consent

Declaration of Conflicts of Interest – Items 15, 27 (misc.) – Muratore
Items 26, 27 (misc.) - Marsh

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Stanislaus County Asthma Coalition proclaiming May 2011 Asthma Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Hawn presented proclamation to the Stanislaus County Asthma Coalition proclaiming May 2011 Asthma Awareness Month.

2. Presentation of Proclamation declaring May 7, 2011 as the Bette Belle Smith Day of Service. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-6697, kespinoza@modestogov.com

ACTION: Vice Mayor Hawn presented Proclamation declaring May 7, 2011 as the Bette Belle Smith Day of Service.

3. Presentation of Proclamation declaring May 2011 Older Americans Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Hawn presented Proclamation declaring May 2011 Older Americans Month.

4. Presentation of Proclamation declaring May 11, 2011 Arbor Day in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modetogov.com

ACTION: Vice Mayor Hawn presented proclamation declaring May 11, 2011 Arbor Day in the City of Modesto.

5. Presentation of Proclamation declaring May 14, 2011 as National Peace Officer's Memorial Day. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor presented Proclamation declaring May 14, 2011 as National Peace Officer's Memorial Day.

MISCELLANEOUS

Legislation
Appointments
Other

6. Consider approving the reappointment of Patricia Gillum and appointment of Amy Neumann to the City of Modesto Planning Commission, and the appointment of Greg Matas and Jaylen French to the City of Modesto Board of Zoning Adjustment. (Funding Source: Not Applicable)
- Resolution reappointing Patricia Gillum to the City of Modesto Planning Commission recommended.
 - Resolution appointing Amy Neumann to the City of Modesto Planning Commission recommended.
 - Resolution appointing Greg Matas to the City of Modesto Board of Zoning Adjustment recommended.
 - Resolution appointing Jaylen French to the City of Modesto Board of Zoning Adjustment recommended.
- City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

ACTION: Resolution 2011-133 (Lopez/Marsh; 6/0; Mayor Ridenour absent) reappointing Patricia Gillum to the City of Modesto Planning Commission.

ACTION: Resolution 2011-134 (Lopez/Marsh; 6/0; Mayor Ridenour absent) appointing Amy Neumann to the City of Modesto Planning Commission.

ACTION: Resolution 2011-135 (Lopez/Marsh; 6/0; Mayor Ridenour absent) appointing Greg Matas to the City of Modesto Board of Zoning Adjustment.

ACTION: Resolution 2011-136 (Lopez/Marsh; 6/0; Mayor Ridenour absent) appointing Jaylen French to the City of Modesto Board of Zoning Adjustment.

PUBLIC COMMENT PERIOD

John Jackson spoke regarding youth in the community and the closure of the Teen Pregnancy

Program.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 24

ACTION CONSENT ITEMS 7-14; 16-24: (Lopez/Geer; unan.; Mayor Ridenour absent)
ACTION ITEM 15: (Marsh/Burnside; majority; Lopez no; Mayor Ridenour absent)

CONSENT ITEMS

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

Consent

7. Consider approving the Minutes of the City Council meeting of April 12, 2011 (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Mayor Ridenour absent) approving the minutes from April 12, 2011.

Consent

8. Consider approving final adoption of Ordinance No. 3548-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street. (Funding Source: Not Applicable)
 - Motion approving final adoption of Ordinance No. 3548-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Mayor Ridenour absent) approving final adoption of **Ordinance No. 3548-C.S.** amending Section 28-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(490), property located on the south side of E. Morris Avenue, south of Auburn Street.

Consent

9. Consider accepting the Third Quarter Update of the City of Modesto Capital Improvement Projects. (Funding Source: Not Applicable)
 - Motion accepting the Third Quarter Update of the City of Modesto Capital Improvement Projects recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Geer; 6/0; Mayor Ridenour absent) accepting the Third Quarter Update of the City of Modesto Capital Improvement Projects.

Consent

10. Consider approving the plans and specifications for the HUD Curb Ramp Improvement Project, accepting the bid, and approving a contract with Nor-Cal Concrete in the amount of \$205,100.00. (Total estimated cost of the project is \$300,000.00.) (Funding Source: Community Development Block Grant (CDBG-R) Funds)

- Resolution approving the plans and specifications for the HUD Curb Ramp Improvement Project, accepting the bid, and approving a contract with Nor-Cal Concrete in the amount of \$205,100.00 for the HUD Curb Ramp Improvement Project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-137 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving the plans and specifications for the HUD Curb Ramp Improvement Project, accepting the bid, and approving a contract with Nor-Cal Concrete in the amount of \$205,100.00 for the HUD Curb Ramp Improvement Project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

11. Consider approving request from Sun Blest Valley Market for a street closure to conduct a Farmers' Market on 10th Street between H and I Streets, in the City of Modesto on Thursday evenings from 3:00 p.m. to 9:00 p.m., subject to certain conditions. (Funding Source: Not Applicable)

- Resolution approving the street closure and Certified Farmers Market to conduct a Farmers' Market on Thursday evenings on 10th Street between H and I Streets, in the City of Modesto, subject to certain conditions recommended.

Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2011-138 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving the street closure and Certified Farmers Market to conduct a Farmers' Market on Thursday evenings on 10th Street between H and I Streets, in the City of Modesto, subject to certain conditions.

Consent

12. Consider authorizing the award of proposal for the furnishing of after-hour answering services for the City of Modesto, to Aardvark Answering Service, Inc., New York, NY, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$21,300 and over five (5) years of \$106,500. (Funding Source: Various Funds)

- Resolution authorizing the award of proposal for the furnishing of after-hours answering services for the City of Modesto to Aardvark Answering Service, Inc., New York, NY, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$21,300 recommended.

Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-139 (Lopez/Geer; 6/0; Mayor Ridenour absent) authorizing the award of proposal for the furnishing of after-hours answering services for the City of Modesto to Aardvark Answering Service, Inc., New York, NY, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$21,300.

Consent

13. Consider approving an amendment to the existing Oracle Licensing Agreement for the purchase of the Supply Chain Management (SCM) module in the approximate amount of \$7,600 including annual maintenance; approving an amendment/change order to the Applications Software Technology (AST) ERP Systems Implementation contract in the approximate amount of \$114,000 for the implementation of the Supply Chain Management module including bar coding hardware; and amending the Fiscal Year 2010-2011 Operating Budget to appropriate funds in the amount of \$122,000 from the Central Stores reserves to 5110-12530-53300. (Funding Source: Internal Service-Central Stores Fund)

- Resolution approving an amendment to the existing Oracle Licensing Agreement for the purchase of the Supply Chain Management (SCM) module in the approximate amount of \$7,600 including annual maintenance; approving an amendment/change order to the Applications Software Technology (AST) ERP Systems Implementation contract in the approximate amount of \$114,000 for the implementation of the Supply Chain Management module including bar coding hardware; and amending the Fiscal Year 2010-2011 Operating Budget to appropriate funds in the amount of \$122,000 from the Central Stores reserves to 5110-12530-53300 recommended.

Finance; Gloriette Beck, 577-5371, gbeck@modestogov.com

ACTION: Resolution 2011-140 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving an amendment to the existing Oracle Licensing Agreement for the purchase of the Supply Chain Management (SCM) module in the approximate amount of \$7,600 including annual maintenance; approving an amendment/change order to the Applications Software Technology (AST) ERP Systems Implementation contract in the approximate amount of \$114,000 for the implementation of the Supply Chain Management module including bar coding hardware; and amending the Fiscal Year 2010-2011 Operating Budget to appropriate funds in the amount of \$122,000 from the Central Stores reserves to 5110-12530-53300.

Consent

14. Consider authorizing the award of bid for the furnishing of sewer root control services for the Department of Public Works, Wastewater Division, to Root Tamers, Redding, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated 1st budget year cost of \$45,000, and over five (5) years of \$345,000 (Funding Source: Wastewater Fund)

- Resolution authorizing the award of bid for the furnishing of sewer root control services for the Department of Public Works, Water Quality Control Division, to Root Tamers, Redding, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing

Manager, or his designee, to issue a purchase agreement for an estimated 1st budget year cost of \$45,000 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-141 (Lopez/Geer; 6/0; Mayor Ridenour absent) authorizing the award of bid for the furnishing of sewer root control services for the Department of Public Works, Water Quality Control Division, to Root Tamers, Redding, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated 1st budget year cost of \$45,000.

Removed from Consent

15. Consider accepting a status report on the Neighborhood Stabilization Program 2 (NSP2) and approving updated Loan Terms and Guidelines. (Funding Source: Neighborhood Stabilization Program 2)
- Motion accepting status of the City of Modesto's Neighborhood Stabilization Program 2 recommended.
 - Resolution approving updated Neighborhood Stabilization Program 2 (NSP2) Loan Terms and Program Guidelines recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Motion (Marsh/Burnside; 5/1; Lopez no, Mayor Ridenour absent) accepting status of the City of Modesto's Neighborhood Stabilization Program 2.

ACTION: Resolution 2011-142 (Marsh/Burnside; 5/1; Lopez no, Mayor Ridenour absent; Muratore absent due to conflict of interest) approving updated Neighborhood Stabilization Program 2 (NSP2) Loan Terms and Program Guidelines.

Consent

16. Consider approving the application(s) for grant funds for the Urban Greening Grant Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). (Funding Source: Urban Greening Program Grant Funds)
- Resolution approving the application(s) for grant funds for the Urban Greening Grant Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-143 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving the application(s) for grant funds for the Urban Greening Grant Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

Consent

17. Consider approving selection of Project Sentinel as provider of fair housing services for the City of Modesto and authorizing staff to execute a subrecipient agreement in an amount not to exceed \$40,000 that may be extended for up to four additional one-year

terms upon completion of Fiscal Year 2011-2012, subject to funding availability; satisfactory quarterly and annual performance reviews; and compliance with local, state, and federal guidelines. (Funding Source: Community Development Block Grant)

- Resolution approving a subrecipient agreement with Project Sentinel as provider of fair housing services for the City of Modesto for Fiscal Year 2011-2012, in an amount not to exceed \$40,000; and authorizing the City Manager, or his designee, to execute the subrecipient agreement with Project Sentinel, and any written agreement(s) extending the original term recommended.

Parks, Recreation & Neighborhoods; Hugo H. Ramírez, 577-5368, hramirez@modestogov.com

ACTION: Resolution 2011-144 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving a subrecipient agreement with Project Sentinel as provider of fair housing services for the City of Modesto for Fiscal Year 2011-2012, in an amount not to exceed \$40,000; and authorizing the City Manager, or his designee, to execute the subrecipient agreement with Project Sentinel, and any written agreement(s) extending the original term.

Consent

18. Consider authorizing the solicitation for qualifications and proposals from airport planning firms for airport environmental planning services for the Modesto City-County Airport. (Funding Source: Airport Fund, FAA Grant)

- Resolution authorizing the solicitation for qualifications and proposals from airport planning firms for airport environmental planning services for the Modesto City-County Airport recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-145 (Lopez/Geer; 6/0; Mayor Ridenour absent) authorizing the solicitation for qualifications and proposals from airport planning firms for airport environmental planning services for the Modesto City-County Airport.

Consent

19. Consider accepting the work by Wingard Engineering, Inc. for the “New Traffic Signals Installation – Standiford Avenue at Hahn Drive, Prescott Road at Cheyenne Way” project as complete. (Total construction cost is \$347,578.97, with a total project cost of \$448,427.70) (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Capital Facility Fees (CFF))

- Resolution accepting the work by Wingard Engineering, Inc. for the “New Traffic Signals Installation – Standiford Avenue at Hahn Drive, Prescott Road at Cheyenne Way” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$347,578.97 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-146 (Lopez/Geer; 6/0; Mayor Ridenour absent) accepting the work by Wingard Engineering, Inc. for the “New Traffic Signals Installation – Standiford Avenue at Hahn Drive, Prescott Road at Cheyenne Way” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$347,578.97.

Consent

20. Consider approving an Agreement with Webster Environmental Associates, Inc. for consultant services for odor and corrosion control for City of Modesto Sanitary Sewer System in the amount of \$49,702. (Total estimated cost for this portion of the project is \$54,220) (Funding Source: Wastewater Fund)

- Resolution approving an Agreement with Webster Environmental Associates, Inc. for consultant services for odor and corrosion control for City of Modesto Sanitary Sewer System in an amount not to exceed \$45,184 for the identified scope of services, plus \$4,518 for additional services (if needed), for a maximum total amount of \$49,702, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-147 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving an Agreement with Webster Environmental Associates, Inc. for consultant services for odor and corrosion control for City of Modesto Sanitary Sewer System in an amount not to exceed \$45,184 for the identified scope of services, plus \$4,518 for additional services (if needed), for a maximum total amount of \$49,702, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider accepting the work by Ross F. Carroll, Inc. for the “Construction of Right Turn Lanes at Carpenter/Sisk; Orangeburg/Sisk; Orangeburg/Briggsmore” project as complete. (Total construction cost is \$592,636.00, with a total project cost of \$954,795.28) (Funding Source: Congestion Mitigation and Air Quality)

- Resolution accepting the work by Ross F. Carroll, Inc. for the “Construction of Right Turn Lanes at Carpenter/Sisk; Orangeburg/Sisk; Orangeburg/Briggsmore” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$592,636.00 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-148 (Lopez/Geer; 6/0; Mayor Ridenour absent) accepting the work by Ross F. Carroll, Inc. for the “Construction of Right Turn Lanes at Carpenter/Sisk; Orangeburg/Sisk; Orangeburg/Briggsmore” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$592,636.00.

Consent

22. Consider accepting the work by K.J. Woods Construction, Inc., for the “Emerald Trunk Line Rehabilitation” project as complete. (Total construction cost is \$6,209,276.16, with a total project cost of \$8,700,113.80) (Funding Source: Wastewater Fund)

- Resolution accepting the work by K.J. Woods Construction, Inc., for the “Emerald Trunk Line Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$6,209,276.16 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-149 (Lopez/Geer; 6/0; Mayor Ridenour absent) accepting the work by K.J. Woods Construction, Inc., for the “Emerald Trunk Line Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$6,209,276.16.

Consent

23. Consider approving the deposit of 28 Equivalent Dwelling Units of wastewater capacity from the Rose Villas Subdivision into the Economic Development Wastewater Capacity Bank and making this capacity available at the Capacity Bank rate of \$3,665 per EDU. (Funding Source: Wastewater Fund Revenue)
- Resolution approving the deposit of 28 Equivalent Dwelling Units (EDU’s) of wastewater capacity from the Rose Villas Subdivision into the Economic Development Wastewater Capacity Bank and making this capacity available at the Capacity Bank rate of \$3,665 per EDU recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-150 (Lopez/Geer; 6/0; Mayor Ridenour absent) approving the deposit of 28 Equivalent Dwelling Units (EDU’s) of wastewater capacity from the Rose Villas Subdivision into the Economic Development Wastewater Capacity Bank and making this capacity available at the Capacity Bank rate of \$3,665 per EDU.

Consent

24. Consider accepting the work by George Reed, Inc. for the “Pelandale Avenue Widening” project as complete. (Total construction cost is \$10,223,863.90, with a total project cost of \$16,114,487.39) (Funding Source: Capital Facility Fees)
- Resolution accepting the work by George Reed, Inc. for the “Pelandale Avenue Widening” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$10,223,863.90 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-151 (Lopez/Geer; 6/0; Mayor Ridenour absent) accepting the work by George Reed, Inc. for the “Pelandale Avenue Widening” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$10,223,863.90.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager Greg Nyhoff introduced Bryan Sastokas, Chief Information Officer.

WRITTEN COMMUNICATIONS

25. Consider written correspondence from Mark Gray, Director of Prop 215 Center concerning an update to their patient services. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mr. Grey was not present at meeting.

HEARINGS

Councilmember Marsh absent due to conflict of interest

26. Hearing to consider determining that public interest and necessity require the acquisition of certain property interests for the Roselle Avenue Floyd to Sylvan Widening Project and directing the filing of eminent domain proceedings. (Funding Source: Village One Community Facilities District #2, CFD #2004-1 bond proceeds)
- Resolution of the City Council of the City of Modesto determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Roselle Avenue Road Widening Project. Kimberly M Kuppens, Property Owner Property Address: 3200 Roselle Avenue APN: 085-064-003 (Formerly 085-001-048) recommended.
 - Resolution of the City Council of the City of Modesto determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Roselle Avenue Road Widening Project. Mary A Barnett, Property Owner Property Address: 3012 Kodiak Drive APN:085-050-001 recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-152 (Muratore/Geer; 5/0; Marsh absent due to conflict of interest, Mayor Ridenour absent) determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Roselle Avenue Road Widening Project. Kimberly M Kuppens, Property Owner Property Address: 3200 Roselle Avenue APN: 085-064-003 (Formerly 085-001-048).

ACTION: Resolution 2011-153 (Lopez/Muratore; 5/0; Marsh absent due to conflict of interest, Mayor Ridenour absent) determining that the public interest and necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Roselle Avenue Road Widening Project. Mary A Barnett, Property Owner Property Address: 3012 Kodiak Drive APN:085-050-001.

*Published in the Modesto Bee on March 29, 2011 and La Vida on March 30, 2011-
Councilmembers Marsh and Muratore absent due to conflict of interest (miscellaneous)*

27. Hearing to consider approving the City of Modesto's Draft Annual Action Plan for Fiscal Year 2011-12, which includes recommended allocations for Public Service and Emergency Solutions grants and authorize submission of the AAP to the U.S. Department of Housing and Urban Development for use of the funds identified in the

Plan. (Funding Source: Community Development Block Grants, HOME Investment Partnerships Program, and Emergency Shelter Grants)

- Resolution approving the City of Modesto Fiscal Year 2011-2012 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2011-2012 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development recommended.
- Resolution approving the allocation of funding in the amount of \$440,000 in Community Development Block Grant Public Service Grants (CDBG) and Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements recommended.
- Resolution approving the FY 2011-2012 annual operating and capital improvement budgets to reflect the approved allocations in the Draft Fiscal Year Annual Action Plan, and authorizing the Finance Director, or her designee, to take the necessary steps to implement these actions recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2011-154 (Lopez/Muratore; 6/0; Mayor Ridenour absent)

approving the City of Modesto Fiscal Year 2011-2012 U.S. Department of Housing and Urban Development Annual Action Plan for the use of the Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Shelter Grant (ESG) funds; authorizing submission of an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2011-2012 Annual Action Plan; and authorizing the City Manager, or his designee, to sign the required certifications and documents for submittal to the United States Department of Housing and Urban Development.

ACTION: Resolution 2011-155 (Lopez/Muratore; 6/0; Mayor Ridenour absent)

approving the allocation of funding in the amount of \$440,000 in Community Development Block Grant Public Service Grants (CDBG) and Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

ACTION: Motion ((Muratore/Marsh; Lopez no; Mayor Ridenour absent) approving the allocation of funding in the amount of \$440,000 in Community Development Block Grant Public Service Grants (CDBG) and Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

- Stanislaus Community Assistance Project (SCAP)

ACTION: Motion (Lopez/Geer; Marsh absent due to conflict of interest; Mayor Ridenour absent)

approving the allocation of funding in the amount of \$440,000 in Community Development Block Grant Public Service Grants (CDBG) and Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

- Court Appointed Special Advocates Program (CASA)

ACTION: Motion Lopez/Marsh; Muratore absent due conflict of interest; Mayor Ridenour absent) approving the allocation of funding in the amount of \$440,000 in Community Development Block Grant Public Service Grants (CDBG) and Emergency Solutions Grants (ESG); and authorizing the City Manager, or his designee, to execute the Agreements.

- United Cerebral Palsy and Salvation Army

ACTION: Resolution 2011-156 (Lopez/Muratore; 6/0; Mayor Ridenour absent) approving the FY 2011-2012 annual operating and capital improvement budgets to reflect the approved allocations in the Draft Fiscal Year Annual Action Plan, and authorizing the Finance Director, or her designee, to take the necessary steps to implement these actions.

NEW BUSINESS

28. Consider calling for a measure to be placed on the November 8, 2011 Regular Municipal Election ballot for the purpose of submitting to the electors of the City of Modesto a measure amending Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax, reducing the tax rate from 6% to 5.8%. (Funding Source: Not Applicable)

- Resolution calling for a measure to be placed on the November 8, 2011 Regular Municipal Election ballot for the purpose of submitting to the electors of the City of Modesto a ballot measure amending Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax. recommended.
- Resolution directing the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, a ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure." Recommended.
- Resolution directing the City Clerk to transmit a copy of the ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure" to the City Attorney for the purpose of preparing an impartial analysis of said measure. recommended.
- Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure" recommended.

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Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Resolution 2011-157 (Marsh/Lopez; 6/0; Mayor Ridenour absent) calling for a measure to be placed on the November 8, 2011 Regular Municipal Election ballot for the purpose of submitting to the electors of the City of Modesto a ballot measure amending Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax.

ACTION: Resolution 2011-158 (Marsh/Lopez; 6/0; Mayor Ridenour absent) directing the City Clerk to submit to the voters at the next regular municipal election to be held on November 8, 2011, a ballot measure entitled "Utility Users' Tax Reduction and Fairness Measure."

ACTION: Resolution 2011-159 (Marsh/Lopez; 6/0; Mayor Ridenour absent) directing the

City Clerk to transmit a copy of the ballot measure entitled “Utility Users’ Tax Reduction and Fairness Measure” to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2011-160 (Marsh/Lopez; 6/0; Mayor Ridenour absent) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the ballot measure entitled “Utility Users’ Tax Reduction and Fairness Measure”.

29. Consider authorizing the award of bid for the purchase of Badger water meters with Orion automated meter readers for the Department of Public Works, Water Division, to Badger Meter Inc., Milwaukee, WI, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,528,552, and over five years of \$7,642,760. (Funding Source: Water Fund)
- Resolution authorizing the award of bid for the purchase of Badger water meters with Orion automated meter readers for the Department of Public Works, Water Division, to Badger Meter, Inc., Milwaukee, WI, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$1,528,552 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-161 (Lopez/Marsh; 6/0; Mayor Ridenour absent) authorizing the award of bid for the purchase of Badger water meters with Orion automated meter readers for the Department of Public Works, Water Division, to Badger Meter, Inc., Milwaukee, WI, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$1,528,552.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:21 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

1. Property: Acquisition of fee simple (portion) and temporary construction easement interest of real property located at:

3200 Roselle Avenue
Modesto, CA
APN: 085-064-003

Negotiating parties: Claudia Gorham, Esq. of Meyers Nave
Richard B. Evans, Senior Deputy City Attorney
Property Owner – Kimberly Kuppens

Under negotiation: Price and terms for acquisition of fee simple (portion) and temporary construction easement.

2. Property: Acquisition of fee simple (portion) and temporary construction easement interest of real property located at:

Southeast corner of Kodiak Drive and Roselle Avenue
Modesto, CA
APN: 085-050-001

Negotiating parties: Claudia Gorham, Esq. of Meyers Nave
Richard B. Evans, Senior Deputy City Attorney
Property Owner – Mary A. Barnett

Under negotiation: Price and terms for acquisition of fee simple (portion) and temporary construction easement.

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

Name of case: *The Committee Concerning Community Improvement, et al. v. City of Modesto, County of Stanislaus, et al.*; U.S. District Court for the Eastern District of California
Case No. CIV-F-04-6121 AWI DLB

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: *Freida Julio v. City of Modesto, et al.*; Stanislaus County Superior Court No. 644169

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

BUDGET WORKSHOPS

Roll Call: Present: Councilmembers Brad Hawn, Garrad Marsh, and Stephanie Burnside

Absent: None

Also Present: Councilmembers Geer and Muratore

MONDAY – MAY 9, 2011 AT 9:00 AM

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

NEW BUSINESS

- Mayor Opening Comments and Overview of Budget Process

ACTION: Mayor Ridenour gave his opening comments and an overview of budget process; Mayor Ridenour thanked the Finance Department and staff.

- City Wide Budget Update (General Fund, Water, Waste Water and Storm Drain)

ACTION: City Manager Greg Nyhoff presented an update of the City Wide Budget for Fiscal Year 2011-12.

- General Fund Review (Proforma)

ACTION: City Manager Greg Nyhoff gave a review of the General Fund, General Fund revenues for Fiscal Year 2011-2012; shortfall for Fiscal Year 2011-12; and closing the shortfall.

- Service Impacts & Accomplishments

ACTION: City Manager Greg Nyhoff reviewed the Service Impacts and Accomplishments. Accomplishments - Modesto Regional Fire Authority; 4th Annual Amgen Tour Event; \$97,000

raised through fund development activities; reduction in part 1 crime rates of 7% in 2010; held a total of 8 community and youth forums; reached agreement with labor groups for reform of retiree medical benefits for new hires; upgraded City's wastewater and water funds bond rating from A+ to AA and AA- respectively; developed a new Strategic Plan; next year's budget process will begin in September 2011.

- Update on Employee Benefit & Worker's Compensation Funds

ACTION: Deputy City Manager Dee Ridley Williams gave update of the Employee Benefit and Worker's Compensation Funds.

- Department Presentations (General Fund)

1. City Clerk

ACTION: City Clerk Stephanie Lopez gave the presentation for City Clerk Department/Mail Services budget for Fiscal Year 2011-12.

2. City Attorney

ACTION: City Attorney Wood gave the presentation for City Attorney Department budget for Fiscal Year 2011-12.

3. City Manager, City Council & Office of the City Auditor

ACTION: City Manager Nyhoff gave the presentation for City Manager Department; Deputy City Manager Dee Williams Ridley gave the presentation for City Council and Office of the City Auditor Department budget for Fiscal Year 2011-12.

4. Parks, Recreation & Neighborhoods

ACTION: Director Julie Hannon gave the presentation on the Parks, Recreation & Neighborhoods Department budget for Fiscal Year 2011-12.

5. Public Works – (Graffiti Abatement)

ACTION: Public Works Director Dennis Turner gave the presentation on Public Works – Graffiti Abatement budget for Fiscal Year 2011-12.

6. Finance

ACTION: Director Gloriette Beck gave the presentation on the Finance Department budget for Fiscal Year 2011-12.

7. Human Resources

ACTION: Deputy City Manager Dee Williams Ridley gave the presentation on the Human Resources Department budget for Fiscal Year 2011-12.

8. Community & Economic Development

ACTION: Director Brent Sinclair gave the presentation on the Community & Economic Development Department budget for Fiscal Year 2011-12.

9. Fire

ACTION: Chief Michael Kraus gave the presentation on the Fire Department budget for Fiscal Year 2011-12.

10. Police

ACTION: Chief Michael Harden gave the presentation on the Police Department budget for Fiscal Year 2011-12.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 1:00 p.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, May 9, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Brad Hawn and Stephanie Burnside
Absent: Councilmember Muratore
Also Present: Councilmember Dave Geer (Alternate)

PUBLIC COMMENTS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1
CONSENT**

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

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: **Motion (Burnside/Geer;unan.)** accepting status report of development projects processed by the Community and Economic Development Department.

UNFINISHED BUSINESS

2. Consider downtown street furniture elements (e.g., bike racks, benches, trees, etc.) and interim roadway modifications to accompany the recommended complete street cross sections to Council. (Funding Source: Not applicable)
*Community & Economic Development; Josh Bridegroom, 577-5267,
jbridegroom@modestogov.com*

ACTION: **Motion (Burnside/Geer;unan.)** accepting recommendations for downtown street furniture elements (e.g., bike racks, benches, trees, etc.) and forwarding to Council for approval; return to Committee with options for J Street, Bike Master Plan route, and sizes for trees.

NEW BUSINESS

3. Consider recommending appointments to fill two vacancies on the Equal Opportunity/Disability Commission created by two recent resignations. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Staff directed to send information to Economic Development Committee members regarding the duties and responsibilities of the Equal Opportunity/Disability Commission and return item to next month's Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 10, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements – None

Declaration of Conflicts of Interest – Muratore – Item 12

Reports from Closed Session – None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Choose Civility Initiative by Tom Changnon, Stanislaus County Superintendent of Schools. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation of the Choose Civility Initiative was made by Tom Changnon, Stanislaus County Superintendent of Schools.

2. Presentation of Proclamation to the Salvation Army proclaiming May 9-15 National Salvation Army Week in the City of Modesto. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the Salvation Army proclaiming May 9-15, 2011 as National Salvation Army Week in the City of Modesto

3. Presentation of Proclamation proclaiming May 15 – 21, 2011 as National Public Works Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to Public Works declaring May 15 – 21, 2011 as National Public Works Week.

4. Presentation on the Amgen Tour Stage 3 Finish in Modesto on Tuesday, May 17, 2011. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Presentation was made by Julie Hannon, Director of Parks, Recreation & Neighborhood regarding the Amgen Tour Stage 3 Finish in Modesto on Tuesday, May 17, 2011.

PUBLIC COMMENT PERIOD

- Denny Jackman spoke regarding a Measure M vote for the unincorporated areas of Stanislaus County.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 10

ACTION CONSENT ITEMS 5-10: (Lopez/Muratore;unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes of the City Council meeting of May 3, 2011 (Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of May 3, 2011.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the Minutes of the City Council meeting of May 3, 2011.

Consent

6. Consider: (i) authorizing the award of bid for the purchase of a wheel loader and bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to the following companies: Mecom Equipment, Stockton, CA, for an estimated total cost of \$154,640 for a wheel loader and Holt of California, Stockton, CA, for an estimated total cost of \$27,876 for a bucket and authorizing the Purchasing Manager to issue purchase orders for the total estimated cost of \$182,516; and (ii) amending the Fiscal Year 2010-2011 operating budget to move \$18,000 from the Solid Waste Fund Reserves to the operating budget account 4890-37040-57020 for this purpose (Funding Source: Solid Waste)
 - Resolution authorizing the award of bid for the purchase of a wheel loader and a bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Mecom Equipment, Stockton, CA, for an estimated total cost of \$154,640 for a wheel loader and Holt of California, Stockton, CA, for an estimated total cost of \$27,876 for a bucket; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for the total estimated cost of

\$182,516 recommended.

- Resolution amending the Fiscal Year 2010-2011 operating budget to move \$18,000 from the Solid Waste Fund Reserves to the operating budget account 4890-37040-57020 for this purpose recommended.

Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-162 (Lopez/Muratore; 7/0) authorizing the award of bid for the purchase of a wheel loader and a bucket for the Parks, Recreation, and Neighborhoods Department, Solid Waste Division, Compost Facility, to Mecom Equipment, Stockton, CA, for an estimated total cost of \$154,640 for a wheel loader and Holt of California, Stockton, CA, for an estimated total cost of \$27,876 for a bucket; and authorizing the Purchasing Manager, or his designee, to issue purchase orders for the total estimated cost of \$182,516.

ACTION: Resolution 2011-163 (Lopez/Muratore; 7/0) amending the Fiscal Year 2010-2011 operating budget to move \$18,000 from the Solid Waste Fund Reserves to the operating budget account 4890-37040-57020 for this purpose.

Consent

7. Consider approving a Rescission Agreement for a HOME Investment Partnership Program (HOME) loan between the City of Modesto and Stanislaus County Affordable Housing Inc. (STANCO), for the acquisition and rehabilitation of the property located at 615 5TH Street, Modesto. (Funding Source: HOME)
 - Resolution approving the Rescission Agreement for a HOME loan between the City of Modesto and Stanislaus County Affordable Housing Inc., for the acquisition and rehabilitation of the property located at 615 5TH Street, Modesto; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2011-164 (Lopez/Muratore; 7/0) approving the Rescission Agreement for a HOME loan between the City of Modesto and Stanislaus County Affordable Housing Inc., for the acquisition and rehabilitation of the property located at 615 5TH Street, Modesto; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

8. Consider approving a five-year Lease Agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street (APN 104-001-018). (Funding Source: Not Applicable)
 - Resolution approving a five-year lease agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2010-11 Operating Budget in order to recognize \$1,200 in revenue to Parks Services (0100-35220-46002) recommended.
 - Resolution amending the Fiscal Year 2010-11 Operating Budget in order to recognize \$1,200 in expenses to Parks Services (0100-35220-53300) recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2011-165 (Lopez/Muratore; 7/0) approving a five-year lease agreement with CBS Outdoor, Inc., an outdoor advertising company, for a portion of the property located at 1601 Ninth Street; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-166 (Lopez/Muratore; 7/0) amending the Fiscal Year 2010-11 Operating Budget in order to recognize \$1,200 in revenue to Parks Services (0100-35220-46002).

ACTION: Resolution 2011-167 (Lopez/Muratore; 7/0) amending the Fiscal Year 2010-11 Operating Budget in order to recognize \$1,200 in expenses to Parks Services (0100-35220-53300).

Consent

9. Consider accepting the work by Hayward Baker, Inc. for the Effluent Pump Station Soil Stabilization Project as complete. Total construction cost is \$267,603, with a total project cost of \$455,385.89. (Funding Source: Wastewater Fund)
- Resolution accepting the work by Hayward Baker, Inc. for the Effluent Pump Station Soil Stabilization Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$267,603 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-168 (Lopez/Muratore; 7/0) accepting the work by Hayward Baker, Inc. for the Effluent Pump Station Soil Stabilization Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$267,603.

Consent

10. Consider accepting the work by Rolfe Construction for the E. Orangeburg Avenue Water Main Replacement project as complete. Total construction cost is \$457,889.43, with a total project cost of \$590,336.94. (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Rolfe Construction for the E. Orangeburg Avenue Water Main Replacement project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$457,889.43 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-169 (Lopez/Muratore; 7/0) accepting the work by Rolfe Construction for the E. Orangeburg Avenue Water Main Replacement project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$457,889.43.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

11. Consider accepting the work by Teichert Construction for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project as complete. Total construction cost is \$5,852,232, with a total project cost of \$7,847,681. (Funding Source: Water Fund-CIP)
 - Resolution accepting the work by Teichert Construction for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$5,852,232 recommended.
Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-170 (Lopez/Muratore; 7/0) accepting the work by Teichert Construction for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$5,852,232.

HEARINGS

Published in the Modesto Bee on April 5, 2011 – Councilmember Muratore absent due to conflict of interest

12. Hearing to consider approving a Substantial Amendment to Neighborhood Stabilization Program 1 (NSP1) to include “redevelopment” as an NSP eligible use for rehabilitation (conversion) of a residential property for non-residential end-use as a community center. (Funding Source: Neighborhood Stabilization Program 1 Grant)
 - Resolution approving Neighborhood Stabilization Program 1 Substantial Amendment and its submission to the U.S. Department of Housing and Urban Development to include as an eligible use the redevelopment of a residential property for non-residential end-use (Community Center); and authorizing the City Manager, or his designee, to execute all related documents recommended.
Parks, Recreation & Neighborhoods; Hugo Ramírez, 577-5368, hramirez@modestogov.com

ACTION: Resolution 2011-171 (Marsh/Geer; 6/0; Muratore absent due to conflict of interest) approving Neighborhood Stabilization Program 1 Substantial Amendment and its submission to the U.S. Department of Housing and Urban Development to include as an eligible use the redevelopment of a residential property for non-residential end-use

(Community Center); and authorizing the City Manager, or his designee, to execute all related documents.

NEW BUSINESS

13. Consider accepting an informational item concerning the authority to apply a water rate inflator index based on the Consumer Price Index. (Funding Source: Water Fund)
- Motion accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index recommended.
Finance and Utility Planning and Projects; Emma Loethen, 577-5394, eloethen@modestogov.com

ACTION: Motion (Hawn/Burnside; 7/0) accepting an informational report concerning the authority to apply a water rate inflator index based on the Consumer Price Index.

14. Consider authorizing the award of proposal for the purchase of mobile data computers (MDC) to Lehr Auto Electric, Sacramento, CA and RoboVu, Phoenix, AZ, and authorizing the Purchasing Manager to issue purchase orders for the not to exceed grant amount of \$1,079,500. (Funding Source: Multi-Year Operations Grant Fund)
- Resolution awarding the proposal for the purchase of mobile data computers (MDC) to Lehr Auto Electric, Sacramento, CA and RoboVu, Phoenix, AZ, and authorizing the Purchasing Manager to issue purchase orders for the not to exceed grant amount of \$1,079,500 recommended.
Fire; Lori Martinez, 572-9660 , lmartinez@modestogov.com

ACTION: Resolution 2011-172 (Hawn/Burnside; 7/0) awarding the proposal for the purchase of mobile data computers (MDC) to Lehr Auto Electric, Sacramento, CA and RoboVu, Phoenix, AZ, and authorizing the Purchasing Manager to issue purchase orders for the not to exceed grant amount of \$1,079,500.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:41 p.m.

MINUTES

City of Modesto
**Special Finance Committee Meetings/
Special City Council Workshop Meetings**
Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

BUDGET WORKSHOPS
Various Dates and Times
(see below)

Roll Call: Present: Councilmembers Brad Hawn, Garrad Marsh, and Stephanie Burnside

Absent: None

Also Present: Councilmember Geer

THURSDAY – MAY 12, 2011 AT 9:00 AM

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

NEW BUSINESS

- Continued discussion and action on any items from May 9, 2011 Budget Workshop
 - ❖ McHenry Mansion and Museum -

ACTION: Staff directed to return with an updated plan for the McHenry Mansion and Museum at the June 2011 Council meeting when the Fiscal Year 2011-2012 Budget is adopted.

- General Fund Revenue Follow-up:

ACTION: City Manager Greg Nyhoff presented the General Fund Revenue Follow-Up Items and Policy Changes. Staff reported back to the Committee on questions from the Monday, May 9, 2011 Finance Committee meeting.

ACTION: Motion (Marsh/Burnside; unan.,) approving Policies 1 through 3: Policy 1 – recommending that the General Fund reserve be set at \$7 million; Policy 2 – recommending that the General Fund continue a payment holiday to the Employee Benefits Funds; and Policy 3 –

recommending that the General Fund continue a payment holiday to the Worker's Compensation Fund. (Policy 4 will return at the Monday, May 16, 2011 Finance Committee meeting.)

- Utility Funds Review

1. Sewer (Wastewater)

ACTION: Nick Pinhey, Utility, Planning & Projects Director gave the presentation on the Sewer (Wastewater Fund).

2. Water

ACTION: Dennis Turner, Public Works Director, gave the presentation on the Water Fund.

3. Storm Drain

ACTION: Nick Pinhey, Utility Planning & Projects Director, gave presentation on the Storm Drain Fund.

- Utility Planning and Projects Department

ACTION: Nick Pinhey, Director, gave presentation on the Utility Planning and Projects Department.

- Public Works Department

ACTION: Dennis Turner, Director, gave presentation on the Public Works Department (Airport Fund, Transit Fund, Fleet Fund, Parking Fund).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:03 p.m.

MINUTES

City of Modesto

Special Finance Committee Meetings/ Special City Council Workshop Meetings

Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

BUDGET WORKSHOPS

Various Dates and Times

(see below)

Roll Call: Present: Councilmembers Brad Hawn, Garrad Marsh, and Stephanie Burnside

Absent: None

Also Present: Councilmember Dave Geer; Councilmember Lopez (arrived at 9:48 pm)

MONDAY – MAY 16, 2011 AT 9:00 AM

PUBLIC COMMENT PERIOD

Three minute time limit per speaker

Emerson Drake spoke regarding the Utility Fund payment.

NEW BUSINESS

- Transportation Related Fund (LTF) (Surface Transportation Fund)

Public Works Director Dennis Turner gave presentation on the Surface Transportation Fund.

- Information & Technology Fund

Chief Information Officer Bryan Sastokas gave presentation on the Information Technology Department.

- General Fund Revenue Follow-Up

Cynthia Gale, Finance Department Budget Manager, presented follow-up information regarding the Fiscal Year 2011-12 Proposed General Fund Utility Users Tax; Fiscal Year 2011-12 Proposed General Fund Business License/Mill Tax Revenue; and Fiscal Year 2011-12 Proposed General Fund total Revenue Trends.

- Position Vacancy

Deputy City Manager Dee Williams-Ridley gave presentation on City-Wide vacancies; currently 28 General Fund vacancies; and 33 Non-General Fund vacancies = Total 61 positions.

- Worker's Compensation

Deputy City Manager Dee Williams-Ridley gave presentation on the Human Resources Department Risk & Loss Control Staffing Proposal - Safety Officer position.

- Written Responses/Additional Follow-Up

Councilmember Marsh requested elimination of \$100,000 increase for economic development in the City Manager's budget and requested an RFQ and Business Plan; Councilmember Hawn requested item be brought back to Finance Committee.

- Policy Changes

Mayor Ridenour requested the Finance Committee to make a decision on the Fourth Financial Policy: General Fund suspend making transfers to the Water and Wastewater Funds in Fiscal Years 2010-2011, 2011-2012 and 2012-2013.

ACTION: Motion (Marsh/Burnside; unan.) approving the Fourth Financial Policy: suspending making transfers to the Water and Wastewater Funds in Fiscal Years 2010-2011, 2011-2012 and 2012-2013.

- Recommended Actions – All Proposed Budgets and Policy Decisions be Forwarded to Council

ACTION: Motion (Marsh/Burnside;unan.) approving Fiscal Year 2011-2012 Budget (excluding Safety Officer position, \$100,000 increase for Economic Development in the City Manager's Office, Golf Fund, Mansion and Museum reductions for one year, maintaining Community & Economic Development Department Planner-one position)

Motion (Marsh/no second) excluding Safety Officer position – **Motion failed.**

Motion (Hawn/Burnside;Marsh no) approving Safety Officer position.

Motion (Hawn/Burnside;Marsh no) approving \$100,000 increase for Economic Development in the City Manager's Office

Motion to Reconsider (Burnside/Hawn;unan.) approving \$100,000 for Economic Development position or Community & Economic Development Planner position.

Motion (Marsh/Burnside;unan.) to defund Council Analyst position for funding of Mansion and Museum for Fiscal Year 2011-12.

Motion (Marsh/Burnside;unan.) allocating 4 vacant Modesto Police Officer positions and keep positions allocated and unfunded.

None.

ADJOURNMENT

This meeting adjourned at 11:41 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, May 23, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh
Absent: Councilmember Stephanie Burnside
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-2

CONSENT

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

Consent

1. Consider accepting an informational report regarding the Quarterly Water Meter Installation Program Update. (Funding Source: Not applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) accepting an informational report regarding the Quarterly Water Meter Installation Program Update.

Consent

2. Consider (i) establishing a Capacity Banking Application Fee in the amount of \$400.00 per transaction and (ii) establishing a Capacity Brokering Fee in the amount of \$300.00 per transaction and forwarding to Council for approval. (Funding Source: Wastewater Fund Revenues)
Public Works; Gary DeJesus, 577-6200, gdejesus@modestogov.com

ACTION: Motion (Marsh/Geer;unan.) establishing: (i) a Capacity Banking Application Fee in the amount of \$400.00 per transaction and (ii) a Capacity Brokering Fee in the amount of \$300.00 per transaction and forwarding to Council for approval.

NEW BUSINESS

3. Consider reviewing criteria established by the Comprehensive Fees Task Force and

provide direction to be used for evaluation of economic development incentives.
(Funding Source: Not Applicable)
*Community & Economic Development; Amy Gedney, 571-5501,
agedney@modestogov.com*

ACTION: Staff directed to return to the Finance Committee in July or August with updated information to be used for evaluation of economic development incentives.

4. Consider recommending to the Redevelopment Agency Board adoption of the proposed annual Redevelopment Agency Operating and Capital Improvement (CIP) Budget for the fiscal year ending June 30, 2012. (Funding Source: Redevelopment Agency)
*Community & Economic Development; Laurie A. Smith, 577-5347,
lsmith@modestogov.com*

ACTION: **Motion (Geer/Marsh;unan.)** approving Board adoption of the proposed annual Redevelopment Agency Operating and Capital Improvement (CIP) Budget for the fiscal year ending June 30, 2012.

5. Consider formation of a Citizen's Ad Hoc Committee to prioritize budget expenditures for Fiscal Year 2012-2013 and forward to Council for approval. (There is no staff report for this item.) (Funding Source: Not Applicable)
Council; Brad Hawn, 571-5597, bhawn@modestogov.com

ACTION: **Motion (Marsh/Geer;unan.)** recommending the Mayor conduct citizen roundtable meetings to prioritize budget expenditures for Fiscal Year 2012-2013 and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday May 24, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor
Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements - Item No. 9 Removed from Agenda
Item No. 12 continued to June 28, 2011 Council meeting

Declaration of Conflicts of Interest – None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Children's Library of the Summer Reading Program.
(Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by the Modesto Children's Library of the Summer Reading Program.

2. Presentation by the Modesto Library of upcoming events, including the County-wide Stanislaus Reads event. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation was made by the Modesto Library of upcoming events, including the County-wide Stanislaus Reads event.

PUBLIC COMMENT PERIOD

- Airport Neighborhood residents spoke in support of the proposed Airport Neighborhood Community Center to be located at 805/807 Empire Avenue.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 20

ACTION CONSENT ITEMS: 3-8, 10-11, 13-20 (Lopez/Hawn;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes of the City Council meeting of May 10, 2011. (Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of May 10, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the Minutes of the City Council meeting of May 10, 2011.

Consent

4. Consider approving the plans and specifications for the project titled, "Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue" project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$279,086. (Total estimated cost of the construction of the project is \$362,811.80. Total anticipated project expenditures are \$513,042.55.) (Funding Source: CIP - Federal Funded Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Streets CFF Local Match))
 - Resolution approving the plans and specifications for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$279,086; and authorizing the City Manager, or his designee, to execute the contract recommended.
Community & Economic Development; Charles Covolo, 571-5537, ccovolo@modestogov.com

ACTION: Resolution 2011-173 (Lopez/Hawn; 7/0) approving the plans and specifications for the Street Improvements Northbound McHenry Avenue to Eastbound Briggsmore Avenue project, accepting the bid, and approving a contract with Ross F. Carroll, Inc. in the amount of \$279,086; and authorizing the City Manager, or his designee, to execute the contract.

Consent

5. Consider approving the 2011-2012 Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 and setting a public hearing on August 3, 2011, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1. (Funding Source: Landscape Maintenance Assessment District No. 1)
 - Motion accepting the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos.

1 through 6 recommended.

- Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and setting a public hearing on August 3, 2011, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1 recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

ACTION: Resolution 2011-174 (Lopez/Hawn; 7/0) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and setting a public hearing on August 3, 2011, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 1.

Consent

6. Consider approving the 2011-2012 Engineer's Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision, and setting a public hearing on August 3, 2011, to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2. (Funding Source: Landscape Maintenance Assessment District No. 2)

- Motion accepting the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision recommended.
- Resolution of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 3, 2011 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2 recommended.

Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the 2011-2012 Annual Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision.

ACTION: Resolution 2011-175 (Lopez/Hawn; 7/0) of Intention to Levy and Collect Assessments for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision, and setting a public hearing on August 3, 2011 to consider the levy and collection of assessments within Landscape Maintenance Assessment District No. 2.

Consent

7. Consider accepting the Monthly Investment Report for February, 2011. (Funding Source: Not Applicable)

- Motion accepting the Monthly Investment Report for February, 2011 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the Monthly Investment Report for February, 2011.

Consent

8. Consider amending: the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Account Technician (Confidential) to Salary Range 416 (\$3,312-\$4,036 per month). (Funding Source: General Fund)

- Resolution amending Exhibit "A" of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Account Technician (Confidential) to Salary Range 416 recommended.

Human Resources; Jill Peltier, 577-5209, jpeltier@modestogov.com

ACTION: Resolution 2011-176 (Lopez/Hawn; 7/0) amending Exhibit "A" of Resolution No. 2008-683, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes to add Account Technician (Confidential) to Salary Range 416.

Removed from Agenda

9. Consider approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force. (Funding Source: Employee Benefits Fund)

- Resolution approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force recommended.

Human Resources; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Item removed from Agenda.

Consent

10. Consider approving a Purchase Agreement with Federal Home Loan Mortgage Corporation (Freddie Mac) and authorizing City Manager or his designee to execute the Agreement and all related documents required to close escrow and sign Certificate of Acceptance Forms for the Grant Deed for a property located at 805/807 Empire Avenue (APN 035-048-004) to serve as the site of the planned Airport Neighborhood Community Center as part of the Council-approved Neighborhood Revitalization Strategy Area (NRSA) Plan. (Total estimated cost for this portion of the Airport Neighborhood Community Center Project is \$85,800.) (Funding Source: Community Development Block Grant)

- Resolution approving a Purchase Agreement with Federal Home Loan Mortgage Association for the Property located at 805/807 Empire Avenue (APN 035-048-004) in the amount not to exceed \$84,800 for the Airport Neighborhood

Community Center Project, and authorizing the City Manager, or his designee, to execute the Purchase Agreement, to sign Certificate of Acceptance Forms for the Grant Deed for the acquisition and all related documents required to close escrow recommended.

*Parks, Recreation & Neighborhoods; Hugo H. Ramírez, 577-5368,
hramirez@modestogov.com*

ACTION: Resolution 2011-177 (Lopez/Hawn; 7/0) approving a Purchase Agreement with Federal Home Loan Mortgage Association for the Property located at 805/807 Empire Avenue (APN 035-048-004) in the amount not to exceed \$84,800 for the Airport Neighborhood Community Center Project, and authorizing the City Manager, or his designee, to execute the Purchase Agreement, to sign Certificate of Acceptance Forms for the Grant Deed for the acquisition and all related documents required to close escrow.

Consent

11. Consider giving the Parks, Recreation & Neighborhoods Director additional authority to offer or approve golf specials at the City of Modesto Golf Courses. (Funding Source: Golf Fund)

- Resolution granting the Director of Parks, Recreation & Neighborhoods, or his or her designee, the authority to offer or approve golf specials at the City of Modesto golf courses; and rescinding Resolution No. 2009-236 recommended.

*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444,
lforester@modestogov.com*

ACTION: Resolution 2011-178 (Lopez/Hawn; 7/0) granting the Director of Parks, Recreation & Neighborhoods, or his or her designee, the authority to offer or approve golf specials at the City of Modesto golf courses; and rescinding Resolution No. 2009-236.

Continued to June 28, 2011 Council meeting

12. Consider approving an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement of June 8, 2008. (Funding Source: General Fund)

- Resolution approving an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Item continued to June 28, 2011 Council meeting.

Consent

13. Consider approving a Memorandum of Understanding (MOU) with Stanislaus County Office of Education for one full-time Modesto Police Officer/School Resource Officer (SRO) at Petersen Alternative Center for Education (P.A.C.E.) campus. (Funding Source: General Fund)

- Resolution approving a Memorandum of Understanding with Stanislaus County Office of Education for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus in the amount of \$112,000; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.

Police; Jason Grogan, 572-9627, Groganj@modestopd.com

ACTION: Resolution 2011-179 (Lopez/Hawn; 7/0) approving a Memorandum of Understanding with Stanislaus County Office of Education for the services of one Modesto Police Officer/School Resource Officer at Petersen Alternative Center for Education campus in the amount of \$112,000; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

Consent

14. Consider approving an Agreement with Modesto City Schools (MCS) to provide the services of four School Police Officers to provide direct law enforcement services to 7-12 campuses. (Funding Source: General Fund)
- Resolution approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites, in an amount not to exceed \$448,000; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Jason Grogan, 572-9627, Groganj@modestopd.com

ACTION: Resolution 2011-180 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Modesto City Schools for the services of four Modesto Police Officers/School Resource Officers to provide direct law enforcement services at 12 school sites, in an amount not to exceed \$448,000; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving an Agreement with South Bay Regional Public Safety Training Consortium, a Joint Powers Agreement (JPA) and the Modesto Police Department, for in-service training courses for police and other criminal justice system occupational training. (Funding Source: Not Applicable)
- Resolution approving an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Jason Grogan, 572-9506, groganj@modestopd.com

ACTION: Resolution 2011-181 (Lopez/Hawn; 7/0) approving an Agreement between the South Bay Regional Public Safety Training Consortium and the Modesto Police Department for in-service training courses for police and other criminal justice system occupational training; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

16. Consider approving an amendment to agreement with Brown and Caldwell for additional scope of work not included in the original agreement for Preliminary Design Report for the New Anaerobic Digester in an amount not to exceed \$198,554, for a maximum total amount of \$725,331. (Funding Source: Wastewater Fund)

- Resolution approving an amendment to agreement with Brown and Caldwell for additional services not included in the original agreement for Preliminary Design Report for New Anaerobic Digester for an amount not to exceed \$146,072 for the identified scope of services, plus \$52,482 for additional services (if needed), for a maximum total amount of \$198,554, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-182 (Lopez/Hawn; 7/0) approving an amendment to agreement with Brown and Caldwell for additional services not included in the original agreement for Preliminary Design Report for New Anaerobic Digester for an amount not to exceed \$146,072 for the identified scope of services, plus \$52,482 for additional services (if needed), for a maximum total amount of \$198,554, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

17. Consider accepting the work by Teichert Construction for the “Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue” project as complete. (Total construction cost is \$300,919, with a total project cost of \$386,304) (Funding Source: Safe Route to School (SR2S) Grant and Gas Tax)

- Resolution accepting the work by Teichert Construction for the “Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$300,919 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-183 (Lopez/Hawn; 7/0) accepting the work by Teichert Construction for the “Street Improvements on the West Side of Conant Avenue from Rumble Road to Eicher Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and authorizing payment of amounts totaling \$300,919.

Consent

18. Consider (i) approving the plans and specifications for the Kansas-Needham Soil Remediation project, accepting the bid, and approving a contract with Innovative Construction Solutions - Norcal of Oakland, California in the amount of \$282,729; and (ii) approving an Agreement with Kleinfelder West, Inc. (Kleinfelder) for geological support services during construction of the project in an amount not to exceed \$24,530. (Total estimated cost for this portion of the project is \$389,613) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Kansas-Needham Soil Remediation project, accepting the bid, and approving a contract with Innovative Construction Solutions - Norcal of Oakland, California in the amount of \$282,729, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution approving an agreement with Kleinfelder West, Inc. for geological support services during construction of the Kansas-Needham Soil Remediation

project in an amount not to exceed \$22,300 for the identified scope of services, plus \$2,230 for additional services (if needed), for a maximum total amount of \$24,530, and authorizing the City Manager, or his designee, to execute the agreement recommended.

- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in the amount of \$155,100 in order to fully fund the agreement for geological support services, construction, contingency, and construction administration plus engineering/design/administration by City staff for the Kansas-Needham Soil Remediation project recommended.

Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com

ACTION: Resolution 2011-184 (Lopez/Hawn; 7/0) approving the plans and specifications for the Kansas-Needham Soil Remediation project, accepting the bid, and approving a contract with Innovative Construction Solutions - Norcal of Oakland, California in the amount of \$282,729, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-185 (Lopez/Hawn; 7/0) approving an agreement with Kleinfelder West, Inc. for geological support services during construction of the Kansas-Needham Soil Remediation project in an amount not to exceed \$22,300 for the identified scope of services, plus \$2,230 for additional services (if needed), for a maximum total amount of \$24,530, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2011-186 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in the amount of \$155,100 in order to fully fund the agreement for geological support services, construction, contingency, and construction administration plus engineering/design/administration by City staff for the Kansas-Needham Soil Remediation project.

Consent

19. Consider approving an Amendment to Agreement with Erler & Kalinowski, Inc. for additional services not included in the original agreement for professional services to complete the Ceres/Modesto Regional Wastewater System Feasibility Study in an amount not to exceed \$5,000. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to Agreement with Erler & Kalinowski, Inc. for additional professional services to complete the Ceres/Modesto Wastewater Feasibility Study, in an amount not to exceed \$5,000, for a maximum total amount of \$105,000, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
- Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in an amount not to exceed \$5,000 in order to fully fund the Amendment to Agreement with Erler & Kalinowski, Inc. for the Ceres/Modesto Regional Wastewater Feasibility Study recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-187 (Lopez/Hawn; 7/0) approving an Amendment to Agreement with Erler & Kalinowski, Inc. for additional professional services to complete the Ceres/Modesto Wastewater Feasibility Study, in an amount not to exceed \$5,000, for a

maximum total amount of \$105,000, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

ACTION: Resolution 2011-188 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in an amount not to exceed \$5,000 in order to fully fund the Amendment to Agreement with Erler & Kalinowski, Inc. for the Ceres/Modesto Regional Wastewater Feasibility Study.

Consent

20. Consider accepting the work by Ross F. Carroll, Inc. for the Pump Station for Well 63 at Mildred Perkins Park Project as complete. (Total construction cost is \$712,807, with a total project cost of \$924,786) (Funding Source: Water Fund-CIP)
- Resolution accepting the work by Ross F. Carroll, Inc. for the Pump Station for Well 63 at Mildred Perkins Park Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$712,807 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-189 (Lopez/Hawn; 7/0) accepting the work by Ross F. Carroll, Inc. for the Pump Station for Well 63 at Mildred Perkins Park Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$712,807.

COUNCIL COMMENTS & REPORTS

Councilmember Hawn spoke in support of the property at 805/807 Empire Avenue to serve the planned Airport Neighborhood Community Center and thanked City staff and citizens.

Councilmember Marsh acknowledged Ray Newman who played the Sheriff in To Kill a Mockingbird at the Gallo Center.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 4, 2011

21. Hearing to consider an application by Renata Enterprises, Inc. to rezone a 2.62-acre parcel on the west side of Tully Road from Planned Development Zone, P-D(589) to General Commercial Zone, C-2. (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone P-D, (589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.) recommended.
 - Resolution finding that the following subsequent project is within the scope of the

project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.) recommended.

Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com

ACTION: Motion (Marsh/Lopez; 7/0) introducing Ordinance No. 3549-C.S. amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone P-D, (589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.).

ACTION: Resolution 2011-190 (Marsh/Lopez; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.).

Published in the Modesto Bee on May 3, and May 9, 2011

22. Hearing to consider adopting: (i) the Joint 2010 Urban Water Management Plan as required by the State's Water Code; and (ii) the City of Modesto Water Conservation Plan. (Funding Source: Water Fund)

- Resolution adopting the Joint 2010 Urban Water Management Plan as required by the State's Water Code recommended.
- Resolution adopting the Modesto Water Conservation Plan recommended.

Utility Planning and Projects; Jack Bond, 577-5424, Jbond@modestogov.com

ACTION: Resolution 2011-191 (Marsh/Muratore; 7/0) adopting the Joint 2010 Urban Water Management Plan as required by the State's Water Code.

ACTION: Resolution 2011-192 (Marsh/Muratore; 7/0) adopting the Modesto Water Conservation Plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:05 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

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

Name of case: *The Committee Concerning Community Improvement, et al. v. City of Modesto, County of Stanislaus, et al.*; U.S. District Court for the Eastern District of California
Case No. CIV-F-04-6121 AWI DLB

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) –MPMA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Renne Sloan Holtzman Sakai LLP and Dania Torres Wong

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, May 31, 2011, at 10:00 a.m.

Roll Call Present: Mayor Ridenour, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting an Internal Audit Status Report (mid-March to mid-April, 2011) from Mark Steranka, Moss Adams, LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: The Committee directed Moss Adams, LLP to return to the June 21, 2011 Audit Committee meeting with (i) a draft report for the Modesto Center Plaza with options including outsourcing and strengthening working relationship with the DoubleTree; and (ii) market research information: City/County joint resources; Information Technology efficiencies; Police and Fire Services; selling long-term leases, parking meters, fleet maintenance; and selling water/wastewater systems.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:20 a.m.

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, June 6, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider accepting an informational report regarding the 2009/2011 CalGRIP Grant and Project SAFE progress report.

Police; Michael D. Harris, 572-9550, harrism@modestopd.com

ACTION: Motion (Geer/Lopez;unan.) accepting an informational report regarding the 2009/2011 CalGRIP Grant and Project SAFE progress report.

2. Consider reviewing and discussing implementation of a program to require property owners of problematic properties and/or their property management companies to register with the City of Modesto as a penalty for failing to properly monitor and/or manage their tenants, and maintain the condition of their rental property and giving further direction to staff.

City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: Motion (Lopez/Geer;unan.) directing staff to: (i) review current Ordinance and programs currently in place for property owners of problematic properties with information to be provided in advance to Committee members and Robert Beasley; (iii) review other cities relationships with neighborhood groups; (iv) explore cumulative costs for owners of multiple properties; and (v) explore expansion of Neighborhood Watch programs and return to the Safety & Communities Committee in August with information.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:24 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 07, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Fritzemeier, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Item 13 - Mayor Ridenour, Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore (conflict regarding various CIP Projects)

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Hero Award to Victoria Davis for her bravery and courage when her mother was a victim of crime. (Funding Source: Not Applicable)
Police; Michael G. Harden, 342-6122, mharden@modestogov.com

ACTION: Police Chief, Michael Harden presented a Hero Award to Victoria Davis for her bravery and courage when her mother was a victim of crime.

2. Presentation of Proclamation proclaiming June 2011 as Disability Awareness Month (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation proclaiming June 2011 as Disability Awareness Month.

PUBLIC COMMENT PERIOD

- Jenny Kenoyer spoke regarding the Stanislaus Community Assistance Program (SCAP) and that Council should request an audit.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12

ACTION CONSENT ITEMS 3-12: (Lopez/Muratore;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes of the City Council meeting of May 24, 2011. (Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of May 24, 2011 recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the Minutes of the City Council meeting of May 24, 2011.

Consent

4. Consider approving the final adoption of **Ordinance No. 3549-C.S.** amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone P-D, (589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.). (Funding Source: Not Applicable)
 - Motion approving final adoption of **Ordinance No. 3549-C.S.** amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone P-D, (589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.).

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving final adoption of **Ordinance No. 3549-C.S.** amending Section 7-3-9 of the Zoning Map of the City of Modesto to rezone from Planned Development Zone P-D, (589), to General Commercial Zone, (C-2), property located on the west side of Tully Road North of Standiford Avenue (Renata Enterprises, Inc.).

Consent

5. Consider accepting the Monthly Investment Report for March, 2011. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for March, 2011 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) accepting the Monthly Investment Report for March, 2011.

Consent

6. Consider accepting the Auditor's report on compliance with requirements applicable to the Federal Aviation Passenger Facility Charge program and on internal control over compliance, prepared by external auditors Brown and Armstrong, for fiscal years ended June 30, 2010 and 2009. (Funding Source: Not Applicable)

- Resolution accepting the Passenger Facilities Charges audit for Fiscal Years 2008-09 and 2009-10 recommended.

Finance and Public Works; Jena Dotson, 571-5100, jdotson@modestogov.com

ACTION: Resolution 2011-193 (Lopez/Muratore; 7/0) accepting the Passenger Facilities Charges audit for Fiscal Years 2008-09 and 2009-10.

Consent

7. Consider authorizing the award of bid and contract for the purchase and installation of an overhead crane replacement for the Water Quality Control Division of the Public Works Department, to Ramsey Machine Services, Anaheim, CA, for a total estimated cost of \$139,860. (Funding Source: Wastewater Fund)

- Resolution authorizing the award of bid and contract for the purchase and installation of an overhead crane replacement for the Water Quality Control Division of the Public Works Department, to Ramsey Machine Services, Anaheim, CA, and authorizing the City Manager, or his designee, to issue an agreement for a total estimated cost of \$139,860 recommended.

Finance; Meagan M. Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-194 (Lopez/Muratore; 7/0) authorizing the award of bid and contract for the purchase and installation of an overhead crane replacement for the Water Quality Control Division of the Public Works Department, to Ramsey Machine Services, Anaheim, CA, and authorizing the City Manager, or his designee, to issue an agreement for a total estimated cost of \$139,860.

Consent

8. Consider accepting the Monthly Budget Adjustment Report for April and May 2011. (Funding Source: Various Funds)

- Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2011-195 (Lopez/Muratore; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

9. Consider adopting the 2011-2012 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation. (Funding Source: Various Funds)

- Resolution establishing the calculation for the appropriation limit for the Fiscal Year 2011-2012 annual budget recommended.

Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Resolution 2011-196 (Lopez/Muratore; 7/0) establishing the calculation for the appropriation limit for the Fiscal Year 2011-2012 annual budget.

Consent

10. Consider a motion directing staff to add 16 positions to the Modesto Fire Department's position allocation as part of the Modesto Regional Fire Authority Joint Powers Agreement and transition of 16 employees from Stanislaus County Fire Warden's Office and Salida Fire Protection District effective June 21, 2011. (Funding Source: Modesto Regional Fire Authority (JPA) general budget)

- Motion directing staff to add 16 positions to the Modesto Fire Department's position allocation as part of the Modesto Regional Fire Authority Joint Powers Authority and transition of 16 employees from Stanislaus County Fire Warden's Office and Salida Fire Protection District as follows: one Administrative Analyst I/II, one Senior Systems Engineer, five Fire Engineers, four Fire Captains, one Fire Division Chief, three Fire Prevention Inspectors I/II and one Fire Battalion Chief effective June 21, 2011 recommended.

Fire; Michael Kraus, 572-9594, mkraus@modestofire.com

ACTION: Motion (Lopez/Muratore; 7/0) directing staff to add 16 positions to the Modesto Fire Department's position allocation as part of the Modesto Regional Fire Authority Joint Powers Authority and transition of 16 employees from Stanislaus County Fire Warden's Office and Salida Fire Protection District as follows: one Administrative Analyst I/II, one Senior Systems Engineer, five Fire Engineers, four Fire Captains, one Fire Division Chief, three Fire Prevention Inspectors I/II and one Fire Battalion Chief effective June 21, 2011.

Consent

11. Consider approving: (i) suspending Management Leave Cash out for unrepresented employees, including Directors and Charter Officers for 2011; (ii) continuing unpaid furloughs through Fiscal Year 2011-12; (iii) ratifying an increase to Unrepresented Fire management employees for Emergency Medical Technician Certification Pay; (iv) aligning the cap for Holiday time accrual with that of Represented Management and Confidential employees; (v) incorporating previously authorized benefits for Unrepresented Management Employees, including Charter Officers and Executives; and (vi) Rescinding Resolution No. 2010-264. (Funding Source: General Fund and Non-General Fund)

- Resolution suspending Management Leave Cashout for unrepresented employees, including Directors and Charter Officers for 2011; continuing unpaid furloughs through Fiscal Year 2011-12; ratify a 1% increase to eligible Fire Management for Emergency Medical Technician Certification Pay; aligning the cap for Holiday time accrual with that of Represented Management and Confidential Employees; incorporating previously authorized benefits for Unrepresented Management Employees, including Charter Officers and Executives; and rescinding Resolution No. 2010-264 recommended.

Human Resources; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2011-197 (Lopez/Muratore; 7/0) suspending Management Leave Cashout for unrepresented employees, including Directors and Charter Officers for 2011; continuing unpaid furloughs through Fiscal Year 2011-12; ratify a 1% increase to eligible Fire Management for Emergency Medical Technician Certification Pay; aligning the cap for

Holiday time accrual with that of Represented Management and Confidential Employees; incorporating previously authorized benefits for Unrepresented Management Employees, including Charter Officers and Executives; and rescinding Resolution No. 2010-264.

Consent

12. Consider approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force. (Funding Source: Employee Benefits Fund)
- Resolution approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force recommended.
Human Resources; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2011-198 (Lopez/Muratore; 7/0) approving a severance package which includes severance pay, health benefits, employee assistance program and interview leave for employees subject to layoff due to an authorized reduction in force.

COUNCIL COMMENTS & REPORTS

Mayor Ridenour asked Julie Hannon to speak regarding the Stanislaus Community Assistance Program (SCAP). Julie Hannon, Director of Parks, Recreation & Neighborhoods Department, spoke regarding SCAP and the review by the Office of Inspector General; Reverend Daryl Fair, President of SCAP Board, spoke regarding the future of SCAP.

Councilmember Lopez spoke regarding the Stanislaus Animal Shelter and wonderful staff at the Shelter.

Councilmember Marsh spoke regarding the Community Development Block Grant funds in support of American Metal Fabricators.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on May 25, 2011; Mayor Ridenour, Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore absent due to conflict of interest regarding various CIP projects

13. Hearing to consider the Proposed Fiscal Year 2011-12 Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Various Funds)
- Motion introducing an Ordinance approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto recommended.
 - Resolution amending the Fiscal Year 2010-2011 General Fund Budget to reflect a

change in transfers associated with adopted policy items approved as part of the adoption of the Fiscal Year 2011-2012 Proposed Operating Budget recommended.

- Resolution approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2011-2012 Budget development process recommended.

Finance; Cynthia Gale, 571-5855, cgale@modestogov.com

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3550-C.S.** approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

ACTION: Motion (Hawn/Marsh; 6/0; Burnside absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

- P025 - HVAC Improvements (EECBG)

ACTION: Motion (Lopez/Marsh; 6/0; Hawn absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

- P026 - Install Foam Roof (EECBG)
- P030 - Install Solar Panels (EECBG)
- P036 - Transp. Center Energy Update (EECBG)
- P039 - Modesto Centre Plaza Lighting Upgrade
- E664 - Upgrade TS 12/J&L La Loma/Bur Seco
- H404 - Fed Pavement Rehab 9th Sec
- B072 - Sanitary Lift Station Coating Rehab

ACTION: Motion (Hawn/Burnside;6/0; Mayor Ridenour absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

- X512- Floyd Ave Between Roselle & Fine

ACTION: Motion (Geer/Lopez; 6/0; Muratore absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- B022 - 2010 Sanitary Sewer Collection Replacement
- W040 - Strengthen & Replace La Loam Water Mains
- W051- Residential Meter Installation - North Modesto

ACTION: Motion (Burnside/Muratore; 6/0; Geer absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- W054 - Residential Meter Installation South Modesto

ACTION: Motion (Marsh/Geer; 5/0; Hawn and Lopez absent due to Conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- H014 - ARRA Street Overlay & ADA Curb Ramp Improvements

ACTION: Motion (Marsh/Burnside; 4/0; Lopez, Hawn and Muratore absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- H013 - ARRA Cape/Slurry Seal Various Streets

ACTION: Motion (Lopez/Burnside; 4/0; Hawn, Marsh and Muratore absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- B060 - Manholes Adjusted to Grade

ACTION: Motion (Marsh/Lopez; 4/0; Burnside, Hawn, and Muratore absent due to conflict) approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto

- W053 - Residential Meter Installation - Central Modesto

ACTION: Resolution 2011-199 (Hawn/Lopez; 7/0) amending the Fiscal Year 2010-2011 General Fund Budget to reflect a change in transfers associated with adopted policy items approved as part of the adoption of the Fiscal Year 2011-2012 Proposed Operating Budget.

ACTION: Resolution 2011-200 (Hawn/Lopez; 7/0) approving the Budget Goals and Budget Principles as outlined in the Mayor's Budget Message and recommended by the Finance Committee as part of the Fiscal Year 2011-2012 Budget development process.

ACTION: Motion (Hawn/Marsh; 7/0) accepting: (i) General Fund Reserve Policy of \$7 million; (ii) Employee Benefit Fund Holiday; (iii) Worker's Compensation Fund Holiday; (iv) suspension of transfer from the General Fund to the Water and Wastewater Funds; (v) General Financial Polices and returning to the Finance Committee.

NEW BUSINESS

14. Consider approving the replacement of the Bank of America Standby Purchase Agreement with the JP Morgan Chase Bank Direct-Pay Letter of Credit on the Water Refunding Revenue Certificate of Participation, Series 2008A which approves the form of the various documents and authorizes both the distribution to investors of the Supplement to the Official Statement and the execution of the various agreements and certain other actions related to this transaction. (Funding Source: Water Fund)
 - Resolution approving the replacement of the Bank of America Standby Purchase

Agreement with the JP Morgan Chase Bank Direct-Pay Letter of Credit on the Water Refunding Revenue Certificate of Participation, Series 2008A, which approves the form of the various documents and authorizes both the distribution to investors of the Supplement to the Official Statement and the execution of the various agreements and certain other actions related to this transaction recommended.

Finance; Emma Loethen, 577-5394, eloethen@modestogov.com

ACTION: Resolution 2011-201 (Burnside/Hawn; 7/0) approving the replacement of the Bank of America Standby Purchase Agreement with the JP Morgan Chase Bank Direct-Pay Letter of Credit on the Water Refunding Revenue Certificate of Participation, Series 2008A, which approves the form of the various documents and authorizes both the distribution to investors of the Supplement to the Official Statement and the execution of the various agreements and certain other actions related to this transaction.

15. Consider approving the submission of written comments supporting relicensing of the Don Pedro Project by the Federal Energy Regulatory Commission with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area. (Funding Source: Not Applicable)

- Resolution approving the submission of written comments supporting relicensing of the Don Pedro Project by the Federal Energy Regulatory Commission with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area recommended.

Utility Planning and Projects; Nicholas Pinhey, 577-5213, npinhey@modestogov.com

ACTION: Resolution 2011-202 (Marsh/Burnside; 7/0) approving the submission of written comments supporting relicensing of the Don Pedro Project by the Federal Energy Regulatory Commission with provisions for the preservation of surface water supplies needed to meet existing and projected municipal and industrial water demands for the Modesto water service area.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: The Committee Concerning Community Improvement, et al. v. City of Modesto, County of Stanislaus, et al; U.S. District Court for the Eastern District of California;
Case No. CIV-F-04-6121 AWI DLB

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, June 13, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable)
*Community & Economic Development; H. Brent Sinclair, 577-5228,
hbsinclair@modestogov.com*

ACTION: Motion (Hawn/Burnside;unan.) accepting status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

2. Consider recommending appointments to fill two vacancies on the Equal Opportunity/Disability Commission created by two recent resignations. (Funding Source: Not Applicable)
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Motion (Muratore/Burnside;unan.) recommending appointment of Annette Reclusado and Duwayne Stenger to the Equal Opportunity/Disability Commission.

3. Consider recommending an appointment to fill one current vacancy on the City of Modesto Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)

*Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Motion (Hawn/Burnside;unan.) recommending appointment of Daniel W. Freeman to the City of Modesto Housing Rehabilitation Loan Committee.

4. Consider recommending appointments to fill two current vacancies on the City of Modesto Golf Course Advisory Committee. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346,
jazevedo@modestogov.com*

ACTION: Motion (Hawn/Burnside;unan.) recommending appointment of George Maudlin and Richard Provost to the City of Modesto Golf Course Advisory Committee.

5. Consider recommending an appointment to fill one current vacancy on the City of Modesto's Culture Commission. (Funding Source: Not Applicable)
*Parks, Recreation & Neighborhoods; Joanne Azevedo, 577-5346,
jazevedo@modestogov.com*

ACTION: Motion (Hawn/Muratore;unan.) recommending appointment of Emilio Martinez to the City of Modesto's Culture Commission.

6. Consider directing staff to proceed with the submittal of an application to LAFCO establishing an out-of-boundary sewer service area for the Beard Industrial Area. (Funding Source: Wastewater Funds)
Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Motion (Muratore/Burnside;unan.) directing staff to proceed with the submittal of an application to LAFCO establishing an out-of-boundary sewer service area for the Beard Industrial Area and make contact with Beard Land & Investment's President Ronald S. Jackson.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 14, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor
Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider approving the reappointment of Patricia Gillum to the Citizens Redevelopment Advisory Commission as the 2011 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution reappointing Patricia Gillum as the 2011 Planning Commission representative to the Citizens Redevelopment Advisory Commission for the remainder of Calendar Year 2011 recommended.
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2011-203 (Lopez/Marsh; 7/0) reappointing Patricia Gillum as the 2011 Planning Commission representative to the Citizens Redevelopment Advisory Commission for the remainder of Calendar Year 2011.

2. Consider approving the reappointment of Steve Carter to the Citizens Housing and Community Development Committee as the 2011 Planning Commission Representative. (Funding Source: Not Applicable)
 - Resolution reappointing Steve Carter as the 2011 Planning Commission representative to the Citizens Housing and Community Development Committee

for the remainder of Calendar Year 2011 recommended.
*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Resolution 2011-204 (Lopez/Marsh; 7/0) reappointing Steve Carter as the 2011 Planning Commission representative to the Citizens Housing and Community Development Committee for the remainder of Calendar Year 2011.

- 3. Consider approving the reappointment of Ted Brandvold to the Board of Zoning Adjustment as the 2011 Planning Commission representative. (Funding Source: Not Applicable)
 - Resolution approving the reappointment of Ted Brandvold as the 2011 Planning Commission representative to the Board of Zoning Adjustment for the remainder of Calendar Year 2011 recommended.
*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Resolution 2011-205 (Lopez/Marsh; 7/0) approving the reappointment of Ted Brandvold as the 2011 Planning Commission representative to the Board of Zoning Adjustment for the remainder of Calendar Year 2011.

PUBLIC COMMENT PERIOD

- Paula Mattos spoke regarding water from neighbor's property coming onto her property. Mayor Ridenour referred Ms. Mattos to Dennis Turner, Public Works Director.
- Robert Hogart spoke regarding a Big Brothers/Big Sisters program in the City of Modesto. Mayor Ridenour referred Mr. Hogart to Julie Hannon, Parks, Recreation & Neighborhoods Director.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 12

ACTION CONSENT ITEMS: (Lopez/Marsh;unan.)

CONSENT ITEMS

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

Consent

- 4. Consider approving the Minutes of the City Council meeting of June 7, 2011. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the minutes from the Council meeting of June 7, 2011.

Consent

5. Consider approval of final adoption of **Ordinance No. 3550-C.S.** approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto. (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3550-C.S.** approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto..
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) approving final adoption of **Ordinance No. 3550-C.S.** approving the Fiscal Year 2011-2012 Proposed Operating Budget and Capital Improvement Program for the City of Modesto.

Consent

6. Consider approving amending: (i) the Position Classification Plan for the City of Modesto to establish the classification of Employee Benefits Manager; and (ii) Exhibit "A" of Resolution No. 2008-688 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add Employee Benefits Manager at salary range 2439. (Funding Source: General Fund and Other Funds)
- Resolution amending the Position Classification Plan for the City of Modesto to establish the classification of Employee Benefits Manager recommended.
 - Resolution amending Exhibit "A" of Resolution No. 2008-688, to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add Employee Benefits Manager to salary range 2439 recommended.
- City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

ACTION: Resolution 2011-206 (Lopez/Marsh; 7/0) amending the Position Classification Plan for the City of Modesto to establish the classification of Employee Benefits Manager.

ACTION: Resolution 2011-207 (Lopez/Marsh; 7/0) amending Exhibit "A" of Resolution No. 2008-688, to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes to add Employee Benefits Manager to salary range 2439.

Consent

7. Consider authorizing the City to extend the Retirement Incentive Program upon retirement for eligible employees; and authorizing the City Manager to sign implementation documents. (Funding Source: Employee Benefit Fund)
- Resolution authorizing the City to extend the Retirement Incentive Program to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents recommended.
- City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com*

ACTION: Resolution 2011-208 (Lopez/Marsh; 7/0) authorizing the City to extend the Retirement Incentive Program to eligible employees; and authorizing the City Manager, or his designee, to sign implementation documents.

Consent

8. Consider approving the Final Subdivision Map of the North Emerald Subdivision located North West of the intersection of Elm Avenue and Emerald Avenue at 601 North Emerald Avenue. (Funding Source: Not applicable)
- Resolution approving the Final Subdivision Map for North Emerald Subdivision, authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2011-209 (Lopez/Marsh; 7/0) approving the Final Subdivision Map for North Emerald Subdivision, authorizing the City Clerk to certify the final map and record it with the Stanislaus County Recorder's office.

Consent

9. Consider approving the improvements and addition of site amenities in Elk Park to designate as a dog park and certifying the environmental finding (EA/PR&N 2011-10 CEQA Categorical Exemption 15301). (Funding Source: N/A)
- Resolution approving the addition of a dog park in Elk Park and certifying the environmental finding recommended.
Parks, Recreation & Neighborhoods; Loren R Holt, 571-5573, lhot@modestogov.com

ACTION: Resolution 2011-210 (Lopez/Marsh; 7/0) approving the addition of a dog park in Elk Park and certifying the environmental finding.

Consent

10. Consider reaffirming the 1999 Memorandum of Understanding with the Stanislaus Council of Governments that sets forth the basic structure for cooperative planning and decision making between the City of Modesto and Stanislaus Council of Governments. (Funding Source: Federal Transit Administration (FTA))
- Resolution approving a Reaffirmation Agreement between the City of Modesto and StanCOG reaffirming a 1999 Agreement that sets forth the basic structure for cooperative planning and decision-making between the City of Modesto and StanCOG recommended.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-211 (Lopez/Marsh; 7/0) approving a Reaffirmation Agreement between the City of Modesto and StanCOG reaffirming a 1999 Agreement that sets forth the basic structure for cooperative planning and decision-making between the City of Modesto and StanCOG.

Consent

11. Consider accepting the work by D. M. Alegre Construction, Inc. for the Traffic Operations Building – Tenant Improvements Project as complete. (Total construction cost is \$193,908, with a total project cost of \$333,889) (Funding Source: Local Transportation Funds)
- Resolution accepting the work by D. M. Alegre Construction, Inc. for the Traffic Operations Building – Tenant Improvements Project as complete, authorizing the

City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$193,908 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-212 (Lopez/Marsh; 7/0) accepting the work by D. M. Alegre Construction, Inc. for the Traffic Operations Building – Tenant Improvements Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods, and authorizing payment of amounts totaling \$193,908.

Consent

12. Consider approving: (i) a Purchase Agreement with Sarbjit Athwal and Satwant Athwal, in the amount of \$18,500; (ii) a Purchase Agreement with Joe D. Machado, in the amount of \$12,800; (iii) a Purchase Agreement with Ladd Ranch Properties in the amount of \$1,026; (iv) a Purchase Agreement with The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee, in the amount of \$1,581; (v) a Purchase Agreement with Jon Frederick Christiansen, in the amount of \$4,524; and (vi) a Purchase Agreement with Jon Christiansen and Alma Christiansen in the amount of \$4,000, to acquire real property interests for the Primary Outfall Rehabilitation Project, Phase 2. (Total estimated cost for this portion of the project work is \$48,431) (Funding Source: Wastewater Fund)
- Resolution approving a Purchase Agreement with Sarbjit Athwal and Satwant K. Athwal, for a 32,043 sq. ft. (0.74-acre) Permanent Access Easement, and a 3,600 sq. ft. (0.08-acre) portion for a Permanent Sewer Facilities Easement, and damages for removal of 13 almond trees of a parcel located at 3713 W. Keyes Road (APN 017-058-046 & 047), in the amount of \$18,500, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement and Permanent Sewer Facilities Easement for the acquisition of property interests located at 3713 W. Keyes Road, owned by Sarbjit Athwal and Satwant K. Athwal, (APN 017-058-046 & 047) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.
 - Resolution approving a Purchase Agreement with Joe D. Machado for a 1,750 sq. ft. (0.04-acre) Permanent Sewer Facilities Easement, a 1.02 acre (44,400 sq. ft.) Temporary Construction Easement, a 1.12 acre (48,713 sq. ft.) Temporary Access Easement and damages for temporary loss of alfalfa farming of a parcel located at 6431 Jennings Road (APN 017-062-030), in the amount of \$12,800, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, Temporary Construction Easement and Temporary Access Easement for the acquisition of property interests located at 6431 Jennings Road, owned by Joe D. Machado, (APN 017-062-030), to

be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.

- Resolution approving a Purchase Agreement with Ladd Ranch Properties for a 3,310 sq. ft. (0.08-acre) Permanent Access Easement of a parcel located at 4907 Vivian Road (APN 017-051-041), in the amount of \$1,026, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement for the acquisition of property interests located at 4907 Vivian Road, owned by Ladd Ranch Properties, (APN 017-051-041), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.
- Resolution approving a Purchase Agreement with The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee, for a 2,000 sq. ft. (0.05 acre) Permanent Facilities Easement, a 7,500 sq. ft. (0.17 acre) Temporary Construction Easement, a 4,000 sq. ft. (0.09 acre) Temporary Construction Easement, and a 8,738 sq. ft. (0.20 acre) Temporary Access Easement, located at 3548 W. Grayson Road (APN 017-058-044), in the amount of \$1,581, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Facilities Easement, two Temporary Construction Easements, and Temporary Access Easement, for the acquisition of property interests located at 3548 W. Grayson Road, owned by The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee (APN 017-058-044), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.
- Resolution approving a Purchase Agreement with Jon Frederick Christiansen for a 14,323 sq. ft. (0.33-acre) Permanent Access Easement, located at 2543 Jennings Road (APN 017-058-052), in the amount of \$4,524, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 2543 Jennings Road, owned by Jon Frederick Christiansen (APN 017-058-052), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.
- Resolution approving a Purchase Agreement with Jon Christiansen and Alma Christiansen for a 13,252 sq. ft. (0.30-acre) Permanent Access Easement, located at 5500 Jennings Road (APN 017-058-053), in the amount of \$4,000, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement for the acquisition of property

interests located at 5500 Jennings Road, owned by Jon Christiansen and Alma Christiansen (APN 017-058-053), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2 recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2011-213 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Sarbjit Athwal and Satwant K. Athwal, for a 32,043 sq. ft. (0.74-acre) Permanent Access Easement, and a 3,600 sq. ft. (0.08-acre) portion for a Permanent Sewer Facilities Easement, and damages for removal of 13 almond trees of a parcel located at 3713 W. Keyes Road (APN 017-058-046 & 047), in the amount of \$18,500, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-214 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement and Permanent Sewer Facilities Easement for the acquisition of property interests located at 3713 W. Keyes Road, owned by Sarbjit Athwal and Satwant K. Athwal, (APN 017-058-046 & 047) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

ACTION: Resolution 2011-215 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Joe D. Machado for a 1,750 sq. ft. (0.04-acre) Permanent Sewer Facilities Easement, a 1.02 acre (44,400 sq. ft.) Temporary Construction Easement, a 1.12 acre (48,713 sq. ft.) Temporary Access Easement and damages for temporary loss of alfalfa farming of a parcel located at 6431 Jennings Road (APN 017-062-030), in the amount of \$12,800, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-216 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, Temporary Construction Easement and Temporary Access Easement for the acquisition of property interests located at 6431 Jennings Road, owned by Joe D. Machado, (APN 017-062-030), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

ACTION: Resolution 2011-217 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Ladd Ranch Properties for a 3,310 sq. ft. (0.08-acre) Permanent Access Easement of a parcel located at 4907 Vivian Road (APN 017-051-041), in the amount of \$1,026, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-218 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement for the acquisition of property interests located at 4907 Vivian Road, owned by Ladd Ranch Properties, (APN 017-051-041), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

ACTION: Resolution 2011-219 (Lopez/Marsh; 7/0) approving a Purchase Agreement with The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee, for a 2,000

sq. ft. (0.05 acre) Permanent Facilities Easement, a 7,500 sq. ft. (0.17 acre) Temporary Construction Easement, a 4,000 sq. ft. (0.09 acre) Temporary Construction Easement, and a 8,738 sq. ft. (0.20 acre) Temporary Access Easement, located at 3548 W. Grayson Road (APN 017-058-044), in the amount of \$1,581, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-220 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Facilities Easement, two Temporary Construction Easements, and Temporary Access Easement, for the acquisition of property interests located at 3548 W. Grayson Road, owned by The Grace A. Souza Living Trust, LTD, October 13, 2006, Grace Souza, Trustee (APN 017-058-044), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

ACTION: Resolution 2011-221 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Jon Frederick Christiansen for a 14,323 sq. ft. (0.33-acre) Permanent Access Easement, located at 2543 Jennings Road (APN 017-058-052), in the amount of \$4,524, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-222 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 2543 Jennings Road, owned by Jon Frederick Christiansen (APN 017-058-052), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

ACTION: Resolution 2011-223 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Jon Christiansen and Alma Christiansen for a 13,252 sq. ft. (0.30-acre) Permanent Access Easement, located at 5500 Jennings Road (APN 017-058-053), in the amount of \$4,000, for the Primary Outfall Rehabilitation Project, Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow..

ACTION: Resolution 2011-224 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Permanent Access Easement for the acquisition of property interests located at 5500 Jennings Road, owned by Jon Christiansen and Alma Christiansen (APN 017-058-053), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project, Phase 2.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on June 3, 2011 and Vida on June 8, 2011

13. Hearing to consider approving: (i) submittal of an application to the Federal Transit Administration (FTA) for Modesto's formula apportionment of federal transit funds in the amount of \$11,272,768; and (ii) submittal of two applications for Federal Congestion Mitigation and Air Quality (CMAQ) funds: one in the amount of \$1,417,360, and the second in the amount of \$753,000, for a total of \$2,170,360. (Funding Source: Federal Transit Administration Revenue)
- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$11,272,768 in FTA Section 5307 funds recommended.
 - Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,417,360 in FTA Congestion Mitigation and Air Quality (CMAQ) funds recommended..
 - .Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$753,000 in FTA Congestion Mitigation and Air Quality (CMAQ) funds recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-225 (Hawn/Marsh; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$11,272,768 in FTA Section 5307 funds.

ACTION: Resolution 2011-226 (Hawn/Marsh; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,417,360 in FTA Congestion Mitigation and Air Quality (CMAQ) funds

ACTION: Resolution 2011-227 (Hawn/Marsh; 7/0) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$753,000 in FTA Congestion Mitigation and Air Quality (CMAQ) funds .

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:45 p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California
Monday, June 27, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Stephanie Burnside
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

CONSENT

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

Consent

1. Consider accepting the Monthly Budget Adjustment Report for June 2011 and forwarding to Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Burnside;unan.) accepting the Monthly Budget Adjustment Report for June 2011 and forwarding to Council for approval.

Consent

2. Consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2011 and forwarding to Council for approval. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Motion ((Marsh/Burnside;unan.) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2011 and forwarding to Council for approval.

NEW BUSINESS

3. Consider approving the transfer of Redevelopment Agency owned property to the City of Modesto and forwarding to Council for approval. (Funding Source: General Fund)
Community & Economic Development; H. Brent Sinclair, 577-5228,

hbsinclair@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** approving the transfer of Redevelopment Agency owned property to the City of Modesto and forwarding to Council for approval.

4. Consider approving a repayment schedule for the loan issued by the City of Modesto to the Modesto Redevelopment Agency and forwarding to Council for approval. (Funding Source: Redevelopment Agency Expense and General Fund Revenue)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** approving a repayment schedule for the loan issued by the City of Modesto to the Modesto Redevelopment Agency and forwarding to Council for approval.

5. Consider reviewing the terms for the utility fund repayment holiday. (Funding Source: Not Applicable)
Council; Brad Hawn, 571-5597, bhawn@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** recommending the following information be provided at the next Finance Committee meeting regarding the utility repayment plan: (i) 1% interest from the beginning; (ii) historic return for the City until present, with 1% continuing into the future; and (ii) 4% interest from the beginning until present, with 1% continuing into future.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MODESTO CITY COUNCIL

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MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday June 28, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of 2011-12 City of Modesto Community Survey Results. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Deputy City Manager Dee Williams-Ridley presented the 2011-12 City of Modesto Community Survey Results.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting the resignation of Craig Chamberlin from the Disabled Access Appeals Board. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Craig Chamberlin from the City of Modesto Disabled Access Appeals Board recommended.
Community & Economic Development; William Crew, 577-5231,

wcrew@modestogov.com

ACTION: Resolution 2011-228 (Lopez/Muratore; 7/0) accepting with regret the resignation of Craig Chamberlin from the City of Modesto Disabled Access Appeals Board.

3. Consider approving the appointment of Emilio Martinez as a member of the Culture Commission representing the City of Modesto as recommended by the Council’s Economic Development Committee. (Funding Source: Not Applicable)

- Resolution appointing Emilio Martinez as a member of the Culture Commission representing the City of Modesto recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-229 (Lopez/Muratore; 7/0) appointing Emilio Martinez as a member of the Culture Commission representing the City of Modesto.

4. Consider approving the appointments of George Maudlin, and Richard Provost as members of the Golf Course Advisory Committee representing the City of Modesto as recommended by the Council’s Economic Development Committee. (Funding Source: Not Applicable)

- Resolution appointing George Maudlin and Richard Provost as members of the Golf Course Advisory Committee representing the City of Modesto recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Resolution 2011-230 (Lopez/Muratore; 7/0) appointing George Maudlin and Richard Provost as members of the Golf Coarse Advisory Committee representing the City of Modesto.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 18

ACTION CONSENT ITEMS 5-18: (Lopez/Burnside; unan.)

CONSENT ITEMS

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

Consent

5. Consider approving the Minutes of the City Council meeting of June 14, 2011. (Funding Source: Not Applicable)

- Motion approving the Minutes of the City Council meeting of June 14, 2011 recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the Minutes of the City Council meeting of June 14, 2011.

Consent

6. Consider approving a Wastewater Deferral Program for existing residential units seeking to connect to the City's wastewater treatment system; and amending Resolution No. 2011-106. (Funding Source: Wastewater Fund)
- Resolution approving a Wastewater Deferral Program for Existing Residential Units Seeking to Connect to the City's Wastewater Treatment System; and Amending Resolution No. 2011-106 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2011-231 (Lopez/Burnside; 7/0) approving a Wastewater Deferral Program for Existing Residential Units Seeking to Connect to the City's Wastewater Treatment System; and Amending Resolution No. 2011-106.

Consent

7. Consider accepting two Safe Routes to School Grants: (i) Sutter Avenue Improvements around James Marshall Elementary School in the amount of \$423,376; and (ii) Street Improvements on Various Streets Around El Vista Elementary School in the amount of \$362,530. (Funding Source: 90% SR2S Grant, 10% Local Match-Gas Tax)
- Resolution accepting two Safe Routes to School Grants for street improvements on the East side of Sutter Avenue in the amount of \$423,376, and street improvements around El Vista Elementary School in the amount of \$362,530; and authorizing the City Manager, or his designee, to execute all necessary Grant documents recommended.
 - Resolution amending the Fiscal Year 2011/2012 Capital Improvement Program budget, adopted by the City Council on June 7, 2011, to appropriate grant funds in the amount of \$785,906 from the Safe Routes to School Grants to fund two new CIP Projects titled "Street Improvements on the East Side of Sutter Avenue," and "Street Improvements Around El Vista Elementary School." recommended.
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2011-232 (Lopez/Burnside; 7/0) accepting two Safe Routes to School Grants for street improvements on the East side of Sutter Avenue in the amount of \$423,376, and street improvements around El Vista Elementary School in the amount of \$362,530; and authorizing the City Manager, or his designee, to execute all necessary Grant documents.

ACTION: Resolution 2011-233 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011/2012 Capital Improvement Program budget, adopted by the City Council on June 7, 2011, to appropriate grant funds in the amount of \$785,906 from the Safe Routes to School Grants to fund two new CIP Projects titled "Street Improvements on the East Side of Sutter Avenue," and "Street Improvements Around El Vista Elementary School."

Consent

8. Consider authorizing: (i) the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Ranch Lease Dwelling Improvements”; and (ii) the award of bid for the purchase and installation of a modular dwelling for the Department of Public Works, Wastewater Division, to California Homes Realty, Inc., Turlock, CA, for an estimated cost of \$80,689. (Funding Source: Wastewater Fund)
- Resolution authorizing the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements” recommended.
 - Resolution authorizing the award of bid for the purchase and installation of a modular dwelling for the Department of Public Works, Wastewater Division, to California Homes Realty, Inc., Turlock, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$80,689..

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-234 (Lopez/Burnside; 7/0) authorizing the change of name and Scope of Work for CIP 100419 from “Demolition of Feedlot – Jennings” to “Jennings Ranch Dwelling Improvements.”

ACTION: Resolution 2011-235 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase and installation of a modular dwelling for the Department of Public Works, Wastewater Division, to California Homes Realty, Inc., Turlock, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$80,689.

Consent

9. Consider accepting the Monthly Investment Report for April, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for April, 2011 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for April, 2011.

Consent

10. Consider approving the FY 2011-2012 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility. (Funding Source: Stanislaus Waste-to-Energy Executive Committee JPA Resource Recovery Account)
- Resolution approving the Fiscal Year 2011-2012 Waste-to-Energy project budget and rescinding Resolution No 2010-284 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2011-236 (Lopez/Burnside; 7/0) approving the Fiscal Year 2011-2012 Waste-to-Energy project budget and rescinding Resolution No 2010-284.

Consent

11. Consider approving a project to purchase and install replacement play equipment in the Airport Area of the Tuolumne River Regional Park and confirming this as a park

partner project and is exempt from having to go through the public bid process.
(Funding Source: Funding: Community Development Block Grant)

- Resolution approving the purchase and installation of replacement play equipment in the Airport Area of the Tuolumne River Regional Park, and confirming this as a park partner project and is exempt from having to go through the public bid process; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated cost of \$150,000 recommended.

Parks, Recreation & Neighborhoods; Loren R Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-237 (Lopez/Burnside; 7/0) approving the purchase and installation of replacement play equipment in the Airport Area of the Tuolumne River Regional Park, and confirming this as a park partner project and is exempt from having to go through the public bid process; and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated cost of \$150,000.

Consent

12. Consider approving the application for grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). (Funding Source: Urban Greening Program Grant Funds)

- Resolution supporting the application by County of Stanislaus for at least \$250,000 in grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) recommended.

Parks, Recreation & Neighborhoods; Hugo Ramirez, 577-5368, HRamirez@modestogov.com

ACTION: Resolution 2011-238 (Lopez/Burnside; 7/0) supporting the application by County of Stanislaus for at least \$250,000 in grant funds for the Urban Greening Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84).

Consent

13. Consider accepting a grant in the amount of \$20,000 from the U.S. Department of Justice Drug Enforcement Agency for the Stanislaus Drug Enforcement Agency (SDEA); and amending the SDEA Fiscal Year 2011/12 operating budget to include this new revenue. (Funding Source: Federal Grants/SDEA)

- Resolution accepting the California Marijuana Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$20,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.
- Resolution amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2011/12 Operating Budget estimating revenue in the amount of \$20,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant recommended.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Resolution 2011-239 (Lopez/Burnside; 7/0) accepting the California Marijuana

Eradication Grant from the U.S. Department of Justice Drug Enforcement Administration in the amount of \$20,000 for the Stanislaus County Drug Enforcement Agency; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

ACTION: Resolution 2011-240 (Lopez/Burnside; 7/0) amending the Stanislaus Drug Enforcement Agency's Fiscal Year 2011/12 Operating Budget estimating revenue in the amount of \$20,000 from the U.S. Department of Justice Drug Enforcement Administration Marijuana Eradication Grant.

Consent

14. Consider: (i) accepting the 2011 Alcoholic Beverage Control Grant Project in the amount of \$70,000 from the State Department of Alcoholic Beverage Control; and (ii) adjusting the 2011/12 Operating Budget, estimating revenue of \$70,000 for the 2011 Alcoholic Beverage Control Grant Project. (Funding Source: ABC Grant)
- Resolution accepting the 2011 Alcoholic Beverage Control Grant Project in the amount of \$70,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2011/2012 Operating Budget, to reflect revenues and expenses in the amount of \$70,000 related to the 2011 Alcoholic Beverage Control Grant Project recommended.

Police; Robert Stewart, 572-9637, stewartr@modestopd.com

ACTION: Resolution 2011-241 (Lopez/Burnside; 7/0) accepting the 2011 Alcoholic Beverage Control Grant Project in the amount of \$70,000 from the State Department of Alcoholic Beverage Control to combat alcohol related crimes; and authorizing the City Manager, or his authorized designee, to execute the necessary grant documents.

ACTION: Resolution 2011-242 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011/2012 Operating Budget, to reflect revenues and expenses in the amount of \$70,000 related to the 2011 Alcoholic Beverage Control Grant Project.

Consent

15. Consider approving an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement of June 8, 2008. (Funding Source: General Fund)
- Resolution approving an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement; and authorizing the City Manager, or his designee, to execute the Amendment recommended.

Police; Clint Raymer, 558-6300, raymerc@modestopd.com

ACTION: Resolution 2011-243 (Lopez/Burnside; 7/0) approving an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement; and authorizing the City Manager, or his designee, to execute the Amendment.

Consent

16. Consider accepting the work by BRC Construction, Inc. for the "2009 Sanitary Lift Station Rehabilitation" project as complete. (Total construction cost is \$375,577, with a total project cost of \$549,708) (Funding Source: Wastewater Fund)

- Resolution accepting the work by BRC Construction, Inc. for the “2009 Sanitary Lift Station Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond and authorizing payment of amounts totaling \$375,577 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-244 (Lopez/Burnside; 7/0) accepting the work by BRC Construction, Inc. for the “2009 Sanitary Lift Station Rehabilitation” project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond and authorizing payment of amounts totaling \$375,577.

Consent

17. Consider approving an Amendment to Agreement with Holdrege & Kull Consulting Engineers and Geologists for additional scope of work not included in the original agreement for Design Services for Effluent Pump Station Soil Stabilization Project (formerly Grout Stabilization of the Wastewater Treatment Plant Chlorination Facility) in an amount not to exceed \$28,636, for a maximum total amount of \$114,109. (Funding Source: Wastewater Fund)

- Resolution approving an amendment to agreement with Holdrege & Kull Consulting Engineers and Geologists for additional services not included in the original agreement for Design Services for Effluent Pump Station Soil Stabilization Project (formerly Grout Stabilization of the Wastewater Treatment Plant Chlorination Facility) in an amount not to exceed \$28,636 for a maximum total amount of \$114,109, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-245 (Lopez/Burnside; 7/0) approving an amendment to agreement with Holdrege & Kull Consulting Engineers and Geologists for additional services not included in the original agreement for Design Services for Effluent Pump Station Soil Stabilization Project (formerly Grout Stabilization of the Wastewater Treatment Plant Chlorination Facility) in an amount not to exceed \$28,636 for a maximum total amount of \$114,109, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

18. Consider approving (i) an Agreement with Brown and Caldwell for On-call Consultant Services for the Well Field Optimization Project Phase II-A (Modesto Groundwater sub-basin) in an amount not to exceed \$200,000; and (ii) an Agreement with Brown and Caldwell for On-call Consultant Services for the Well Field Optimization Project Phase II-B (Turlock and Delta Mendota Groundwater sub-basins) in an amount not to exceed \$65,000. (Funding Source: Grant Funds and Water Fund Reserves)

- Resolution approving an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-A (Modesto Groundwater sub-basin) in an amount not to exceed \$200,000, and authorizing the City Manager, or his designee, to execute the agreement recommended.

- Resolution approving an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-B (Turlock and Delta Mendota Groundwater sub-basins) in an amount not to exceed \$65,000, and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the Fiscal Year 2011-12 Multi-Year Operating Budget to establish two new multi-year budgets for the Well Field Optimization Project Phase II-A (100609) and Phase II-B (100610) to appropriate \$250,000 in Grant Revenue and Expenses, and to appropriate \$80,000 in Water Fund Reserves recommended.
- Resolution amending the Fiscal Year 2011-12 Operating Budget to reduce Cost Center 43010 expense budget by \$70,000, and appropriate new revenue in the combined amount of \$135,000 for Information Technology Department (Cost Center 07310), Construction Administration (Cost Center 42020), Water Operations (Cost Center 55090) and Capital Planning (Cost Center 43060) recommended.

Utility Planning and Projects; Jack Bond, 577-5424, Jbond@modestogov.com

ACTION: Resolution 2011-246 (Lopez/Burnside; 7/0) approving an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-A (Modesto Groundwater sub-basin) in an amount not to exceed \$200,000, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2011-247 (Lopez/Burnside; 7/0) approving an On-call Consultant Services Agreement with Brown and Caldwell for the Well Field Optimization Project Phase II-B (Turlock and Delta Mendota Groundwater sub-basins) in an amount not to exceed \$65,000, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2011-248 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011-12 Multi-Year Operating Budget to establish two new multi-year budgets for the Well Field Optimization Project Phase II-A (100609) and Phase II-B (100610) to appropriate \$250,000 in Grant Revenue and Expenses, and to appropriate \$80,000 in Water Fund Reserves.

ACTION: Resolution 2011-249 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011-12 Operating Budget to reduce Cost Center 43010 expense budget by \$70,000, and appropriate new revenue in the combined amount of \$135,000 for Information Technology Department (Cost Center 07310), Construction Administration (Cost Center 42020), Water Operations (Cost Center 55090) and Capital Planning (Cost Center 43060).

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

19. Consider accepting a status report on the Modesto Historic Graffiti Cruise Route. (Funding Source: Not Applicable)
- Motion accepting a status report on the Modesto Historic American Graffiti Cruise Route recommended.
- Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

ACTION: Motion (Hawn/Lopez; 7/0) accepting a status report on the Modesto Historic American Graffiti Cruise Route.

20. Consider approving adjustments to the Fiscal Year 2011-2012 Operating budget adopted by Council on June, 7, 2011. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2011-2012 Operating Budget recommended.
- Finance; Cynthia Gale, 571-5855, cgale@modestogov.com*

ACTION: Resolution 2011-250 (Hawn/Lopez; 7/0) amending Fiscal Year 2011-2012 Operating Budget.

21. Consider approving a contract with Verde Design, Inc. for \$599,374 to provide the City with construction documents for the Mary E. Grogan Community Park – Phase 1 project. (Funding Source: Village One Community Facilities District)
- Resolution approving an Agreement with Verde Design, Inc. in the amount of \$599,374 to provide the City with construction documents for the Mary E. Grogan Community Park – Phase 1 Project; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Parks, Recreation & Neighborhoods; Loren R Holt, 571-5573, lholt@modestogov.com*

ACTION: Resolution 2011-251 (Hawn/Lopez; 7/0) approving an Agreement with Verde Design, Inc. in the amount of \$599,374 to provide the City with construction documents for the Mary E. Grogan Community Park – Phase 1 Project; and authorizing the City Manager, or his designee, to execute the Agreement.

HEARINGS

Published in the Modesto Bee on May 14, 2011

22. Hearing to consider adopting the Initial Study, Environmental Assessment No. EA/C&ED 2009-24, and to consider approving an amendment to the Urban Area General Plan to adopt the 2009 - 2014 Housing Element (GPA-08-001). (Funding Source: Not applicable)
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): 2009 – 2014 Housing Element recommended.
 - Resolution approving an amendment to the Modesto Urban Area General Plan to replace the 2003 – 2008 Housing Element with the 2009 – 2014 Housing Element, Chapter IV of the General Plan recommended.
- Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

ACTION: Resolution 2011-252 (Marsh/Lopez; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): 2009 – 2014 Housing Element.

ACTION: Resolution 2011-253 (Marsh/Lopez; 7/0) approving an amendment to the Modesto Urban Area General Plan to replace the 2003 – 2008 Housing Element with the 2009 – 2014 Housing Element, Chapter IV of the General.

Published in the Modesto Bee on May 14, 2011

23. Hearing to consider minor amendments to the general plan relating to flood control, groundwater recharge, transportation corridor studies, downtown passenger rail, complete streets, and minor text amendments. (Funding Source: Not applicable)
- Resolution approving minor amendments to the City of Modesto Urban Area General Plan recommended.

Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2011-254 (Lopez/Marsh; 7/0) approving minor amendments to the City of Modesto Urban Area General Plan.

Published in the Modesto Bee on June 13, 2011

24. Hearing to consider approving the annual adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2011, and rescinding Resolution No. 2010-303. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2011; and rescinding Resolution No. 2010-303 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2011-255 (Geer/Mayor Ridenour; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective July 1, 2011; **and rescinding Resolution No. 2011-092.**

Published in the Modesto Bee on June 8, 2011

25. Hearing to consider approving: (i) establishment of a Capacity Banking Application Fee in the amount of \$400.00 per transaction; and (ii) establishment of a Capacity Brokering Fee in the amount of \$300.00 per transaction. (Funding Source: Wastewater Fund Revenues)
- Resolution establishing a Capacity Banking Application Fee in the amount of \$400.00 per transaction recommended.
 - Resolution establishing a Capacity Brokering Fee in the amount of 300.00 per transaction recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2011-256 (Marsh/Lopez; 7/0) establishing a Capacity Banking

Application Fee in the amount of \$400.00 per transaction.

ACTION: Resolution 2011-256A (Marsh/Lopez; 7/0) establishing a Capacity Brokering Fee Per Transaction in the amount of \$300.00 per transaction.

NEW BUSINESS

26. Consider approving: (i) a Letter of Understanding (LOU) between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) which includes offering a Voluntary Separation Program to eligible MCFFA-represented employees in exchange for their agreement to forfeit the three percent (3%) wage increase due July 5, 2011; and (ii) offering the Voluntary Separation Program to Unrepresented Fire Management employees. (Funding Source: Employee Benefits Fund)
- Resolution approving a Letter of Understanding (LOU) between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) which includes offering a Voluntary Separation Program to eligible MCFFA-represented employees in exchange for their agreement to forfeit the three percent (3%) wage increase due July 5, 2011 recommended.
 - Resolution offering the Voluntary Separation Program to Unrepresented Fire Management employees and authorizing the City Manager, or his designee, to sign implementation documents recommended.

City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Resolution 2011-257 (Burnside/Lopez; 7/0) approving a Letter of Understanding (LOU) between the City of Modesto and the Modesto City Fire Fighters' Association (MCFFA) which includes offering a Voluntary Separation Program to eligible MCFFA-represented employees in exchange for their agreement to forfeit the three percent (3%) wage increase due July 5, 2011.

ACTION: Resolution 2011-258 (Burnside/Lopez; 7/0) offering the Voluntary Separation Program to Unrepresented Fire Management employees and authorizing the City Manager, or his designee, to sign implementation documents.

27. Consider approving a transfer of Wastewater Capacity from the Economic Incentive Wastewater Treatment Capacity Bank to Rizo Lopez Foods Inc. as specified in Modesto Municipal Code 5-6.906(j). (Funding Source: Wastewater Fund Revenues)
- Resolution approving the sale of Wastewater Capacity from the Capacity Bank to Rizo Lopez Foods, Inc. as specified in Modesto Municipal Code Section 5-6.906(j) recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2011-259 (Lopez/Hawn; 7/0) approving the sale of Wastewater Capacity from the Capacity Bank to Rizo Lopez Foods, Inc. as specified in Modesto Municipal Code Section 5-6.906(j).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:10 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior To Meeting

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) –MPMA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 05, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - Item 4 removed from Consent

Declaration of Conflicts of Interest – Muratore – Item 5; RDA Item B

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Healthy Air Living Outreach Campaign by the San Joaquin Valley Air Pollution Control District. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation of Healthy Air Living Outreach Campaign by the San Joaquin Valley Air Pollution Control District.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 9

ACTION CONSENT ITEMS 2-3;6-9: (Lopez/Burnside;unan.)

ACTION CONSENT ITEM 5: (Lopez/Hawn;unan.; Muratore absent due to conflict of interest)

CONSENT ITEMS

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

Consent

2. Consider approving the Minutes of the City Council meeting of June 28, 2011. (Funding Source: Not Applicable)
 - Motion approving the Minutes from the City Council meeting of June 28, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the Minutes from the City Council meeting of June 28, 2011.

Consent

3. Consider appointing a voting delegate for the 2011 League of California Cities Annual Conference to be held in San Francisco, CA, September 21-23, 2011. (Funding Source: Not Applicable)
 - Motion appointing Mayor Jim Ridenour as a voting delegate and Vice Mayor Brad Hawn as the Alternate for the 2011 League of California Cities Annual Conference to be held in San Francisco, CA, September 21-23, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) appointing Mayor Jim Ridenour as a voting delegate and Vice Mayor Brad Hawn as the Alternate for the 2011 League of California Cities Annual Conference to be held in San Francisco, CA, September 21-23, 2011.

Removed from Consent

4. Consider: (i) accepting the Strategic Growth Council's Proposition 84 Planning Grant award, in the amount of \$92,000, on behalf of the Community & Economic Development Department; (ii) authorizing the City Manager, or his designee, to execute any necessary grant contracts and related documents; and (iii) amending the Fiscal Year 2011-12 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 Planning Grant and to appropriate \$92,000 in grant revenue and expense. (Funding Source: State of California Strategic Growth Council Proposition 84 Planning Grant, \$92,000; General Fund match, \$18,000)
 - Resolution accepting the Strategic Growth Council's Proposition 84 Countywide Planning Grant in the amount of \$92,000, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents recommended.
 - Resolution amending the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 Countywide Planning Grant and to appropriate \$92,000 in grant revenue and expense recommended.
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2011-260 (Hawn/Burnside; 7/0) accepting the Strategic Growth

Council's Proposition 84 Countywide Planning Grant in the amount of \$92,000, on behalf of the Community & Economic Development Department; and authorizing the City Manager, or his designee, to execute any grant contracts and related documents.

ACTION: Resolution 2011-261 (Hawn/Burnside; 7/0) amending the Fiscal Year 2011-2012 Multi-Year Operating Grant Fund budget to establish a new multi-year budget for the Strategic Growth Council's Proposition 84 Countywide Planning Grant and to appropriate \$92,000 in grant revenue and expense.

Consent – *Councilmember Muratore absent due to conflict of interest*

5. Consider accepting the transfer of four (4) parcels owned by the Redevelopment Agency to the City of Modesto. (Funding Source: General Fund)
 - Resolution approving the transfer of four (4) parcels (APNs 106-042-001, 106-042-002, 106-042-003 and 106-042-004) owned by the Redevelopment Agency to the City of Modesto, and making certain findings relating thereto recommended.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2011-262 (Lopez/Hawn; 6/0; Muratore absent due to conflict of interest) approving the transfer of four (4) parcels (APNs 106-042-001, 106-042-002, 106-042-003 and 106-042-004) owned by the Redevelopment Agency to the City of Modesto, and making certain findings relating thereto.

Consent

6. Consider authorizing a 60 day extension of the irrevocable direct pay Letter of Credit (LOC) supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 (Bonds) and ratifying the City Manager's execution of this extension. (Funding Source: General Fund)
 - Resolution authorizing a 60 day extension of the irrevocable direct pay Letter of Credit supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 and ratifying the City Manager's execution of this extension recommended.
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Resolution 2011-263 (Lopez/Burnside; 7/0) authorizing a 60 day extension of the irrevocable direct pay Letter of Credit supporting General Fund's Lease Revenue Refunding Bonds, Series 2008 and ratifying the City Manager's execution of this extension.

Consent

7. Consider approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application for funding in the amount of \$186,199 through the Edward Byrne Justice Assistance Grant Formula Program. (Funding Source: Special Revenue Grant)
 - Resolution approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$186,199; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement recommended.
Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2011-264 (Lopez/Burnside; 7/0) approving a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$186,199; and authorizing the City Manager, or his designee, to execute the Memorandum of Agreement.

Consent

8. Consider authorizing the City Manager to sign a grant deed with Stanislaus County that widens its right-of-way on West Main Street as required by the Memorandum of Understanding related to the Jennings Road Treatment Plant annexation (Funding Source: Not applicable)
- Resolution approving a Grant Deed with Stanislaus County that widens its right-of-way on West Main Street required by the Memorandum of Understanding related to the Jennings Road Treatment Plant annexation; and authorizing the City Manager, or his designee, to execute the Grant Deed recommended.

Public Works; Laura Anhalt, 577-6224, lanhalt@modestogov.com

ACTION: Resolution 2011-265 (Lopez/Burnside; 7/0) approving a Grant Deed with Stanislaus County that widens its right-of-way on West Main Street required by the Memorandum of Understanding related to the Jennings Road Treatment Plant annexation; and authorizing the City Manager, or his designee, to execute the Grant Deed.

Consent

9. Consider freezing the annual inflationary adjustment for Wastewater Capacity Charges and Water Connection Charges for Fiscal Year 2011-2012. (Funding Source: Wastewater and Water Funds)
- Resolution freezing the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2011/2012, and authorizing the Director of Utility Planning and Projects to administratively apply an annual inflationary adjustment effective July 1, 2012, not to exceed the percent change in the Engineering News Record Construction Cost Index for the San Francisco region using April 2008 as the base year for the calculation recommended.

Utility Planning and Projects; Rich Ulm, 577-5261, rulm@modestogov.com

ACTION: Resolution 2011-266 (Lopez/Burnside; 7/0) freezing the annual inflationary adjustment for the Wastewater Capacity Charge and the Water Connection Charge for Fiscal Year 2011/2012, and authorizing the Director of Utility Planning and Projects to administratively apply an annual inflationary adjustment effective July 1, 2012, not to exceed the percent change in the Engineering News Record Construction Cost Index for the San Francisco region using April 2008 as the base year for the calculation.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:57 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP
Sixth Floor, Room 6825
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, July 12, 2011, at 10:00 a.m.

Roll Call Present: Mayor Ridenour, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider an Internal Audit Status Report (mid-May to mid-July, 2011) by Moss Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) accepting the Internal Audit Status Report (mid-May to mid-July, 2011) by Moss Adams LLP.

2. Consider a Center Plaza Operations Outsourcing RFP report by Moss and Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Muratore/Geer;unan.) accepting the Center Plaza Operations Outsourcing RFP report by Moss and Adams LLP and, if necessary, forwarding to Council in August.

3. Consider a City of Modesto Cost Reduction Best Practices report by Moss Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) accepting the City of Modesto Cost Reduction Best Practices report by Moss Adams LLP

NEW BUSINESS

4. Consider a request from the Public Works Department for an audit of the Operation and Maintenance of the Wastewater Treatment Plants for a process and efficiency review, and a recommendation regarding managed competition opportunities. (Funding Source: Water)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Motion (Geer/Muratore;unan.) directing Moss Adams LLP to prepare: (i) the scope of services for the RFP for the Operation and Maintenance of the

Wastewater Treatment Plants; (ii) benchmarking with similar operations; and (iii) a performance review.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

Follow-Up Item for upcoming Audit Committee:

- Managed Competition Process.

ADJOURNMENT

This meeting adjourned at 11:03 a.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 12, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements - Filing period for November 8, 2011 election begins on July 18, 2011.

Declaration of Conflicts of Interest - None

Reports from Closed Session – None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation and recognition of Modesto Police Chief Mike Harden by the NAACP. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Recognition of Modesto Police Chief Mike Harden was made by the NAACP.

2. Presentation of Mayor's Proclamation declaring August 2, 2011 as "National Night Out." (Funding Source: Not Applicable)
 - Proclamation proclaiming August 2, 2011, as "National Night Out" recommended.
Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Mayor Ridenour presented a Proclamation declaring August 2, 2011 as "National Night Out."

PUBLIC COMMENT PERIOD

- Cecil Russell, Modesto Chamber of Commerce, acknowledged new businesses in Modesto: Almond Valley Realty, Chase Bank, Qdoba Mexican Grill, and Dick's Sporting Goods.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 13

ACTION CONSENT ITEMS 3-13: (Lopez/Hawn;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes of the City Council meeting of July 5, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes from the City Council meeting of July 5, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) approving the minutes from the City Council meeting of July 5, 2011.

Consent

4. Consider final adoption of a Resolution denying the appeal of Charles Evins II to a Board of Zoning Adjustment decision denying a Variance for a 33-foot high, 48-square foot Freestanding Electronic Message Board Sign at property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99. (Funding Source: Not applicable)
 - Resolution denying the appeal by Charles Evins II of a decision by the Board of Zoning Adjustment denying a variance to allow a 33-foot-high, 48-square-foot electronic message board sign at property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99 recommended.
Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: Resolution 2011-132 (Lopez/Hawn; 7/0) denying the appeal by Charles Evins II of a decision by the Board of Zoning Adjustment denying a variance to allow a 33-foot-high, 48-square-foot electronic message board sign at property located on Sierra Drive between the New Bethany Missionary Baptist Church at 315 6th Street and State Highway 99.

Consent

5. Consider approving a repayment schedule for the loan issued by the City of Modesto to the Modesto Redevelopment Agency. (Funding Source: Redevelopment Fund Expense and General Fund Revenue)
 - Resolution approving a repayment schedule for the loan issued by the City of Modesto to the Modesto Redevelopment Agency recommended.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2011-267 (Lopez/Hawn; 7/0) approving a repayment schedule for the loan issued by the City of Modesto to the Modesto Redevelopment Agency.

Consent

6. Consider: (i) authorizing the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and to order that the Stanislaus County Tax Collector be credited with those taxes; and (ii) approving Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and authorizing the City Manager, or his designee, to execute Amendment No. 1 to Task Order No. 1. (Funding Source: CFD No. 2003-1 and CFD No. 2004-1)
- Resolution authorizing the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and to order that the Stanislaus County Tax Collector be credited with those taxes recommended.
 - Resolution approving Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and authorizing the City Manager, or his designee, to execute Amendment No. 1 to Task Order No. 1 recommended.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2011-268 (Lopez/Hawn; 7/0) authorizing the City Council of the City of Modesto, acting as the governing body of all its Community Facilities Districts, to order judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and to order that the Stanislaus County Tax Collector be credited with those taxes.

ACTION: Resolution 2011-269 (Lopez/Hawn; 7/0) approving Amendment No. 1 to Task Order No. 1 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. to serve as Foreclosure Counsel for the administration, collection and judicial foreclosure of delinquent annual special facilities taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and authorizing the City Manager, or his designee, to execute Amendment No. 1 to Task Order No. 1.

Consent

7. Consider approving the Monthly Budget Adjustment Report for June 2011. (Funding Source: Various Funds)
- Resolution amending Fiscal Year 2010 - 2011 Annual Operating Budget recommended.
- Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com*

ACTION: Resolution 2011-270 (Lopez/Hawn; 7/0) amending Fiscal Year 2010 - 2011 Annual Operating Budget.

Consent

8. Consider accepting two grants from the Johnny Brenden Fund of the Ted and Dr Roberta Mann Foundation (Mann Foundation): (i) a grant of up to \$95,000 to support added security for the downtown area of Modesto; and (ii) a grant of up to \$43,000 to support clean-up and beautification of the downtown area; and authorizing the City Manager, or his designee, to execute the necessary grant documents; and amending the Fiscal Year 2011/2012 Multi-Year Operating Budget, adopted by the City Council on June 7, 2011, to appropriate grant funds in the amount of \$138,000. (Funding Source: Grant Funds)

- Resolution accepting two grants from the Johnny Brenden Fund of the Mann Foundation to support added security and beautification of the downtown area in the amount of \$138,000; and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.
- Resolution amending the Fiscal Year 2011/2012 Multi-Year Operating Budget, adopted by the City Council on June 7, 2011 and to appropriate grant funds in the amount of \$138,000 recommended.

Finance; Gloriette Beck, 577-5381, gbeck@modestogov.com

ACTION: Resolution 2011-271 (Lopez/Hawn; 7/0) accepting two grants from the Johnny Brenden Fund of the Mann Foundation to support added security and beautification of the downtown area in the amount of \$138,000; and authorizing the City Manager, or his designee, to execute all necessary grant documents.

ACTION: Resolution 2011-272 (Lopez/Hawn; 7/0) amending the Fiscal Year 2011/2012 Multi-Year Operating Budget, adopted by the City Council on June 7, 2011 and to appropriate grant funds in the amount of \$138,000.

Consent

9. Consider authorizing the award of contract for the purchase of one hydro excavator truck for the Water Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Sacramento, CA, to Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$328,394 (Funding Source: Water Fund)

- Resolution authorizing the award of contract for the purchase of one hydro excavator truck for the Water Division, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Sacramento, CA, to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$328,394 recommended.

Finance and Public Works; Megan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-273 (Lopez/Hawn; 7/0) authorizing the award of contract for the purchase of one hydro excavator truck for the Water Division, through the Public Works

Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the County of Sacramento, CA, to Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$328,394.

Consent

10. Consider an agreement with: (i) Del Rio Country Club Foundation and the City of Modesto to manage the clubhouse at the Municipal "Muni" Golf Course effective August 1, 2011; and FM Golf to eliminate golf professional services by FM Golf at Municipal "Muni" Golf Course effective August 1, 2011. (Funding Source: Golf Fund)
- Resolution approving an Agreement between the City of Modesto and Del Rio CC Foundation to manage the clubhouse at the Municipal Golf Course and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and Fiscoe Management to provide golf professional services at Dryden Park and Creekside Golf Courses and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444, lforester@modestogov.com

ACTION: Resolution 2011-274 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Del Rio CC Foundation to manage the clubhouse at the Municipal Golf Course and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-275 (Lopez/Hawn; 7/0) approving an Agreement between the City of Modesto and Fiscoe Management to provide golf professional services at Dryden Park and Creekside Golf Courses and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider: (i) rejecting all bids for the ARRA Roof and Solar Improvements at Modesto Centre Plaza and Police Training Facility project and authorizing City staff to re-advertise the project; and (ii) amending the fiscal year 2011-2012 Capital Improvement Program Budget in order to adjust the expense budget. (Funding Source: American Recovery and Reinvestment Act of 2009 – Energy Efficiency and Conservation Block Grant (ARRA – EECBG) & Solid Waste Reserves))
- Resolution rejecting all bids for the ARRA Roof and Solar Improvements Project and authorizing staff to re-advertise the project for the ARRA Roof and Solar Improvements Project recommended.
 - Resolution amending the fiscal year 2011-2012 Capital Improvement Program Budget in order to adjust the expense budget for project 100203-Install Foam Roof.PRN.Park Planning and Development & project 100204-Install Solar Panels recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-276 (Lopez/Hawn; 7/0) rejecting all bids for the ARRA Roof and Solar Improvements Project and authorizing staff to re-advertise the project for the ARRA

Roof and Solar Improvements Project.

ACTION: Resolution 2011-277 (Lopez/Hawn; 7/0) amending the fiscal year 2011-2012 Capital Improvement Program Budget in order to adjust the expense budget for project 100203-Install Foam Roof.PRN.Park Planning and Development & project 100204-Install Solar Panels.

Consent

12. Consider: (i) approving the plans and specifications for the Tank 8 Interior Recoating project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Paramount, California, in the amount of \$156,800; and (ii) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in the amount of \$67,645 in order to fully fund construction, contingency, and construction administration plus engineering construction support and City force work by City staff. (Total estimated cost for this portion of the project is \$203,796) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Tank 8 Interior Recoating project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Paramount, California, in the amount of \$156,800, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2010-2011 Capital Improvement Program budget in the amount of \$67,645 in order to fully fund construction, contingency, and construction administration plus engineering construction support and City force work by City staff for the Tank 8 Interior Recoating project recommended.
- Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com*

ACTION: Resolution 2011-278 (Lopez/Hawn; 7/0) approving the plans and specifications for the Tank 8 Interior Recoating project, accepting the bid, and approving a contract with Advanced Industrial Services, Inc. of Paramount, California, in the amount of \$156,800, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-279 (Lopez/Hawn; 7/0) amending the Fiscal Year 2010-2011 Capital Improvement Program budget in the amount of \$67,645 in order to fully fund construction, contingency, and construction administration plus engineering construction support and City force work by City staff for the Tank 8 Interior Recoating project.

Consent

13. Consider: (i) accepting the North Valley Regional Recycled Water Program Update; and (ii) authorizing the submittal of a grant application in the amount of \$75,000 for development of a feasibility study for the North Valley Regional Recycled Water Program – Eastside Improvements under the State Water Resources Control Board Water Recycling Facilities Planning Grant Program (FPGP). (Funding Source: Wastewater Fund)
- Motion accepting the North Valley Regional Recycled Water Program Update recommended.
 - Resolution authorizing the submittal of a grant application in the amount of \$75,000 for development of a feasibility study for the North Valley Regional Recycled Water Program - Eastside Improvements under the State Water Resources

Control Board Water Recycling Facilities Planning Grant Program, and authorizing the City Manager, or his designee, to execute all grant-related documents recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Motion (Lopez/Hawn; 7/0) accepting the North Valley Regional Recycled Water Program Update.

ACTION: Resolution 2011-280 (Lopez/Hawn; 7/0) authorizing the submittal of a grant application in the amount of \$75,000 for development of a feasibility study for the North Valley Regional Recycled Water Program - Eastside Improvements under the State Water Resources Control Board Water Recycling Facilities Planning Grant Program, and authorizing the City Manager, or his designee, to execute all grant-related documents.

COUNCIL COMMENTS & REPORTS

Councilmember Marsh requested Council direct staff to: (i) contact the California Attorney General Office regarding Stanislaus Community Assistance Program (SCAP); (ii) contact the Stanislaus County Grand Jury to review the procedures of the SCAP Program; and (iii) place on the next City Council Agenda.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

14. Consider authorizing the reimbursement of \$2,525,354 to Turlock Irrigation District (TID) pursuant to the First Drinking Water Agreement dated March 7, 2006 for work performed related to the Regional Surface Water Supply Project. (Funding Source: Water Fund)
 - Resolution authorizing the reimbursement of \$2,525,354 to Turlock Irrigation District pursuant to the First Drinking Water Agreement dated March 7, 2006, for work performed relating to the Regional Surface Water Supply Project recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-281 (Marsh/Lopez; 7/0) authorizing the reimbursement of \$2,525,354 to Turlock Irrigation District pursuant to the First Drinking Water Agreement dated March 7, 2006, for work performed relating to the Regional Surface Water Supply Project.

HEARINGS

Published in the Modesto Bee on June 21, 2011

15. Hearing to consider: (i) finding that the proposed Measure M vote for the Rouse-Colorado Neighborhood is within the scope of the 2008 Urban Area General Plan

Master EIR; (ii) directing the City Clerk to submit to the voters at the next regular general election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Rouse-Colorado Neighborhood"; (iii) directing the City Clerk to transmit a copy of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis of said measure ; and (iv) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure. (Funding Source: General Fund)

- Resolution finding that the annexation of the Rouse-Colorado Neighborhood to Sewer District No. 1 and extension of sewer service to the area is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023) recommended.
- Resolution directing the City Clerk to submit to the voters at the next regular general election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Rouse-Colorado Neighborhood," which is described as the area generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west recommended.
- Resolution directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area of the Modesto Urban Area General Plan, commonly referred to as the "Rouse Colorado Neighborhood," as described in the Modesto 2009 Urban Growth Review, generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west, to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.
- Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the "Rouse-Colorado Neighborhood" recommended.

*Community & Economic Development; Brent Sinclair, 577-5267,
bsinclair@modestogov.com*

ACTION: Resolution 2011-282 (Hawn/Marsh; 7/0) finding that the annexation of the Rouse-Colorado Neighborhood to Sewer District No. 1 and extension of sewer service to the area is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023).

ACTION: Resolution 2011-283 (Hawn/Marsh; 7/0) directing the City Clerk to submit to the voters at the next regular general election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as the "Rouse-Colorado Neighborhood," which is described as the area generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west.

ACTION: Resolution 2011-285 (Hawn/Marsh; 7/0) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to a certain unincorporated area of the Modesto Urban Area General Plan, commonly referred to as the "Rouse Colorado Neighborhood," as described in the Modesto 2009 Urban Growth Review,

generally bounded by South Avenue on the north, Sunset Avenue and Colorado Avenue on the east, Robertson Road on the south, and Sutter Avenue on the west, to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2011-284 (Hawn/Marsh; 7/0) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to a certain area of the Modesto Urban Area General Plan, commonly referred to as the “Rouse-Colorado Neighborhood.”

Published in the Modesto Bee on May 13, 2011

16. Hearing to consider the appeal of Delta Sierra Beverage Company, located at 3700 Finch Road, for modification of its Capital Facilities Fees. (Funding Source: Capital Facilities Fees Revenues)
- Resolution denying the appeal by Delta Sierra Beverage Company, located at 3700 Finch Road, for modification of its Capital Facilities Fees recommended.
Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2011-286 (Marsh/Lopez; 7/0) accepting the appeal by Delta Sierra Beverage Company, located at 3700 Finch Road, for modification of its Capital Facilities Fees.

NEW BUSINESS

17. Consider approving an Advisory Measure on the ballot for the November 8, 2011 election seeking advisory input from the voters of the City of Modesto on how the City Council should approach the process of negotiating new agreements with public employees to reduce the costs of the current retirement programs. (Funding Source: General Fund)
- Resolution directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to seeking advisory input from the voters of the City of Modesto on City Employee Pension Reform recommended.
 - Resolution directing the City Clerk to transmit a copy of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to City Employee Pension Reform recommended.
City Council; Brad Hawn, 571-5597, bhawn@modestogov.com

Recess at 7:20 pm

Reconvene at 7:30 pm

ACTION: Resolution 2011-287 (Hawn/Muratore; 4/3; Geer, Lopez, Marsh no) directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to seeking advisory input from the voters of the City of Modesto on City Employee Pension Reform.

ACTION: Resolution 2011-288 (Hawn/Muratore; 4/3; Geer, Lopez, Marsh no) directing the City Clerk to transmit a copy of the advisory measure to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: Resolution 2011-289 (Hawn/Muratore; 4/3; Geer, Lopez, Marsh no) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to City Employee Pension Reform.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:27 p.m.

MINUTES

City of Modesto SAFETY & COMMUNITIES COMMITTEE / COUNCIL WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, August 1, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Also Present: Councilmember Muratore
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Removed from Consent

1. Consider recommending that the City Council support the Public Art Committee proposed sculpture placement on the Virginia Corridor near Roseburg Square.
Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com

ACTION: Motion (Lopez/Geer;unan.) recommending that the City Council support the Public Art Committee proposed sculpture placement on the Virginia Corridor near Roseburg Square.

UNFINISHED BUSINESS

2. Consider accepting an oral report from the City of Modesto Blue Ribbon Commission on Homelessness.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Geer;unan.) accepting an oral report from the City of Modesto Blue Ribbon Commission on Homelessness.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:27 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday August 03, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements – Item 15 Removed from Agenda; Item 16 will be first item heard on Agenda

Declaration of Conflicts of Interest – Muratore – Items 3 and 16
Burnside – Item 3

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

- Mayor Ridenour made a formal statement regarding the City of Modesto Neighborhood Stabilization Program.

PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding Blue Ribbon Commission on Homelessness.
- Carmen Sabatino spoke regarding Public Records Act requests and the SCAP program.
- Terry Bowman spoke regarding failures in the City of Modesto.
- John Jackson spoke regarding youth organizations in the City of Modesto and invitations to an event in Modesto on August 20, 2011.
- A citizen spoke regarding money for the homeless in Modesto.

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

ACTION CONSENT ITEMS 1-2;4-11: (Lopez/Burnside; unan.)

ACTION CONSENT ITEM 3: (Lopez/Hawn; Burnside,Muratore absent due to conflict of interest)

CONSENT ITEMS

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

Consent

1. Consider approving the Minutes of the City Council meeting of July 12, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes from the meeting of July 12, 2011.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes from the meeting of July 12, 2011.

Consent

2. Consider approving the plans and specifications for the project titled, "Dale Road CCTV and CCTV System Upgrade ;" accepting the bid; approving a construction contract for the project with Terry Hansen, in the amount of \$214,800. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) and Capital Facility Fees (CFF) providing the local match)
 - Resolution approving the plans and specifications for the project titled, "Dale Road CCTV and CCTV System Upgrade," accepting the bid, approving a construction contract with Terry Hansen, in the amount of \$214,800; and authorizing the City Manager, or his designee, to execute the contract recommended.
Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2011-290 (Lopez/Burnside; 7/0) approving the plans and specifications for the project titled, "Dale Road CCTV and CCTV System Upgrade," accepting the bid, approving a construction contract with Terry Hansen, in the amount of \$214,800; and authorizing the City Manager, or his designee, to execute the contract.

Consent – *Councilmembers Burnside and Muratore absent due to conflict of interest*

3. Consider allocating \$75,000 from the City's Capital Improvement Program for SR 132 West Expressway Project Approval and Environmental Document Phase. (Funding Source: Capital Facilities Fees - Streets)
 - Resolution allocating \$75000 from the City of Modesto's Capital Improvement Program (CIP) for State Route 132 West Expressway Project Approval and Environmental Document Phase of the Project recommended.
 - Resolution amending the Fiscal Year 2011/2012 Capital Improvement Program Budget in the amount of \$75,000 for State Route 132 Expressway, CIP #100614 for providing Local match to StanCOG for the Project Approval and Environmental Document phase of the project recommended.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2011-291 (Lopez/Hawn; 5/0; Burnside, Muratore absent) allocating \$75000 from the City of Modesto's Capital Improvement Program (CIP) for State Route 132 West Expressway Project Approval and Environmental Document Phase of the Project.

ACTION: Resolution 2011-292 (Lopez/Hawn; 5/0; Burnside, Muratore absent) amending the Fiscal Year 2011/2012 Capital Improvement Program Budget in the amount of \$75,000 for State Route 132 Expressway, CIP #100614 for providing Local match to StanCOG for the Project Approval and Environmental Document phase of the project.

Consent

4. Consider accepting the Fourth Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2010-2011. (Funding Source: Not Applicable)
 - Motion accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2010-2011 recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Fourth Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2010-2011.

Consent

5. Consider authorizing the award of bid for the purchase and installation of play equipment for the Parks, Recreation and Neighborhoods Department to Gametime Northern California, Novato, CA, for an estimated cost of \$68,522. (Funding Source: Community Development Block Grant (CDBG))
 - Resolution authorizing the award of bid for the purchase and installation of play equipment for the Parks, Recreation and Neighborhoods Department to Gametime Northern California, Novato, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$68,522 recommended.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-293 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase and installation of play equipment for the Parks, Recreation and Neighborhoods Department to Gametime Northern California, Novato, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$68,522.

Consent

6. Consider approving an application in the amount of \$4,668,000 for to the Statewide Park Development Program for grant funds to implement the Mancini Park Renovation Project. (Funding Source: Non Applicable)
 - Resolution approving an application to the Statewide Park Development Program for Grant Funds in the amount of \$4,668,000 to Implement the Mancini Park Renovation Project recommended.
Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-294 (Lopez/Burnside; 7/0) approving an application to the

Statewide Park Development Program for Grant Funds in the amount of \$4,668,000 to Implement the Mancini Park Renovation Project.

Consent

7. Consider: (i) approving an agreement with the State of California, Commission on Peace Officer Standards and Training, for up to \$10,400 to provide training for 50 students in four-hour Force Options Simulator Courses and for another 50 students in four-hour Mobile Force Options Simulator training courses; and (ii) amending the FY 2011/12 budget to reduce revenue in the amount of \$4,600. (Funding Source: POST Reimbursement/General Fund)
- Resolution approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$10,400 to provide training for 50 students in four-hour Force Options Simulator courses and 50 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution amending the Fiscal Year 2011/2012 budget to reduce revenues of \$4,600 for Force Option Simulator (FOS) POST Reimbursement recommended.
- Police; Jason Grogan, 572-9506, groganj@modestopd.com*

ACTION: Resolution 2011-295 (Lopez/Burnside; 7/0) approving an Agreement with the State of California, Commission on Peace Officer Standards and Training (POST), for up to \$10,400 to provide training for 50 students in four-hour Force Options Simulator courses and 50 students in four-hour Mobile Force Options Simulator Training Courses; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-296 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011/2012 budget to reduce revenues of \$4,600 for Force Option Simulator (FOS) POST Reimbursement.

Consent

8. Consider approving a Second Amendment to Agreement with Brown and Caldwell for final design services for the Primary Outfall Rehabilitation – Phase 2 & 3 project in the amount of \$108,333, for a maximum total agreement amount of \$1,016,200. (Funding Source: Wastewater Fund)
- Resolution approving a second amendment to agreement with Brown and Caldwell (B&C) for final design services for the Primary Outfall Rehabilitation – Phase 2 & 3 project in an amount not to exceed \$98,272 for the identified scope of services not included in the original agreement, plus \$10,061 for additional services (if needed), for a maximum total amount of \$108,333, and authorizing the City Manager, or his designee, to execute the second amendment to agreement recommended.
- Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com*

ACTION: Resolution 2011-297 (Lopez/Burnside; 7/0) approving a second amendment to agreement with Brown and Caldwell (B&C) for final design services for the Primary Outfall Rehabilitation – Phase 2 & 3 project in an amount not to exceed \$98,272 for the identified scope of services not included in the original agreement, plus \$10,061 for additional services (if needed), for a maximum total amount of \$108,333, and authorizing the City Manager, or his designee, to execute the second amendment to agreement.

Consent

9. Consider accepting the work by GSE Construction Co., Inc. for the Digester Gas Treatment System Project as complete. (Total construction cost is \$470,745.12, with a total project cost of \$663,090.45) (Funding Source: Wastewater Fund))
- Resolution accepting the work by GSE Construction Co., Inc., for the Digester Gas Treatment System Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$470,745.12 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-298 (Lopez/Burnside; 7/0) accepting the work by GSE Construction Co., Inc., for the Digester Gas Treatment System Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$470,745.12.

Consent

10. Consider: (i) approving the plans and specifications for the Emergency Generators at Tanks 7, 8 and Well 100 project, accepting the bid, and approving a contract with Con J. Franke Electric, Inc. of Stockton, California, in the amount of \$557,500; and (ii) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$236,982. (Total estimated cost for this portion of the project is \$699,000) (Funding Source: Water Fund-CIP)
- Resolution approving the plans and specifications for the Emergency Generators at Tanks 7, 8 and Well 100 project, accepting the bid, and approving a contract with Con J. Franke Electric, Inc. of Stockton, California, in the amount of \$557,500, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$236,982 in order to fully fund construction, contingency, and construction administration plus engineering construction support by City staff for the Emergency Generators at Tanks 7, 8 and Well 100 project recommended.

Utility Planning and Projects; Rob Christensen, 571-5869, rchristensen@modestogov.com

ACTION: Resolution 2011-299 (Lopez/Burnside; 7/0) approving the plans and specifications for the Emergency Generators at Tanks 7, 8 and Well 100 project, accepting the bid, and approving a contract with Con J. Franke Electric, Inc. of Stockton, California, in the amount of \$557,500, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-300 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$236,982 in order to fully fund construction, contingency, and construction administration plus engineering construction support by City staff for the Emergency Generators at Tanks 7, 8 and Well 100 project.

Consent

11. Consider approving various purchase agreements to acquire real property interests for the Primary Outfall Rehabilitation Project - Phase 2. (Total estimated cost for this portion of the project work is \$112,289) (Funding Source: Wastewater Fund)
- Resolution approving a Purchase Agreement with Jeff L. Lee and Nancy A. Lee, Trustees of the J & N Lee Revocable Trust, for a 400 sq. ft. (0.01-acre) Permanent Sewer Facilities Easement, and a 23,141 sq. ft. (0.53-acre) portion for a Permanent Access Easement, and a 29,327 sq. ft. (0.67-acre) Temporary Access Easement, of a parcel located at 3500 Vivian Road (APN 017-038-010), in the amount of \$19,504, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Facilities, Permanent Access and Temporary Construction Easements for the acquisition of property interests located at 3500 Vivian Road, owned by Jeff L. Lee and Nancy A. Lee, Trustees of the J & N Lee Revocable Trust, (APN 017-038-012) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
 - Resolution approving two Purchase Agreements with Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable Trust, dated April 11, 2002, for a 750 sq. ft. (0.02-acre) and a 1,625 sq. ft. (0.04-acre) Permanent Sewer Facilities Easements, a 4,076 sq. ft.(0.09 acre) and a 12,338 sq. ft. (0.28 acre) Temporary Construction Easements, of a parcel located at 3270 W. Service Road (APN 017-051-061 & 063), in the amount of \$10,074, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easements, and Temporary Construction Easements for the acquisition of property interests located at 3270 W. Service Road, owned by Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable Trust, dated April 11, 2002, (APN 017-051-061 & 063), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
 - Resolution approving a Purchase Agreement with Howard E. Hughes for a 3,450 sq. ft. (0.08-acre) Permanent Sewer Facilities Easement, a 37,555 sq. ft. (0.86-acre) Permanent Access Easement, and a 630 sq. ft. (0.01-acre) Permanent Access Easement, and a 17,520 sq. ft. (0.40-acre) Temporary Construction Easement, of a parcel located on W. Grayson Road (APN 017-051-069), in the amount of \$10,349, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, the two Permanent Access Easements, and the Temporary Construction Easement for the acquisition of property interests located on W. Grayson Road, owned by Howard E. Hughes, (APN 017-051-069), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.

- Resolution approving a Purchase Agreement with Rex R. Wakefield, Trustee of the Wakefield Living Trust, dated February 21, 1995, for a 3,310 sq. ft. (0.08-acre) Permanent Access Easement, and a 40,000 sq. ft. (0.92 acre) Temporary Construction Easement, of a parcel located at 4843 Vivian Road (APN 017-051-040), in the amount of \$4,496, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Access Easement, and Temporary Construction Easement, for the acquisition of property interests located at 4843 Vivian Road, owned by Rex R. Wakefield, Trustee of the Wakefield Living Trust, dated February 21, 1995, (APN 017-051-040), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution approving a Purchase Agreement with Tony Morris and Delfina R. Morris, Trustees of the Morris Revocable Trust, dated May 19, 1992, for a 2,800 sq. ft. (0.06-acre) Permanent Sewer Facilities Easement, and a 4,500 sq. ft. (0.10-acre) Temporary Construction Easement and a 40,000 sq. ft. (0.92-acre) Temporary Construction Easement, located on Sanders Road (APN 017-058-045), in the amount of \$3,993, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement and the two Temporary Construction Easements, for the acquisition of property interests located on Sanders Road, owned by Tony Morris and Delfina R. Morris, Trustees of the Morris Revocable Trust, dated May 19, 1992, (APN 017-058-045), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution approving a Purchase Agreement with Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo for a 2,000 sq. ft. (0.05-acre) Permanent Sewer Facilities Easement, a 1.16-acre (50,315 sq. ft.) Permanent Access Easement, and a 10,400 sq. ft. (0.24-acre) Temporary Construction Easement located on Quisenberry Road (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), in the amount of \$12,335, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, Permanent Access Easement and Temporary Construction Easement, for the acquisition of property interests located on Quisenberry Road, owned by Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution approving a Purchase Agreement with Johannes T. Nijskens and Mari L. Nijskens for a 5,918 sq. ft. (0.14-acre) Permanent Access Easement, located at 6733 Jennings Road (APN 017-062-026), in the amount of \$2,500, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close

escrow recommended.

- Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6733 Jennings Road, owned by Johannes T. Nijskens and Mari L. Nijskens (APN 017-062-026), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution approving a Purchase Agreement with Zylstra Family, LLC for a 1.18-acre (51,419 sq. ft.) Permanent Access Easement, located at 6807 Jennings Road (APN 017-062-044), in the amount of \$13,292, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6807 Jennings Road, owned by Zylstra Family, LLC (APN 017-062-044), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution approving a Purchase Agreement with Andrew Henry Zylstra and Marlene Jean Zylstra, Trustees of the 2007 Zylstra Family Trust, dated March 28, 2007, for a 25,081 sq. ft. (0.58-acre) Permanent Access Easement, located at 6919 Jennings Road (APN 017-062-035), in the amount of \$25,186, for the Primary Outfall Rehabilitation Project - Phase 2 recommended.
- Resolution authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6919 Jennings Road, owned by Andrew Henry Zylstra and Marlene Jean Zylstra, Trustees of the 2007 Zylstra Family Trust, dated March 28, 2007 (APN 017-062-035), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2 recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2011-301 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Jeff L. Lee and Nancy A. Lee, Trustees of the J & N Lee Revocable Trust, for a 400 sq. ft. (0.01-acre) Permanent Sewer Facilities Easement, and a 23,141 sq. ft. (0.53-acre) portion for a Permanent Access Easement, and a 29,327 sq. ft. (0.67-acre) Temporary Access Easement, of a parcel located at 3500 Vivian Road (APN 017-038-010), in the amount of \$19,504, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-302 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Facilities, Permanent Access and Temporary Construction Easements for the acquisition of property interests located at 3500 Vivian Road, owned by Jeff L. Lee and Nancy A. Lee, Trustees of the J & N Lee Revocable Trust, (APN 017-038-012) to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-303 (Lopez/Burnside; 7/0) approving two Purchase Agreements with Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable

Trust, dated April 11, 2002, for a 750 sq. ft. (0.02-acre) and a 1,625 sq. ft. (0.04-acre) Permanent Sewer Facilities Easements, a 4,076 sq. ft.(0.09 acre) and a 12,338 sq. ft. (0.28 acre) Temporary Construction Easements, of a parcel located at 3270 W. Service Road (APN 017-051-061 & 063), in the amount of \$10,074, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-304 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easements, and Temporary Construction Easements for the acquisition of property interests located at 3270 W. Service Road, owned by Robert P. Fernandes and Carole L. Fernandes, Trustees of the Fernandes 2002 Revocable Trust, dated April 11, 2002, (APN 017-051-061 & 063), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-305 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Howard E. Hughes for a 3,450 sq. ft. (0.08-acre) Permanent Sewer Facilities Easement, a 37,555 sq. ft. (0.86-acre) Permanent Access Easement, and a 630 sq. ft. (0.01-acre) Permanent Access Easement, and a 17,520 sq. ft. (0.40-acre) Temporary Construction Easement, of a parcel located on W. Grayson Road (APN 017-051-069), in the amount of \$10,349, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-306 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, the two Permanent Access Easements, and the Temporary Construction Easement for the acquisition of property interests located on W. Grayson Road, owned by Howard E. Hughes, (APN 017-051-069), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-307 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Rex R. Wakefield, Trustee of the Wakefield Living Trust, dated February 21, 1995, for a 3,310 sq. ft. (0.08-acre) Permanent Access Easement, and a 40,000 sq. ft. (0.92 acre) Temporary Construction Easement, of a parcel located at 4843 Vivian Road (APN 017-051-040), in the amount of \$4,496, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-308 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Access Easement, and Temporary Construction Easement, for the acquisition of property interests located at 4843 Vivian Road, owned by Rex R. Wakefield, Trustee of the Wakefield Living Trust, dated February 21, 1995, (APN 017-051-040), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-309 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Tony Morris and Delfina R. Morris, Trustees of the Morris Revocable Trust, dated May 19, 1992, for a 2,800 sq. ft. (0.06-acre) Permanent Sewer Facilities Easement, and a 4,500 sq. ft. (0.10-acre) Temporary Construction Easement and a 40,000 sq. ft. (0.92-acre) Temporary

Construction Easement, located on Sanders Road (APN 017-058-045), in the amount of \$3,993, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-310 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign the Certificates of Acceptance for the Permanent Sewer Facilities Easement and the two Temporary Construction Easements, for the acquisition of property interests located on Sanders Road, owned by Tony Morris and Delfina R. Morris, Trustees of the Morris Revocable Trust, dated May 19, 1992, (APN 017-058-045), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-311 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo for a 2,000 sq. ft. (0.05-acre) Permanent Sewer Facilities Easement, a 1.16-acre (50,315 sq. ft.) Permanent Access Easement, and a 10,400 sq. ft. (0.24-acre) Temporary Construction Easement located on Quisenberry Road (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), in the amount of \$12,335, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-312 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign Certificates of Acceptance for the Permanent Sewer Facilities Easement, Permanent Access Easement and Temporary Construction Easement, for the acquisition of property interests located on Quisenberry Road, owned by Tony D. Alamo, Daniel Alamo, Joseph Alamo and Nelia A. Alamo (APN 017-062-029 & 001, 017-061-004 & 009 & 020 & 021), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-313 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Johannes T. Nijskens and Mari L. Nijskens for a 5,918 sq. ft. (0.14-acre) Permanent Access Easement, located at 6733 Jennings Road (APN 017-062-026), in the amount of \$2,500, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-314 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6733 Jennings Road, owned by Johannes T. Nijskens and Mari L. Nijskens (APN 017-062-026), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-315 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Zylstra Family, LLC for a 1.18-acre (51,419 sq. ft.) Permanent Access Easement, located at 6807 Jennings Road (APN 017-062-044), in the amount of \$13,292, for the Primary Outfall Rehabilitation Project - Phase 2, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-316 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6807 Jennings Road, owned by Zylstra Family, LLC (APN 017-062-044), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-317 (Lopez/Burnside; 7/0) approving a Purchase Agreement with Andrew Henry Zylstra and Marlene Jean Zylstra, Trustees of the 2007 Zylstra Family Trust, dated March 28, 2007, for a 25,081 sq. ft. (0.58-acre) Permanent Access Easement, located at 6919 Jennings Road (APN 017-062-035), in the amount of \$25,186, for the Primary Outfall Rehabilitation Project - Phase 2.

ACTION: Resolution 2011-318 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to sign a Certificate of Acceptance for the Permanent Access Easement, for the acquisition of property interests located at 6919 Jennings Road, owned by Andrew Henry Zylstra and Marlene Jean Zylstra, Trustees of the 2007 Zylstra Family Trust, dated March 28, 2007 (APN 017-062-035), to be purchased by the City of Modesto for the Primary Outfall Rehabilitation Project - Phase 2.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding Neighborhood Watch Programs.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on July 22, 2011

12. Hearing to consider the Fiscal Year 2011-2012 annual assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Landscape Maintenance Assessment District No. 1)
- Resolution confirming the Fiscal Year 2011-2012 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 recommended.

*Community & Economic Development; Tina Rocha, 577-5321,
trocha@modestogov.com*

ACTION: Resolution 2011-319 (Marsh/Hawn; 7/0) confirming the Fiscal Year 2011-2012 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on July 22, 2011

13. Hearing to consider the Fiscal Year 2011-2012 annual assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Subdivisions Nos. 7-10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 & 2. (Funding Source: Landscape Maintenance Assessment District No. 2)
- Resolution confirming the Fiscal Year 2011-2012 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2 recommended.
- Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: Resolution 2011-320 (Lopez/Hawn; 7/0) confirming the Fiscal Year 2011-2012 diagram and assessment, and ordering the levy and collection of charges within Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

NEW BUSINESS

14. Consider: (i) approving a new Capital Improvement Program project and accepting Congestion Mitigation Air Quality grant in the amount of \$1,867,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents; (ii) advancing four projects (S/B McHenry Ave to W/B Briggsmore Ave., S/B Prescott Rd to W/B Plaza Parkway, Upgrade Signal – 2013, and Traffic Model Maintenance) from Federal Fiscal Year 12/13 to 10/11 and 11/12, and accepting Congestion Mitigation Air Quality funds in the amount of \$857,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents; and (iii) amending the Fiscal Year 11/12 Capital Improvement Program budget to modify and add Capital Improvement Program Funding in an amount of \$1,607,000. (Funding Source: CMAQ, Fund 0700 and Fund 1410)
- Resolution approving a new Capital Improvement Project, accepting Congestion Mitigation Air Quality (CMAQ) grant in the amount of \$1,867,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution advancing four projects from Federal Fiscal Year (FFY) 12/13 to FFY 10/11 and 11/12, and accepting Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$857,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 11/12 Capital Improvement Program (CIP) budget to modify and add Capital Improvement Program Funding in an amount of \$1,607,000 recommended.
- Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: Resolution 2011-321 (Hawn/Burnside; 7/0) approving a new Capital Improvement Project, accepting Congestion Mitigation Air Quality (CMAQ) grant in the amount of \$1,867,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2011-322 (Hawn/Burnside; 7/0) advancing four projects from Federal Fiscal Year (FFY) 12/13 to FFY 10/11 and 11/12, and accepting Congestion Mitigation Air Quality (CMAQ) funds in the amount of \$857,000, and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2011-323 (Hawn/Burnside; 7/0) amending the Fiscal Year 11/12 Capital Improvement Program (CIP) budget to modify and add Capital Improvement Program Funding in an amount of \$1,607,000.

Removed from Agenda

15. Consider accepting an oral staff report on the status of the Neighborhood Stabilization Program 2 (NSP2) and concurring with the City Manager's decision to have the City Auditor, Moss Adams, conduct a review of the Stanislaus Community Assistance Project's (SCAP) participation in and compliance with in the program. (Funding Source: American Recovery and Reinvestment Act (ARRA) Funds)
- Motion accepting staff report on status of the City of Modesto's Neighborhood Stabilization Program 2 and concurring with the City Manager's decision to have the City's Auditor, Moss Adams, conduct an external review of SCAP's participation in and compliance with in the NSP2 program recommended *Parks, Recreation & Neighborhoods; Julie Hannon, 571-5351, jhannon@modestogov.com*

ACTION: Removed from the Agenda.

Councilmember Muratore absent due to conflict of interest

16. Consider directing the City Manager to send referral letters to the California Attorney General's Office and the Stanislaus County Civil Grand Jury asking for their review of the City's administration of NSP funds, and the utilization of those funds by Stanislaus Community Assistance Program (SCAP). (Funding Source: Not Applicable)
- Motion directing the City Manager to send attached referral letters to the California Attorney General's Office and the Stanislaus County Civil Grand Jury requesting review of SCAP use of funds in the City's Neighborhood Stabilization Program and the City administration of the NSP program funds recommended. *City Council; Garrad Marsh, 571-5597, gmarsh@modestogov.com*

ACTION: Motion (Marsh/Lopez; 6/0; Muratore absent due to conflict of interest) directing the City Manager to send attached referral letters to the California Attorney General's Office and the Stanislaus County Civil Grand Jury requesting review of SCAP use of funds in the City's Neighborhood Stabilization Program and the City administration of the NSP program funds.

MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) –MPMA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Law Offices of Renne Sloan Holtzman & Sakai

Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: Greg Nyhoff, City Manager

Employee Organization: Unrepresented Management and Confidential Employees

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, August 8, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not applicable.)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: **Motion (Burnside/Hawn;unan.)** accepting status report of development projects processed by the Community and Economic Development Department.

UNFINISHED BUSINESS

2. Consider: (i) accepting input from the Citizens Redevelopment Advisory Committee and participants at the June 15th public workshop regarding the design of downtown streets; (ii) amendments to the Downtown Core (DC) Zone related to the build-to-line and associated setbacks; and (iii) interim design options for J Street. (Funding Source: Not applicable)
Community & Economic Development; Josh Bridegroom, 577-5267, Jbridegroom@modestogov.com

ACTION: **Motion (Hawn/Muratore;unan.)** accepting staff recommendations regarding a revised pedestrian-oriented street cross-section design for downtown streets, not adopting a special cross-section that accommodates bike lanes, and amending the Downtown Core Zone.

ACTION: **Motion (Burnside/Muratore;unan.)** accepting interim Street Section Alternative C for Tenth Street and portions of J Street, except where sufficient right-of-way exists to accommodate Street Section Alternative B.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:17 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 09, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements - Item 16 has been removed from the Agenda.; Mayor Ridenour announced Item 17 has been removed from the Agenda

Declaration of Conflicts of Interest - Burnside and Muratore – Item 6

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring September 12-18, 2011 as Modesto Architecture Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation to the American Institute of Architects-Sierra Valley Chapter declaring September 12-18, 2011 as Modesto Architecture Week.

2. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347 , lsmith@modestogov.com

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged 4 new businesses in Modesto: Valley Oak Community Bank, Green's Market, Taffeco Real Estate, and Hometown Buffet.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving two appointments to fill vacancies on the City of Modesto Equal Opportunity/Disability Commission. (Funding Source: Not Applicable)
 - Resolution appointing Annette Reclusado and Duwayne Stenger to the Equal Opportunity/Disability Commission recommended.
Human Resources; Scott Kasper, 577-5238, skasper@modestogov.com

ACTION: Resolution 2011-324 (Lopez/Burnside; 7/0) appointing Annette Reclusado and Duwayne Stenger to the Equal Opportunity/Disability Commission.

PUBLIC COMMENT PERIOD

- Susan Mendieta Beasley announced the International Heritage Festival on Saturday, October 1, 2011 at the Gallo Center.
- Ed Bearden spoke regarding a City of Modesto logo and brand proposed by the Commonwealth Group.
- Ron Cherrier spoke regarding a City of Modesto logo and brand proposed by the Commonwealth Group.
- Denise Cannistrac spoke regarding a City of Modesto logo and brand proposed by the Commonwealth Group.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 16
ACTION CONSENT ITEMS 4-5, 7-15: (Lopez/Marsh;unan.)
ACTION CONSENT ITEM 6: (Lopez/Hawn; majority; Burnside, Muratore absent due to conflict of interest)

CONSENT ITEMS

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

Consent

4. Consider approving the Minutes of the City Council meeting of August 3, 2011. (Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of August 3, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) approving the Minutes of the City Council meeting of August 3, 2011.

Consent

5. Consider approving an amendment to Agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original Agreement for the Sylvan Avenue between Millbrook Avenue

and Claus Road and Litt Road from Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$49,733 for a maximum total Agreement amount of \$495,246. (Funding Source: Village One #2 CFD Tax and Parks Capital Facility Fees)

- Resolution approving an amendment to agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Service for the design of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$30,685 for the identified scope of services not included in the original agreement, plus \$19,048 for additional services (if needed), for a maximum total amount of \$49,733, and authorizing the District Administrator, or his designee, to execute the amendment to agreement recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-325 (Lopez/Marsh; 7/0) approving an amendment to agreement with AECOM Technical Services, Inc. (formerly Boyle Engineering Corporation) for additional scope of work not included in the original agreement for Consultant Service for the design of Sylvan Avenue between Millbrook Avenue and Claus Road and Litt Road between Sylvan Avenue to the north end of the Grogan Park site in an amount not to exceed \$30,685 for the identified scope of services not included in the original agreement, plus \$19,048 for additional services (if needed), for a maximum total amount of \$49,733, and authorizing the District Administrator, or his designee, to execute the amendment to agreement.

Consent – *Councilmembers Burnside and Muratore absent due to conflict of interest*

6. Consider: (i) allocating \$60,000 (\$20,000 FY 11/12, \$20,000 FY 12/13, and \$20,000 for FY 13/14) for project development for SR 132 West Expressway Project; and (ii) amending the Fiscal Year 2011/2012 Capital Improvement Program Budget, adopted by the City Council on June 7, 2011, to appropriate Capital Facilities Funds in the amount of \$20,000 for project development of SR 132 West Expressway. (Funding Source: Capital Facilities Fees - Streets)
 - Resolution allocating \$60,000 (\$20,000 Fiscal Year 2011/2012, \$20,000 Fiscal Year 2012/2013, and \$20,000 for Fiscal Year 2013/2014) for project development for SR 132 West Expressway Project recommended.
 - Resolution amending the Fiscal Year 2011/2012 Capital Improvement Program Budget to appropriate Capital Facilities Funds in the amount of \$20,000 for project development of SR 132 West Expressway recommended.

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Resolution 2011-326 (Lopez/Hawn; 5/0; Burnside, Muratore absent) allocating \$60,000 (\$20,000 Fiscal Year 2011/2012, \$20,000 Fiscal Year 2012/2013, and \$20,000 for Fiscal Year 2013/2014) for project development for SR 132 West Expressway Project.

ACTION: Resolution 2011-327 (Lopez/Hawn; 5/0; Burnside, Muratore absent) amending the Fiscal Year 2011/2012 Capital Improvement Program Budget to appropriate Capital Facilities Funds in the amount of \$20,000 for project development of SR 132 West

Expressway.

Consent

7. Consider accepting the Annual Investment Policy (Funding Source: Not Applicable)
 - Motion accepting Annual Investment Policy recommended.

Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) accepting Annual Investment Policy.

Consent

8. Consider accepting the Fiscal Year 2011- 2012 Debt Management Policy. (Funding Source: Not Applicable)
 - Motion accepting revised Debt Management Policy recommended.

Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) accepting revised Debt Management Policy.

Consent

9. Consider authorizing the award of contract for the purchase of ten (10) Crown Victoria Police Interceptor vehicles – 2011 model year, for the Modesto Police Department through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA, through Downtown Ford, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$266,357. (Funding Source: Fleet Replacement Funds)
 - Resolution authorizing the award of contract for the purchase of ten (10) Crown Victoria Police Interceptor vehicles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA, through Downtown Ford, Sacramento, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$266,357 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-328 (Lopez/Marsh; 7/0) authorizing the award of contract for the purchase of ten (10) Crown Victoria Police Interceptor vehicles for the Modesto Police Department, through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, CA, through Downtown Ford, Sacramento, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase order for an estimated total cost of \$266,357.

Consent

10. Consider authorizing the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022. (Funding Source: General Fund Revenue)
 - Resolution approving the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022; and authorizing the City Manager, or his designee, to execute the necessary documents recommended.

Police; Rick Applegate, 342-6119, applegater@modestopd.com

ACTION: Resolution 2011-329 (Lopez/Marsh; 7/0) approving the extension of the Abandoned Vehicle Abatement Program Fee until April 30, 2022; and authorizing the City Manager, or his designee, to execute the necessary documents.

Consent

11. Consider approving various purchase agreements to acquire real property interests for the Empire Avenue Improvements Project at a total estimated cost of \$24,858 which includes estimated closing costs of \$9,255 and authorizing the City Manager or his designee to execute the Purchase Agreements, Certificates of Acceptance for Grant Deed, and all other related documents required to close escrow. (Funding Source: Community Development Block Grant Funds)
- Resolution approving a Purchase Agreement with Gary Wayne Love, for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 901 Empire Avenue (APN 035-048-005), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 901 Empire Avenue, owned by Gary Wayne Love, (APN 035-048-005) to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Jose Luis Villegas and Maria Socorro Villegas, for a 733 sq. ft. parcel in fee and a 900 sq. ft. Temporary Construction Easement, of a parcel located at 903 Empire Avenue (APN 035-048-006), in the amount of \$1,646, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 903 Empire Avenue, owned by Jose Luis Villegas and Maria Socorro Villegas, (APN 035-048-006), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Terry Frank Gulmon and Joann Gulmon for a 732 sq. ft. parcel in fee of a parcel located at 907 Empire Avenue (APN 035-048-007), in the amount of \$1,647, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 907 Empire Avenue, owned by Terry Frank Gulmon and Joann Gulmon, (APN 035-048-007), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Juan Castro and Carolina Castro, for a 586 sq. ft. parcel in fee, and a 720 sq. ft. Temporary Construction Easement, of a parcel located at 913 Empire Avenue (APN 035-048-008), in the amount of \$1,481, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents

- required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 913 Empire Avenue, owned by Juan Castro and Carolina Castro (APN 035-048-008), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Salvador Castrejon and Luz Maria Castrejon for a 571 sq. ft. parcel in fee, and a 702 sq. ft. Temporary Construction Easement located at 917 Empire Avenue (APN 035-048-011), in the amount of \$1,443, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 917 Empire Avenue, owned by Salvador Castrejon and Luz Maria Castrejon, (APN 035-048-011), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Hugo Montes and Francisco Montes for a 732 sq. ft. parcel in fee, and a 900 sq. ft. Temporary Construction Easement located at 1009 Empire Avenue (APN 035-048-012), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1009 Empire Avenue, owned by Hugo Montes and Francisco Montes (APN 035-048-012), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Anthony Louis Garcia for a 732 sq. ft. parcel in fee and a Temporary Construction Easement located at 1011 Empire Avenue (APN 035-048-013), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1011 Empire Avenue, owned by Anthony Louis Garcia (APN 035-048-013), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
 - Resolution approving a Purchase Agreement with Chanh Minh Huynh and Suong Tran for a 735 sq. ft. parcel in fee and a 904 sq. ft. Temporary Construction Easement, located at 1013 Empire Avenue (APN 035-048-014), in the amount of \$1,650, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
 - Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1013 Empire Avenue, owned by Chanh Minh Huynh and Suong Tran (APN 035-048-

014), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.

- Resolution approving a Purchase Agreement with Chris L. Bonnet and Chris T. Maschal for a 839 sq. ft. parcel in fee and a 1,031 sq. ft. Temporary Construction Easement, located at 915 Empire Avenue (APN 035-048-017), in the amount of \$1,884, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow recommended.
- Resolution authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 915 Empire Avenue, owned by Chris L. Bonnet and Chris T. Maschal (APN 035-048-017), to be purchased by the City of Modesto for the Empire Avenue Improvement Project recommended.
- Resolution approving a Purchase Agreement with Jagjit S. Sandhu, for a 601 sq. ft. and a 1,021 sq. ft. Temporary Construction Easement, located at 804 & 802 Empire Avenue (APN 035-049-023 & 024), in the amount of \$390, for the Empire Avenue Improvement Project recommended.
- Resolution approving a Purchase Agreement with Isabel Pacheco, for a 599 sq. ft. Temporary Construction Easement, located at 1702 Bonnie Brae Avenue, (APN 035-050-001), in the amount of \$135, for the Empire Avenue Improvement Project recommended.
- Resolution approving a Purchase Agreement with Mary G. Perez, for a 599 sq. ft. Temporary Construction Easement, located at 1701 Connie Way (APN 035-050-022), in the amount of \$135, for the Empire Avenue Improvement Project recommended.
- Resolution approving a Purchase Agreement with Charlie Hayes, Naomi Hayes and James E. Hayes, for a 611 sq. ft. Temporary Construction Easement, located at 1020 Empire Avenue (APN 035-051-021), in the amount of \$125, for the Empire Avenue Improvement Project recommended.
- Resolution approving a Purchase Agreement with David Garcia, for a 586 sq. ft. Temporary Construction Easement, located at 1702 Connie Way (APN 035-051-001), in the amount of \$135, for the Empire Avenue Improvement Project recommended.

Parks, Recreation & Neighborhoods and Utility Planning and Projects; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Resolution 2011-330 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Gary Wayne Love, for a 732 sq. ft. parcel in fee, and a 900 sq. ft. portion for a Temporary Construction Easement, of a parcel located at 901 Empire Avenue (APN 035-048-005), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager, or his designee, to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-331 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 901 Empire Avenue, owned by Gary Wayne Love, (APN 035-048-005) to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-332 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Jose Luis Villegas and Maria Socorro Villegas, for a 733 sq. ft. parcel in fee and a 900 sq. ft. Temporary Construction Easement, of a parcel located at 903 Empire Avenue (APN 035-048-006), in the amount of \$1,646, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-333 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 903 Empire Avenue, owned by Jose Luis Villegas and Maria Socorro Villegas, (APN 035-048-006), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-334 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Terry Frank Gulmon and Joann Gulmon for a 732 sq. ft. parcel in fee of a parcel located at 907 Empire Avenue (APN 035-048-007), in the amount of \$1,647, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-335 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed for the acquisition of property located at 907 Empire Avenue, owned by Terry Frank Gulmon and Joann Gulmon, (APN 035-048-007), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-336 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Juan Castro and Carolina Castro, for a 586 sq. ft. parcel in fee, and a 720 sq. ft. Temporary Construction Easement, of a parcel located at 913 Empire Avenue (APN 035-048-008), in the amount of \$1,481, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-337 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 913 Empire Avenue, owned by Juan Castro and Carolina Castro (APN 035-048-008), to be purchased by the City of Modesto for the Empire Avenue Improvement Project .

ACTION: Resolution 2011-338 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Salvador Castrejon and Luz Maria Castrejon for a 571 sq. ft. parcel in fee, and a 702 sq. ft. Temporary Construction Easement located at 917 Empire Avenue (APN 035-048-011), in the amount of \$1,443, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-339 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 917 Empire Avenue, owned by Salvador Castrejon and Luz Maria

Castrejon, (APN 035-048-011), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-340 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Hugo Montes and Francisco Montes for a 732 sq. ft. parcel in fee, and a 900 sq. ft. Temporary Construction Easement located at 1009 Empire Avenue (APN 035-048-012), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-341 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1009 Empire Avenue, owned by Hugo Montes and Francisco Montes (APN 035-048-012), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-342 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Anthony Louis Garcia for a 732 sq. ft. parcel in fee and a Temporary Construction Easement located at 1011 Empire Avenue (APN 035-048-013), in the amount of \$1,644, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-343 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1011 Empire Avenue, owned by Anthony Louis Garcia (APN 035-048-013), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-344 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Chanh Minh Huynh and Suong Tran for a 735 sq. ft. parcel in fee and a 904 sq. ft. Temporary Construction Easement, located at 1013 Empire Avenue (APN 035-048-014), in the amount of \$1,650, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-345 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 1013 Empire Avenue, owned by Chanh Minh Huynh and Suong Tran (APN 035-048-014), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-346 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Chris L. Bonnet and Chris T. Maschal for a 839 sq. ft. parcel in fee and a 1,031 sq. ft. Temporary Construction Easement, located at 915 Empire Avenue (APN 035-048-017), in the amount of \$1,884, for the Empire Avenue Improvement Project, and authorizing the City Manager or his designee to execute the Agreement and all related documents required to close escrow.

ACTION: Resolution 2011-347 (Lopez/Marsh; 7/0) authorizing the City Manager, or his designee, to sign the Certificate of Acceptance for the Grant Deed, for the acquisition of property located at 915 Empire Avenue, owned by Chris L. Bonnet and Chris T. Maschal

(APN 035-048-017), to be purchased by the City of Modesto for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-348 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Jagjit S. Sandhu, for a 601 sq. ft. and a 1,021 sq. ft. Temporary Construction Easement, located at 804 & 802 Empire Avenue (APN 035-049-023 & 024), in the amount of \$390, for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-349 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Isabel Pacheco, for a 599 sq. ft. Temporary Construction Easement, located at 1702 Bonnie Brae Avenue, (APN 035-050-001), in the amount of \$135, for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-350 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Mary G. Perez, for a 599 sq. ft. Temporary Construction Easement, located at 1701 Connie Way (APN 035-050-022), in the amount of \$135, for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-351 (Lopez/Marsh; 7/0) approving a Purchase Agreement with Charlie Hayes, Naomi Hayes and James E. Hayes, for a 611 sq. ft. Temporary Construction Easement, located at 1020 Empire Avenue (APN 035-051-021), in the amount of \$125, for the Empire Avenue Improvement Project.

ACTION: Resolution 2011-352 (Lopez/Marsh; 7/0) approving a Purchase Agreement with David Garcia, for a 586 sq. ft. Temporary Construction Easement, located at 1702 Connie Way (APN 035-051-001), in the amount of \$135, for the Empire Avenue Improvement Project.

Consent

12. Consider authorizing the City to apply as a “Host City” for the Seventh Annual Amgen Tour of California, and authorizing the City Manager, or his designee, to sign the application and related documents. (Funding Source: Non Applicable)
- Resolution authorizing staff to submit an application to become a Host City for the Seventh Annual Amgen Tour of California; and authorizing the City Manager, or his designee, to sign the application and related documents recommended.
Parks, Recreation & Neighborhoods; Andy Johnson, 571-5582, ajohnson@modestogov.com

ACTION: Resolution 2011-353 (Lopez/Marsh; 7/0) authorizing staff to submit an application to become a Host City for the Seventh Annual Amgen Tour of California; and authorizing the City Manager, or his designee, to sign the application and related documents.

Consent

13. Consider authorizing the submission of the City’s Local Transportation Fund Non-Transit FY 2010/11 Claim in the amount of \$616,070 to the Stanislaus Council of Governments. (Funding Source: Not applicable)
- Resolution authorizing the submission of the City’s Local Transportation Fund Non-Transit Claim for Fiscal Year 2010/2011 Claim, in the amount of \$616,070,

to the Stanislaus Council of Governments recommended.
Public Works; Michael Clipper, 571-5118, mclipper@modestogov.com

ACTION: Resolution 2011-354 (Lopez/Marsh; 7/0) authorizing the submission of the City's Local Transportation Fund Non-Transit Claim for Fiscal Year 2010/2011 Claim, in the amount of \$616,070, to the Stanislaus Council of Governments.

Consent

14. Consider: (i) approving the revised Bylaws of the Modesto City-County Airport Advisory Committee; and (ii) directing that all current Airport Advisory Committee members resubmit their applications to be considered under the new criteria stated in the revised Bylaws. (Funding Source: Not applicable)
- Resolution approving the revised Bylaws of the Modesto City-County Airport Advisory Committee recommended.
 - Resolution directing that all current Airport Advisory Committee members resubmit their applications to be considered under the new criteria stated in the revised Bylaws recommended.

Public Works; Jerome THiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-355 (Lopez/Marsh; 7/0) approving the revised Bylaws of the Modesto City-County Airport Advisory Committee.

ACTION: Resolution 2011-356 (Lopez/Marsh; 7/0) directing that all current Airport Advisory Committee members resubmit their applications to be considered under the new criteria stated in the revised Bylaws.

Consent

15. Consider approving an Agreement with Motor Coach Industries, Inc. for the purchase of one 45-foot, 55-passenger commuter bus at a cost of \$582,143. (Funding Source: Transit Funds)
- Resolution approving an agreement with Motor Coach Industries, Inc. for the purchase of one 45-foot, 55-passenger commuter bus at a cost of \$582,143; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-357 (Lopez/Marsh; 7/0) approving an agreement with Motor Coach Industries, Inc. for the purchase of one 45-foot, 55-passenger commuter bus at a cost of \$582,143; and authorizing the City Manager, or his designee, to execute the Agreement.

Removed from Agenda

16. Consider: (i) approving the plans and specifications for the Northwest Terminal Apron Reconstruction project, authorizing the City Manager, or his designee, to accept the bid, approve and execute a contract with the lowest responsible bidder based on the submission of an acceptable bid not to exceed \$534,710; (ii) authorizing the City Manager, or his designee, to execute all grant-related documents for the project; and (iii) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the

amount of \$12,000 in order to fully fund the construction, contingency, and construction administration. (Total estimated cost for the construction portion of the project is \$652,346) (Funding Source: Federal Grant Funds/Passenger Facility Charge Revenue)

- Resolution approving the plans and specifications for the Northwest Terminal Apron Reconstruction project, authorizing the City Manager, or his designee, to accept the bid, approve and execute a contract with the lowest responsible bidder based on the submission of an acceptable bid not to exceed \$534,710 recommended.
- Resolution authorizing the City Manager, or his designee, to execute all grant-related documents under the Federal Aviation Administration Airport Improvement Program for the Northwest Terminal Apron Reconstruction project recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$12,000 in order to fully fund the construction, contingency, and construction administration for the Northwest Terminal Apron Reconstruction project recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Removed from Agenda.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff will return to the September 6, 2011 Council meeting with an update on an audit of the Stanislaus Community Assistance Program (SCAP).

UNFINISHED BUSINESS

Removed from Agenda

17. Consider endorsing Modesto's brand "Modesto: Family Owned and Operated" and the corresponding logo as developed by Commonwealth Modesto and directing staff to work with Commonwealth, the Modesto Branding Steering Committee and the Economic Development Partnership team to implement the brand. (Funding Source: All Funds)
 - Resolution approving and endorsing Modesto's brand "Modesto: Family Owned and Operated" and the corresponding logo as developed by Commonwealth Modesto and directing staff to work with Commonwealth, the Modesto Branding Steering Committee and the Economic Development Partnership team to implement the brand recommended.

City Manager; Jessica Smart, 571-5125 , jsmart@modestogov.com

ACTION: Removed from Agenda.

18. Consider: (i) approving Amendment No. 1 to Lease Agreement between Modesto Public Financing Authority and the City of Modesto; and (ii) approving an Amended

and Restated Reimbursement Agreement by and between Bank of America, N.A., the City of Modesto and Modesto Public Financing Authority and Fee Letter; and authorizing certain other related actions. (Funding Source: General Fund)

- Resolution approving Amendment No. 1 to Lease Agreement between the Modesto Public Financing Authority and the City of Modesto; an Amended and Restated Reimbursement Agreement between Bank of America, the City of Modesto and Modesto Public Financing Authority; and Fee Letter; and authorizing certain other related actions recommended.

Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

ACTION: Resolution 2011-358 (Burnside/Hawn; 7/0) approving Amendment No. 1 to Lease Agreement between the Modesto Public Financing Authority and the City of Modesto; an Amended and Restated Reimbursement Agreement between Bank of America, the City of Modesto and Modesto Public Financing Authority; and Fee Letter; and authorizing certain other related actions.

19. Consider approving a Memorandum of Understanding with the Cities of Modesto, Ceres, Hughson, and Turlock related to development of the East Stanislaus Regional Water Management Partnership. (Funding Source: Water Fund)
- Resolution approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, Hughson, and Turlock related to development of the East Stanislaus Integrated Regional Water Management Partnership, and authorizing the City Manager, or his designee, to execute the MOU recommended.

Utility Planning and Projects; Jack Bond, 577-5424, Jbond@modestogov.com

ACTION: Resolution 2011-359 (Hawn/Burnside; 7/0) approving a Memorandum of Understanding (MOU) with the Cities of Modesto, Ceres, Hughson, and Turlock related to development of the East Stanislaus Integrated Regional Water Management Partnership, and authorizing the City Manager, or his designee, to execute the MOU.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:26 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Two Cases (Pursuant to Section 54956.9(a) of the Government Code)

Name of cases: Eric Jones v. City of Modesto, et al.

California Workers Compensation Appeals Board

Nos. CIHH-08852; CICC-07251; CICC-07144

Jesse McDaniel v. City of Modesto, et al.

California Workers Compensation Appeals Board

Nos. CICC-07125; CIEE-07709; CIDD-07454

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Wednesday, August 10, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Stephanie Burnside
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 2

CONSENT

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

Consent

1. Consider accepting the Monthly Budget Adjustment Report for July and August 2011 and forward to full Council for approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: Motion (Marsh/Burnside;unan.) accepting the Monthly Budget Adjustment Report for July and August 2011 and forwarding to full Council for approval.

Consent

2. Consider accepting an informational report on the Quarterly Water Meter Installation Program Update. (Funding Source: Not applicable)
Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Burnside;unan.) accepting an informational report on the Quarterly Water Meter Installation Program Update.

NEW BUSINESS

3. Consider approving the Purchasing Manager issue purchase agreements for the sole source procurement of various hardware and software maintenance/ support agreements from hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$883,236 and forwarding to Council for approval. (Funding Source: Information Technology Funds)
Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** approving the Purchasing Manager issue purchase agreements for the sole source procurement of various hardware and software maintenance/ support agreements from hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$883,236 and forwarding to Council for approval.

4. Consider recommending Council hold a public hearing to authorize the creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot. (Funding Source: Airport Reserves)

Public Works; Jerome Thiele, 577-5318, jthiele@modestogov.com

ACTION: **Motion (Burnside/Marsh;unan.)** approving creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:52 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 16, 2011, at 10:00 a.m.

Roll Call Present: Mayor Ridenour, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None

UNFINISHED BUSINESS

1. Consider an Internal Audit Status Report (mid-July to mid-August, 2011) by Moss Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: **Motion (Muratore/ Geer; unan.)** directing: (i) Moss Adams LLP to prepare a Request for Information/Interest (RFI) that includes cost information, detail and framework for the Operation and Maintenance of the Wastewater Treatment Plants; and (ii) authorizing the issuance of a RFI prior to issuing a formal RFP for the possible outsourcing of the Managed Competition Process.
The Request for authorization to issue the formal RFP will go before Council in September.

COMMITTEE MEMBERS COMMENTS & REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:42 a.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 23, 2011, at 3:00 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor
Ridenour
Absent: None

Pledge of Allegiance to the Flag

Declaration of Conflicts of Interest: None

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

ACTION CONSENT ITEM 1: (Lopez/Muratore;unan.)

CONSENT ITEMS

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

Consent

1. Consider approving the Minutes of the City Council meeting of August 9, 2011.
(Funding Source: Not Applicable)
 - Motion approving the Minutes of the City Council meeting of August 9, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 7/0) approving the Minutes of the City Council meeting of August 9, 2011.

COUNCIL COMMENTS & REPORTS

CITY MANAGER COMMENTS & REPORTS

UNFINISHED BUSINESS

2. Consider either the dissolution or continuation of the Redevelopment Agency as provided for in Assembly Bills AB 1X 26 and AB 1X 27. (Funding Source: Redevelopment Agency Funds)
 - Resolution approving the dissolution or continuation of the Redevelopment Agency as provided for in Assembly Bills AB 1X 26 and AB 1X 17 recommended.
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

ACTION: This meeting adjourned at 4:12 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 06, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - Item 11 - Removed from Consent

Declaration of Conflicts of Interest – Hawn – Item 12

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Police Chief Mike Harden and Fire Chief Mike Kraus joining the National Moment of Remembrance of the 10th Anniversary of September 11th. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a proclamation to Police Chief Mike Harden and Fire Chief Mike Kraus joining the National Moment of Remembrance of the 10th Anniversary of September 11th.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving the appointment of Steve Carter to the CIP Taskforce, as the FY11/12 – FY12/13 Planning Commission Representative. (Funding Source: Not applicable)
 - Resolution approving the appointment of Steve Carter as the FY 11/12 – FY12/13 Planning Commission representative to the CIP Taskforce recommended.
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2011-360 (Hawn/Lopez; 7/0) approving the appointment of Steve Carter as the FY 11/12 – FY12/13 Planning Commission representative to the CIP Taskforce.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the Modesto Chamber of Commerce and the Modesto Convention & Visitors Bureau.
- Dan Nickles spoke regarding building a 300 unit senior complex in the City of Modesto. Mayor Ridenour referred Mr. Nickles to the City Attorney.
- Cecil Russell, Modesto Chamber of Commerce, spoke regarding the Modesto Convention & Visitors Bureau.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 17
ACTION CONSENT ITEMS: 3-10; 13-17: (Lopez/Burnside;unan.)
ACTION CONSENT ITEM: 12: (Lopez/Burnside; unan.;Hawn absent due to conflict of interest)
ACTION ITEM 11: (Hawn/Lopez;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the Minutes of the Special City Council meeting of August 23, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the Special City Council meeting of August 23, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes of the Special City Council meeting of August 23, 2011.

Consent

4. Consider extending job sharing agreements between the City of Modesto and the Cities of Oakdale and Hughson through FY2011-2012. (Funding Source: General Fund)
 - Resolution approving a job sharing agreement with the City of Oakdale for the services of an associate planner on a part-time basis through Fiscal Year 2011-12; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving a job sharing agreement with the City of Hughson for the services of a senior planner on an as needed basis through Fiscal Year 2011-12; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: Resolution 2011-361 (Lopez/Burnside; 7/0) approving a job sharing agreement with the City of Oakdale for the services of an associate planner on a part-time basis through Fiscal Year 2011-12; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-362 (Lopez/Burnside; 7/0) approving a job sharing agreement with the City of Hughson for the services of a senior planner on an as needed basis through Fiscal Year 2011-12; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

5. Consider accepting the Monthly Investment Report for May, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for May, 2011 recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for May, 2011.

Consent

6. Consider authorizing the award of bid for the purchase and installation of an evidence storage system for the City of Modesto, Stanislaus Drug Enforcement Agency, to System Concepts, Inc., South San Francisco, CA, for an estimated cost of \$58,107 (Funding Source: Asset Forfeiture)
- Resolution authorizing the award of bid for the purchase and installation of an evidence storage system for the City of Modesto, Stanislaus Drug Enforcement Agency, to System Concepts, Inc., South San Francisco, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$58,107 recommended.
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-363 (Lopez/Burnside; 7/0) authorizing the award of bid for the purchase and installation of an evidence storage system for the City of Modesto, Stanislaus Drug Enforcement Agency, to System Concepts, Inc., South San Francisco, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated cost of \$58,107.

Consent

7. Consider accepting the Monthly Budget Adjustment Report for July & August 2011. (Funding Source: Various Funds)
- Resolution amending the Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets recommended.
Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2011-364 (Lopez/Burnside; 7/0) amending the Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets.

Consent

8. Consider approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group). (Funding Source: Various Funds)
- Resolution approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract recommended.
- Finance; Mark Averell, 577-5412, maverell@modestogov.com*

ACTION: Resolution 2011-365 (Lopez/Burnside; 7/0) approving an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group); and authorizing the City Manager, or his designee, to execute the contract.

Consent

9. Consider authorizing sole brand procurement for the purchase and installation of an Armor Crack Repair System at three (3) tennis court sites to Recreational Surface Repair, Fresno, CA, for an estimated cost of \$116,796. (Funding Source: Parks Fund, Capital Improvement Project #100298 School Facilities Infrastructure)
- Resolution authorizing sole brand procurement for the purchase and installation of an Armor Crack Repair System at three (3) tennis court sites to Recreational Surface Repair, Fresno, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement in the amount of \$116,796 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2011-366 (Lopez/Burnside; 7/0) authorizing sole brand procurement for the purchase and installation of an Armor Crack Repair System at three (3) tennis court sites to Recreational Surface Repair, Fresno, CA, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement in the amount of \$116,796.

Consent

10. Consider authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from hardware and software manufacturers for the Information Technology Department, for an estimated annual cost not to exceed \$883,236. (Funding Source: Information Technology Fund)
- Resolution authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from the hardware and software manufacturers for the Information Technology Department throughout Fiscal Year 2011-2012, for an estimated annual cost not to exceed \$883,236 recommended.
- Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com*

ACTION: Resolution 2011-367 (Lopez/Burnside; 7/0) authorizing the Purchasing Manager to issue purchase agreements for the sole source procurement of various hardware and software maintenance/support agreements from the hardware and software manufacturers for the Information Technology Department throughout Fiscal Year 2011-2012, for an estimated annual cost not to exceed \$883,236.

Removed from Consent

11. Consider approving the updated Bylaws for the Citizens' Housing and Community Development Committee and the Housing Rehabilitation Loan Committee. (Funding Source: Not Applicable)
- Resolution approving updated Bylaws for the Citizens' Housing and Community Development Committee and the Housing Rehabilitation Loan Committee; and Rescinding Council Resolution Nos. 91-690 and 97-515 recommended.
- Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com*

ACTION: Resolution 2011-368 (Hawn/Lopez; 7/0) approving updated Bylaws for the Citizens' Housing and Community Development Committee and the Housing Rehabilitation Loan Committee; and Rescinding Council Resolution Nos. 91-690 and 97-515.

Consent – Councilmember Hawn absent due to conflict of interest

12. Consider approving the Public Art Committee proposed sculpture placement on the Virginia Corridor near Roseburg Square. (Funding Source: Donations)
- Resolution approving the Public Art Committee's proposed sculpture placement on the Virginia Corridor near Roseburg Square recommended.
- Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, wmathes@modestogov.com*

ACTION: Resolution 2011-369 (Lopez/Burnside; 6/0; Hawn absent due to conflict of interest) approving the Public Art Committee's proposed sculpture placement on the Virginia Corridor near Roseburg Square.

Consent

13. Consider approving an Agreement with Modesto Irrigation District in the amount of \$8,825.13, for the relocation of Modesto Irrigation District facilities located along Empire Avenue between Hillside Drive and Monterey Avenue required for the Empire Avenue Street Improvement Project. (Funding Source: CDBG)
- Resolution approving an Agreement between the City of Modesto and Modesto Irrigation District, in the amount of \$8,825.13, for the relocation of Modesto Irrigation District facilities along Empire Avenue, from Hillside Drive to Monterey Avenue; and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

ACTION: Resolution 2011-370 (Lopez/Burnside; 7/0) approving an Agreement between the City of Modesto and Modesto Irrigation District, in the amount of \$8,825.13, for the relocation of Modesto Irrigation District facilities along Empire Avenue, from Hillside Drive to Monterey Avenue; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

14. Consider approving an amendment to agreement with AECOM Technical Services, Inc. for additional scope of work not included in the original agreement for Final Design Services for Wellhead Treatment Well #3 - PCE Project in an amount not to

exceed \$28,482, for a maximum total agreement amount of \$134,064. (Funding Source: Water Fund-CIP)

- Resolution approving an amendment to agreement with AECOM Technical Services, Inc. (AECOM) for additional scope of work not included in the original agreement for Final Design Services for Wellhead Treatment Well #3 - PCE in an amount not to exceed \$17,980 for the identified scope of services, plus \$10,502 for additional services (if needed), for a maximum total amount of \$28,482, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-371 (Lopez/Burnside; 7/0) approving an amendment to agreement with AECOM Technical Services, Inc. (AECOM) for additional scope of work not included in the original agreement for Final Design Services for Wellhead Treatment Well #3 - PCE in an amount not to exceed \$17,980 for the identified scope of services, plus \$10,502 for additional services (if needed), for a maximum total amount of \$28,482, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

15. Consider approving the prequalified consultant list for as-needed preparation of Environmental Site Assessments for various Capital Improvement Program projects for a period not to exceed three years. (Funding Source: Various Water and Wastewater CIPs)

- Resolution approving the prequalified consultant list, consisting of Blackburn Consulting, Geological Technics Inc., Kleinfelder West, Inc., Stantec Consulting Corporation, ATC Associates Inc. and Provost & Pritchard Consulting Group, for as-needed preparation of Phase I, II and III Environmental Site Assessments for various Capital Improvement Program (CIP) projects for a period not to exceed three years recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-372 (Lopez/Burnside; 7/0) approving the prequalified consultant list, consisting of Blackburn Consulting, Geological Technics Inc., Kleinfelder West, Inc., Stantec Consulting Corporation, ATC Associates Inc. and Provost & Pritchard Consulting Group, for as-needed preparation of Phase I, II and III Environmental Site Assessments for various Capital Improvement Program (CIP) projects for a period not to exceed three years.

Consent

16. Consider accepting the work by George Reed, Inc. for the RSA Enhancement and Apron Rehabilitation Project as complete. (Total construction cost is \$756,273.01, with a total project cost of \$1,123,224.01) (Funding Source: Special Aviation Funds)

- Resolution accepting the work by George Reed Inc., for the RSA Enhancement and Apron Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling

\$756,273.01 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-373 (Lopez/Burnside; 7/0) accepting the work by George Reed Inc., for the RSA Enhancement and Apron Rehabilitation Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$756,273.01.

Consent

17. Consider (i) approving the plans and specifications for the Northwest Terminal Apron Reconstruction project, accepting the bid, and awarding a contract to Granite Construction Company, of Watsonville, California, in the amount of \$635,498.50, contingent on the funding from the FAA grant; (ii) authorizing the City Manager, or his designee, to execute all grant-related documents for the project; and (iii) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$158,859 in order to fully fund the construction, contingency, and construction administration. (Total estimated cost for the construction portion of the project is \$794,374) (Funding Source: Federal Grant Funds/Passenger Facility Charge Revenue)
- Resolution approving the plans and specifications for the Northwest Terminal Apron Reconstruction project, accepting the bid, and approving a contract to Granite Construction Company, of Watsonville, California, in the amount of \$635,498.50, contingent on the funding from the FAA grant, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution authorizing the City Manager, or his designee, to execute all grant-related documents under the Federal Aviation Administration Airport Improvement Program for the Northwest Terminal Apron Reconstruction project recommended.
 - Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$158,859 in order to fully fund the construction, contingency, and construction administration for the Northwest Terminal Apron Reconstruction project recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-374 (Lopez/Burnside; 7/0) approving the plans and specifications for the Northwest Terminal Apron Reconstruction project, accepting the bid, and approving a contract to Granite Construction Company, of Watsonville, California, in the amount of \$635,498.50, contingent on the funding from the FAA grant, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-375 (Lopez/Burnside; 7/0) authorizing the City Manager, or his designee, to execute all grant-related documents under the Federal Aviation Administration Airport Improvement Program for the Northwest Terminal Apron Reconstruction project.

ACTION: Resolution 2011-376 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011-2012 Capital Improvement Program budget in the amount of \$158,859 in order to fully fund the construction, contingency, and construction administration for the Northwest Terminal Apron Reconstruction project.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

18. Consider approving the plans and specifications for the ARRA Modesto Centre Plaza Lighting Improvements project, accepting the bid, and approving an Agreement with Collins Electrical Company, Inc., Modesto, CA, in the amount of \$665,237.00; and amending the fiscal year 2011-2012 Capital Improvement Program Budget in order to fully fund the project. Total estimated project cost is \$811,043.00, which includes Design/Construction Documents, Construction, Construction Contingency and Construction Administration (Funding Source: Federal American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grant Fund Program (ARRA EECBG) & Solid Waste Fund)

- Resolution approving the Plans and Specifications for the American Recovery and Reinvestment Act (ARRA) Modesto Centre Plaza Lighting Improvements project, accepting the bid, and approving an Agreement with Collins Electrical Company, Inc., Modesto, CA, in the amount of \$665,237.00 for the ARRA Modesto Centre Plaza Lighting Improvements project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the American Recovery and Reinvestment Act Modesto Centre Plaza Lighting Improvements project recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-377 (Lopez/Hawn; 7/0) approving the Plans and Specifications for the American Recovery and Reinvestment Act (ARRA) Modesto Centre Plaza Lighting Improvements project, accepting the bid, and approving an Agreement with Collins Electrical Company, Inc., Modesto, CA, in the amount of \$665,237.00 for the ARRA Modesto Centre Plaza Lighting Improvements project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-378 (Lopez/Hawn; 7/0) amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the American Recovery and Reinvestment Act Modesto Centre Plaza Lighting Improvements project.

19. Consider approving the plans and specifications for the Primary Outfall Rehabilitation Project – Phase II, accepting the bid, and approving a contract with K.J. Woods Construction, Inc., of San Francisco, California, in the amount of \$6,528,000. (Total estimated cost for this portion of the project is \$7,964,160) (Funding Source: Wastewater Fund)

- Resolution approving the plans and specifications for the Primary Outfall Rehabilitation Project – Phase II, accepting the bid, and approving a contract with K.J. Woods Construction, Inc., of San Francisco, California, in the amount of

\$6,528,000, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; William Wong, 571-5801, Wwong@modestogov.com

ACTION: Resolution 2011-379 (Hawn/Lopez; 7/0) approving the plans and specifications for the Primary Outfall Rehabilitation Project – Phase II, accepting the bid, and approving a contract with K.J. Woods Construction, Inc., of San Francisco, California, in the amount of \$6,528,000, and authorizing the City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on August 17, 2011

20. Hearing to consider an application by GV Land Development Solutions to rezone an undeveloped 0.91-acre parcel from Medium-High Density Residential Zone (R-3) to Professional Office Zone (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (Funding Source: Not applicable)
- Motion introducing an ordinance amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (GV Land Development Solutions) recommended.
 - Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 21-3-9 of the Zoning Map to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (GV Land Development Solutions) recommended.

Community & Economic Development; David Wage, 577-5267, dwage@modestogov.com

ACTION: Motion (Lopez/Marsh; 7/0) introducing **Ordinance No. 3551-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (GV Land Development Solutions).

ACTION: Resolution 2011-380 (Lopez/Marsh; 7/0) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Amending Section 21-3-9 of the Zoning Map to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (GV Land Development Solutions).

Published in the Modesto Bee on August 17, 2011

21. Hearing to consider amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for

Electronic Message Board and Video Signs. (Funding Source: Not applicable)

- Motion introducing an ordinance amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for Electronic Message Board and Video Signs recommended.

*Community & Economic Development; David Wage, 577-5267,
dwage@modestogov.com*

ACTION: Motion (Lopez/Marsh; 7/0) introducing Ordinance No. 3552-C.S. amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for Electronic Message Board and Video Signs.

Published in the Modesto Bee on August 2, 2011 and Vida on August 3, 2011

22. Hearing to consider approval of the draft City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2010-11. (Funding Source: Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) Funds)

- Resolution approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2010-11 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the Consolidated Annual Performance and Evaluation Report recommended.

Parks, Recreation & Neighborhoods; Judith Ray, 577-5351, jray@modestogov.com

ACTION: Resolution 2011-381 (Hawn/Burnside; 7/0) approving the submission of the City of Modesto Consolidated Annual Performance and Evaluation Report for Fiscal Year 2010-11 to the Department of Housing and Urban Development, and authorizing the City Manager, or his designee, to execute all documents related to the submission of the Consolidated Annual Performance and Evaluation Report.

Published in the Modesto Bee on August 17, 2011

23. Hearing to consider authorizing the creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot. (Funding Source: Airport Reserves)

- Resolution authorizing the creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-382 (Lopez/Burnside; 7/0) authorizing the creation of an alternative parking option at the Modesto City/County Airport and establish a \$5.00 per day parking fee for those using the alternative parking lot.

NEW BUSINESS

24. Consider authorizing the Purchasing Manager to issue a formal Request for Proposal for a managed competition process for the management, maintenance, and operations of the Modesto Centre Plaza. (Funding Source: Community Center Operations)

- Resolution authorizing the Purchasing Manager to issue a formal Request for

Proposal (RFP) for a managed competition process for management, maintenance, and operations of the Modesto Centre Plaza. recommended.

Finance; Mark L. Averell, 577-5412, maverell@modestogov.com

ACTION: Resolution 2011-383 (Hawn/Burnside; 6/1; Lopez no) authorizing the Purchasing Manager to issue a formal Request for Proposal (RFP) for a managed competition process for management, maintenance, and operations of the Modesto Centre Plaza.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Name of case: City of Modesto Redevelopment Agency, et al v. The Dow Chemical Company, et al.

San Francisco Superior Court No. 98-999345 and

City of Modesto, et al. v. The Dow Chemical Company, et al.
San Francisco Superior Court No. 98-999643

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES

City of Modesto
SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, September 7, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Also Present: Councilmember Muratore
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider accepting an update from City Staff regarding status of work on formulating a Problematic Property Owner response plan.
City Attorney; Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: No reportable action.

2. Consider accepting a report from the City of Modesto Blue Ribbon Commission on Homelessness.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: **Motion (Lopez/Geer;unan.)** returning to the November 10, 2011 (to be rescheduled from November 7, 2011) Safety & Communities Committee meeting after receipt of public input to the Commission and Councilmembers.

NEW BUSINESS

3. Consider accepting an informational report regarding Modesto's Crime Statistics for January through June 2011 as compared to January through June 2010.
Police; Gene Balentine, 572-9505, balentineg@modestopd.com

ACTION: **Motion (Lopez/Geer;unan.)** accepting an informational report regarding Modesto's Crime Statistics for January through June 2011 as compared to January through June 2010.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 p.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, September 12, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Joe Muratore, Brad Hawn and Stephanie Burnside
Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: No reportable action.

NEW BUSINESS

Councilmember Muratore absent due to conflict of interest

2. Consider approving street Improvements for the eastbound Briggsmore Avenue to Southbound McHenry Avenue Project. (Funding Source: Capital Facilities Fees - Oracle Project No. 100031)
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: **Motion (Hawn/Burnside;Muratore absent due to conflict of interest)** approving street Improvements for the eastbound Briggsmore Avenue to Southbound McHenry Avenue Project.

3. Consider approving appointments to fill four (4) positions on the Airport Advisory Committee for the Modesto City-County Airport and forwarding to Council for approval.

(Funding Source: Not Applicable)

Public Works; Dennis Turner, 341-2906, DTurner@modestogov.com

ACTION: **Motion (Hawn/Burnside;unan.)** approving the appointments of Allan Ramsay, John D. Ruley, Jeffrey R. Darnell and Andrew Saucedo to the Airport Advisory Committee for the Modesto City-County Airport and forwarding to Council for approval

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:56 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 13, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Vice Mayor Hawn made announcement regarding Mayor Ridenour.

Invocation: Jeff Pishney, Big Valley Grace Community Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Item 9 - Muratore

Reports from Closed Session - City Attorney Wood reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation and acknowledgement of the 75th Anniversary of Sciabica's Oil of the Olive – Nick Sciabica & Sons and their contributions to the Modesto community.
(Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

Vice-Mayor Hawn acknowledged the 75th Anniversary of Sciabica's Oil of the Olive – Nick Sciabica & Sons and their contributions to the Modesto community.

2. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
*Community & Economic Development; Laurie Smith, 577-5347 ,
lsmith@modestogov.com*

Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Never Boring Designs, Tri-Counties Bank, and MedAmerica Billing Services.

3. Presentation recognizing Bertolotti Disposal, Inc. for their participation and support of the Paradise South Weed and Seed U.S. Department of Justice Grant which has benefited the West Modesto Community from 2006-2011. (Funding Source: Not

Applicable)
*Parks, Recreation & Neighborhoods; Karin Rodriguez, 577-5453,
krodriguez@modestogov.com*

Presentation was made by Councilmember Dave Geer to Bertolotti Disposal, Inc. for their participation and support of the Paradise South Weed and Seed U.S. Department of Justice Grant which has benefited the West Modesto Community from 2006-2011.

- 4. Presentation by the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2010 to the City of Modesto. (Funding Source: Not Applicable)
Finance; Gloriette Beck, 577-5369, gbeck@modestogov.com

Presentation was made by the City Manager to the Finance Department awarding the Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting Program for Fiscal Year 2010 to the City of Modesto.

PUBLIC COMMENT PERIOD

- Carmen Sabatino spoke regarding the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2010-11
- Denise Cannistrac spoke regarding City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2010-11. Vice Mayor Hawn requested Julie Hannon, Parks, Recreation & Neighborhoods Director, return to the next Council meeting with more information.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 10

ACTION CONSENT ITEMS 5-8, 10: (Lopez/Burnside;unan.)
ACTION CONSENT ITEM: 9: (Lopez/Burnside; majority; Muratore absent due to conflict of interest)

CONSENT ITEMS

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

Consent

- 5. Consider approving the minutes of the City Council meeting of September 6, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes from the September 6, 2011 City Council meeting.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving the minutes from the September 6, 2011 City Council meeting.

Consent

6. Consider approving final adoption of **Ordinance No. 3551-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3551-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving final adoption of **Ordinance No. 3551-C.S.** amending Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from Medium-High Density Residential, (R-3), to Professional Office, (P-O), property located on the south side of East Granger Avenue, east of McHenry Avenue at 200 East Granger Avenue.

Consent

7. Consider approving final adoption of **Ordinance No. 3552-C.S.** amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for Electronic Message Board and Video Signs. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3552-C.S.** amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for Electronic Message Board and Video Signs recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving final adoption of **Ordinance No. 3552-C.S.** amending Sections 10-2.2102 and 10-2.2114 of Article 21 of Chapter 2 of Title 10 of the Municipal Code to expand the uses eligible to apply for Electronic Message Board and Video Signs.

Consent

8. Consider approving the installation of angled parking on the east side of 10th Street, between I and J Streets, in the City of Modesto, and rescinding Resolution No. 2011-050. (Funding Source: Gas Tax)

- Resolution approving the installation of angled parking on the east side of 10th Street between I and J Streets, in the City of Modesto, and rescinding Resolution No. 2011-050 recommended.

Community & Economic Development; Jeffrey L. Barnes, 577-5468, jlbarnes@modestogov.com

ACTION: Resolution 2011-384 (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving the installation of angled parking on the east side of 10th Street between I and J Streets, in the City of Modesto, and rescinding Resolution No. 2011-050.

Consent – *Councilmember Muratore absent due to conflict of interest*

9. Consider authorizing the award of proposal for the furnishing of forms printing and mailing services for the Department of Finance, Customer Service Division, to ABS Direct, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$146,270, and over five (5) years of \$731,350. (Funding Source: Water Fund)
- Resolution authorizing the award of proposal for the furnishing of forms printing and mailing services for the Finance Department, Customer Service Division, to ABS Direct, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$146,270 recommended.

Finance; Ken Masasso,, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2011-385 (Lopez/Burnside; 5/0; Muratore absent due to conflict of interest, Mayor Ridenour absent) authorizing the award of proposal for the furnishing of forms printing and mailing services for the Finance Department, Customer Service Division, to ABS Direct, Inc., Modesto, CA, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and authorizing the Purchasing Manager, or his designee, to issue a purchase agreement for an estimated annual cost of \$146,270.

Consent

10. Consider approving the quarterly adjustments to the maximum rate schedule for City residential and commercial solid waste collection services, to become effective October 1, 2011, and rescinding Resolution No. 2011-255. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2011, including fuel cost; and rescinding Resolution No. 2011-255 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2011-386 (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective October 1, 2011, including fuel cost; and rescinding Resolution No. 2011-255.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez announced September 17, 2011 - Taking it to the Streets in Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 24, 2011

11. Hearing to consider the application of L Street Architects to rezone 2.75 acres of

property located on the west side of Oakdale Road opposite of Morningside Drive, from Low-Density Residential (R-1) to Planned Development Zone, P-D(593) to allow for the establishment of a single-story 25,000 square foot medical office building and associated parking. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects) recommended.
- Resolution approving a Development Plan for Planned Development Zone, P-D(593) (L Street Architects) recommended.
- Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 22-3-9 of the Zoning Map to rezone from Low-Density Residential, R-1 Zone to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects) recommended.

*Community & Economic Development; Katharine Martin, 577-5267,
kamartin@modestogov.com*

ACTION: Motion (Lopez/Marsh; 6/0; Mayor Ridenour absent) introducing Ordinance 3553-C.S. amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects).

ACTION: Resolution 2011-387 (Lopez/Marsh; 6/0; Mayor Ridenour absent) approving a Development Plan for Planned Development Zone, P-D(593) (L Street Architects).

ACTION: Resolution 2011-388 (Lopez/Marsh; 6/0; Mayor Ridenour absent) finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (State Clearinghouse No. 2007072023): Amendment of Section 22-3-9 of the Zoning Map to rezone from Low-Density Residential, R-1 Zone to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:18 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 20, 2011, at 10:00 a.m.

Roll Call Present: Councilmembers Muratore and Geer
Absent: Mayor Ridenour
Also Present: Vice Mayor Hawn

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

Mayor Ridenour absent

1. Consider an Internal Audit Status Report (mid-August to mid-September, 2011) by Moss Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: **Motion (Geer; Muratore; Mayor Ridenour absent)** moving the City of Modesto Centre Plaza Outsourcing RFP deadline from October 25, 2011 to November 8, 2011 and authorizing staff to forward copies of RFI results to the labor groups.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:40 a.m.

**FINANCE COMMITTEE / COUNCIL
WORKSHOP**

Second Floor, Room 2005

1010 10th Street

Modesto, California

Monday, September 26, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh, Stephanie Burnside

Absent: None

Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider recommending approval and implementation of the Economic Development Incentive Program. (Funding Source: Not Applicable)
Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: **Motion (Marsh/Burnside;unan.)** approving implementation of the Economic Development Incentive Program, including additional input from meeting, and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING*
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 27, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour*
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House Church

Mayor Ridenour thanked everyone for the cards and flowers; he will be at next week's Council meeting in person.

City Clerk's Announcements - Item 8 - Removed from Agenda

Declaration of Conflicts of Interest - Item 14 - Muratore

Reports from Closed Session - City Attorney Wood reported on Closed Session matter.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Employee Commitment Video. (Funding Source: Not Applicable)
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: City Manager Greg Nyhoff presented the Employee Commitment Video.

2. Presentation of Proclamation proclaiming September 17-October 15, 2011 National Hispanic Heritage Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice-Mayor Hawn presented a proclaiming September 17-October 15, 2011 National Hispanic Heritage Month.

3. Oral update on City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) and Neighborhood Stabilization Program 2 (NSP2) by Parks, Recreation & Neighborhoods. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Julie Hannon, Director of Parks, Recreation & Neighborhoods. gave an update on City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) and Neighborhood Stabilization Program 2 (NSP2) by Parks, Recreation & Neighborhoods.

MISCELLANEOUS

Legislation
Appointments
Other

4. Consider approving the appointment of Donald Phillips to the Downtown Improvement District Advisory Board. (Funding Source: Not Applicable)
- Resolution appointing Donald Phillips to the Downtown Improvement District Advisory Board recommended.
- City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

ACTION: Resolution 2011-389 (Lopez/Muratore; 7/0) appointing Donald Phillips to the Downtown Improvement District Advisory Board.

PUBLIC COMMENT PERIOD

A citizen spoke regarding putting a cross walk or stop light at Crows Landing Road and Imperial Road.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 11

ACTION CONSENT ITEMS 5-7; 9-11: (Lopez/Burnside; 7/0)

CONSENT ITEMS

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

Consent

5. Consider approving the minutes of the City Council meeting of September 13, 2011. (Funding Source: Not Applicable)
- Motion approving the minutes of the City Council meeting of September 13, 2011 recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes of the City Council meeting of September 13, 2011.

Consent

6. Consider approving final adoption of **Ordinance No. 3553-C.S.** amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects). (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3553-C.S.** amending Section

22-3-9 of the Zoning Map to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects) recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving final adoption of **Ordinance No. 3553-C.S.** amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(593), property located on the west side of Oakdale Road opposite Morningside Drive (L Street Architects).

Consent

7. Consider approving a recommendation from Modesto Sister Cities International (MSCI) to enter into a Friendship and Exchange Agreement between the cities of Modesto, California, USA, and Laval, France. (Funding Source: Not Applicable)
- Resolution authorizing the Mayor of the City of Modesto or his designee to sign an Agreement with the City of Laval, France to establish a sister city relationship recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-390 (Lopez/Burnside; 7/0) authorizing the Mayor of the City of Modesto or his designee to sign an Agreement with the City of Laval, France to establish a sister city relationship.

Removed from Agenda

8. Consider authorizing the award of bids for the purchase of one transfer truck with trailer, and four (4) Dump Trucks for the Department of Public Works, Fleet Services Division, to the following companies: Pape Trucks, French Camp, CA, for one transfer truck and trailer for an estimated total cost of \$166,432, Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,787, and Delta Truck Center, French Camp, CA, for three (3) fourteen (14) yard dump trucks for a total estimated cost of \$376,861, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$596,080. (Funding Source: Fleet Replacement Funds and Water Division Funds)
- Resolution authorizing the award of bids for the purchase of one transfer truck with trailer and four (4) Dump Trucks for the Public Works Department, Fleet Services Division, to the following companies: Pape Trucks, French Camp, CA, for one transfer truck and trailer for an estimated total cost of \$166,432, Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,787, and Delta Truck Center, French Camp, CA, for three (3) fourteen (14) yard dump trucks for a total estimated cost of \$376,861, and authorizing the Purchasing Manager, or his designee, to issue purchase orders for a total estimated cost of \$596,080 recommended.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Removed from Agenda.

Consent

9. Consider accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint

award with the County of Stanislaus and the City of Modesto, in the amount of \$186,199. (Funding Source: Special Revenue Fund-Federal Police Grant)

- Resolution accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$186,199; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
- Resolution amending the Multi-Year 2011/2012 Operating Budget, estimating revenue of \$127,568 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds recommended.

Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2011-391 (Lopez/Burnside; 7/0) accepting the Edward Byrne Memorial Justice Assistance Grant, for a joint award with the County of Stanislaus and the City of Modesto in the amount of \$186,199; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2011-392 (Lopez/Burnside; 7/0) amending the Multi-Year 2011/2012 Operating Budget, estimating revenue of \$127,568 from the Edward Byrne Memorial Justice Assistance Grant Program, and appropriating funds.

Consent

10. Consider approving an Amendment to the Agreement with RMC Water and Environment (RMC) for on-call grant researching and writing services for various City utility-related projects in an amount not to exceed \$40,000 per year, with two (2) one (1) year extensions, at the sole discretion of the City. (Funding Source: Water/Wastewater Funds)

- Resolution approving an Amendment to Agreement with RMC Water and Environment for on-call grant researching and writing services for various City utility-related projects, in an amount not to exceed \$40,000 per year; with two (2) one (1) year extensions, at the sole discretion of the City and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-393 (Lopez/Burnside; 7/0) approving an Amendment to Agreement with RMC Water and Environment for on-call grant researching and writing services for various City utility-related projects, in an amount not to exceed \$40,000 per year; with two (2) one (1) year extensions, at the sole discretion of the City and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

11. Consider approving an agreement with Brown and Caldwell for Design Support During Construction (DSDC) for the “Primary Outfall Rehabilitation Project - Phase 2” in the amount of \$154,394. (Total estimated cost for the DSDC portion for the project is \$169,833) (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project – Phase 2 in an amount not to exceed \$140,358 for the identified scope of services, plus \$14,036 for additional services (if needed), for a maximum total amount of \$154,394, and

authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-394 (Lopez/Burnside; 7/0) approving an agreement with Brown and Caldwell for design support during construction of the Primary Outfall Rehabilitation Project – Phase 2 in an amount not to exceed \$140,358 for the identified scope of services, plus \$14,036 for additional services (if needed), for a maximum total amount of \$154,394, and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

12. Consider correspondence received from Mr. Charles R. Evins, II regarding a request of abandonment of sanitary sewer easement between State Highway 99 and 315 6th Street (APN 103-009006). (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: This item was referred by the City Manager to return to the next Council meeting.

Mayor Ridenour left meeting at 6:55 p.m.

UNFINISHED BUSINESS

13. Consider approving a Joint Powers Authority Agreement between the Cities of Ceres, Modesto, and Turlock to form the Stanislaus Regional Water Authority (SRWA) for the purpose of directing the future of the proposed Regional Surface Water Supply Project (RSWSP). (Funding Source: Water Fund)
 - Resolution approving a Joint Powers Authority Agreement between the Cities of Ceres, Modesto, and Turlock to form the Stanislaus Regional Water Authority (SRWA) for the purpose of directing the future of the proposed Regional Surface Water Supply Project (RSWSP), and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Utility Planning and Projects; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: Resolution 2011-395 (Lopez/Marsh; 6/0; Mayor Ridenour absent) approving a Joint Powers Authority Agreement between the Cities of Ceres, Modesto, and Turlock to form the Stanislaus Regional Water Authority (SRWA) for the purpose of directing the future of the proposed Regional Surface Water Supply Project (RSWSP), and authorizing the City Manager, or his designee, to execute the Agreement.

Councilmember Muratore absent due to conflict of interest

14. Consider approving the plans and specifications for the 2010 Sanitary Sewer Collection System Replacement, accepting the bid, and approving a contract with J.W. Ebert Corp of San Jose, California, in the amount of \$1,142,002. (Total estimated cost for this portion of the project is \$1,349,722) (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the 2010 Sanitary Sewer Collection System Replacement project, accepting the bid, and approving a contract with J.W. Ebert Corp of San Jose, California, in the amount of \$1,142,002, and authorizing the City Manager, or his designee, to execute the contract recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-396 (Lopez/Burnside; 5/0; Muratore absent due to conflict of interest, Mayor Ridenour absent) approving the plans and specifications for the 2010 Sanitary Sewer Collection System Replacement project, accepting the bid, and approving a contract with J.W. Ebert Corp of San Jose, California, in the amount of \$1,142,002, and authorizing the City Manager, or his designee, to execute the contract.

NEW BUSINESS

15. Consider accepting the Annual Investment Report for Fiscal Year 2010-11. (Funding Source: Not Applicable)
- Motion accepting the Investment Report for the 2010-11 fiscal year recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Marsh/Burnside; 6/0; Mayor Ridenour absent) accepting the Investment Report for the 2010-11 fiscal year.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:28 p.m.

CLOSED SESSION

Closed Session Matter Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, October 3, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider approving the proposed Problematic Property Owner Enforcement Policy and its implementation, and forwarding to Council for approval.
City Attorney, Susana Alcala Wood, 577-5284, swood@modestogov.com

ACTION: **Motion (Geer/Lopez;unan.)** approving the proposed Problematic Property Owner Enforcement Policy and its implementation, and forwarding to Council for approval

2. Consider approving: (i) creation of a multi-year fund and budget to be used for the abatement of public nuisance and dangerous property violations; and (ii) appropriating the initial funding of \$30,000; costs to be recovered through property liens and forwarding to Council for approval.
Community & Economic Development, William Crew, 577-5351, wcrew@modestogov.com

ACTION: **Motion (Lopez/Geer;unan.)** approving the creation of a multi-year fund and budget to be used for abatement of public nuisance and dangerous property violations; and appropriating the initial funding of \$50,000 to be recovered through property liens and fines through an Enterprise Fund and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:45 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 04, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Marsh, Muratore, Mayor Ridenour
Absent: Councilmember Lopez

Pledge of Allegiance to the Flag

Invocation: Joel Richards, Pastor of La Loma Grace Brethren Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring October 2011 as National Disability Employment Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring October 2011 as National Disability Employment Awareness Month.

PUBLIC COMMENT PERIOD

- A citizen spoke regarding permits in the City of Modesto. Mayor Ridenour referred him to Brent Sinclair, Director of Community & Economic Development.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6

ACTION CONSENT ITEMS 2-6: (Muratore/Burnside; unan.; Lopez absent)

CONSENT ITEMS

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

Councilmember.

Consent

2. Consider approving the minutes of the City Council meeting of September 27, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of September 27, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Muratore/Burnside; 6/0; Lopez absent) approving the minutes of the City Council meeting of September 27, 2011.

Consent

3. Consider authorizing the award of bids for the purchase of four (4) Dump Trucks for the Department of Public Works, Fleet Services Division, to the following companies: Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,787, and Delta Truck Center, French Camp, CA, for three (3), fourteen yard dump trucks for a total estimated cost of \$376,861, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$429,648. (Funding Source: Fleet Replacement Funds and Water Division Funds)
 - Resolution authorizing the award of bids for the purchase of four (4) Dump Trucks for the Department of Public Works, Fleet Services Division, to the following companies: Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,787, and Delta Truck Center, French Camp, CA, for three (3), fourteen yard dump trucks for a total estimated cost of \$376,861, and authorizing the Purchasing Manager or his designee to issue a purchase orders for a total estimated cost of \$429,648 recommended.
Finance; Meagan Torres , 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-397 (Muratore/Burnside; 6/0; Lopez absent) authorizing the award of bids for the purchase of four (4) Dump Trucks for the Department of Public Works, Fleet Services Division, to the following companies: Razzari Ford, Merced, CA, for one 3-4 yard dump truck for an estimated total cost of \$52,787, and Delta Truck Center, French Camp, CA, for three (3), fourteen yard dump trucks for a total estimated cost of \$376,861, and authorizing the Purchasing Manager or his designee to issue a purchase orders for a total estimated cost of \$429,648.

Consent

4. Consider: (i) accepting the 2012 Selective Traffic Enforcement Program (STEP) Grant in the amount of \$285,000 from the Office of Traffic Safety (OTS); and (ii) amending the FY2011/12 Operating and Multi-Year Grant Budget, estimating revenue of \$285,000 for the STEP Grant. (Funding Source: Intergov - State - Misc. Grants)
 - Resolution accepting the 2012 Selective Traffic Enforcement Program Grant in the amount of \$285,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents recommended.
 - Resolution amending the Fiscal Year 2011-2012 Operating and Multi-Year Grant

Budget to reflect revenue and expenses in the amount of \$285,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations recommended.

Police; Scott Blom, 572-9678, bloms@modestopd.com

ACTION: Resolution 2011-398 (Muratore/Burnside; 6/0; Lopez absent) accepting the 2012 Selective Traffic Enforcement Program Grant in the amount of \$285,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations; and authorizing the City Manager, or his authorized designee, to execute the necessary documents.

ACTION: Resolution 2011-399 (Muratore/Burnside; 6/0; Lopez absent) amending the Fiscal Year 2011-2012 Operating and Multi-Year Grant Budget to reflect revenue and expenses in the amount of \$285,000 related to the Selective Traffic Enforcement Program Grant to Increase Enforcement for Speed, DUI, and Other Special Traffic Enforcement Operations.

Consent

5. Consider approving an Agreement with Blackburn Consulting for construction management services for the Primary Outfall Rehabilitation Project Phase II in an amount not to exceed \$542,910.70. (Total estimated project cost for Phase II: \$7,893,544) (Funding Source: Wastewater Funds)
 - Resolution approving an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase II in an amount not to exceed \$493,555.18 for the identified scope of services, plus \$49,355.52 for additional services (if needed), for a maximum total amount of \$542,910.70, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-400 (Muratore/Burnside; 6/0; Lopez absent) approving an Agreement with Blackburn Consulting for construction management services of the Primary Outfall Rehabilitation Project Phase II in an amount not to exceed \$493,555.18 for the identified scope of services, plus \$49,355.52 for additional services (if needed), for a maximum total amount of \$542,910.70, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

6. Consider approving the plans and specifications for the Jennings Wastewater Treatment Plant Potable Water Supply Project, accepting the bid, and approving a contract with Conco-West, Inc. of Manteca, California, in the amount of \$322,105. (Total estimated cost for this portion of the project is \$409,969) (Funding Source: Wastewater Fund)
 - Resolution approving the plans and specifications for the Jennings Wastewater Treatment Plant Potable Water Supply Project, accepting the bid, and approving a contract with Conco-West, Inc. of Manteca, California, in the amount of \$322,105 for the Jennings Wastewater Treatment Plant Potable Water Supply Project, and authorizing the City Manager, or his designee, to execute the contract

recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-401 (Muratore/Burnside; 6/0; Lopez absent) approving the plans and specifications for the Jennings Wastewater Treatment Plant Potable Water Supply Project, accepting the bid, and approving a contract with Conco-West, Inc. of Manteca, California, in the amount of \$322,105 for the Jennings Wastewater Treatment Plant Potable Water Supply Project, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

- Councilmember Geer thanked Bruce Lockard and his Parks, Recreation & Neighborhoods staff for their work on the 4th Street Park Reunion on Saturday, October 4, 2011.
- Mayor Ridenour announced that Councilmember Lopez was in Laval, France for Modesto Sister Cities International representing the City of Modesto.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on September 18, 2011

7. Hearing to consider introducing an Ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts, to extend the Contracting Authority of the City Manager for public works projects consisting of the design, purchase, and construction of the Modesto Police Officer Memorial for an amount not to exceed \$125,000.00. (Funding Source: Not Applicable)
 - Motion introducing an Ordinance amending Section 8-3.102 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts recommended.
Police; Joel Broumas, 572-9821, BroumasJ@Modestopd.com

ACTION: Motion (Burnside/Muratore; 6/0; Lopez absent) introducing **Ordinance No. 3554-C.S.** amending Section 8-3.102 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

8. Hearing to consider an administrative appeal from Charles Evins II from final decisions made by city staff regarding (i) denial of a fee waiver request by for an alley abandonment application for property located at 315 6th Street; and (ii) denial of a fee waiver request for an encroachment permit for property located at 1113 5th Street. (Funding Source: General Fund)
 - Motion denying the fee waiver request by Charles Evins II for an alley abandonment application as an appeal of an administrative decision for property located at 315 6th Street recommended.

- Motion denying the fee waiver request for plan check, encroachment permit and construction inspection by Charles Evins II as an appeal of an administrative decision for property located at 1113 5th Street

*Community & Economic Development; Steve Mitchell, 577-5287,
smitchell@modestogov.com*

ACTION: Motion (Marsh/Geer; 6/0; Lopez absent) denying the fee waiver request by Charles Evins II for an alley abandonment application as an appeal of an administrative decision for property located at 315 6th Street.

ACTION: Motion (Marsh/Geer; 6/0; Lopez absent) denying the fee waiver request for plan check, encroachment permit and construction inspection by Charles Evins II as an appeal of an administrative decision for property located at 1113 5th Street.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:15 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

1. Property: Acquisition of 3.96 acres for the following project:
(Del Rio Tank Site)
718 Ladd Road and St. John Road
(APNs: 004-077-018 and 004-077-019)

Negotiating parties: Jon Yuriar, City Property Agent
Under negotiation: Price and terms of purchase.

2. Property: Acquisition of 0.5 acres for the following project:
(Del Rio Well Site)
Northwest corner of McHenry Avenue and Stewart Road
(APN: 004-102-003)

Negotiating parties: Jon Yuriar, City Property Agent
Under negotiation: Price and terms of purchase.

3. Property: Acquisition of 1.46 acres for the following project:
(Del Rio Tank Site)
6520 Carver Road
(APN: 004-075-047)

Negotiating parties: Jon Yuriar, City Property Agent
Request to withdraw City's offer to purchase.

4. Property: Acquisition of temporary construction easement for the following project:

(Downstream Water Tier 2 PRVs)
Oakdale Road and Sylvan Avenue
(APN: 052-063-025)

Negotiating Parties: Jon Yuriar, City Property Agent
Under negotiation: Price and terms of temporary construction easement

5. Property: Acquisition of permanent utilities and temporary construction easements for the following project:

(Downstream Water Tier 2 PRVs)

Oakdale Road and Mable Avenue
(APN: 083-004-041)

Negotiating parties: Jon Yuriar, City Property Agent
Under negotiation: Price and terms of permanent utilities and temporary construction easement

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, October 10, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Brad Hawn and Stephanie Burnside
Absent: Councilmember Joe Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

CONSENT

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

Consent

1. Consider receiving status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; H. Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: **Motion (Burnside/Hawn; Muratore absent)** accepting a status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

2. Consider extending the deferral of Capital Facilities Fees (CFF), water connection fees, and wastewater capacity fees for single-family residential permits until final inspection for a period of one year. (Funding Source: Capital Facilities Fees, Water, and Wastewater)
Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: **Motion (Burnside/Hawn; Muratore absent)** not extending the deferral of Capital Facilities Fees (CFF), water connection fees, and wastewater capacity fees for single-family residential permits until final inspection.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:47 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 11, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements - Items 4, 5 and 12 continued to the October 25, 2011 Council meeting

Declaration of Conflicts of Interest - Item 9 – Hawn; Item 11 - Muratore

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged The Choku Rei Center and Valley Spirits.

2. Presentation to the Modesto Nuts Professional Baseball Club for being named the California League's Organization of the Year. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Hawn acknowledged the Modesto Nuts Professional Baseball Club for being named the California League's Organization of the Year.

3. Presentation of a Proclamation declaring October 9-15, 2011 as Fire Prevention Week. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Vice Mayor Hawn presented a Proclamation declaring October 9-15, 2011 as Fire

Prevention Week.

- 4. Presentation by the Community & Economic Development Department awarding the American Planning Association Award for Downtown Core Zone and Neighborhood Compatibility Guidelines to the City of Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

ACTION: Continued to the October 25, 2011 Council meeting.

- 5. Presentation of American Planning Association awards to the Valley Futures Forum. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

ACTION: Continued to the October 25, 2011 Council meeting.

MISCELLANEOUS

- Legislation
- Appointments
- Other

- 6. Consider approving the appointments of Jeffrey R. Darnell, John D. Ruley, Ralph Andrew Saucedo, and Allan Ramsay to the Airport Advisory Committee for the Modesto City-County Airport. (Funding Source: Not Applicable)
 - Resolution appointing Jeffrey R. Darnell, John D. Ruley, Ralph Andrew Saucedo, and Allan Ramsay to the Airport Advisory Committee for the Modesto City-County Airport recommended.
Public Works; Jerome Thiele, 577-5319 , jthiele@modestogov.com

ACTION: Resolution 2011-402 (Lopez/Burnside; Mayor Ridenour absent; 6/) appointing Jeffrey R. Darnell, John D. Ruley, Ralph Andrew Saucedo, and Allan Ramsay to the Airport Advisory Committee for the Modesto City-County Airport.

PUBLIC COMMENT PERIOD

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 12

ACTION ITEMS 7-8; 10: (Lopez/Burnside;unan.; Mayor Ridenour absent)
ACTION ITEM: 9: (Lopez/Burnside; unan.; Hawn absent due to conflict of interest; Mayor Ridenour absent)
ACTION ITEM 11: (Marsh/Burnside;unan.; Muratore absent due to conflict of interest; Mayor Ridenour absent)

CONSENT ITEMS

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

Consent

7. Consider approving the minutes of the City Council meeting of October 4, 2011. (Funding Source: Not Applicable)
- Motion approving the minutes of the City Council meeting of October 4, 2011 recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving the minutes of the City Council meeting of October 4, 2011.

Consent

8. Consider approving final adoption of Ordinance 3554-C.S.amending Section 8-3.102 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts. (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3554-C.S.**amending Section 8-3.102 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving final adoption of **Ordinance No. 3554-C.S.**amending Section 8-3.102 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts.

Consent – *Councilmember Hawn absent due to conflict of interest*

9. Consider approving a request by the Downtown Improvement District for the use of downtown sidewalks for a sale by downtown merchants on October 19, 20, and 21, 2011. (Funding Source: Not Applicable)
- Motion approving a request by the Downtown Improvement District for the use of downtown sidewalks for a sale by downtown merchants on Wednesday, October 19, 2011 from 10:00 a.m. to 6:00 p.m., Thursday, October 20, 2011 from 10:00 a.m. to 9:00 p.m., and Friday, October 21, 2011 from 10:00 a.m. to 6:00 p.m. recommended.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: Motion (Lopez/Burnside; 5/0; Hawn absent due to conflict of interest, Mayor Ridenour absent) approving a request by the Downtown Improvement District for the use of downtown sidewalks for a sale by downtown merchants on Wednesday, October 19, 2011 from 10:00 a.m. to 6:00 p.m., Thursday, October 20, 2011 from 10:00 a.m. to 9:00 p.m., and Friday, October 21, 2011 from 10:00 a.m. to 6:00 p.m.

Consent

10. Consider approving an agreement with Yosemite and Creekwood, Inc., Cypress Equities Group III, L.P., and Bearden Family Limited to abandon a portion of access ways relating to property located on the north side of Yosemite Boulevard east of McClure Road. (Funding Source: Not Applicable)
- Resolution approving an Agreement with Yosemite and Creekwood, Inc., Cypress

Equities Group III, L.P., and Bearden Family Limited to abandon a portion of access ways relating to property located on the north side of Yosemite Boulevard east of McClure Road; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Community & Economic Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Resolution 2011-403 (Lopez/Burnside; 6/0; Mayor Ridenour absent) approving an Agreement with Yosemite and Creekwood, Inc., Cypress Equities Group III, L.P., and Bearden Family Limited to abandon a portion of access ways relating to property located on the north side of Yosemite Boulevard east of McClure Road; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent – *Councilmember Muratore absent due to conflict of interest*

11. Consider authorizing the City Manager to execute the Deed of Reconveyance to revert the former Social Security Administration building located at 1230 12th Street back to the United States General Services Administration. (Funding Source: Community Development Block Grant (CDBG) Entitlement)

- Resolution approving the Deed of Reconveyance to revert the former Social Security Administration building located at 1230 12th Street back to the United States General Services Administration; and authorizing the City Manager, or his designee, to execute any and all related documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com,

ACTION: Resolution 2011-404 (Marsh/Burnside; 5/0; Muratore, Mayor Ridenour absent) approving the Deed of Reconveyance to revert the former Social Security Administration building located at 1230 12th Street back to the United States General Services Administration; and authorizing the City Manager, or his designee, to execute any and all related documents.

Consent

12. Consider approving the expenditure plan for the FY 2011/2012 State Supplemental Law Enforcement Services Fund (SLESF) allocation of \$100,000 for police overtime and technology upgrades. (Funding Source: Operating Block Grants)

- Resolution accepting the State Supplemental Law Enforcement Grant in the amount of at least \$100,000 from the State Supplemental Law Enforcement Services Fund for police overtime and technology upgrades; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
- Resolution amending the Fiscal Year 2011/2012 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution recommended.

Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Continued to the October 25, 2011 Council meeting as a public hearing.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding his Sister Cities Trip to Laval, France last week.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff acknowledged Utility Planning and Projects Director Nick Pinhey on his retirement from the City of Modesto.

UNFINISHED BUSINESS

13. Consider approving the plans and specifications for the Strengthen and Replace Water System – South Modesto Phase 1 project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California, in the amount of \$1,365,626. (Total estimated cost for this portion of the project is \$1,748,752) (Funding Source: Water Fund-CIP)

- Resolution approving the plans and specifications for the Strengthen and Replace Water System –South Modesto Phase 1 project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$1,365,626, and authorizing the City Manager, or his designee, to execute the contract recommended.

*Utility Planning and Projects; Rob Christensen, 571-5869,
rchristensen@modestogov.com*

ACTION: Resolution 2011-405 (Lopez/Marsh; 6/0; Mayor Ridenour absent) approving the plans and specifications for the Strengthen and Replace Water System –South Modesto Phase 1 project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California in the amount of \$1,365,626, and authorizing the City Manager, or his designee, to execute the contract.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:12 p.m.

MINUTES

City of Modesto

Special Joint Economic Development Committee and Planning Commission Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, October 17, 2011 at 4:30 PM to 6:00 PM.

Roll Call Present – Economic Development Committee:

Joe Muratore, Chair, Brad Hawn, Vice-Chair and Stephanie Burnside, Member

Roll Call Present– Planning Commission:

Commissioners Tom Berglund, Ted Brandvold, Steve Carter, Patricia Gillum, John Sanders and Chris Tyler

Absent: None

PUBLIC COMMENTS

None.

NEW BUSINESS

1. Consider the Mayors Working Group Agricultural Preservation Strategy for Stanislaus County. (Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: The Economic Development Committee and Planning Commission determined that further discussion was needed to determine what they want to pursue and what the growth boundaries should be. Additional meetings to be scheduled.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at p.m.

MINUTES
City of Modesto
FINANCE COMMITTEE / COUNCIL
WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California
Monday, October 24, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Brad Hawn, Garrad Marsh
Absent: Councilmember Stephanie Burnside

PUBLIC COMMENTS

None.

CONSENT

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

Consent

1. Consider reviewing the Monthly Budget Adjustment report for September and October 2011 and refer to City Council for consideration and approval. (Funding Source: Various Funds)
Finance; Terri Swearingen, 577-5378, tswearingen@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** approving the Monthly Budget Adjustment report for September and October 2011 and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider accepting an informational item on a repayment plan for transfers from the General Fund to the Water and Wastewater Funds and refer to the City Council for consideration and approval a repayment plan with terms of 28 remaining years, principal payments of \$228,100 plus interest costs computed at the City's average annual investment pool combined yield interest earnings rate. (Funding Source: Not Applicable)
Finance; Gloriette Beck, 577-5371, gbeck@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** accepting an informational item on a repayment plan for transfers from the General Fund to the Water and Wastewater Funds, approving a repayment plan with terms of 28 remaining years, principal payments of \$228,100 plus interest costs computed at the City's average annual investment pool combined yield interest earnings rate, and forwarding to Council for approval.

3. Consider recommending Council approve (i) an Agreement with Carollo Engineers for engineering services during construction in a not-to-exceed amount of \$5,538,386; and (ii) an Agreement with West Yost for construction management and inspection services in a not-to-exceed amount of \$8,326,520, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility. (The total estimated cost of this project is \$136,486,565) (Funding Source: Wastewater Fund)
Utility Planning and Projects; Richard D. Ulm, 577-5261, rulm@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** approving: (i) an Agreement with Carollo Engineers for engineering services during construction in a not-to-exceed amount of \$5,538,386; (ii) an Agreement with West Yost for construction management and inspection services in a not-to-exceed amount of \$8,326,520, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility and forwarding to Council for approval.

NEW BUSINESS

4. Consider accepting an informational report regarding potential changes to the City of Modesto financial policies. (Funding Source: Various Funds)
Finance; Cynthia Gale, 571-5855, cgale@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** accepting an informational report regarding potential changes to the City of Modesto financial policies.

5. Consider recommending to City Council that the Downey Park Annex, an existing park parcel within the current inventory of the Parks, Recreation and Neighborhoods Department, be designated as surplus property and that staff move forward with selling/leasing this surplus property to bring additional revenue to the City of Modesto in Fiscal Year (FY) 2012-2013 to offset operations in the Parks, Recreation and Neighborhoods Department. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** directing staff to return to Safety & Communities Committee regarding utilization of the property.

6. Consider recommending Council approve a Memorandum of Understanding between the Public Works Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the Solid Waste Compost Operations Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility. The total estimated loan to the Compost Enterprise Fund is \$5,600,625. (Funding Source: Not Applicable)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: **Motion (Marsh/Hawn; Burnside absent)** approving a Memorandum of Understanding between the Public Works Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the

Solid Waste Compost Operations Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:52 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 25, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: Councilmembers Burnside

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Item 15 - Hawn

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to Jesse Aguinada, James Godfrey, Emoni Karriem and Jose Antonio Moreno in recognition of their assistance with an injured woman at Mellis Park on September 29, 2011. (Funding Source: Not Applicable)
Police; Michael Harden, 572-9501, hardenm@modestopd.com

ACTION: Modesto Police Chief Michael Harden acknowledged Jesse Aguinada, James Godfrey, Emoni Karriem and Jose Antonio Moreno for their assistance with an injured woman at Mellis Park on September 29, 2011.

2. Presentation of the successful implementation of the City of Modesto new Enterprise Resource Planning System. (Funding Source: Not Applicable)
Finance and Information and Technology; Gloriette Beck and Bryan Sastokas, 577-5371;577-5229, gbeck@modestogov.com; bsastokas@modestogov.com

ACTION: Finance Director Gloriette Beck and Chief Information Officer Bryan Sastokas made a presentation regarding the successful implementation of the City of Modesto new Enterprise Resource Planning System.

3. Presentation of American Planning Association awards to the Valley Futures Forum. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, bsinclair@modestogov.com

ACTION: Presentation of American Planning Association awards to the Valley Futures Forum was made by the Brent Sinclair, Director of Community & Economic Development Department.

4. Presentation by the Community & Economic Development Department awarding the American Planning Association Award for Downtown Core Zone and Neighborhood Compatibility Guidelines to the City of Modesto. (Funding Source: Not Applicable)
*Community & Economic Development; Brent Sinclair, 577-5228 ,
bsinclair@modestogov.com*

ACTION: Deputy City Manager Dee Williams-Ridley presented the American Planning Association Award for Downtown Core Zone and Neighborhood Compatibility Guidelines to the City of Modesto.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider appointing Honorable Hugh Rose III - Chair, Raymond Newman, Carmen Morad, Yamilet Valladolid, Marie Bairey, Georgianna A. McDonald, Reverend Darius Crosby, Rick Dahlseid and Juanita Jackson, as recommended by the Mayor to serve on the Citizens' Districting Commission. (Funding Source: Not Applicable)
 - Motion appointing Honorable Hugh Rose III - Chair, Raymond Newman, Carmen Morad , Yamilet Valladolid, Marie Bairey, Georgianna A. McDonald, Reverend Darius Crosby, Rick Dahlseid and Juanita Jackson, as recommended by the Mayor to serve on the Citizens' Districting Commission recommended.
*City Clerk and City Attorney; Stephanie Lopez, Susana Wood, 577-5396, 577-5284,
slopez@modestogov.com, swood@modestogov.com*

ACTION: Motion (Lopez/Hawn; 6/0; Burnside absent) appointing Honorable Hugh Rose III - Chair, Raymond Newman, Carmen Morad , Yamilet Valladolid, Marie Bairey, Georgianna A. McDonald, Reverend Darius Crosby, Rick Dahlseid and Juanita Jackson, as recommended by the Mayor to serve on the Citizens' Districting Commission.

PUBLIC COMMENT PERIOD

Loretta Carhart spoke regarding City of Modesto Bus Route 28.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 16

ACTION CONSENT ITEMS 6-14, 16: (Lopez/Muratore; 6/0; Burnside absent)

ACTION CONSENT ITEM 15: (Lopez/Marsh; unan.; Burnside absent; Hawn absent due to conflict of interest)

CONSENT ITEMS

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

Consent

6. Consider approving the minutes of the City Council meeting of October 11, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of October 11, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Muratore; 6/0; Burnside absent) approving the minutes of the City Council meeting of October 11, 2011.

Consent

7. Consider granting a one-time exception to the Village One Specific Plan to construct a 5,496+/- square foot addition to an existing retail nursery building located at 1612 Claus Road, Modesto, CA and not require the parcel to form or annex to a Community Facilities District. (Funding Source: CFD No. 2004-1 or future CFD Revenues)
 - Resolution granting a One-Time Exception to the Village One Specific Plan to construct a 5,496+/- square foot addition to an existing retail nursery building located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community Facilities District recommended.
Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Resolution 2011-406 (Lopez/Muratore; 6/0; Burnside absent) granting a One-Time Exception to the Village One Specific Plan to construct a 5,496+/- square foot addition to an existing retail nursery building located at 1612 Claus Road, Modesto, CA and not require the Parcel to form or annex to a Community Facilities District.

Consent

8. Consider rejecting all bids for the purchase of one transfer truck with trailer, for the Department of Public Works, Fleet Services Division, and authorize the Purchasing Manager to re-issue formal Request for Bids (RFB) for the purchase of a transfer truck with trailer for a total estimated cost of \$195,000. (Funding Source: Fleet Replacement Funds and Water Division Funds)
 - Resolution authorizing the rejection of all bids for the purchase of one transfer truck with trailer, for the Public Works Department, Fleet Services Division, and authorizing the Purchasing Manager to re-issue formal Request for Bids for a total estimated cost of \$195,000 recommended.
Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-407 (Lopez/Muratore; 6/0; Burnside absent) authorizing the rejection of all bids for the purchase of one transfer truck with trailer, for the Public Works Department, Fleet Services Division, and authorizing the Purchasing Manager to re-issue formal Request for Bids for a total estimated cost of \$195,000.

Consent

9. Consider approving recommended revisions to the City of Modesto Down Payment Assistance Program Guidelines. (Funding Source: Community Development Block Grant)
- Resolution approving the revised City of Modesto Homebuyer's Assistance Program Guidelines, and rescinding Resolution No. 2005-291 recommended. *Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

ACTION: Resolution 2011-408 (Lopez/Muratore; 6/0; Burnside absent) approving the revised City of Modesto Homebuyer's Assistance Program Guidelines, and rescinding Resolution No. 2005-291.

Consent

10. Consider approving a license agreement between the City of Modesto and the Modesto Irrigation District (MID) for the use and improvement of the "Briggs Ditch" easement, for the development of the Helen White Walking Trail. (Funding Source: Not Applicable)
- Resolution approving a license agreement between the City of Modesto and the Modesto Irrigation District for the use and improvement of the "Briggs Ditch" easement for the development of the Helen White Walking Trail; and authorizing the City Manager, or his designee, to execute the License Agreement recommended. *Parks, Recreation & Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com*

ACTION: Resolution 2011-409 (Lopez/Muratore; 6/0; Burnside absent) approving a license agreement between the City of Modesto and the Modesto Irrigation District for the use and improvement of the "Briggs Ditch" easement for the development of the Helen White Walking Trail; and authorizing the City Manager, or his designee, to execute the License Agreement.

Consent

11. Consider accepting an award from the Department of Justice under the Fiscal Year 2011 Bulletproof Vest Partnership solicitation in the amount of \$1,826.84 for armor vests. (Funding Source: Special Revenue Fund - 0410)
- Resolution accepting an award, in the amount of \$1,826.84, from the U.S. Department of Justice Bulletproof Vest Partnership Program, for armor vests recommended.
 - Resolution amending the Fiscal Year 2011/12 Multi-Year Budget to estimate revenue of \$1,826.84 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriate funds for the Purchase of Bulletproof Vests recommended. *Police; Michael G. Harden, 572-9501, hardenm@modestopd.com*

ACTION: Resolution 2011-410 (Lopez/Muratore; 6/0; Burnside absent) accepting an award, in the amount of \$1,826.84, from the U.S. Department of Justice Bulletproof Vest Partnership Program, for armor vests.

ACTION: Resolution 2011-411 (Lopez/Muratore; 6/0; Burnside absent) amending the Fiscal Year 2011/12 Multi-Year Budget to estimate revenue of \$1,826.84 from the U.S. Department of Justice, Bulletproof Vest Partnership Program, and appropriate funds for the Purchase of Bulletproof Vests.

Consent

12. Consider approving an increase in payments to private businesses that sell Modesto Area Express (MAX) monthly bus passes from the rate of \$0.50 per pass sold to \$1.00 per pass sold. (Funding Source: State Transit Assistance and Local Transportation Fund)

- Resolution approving an increase in payments to Modesto Area Express (MAX) bus pass outlets for monthly bus pass sales from \$0.50 per pass sold to \$1.00 per pass sold recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-412 (Lopez/Muratore; 6/0; Burnside absent) approving an increase in payments to Modesto Area Express (MAX) bus pass outlets for monthly bus pass sales from \$0.50 per pass sold to \$1.00 per pass sold.

Consent

13. Consider approving: (i) two-year Support Services agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system and Well #274 and Well #295 within the Grayson community water system in an amount not to exceed \$349,000 with three (3) one-year extension options at the sole discretion of the City; (ii) two-year Equipment Lease agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system in an amount not to exceed \$66,000 with three (3) one-year extension options at the sole discretion of the City; and (iii) two-year Equipment Lease agreement with Envirogen Technologies, Inc. for Well #274 and Well #295 within the Grayson community water system in an amount not to exceed \$60,000 with three (3) one-year extension options at the sole discretion of the City. The total estimated annual cost is \$475,000. (Funding Source: Water Fund)

- Resolution approving a Support Services Agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system and Well #274 and Well #295 within the Grayson community water system, in an amount not to exceed \$349,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving an Equipment Lease Agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system, in an amount not to exceed \$66,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving an Equipment Lease Agreement with Envirogen Technologies, Inc. for Well #274 and Well #295 within the Grayson community water system, in an amount not to exceed \$60,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Allen Lagarbo, 342-2203, alagarbo@modestogov.com

ACTION: Resolution 2011-413 (Lopez/Muratore; 6/0; Burnside absent) approving a Support Services Agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system and Well #274 and Well #295 within the Grayson community water system, in an amount not to exceed \$349,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-414 (Lopez/Muratore; 6/0; Burnside absent) approving an Equipment Lease Agreement with Envirogen Technologies, Inc. for Well #100 in the South Modesto area of the water system, in an amount not to exceed \$66,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-415 (Lopez/Muratore; 6/0; Burnside absent) approving an Equipment Lease Agreement with Envirogen Technologies, Inc. for Well #274 and Well #295 within the Grayson community water system, in an amount not to exceed \$60,000 for two (2) years, with three (3) one-year extension options, at the sole discretion of the City; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the extension of the Modesto Area Express (MAX) operations agreement with MV Transportation (MV) from June 29, 2012 to September 28, 2012 (three months). (Funding Source: Transit Funds)
- Resolution approving an extension of the Modesto Area Express operations Agreement with MV Transportation, Inc. from June 29, 2012 to September 28, 2012 recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-416 (Lopez/Muratore; 6/0; Burnside absent) approving an extension of the Modesto Area Express operations Agreement with MV Transportation, Inc. from June 29, 2012 to September 28, 2012.

Consent – *Councilmember Hawn absent due to conflict of interest*

15. Consider accepting the work by Champion Industrial Contractors, Inc., for the ARRA HVAC Upgrades for Various City Owned Buildings Project as complete. (Total construction cost is \$158,068.35, with a total project cost of \$206,647.35) (Funding Source: Federal American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grant Fund Program (ARRA EECBG))
- Resolution accepting the work by Champion Industrial Contractors., Inc., for the ARRA HVAC Upgrades for Various City Owned Buildings Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$158,068.35 recommended.

Utility Planning and Projects; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2011-417 (Lopez/Marsh; 5/0; Burnside absent; Hawn absent due

to conflict of interest) accepting the work by Champion Industrial Contractors., Inc., for the ARRA HVAC Upgrades for Various City Owned Buildings Project as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder upon receipt of approved Warranty Bond, and authorizing payment of amounts totaling \$158,068.35.

Consent

16. Consider approving the plans and specifications for the John Thurman Field Storm Drain Outfall project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California, in the amount of \$112,250. (Total estimated cost for this portion of the project is \$143,456) (Funding Source: Storm Drain & Wastewater Funds)

- Resolution approving the plans and specifications for the John Thurman Field Storm Drain Outfall project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California, in the amount of \$112,250, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Fiscal Year 2011-2012 Operating Budget in the amount of \$56,072 in order to fully fund the wastewater-funded cost share portion of the construction, contingency, and construction administration plus engineering construction support by City staff for the John Thurman Field Storm Drain Outfall project recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-418 (Lopez/Muratore; 6/0; Burnside absent) approving the plans and specifications for the John Thurman Field Storm Drain Outfall project, accepting the bid, and approving a contract with Rolfe Construction of Atwater, California, in the amount of \$112,250, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-419 (Lopez/Muratore; 6/0; Burnside absent) amending the Fiscal Year 2011-2012 Operating Budget in the amount of \$56,072 in order to fully fund the wastewater-funded cost share portion of the construction, contingency, and construction administration plus engineering construction support by City staff for the John Thurman Field Storm Drain Outfall project.

COUNCIL COMMENTS & REPORTS

Mayor Ridenour gave an update regarding the City's review of the receipt of a real estate sales commission earned by Benchmark Realty, the company co-owned by Councilmember Muratore.

Councilmember Dave Geer announced a meeting tonight at 7:00 p.m. at the Old Fishermans Club regarding the sale of water by Modesto Irrigation District (MID) to San Francisco. Further meetings are scheduled for October 26, 2011, and October 27, 2011.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 15, 2011

17. Hearing to consider approving the expenditure plan for the FY 2011/2012 State Supplemental Law Enforcement Services Fund (SLESF) allocation of \$100,000 for police overtime and technology upgrades. (Funding Source: Operating Block Grants)
- Resolution accepting the State Supplemental Law Enforcement Grant in the amount of at least \$100,000 from the State Supplemental Law Enforcement Services Fund for police overtime and technology upgrades; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
 - Resolution amending the Fiscal Year 2011/2012 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution recommended.

Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2011-420 (Hawn/Lopez; 6/0; Burnside absent) accepting the State Supplemental Law Enforcement Grant in the amount of at least \$100,000 from the State Supplemental Law Enforcement Services Fund for police overtime and technology upgrades; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2011-421 (Hawn/Lopez; 6/0; Burnside absent) amending the Fiscal Year 2011/2012 Multi-Year Budget to appropriate revenues and expenditures of at least \$100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:00 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

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

Name of case: City of Modesto v. Mary Ann Barnett, et al.
Stanislaus County Superior Court No. 663731

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 01, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Items 7 and 8 - Hawn, Muratore

Reports from Closed Session – City Attorney Wood reported on Closed Session matter

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring the month of November 2011 as National Runaway Awareness Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation declaring the month of November 2011 as National Runaway Awareness Month.

2. Presentation by The Salvation Army regarding cold weather shelter season. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation by The Salvation Army regarding cold weather shelter season.

PUBLIC COMMENT PERIOD

- Athens Abell spoke regarding Neighborhood Stabilization Program funds.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 6

ACTION CONSENT ITEMS 3-6: (Lopez/Burnside;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes of the City Council meeting of October 25, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of October 25, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes of the City Council meeting of October 25, 2011.

Consent

4. Consider approving the 2012 City Council Meeting Calendar. (Funding Source: Not Applicable)
 - Resolution approving the 2012 City Council Meeting Calendar recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-422 (Lopez/Burnside; 7/0) approving the 2012 City Council Meeting Calendar.

Consent

5. Consider accepting the Monthly Investment Report for July, 2011. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for July, 2011 recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for July, 2011.

Consent

6. Consider approving the submittal of an updated Passenger Facility Charge Application to the Federal Aviation Administration, authorizing the Modesto City-County Airport to collect and use PFC's for airport related projects. (Funding Source: Airport Fund)
 - Resolution approving the submittal to the Federal Aviation Administration of an updated Passenger Facility Charge Application, which authorizes the Modesto City-County Airport to collect and use Passenger Facility Charges for airport related projects recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-423 (Lopez/Burnside; 7/0) approving the submittal to the Federal Aviation Administration of an updated Passenger Facility Charge Application, which authorizes the Modesto City-County Airport to collect and use Passenger Facility Charges for airport related projects.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

Councilmembers Hawn and Muratore absent due to conflict of interest

7. Consider: (i) approving the plans and specifications for the Irrigation Wells for City Parks project, accepting the bid, (ii) approving an agreement with Howk Well & Equipment Co. Inc. dba Howk Systems, Modesto, CA, in the amount of \$518,980.00; and (iii) amending the Fiscal Year (FY) 2011-2012 Capital Improvement Program Budget in order to fully fund the project. Total estimated project cost is \$642,776.00, which includes design/construction documents, construction, construction contingency and construction administration. (Funding Source: Parks Fund and Inter-fund loan from Water Fund)
 - Resolution approving the Plans and Specifications for the Irrigation Wells for City Parks project, accepting the bid, and approving an agreement with Howk Well & Equipment Co. Inc., dba Howk Systems, Modesto, CA, in the amount of \$518,980.00 for the Irrigation Wells for City Parks project, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the Irrigation Wells for City Parks project recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-424 (Lopez/Burnside; 5/0; Hawn, Muratore absent due to conflict of interest) approving the Plans and Specifications for the Irrigation Wells for City Parks project, accepting the bid, and approving an agreement with Howk Well & Equipment Co. Inc., dba Howk Systems, Modesto, CA, in the amount of \$518,980.00 for the Irrigation Wells for City Parks project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2011-425 (Lopez/Burnside; 5/0; Hawn, Muratore absent due to conflict of interest) amending the Fiscal Year 2011-2012 Capital Improvement Program Budget in order to fully fund the Irrigation Wells for City Parks project.

Councilmembers Hawn and Muratore absent due to conflict of interest

8. Consider approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department to memorialize a \$350,000 inter-fund loan between the Water Fund and General Fund for the purpose of installing agricultural wells in parks, including financing and repayment terms. (Funding Source: Water Fund)
 - Resolution approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department to

memorialize a \$350,000 inter-fund loan between the Water Fund and General Fund, including financing and repayment terms; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding recommended.

Parks, Recreation & Neighborhoods; Loren Holt, 571-5573, lholt@modestogov.com

ACTION: Resolution 2011-426 (Lopez/Burnside; 5/0; Hawn, Muratore absent due to conflict of interest) approving a Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department and the Public Works Department to memorialize a \$350,000 inter-fund loan between the Water Fund and General Fund, including financing and repayment terms; and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding.

NEW BUSINESS

9. Consider approving: (i) a Resolution of Intention amending the contract between City of Modesto and the California Public Employees' Retirement System (CalPERS) to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time; and (ii) an Ordinance amending the contract between the City of Modesto and CalPERS to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time. (Funding Source: Future cost savings to various funds)
- Resolution of Intention approving an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Modesto recommended.
 - Motion introducing an Ordinance authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time recommended.

Human Resources; Rosemary Harless, 577-5403, rharless@modestogov.com

ACTION: Resolution 2011-427 (Hawn/Lopez; 7/0) of Intention approving an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Modesto.

ACTION: Motion (Hawn/Lopez; 7/0) introducing **Ordinance No. 3555-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time.

10. Consider authorizing the submission of the Transportation Development Act Transit Claim for Fiscal Year 2011-2012 to the Stanislaus Council of Governments in the amount of \$8,581,520. (Funding Source: TDA Revenues)
- Resolution authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2011 - 2012 to the Stanislaus Council of Governments (StanCOG) in the amount of \$8,581,520 recommended.
Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2011-428 (Hawn/Muratore; 7/0) authorizing submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2011 - 2012 to the Stanislaus Council of Governments (StanCOG) in the amount of \$8,581,520.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:23 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 09, 2011, at 5:30 p.m.

Roll Call – Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Brad Hawn

City Clerk's Announcements - Item 4 - Removed from Consent

Declaration of Conflicts of Interest - Item 14 - Muratore

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Hobby Lobby, Sketchers, Golden Corral and Golden Valley Health Center.

2. Presentation and acknowledgement of the 75th Anniversary of the Seven-Up Bottling Company and their contributions to the Modesto community. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour acknowledged the 75th Anniversary of the Seven-Up Bottling Company and their contributions to the Modesto community.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 8

ACTION CONSENT ITEMS 3, 5-8: (Lopez/Muratore;unan.)

ACTION ITEM 4: (Lopez/Muratore;unan.)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes of the City Council meeting of November 1, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of November 1, 2011. *City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Muratore; 7/0) approving the minutes of the City Council meeting of November 1, 2011.

Removed from Consent

4. Consider approving an amendment to the Agreement with Dokken Engineering for additional scope of work not included in the original Agreement for the Carpenter Road Bridge Seismic Retrofit Project in an amount not to exceed \$171,283.87, for a maximum total Agreement amount of \$446,534.43. (Funding Source: Federal Funds and Capital Facility Fees)
 - Resolution approving an amendment to the agreement with Dokken Engineering, Inc. for additional scope of work not included in the original agreement for support services during construction of the Carpenter Road Bridge Seismic Retrofit Project, in an amount not to exceed \$171,283.87, plus \$31,250 for additional services (if needed), for a maximum total amount of \$202,533.87, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended. *Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com*

ACTION: Resolution 2011-429 (Lopez/Muratore; 7/0) approving an amendment to the agreement with Dokken Engineering, Inc. for additional scope of work not included in the original agreement for support services during construction of the Carpenter Road Bridge Seismic Retrofit Project, in an amount not to exceed \$171,283.87, plus \$31,250 for additional services (if needed), for a maximum total amount of \$202,533.87, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

Consent

5. Consider finding that the Sylvan/Litt Improvement Project is within the scope of the previously certified Village One Specific Plan Program EIR as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and Village One Facilities Master Plan Update. (Funding Source: Not applicable)
 - Resolution finding that the Sylvan Avenue Widening from west of Litt Road to Claus Road and Litt Road Widening from Sylvan Avenue to 2000 feet north is

within the scope of the previously certified Village One Specific Plan Program Environmental Impact Report (SCH No. 90020181), as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and Village One Facilities Master Plan Update recommended.

Community & Economic Development; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2011-430 (Lopez/Muratore; 7/0) finding that the Sylvan Avenue Widening from west of Litt Road to Claus Road and Litt Road Widening from Sylvan Avenue to 2000 feet north is within the scope of the previously certified Village One Specific Plan Program Environmental Impact Report (SCH No. 90020181), as amended by the Village One 1994 Supplemental EIR and the 2003 addenda for the Village One Storm Drainage Master Plan and Village One Facilities Master Plan Update.

Consent

6. Consider amending the Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets. (Funding Source: Various Funds)
 - Resolution amending Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets recommended.

Finance; Terri Swearingen, 577-5369, tswearingen@modestogov.com

ACTION: Resolution 2011-431 (Lopez/Muratore; 7/0) amending Fiscal Year 2010 – 2011 and Fiscal Year 2011-2012 Annual Operating Budgets.

Consent

7. Consider approving an agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the Supervisory Control and Data Acquisition (SCADA) system for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$35,004, and over five (5) years of \$178,620 (Funding Source: Water and Wastewater Funds)
 - Resolution approving an agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the Supervisory Control and Data Acquisition (SCADA) System for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City; and authorizing the Purchasing Manager or his designee to issue a purchase agreement recommended.

Public Works; Tom Kara, 577-6294, tkara@modestogov.com

ACTION: Resolution 2011-432 (Lopez/Muratore; 7/0) approving an agreement with HSQ Technology of Hayward, California for furnishing maintenance/support for the Supervisory Control and Data Acquisition (SCADA) System for a three (3) year agreement with two (2) one-year extension options at the sole discretion of the City; and authorizing the Purchasing Manager or his designee to issue a purchase agreement.

Consent

8. Consider authorizing the Public Works Department, Parking Services Division to offer free off-street parking during the following Holidays: Thanksgiving Day, November 24, 2011, Friday, November 25, 2011, Christmas Day, December 25, 2011 and New

Year's Day, January 1, 2012. (Funding Source: Parking Fund)

- Resolution authorizing the Public Works Department, Parking Services Division to provide free parking in City-owned lots and garages during the following 2011/2012 Holidays: Thanksgiving Day (November 24 and Friday, November 25), Christmas Day (December 25), and New Year's Day (January 1, 2012) recommended.

Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2011-433 (Lopez/Muratore; 7/0) authorizing the Public Works Department, Parking Services Division to provide free parking in City-owned lots and garages during the following 2011/2012 Holidays: Thanksgiving Day (November 24 and Friday, November 25), Christmas Day (December 25), and New Year's Day (January 1, 2012).

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 19, 2011

9. Hearing to consider the annexation of approximately 153 acres bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north and finding that the General Plan Amendment and Prezone are within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023). (Funding Source: General Fund)
 - Resolution finding that the proposed annexation of approximately 153 acres bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, General Plan Amendment and Prezone are within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Shackelford Annexation (City of Modesto) recommended.
 - Resolution amending a portion of the Urban Area General Plan bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, from Residential (R) to Commercial (C) (City of Modesto) recommended.
 - Motion introducing an Ordinance amending Section 4-4-9 of the Zoning Map to prezone General Commercial Zone, P-C-2, and prezone Low-Density Residential Zone, P-R-1, property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (City of Modesto) recommended.
 - Resolution approving the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 153 acres of property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad

on the east, and State Route 99 on the north (Council District 2); to attach it to Modesto Sewer District No. 1; and to approve a City-County Tax-Sharing Agreement (City of Modesto – Inhabited) recommended.

*Community & Economic Development; Cindy van Empel, 577-5267,
cvanempel@modestogov.com*

ACTION: Resolution 2011-434 (Marsh/Hawn; 7/0) finding that the proposed annexation of approximately 153 acres bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, General Plan Amendment and Prezone are within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 2007072023): Shackelford Annexation (City of Modesto).

ACTION: Resolution 2011-435 (Marsh/Hawn; 7/0) amending a portion of the Urban Area General Plan bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, from Residential (R) to Commercial (C) (City of Modesto).

ACTION: Motion (Marsh/Hawn; 7/0) introducing **Ordinance No. 3556-C.S.** amending Section 4-4-9 of the Zoning Map to prezone General Commercial Zone, P-C-2, and prezone Low-Density Residential Zone, P-R-1, property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (City of Modesto) recommended.

ACTION: Resolution 2011-436 (Marsh/Hawn; 7/0) approving the filing of an application with the Stanislaus Local Agency Formation Commission to annex approximately 153 acres of property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (Council District 2); to attach it to Modesto Sewer District No. 1; and to approve a City-County Tax-Sharing Agreement (City of Modesto – Inhabited).

NEW BUSINESS

10. Consider approving the creation of a Multi-Year Enterprise Fund and budget to be used for abatement of public nuisance and dangerous property violations; and appropriating the initial funding of \$50,000. (Funding Source: General Fund)
 - Resolution approving the creation of a Multi-Year Enterprise Fund and budget to be used for abatement of public nuisance and dangerous property violations recommended.
 - Resolution amending the Fiscal Year 2011-12 multi-year budget to appropriate \$50,000 in expense budget for the new multi-year enterprise fund for abatements and to create the initial transfer of \$50,000 from the General Fund to the new enterprise fund recommended.

*Community & Economic Development; William Crew, 577-5231,
wcrew@modestogov.com*

ACTION: Resolution 2011-437 (Marsh/Lopez; 7/0) approving the creation of a Multi-Year Enterprise Fund and budget to be used for abatement of public nuisance and dangerous

property violations.

ACTION: Resolution 2011-438 (Marsh/Lopez; 7/0) amending the Fiscal Year 2011-12 multi-year budget to appropriate \$50,000 in expense budget for the new multi-year enterprise fund for abatements and to create the initial transfer of \$50,000 from the General Fund to the new enterprise fund.

11. Consider accepting the One Year Summary Report of the Regional Transportation Impact Fee Group; authorizing expenditures based on population for a Regional Nexus Study; and amending the Fiscal Year 2011-2012 Operating Budget to appropriate \$19,551.35. (Funding Source: Capital Facilities Fees)

- Motion accepting the One Year Summary Report of the Regional Transportation Impact Fee Group recommended.
- Resolution approving the preparation of a Regional Nexus Study for the 2011 Regional Transportation Impact Fee Program between the Cities of Modesto, Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, the County of Stanislaus and the Stanislaus Council of Governments, to be administered by the Stanislaus Council of Governments; and authorizing expenditures from the Capital Facilities Fees Fund for the preparation of the Regional Nexus Study recommended.
- Resolution amending the Fiscal Year 2011-2012 Operating Budget for the preparation of a Regional Nexus Study for the 2011 Regional Transportation Impact Fee Program, and appropriating \$19,551.35 to Capital Facilities Fees Fund 3480-14130-53300 recommended.

*Community & Economic Development; Amy Gedney, 571-5501,
agedney@modestogov.com*

ACTION: Motion (Hawn/Muratore; 7/0) accepting the One Year Summary Report of the Regional Transportation Impact Fee Group.

ACTION: Resolution 2011-439 (Hawn/Muratore; 7/0) approving the preparation of a Regional Nexus Study for the 2011 Regional Transportation Impact Fee Program between the Cities of Modesto, Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, the County of Stanislaus and the Stanislaus Council of Governments, to be administered by the Stanislaus Council of Governments; and authorizing expenditures from the Capital Facilities Fees Fund for the preparation of the Regional Nexus Study.

ACTION: Resolution 2011-440 (Hawn/Muratore; 7/0) amending the Fiscal Year 2011-2012 Operating Budget for the preparation of a Regional Nexus Study for the 2011 Regional Transportation Impact Fee Program, and appropriating \$19,551.35 to Capital Facilities Fees Fund 3480-14130-53300.

12. Consider authorizing the City of Modesto to contribute the baseline budget forwarded to the Modesto Regional Fire Authority by the City of Modesto for Fiscal Year 2011/2012, on an annual basis, as well as assuming all liabilities incurred prior to the formation of the Joint Powers Agency. (Funding Source: General Fund)

- Resolution authorizing the City of Modesto to contribute the present baseline budget of \$24,117,952 to the Modesto Regional Fire Authority on an annual basis,

assume all liabilities incurred prior to the establishment of the Joint Powers Agreement, and, meet the intent of the Joint Powers Agreement, specifically addressing Member Contribution in Sections 4.1 and 4.3 of the Agreement recommended.

Fire; Michael Kraus, 552-3723, mkraus@modestogov.com

ACTION: Resolution 2011-441 (Lopez/Burnside; 7/0) authorizing the City of Modesto to contribute the present baseline budget of \$24,117,952 to the Modesto Regional Fire Authority on an annual basis, assume all liabilities incurred prior to the establishment of the Joint Powers Agreement, and, meet the intent of the Joint Powers Agreement, specifically addressing Member Contribution in Sections 4.1 and 4.3 of the Agreement.

13. Consider approving an additional nine (9) Firefighter positions to the Modesto Regional Fire Authority position allocation effective November 9, 2011. (Funding Source: FEMA Staffing for Adequate Fire And Emergency Response Grant)
- Motion directing staff to add nine (9) Firefighter positions to the Modesto Regional Fire Authority position allocation administered by the City of Modesto, effective November 9, 2011 recommended.

Human Resources and Fire; Michael Kraus, 552-3723, mkraus@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) directing staff to add nine (9) Firefighter positions to the Modesto Regional Fire Authority position allocation administered by the City of Modesto, effective November 9, 2011.

Recess at 7:25 pm

Reconvened at 7:40 pm

Councilmember Marsh left meeting at 7:40 pm

Councilmember Muratore left meeting at 7:40 pm

Councilmember Muratore absent due to conflict of interest

14. Consider approving a professional services consulting contract with Shallit City & Regional Planning Services in an amount not to exceed \$214,240 for the restructuring and enhancement of the Neighborhood Stabilization, Economic Development and Redevelopment Programs of the City and authorizing the City Manager, or his designee, to execute any and all related documents. (Funding Source: General Fund)
- Resolution approving a professional services consulting contract in an amount not to exceed \$214,240 for the restructuring and enhancement of the Neighborhood Stabilization, Economic Development and Redevelopment Programs of the City and authorizing the City Manager, or his designee, to execute any and all related documents recommended.
 - Resolution amending the Fiscal Year 2011/12 General Fund Operating Budget to partially fund a professional services consulting contract for the restructuring and enhancement of the neighborhood stabilization, economic development and redevelopment programs for the City recommended.

City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Resolution 2011-442 (Burnside/Hawn; 5/0; Marsh absent, Muratore absent

due to conflict of interest approving a professional services consulting contract in an amount not to exceed \$214,240 for the restructuring and enhancement of the Neighborhood Stabilization, Economic Development and Redevelopment Programs of the City and authorizing the City Manager, or his designee, to execute any and all related documents.

ACTION: Resolution 2011-443 (Burnside/Hawn; 5/0; Marsh absent, Muratore absent due to conflict of interest) amending the Fiscal Year 2011/12 General Fund Operating Budget to partially fund a professional services consulting contract for the restructuring and enhancement of the neighborhood stabilization, economic development and redevelopment programs for the City.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:58 p.m.

CLOSED SESSION

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

1. Property: Acquisition of 1,634 square feet of land in fee, property located at 3900 Sylvan Avenue

APN: 085-049-014

Christopher and Deborah Lamke, Owners

Negotiating parties: Christopher and Deborah Lamke, Owners

Jon Yuriar, Property Agent for City of Modesto

Under negotiation: Price and terms of sale of property.

2. Property: Acquisition of 1,291 square feet of land in fee and 1,492 square feet for a temporary construction easement, property located on the north side of Sylvan Avenue between Litt Road and Claus Road

APN: 084-003-010

Ronald B. Katakis, Owner

Negotiating parties: Ronald B. Katakis, Owner

Jon Yuriar, Property Agent for City of Modesto

Under negotiation: Price and terms of sale of property

3. Property: Acquisition of 2,869 square feet for a temporary construction easement, property located on the north side of Sylvan Avenue between Litt Road and Claus Road

APN: 084-003-008

Ronald B. Katakis, Owner

Negotiating parties: Ronald B. Katakis, Owner

Jon Yuriar, Property Agent for City of Modesto

Under negotiation: Price and terms of sale of property

4. Property: Acquisition of 10,249 square feet of land in fee and 3,031 square feet for a utility easement, property located at 3949 Sylvan Avenue

APN: 084-003-002

Joseph R. Souza and Zelma P. Souza, Owners

Negotiating parties: Joseph R. Souza and Zelma P. Souza, Owners

Jon Yuriar, Property Agent for City of Modesto

Under negotiation: Price and terms of sale of property

5. Property: Acquisition of 57,885 square feet of land in fee, 15,852 square feet for a temporary construction easement, 48,322 square feet for a utility easement and 7,811 square feet of road easement to be vacated, property located at 4016 Litt Road

APN: 084-003-004

Carmel M. Caetano and Hope Carmo, Owners

Negotiating parties: Carmel M. Caetano and Hope Carmo, Owners

Jon Yuriar, Property Agent for City of Modesto

Under negotiation: Price and terms of sale of property

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

Name of case: Paige McLaughlin v. City of Modesto

Workers Compensation Settlement Conference

Claim Nos. CIDD-07307, CICC-07253, CIMY-05805

Presenting Attorney: William Majernik from Lenahan, Lee, Slater & Pearse, LLP

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

Name of case: Pablo Perez v. Officer Freddie Gaines and City of Modesto, et al.

Stanislaus County Superior Court No. 658878

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

Name of case: Justin Bengé v. City of Modesto, et al.

USDC No.: 1:10-CV-00978-LJO-SMS

MINUTES

City of Modesto
**SAFETY & COMMUNITIES COMMITTEE / COUNCIL
WORKSHOP**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, November 10, 2011, at 5:30 p.m.

Roll Call Present: Committee Members Marsh, Lopez and Geer
Absent: None

PUBLIC COMMENTS

None.

CONSENT

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

Consent

1. Consider approving a recommendation from the Citizen's Advisory Committee on Recycling (CACOR) that the City Council consider supporting Senate Bill (SB) 568 (Lowenthal) with amendments for alternative organic packaging. (This bill prohibits a food vendor with certain exceptions, on or after January 1, 2016 from dispensing food to a customer in polystyrene foam container and would define related terms.)

Parks, Recreation & Neighborhoods; Beverly Stokke, 577-5495, bstokke@modestogov.com

ACTION: **Motion (Lopez/Geer;unan.)** supporting Senate Bill (SB) 568 (Lowenthal) with amendments for alternative organic packaging and forwarding to Council for approval.

UNFINISHED BUSINESS

2. Consider accepting public input and discussion regarding the Final Report of the City of Modesto Blue Ribbon Commission on Homelessness.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: **Motion (Lopez/Geer;unan.)** accepting public input and discussion regarding the Final Report of the City of Modesto Blue Ribbon Commission on Homelessness and forwarding to Council for approval.

NEW BUSINESS

3. Consider accepting an informational report regarding the Community Corrections Plan for the implementation of the 2011 Public Safety Realignment.

Police; Michael G. Harden, 572-9501, hardenm@modestopd.com

ACTION: **Motion (Lopez/Geer;unan.)** accepting an informational report regarding the Community Corrections Plan for the implementation of the 2011 Public Safety Realignment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:17 p.m.

MINUTES
City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**

**Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California**

Monday, November 14, 2011 at 4:30 p.m.

Roll Call Present: Councilmembers Joe Muratore (arrived at 4:44 pm), Brad Hawn and Stephanie Burnside
Absent: None
Also Present: Councilmember Dave Geer

PUBLIC COMMENTS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1
CONSENT**

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

Consent

1. Consider accepting a status report of development projects processed by the Community and Economic Development Department. (Funding Source: Not Applicable)
Community & Economic Development; Brent Sinclair, 577-5228, hbsinclair@modestogov.com

ACTION: Motion (Burnside/Hawn; Muratore absent) accepting a status report of development projects processed by the Community and Economic Development Department.

NEW BUSINESS

2. Consider recommending appointments to fill three (3) current vacancies on the City of Modesto Board of Building Appeals. (Funding Source: Not Applicable)
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Motion (Hawn/Muratore;unan.) appointing Duke Leffler, Rick Reid and Evan Yoshino to the City of Modesto Board of Building Appeals.

3. Consider recommending appointments to fill one (1) vacancy on the City of Modesto Disabled Access Appeals Board. (Funding Source: Not Applicable)

Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Motion (Hawn/Burnside;unan.) appointing Dennis Smith to the Disabled Access Appeals Board.

4. Consider: (i) updating the status of State Route 132 West Freeway/Expressway Project and (ii) authorizing staff to explore taking the lead on the State Route 132 West Freeway/Expressway Project for Plans Specification and Estimate (PS&E), right-of-way, and construction phases. (Funding Source: Not Applicable)

Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: Motion (Hawn/Muratore;Burnside abstain) accepting the update on the status of State Route 132 West Freeway/Expressway Project; authorizing staff to explore taking the lead on the State Route 132 West Freeway/Expressway Project for Plans Specification and Estimate (PS&E), right-of-way, and construction phases; and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:30 p.m.

MINUTES
City of Modesto
SPECIAL AUDIT COMMITTEE / COUNCIL
WORKSHOP

Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, November 15, 2011, at 10:00 a.m.

Roll Call Present: Mayor Ridenour, Councilmembers Muratore and Geer
Absent: None

PUBLIC COMMENTS

None.

UNFINISHED BUSINESS

1. Consider: (i) an Internal Audit Status Report from mid-September to mid-November, 2011; (ii) a Wastewater Managed Competition Project Schedule; (iii) an Overall Internal Audit Budget Update; (iv) a Stockton Water and Wastewater Outsourcing Overview; and (v) a Centre Plaza Managed Competition Financial Impact Analysis by Moss Adams LLP. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, Dee Williams-Ridley

ACTION: The Committee reviewed information regarding: (i) Internal Audit Status Report from mid-September to mid-November, 2011; (ii) a Wastewater Managed Competition Project Schedule; (iii) Overall Internal Audit Budget Update; (iv) a Stockton Water and Wastewater Outsourcing overview; and (v) a Centre Plaza Managed Competition Financial Impact Analysis from Moss Adams LLP.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:40 a.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level

Tenth Street Place, 1010 10th Street

Modesto, California

Tuesday, November 29, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Geer, Hawn, Lopez, Marsh, Muratore,
Mayor Ridenour

Pledge of Allegiance to the Flag

1. Certification of canvass of votes from the November 8, 2011 Election.
 - Resolution adopting the certification of canvass of votes from the November 8, 2011 Election recommended.

ACTION: **Resolution 2011-444 (Lopez/Geer; 7/0)** adopting the certification of canvass of votes from the November 8, 2011 election recommended

2. Comments from outgoing Councilmembers.

ACTION: Comments were made by outgoing Councilmembers Hawn and Marsh.

3. Oath of Office by newly elected Councilmembers and Modesto Board of Education Members.

ACTION: City Clerk Stephanie Lopez administered the Oath of Office to newly elected Councilmembers and Modesto Board of Education.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:45 p.m.

CLOSED SESSION

Closed Session matters heard prior to meeting.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Manager
City Attorney
City Clerk

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 06, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Gunderson, Geer, Lopez, Muratore, Burnside, Cogdill,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sylvia, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest - Cogdill - Item 7

Reports from Closed Session - City Attorney Wood reported on Closed Session matters;
Closed Session will reconvene after Council meeting adjourns

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to the Chamber of Commerce for its support and participation in the City of Modesto Mayor's Top 50 Teens Program. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Mayor Ridenour acknowledged the Chamber of Commerce for its support and participation in the City of Modesto Mayor's Top 50 Teens Program.

2. Presentation awarding the top 5 scholarship recipients of the City of Modesto Mayor's Top 50 Teens Program. (Funding Source: Not Applicable)
City Manager; Dee Williams-Ridley, 571-5809, dwilliams-ridley@modestogov.com

ACTION: Presentation was made to 3 of the top 5 scholarship recipients of the City of Modesto Mayor's Top 50 Teens Program.

PUBLIC COMMENT PERIOD

- Emerson Drake spoke regarding campaign contributions to City Councilmembers and transparency.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 16

ACTION CONSENT ITEMS 3-5, 8-16: (Lopez/Burnside;unan.)

ACTION CONSENT ITEM 7: (Lopez/Burnside;unan.; Cogdill absent due to conflict of interest)

CONSENT ITEMS

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

Consent

3. Consider approving the minutes of the City Council meetings of November 9, 2011 and November 29, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of November 9, 2011 and November 29, 2011 recommended.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving the minutes of the City Council meeting of November 9, 2011 and November 29, 2011.

Consent

4. Consider approving final adoption of **Ordinance No. 3555-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time. (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3555-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time.

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving final adoption of **Ordinance No. 3555-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System to provide 2% @ 60 Full Formula, Three-Year Final Compensation to local miscellaneous members entering membership for the first time, and provide 3% @ 55 Full Formula, Three-Year Final Compensation to local fire safety members entering membership for the first time.

Consent

5. Consider approving final adoption of **Ordinance No. 3556-C.S.** amending Section 4-4-9 of the Zoning Map to prezone General Commercial Zone, P-C-2, and prezone Low-Density Residential Zone, P-R-1, property bounded by Crows Landing Road on

the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (City of Modesto). (Funding Source: Not Applicable)

- Motion approving final adoption of **Ordinance No. 3556-C.S.** amending Section 4-4-9 of the Zoning Map to prezone General Commercial Zone, P-C-2, and prezone Low-Density Residential Zone, P-R-1, property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (City of Modesto).

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) approving final adoption of **Ordinance No. 3556-C.S.** amending Section 4-4-9 of the Zoning Map to prezone General Commercial Zone, P-C-2, and prezone Low-Density Residential Zone, P-R-1, property bounded by Crows Landing Road on the west, Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north (City of Modesto).

Consent

6. Consider appointing a new Vice Mayor for calendar year 2012. (Funding Source: Not Applicable)
 - Resolution designating Councilmember Burnside to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto recommended

City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Resolution 2011-445 (Lopez/Burnside; 7/0) designating Councilmember Burnside to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

Consent – *Councilmember Cogdill absent due to conflict of interest*

7. Consider accepting the First Quarter Update of the City of Modesto Capital Improvement Program for Fiscal Year 2011-2012. (Funding Source: Not applicable)
 - Motion accepting the First Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012 recommended.

Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Motion (Lopez/Burnside; 6/0; Cogdill absent due to conflict of interest) accepting the First Quarter Update of City of Modesto Capital Improvement Program for Fiscal Year 2011-2012.

Consent

8. Consider accepting the Monthly Investment Report for August, 2011. (Funding Source: Not Applicable)
 - Motion accepting the Monthly Investment Report for August, 2011 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Motion (Lopez/Burnside; 7/0) accepting the Monthly Investment Report for August, 2011.

Consent

9. Consider approving the quarterly adjustments to the maximum rate schedule for City residential and commercial solid waste collection services, to become effective January 1, 2012, and rescinding Resolution No. 2011-386. (Funding Source: Not Applicable)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2012, including fuel cost; and rescinding Resolution No. 2011-386 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2011-446 (Lopez/Burnside; 7/0) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2012, including fuel cost; and rescinding Resolution No. 2011-386.

Consent

10. Consider approving: (i) an agreement for the purchase of retired City of Modesto Police canine, Mick, by its handler, Officer Parsons; and (ii) an agreement for the purchase of retired City of Modesto Police canine, Max, by his handler, Officer Roman. (Funding Source: General Fund Revenue)
- Resolution approving an Agreement between the City of Modesto and Officer Parsons for the purchase of retired City of Modesto Police canine, Mick, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Agreement between the City of Modesto and Officer Roman for the purchase of retired City of Modesto Police canine, Max, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Police; Rick Armendariz, 572-9612, armendarizr@modestopd.com

ACTION: Resolution 2011-447 (Lopez/Burnside; 7/0) approving an Agreement between the City of Modesto and Officer Parsons for the purchase of retired City of Modesto Police canine, Mick, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-448 (Lopez/Burnside; 7/0) approving an Agreement between the City of Modesto and Officer Roman for the purchase of retired City of Modesto Police canine, Max, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider: (i) accepting the 2011 COPS Secure Our Schools grant, in the amount of \$316,411, from the U.S. Department of Justice, Office of Community Oriented Policing Services; (ii) approving a Memorandum of Understanding between Modesto City Schools, Stanislaus County Office of Education, and the City of Modesto for a grant for funding in the amount of \$316,411, from the COPS Secure Our Schools grant; (iii) approving a Memorandum of Agreement between Modesto City Schools, Stanislaus County Office of Education, and the City of Modesto for Administrative Fee Services for the Secure Our Schools Grant; and (iv) amending the Fiscal Year 2011/12 Operating and Multi-Year Budget, estimating revenue of \$316,411 for the 2011 COPS

Secure Our Schools grant. (Funding Source: 2011 COPS Secure Our Schools Grant)

- Resolution accepting the 2011 COPS Secure Our Schools grant, in the amount of \$316,411, from the U.S. Department of Justice, Office of Community Oriented Policing Services; and authorizing the City Manager, or his authorized designee, to execute the necessary documents recommended.
- Resolution approving a Memorandum of Understanding between the Modesto Police Department, Modesto City Schools, and Stanislaus County Office of Education for a grant, in the amount of \$316,411, from the COPS Secure Our Schools grant recommended.
- Resolution approving a Memorandum of Agreement between the Modesto Police Department, Modesto City Schools, and the Stanislaus County Office of Education for Administrative Fee Services for the Secure Our Schools Grant recommended.
- Resolution amending the Fiscal Year 2011/2012 Operating and Multi-Year Budget, to reflect revenue and expenses in the amount of \$316,411, related to the 2011 COPS Secure Our Schools grant recommended.

Police; Michael Harris, 572-9550, HarrisM@Modestopd.com

ACTION: Resolution 2011-449 (Lopez/Burnside; 7/0) accepting the 2011 COPS Secure Our Schools grant, in the amount of \$316,411, from the U.S. Department of Justice, Office of Community Oriented Policing Services; and authorizing the City Manager, or his authorized designee, to execute the necessary documents.

ACTION: Resolution 2011-450 (Lopez/Burnside; 7/0) approving a Memorandum of Understanding between the Modesto Police Department, Modesto City Schools, and Stanislaus County Office of Education for a grant, in the amount of \$316,411, from the COPS Secure Our Schools grant.

ACTION: Resolution 2011-451 (Lopez/Burnside; 7/0) approving a Memorandum of Agreement between the Modesto Police Department, Modesto City Schools, and the Stanislaus County Office of Education for Administrative Fee Services for the Secure Our Schools Grant.

ACTION: Resolution 2011-452 (Lopez/Burnside; 7/0) amending the Fiscal Year 2011/2012 Operating and Multi-Year Budget, to reflect revenue and expenses in the amount of \$316,411, related to the 2011 COPS Secure Our Schools grant.

Consent

12. Consider approving the submittal of the Airport Capital Improvement Plan (ACIP) Update to Federal Aviation Administration (FAA) and Caltrans Aeronautics. (Funding Source: Not applicable)
 - Resolution approving the submittal of the Airport Capital Improvement Plan Update to Federal Aviation Administration and Caltrans Aeronautics recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Resolution 2011-453 (Lopez/Burnside; 7/0) approving the submittal of the Airport Capital Improvement Plan Update to Federal Aviation Administration and Caltrans Aeronautics.

Consent

13. Consider approving: (i) an agreement with Carollo Engineers for the development of a Facilities Layout Plan for the Wastewater Division, Sutter Wastewater Treatment Plant; and (ii) the transfer of \$79,444 from CIP 100372 Sutter Plant Parking Lot and \$79,444 from CIP 100383 Security Upgrade Sutter to Operating Org 4210-54020-53300 – Wastewater Services Admin, Services – Professional and Other. (Funding Source: Wastewater Fund)

- Resolution approving an agreement with Carollo Engineers for the development of a Facilities Layout Plan for the Wastewater Division, Sutter Wastewater Treatment Plant, in an amount not to exceed \$158,888; and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving the transfer of \$79,444 from CIP 100372 Sutter Plant Parking Lot and \$79,444 from CIP 100383 Security Upgrade Sutter to Operating Org 4210-54020-53300 – Wastewater Services Admin, Services – Professional and Other to fund the Facility Layout Plan recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2011-454 (Lopez/Burnside; 7/0) approving an agreement with Carollo Engineers for the development of a Facilities Layout Plan for the Wastewater Division, Sutter Wastewater Treatment Plant, in an amount not to exceed \$158,888; and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2011-455 (Lopez/Burnside; 7/0) approving the transfer of \$79,444 from CIP 100372 Sutter Plant Parking Lot and \$79,444 from CIP 100383 Security Upgrade Sutter to Operating Org 4210-54020-53300 – Wastewater Services Admin, Services – Professional and Other to fund the Facility Layout Plan.

Consent

14. Consider rejecting all bids for the Jet-Vac Dump Site Rehabilitation Project, and authorizing City staff to re-advertise the project. (Funding Source: Wastewater Fund)

- Resolution rejecting all bids for the Jet-Vac Dump Site Rehabilitation Project, and authorizing staff to re-advertise the project recommended.

Public Works; Robert Englent, 577-6200, renglent@modestogov.com

ACTION: Resolution 2011-456 (Lopez/Burnside; 7/0) rejecting all bids for the Jet-Vac Dump Site Rehabilitation Project, and authorizing staff to re-advertise the project.

Consent

15. Consider approving an Amendment to Agreement with Carollo Engineers, Inc. (formerly Carollo Engineers, P.C.) for final design services for the Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in the amount of \$253,426, for a maximum total agreement amount of \$6,001,021. (Funding Source: Wastewater Fund)

- Resolution approving an Amendment to Agreement with Carollo Engineers, Inc. for final design services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in an amount not to exceed \$253,426, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-457 (Lopez/Burnside; 7/0) approving an Amendment to Agreement with Carollo Engineers, Inc. for final design services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in an amount not to exceed \$253,426, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

Consent

16. Consider approving a Second Amendment to Agreement with West Yost Associates, Inc. for Bid Period Construction Management services for the Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in the amount of \$112,500, for a maximum total agreement amount of \$266,465 (Funding Source: Wastewater Fund)
- Resolution approving a second amendment to agreement with West Yost Associates, Inc. (West Yost) for Bid Construction Management services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in an amount not to exceed \$112,500, and authorizing the City Manager, or his designee, to execute the amendment to agreement recommended.

Utility Planning and Projects; Jennifer Pratt, 341-2915, jpratt@modestogov.com

ACTION: Resolution 2011-458 (Lopez/Burnside; 7/0) approving a second amendment to agreement with West Yost Associates, Inc. (West Yost) for Bid Construction Management services for Phase 2 Biological Nutrient Removal/Tertiary Treatment Facility project in an amount not to exceed \$112,500, and authorizing the City Manager, or his designee, to execute the amendment to agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

17. Consider written correspondence from Linda Pugh in regards to the Modesto Area Express bus schedules. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Mayor Ridenour referred Ms. Pugh to Public Works Director Dennis Turner.

UNFINISHED BUSINESS

18. Consider approving a Memorandum of Understanding between the Public Works Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the Solid Waste Compost Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility. The total estimated loan to the Compost Enterprise Fund is \$5,600,625. (Funding Source: Wastewater Fund)
- Resolution approving a Memorandum of Understanding between the Public Works

Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the Solid Waste Compost Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility recommended.

Public Works and Parks, Recreation & Neighborhoods; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2011-459 (Lopez/Cogdill; 7/0) approving a Memorandum of Understanding between the Public Works Department and Parks, Recreation and Neighborhoods Department for project loan repayment related to relocation of the Solid Waste Compost Facility, for the Phase 2 BNR/Tertiary Wastewater Treatment Facility.

Councilmember Lopez left meeting at 6:15 p.m.

HEARINGS

Published in the Modesto Bee on November 25, 2011

19. Hearing to consider accepting the Capital Facilities Fees Annual Report for Fiscal Year 2010-2011, and making findings related to each of the fee categories. (Funding Source: CFF Administration Fund)

- Resolution accepting the Capital Facilities Fees Annual Report for Fiscal Year 2010-2011, and making findings related to each of the fee categories recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2011-460 (Geer/Burnside; 6/0; Lopez absent) accepting the Capital Facilities Fees Annual Report for Fiscal Year 2010-2011, and making findings related to each of the fee categories.

Councilmember returned to meeting at 6:20 p.m.

NEW BUSINESS

20. Consider approving a street cross-section and street furniture for pedestrian-oriented downtown streets and directing staff to incorporate corresponding design provisions into the City's Standard Specifications. (Funding Source: Not Applicable)

- Resolution directing staff to incorporate Standards for Downtown Complete Streets and Street Furniture into Standard Specifications recommended.

Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

ACTION: Resolution 2011-461 (Lopez/Muratore; 7/0) directing staff to incorporate Standards for Downtown Complete Streets and Street Furniture into Standard Specifications.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Council meeting adjourned at 6:25 pm to return to Closed Session meeting.

CLOSED SESSION

Closed Session matters heard prior to and after meeting

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

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

Property: Acquisition of property for the following project:
Emancipated Foster and Homeless Youth Program
505 East Coolidge Avenue
APN: 031-002-039-000

Negotiating parties: Julie Hannon, Director of Parks, Recreation & Neighborhoods

Under negotiation: Price and terms of acquisition of property

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCEA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPOA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Officers’ Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) –MPMA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) - MCFFA

Agency Negotiators: Dania Torres Wong
Employee Organization: Modesto City Firefighters Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 13, 2011, at 5:30 p.m.

Roll Call - Present: Councilmembers Burnside, Cogdill, Geer, Gunderson, Lopez, Muratore,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, CrossPoint Community Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest - None

Reports from Closed Session - City Attorney Wood reported on Closed Session matters

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by the Modesto Chamber of Commerce to new and growing businesses in Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Cecil Russell, President of the Modesto Chamber of Commerce, acknowledged Jewelry Vault, Pure Vida Shaved Ice, and Sunflower Market.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider approving appointments to fill 3 vacancies on the City of Modesto Board of Building Appeals. (Funding Source: Not Applicable)
 - Resolution appointing Duke Leffler, Rick Reid and Evan Yoshino to the Board of Building Appeals recommended.
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Resolution 2011-462 (Lopez/Burnside; 7/0) appointing Duke Leffler, Rick Reid and Evan Yoshino to the Board of Building Appeals.

3. Consider approving an appointment to fill 1 vacancy on the City of Modesto Disabled Access Appeals Board. (Funding Source: Not Applicable)
 - Resolution appointing Dennis Smith to the Disabled Access Appeals Board recommended.
Community & Economic Development; William Crew, 577-5231, wcrew@modestogov.com

ACTION: Resolution 2011-463 (Lopez/Burnside; 7/0) appointing Dennis Smith to the Disabled Access Appeals Board.

PUBLIC COMMENT PERIOD

- Cecil Russell and Bob Forbes requested City of Modesto support for the "Ride for Mom" bicycle event on May 12, 2011 at Johansen High School.
- Garrad Marsh spoke regarding the problem of graffiti and tagging in the City of Modesto, raising public awareness of successes to eliminate graffiti, rehiring staff for graffiti abatement, and prosecution of taggers.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 19

ACTION CONSENT ITEMS 4-19: (Lopez/Cogdill; 7/0)

CONSENT ITEMS

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

Consent

4. Consider approving the minutes of the City Council meeting of December 6, 2011. (Funding Source: Not Applicable)
 - Motion approving the minutes of the City Council meeting of December 6, 2011 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) approving the minutes of the City Council meeting of December 6, 2011.

Consent

5. Consider supporting an effective Sustainable Community Strategy for Stanislaus Council of Governments as required by SB 375 and committing to leadership for economically viable smart growth planning. (Funding Source: Not Applicable)
 - Resolution supporting an effective Sustainable Community Strategy for Stanislaus Council of Governments as required by SB 375 and committing to leadership for economically viable smart growth planning recommended.
City Council; Jim Ridenour, 571-5597, jridenour@modestogov.com

ACTION: Resolution 2011-464 (Lopez/Cogdill; 7/0) supporting an effective Sustainable Community Strategy for Stanislaus Council of Governments as required by SB 375 and committing to leadership for economically viable smart growth planning.

Consent

6. Consider approving the abandonment of Groveland Street City right-of-way easement located between APN: 106-021-006 and APN: 106-022-009, and south of Yosemite Boulevard, by summary vacation. (Funding Source: Not applicable)
- Resolution approving the summary vacation of the portion of Groveland Street located south of Yosemite Boulevard recommended.
- Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

ACTION: Resolution 2011-465 (Lopez/Cogdill; 7/0) approving the summary vacation of the portion of Groveland Street located south of Yosemite Boulevard.

Consent

7. Consider accepting the annual report for the Fiscal Year ending June 30, 2011, for the Redevelopment Agency of the City of Modesto. (Funding Source: Not Applicable)
- Resolution accepting the Annual Report for the Fiscal Year ending June 30, 2011, for the Redevelopment Agency of the City of Modesto recommended.
- Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

ACTION: Resolution 2011-466 (Lopez/Cogdill; 7/0) accepting the Annual Report for the Fiscal Year ending June 30, 2011, for the Redevelopment Agency of the City of Modesto.

Consent

8. Consider accepting the Monthly Investment Report for September, 2011. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for September, 2011 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: Motion (Lopez/Cogdill; 7/0) accepting the Monthly Investment Report for September, 2011.

Consent

9. Consider authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater and Stormwater Collection Sections through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sanitation District through Municipal Maintenance Equipment, Sacramento, CA, for an estimated total cost of \$770,614. (Funding Source: Fleet Replacement Fund)
- Resolution authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater and Stormwater Collection Section through the Public Works

Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sanitation District through Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$770,614.

Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2011-467 (Lopez/Cogdill; 7/0) authorizing the award of contract for the purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater and Stormwater Collection Section through the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the Los Angeles County Sanitation District through Municipal Maintenance Equipment, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$770,614.

Consent

10. Consider introducing an Ordinance amending the City’s Municipal Code reducing the existing Utility Users Tax rate from 6% to 5.8% on telecommunications and modernizing definitions to reflect changes in technology and state and federal law. (Approved by the voters as Measure N on the November 8, 2011 ballot.) (Funding Source: General Fund)

- Motion introducing an Ordinance Amending Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax recommended.

Finance; Gloriette Genereux, 577-5369, ggenereux@modestogov.com

ACTION: Motion (Lopez/Cogdill; 7/0) introducing **Ordinance No. 3557-C.S.** Amending Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax.

Consent

11. Consider adopting the 5-year update of the City of Modesto Local Hazard Mitigation Plan and the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan. (Funding Source: The fiscal impact is unknown and would depend on what federal funding may become available for disaster mitigation or if there are any disaster declarations in Modesto)

- Resolution adopting the City of Modesto Local Hazard Mitigation Plan recommended.

Fire; Michael Payton, 571-5876, mpayton@modestofire.com

ACTION: Resolution 2011-468 (Lopez/Cogdill; 7/0) adopting the City of Modesto Local Hazard Mitigation Plan.

Consent

12. Consider approving a data sharing agreement between the City of Modesto Police Department and Stanislaus County Sheriff’s Department. (Funding Source: Not Applicable)

- Resolution approving a data sharing agreement between the Modesto Police Department and the Stanislaus County Sheriff’s Department recommended.

Information Technology; Kevin Harless, 571-5593, kharless@modestogov.com

ACTION: Resolution 2011-469 (Lopez/Cogdill; 7/0) approving a data sharing agreement between the Modesto Police Department and the Stanislaus County Sheriff's Department.

Consent

13. Consider authorizing the award of contract for the sole brand procurement, design, and installation of a Liebert 40kVA NX Uninterruptible Power Supply System for the Modesto Police Department Data Center by accessing the terms of the Western State Contract Alliance contract number B27164 to Hewlett Packard Direct, through to NWN Corporation, Sacramento, CA, an authorized third party provider on the WSCA contract, for an estimated purchase price of \$119,800 (Funding Source: Information Technology Fund and Modesto Police Department (MPD) Outside Services Fund)
- Resolution authorizing the award of contract for the sole brand procurement, design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance contract number B27164 to Hewlett Packard Direct, through NWN Corporation, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated cost of \$119,800 recommended.

Information Technology; Bryan Sastokas, 577-5229, bsastokas@modestogov.com

ACTION: Resolution 2011-470 (Lopez/Cogdill; 7/0) authorizing the award of contract for the sole brand procurement, design and installation of a Liebert Uninterruptible Power Supply System for the Modesto Police Department by accessing the terms of the Western State Contract Alliance contract number B27164 to Hewlett Packard Direct, through NWN Corporation, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated cost of \$119,800.

Consent

14. Consider a request from EAH, Inc. to amend the HOME loan agreement to utilize \$250,000 from the \$1,000,000.00 loan to use as an interim gap financing to get the Archway Commons project started. (Funding Source: HOME Investment Partnership Program Funds)
- Resolution approving a Second Amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. to utilize \$250,000 from the \$1 million loan as an interim gap financing to start the project; and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement and related documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2011-471 (Lopez/Cogdill; 7/0) approving a Second Amendment to the HOME Loan Agreement between the City of Modesto and EAH, Inc. to utilize \$250,000 from the \$1 million loan as an interim gap financing to start the project; and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement and related documents.

Consent

15. Consider (i) rescinding Resolution 2010-238 for the sole source procurement for the

purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communications Center to Motorola Communications, Burlingame, CA, and Delta Wireless, Turlock, CA; and (ii) authorizing award of contract and proposal based on a formal Request for Proposal process in which Stanislaus County will be the lead agency working in close cooperation with the City of Modesto, Purchasing Department. (Funding Source: Not Applicable)

- Resolution authorizing Rescinding Resolution 2010-238 for the sole source procurement for the purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communications Center to Motorola Communications, Burlingame, CA, and Delta Wireless, Turlock, CA recommended.
- Resolution authorizing Stanislaus County to issue and award the proposal for the P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment. The Stanislaus County Purchasing Department will be the lead in this project working in close cooperation with City of Modesto, Purchasing Department recommended.

Police and Finance; Mike Harden, 572-9501, hardenm@modestopd.com

ACTION: Resolution 2011-472 (Lopez/Cogdill; 7/0) rescinding Resolution 2010-238 for the sole source procurement for the purchase and installation of Motorola P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment for the Modesto Police Department and Stanislaus Regional Communications Center to Motorola Communications, Burlingame, CA, and Delta Wireless, Turlock, CA.

ACTION: Resolution 2011-473 (Lopez/Cogdill; 7/0) authorizing Stanislaus County to issue and award the proposal for the P25 Simulcast Cell, Digital Trunking Public Safety Communication Equipment. The Stanislaus County Purchasing Department will be the lead in this project working in close cooperation with City of Modesto, Purchasing Department.

Consent

16. Consider (i) accepting the Preliminary Design Report dated November 1, 2011 for Rehabilitation of Emerald Lift Station project as complete, (ii) accepting the Preliminary Design Report dated August 31, 2011 for Replacement of Hahn Lift Station project as complete, and (iii) approving an agreement with HDR Engineering, Inc. (HDR) for final design services for Emerald Lift Station, in an amount not to exceed \$316,524. (Total estimated cost for the final design portion of the project is \$489,613.02) (Funding Source: Wastewater Fund)
 - Resolution accepting the Preliminary Design Report dated November 1, 2011 for Rehabilitation of Emerald Lift Station project as complete recommended.
 - Resolution accepting the Preliminary Design Report dated August 31, 2011 for Replacement of Hahn Lift Station project as complete recommended.
 - Resolution approving an agreement with HDR Engineering, Inc. for final design services for Emerald Lift Station project in an amount not to exceed \$287,749 for the identified scope of services, plus \$28,775 for additional services (if needed), for a maximum total amount of \$316,524, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; Jesse Franco, 571-5175, jfranco@modestogov.com

ACTION: Resolution 2011-474 (Lopez/Cogdill; 7/0) accepting the Preliminary Design Report dated November 1, 2011 for Rehabilitation of Emerald Lift Station project as complete.

ACTION: Resolution 2011-475 (Lopez/Cogdill; 7/0) accepting the Preliminary Design Report dated August 31, 2011 for Replacement of Hahn Lift Station project as complete.

ACTION: Resolution 2011-476 (Lopez/Cogdill; 7/0) approving an agreement with HDR Engineering, Inc. for final design services for Emerald Lift Station project in an amount not to exceed \$287,749 for the identified scope of services, plus \$28,775 for additional services (if needed), for a maximum total amount of \$316,524, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving a Memorandum of Agreement between the City of Modesto and the County of Stanislaus for services provided by the City related to the Airport District Sewer System Design, in the not-to-exceed amount of \$266,200. (Funding Source: Not Applicable)

- Resolution approving a Memorandum of Agreement between the City of Modesto (City) and the County of Stanislaus for services provided by the City related to the Airport District Sewer System Design, in the not-to-exceed amount of \$266,200; and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Utility Planning and Projects; William Wong, 571-5801, WWong@modestogov.com

ACTION: Resolution 2011-477 (Lopez/Cogdill; 7/0) approving a Memorandum of Agreement between the City of Modesto (City) and the County of Stanislaus for services provided by the City related to the Airport District Sewer System Design, in the not-to-exceed amount of \$266,200; and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

18. Consider (i) approving an On-call Real Estate Broker Services agreement with California Valley Real Estate, Inc. dba Prudential California Realty, in an amount not to exceed \$100,000, and (ii) approving an On-call Real Estate Broker Services agreement with Rand Commercial Properties, in an amount not to exceed \$100,000. Total maximum of \$200,000 for all services annually. (Funding Source: Various Capital Improvement Projects)

- Resolution approving an agreement with California Valley Real Estate, Inc. dba Prudential California Realty for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options recommended.
- Resolution approving an agreement with Rand Commercial Properties for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an

amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options recommended.

Utility Planning and Projects; Jon Yuriar, 577-5399, jyuriar@modestogov.com

ACTION: Resolution 2011-478 (Lopez/Cogdill; 7/0) approving an agreement with California Valley Real Estate, Inc. dba Prudential California Realty for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

ACTION: Resolution 2011-479 (Lopez/Cogdill; 7/0) approving an agreement with Rand Commercial Properties for On-call Real Estate Broker Services to market and sell various surplus City parcels for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed \$100,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.

Consent

19. Consider rejecting all bids for the Phase 2 BNR/Tertiary Treatment Project Preliminary Site Preparation (Preliminary Site Preparation). (Funding Source: Wastewater Fund)

- Resolution rejecting all bids for the Phase 2 BNR/Tertiary Treatment Project Preliminary Site Preparation recommended.

Utility Planning and Projects; Jennifer Pratt, 341-2915, jpratt@modestogov.com

ACTION: Resolution 2011-480 (Lopez/Cogdill; 7/0) rejecting all bids for the Phase 2 BNR/Tertiary Treatment Project Preliminary Site Preparation.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the fire at the McHenry Mansion last week and thanked the citizens of Modesto for their support.

CITY MANAGER COMMENTS & REPORTS

City Manager Greg Nyhoff thanked the Modesto Fire Department, staff and citizens for their assistance with the fire at the McHenry Mansion.

HEARINGS

Published in the Modesto Bee on November 25, 2011

20. Hearing to consider (i) approving a finding that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex and therefore requires a higher retention amount than five percent (5%); and (ii) approving a retention in the amount of ten percent (10%) for the Phase 2 BNR/Tertiary Wastewater Treatment Project. (Funding Source: Wastewater Fund)

- Resolution approving a finding that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex and therefore requires a higher retention

amount than five percent (5%) recommended.

- Resolution approving a retention in the amount of ten percent (10%) for the Phase 2 BNR/Tertiary Wastewater Treatment Project recommended.

Utility Planning and Projects; Jennifer Pratt, 341-2915, jpratt@modestogov.com

ACTION: Resolution 2011-481 (Lopez/Muratore; 7/0) approving a finding that the Phase 2 BNR/Tertiary Wastewater Treatment Project is substantially complex and therefore requires a higher retention amount than five percent (5%).

ACTION: Resolution 2011-482 (Lopez/Muratore; 7/0) approving a retention in the amount of ten percent (10%) for the Phase 2 BNR/Tertiary Wastewater Treatment Project.

NEW BUSINESS

21. Consider: (i) approving implementation of the Economic Development Incentive Program; (ii) commending the Comprehensive Fee Task Force for their work; and (iii) inviting the Task Force members to participate in stakeholder reviews for future utility rate actions. (Funding Source: General Fund)

- Resolution adopting the Economic Development incentive Program as recommended by the Comprehensive Fee Task Force and repealing Municipal Code 8-7.01 through 8-7.06 recommended.
- Resolution commending the Comprehensive Fee Task Force for their service recommended.
- Motion approving inviting the Task Force members to participate in stakeholder reviews for future utility rate actions recommended.

Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2011-483 (Lopez/Burnside; 7/0) adopting the Economic Development incentive Program as recommended by the Comprehensive Fee Task Force and repealing Municipal Code 8-7.01 through 8-7.06.

ACTION: Resolution 2011-484 (Lopez/Burnside; 7/0) commending the Comprehensive Fee Task Force for their service.

ACTION: Motion (Muratore/Gunderson; 6/0; Lopez no) approving inviting the Task Force members to participate in stakeholder reviews for future utility rate actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6:35 p.m.

CLOSED SESSION

All Closed Session Matters Heard Prior to Meeting

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto City Employees Association

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto Police Non Sworn Association

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto Police Management Association

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

Agency Negotiators: Charles Sakai
Employee Organization: Modesto City Firefighters Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. One potential case.

MINUTES
City of Modesto
**Special Economic Development Committee/
City Council Workshop Meeting**

**Sixth Floor, Room 6105
Tenth Street Place, 1010 10th Street
Modesto, California**

Thursday, December 15, 2011 at 5:30 p.m.

Roll Call Present: Councilmembers Stephanie Burnside and Dave Cogdill, Jr., Dave Geer
(alternate)
Absent: Councilmember Joe Muratore

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

NEW BUSINESS

1. Consider recommending to the City Council: (i) the reappointment of Chris Tyler to the City of Modesto Planning Commission; and (ii) prospective candidates for appointment to fill two vacancies on the Modesto Planning Commission. Funding Source: Not Applicable)
Community & Economic Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Motion (Cogdill/Geer;unan.) reappointing Chris Tyler and appointing Sandra Lucas and Dennis Smith to the City of Modesto Planning Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 p.m.