

2008 Legislative History

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, January 2, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Bridegroom, Central Baptist Church

City Clerk’s Announcements: Item 11 removed from Agenda
Item 13 removed from Consent
Item 14 removed from Consent
Item 22 withdrawn per Applicant’s request

Declaration of Conflicts of Interest-None

Reports from Closed Session-No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Council Resolution honoring the outstanding public service of retiring City Manager, George W. Britton.

ACTION: Mayor Ridenour made presentation.

2. Presentation regarding the Central Valley Rail Commuter Study – ACE Train Expansion to be presented by Phil Pennino from the San Joaquin Regional Rail Commission.
Public Works Department, Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION: By Motion (**Marsh/Olsen; unan**) accepting report made by Phil Penino, San Joaquin Regional Rail Commission.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider approving the Fiscal Year 2007-2008 Legislative Platform for the City of Modesto.
- Resolution approving the Fiscal Year 2007-2008 Legislative Platform for the City of Modesto recommended.
- City Manager's Office; Larry Sanchez, 571-5580, lsanchez@modestogov.com*

ACTION: Resolution 2008-001 (Hawn/Keating; unan) approving the Fiscal Year 2007-2008 Legislative Platform for the City of Modesto.

4. Consider recommending the appointment of Mario Lopez to the Public Events Advisory Committee by Councilmember Olsen.
- Resolution appointing Mario Lopez to the Public Events Advisory Committee recommended.
- City Manager's Office; Kathy Espinoza, 571-5597, kespinoza@modestogov.com*

ACTION: Resolution 2008-002 (Olsen/Keating; uann) appointing Mario Lopez to the Public Events Advisory Committee.

5. Consider recommending the appointment of Kirk Stockham to the Community Qualities Forum by Councilmember Keating.
- Resolution recommending the appointment of Kirk Stockham to the Community Qualities Forum by Councilmember Keating recommended.
- City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: Resolution 2008-003 (Olsen/Keating; unan) recommending the appointment of Kirk Stockham to the Community Qualities Forum by Councilmember Keating.

6. Consider approving the Economic Development Committee's recommendations for the following appointments:

Community Qualities Forum

Millie Starr, Northeast resident, with a term expiration of January 1, 2011.

Planning Commission

Chris Tyler, with a term expiration of January 1, 2012.

- Resolution appointing Millie Starr with term ending January 1, 2011 to the Community Qualities Forum recommended.
- Resolution appointing Chris Tyler with term ending January 1, 2012 to the Planning Commission recommended.

City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2008-004 (Olsen/Keating; unan) appointing Millie Starr with term ending January 1, 2011 to the Community Qualities Forum.

ACTION: Resolution 2008-005 (Olsen/Keating; unan) appointing Chris Tyler with term ending January 1, 2012 to the Planning Commission.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 21

ACTION CONSENT ITEMS: 7-10; 12, 15-21 (Hawn/Lopez; unan)

ACTION ITEM 11: (Hawn/Keating; unan)

ACTION ITEM 13: (Hawn/Olsen; unan Lopez no); (Hawn/Olsen; Keating Lopez, Marsh, O’Bryant no)

ACTION ITEM 14: (Hawn/Olsen; unan)

CONSENT ITEMS

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

CONSENT

7. Consider approval of the minutes of the regular City Council meeting of December 12, 2007 and special City Council meeting of December 19, 2007.
- Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (Hawn/Lopez; unan) approving the minutes of the regular City Council meeting of December 12, 2007 and special City Council meeting of December 19, 2007.

CONSENT

8. Consider approving the final adoption of **Ordinance No. 3469-C.S.** amending the Precise Plan for Area No. 20, Sub-Area B, of the Village One Specific Plan to revise land use designation from Multi-Family to Village Center for properties located on the east side of Roselle Avenue, north of Floyd (Best Development Group, LLC).
- Motion approving final adoption of **Ordinance No. 3469-C.S.** amending the Precise Plan for Area No. 20, Sub-Area B, of the Village One Specific Plan to revise land use designation from Multi-Family to Village Center for properties located on the east side of Roselle Avenue, north of Floyd (Best Development Group, LLC) recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Lopez; unan**) approving final adoption of **Ordinance No. 3469-C.S.** amending the Precise Plan for Area No. 20, Sub-Area B, of the Village One Specific Plan to revise land use designation from Multi-Family to Village Center for properties located on the east side of Roselle Avenue, north of Floyd (Best Development Group, LLC).

CONSENT

9. Consider accepting the public improvements for the Hacienda Del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to Release Securities Upon Expiration of Statutory Periods

(Owner: Centex Homes, a Nevada General Partnership)

- Resolution accepting the public improvements for the Hacienda del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.

*Community & Economic Development; Bill Sandhu, 577-5259,
bsandhu@modestogov.com*

ACTION: **Resolution 2008-006 (Hawn/Lopez; unan)** accepting the public improvements for the Hacienda del Sol Unit No. 2 Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

CONSENT

10. Consider accepting the public improvements for the Falling Leaf Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods (Owner: William Lyon Homes, Inc., a California corporation).

- Resolution accepting the public improvements for the Falling Leaf Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.

*Community & Economic Development; Bill Sandhu, 577-5259,
bsandhu@modestogov.com*

ACTION: **Resolution 2008-007 (Hawn/Lopez; unan)** accepting the public improvements for the Falling Leaf Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods

CONSENT--*REMOVED FROM AGENDA*

11. Consider approving a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood

Collaborative (Collaborative) to operate the King-Kennedy Memorial Center (KKMC).

- Resolution approving a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) to operate the King-Kennedy Memorial Center (KKMC), and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,

jhannon@modestogov.com

ACTION: By Motion (**Hawn/Keating; unan**) removing item removed from Agenda.

CONSENT

12. Consider approving an agreement with Forever Young Seniors Dance Club, Inc. to accept a \$5,000 donation to provide improvements to the kitchen at the Modesto Senior Citizens Center, and to reaffirm facility usage rates at the Modesto Senior Citizens Center.

- Resolution approving an agreement with Forever Young Seniors Dance Club, Inc. to accept a \$5,000 donation to provide improvements to the kitchen at the Modesto Senior Citizens Center, and to reaffirm facility usage rates at the Modesto Senior Citizens Center, and authorizing the City Manager, or his designee, to execute the agreement recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,

jhannon@modestogov.com

ACTION: **Resolution 2008-008 (Hawn/Lopez; unan)** approving an agreement with Forever Young Seniors Dance Club, Inc. to accept a \$5,000 donation to provide improvements to the kitchen at the Modesto Senior Citizens Center, and to reaffirm facility usage rates at the Modesto Senior Citizens Center, and authorizing the City Manager, or his designee, to execute the agreement.

REMOVED FROM CONSENT

13. Consider approving implementation of annual membership cards for use of Maddux Youth Center, beginning February 1, 2008.

- Resolution approving implementation of annual membership cards for use of Maddux Youth Center, beginning February 1, 2008 recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,

jhannon@modestogov.com

ACTION: **Resolution 2008-009 (Hawn/Olsen; unan Lopez no)** approving implementation of annual membership cards for use of Maddux Youth Center, beginning February 1, 2008.

ACTION: Motion (**Hawn/Olsen; Keating,Lopez,Marsh,O'Bryant, Mayor Ridenour no**)

approving staff recommendation to charge fee of \$5.00 per child.
(Motion not carried.)

REMOVED FROM CONSENT

14. Consider authorizing the Purchasing Manager to formally solicit Requests for Proposals (RFP) for a managed competition process for custodial services to City-owned buildings currently maintained by the City's Building Services Division.
- Resolution authorizing the Purchasing Manager to formally solicit Requests for Proposals (RFP) for a managed competition process for custodial services to City-owned buildings currently maintained by the Parks, Recreation & Neighborhoods Department, Building and Parking Services Division recommended.
 - Resolution directing staff to negotiate with MCEA and MCMA related to the potential displacement of full-time employees that might occur as a result of contracting out custodial services, and to declare an impasse in negotiations if these groups and the City are unable to reach an agreement recommended.
- Parks, Recreation & Neighborhoods; Debbie Fortino, 342-4579,
dfortino@modestogov.com*

ACTION: **Resolution 2008-010 (Hawn/Olsen; unan)** authorizing the Purchasing Manager to formally solicit Requests for Proposals (RFP) for a managed competition process for custodial services to City-owned buildings currently maintained by the Parks, Recreation & Neighborhoods Department, Building and Parking Services Division.

ACTION: **Resolution 2008-011 (Hawn/Olsen; unan)** directing staff to negotiate with MCEA and MCMA related to the potential displacement of full-time employees that might occur as a result of contracting out custodial services.

CONSENT

15. Consider approving a request from Habitat for Humanity, Stanislaus to extend the loan conditions for the land acquisition agreement with the City of Modesto, amending the Community Housing Development Organization Set-Aside Agreement between the City of Modesto and Habitat for Humanity, Stanislaus.
- Resolution approving a request from Habitat for Humanity, Stanislaus, to amend the loan conditions for the land acquisition agreement with the City of Modesto, amending the Community Housing Development Organization Set-Aside Agreement between the City of Modesto and Habitat for Humanity, Stanislaus, and authorizing the City Manager, or his designee, to execute the Amendments to the Agreements and related documents recommended.
 - Resolution amending the FY 2007-2008 annual operating budget to reflect approved changes to the HOME Investment Partnership Program recommended.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Resolution 2008-012 (Hawn/Lopez; unan) approving a request from Habitat for Humanity, Stanislaus, to amend the loan conditions for the land acquisition agreement with the City of Modesto, amending the Community Housing Development Organization Set-Aside Agreement between the City of Modesto and Habitat for Humanity, Stanislaus, and authorizing the City Manager, or his designee, to execute the Amendments to the Agreements and related documents.

ACTION: Resolution 2008-013 (Hawn/Lopez; unan) amending the FY 2007-2008 annual operating budget to reflect approved changes to the HOME Investment Partnership Program.

CONSENT

16. Consider amending Resolutions No. 2007-254 and 2007-255 related to applications for funding from the Habitat Conservation Fund Program and the Recreational Trails Program, to add State required language to the resolutions.
- Resolution amending Resolution No. 2007-554 titled "A Resolution approving an application for \$200,000 in funding from the Habitat Conservation Fund Program under the California Wildlife Protection Act of 1990 for the construction and installation of 1,550 lineal feet of pedestrian trail in the Tuolumne River Regional Park, and authorizing the City Manager to execute the grant application" to add State required additional language stating that a management plan will be developed for land acquired with this grant funding recommended.
 - Resolution amending Resolution No. 2007-555 titled "A Resolution approving a grant application for \$150,000 in funding from the federal Recreational Trails Program, for the construction and installation of 2,850 lineal feet of bike/pedestrian trail within the Pelandale/Snyder Bike Trail and authorizing the City Manager to execute all necessary documents" to add State required language stating that the Project is consistent with the Modesto Urban Area General Plan recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571- 5104,
bhatcher@modestogov.com*

ACTION: Resolution 2008-014 (Hawn/Lopez; unan) amending Resolution No. 2007-554 titled "A Resolution approving an application for \$200,000 in funding from the Habitat Conservation Fund Program under the California Wildlife Protection Act of 1990 for the construction and installation of 1,550 lineal feet of pedestrian trail in the Tuolumne River Regional Park, and authorizing the City Manager to execute the grant application" to add State required additional language stating that a management plan will be developed for land acquired with this grant funding.

ACTION: Resolution 2008-015 (Hawn/Lopez; unan) amending Resolution No. 2007-555 titled "A Resolution approving a grant application for \$150,000 in funding from the federal Recreational Trails Program, for the construction and installation of 2,850 lineal feet of bike/pedestrian trail

within the Pelandale/Snyder Bike Trail and authorizing the City Manager to execute all necessary documents” to add State required language stating that the Project is consistent with the Modesto Urban Area General Plan.

CONSENT

17. Consider appointing VantageTrust Company as successor trustee for the City of Modesto’s Sidecar IRA Deferred Compensation Program.
- Resolution appointing VantageTrust Company as successor trustee for the City of Modesto’s Sidecar IRA Deferred Compensation Program recommended.
Personnel; Mary Akin, 577-5251, makin@modestogov.com

ACTION: Resolution 2008-016 (Hawn/Lopez; unan) appointing VantageTrust Company as successor trustee for the City of Modesto’s Sidecar IRA Deferred Compensation Program.

CONSENT

18. Consider approving an Agreement with Mark Thomas & Company, Inc., for construction support services for the Dale/Kiernan Intersection Improvements project, in the not-to-exceed amount of \$140,210.
- Resolution approving an Agreement with Mark Thomas & Company, Inc., for construction support services for the Dale/Kiernan Intersection Improvements project, in the not-to-exceed amount of \$140,210, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-017 (Hawn/Lopez; unan) approving an Agreement with Mark Thomas & Company, Inc., for construction support services for the Dale/Kiernan Intersection Improvements project, in the not-to-exceed amount of \$140,210, and authorizing the City Manager, or his designee, to execute the Agreement.

CONSENT

19. Consider approving an additional 60-day extension to the provisional appointment for Dennis Turner as Deputy Director of Operations (Wastewater) through February 23, 2008.
- Resolution approving an additional 60-day extension to the provisional appointment for Dennis Turner as Deputy Director of Operations (Wastewater) through February 23, 2008 recommended.
Public Works; Gail Wax, 342-2281, gwax@modestogov.com

ACTION: Resolution 2008-018 (Hawn/Lopez; unan) approving an additional 60-day extension to the provisional appointment for Dennis Turner as Deputy Director of Operations (Wastewater) through February 23, 2008.

CONSENT

20. Consider accepting the work by Teichert Construction for the project titled “Construction of Left-Hand Turn Lane Extensions on Briggsmore Avenue at McHenry Avenue” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$124,294.10. (Total project cost is \$152,716.14, which included construction contingency and construction administration.)
- Resolution accepting the work by Teichert Construction for the project titled “Construction of Left-Hand Turn Lane Extensions on Briggsmore Avenue at McHenry Avenue” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$124,294.10 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-019 (Hawn/Lopez; unan)** accepting the work by Teichert Construction for the project titled “Construction of Left-Hand Turn Lane Extensions on Briggsmore Avenue at McHenry Avenue” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$124,294.10.

CONSENT

21. Consider accepting the work by BDS Construction, Inc., for the project titled “2006 ADA Curb Ramps” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$203,651.00. (Total project cost is \$232,647.23, which included construction contingency and construction administration.)
- Resolution increasing the Public Works Director’s authority to issue change orders on the “2006 ADA Curb Ramps” project from \$25,000.00 to \$27,715.00 recommended.
 - Resolution accepting the work by BDS Construction, Inc., for the project titled “2006 ADA Curb Ramps” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$203,651.00 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-020 (Hawn/Lopez; unan)** increasing the Public Works Director’s authority to issue change orders on the “2006 ADA Curb Ramps” project from \$25,000.00 to \$27,715.00.

ACTION: **Resolution 2008-021 (Hawn/Lopez; unan)** accepting the work by BDS Construction, Inc., for the project titled “2006 ADA Curb Ramps” as complete, authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$203,651.00.

Recess at 7:55 pm

Reconvened at 8:10 pm

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

*Published in the Modesto Bee on November 2, 2007; continued from 11/27/07 at Applicant's request; **withdrawn per Applicant's request***

22. Hearing to consider a rezoning from General Commercial (C-2), Professional Office (P-O), and Planned Development Zone, P-D(133), to Planned Development Zone, P-D(583), to allow an office development consisting of three single-story buildings with a restaurant, property located at 3619 Tully Road, submitted by Mid-Valley Engineering.
- Motion introducing Ordinance amending Section 7-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, Professional Office Zone, P-O, and Planned Development Zone, P-D(133), to Planned Development Zone, P-D(583), property located at 3619 Tully Road. (Mid-Valley Engineering) recommended.
 - Resolution approving a Development Plan for Planned Development Zone, P-D(583). (Mid-Valley Engineering) recommended.
 - Resolution finding the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amending Section 7-3-9 of the Zoning Map to rezone from the General Commercial Zone, C-2, Professional Office Zone, P-O, and Planned Development Zone, P-D(133), to Planned Development Zone, P-D(583), property located at 3619 Tully Road. (Mid-Valley Engineering) recommended.

Community and Economic Development; Steve Mitchell, 577-5267,

smitchell@modestogov.com

ACTION: By Motion (**Hawn/Keating; unan**) withdrawn from the Agenda per Applicant's request.

Published in the Modesto Bee on December 10, 2007

23. Hearing to consider an increase to the existing Cable Franchise Fee.

- Motion introducing an Ordinance amending Section 2 of Ordinance No. 3223-C.S., dated July 5, 2001, entitled “An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement” increasing the Cable Franchise Fee from 3% of Gross Annual Cable Service Revenue to 5% of Gross Annual Cable Service Revenue recommended.
- Motion directing staff to provide sixty (60) days written notice to all known cable television operators conducting business in the City of Modesto of the City’s intent to raise the Cable Franchise Fee to the maximum allowable amount of 5% in accordance with Modesto Municipal Code Section 11-4.15(a) recommended.

Information Technology; Gary Cook, 577-5529, gcook@modestogov.com

ACTION: By Motion (**Hawn/Marsh; unan Keating, O’Bryant no**) introducing **Ordinance 3470-C.S.** amending Section 2 of Ordinance No. 3223-C.S., dated July 5, 2001, entitled “An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement” increasing the Cable Franchise Fee from 3% of Gross Annual Cable Service Revenue to 5% of Gross Annual Cable Service Revenue.

ACTION: By Motion (**Hawn/Marsh; unan Keating, O’Bryant no**) directing staff to provide sixty (60) days written notice to all known cable television operators conducting business in the City of Modesto of the City’s intent to raise the Cable Franchise Fee to the maximum allowable amount of 5% in accordance with Modesto Municipal Code Section 11-4.15(a).

NEW BUSINESS

24. Consider appointing a new Vice Mayor for calendar year 2008.
- Resolution appointing a new Vice Mayor for calendar year 2008 recommended.

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

ACTION: **Resolution 2008-022 (Keating/Hawn; unan)** appointing Garrad Marsh as new Vice Mayor for calendar year 2008.

25. Consider accepting the City of Modesto’s Equal Opportunity Plan Status Report for Fiscal Year 2006-2007.
- Motion accepting the City of Modesto’s Equal Opportunity Plan Status Report for Fiscal Year 2006-2007 recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: By Motion (**Olsen/O'Bryant; unan**) accepting the City of Modesto's Equal Opportunity Plan Status Report for Fiscal Year 2006-2007.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:30 pm.

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, January 7, 2008, at 5:30 p.m.

Roll Call: Present: Committee Members: Brad Hawn, Dave Lopez, Will
O'Bryant
Absent: None

ORAL COMMUNICATIONS

Three minute time limit per speaker

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item #1

CONSENT ITEMS

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

CONSENT

1. Consider recommendation to approve an agreement for the purchase of retired canine Oden by its handler Officer Derrick Letsinger and forward to City Council for approval and authorizing the City Manager to execute the agreement.

ACTION: The Committee approved staff recommendation.

UNFINISHED BUSINESS

2. Consider endorsing a proposed ordinance amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs - Penalty Provisions and forward to City Council for adoption – continued from December 3, 2007.

ACTION: The Committee approved staff recommendation.

MATTERS TOO LATE FOR THE AGENDA

None

FUTURE AGENDA ITEMS

1. Modesto Public Arts Plan
2. Proposed ordinance regarding abatement of dangerous vehicles on private property
3. Proposed ordinance regarding use of streets for storage of vehicles prohibited
4. Proposed ordinance relating to hotels required to keep registration – public register
5. Proposed ordinance on electric cars or wheelchairs on sidewalk area or parkways
6. Amplified music request from Stanislaus PRIDE Center
7. JPA with Stanislaus Drug Enforcement Agency
8. Update on bicycle refurbishing/donation program
9. Annual collision report for 2006
10. Parks and Parks Security
11. Increase to vehicle impound fees
12. Continued discussion of Panhandling Ordinance (requested by Councilmember O'Bryant)
13. Citizen request to address drug paraphernalia shops and possible solutions

ADJOURNMENT

This meeting adjourned at 5:31 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 8, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Pishney, Big Valley Grace Community Church

City Clerk’s Announcements: Items 12 & 14 – Removed from Consent
Items 22 & 23 - Continued to February 5, 2008

Declaration of Conflicts of Interest - Hawn, Keating, Lopez, Mayor Ridenour: Item 19 -
various CIP projects

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation on the “State of our Schools” by Stanislaus County Superintendent of Schools, Tom Changnon.
City Manager’s Office; Kathy Espinoza, 577-5757, kespinoza@modestogov.com

ACTION: Presentation made by Superintendent of Schools, Tom Changnon.

ORAL COMMUNICATIONS Three minute time limit per speaker

Diane Rico – one year ago her dog was attacked by pit bull; she is still looking for pit bull; appreciates officers who helped get her wallet.

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

ACTION CONSENT ITEMS 2-11;13,15,16: (Hawn/Marsh;unan)

ACTION ITEM 12: (Hawn/Lopez;unan)

ACTION ITEM 14: (Hawn/Keating;unan)

CONSENT ITEMS

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

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of January 2, 2008.

- Motion approving recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (Hawn/Marsh;unan) approving the minutes of the regular City Council meeting of January 2, 2008.

CONSENT

3. Consider approving an Acquisition and Shortfall Agreement between City of Modesto and Miner Joaquin Building Corporation for construction of improvements on the east side of Dale Road between Pelandale Avenue and Bangs Road, with a maximum reimbursement amount of \$582,547, authorizing the Interim City Manager to execute the Agreement, and finding that the Agreement is within the scope of the previously certified Modesto Urban General Plan Master EIR (SCH. No. 1999082041).

- Resolution approving an Acquisition and Shortfall Agreement between City of Modesto and Miner Joaquin Building Corporation for construction of improvements on the east side of Dale Road between Pelandale Avenue and Bangs Road, with a maximum reimbursement amount of \$582,547, authorizing the Interim City Manager to execute the Agreement, and finding that the Agreement is within the scope of the previously certified Modesto Urban General Plan Master EIR (SCH. No. 1999082041) recommended.

Community & Economic Development; Amy Gedney, 577-5211,

agedney@modestogov.com

ACTION: Resolution 2008-023 (Hawn/Marsh;unan) approving an Acquisition and Shortfall Agreement between City of Modesto and Miner Joaquin Building Corporation for construction of improvements on the east side of Dale Road between Pelandale Avenue and Bangs Road, with a maximum reimbursement amount of \$582,547, authorizing the Interim City Manager to execute the Agreement, and finding that the Agreement is within the scope of the previously certified Modesto Urban General Plan Master EIR (SCH. No. 1999082041).

CONSENT

4. Consider amending the City's Policies and Procedures for Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982.
 - Resolution amending the City's Policies and Procedures for Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982 recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: **Resolution 2008-024 (Hawn/Marsh;unan)** amending the City's Policies and Procedures for Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello Roos Community Facilities Act of 1982.

CONSENT

5. Consider approving an Amendment to the School Impact Mitigation Agreement ("Amendment") by and between the City of Modesto, the Building Industry Association of Central California, and the Sylvan Union School District and the Modesto High School District.
 - Resolution approving an Amendment to the School Impact Mitigation Agreement by and between the City of Modesto, the Building Industry Association of Central California, and the Sylvan Union School District and the Modesto High School District, and authorizing the Interim City Manager, or his designee, to execute the Amendment recommended.

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

ACTION: **Resolution 2008-025 (Hawn/Marsh;unan)** approving an Amendment to the School Impact Mitigation Agreement by and between the City of Modesto, the Building Industry Association of Central California, and the Sylvan Union School District and the Modesto High School District, and authorizing the Interim City Manager, or his designee, to execute the Amendment.

CONSENT

6. Consider granting a One-Time Exception to the Village One Specific Plan to permit construction of a 3,000 sq ft. storage warehouse at 3348 Claus Road and not require parcel to form or annex to the Village One CFD.
 - Resolution granting a One-Time Exception to the Village One Specific Plan to permit construction of a 3,000 sq ft. storage warehouse at 3348 Claus Road and not require parcel to form or annex to the Village One CFD recommended.

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

ACTION: **Resolution 2008-026 (Hawn/Marsh;unan)** granting a One-Time Exception to the Village One Specific Plan to permit construction of a

3,000 sq ft. storage warehouse at 3348 Claus Road and not require parcel to form or annex to the Village One CFD.

CONSENT

7. Consider authorizing the award of bid and contract for the furnishing of rock crushing services for the Public Works Department, Stormwater Collections Division to California Rock Crushers Corp. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$178,500.
- Resolution authorizing the award of bid and contract for the furnishing of rock crushing services for the Public Works Department, Stormwater Collections Division to California Rock Crushers Corp. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$178,500 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2008-027 (Hawn/Marsh;unan) authorizing the award of bid and contract for the furnishing of rock crushing services for the Public Works Department, Stormwater Collections Division to California Rock Crushers Corp. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$178,500.

CONSENT

8. Consider approving a sixty (60) day extension to a six month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst.
- Resolution approving a sixty (60) day extension to a six month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst recommended.

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: Resolution 2008-028 (Hawn/Marsh;unan) approving a sixty (60) day extension to a six month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst.

CONSENT

9. Consider approving a budget amendment to estimate HOME carryover funds for funding to the Housing Authority of Stanislaus County for the Village One Town Center.
- Resolution amending the FY 07-08 operating budget to estimate \$1,816,098 in 1170-320-3259-3512, HOME Entitlement Carryover Funds, and to appropriate

said funds to 1170-320-3259-0497, Direct Loans, to fully fund the Village One Town Center project recommended.
Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: **Resolution 2008-029 (Hawn/Marsh;unan)** amending the FY 07-08 operating budget to estimate \$1,816,098 in 1170-320-3259-3512, HOME Entitlement Carryover Funds, and to appropriate said funds to 1170-320-3259-0497, Direct Loans, to fully fund the Village One Town Center project.

CONSENT

10. Consider authorizing the Purchasing Manager to issue a formal request for bids (RFB) for the lease/purchase of a John Deere Wheel Loader, with preventive maintenance, for a total estimated cost of \$202,430.
- Resolution authorizing the Purchasing Manager to issue a formal request for bids (RFB) for the lease/purchase of a John Deere Wheel Loader, with preventive maintenance, for a total estimated cost of \$202,430 recommended.
Parks, Recreation & Neighborhoods; Nathan Gorth, 538-2557, ngorth@modestogov.com

ACTION: **Resolution 2008-030 (Hawn/Marsh;unan)** authorizing the Purchasing Manager to issue a formal request for bids (RFB) for the lease/purchase of a John Deere Wheel Loader, with preventive maintenance, for a total estimated cost of \$202,430.

CONSENT

11. Consider approving a contract for the transfer of canine "Bass" by its handler, Officer Dwight Miller, to the City of Modesto Police Department.
- Resolution approving a contract for the transfer of canine "Bass" by its handler, Officer Dwight Miller, to the City of Modesto Police Department, and authorizing the Interim City Manager, or his designee, to execute the contract recommended.
Police; Ron Cloward, 572-9664, clowardr@modestopd.com

ACTION: **Resolution 2008-031 (Hawn/Marsh;unan)** approving a contract for the transfer of canine "Bass" by its handler, Officer Dwight Miller, to the City of Modesto Police Department, and authorizing the Interim City Manager, or his designee, to execute the contract.

REMOVED FROM CONSENT

12. Consider authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a security camera system to be installed in the Downtown Area, which is located within the Redevelopment Project Area for an amount not to exceed \$400,000 and to be reimbursed by the Redevelopment Agency.
- Resolution authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a security camera system

to be installed in the Downtown Area, which is located within the Redevelopment Project Area for an amount not to exceed \$400,000 and to be reimbursed by the Redevelopment Agency recommended.

- Resolution amending the FY 07-08 Operating Budget to reflect the purchase and installation of a security camera system in the Downtown area (which is located within the Redevelopment Project Area); and the reimbursement from the Redevelopment Agency for an amount not to exceed \$400,000 recommended.

Police; Ron Cloward, 572-9664, clowardr@modestopd.com

ACTION: Resolution 2008-032 (Hawn/Lopez;una) authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the purchase and installation of a security camera system to be installed in the Downtown Area, which is located within the Redevelopment Project Area for an amount not to exceed \$400,000 and to be reimbursed by the Redevelopment Agency.

ACTION: Resolution 2008-033 (Hawn/Lopez;unan) amending the FY 07-08 Operating Budget to reflect the purchase and installation of a security camera system in the Downtown area (which is located within the Redevelopment Project Area); and the reimbursement from the Redevelopment Agency for an amount not to exceed \$400,000.

CONSENT

13. Consider purchasing five (5) Cleaire “Longview” emission reduction catalyst/diesel particulate filter systems.

- Resolution amending the FY 2007/08 Budget to recognize \$88,530 in grant funding from Federal Transit Administration Grant Y487, and appropriating offsetting expenses of \$88,530 into Account No. 6510-165-1678-5946 recommended.
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the sole brand procurement of five (5) Cleaire “Longview” emission reduction catalyst/diesel particulate filter systems, and authorizing the Purchasing Manager to issue a purchase order to the lowest responsive and responsible bidder for a total estimated cost of \$80,000 recommended.

Public Works; Steve Fischio, 342-2222, sfischio@modestogov.com

ACTION: Resolution 2008-034 (Hawn/Marsh;unan) amending the FY 2007/08 Budget to recognize \$88,530 in grant funding from Federal Transit Administration Grant Y487, and appropriating offsetting expenses of \$88,530 into Account No. 6510-165-1678-5946.

ACTION: Resolution 2008-035 (Hawn/Marsh;unan) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the sole brand procurement of five (5) Cleaire “Longview” emission reduction catalyst/diesel particulate filter systems, and authorizing the Purchasing

Manager to issue a purchase order to the lowest responsive and responsible bidder for a total estimated cost of \$80,000.

REMOVED FROM CONSENT

14. Consider approving a Third Amendment to the Agreement with Wood Rodgers, Inc., for additional design services in the amount of \$66,500, for work not included in the original Agreement, and for reimbursable expenses for the project titled "Pelendale Avenue – Dale Road to McHenry Avenue. (This Third Amendment brings the total agreement total to \$966,968.)
- Resolution approving a Third Amendment to the Agreement with Wood Rodgers, Inc., for additional design services in the amount of \$66,500, for work not included in the original Agreement, and for reimbursable expenses for the project titled "Pelendale Avenue – Dale Road to McHenry Avenue," and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement recommended.
 - Resolution amending the current Capital Improvement Program budget in order to fully fund the Third Amendment to the Agreement with Wood Rodgers, Inc., by transferring \$66,500 by decreasing Object 6050 Contingency within CIP Account 1410-430-H461 (6-Lanes Dale to McHenry-Secondary) and reappropriating the same amount to Object 6010 Engineering/Design/Administration within the same CIP Account 1410-430-H461 (6-Lanes Dale to McHenry-Secondary) to perform the required design services to complete the 6-lane widening of the Pelendale Avenue– Dale Road to McHenry Avenue Project recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: **Resolution 2008-036 (Hawn/Keating;unan)** approving a Third Amendment to the Agreement with Wood Rodgers, Inc., for additional design services in the amount of \$66,500, for work not included in the original Agreement, and for reimbursable expenses for the project titled "Pelendale Avenue – Dale Road to McHenry Avenue," and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement recommended.

ACTION: **Resolution 2008-037 (Hawn/Keating;unan)** amending the current Capital Improvement Program budget in order to fully fund the Third Amendment to the Agreement with Wood Rodgers, Inc., by transferring \$66,500 by decreasing Object 6050 Contingency within CIP Account 1410-430-H461 (6-Lanes Dale to McHenry-Secondary) and reappropriating the same amount to Object 6010 Engineering/Design/Administration within the same CIP Account 1410-430-H461 (6-Lanes Dale to McHenry-Secondary) to perform the required design services to complete the 6-lane widening of the Pelendale Avenue– Dale Road to McHenry Avenue Project.

CONSENT

15. Consider accepting the work by Teichert Construction for the project titled “Construct Additional Parking Lot at Airport Passenger Terminal” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$626,281.50. (Total project cost is \$702,987.86, which included engineering design, construction contingency and construction administration.)
- Resolution accepting the work by Teichert Construction for the project titled “Construct Additional Parking Lot at Airport Passenger Terminal” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$626,281.50 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-038 (Hawn/Marsh;unan)** accepting the work by Teichert Construction for the project titled “Construct Additional Parking Lot at Airport Passenger Terminal” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder, and authorizing payment of amounts totaling \$626,281.50.

CONSENT

16. Consider approving an Agreement with Jones & Stokes Associates, Inc., for Environmental Review work related to the Updating of the Water System Engineer’s Report Project, for a not-to-exceed amount of \$160,255.
- Resolution approving an Agreement with Jones & Stokes Associates, Inc., for Environmental Review work related to the Updating of the Water System Engineer’s Report Project, for a not-to-exceed amount of \$160,255, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

Public Works; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: **Resolution 2008-039 (Hawn/Marsh;unan)** approving an Agreement with Jones & Stokes Associates, Inc., for Environmental Review work related to the Updating of the Water System Engineer’s Report Project, for a not-to-exceed amount of \$160,255, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

17. Interim City Manager Jim Niskanen to address the Council.

ACTION: Jim Niskanen thanked the Council, announced his goals as Interim City Manager and gave update on the recent storms.

UNFINISHED BUSINESS

18. Consider approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main Project, accepting the bid and approving a \$3,286,700.00 contract with Mozingo Construction, Inc., for the project titled, "Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main," and authorizing the Interim City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$4,408,306.00, which includes design, construction contract, construction contingency, and construction administration.)

- Resolution approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main Project, accepting the bid and approving a \$3,286,700.00 contract with Mozingo Construction, Inc., for the project titled, "Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main," and authorizing the Interim City Manager, or his designee, to execute the contract recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-040 (Marsh/Hawn;unan)** approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main Project, accepting the bid and approving a \$3,286,700.00 contract with Mozingo Construction, Inc., for the project titled, "Downstream Water System Improvements - Tier 1 Orangeburg Transmission Main," and authorizing the Interim City Manager, or his designee, to execute the contract.

HEARINGS

Published in the Modesto Bee on December 27, 2007

19. Hearing to consider the City's Fiscal Year 2007-2008 Capital Improvement Program amended budget.

- Resolution amending the Fiscal Year 2007-2008 Capital Improvement Program budget to re-appropriate new and existing projects and recognize additional revenue for Fiscal Year 2007-08 recommended.

Finance; Jeannie Kepler-Fortune, 577-5387, jkepler@modestogov.com

ACTION: By Motion (**Hawn/Marsh;unan**) amending the Fiscal Year 2007-2008 Capital Improvement Program Budget to Re-Appropriate New and Existing Projects and Recognize Additional Revenue for Fiscal Year 2007-08.

ACTION: By Motion (**Marsh/Keating;unan Hawn absent**) amending the Fiscal Year 2007-2008 Capital Improvement Program Budget to Re-Appropriate New and Existing Projects and Recognize Additional Revenue for Fiscal Year 2007-08.

- o Expand ATMS College Avenue
- o High Voltage Street Light Circuit Repair
- o Lower UPRR Crossings
- o Fed Pavement Rehab 9th/B-D and L to Lateral 4
- o Upgrade Traffic Signal 12/J and LaLoma/Burney Sec
- o 9th Street Storm Drainage
- o Parking Garage Projects

ACTION: By Motion (**Marsh/Keating;unan Hawn, Lopez absent**) amending the Fiscal Year 2007-2008 Capital Improvement Program Budget to Re-Appropriate New and Existing Projects and Recognize Additional Revenue for Fiscal Year 2007-08.

- o FY 06-07 Road Maintenance Projects

ACTION: By Motion (**Hawn/Marsh;unan Keating absent**) amending the Fiscal Year 2007-2008 Capital Improvement Program Budget to Re-Appropriate New and Existing Projects and Recognize Additional Revenue for Fiscal Year 2007-08.

- o Downstream Improvements Tier 1 PRVS
- o Collection System Rehab 2006

ACTION: By Motion (**Lopez/Hawn;unan Mayor Ridenour absent**) amending the Fiscal Year 2007-2008 Capital Improvement Program Budget to Re-Appropriate New and Existing Projects and Recognize Additional Revenue for Fiscal Year 2007-08.

- o Floyd between Roselle to Fine

Recess at 7:20 p.m.

Reconvened at 7:35 p.m.

Published in the Modesto Bee on December 8, 2007

20. Hearing to consider amending Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste by adding Article 2 entitled Unauthorized Entry into Waste Containers.

- Motion introducing an Ordinance amending Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste - Unauthorized Entry into Waste Containers recommended.

Police; Kathleen Blom, 572-9637, blomk@modestopd.com

ACTION: By Motion (**Olsen/Hawn;unan Keating,O'Bryant no**) introducing **Ordinance 3471-C.S.** amending Chapter 5 of Title 5 of the Modesto

Municipal Code relating to Solid Waste - Unauthorized Entry into Waste Containers.

Published in the Modesto Bee on December 8, 2007

21. Hearing to consider amending Sections 12-4.2.02 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Regulations Governing Use of Parks.

- Motion introducing an Ordinance amending Sections 12-4.2.02 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Regulations Governing Use of Parks recommended.

Police; Kathleen Blom, 572-9637, blomk@modestopd.com

ACTION: By Motion (**Hawn/O'Bryant;unan**) introducing Ordinance 3472-C.S. amending Sections 12-4.2.02 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Regulations Governing Use of Parks.

Published in the Modesto Bee on December 8, 2007; continued to February 5, 2008

22. Hearing to consider amending Sections 4-12.604 of Article 6 of Chapter 12, of Title 4 of the Modesto Municipal Code relating to "Public Nuisance."

- Motion introducing an Ordinance amending Sections 4-12.604 of Article 6 of Chapter 12, of Title 4 of the Modesto Municipal Code relating to "Public Nuisance" recommended.

Police; Kathleen Blom, 572-9637, blomk@modestopd.com

ACTION: By Motion (**Hawn/Keating;unan**) continued to February 5, 2008.

Published in the Modesto Bee on December 8, 2007; continued to February 5, 2008

23. Hearing to consider amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations.

- Motion introducing an Ordinance amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations recommended.

Police; Kathleen Blom, 572-9637, blomk@modestopd.com

ACTION: By Motion (**Hawn/Keating;unan**) continued to February 5, 2008.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:40 pm.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Susan Galvan and Ramon Galvan v. Modesto Police Officer Lyndon Yates; Officer Mirl Morse; City of Modesto Police Department; City of Modesto, et al.*
United States District Court, Eastern District of California
Case No. 1:05-CV-00986-LJO-GSA

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Harry Daniel Tessien v. City of Modesto, et al.*
U. S. District Court, Eastern District of California
Case No. 1:07-CV-00460-AWI-NEW (WMW)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition in fee of a portion of real property located at the northeast corner of Tully and Bangs

APN: 046-012-002 – 5 acres

Libitzky Holdings, LLP, a California Limited Partnership, Owners

Negotiating parties: Rob Sauser, Velthoen Associates, for Owners

Steve Castellano, Associated Right of Way Services, for City of Modesto

Under negotiation: Price and terms of sale of property.

MINUTES

City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**
Conference Room 2005 (2nd Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, January 14, 2008, at 5:30 p.m.

Roll Call: Present: Committee members Hawn, Keating, Lopez, Marsh, O'Bryant,
Olsen,
Chair Ridenour
Absent:

ORAL COMMUNICATIONS **Three minute time limit per speaker**

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item #1

CONSENT ITEMS

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 & Economic Development Department.

ACTION:

NEW BUSINESS

2. Consider receiving informational report regarding StanCOG's draft 2008 Regional Housing Needs Assessment.

ACTION:

3. Consider recommending to City Council reappointments to boards, commissions and committees; and consider applications for current vacancies on boards, commissions and committees, recommend appointments and/or request that interviews be scheduled before the committee.

ACTION:

COMMITTEE MEMBER COMMENTS AND REPORTS

MATTERS TOO LATE FOR THE AGENDA

FUTURE AGENDA ITEMS

1. Airport hangar #2 lease
2. Digester gas fired cogeneration plant incentives

ADJOURNMENT

This meeting adjourned at pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 22, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Bruce Lane, Village Christian Fellowship

City Clerk’s Announcements – Item 4.B. – Removed from Consent
Item 4.C. – Removed from Consent
Item 10 – Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session – No Closed Session

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider recommending the reappointment of Ernie Foote to the Public Events Advisory Committee by Councilmember Lopez.

- Resolution reappointing Ernie Foote to the Public Events Advisory Committee by Councilmember Lopez recommended.

City Manager’s Office; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Resolution 2008-041 (Olsen/Hawn; unan. Mayor Ridenour absent)
reappointing Ernie Foote to the Public Events Advisory Committee by Councilmember Lopez.

2. Consider approving the Planning Commission's recommended appointments of Planning Commission Representatives to the Citizens Redevelopment Advisory Commission, Board of Zoning Adjustment, and Citizens Housing & Community Development Committee.

- Resolution appointing Kent Newswander of the Planning Commission to the Citizens Redevelopment Advisory Commission with a term expiration of January 1, 2009 recommended.
- Resolution appointing Ted Brandvold of the Planning Commission to the Board of Zoning Adjustment with a term expiration of January 1, 2009 recommended.
- Resolution appointing John Sanders of the Planning Commission to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2009 recommended.

City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2008-042 (Olsen/Hawn; unan. Mayor Ridenour absent)
appointing Kent Newswander of the Planning Commission to the Citizens Redevelopment Advisory Commission with a term expiration of January 1, 2009.

ACTION: Resolution 2008-043 (Olsen/Hawn; unan. Mayor Ridenour absent)
appointing Ted Brandvold of the Planning Commission to the Board of Zoning Adjustment with a term expiration of January 1, 2009.

ACTION: Resolution 2008-044 (Olsen/Hawn; unan. Mayor Ridenour absent)
appointing John Sanders of the Planning Commission to the Citizens Housing & Community Development Committee with a term expiration of January 1, 2009.

ORAL COMMUNICATIONS
Three minute time limit per speaker

Dan Nickles spoke on behalf of KD Land Development thanking the Mayor and Council for their assistance with his fence.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 19

CONSENT Items - 3, 4.A.-9, 11-19 (Lopez/O'Bryant; unan. Mayor Ridenour absent)

ACTION Item - 4.B. (Olsen/Hawn; majority, Keating, O'Bryant no, Mayor Ridenour absent)

ACTION Item - 4.C. (Hawn/Olsen; unan. Mayor Ridenour absent)

ACTION Item - 10 (O'Bryant/Lopez; unan. Mayor Ridenour absent)

CONSENT ITEMS

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

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of January 8, 2008.
- Motion approving recommended.
- Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (**Lopez/O'Bryant; unan. Mayor Ridenour absent**) approving the minutes of the regular City Council meeting of January 8, 2008.

CONSENT

4. Consider approving the final adoption of the following Ordinances:
- A. **Ordinance No. 3470-C.S.** amending Section 2 of Ordinance No. 3223-C.S., dated July 5, 2001, entitled "An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement" increasing the Cable Franchise Fee from 3% of Gross Annual Cable Service Revenue to 5% of Gross Annual Cable Service Revenue.
- Motion approving final adoption of **Ordinance No. 3470-C.S.** recommended.

REMOVED FROM CONSENT

- B. **Ordinance No. 3471-C.S.** amending Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste - Unauthorized Entry into Waste Containers.
- Motion approving final adoption of **Ordinance No. 3471-C.S.** recommended.

REMOVED FROM CONSENT

- C. **Ordinance No. 3472-C.S.** amending Sections 12-4.2.02 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Regulations Governing Use of Parks.
- Motion approving final adoption of **Ordinance No. 3472-C.S.** recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Lopez/O'Bryant; unan. Mayor Ridenour absent**) approving the final adoption of **Ordinance No. 3470-C.S.** amending Section 2 of Ordinance No. 3223-C.S., dated July 5, 2001, entitled "An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive Franchise to

Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement” increasing the Cable Franchise Fee from 3% of Gross Annual Cable Service Revenue to 5% of Gross Annual Cable Service Revenue.

ACTION: By Motion (**Olsen/Hawn; majority, Keating, O’Bryant no, Mayor Ridenour absent**) approving the final adoption of **Ordinance No. 3471-C.S.** amending Chapter 5 of Title 5 of the Modesto Municipal Code relating to Solid Waste - Unauthorized Entry into Waste Containers.

ACTION: By Motion (**Hawn/Olsen; unan. Mayor Ridenour absent**) approving the final adoption of **Ordinance No. 3472-C.S.** amending Sections 12-4.2.02 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to Regulations Governing Use of Parks.

CONSENT

5. Consider adopting the 2008 Amended Stanislaus Council of Governments (StanCOG) Joint Powers Agreement.
- Resolution adopting the amended Joint Powers Agreement establishing the Stanislaus Council of Governments, and authorizing the Mayor to sign the amended agreement recommended.

ACTION: **Resolution 2008-045 (Lopez/O’Bryant; unan. Mayor Ridenour absent)** adopting the amended Joint Powers Agreement establishing the Stanislaus Council of Governments, and authorizing the Mayor to sign the amended agreement.

CONSENT

6. Consider approving a Public Improvement Agreement between the City of Modesto and Temperate Enterprises, LLC, a California Limited Liability Company, and authorizing the Interim City Manager, or his designee, to execute the Agreement.
- Resolution approving a Public Improvement Agreement between the City of Modesto and Temperate Enterprises, LLC, a California Limited Liability Company, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

*Community & Economic Development; Bill Sandhu, 577-5259,
bsandhu@modestogov.com*

ACTION: **Resolution 2008-046 (Lopez/O’Bryant; unan. Mayor Ridenour absent)** approving a Public Improvement Agreement between the City of Modesto and Temperate Enterprises, LLC, a California Limited Liability Company, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

7. Consider approving the final map of 1000 Brighton for Condominium purposes in the Planned Developed Zone, P-D (264), area of the City of Modesto and authorizing the Interim City Manager, or his designee, to execute a Subdivision Agreement with the Subdivider as required by Section 4-4.605 of the Modesto Municipal Code (Owner: MSB BRIGHTON, LLC.)
- Resolution approving the final map of 1000 Brighton for Condominium purposes in the Planned Developed Zone, P-D (264), area of the City of Modesto and authorizing the interim City Manager, or his designee, to execute a subdivision agreement with MSB BRIGHTON, LLC recommended.
Community & Economic Development; Bill Sandhu, 577-5259, bsandhu@modestogov.com

ACTION: Resolution 2008-047 (Lopez/O'Bryant; unan. Mayor Ridenour absent) approving the final map of 1000 Brighton for Condominium purposes in the Planned Developed Zone, P-D (264), area of the City of Modesto and authorizing the interim City Manager, or his designee, to execute a subdivision agreement with MSB BRIGHTON, LLC.

CONSENT

8. Consider acknowledging receipt and accepting the Monthly Investment Report for November 2007.
- Motion acknowledging receipt and accepting the Monthly Investment Report for November 2007 recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Lopez/O'Bryant; unan. Mayor Ridenour absent) acknowledging receipt and accepting the Monthly Investment Report for November 2007.

CONSENT

9. Consider resolution authorizing the award of proposal and contract for the purchase of an in-car video (software and hardware) system for the Modesto Police Department to Dell Inc. for an estimated total cost of \$135,618, and authorize the Purchasing Manager to issue a purchase agreement..
- Resolution authorizing the award of proposal and contract for the purchase of an in-car video (software and hardware) system for the Modesto Police Department to Dell Inc. for an estimated total cost of \$135,618, and authorize the Purchasing Manager to issue a purchase agreement recommended.
Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Resolution 2008-048 (Lopez/O'Bryant; unan. Mayor Ridenour absent) authorizing the award of proposal and contract for the purchase of an in-car video (software and hardware) system for the Modesto Police Department to Dell Inc. for an estimated total cost of \$135,618, and authorize the Purchasing Manager to issue a purchase agreement.

REMOVED FROM CONSENT

10. Consider authorizing the award of bid and contracts for the furnishing of bulk fuels and lubricants for use Citywide to two (2) companies, Boyett Petroleum, Modesto, CA and General Petroleum Corp., Modesto, CA, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$1,671,994.
- Resolution authorizing the award of bid and contracts for the furnishing of bulk fuels and lubricants for use Citywide to two (2) companies, Boyett Petroleum, Modesto, CA and General Petroleum Corp., Modesto, CA, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$1,671,994 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2008-049 (O’Bryant/Lopez; unan. Mayor Ridenour absent) authorizing the award of bid and contracts for the furnishing of bulk fuels and lubricants for use Citywide to two (2) companies, Boyett Petroleum, Modesto, CA and General Petroleum Corp., Modesto, CA, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$1,671,994.

CONSENT

11. Consider authorizing the award of proposal and contract for Enterprise Resource Planning Professional Services to Gartner, Inc. in the approximate amount of \$316,000.
- Resolution authorizing the award of proposal and contract for Enterprise Resource Planning Professional Services to Gartner, Inc. in the approximate amount of \$316,000, and authorize the Interim City Manager or his designee, to execute the contract recommended.
 - Resolution amending the FY 2007-2008 Operating Budget to transfer \$316,000 from account 7131-800-8000 to account 7130-070-0742-0235 to fund Enterprise Resource Planning Professional Services recommended.

Information Technology; Gary Cook, 577-5529, gcook@modestogov.com

ACTION: Resolution 2008-050 (Lopez/O’Bryant; unan. Mayor Ridenour absent) authorizing the award of proposal and contract for Enterprise Resource Planning Professional Services to Gartner, Inc. in the approximate amount of \$316,000, and authorize the Interim City Manager or his designee, to execute the contract.

ACTION: Resolution 2008-051 (Lopez/O’Bryant; unan. Mayor Ridenour absent) amending the FY 2007-2008 Operating Budget to transfer

\$316,000 from account 7131-800-8000 to account 7130-070-0742-0235 to fund Enterprise Resource Planning Professional Services.

CONSENT

12. Consider amending the position allocation in the Public Works Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Senior Administrative Office Assistant in Organization 5217, Environmental Services, to the classification of Administrative Services Technician I/II.

- Motion amending the position allocation in the Public Works Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Senior Administrative Office Assistant in Organization 5217, Environmental Services, to the classification of Administrative Services Technician I/II recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: By Motion (**Lopez/O’Bryant; unan. Mayor Ridenour absent**) amending the position allocation in the Public Works Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Senior Administrative Office Assistant in Organization 5217, Environmental Services, to the classification of Administrative Services Technician I/II.

CONSENT

13. Consider amending the position allocation in the Personnel Department adopted by the City Council as part of the FY 07-08 budget to reallocate two (2) Senior Administrative Office Assistants (Confidential) in Organization 0301, Personnel, to the classification of Administrative Services Technician I/II (Confidential).

- Motion amending the position allocation in the Personnel Department adopted by the City Council as part of the FY 07-08 budget to reallocate two (2) Senior Administrative Office Assistants (Confidential) in Organization 0301, Personnel, to the classification of Administrative Services Technician I/II (Confidential) recommended.
- Resolution amending Exhibit “A” of Resolution No. 2007-447 to amend the Class Range Table for Represented Management and Confidential Non-Sworn Classes adding Administrative Services Technician I (Confidential) at salary range 415 and adding Administrative Services Technician II (Confidential) at salary range 419 recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: By Motion (**Lopez/O’Bryant; unan. Mayor Ridenour absent**) amending the position allocation in the Personnel Department adopted by the City Council as part of the FY 07-08 budget to reallocate two (2) Senior Administrative Office Assistants (Confidential) in Organization 0301, Personnel, to the classification of Administrative Services Technician I/II (Confidential).

ACTION: **Resolution 2008-052 (Lopez/O’Bryant; unan. Mayor Ridenour absent)** amending Exhibit “A” of Resolution No. 2007-447 to amend the

Class Range Table for Represented Management and Confidential Non-Sworn Classes adding Administrative Services Technician I (Confidential) at salary range 415 and adding Administrative Services Technician II (Confidential) at salary range 419.

CONSENT

14. Consider accepting the 2007 Commercial Equipment Direct Assistance Program (CEDAP) for AN/PVS-14 Night Vision Kit equipment funded by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate.
- Resolution accepting the 2007 Commercial Equipment Direct Assistance Program (CEDAP) for AN/PVS-14 Night Vision Kit equipment funded by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate, and authorizing the Interim City Manager, or his designee, to execute the necessary documents recommended.
- Police; Roy Wasden, 572-9503, wasdenr@modestopd.com*

ACTION: **Resolution 2008-053 (Lopez/O’Bryant; unan. Mayor Ridenour absent)** accepting the 2007 Commercial Equipment Direct Assistance Program (CEDAP) for AN/PVS-14 Night Vision Kit equipment funded by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Preparedness Directorate, and authorizing the Interim City Manager, or his designee, to execute the necessary documents.

CONSENT

15. Consider accepting Wireless Video equipment from the Office of National Drug Control Policy (ONDCP) Counterdrug Technology Assessment Center’s 2007 Transfer Program.
- Resolution accepting Wireless Video equipment from the Office of National Drug Control Policy (ONDCP) Counterdrug Technology Assessment Center’s 2007 Transfer Program, and authorizing the Interim City Manager, or his designee, to execute the necessary documents recommended.
- Police; Roy Wasden, 572-9503, wasdenr@modestopd.com*

ACTION: **Resolution 2008-054 (Lopez/O’Bryant; unan. Mayor Ridenour absent)** accepting Wireless Video equipment from the Office of National Drug Control Policy (ONDCP) Counterdrug Technology Assessment Center’s 2007 Transfer Program, and authorizing the Interim City Manager, or his designee, to execute the necessary documents.

CONSENT

16. Consider accepting the work by Intermountain Slurry Seal, Inc., for the project titled “2007 Cape Seals” as complete, authorizing the Acting City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling

\$655,978.26. (Total project cost is \$704,740.15, which includes construction contingency, construction administration, and engineering design costs.)

- Resolution accepting the work by Intermountain Slurry Seal, Inc., for the project titled “2007 Cape Seals” as complete, authorizing the Acting City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$655,978.26 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-055 (Lopez/O’Bryant; unan. Mayor Ridenour absent) accepting the work by Intermountain Slurry Seal, Inc., for the project titled “2007 Cape Seals” as complete, authorizing the Acting City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$655,978.26.

CONSENT

17. Consider approving a Third Amendment to the Agreement with Geological Technics, Inc. for additional services related to soil and groundwater contamination discovered during construction of the Police Headquarters Facility at 10th and “G” Streets, in the amount of \$39,745.00, and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement. (This Third Amendment brings the Agreement total to \$84,723.00.)
- Resolution approving a Third Amendment to the Agreement with Geological Technics, Inc. for additional services related to soil and groundwater contamination discovered during construction of the Police Headquarters Facility at 10th and “G” Streets, in the amount of \$39,745.00, and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement recommended.
 - Resolution amending the FY 07-08 Operating and Capital Improvement Program budget to decrease the Water Contingency, Account Number 6100-800-8000-8003, by \$45,000.00 and to increase the Modesto System Improvements – Secondary Construction, Account Number 6180-480-W615, by \$45,000.00, in order to fully fund the Third Amendment to the Agreement with Geological Technics, Inc. as shown in “Exhibit A” and additional design and construction administration staff charges needed for project completion recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-056 (Lopez/O’Bryant; unan. Mayor Ridenour absent) approving a Third Amendment to the Agreement with Geological Technics, Inc. for additional services related to soil and groundwater contamination discovered during construction of the Police Headquarters Facility at 10th and “G” Streets, in the amount of \$39,745.00, and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement.

ACTION: Resolution 2008-057 (Lopez/O’Bryant; unan. Mayor Ridenour absent) amending the FY 07-08 Operating and Capital Improvement Program budget to decrease the Water Contingency, Account Number 6100-800-8000-8003, by \$45,000.00 and to increase the Modesto System Improvements – Secondary Construction, Account Number 6180-480-W615, by \$45,000.00, in order to fully fund the Third Amendment to the Agreement with Geological Technics, Inc. as shown in “Exhibit A” and additional design and construction administration staff charges needed for project completion.

CONSENT

18. Consider approving the plans and specifications for the Neighborhood Parks Security Lighting project, accepting the bid and approving a \$190,368.00 contract with Tim Paxin’s Pacific Excavation, Inc. for the project titled “Neighborhood Parks Security Lighting,” and authorizing the Interim City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$273,337.60, which includes design, construction contract, construction contingency, and construction administration.)

- Resolution approving the plans and specifications for the Neighborhood Parks Security Lighting project, accepting the bid and approving a \$190,368.00 contract with Tim Paxin’s Pacific Excavation, Inc. for the project titled “Neighborhood Parks Security Lighting,” and authorizing the Interim City Manager, or his designee, to execute the contract recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-058 (Lopez/O’Bryant; unan. Mayor Ridenour absent) approving the plans and specifications for the Neighborhood Parks Security Lighting project, accepting the bid and approving a \$190,368.00 contract with Tim Paxin’s Pacific Excavation, Inc. for the project titled “Neighborhood Parks Security Lighting,” and authorizing the Interim City Manager, or his designee, to execute the contract.

CONSENT

19. Consider approving the plans and specifications for the project titled “Modesto Irrigation District - Irrigation Line Replacement Project,” (Dale/Kiernan Intersection Improvements) accepting the bid and approving a \$98,375 contract with Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line Replacement Project,” and authorizing the Interim City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$142,775, which includes design, construction contract, construction contingency, and construction administration.)

- Resolution approving the plans and specifications for the project titled “Modesto Irrigation District - Irrigation Line Replacement Project,” accepting the bid and approving a \$98,375 contract with Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line Replacement Project,” and authorizing the Interim City Manager, or his designee, to execute the

contract. Total estimated cost of this project is \$142,775, which includes design, construction contract, construction contingency, and construction administration recommended.

- Resolution amending the current Capital Improvement Program budget in order to fully fund the contract with Clyde Wheeler Pipeline, Inc. by transferring \$14,800 by decreasing Object 6060 Construction Administration within CIP Account 2370-430-H930 (Dale/Kiernan Intersection Improvements) and reappropriating the same amount to Object 6050 Contingency within the same CIP Account 2370-430-H930 (Dale/Kiernan Intersection Improvements) to perform the required construction services to complete the project titled “Modesto Irrigation District - Irrigation Line Replacement Project” recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-059 (Lopez/O’Bryant; unan. Mayor Ridenour absent) approving the plans and specifications for the project titled “Modesto Irrigation District - Irrigation Line Replacement Project,” accepting the bid and approving a \$98,375 contract with Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line Replacement Project,” and authorizing the Interim City Manager, or his designee, to execute the contract. Total estimated cost of this project is \$142,775, which includes design, construction contract, construction contingency, and construction administration.

ACTION: Resolution 2008-060 (Lopez/O’Bryant; unan. Mayor Ridenour absent) amending the current Capital Improvement Program budget in order to fully fund the contract with Clyde Wheeler Pipeline, Inc. by transferring \$14,800 by decreasing Object 6060 Construction Administration within CIP Account 2370-430-H930 (Dale/Kiernan Intersection Improvements) and reappropriating the same amount to Object 6050 Contingency within the same CIP Account 2370-430-H930 (Dale/Kiernan Intersection Improvements) to perform the required construction services to complete the project titled “Modesto Irrigation District - Irrigation Line Replacement Project”.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

Deputy City Clerk, Judith Ray, spoke about the insert mailed out with the City’s utility bill and is also available for review online; contains good information about the City of Modesto.

UNFINISHED BUSINESS

20. Consider approving the plans and specifications for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project, accepting the bid and approving a \$864,286.36 contract with Elite Landscaping, Inc. for the project titled "Highway Planting and Irrigation State Route 99 at Briggsmore Avenue," and authorizing the Interim City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$1,374,270.95, which includes construction contingency, construction administration, design and permits fees.)
- Resolution approving the plans and specifications for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project, accepting the bid and approving a \$864,286.36 contract with Elite Landscaping, Inc. for the project titled "Highway Planting and Irrigation State Route 99 at Briggsmore Avenue," and authorizing the Interim City Manager, or his designee, to execute the contract recommended.
 - Resolution approving a line item budget adjustment to: 1) decrease Account #2300-310-A080-6040 by \$6,200.00; 2) decrease Account #2300-310-A080-6050 by \$593.00; and 3) increase Account #2300-310-A080-6060 by \$6,793.00, in order to fully fund the second amendment to the agreement with Callander Associates Landscape Architecture, Inc. recommended
 - Resolution approving a second amendment to the agreement with Callander Associates Landscape Architecture, Inc. for additional professional services in the not to exceed amount of \$7,500.00, to provide construction support services for the project titled "Highway Planting and Irrigation State Route 99 at Briggsmore Avenue," and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement recommended.
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-061 (Hawn/Olsen; unan. Mayor Ridenour absent) approving the plans and specifications for the Highway Planting and Irrigation State Route 99 at Briggsmore Avenue project, accepting the bid and approving a \$864,286.36 contract with Elite Landscaping, Inc. for the project titled "Highway Planting and Irrigation State Route 99 at Briggsmore Avenue," and authorizing the Interim City Manager, or his designee, to execute the contract

ACTION: Resolution 2008-062 (Hawn/Olsen; unan. Mayor Ridenour absent) approving a line item budget adjustment to: 1) decrease Account #2300-310-A080-6040 by \$6,200.00; 2) decrease Account #2300-310-A080-6050 by \$593.00; and 3) increase Account #2300-310-A080-6060 by \$6,793.00, in order to fully fund the second amendment to the agreement with Callander Associates Landscape Architecture, Inc.

ACTION: Resolution 2008-063 (Hawn/Olsen; unan. Mayor Ridenour absent) approving a second amendment to the agreement with Callander Associates Landscape Architecture, Inc. for additional professional

services in the not to exceed amount of \$7,500.00, to provide construction support services for the project titled "Highway Planting and Irrigation State Route 99 at Briggsmore Avenue," and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement.

21. Review of recommended changes to Council agenda procedures on Public Comments.
- Motion approving recommend changes to Council agenda form regarding public comment period recommended.
 - Motion directing staff to draft an Ordinance revising "Oral Communication" language in accordance with Council direction and returning to Council for public hearing, review and action recommended.

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

ACTION: By Motion (**O'Bryant/Keating; unan. Mayor Ridenour absent**) approving recommend changes to Council agenda form regarding public comment period.

ACTION: By Motion (**O'Bryant/Keating; unan. Mayor Ridenour absent**) directing staff to draft an Ordinance revising "Oral Communication" language in accordance with Council direction and returning to Council for public hearing, review and action.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:02 p.m.

MINUTES

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, January 28, 2008 at 5:30 p.m.

Roll Call: Present: Committee Chair Hawn, Vice-Chair Olsen, Marsh
Absent: None

ORAL COMMUNICATIONS
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #4

CONSENT ITEMS

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

CONSENT

1. Consider recommended budget adjustments for the month of January 2008 and refer to City Council for approval.

ACTION: Unanimously approved staff recommendations (Marsh/Olsen)

CONSENT

2. Consider supporting staff recommendation to approve a sixteen (16) month extension to the City's agreement with Pillsbury Winthrop Shaw Pittman LLP, Inc., for federal lobbyist services beginning March 1, 2008 and ending June 30, 2009 at a monthly amount of \$10,000, forward to City Council for approval and authorize the City Manager to execute the extension.

ACTION: Unanimously approved staff recommendation (Marsh/Olsen)

CONSENT

3. Consider supporting staff recommendation to utilize the California Asset Management Program (CAMP) as an additional depository for the City's idle cash, amend the City's investment policy to authorize the use of the CAMP

investment pool in addition to the State Local Agency Investment Fund (LAIF), and forward to City Council for approval.

ACTION: Unanimously approved staff recommendation (Marsh/Olsen)

CONSENT

4. Consider supporting staff recommendation to:
 - a) approve an agreement with FCS Group to conduct an updated Water Rate and Capacity Charge Study in a not-to-exceed amount of \$138,440 for the identified scope of services, plus \$13,844 for additional services, if needed, for a maximum total amount of \$152,284, authorizing the Interim City Manager, or his designee, to execute the agreement, and
 - b) amend the operating budget by approving a transfer of funds in the amount of \$152,284 from Water Fund-Reserves, then to Water Fund-CIP Reserves, then to Operating account 6100-440-5015-0235 "Capital Planning" in order to fully fund the agreement.

ACTION: Unanimously approved staff recommendations (Marsh/Olsen)

NEW BUSINESS

5. Consider receiving informational report regarding preparation of City-wide Operating and Capital Improvement Program Budgets.

ACTION: No action required. Committee expressed support for changes outlined in staff report; interest in possibility of Saturday budget workshop as part of the FY 08-09 budget process; interest in having opportunity for greater input during CIP review and for reviewing the CIP with the Planning Commission.

6. Consider recommending to the City Council support for a one-half cent transportation sales tax measure and placement on the November 2008 voter ballot.

ACTION: Committee unanimously approved recommendation of support for a one-half cent transportation sales tax measure and placement on the November 2008 voter ballot. (Marsh/Olsen)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:35 pm

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, February 4, 2008, at 5:30 p.m.

Roll Call: Present: Committee members Will O'Bryant, Hawn, Olsen

Also Present: None

ORAL COMMUNICATIONS

None.

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

CONSENT ITEMS

CONSENT (1 and 2)

3. Consider supporting request from John Black of JB Special Events and Promotions for amplified music at the Graceada Park Mancini Bowl for the Modesto Blues Festival event on June 14, 2008 from 1:00 p.m. to 9:30 p.m., and forward to City Council for approval.
4. Consider supporting request from Stanislaus PRIDE Center for amplified music at the Graceada Park Mancini Bowl for the Stanislaus PRIDE Day event on September 27, 2008 from 2:00 p.m. to 8:00 p.m., and forward to City Council for approval.

ACTION: The Committee approved staff recommendations listed in each item and forwarding to City Council for approval (Hawn/Olsen, unan).

NEW BUSINESS

5. Consider supporting recommendation to amend the Police Department position allocation as adopted by the City Council as part of the 07/08 budget to eliminate one full-time Police Lieutenant position and one Emergency Dispatch Director

position and adding a Police Captain position to be assigned as Dispatch Director of the Stanislaus Regional 911 Communications Center; amend the 2007/08 budget reducing expenditures by \$50,000 and revenue by \$50,000 for the services of a Modesto Police Department Lieutenant no longer assigned to the Stanislaus Regional 911 Communications Center Joint Powers Agreement (JPA), and forward to City Council for approval.

ACTION: The Committee approved staff recommendation and forwarding to City Council for approval (O'Bryant/Hawn, unan).

6. Consider supporting recommendation to:
 - i. authorize the Purchasing Division to issue a Request for Application for City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services;
 - ii. establish fees for the issuance of tow driver permits and tow vehicle inspections associated with the Non-Exclusive Non-Consensual Franchise Towing Services Agreement;
 - iii. amend the Police Department position allocation, subject to award of the Non-Exclusive Non-Consensual Franchise Tow Agreement, authorize the addition of one Community Service Officer and one Police Clerk to administer the Non-Exclusive Non-Consensual Towing Program, and forward to City Council for approval.

ACTION: The Committee approved staff recommendation and forwarding to City Council for approval (Hawn/Olsen, unan).

MATTERS TOO LATE FOR THE AGENDA

None

FUTURE AGENDA ITEMS

14. JPA with Stanislaus Drug Enforcement Agency
15. Modesto Crime Statistics Report
16. Proposed ordinance regarding abatement of dangerous vehicles on private property
17. Proposed ordinance regarding use of streets for storage of vehicles prohibited
18. Proposed ordinance relating to hotels required to keep registration – public register
19. Rescinding ordinance on electric carts or wheelchairs on sidewalk area or parkways
20. Update on bicycle refurbishing/donation program
21. Annual collision report for 2006
22. Parks and Parks Security

23. Increase to vehicle impound fees

ADJOURNMENT

This meeting adjourned at 6:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 5, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements- Items 7, 19 & 22 - Removed from Consent
Items 28 & 29 have been cancelled until further notice

Declaration of Conflicts of Interest

Reports from Closed Session – No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Joe and Michele Williams proclaiming February 1, 2008 as Reconciliation Day and the month of February Reconciliation Month.
City Manager's Office; Kathy Espinoza, 571-5597, kspinoza@modestogov.com

ACTION: Mayor Ridenour presented Proclamation to Joe and Michele Williams proclaiming February 1, 2008 as Reconciliation Day and the month of February Reconciliation Month.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider recommending the appointment of Grant Swearingen to the Community Qualities Forum by Councilmember Lopez.
 - Resolution appointing Grant Swearingen to the Community Qualities Forum by Councilmember Lopez recommended.

City Manager's Office; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2008-064 (Lopez/Keating;unan) appointing Grant Swearingen to the Community Qualities Forum by Councilmember Lopez.

ORAL COMMUNICATIONS
Three minute time limit per speaker

Aaron Alford spoke on behalf of the poor and homeless.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 22

ACTION CONSENT ITEMS 3-6,8-18,20,21 (Hawn/Lopez;unan)

ACTION ITEM 7: (Hawn/Keating;unan Olsen no)

ACTION ITEM 19: (Hawn/Lopez;unan)

ACTION ITEM 22: (Hawn/Mayor Ridenour;unan)

CONSENT ITEMS

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

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of January 22, 2008.
 - Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By motion (Hawn/Lopez;unan) approval of the minutes of the regular City Council meeting of January 22, 2008.

CONSENT

4. Consider approving a sixteen (16) month extension to the City's agreement with Pillsbury Winthrop Shaw Pittman LLP, for federal lobbyist services beginning March 1, 2008, and ending June 30, 2009, at the monthly amount of \$10,000.
 - Resolution approving a sixteen (16) month extension to the Agreement for Federal Lobbyist Services with Pillsbury Winthrop Shaw Pittman, LLP and authorizing the City Manager to execute the extension recommended.
City Manager; Patrick Brooke, 571-5580, pbrooke@modestogov.com

ACTION: Resolution 2008-065 (Hawn/Lopez;unan) approving a sixteen (16) month extension to the Agreement for Federal Lobbyist Services with Pillsbury Winthrop Shaw Pittman, LLP and authorizing the City Manager to execute the extension.

CONSENT

5. Consider approving the transfer of Capital Facilities Fees Deferral and Exemption Agreements for Properties Developed by Habitat for Humanity and sold to Low-Income Households.
- Resolution approving the transfer of deferred Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Maria Barrera for property located at 2416 Parkdale Drive, Modesto, California and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Deferral Agreement recommended.
 - Resolution approving the transfer of deferred Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Timi Horn for property located at 2409 Parkdale Drive, Modesto, California, and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Deferral Agreement recommended.
 - Resolution approving the transfer of exempt Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Christina Rodriquez for property located at 2413 Parkdale Drive, Modesto, California, and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Exemption Agreement recommended.
 - Resolution approving the transfer of exempt Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Martha Zuniga for property located at 2445 Parkdale Drive, Modesto, California, and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Exemption Agreement recommended.

*Community & Economic Development; Amy Gedney, 577-5211,
agedney@modestogov.com*

ACTION : **Resolution 2008-066 (Hawn/Lopez;unan)** approving the transfer of deferred Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Maria Barrera for property located at 2416 Parkdale Drive, Modesto, California and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Deferral Agreement.

ACTION : **Resolution 2008-067 (Hawn/Lopez;unan)** approving the transfer of deferred Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Timi Horn for property located at 2409 Parkdale Drive, Modesto, California, and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Deferral Agreement.

ACTION : **Resolution 2008-068 (Hawn/Lopez;unan)** approving the transfer of exempt Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Christina Rodriquez for property located at 2413 Parkdale Drive, Modesto, California, and authorizing the

Interim City Manager, or his designee, to execute the new Capital Facilities Fee Exemption Agreement.

ACTION : **Resolution 2008-069 (Hawn/Lopez;unan)** approving the transfer of exempt Capital Facilities Fees totaling \$8,991 between the City of Modesto and Habitat for Humanity to Martha Zuniga for property located at 2445 Parkdale Drive, Modesto, California, and authorizing the Interim City Manager, or his designee, to execute the new Capital Facilities Fee Exemption Agreement.

CONSENT

6. Consider amending the City's "Capital Facilities Fees Policies and Procedures" and rescinding Resolution Nos. 2006-061 and 2007-180.
- Resolution amending the City's "Capital Facilities Fees Policies and Procedures" and rescinding Resolution Nos. 2006-061 and 2007-180 recommended.

*Community & Economic Development; Amy Gedney, 577-5211,
agedney@modestogov.com*

ACTION : **Resolution 2008-070 (Hawn/Lopez;unan)** amending the City's "Capital Facilities Fees Policies and Procedures" and rescinding Resolution Nos. 2006-061 and 2007-180.

REMOVED FROM CONSENT

7. Consider authorizing the Finance Director to deposit business license revenues held in trust from businesses operating in the North McHenry Tax Sharing Area into the Business License Revenue Account.
- Motion authorizing the Finance Director to deposit business license revenues held in trust from businesses operating in the North McHenry Tax Sharing Area into the Business License Revenue Account recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Hawn/Keating;unan Olsen no**) authorizing the Finance Director to deposit business license revenues held in trust from businesses operating in the North McHenry Tax Sharing Area into the Business License Revenue Account.

CONSENT

8. Consider declaring as surplus from February 1, 2008 through January 31, 2009 the following items: stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles/equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, or as scrap. (The Auction House, located at 824 Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001 will conduct the public auctions. PublicSurplus.com of Provo, Utah will conduct online auctions for selected surplus property as needed.)

- Resolution declaring as surplus from February 1, 2008 through January 31, 2009 the following items: stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles/equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, or as scrap. The Auction House, located at 824 Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001 will conduct the public auctions. PublicSurplus.com of Provo, Utah will conduct online auctions for selected surplus property as needed recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION : **Resolution 2008-071 (Hawn/Lopez;unan)** declaring as surplus from February 1, 2008 through January 31, 2009 the following items: stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, and surplus City vehicles/equipment and authorizing the Purchasing Division to sell same by sealed bid, consignment, public auction, online auction, or as scrap. The Auction House, located at 824 Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001 will conduct the public auctions. PublicSurplus.com of Provo, Utah will conduct online auctions for selected surplus property as needed.

CONSENT

9. Consider authorizing the award of bid and contract for the purchase of rubberized sidewalk pavers and accessories for the Parks, Recreation and Neighborhoods Department, Solid Waste Division and Public Works Department, Forestry Division, to Rubbersidewalks, Inc. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of three (3) years, for an estimated total cost of \$100,966.
 - Resolution authorizing the award of bid and contract for the purchase of rubberized sidewalk pavers and accessories for the Parks, Recreation and Neighborhoods Department, Solid Waste Division and Public Works Department, Forestry Division, to Rubbersidewalks, Inc. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of three (3) years, for an estimated total cost of \$100,966 recommended.

Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: **Resolution 2008-072 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the purchase of rubberized sidewalk pavers and accessories for the Parks, Recreation and Neighborhoods Department, Solid Waste Division and Public Works Department, Forestry Division, to Rubbersidewalks, Inc. and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of three (3) years, for an estimated total cost of \$100,966.

CONSENT

10. Consider accepting the Monthly Investment Report for December 2007.
- Motion acknowledging receipt and acceptance of the Monthly Investment Report for December 2007 recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) acknowledging receipt and acceptance of the Monthly Investment Report for December 2007.

CONSENT

11. Consider accepting the Monthly Budget Adjustment Report for February 2008.
- Resolution amending the Fiscal Year 2007-2008 annual budget recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: **Resolution 2008-073 (Hawn/Lopez;unan)** amending the Fiscal Year 2007-2008 annual budget.

CONSENT

12. Consider approving the proposed use of the California Asset Management Program (CAMP) for the investment of cash.
- Motion approving the Finance Committee's recommendation to utilize the California Asset Management Program (CAMP) as an additional depository for the city's cash recommended.
 - Resolution repealing Resolution No. 97-183 and re-authorizing the City of Modesto ("City") to joint with other public agencies as a participant of the California Asset Management Trust and to invest in shares of the Trust and in individual portfolios recommended.
 - Resolution approving an amendment to the Policy for investment of public funds recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) approving the Finance Committee's recommendation to utilize the California Asset Management Program (CAMP) as an additional depository for the city's cash.

ACTION : **Resolution 2008-074 (Hawn/Lopez;unan)** repealing Resolution No. 97-183 and re-authorizing the City of Modesto ("City") to joint with other public agencies as a participant of the California Asset Management Trust and to invest in shares of the Trust and in individual portfolios.

ACTION: **Resolution 2008-075 (Hawn/Lopez;unan)** approving an amendment to the Policy for investment of public funds.

CONSENT

13. Consider options for funding a Document Management System (DMS).
- Resolution approving an appropriation fund transfer and amending the FY 07-08 Operating Budget to transfer \$80,000 from Modesto Police Department

Asset Forfeiture Account, in the City Trust Fund, 8600-3410 to Information Technology Reserve Account 7130-070-0742-5400 and \$40,000 from Information Technology Reserve Account 7130-800-8000-8003 to Information Technology Reserve Account 7130-070-0742-5400 to fund the previously adopted Computer Aided Dispatch System (CAD) for Public Safety in an amount not to exceed \$120,000 recommended.

- Resolution approving the creation of an interfund loan between the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund, 8600-3410 and Information Technology Reserve Account, 7130-800-8000-8003 in the amount of \$40,000 to be repaid in FY 08-09 for the purchase of a document management system (DMS) recommended.

Information Technology; Kevin Harless, 571-5593,

kharless@modestogov.com

ACTION : **Resolution 2008-076 (Hawn/Lopez;unan)** approving an appropriation fund transfer and amending the FY 07-08 Operating Budget to transfer \$80,000 from Modesto Police Department Asset Forfeiture Account, in the City Trust Fund, 8600-3410 to Information Technology Reserve Account 7130-070-0742-5400 and \$40,000 from Information Technology Reserve Account 7130-800-8000-8003 to Information Technology Reserve Account 7130-070-0742-5400 to fund the previously adopted Computer Aided Dispatch System (CAD) for Public Safety in an amount not to exceed \$120,000.

ACTION : **Resolution 2008-077 (Hawn/Lopez;unan)** approving the creation of an interfund loan between the Modesto Police Department Asset Forfeiture Account, in the City Trust Fund, 8600-3410 and Information Technology Reserve Account, 7130-800-8000-8003 in the amount of \$40,000 to be repaid in FY 08-09 for the purchase of a document management system (DMS).

CONSENT

14. Consider authorizing the award of bid and contract for the demolition of the City-owned building at 800 E. Morris Avenue in Modesto, for the Parks, Recreation and Neighborhoods Department, to Don Lawley Company, Inc. for an estimated total cost of \$58,848.
 - Resolution authorizing the award of bid and contract for the demolition of the City-owned building at 800 E. Morris Avenue in Modesto to Don Lawley Company, Inc., for an estimated total cost of \$58,848, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
 - Resolution amending the Fiscal Year 2007-08 operating budget to appropriate \$58,848 from 0100-800-8000-8003, General Fund Reserve, to 0100-300-3020-0235, 800 E. Morris Demolition, Professional Services to fund the demolition of the City-owned building at 800 E. Morris Avenue in Modesto recommended.

*Parks, Recreation & Neighborhoods; Ross Schiveley, 342-2214,
rschiveley@modestogov.com*

ACTION : **Resolution 2008-078 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the demolition of the City-owned building at 800 E. Morris Avenue in Modesto to Don Lawley Company, Inc., for an estimated total cost of \$58,848, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION : **Resolution 2008-079 (Hawn/Lopez;unan)** amending the Fiscal Year 2007-08 operating budget to appropriate \$58,848 from 0100-800-8000-8003, General Fund Reserve, to 0100-300-3020-0235, 800 E. Morris Demolition, Professional Services to fund the demolition of the City-owned building at 800 E. Morris Avenue in Modesto.

CONSENT

15. Consider 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. (This action will allow the Modesto Nuts to oversee imminent projects to John Thurman Field and will ensure that project timelines do not interfere with the upcoming baseball seasons.)

- 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-Contracting Authority recommended.

*Parks, Recreation & Neighborhoods; Lisa Forester, 577-6444,
lforester@modestogov.com*

ACTION: By Motion **(Hawn/Lopez;unan) introducing Ordinance 3473-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.

CONSENT

16. Consider accepting staff report on implementation of the Affordable Housing Policy consolidating administration of HUD funds and Redevelopment Agency Housing Set-Aside funds.

- Resolution accepting staff report on implementation of the Affordable Housing Policy consolidating administration of HUD funds and Redevelopment Agency Housing Set-Aside funds and authorizing the Interim City Manager, or his designee, to approve a new Administrative Analyst I/II position in the HUD Unit of the Parks, Recreation and Neighborhoods Department utilizing existing expenditure allocations recommended.

*Parks, Recreation & Neighborhoods; Barbara Kauss, 577-5417,
bkauss@modestogiv.com*

ACTION : **Resolution 2008-080 (Hawn/Lopez;unan)** accepting staff report on implementation of the Affordable Housing Policy consolidating

administration of HUD funds and Redevelopment Agency Housing Set-Aside funds and authorizing the Interim City Manager, or his designee, to approve a new Administrative Analyst I/II position in the HUD Unit of the Parks, Recreation and Neighborhoods Department utilizing existing expenditure allocations.

CONSENT

17. Consider approving a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) to operate the King-Kennedy Memorial Center (KKMC).
- Resolution approving a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) to manage and operate the King-Kennedy Memorial Center (KKMC), and authorizing the Interim City Manager, or his designee, to execute the Management Agreement recommended.
 - Resolution amending the Fiscal Year 07-08 operating budget to re-allocate full-time and part-time staffing and operating costs of approximately \$55,744 to the Maddux Youth Center and approximately \$22,527 to the Neighborhood Center at Marshall Park recommended.

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

ACTION: Resolution 2008-081 (Hawn/Lopez;unan) approving a Management Agreement with the Stanislaus Multi-Cultural Community Health Coalition West Modesto/King-Kennedy Neighborhood Collaborative (Collaborative) to manage and operate the King-Kennedy Memorial Center (KKMC), and authorizing the Interim City Manager, or his designee, to execute the Management Agreement.

ACTION: Resolution 2008-082 (Hawn/Lopez;unan) amending the Fiscal Year 07-08 operating budget to re-allocate full-time and part-time staffing and operating costs of approximately \$55,744 to the Maddux Youth Center and approximately \$22,527 to the Neighborhood Center at Marshall Park.

CONSENT

18. Consider amending the City of Modesto Citizen Participation Plan (CPP) to increase the Citizens Housing & Community Development Committee (CH&CDC) membership to thirteen (13) members and to appoint three members from the Citizen Redevelopment Advisory Commission (CRAC) and authorizing

the Interim City Manager, or his designee, to submit the amended CPP to the U.S. Department of Housing and Urban Development (HUD).

- Resolution amending the City of Modesto Citizen Participation Plan (CPP) to increase the Citizens Housing & Community Development Committee (CH&CDC) membership to thirteen (13) members and to appoint three members from the Citizen Redevelopment Advisory Commission (CRAC) and authorizing the Interim City Manager, or his designee, to submit the amended CPP to the U.S. Department of Housing and Urban Development (HUD) recommended.

*Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368,
rblanco@modestogov.com*

ACTION: **Resolution 2008-083 (Hawn/Lopez;unan)** amending the City of Modesto Citizen Participation Plan (CPP) to increase the Citizens Housing & Community Development Committee (CH&CDC) membership to thirteen (13) members and to appoint three members from the Citizen Redevelopment Advisory Commission (CRAC) and authorizing the Interim City Manager, or his designee, to submit the amended CPP to the U.S. Department of Housing and Urban Development (HUD).

REMOVED FROM CONSENT

19. Consider approving an agreement for the purchase of retired City of Modesto Police canine, Oden, by its assigned handler, Officer Letsinger.

- Resolution approving an agreement for the purchase of retired City of Modesto Police canine by its assigned handler, Officer Letsinger, and authorizing the Interim City Manager, or his designee, to execute the agreement with the officer for purchase of his police canine recommended.

Police; Ron Cloward, 572-9664, clowdr@modestopd.com

ACTION : **Resolution 2008-084 (Hawn/Lopez;unan)** approving an agreement for the purchase of retired City of Modesto Police canine by its assigned handler, Officer Letsinger, and authorizing the Interim City Manager, or his designee, to execute the agreement with the officer for purchase of his police canine.

CONSENT

20. Consider accepting the work by Skylines Roofing for the project titled "King Kennedy Memorial Center Roof Replacement" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$49,624.50. (Total project cost is \$71,745.20, which included construction contingency and construction.)

- Resolution accepting the work by Skylines Roofing for the project titled "King Kennedy Memorial Center Roof Replacement" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of

statutory period, and authorizing payment of amounts totaling \$49,624.50 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION : **Resolution 2008-085 (Hawn/Lopez;unan)** accepting the work by Skylines Roofing for the project titled “King Kennedy Memorial Center Roof Replacement” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$49,624.50.

CONSENT

21. Consider resolution accepting the work by Odyssey Landscape Co., Inc. for the project titled “9th Street Bridge Riparian Revegetation” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$47,915.00. (Total project cost is \$67,353.63, which included construction contingency and construction administration.)

- Resolution accepting the work by Odyssey Landscape Co., Inc. for the project titled “9th Street Bridge Riparian Revegetation” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$47,915.00 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION : **Resolution 2008-086 (Hawn/Lopez;unan)** accepting the work by Odyssey Landscape Co., Inc. for the project titled “9th Street Bridge Riparian Revegetation” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$47,915.00.

REMOVED FROM CONSENT

22. Consider approving an Agreement with Financial Consulting Solutions Group, Inc. (FCS Group) to conduct an updated Water Rate and Capacity Charge Study in the not-to exceed amount of \$138,440 for the identified scope of services, plus \$13,844 for additional services (if needed) for a maximum total amount of \$152,284.

- Resolution approving an Agreement with Financial Consulting Solutions Group, Inc. (FCS Group) to conduct an updated Water Rate and Capacity Charge Study in the not-to exceed amount of \$138,440 for the identified scope of services, plus \$13,844 for additional services (if needed) for a maximum total amount of \$152,284, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

- Resolution amending the FY07-08 operating budget by approving a transfer of funds in the amount of \$152,284 from Account 6100-800-8000-8003 “Water Fund-Reserves” to Operating Account 6100-440-5015-0235 “Capital Planning” in order to fully fund the Agreement with Financial Consulting Solutions Group, Inc. (FCS Group) to conduct an updated Water Rate and Capacity Charge Study recommended.

Public Works; Richard Ulm, 577-5215, rulm@modestogov.com

ACTION : **Resolution 2008-087 (Hawn/Mayor Ridenour;unan)** approving an Agreement with Financial Consulting Solutions Group, Inc. (FCS Group) to conduct an updated Water Rate and Capacity Charge Study in the not-to exceed amount of \$138,440 for the identified scope of services, plus \$13,844 for additional services (if needed) for a maximum total amount of \$152,284, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION : **Resolution 2008-088 (Hawn/Mayor Ridenour;unan)** amending the FY07-08 operating budget by approving a transfer of funds in the amount of \$152,284 from Account 6100-800-8000-8003 “Water Fund-Reserves” to Operating Account 6100-440-5015-0235 “Capital Planning” in order to fully fund the Agreement with Financial Consulting Solutions Group, Inc. (FCS Group) to conduct an updated Water Rate and Capacity Charge Study.

COUNCIL COMMENTS & REPORTS

23. Report by Mayor Ridenour regarding the United States Conference of Mayors' Meeting, January 23-25, 2008.

ACTION: Mayor Ridenour gave a report on his attendance at the United States Conference of Mayors' Meeting in Washington, D.C.

CITY MANAGER COMMENTS & REPORTS

24. Interim City Manager Jim Niskanen to give a brief description of the Energy Efficiency and Conservation Block Grant (EECBG) Program.

ACTION: Interim City Manager Jim Niskanen gave a report on the Energy Efficiency and Conservation Block Grant (EECBG) Program to encourage communities to improve energy conservation activities.

UNFINISHED BUSINESS

25. Consider approving the Public Works Department Supplemental Budget Requests.

- Resolution amending the Wastewater Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$525,714 to (A) enhance security staffing at the Primary Plant (\$13,000); (B) allocate one (1) Instrument Repair Technician, one (1) Electrician, one (1) Plant Mechanic, and one (1) Administrative Office Assistant III to operate and maintain dissolved air flotation and tertiary treatment at the Secondary Plant (\$210,829); (C) allocate eight (8) Wastewater Collection System Operators for further implementation of the Gap Analysis recommendations for WDR Compliance (\$301,885), and authorizing the transfer of funds in the amount of \$525,714 from Wastewater Fund Reserves to fund these supplemental requests recommended.
- Resolution amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$291,244 to (A) replace large water meters (\$143,560); (B) allocate two (2) Water Distribution Operators and two (2) 1000-hour employees to implement a valve turning program (\$76,627); (C) allocate one (1) Associate Civil Engineer to perform hydraulic modeling (\$83,046), and authorizing the transfer of funds in the amount of \$291,244 from Water Fund Reserves to fund these supplemental requests recommended.
- Resolution amending the CIP Support Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$267,478 to allocate three (3) positions (Associate Civil Engineer, Sr. Administrative Office Assistant, and Construction Inspector) in Organization 4212 – Construction Administration, and allocate one (1) new position (Property Agent) in Organization 4112 – Engineering Design for the Capital Improvement Program; increasing revenue and offsetting expenses in the amount of \$201,740 in Organization 0300-420-4212 (Construction Administration); and increasing revenue and offsetting expenses in the amount of \$65,738 in Organization 0300-410-4112 (Engineering Design) to fund these supplemental requests recommended.
- Motion amending the position allocation of the Public Works Department as adopted by City Council as part of the FY 2007/2008 Budget to include the following new positions: Instrument Repair Technician (1), Electrician (1), Plant Mechanic (1), Administrative Office Assistant III (1) in Organization 5214, and Wastewater Collection System Operator (8) in Organization 5212 – Wastewater; Water Distribution Operator (2) in Organization 5016 and Associate Civil Engineer (1) in Organization 5015 – Water; Associate Civil Engineer (1), Sr. Administrative Office Assistant (1), and Construction Inspector (1) in Organization 4212 – Construction Administration; and Property Agent (1) in Organization 4112 – Engineering Design recommended.
Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION : **Resolution 2008-089 (Lopez/Hawn;unan)** amending the Wastewater Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$525,714 to (A) enhance security staffing at the Primary Plant (\$13,000); (B) allocate one (1) Instrument Repair Technician, one (1) Electrician, one (1) Plant Mechanic, and one (1) Administrative Office Assistant III to operate and maintain dissolved air flotation and tertiary treatment at the Secondary Plant (\$210,829); (C) allocate eight (8) Wastewater Collection System Operators for further implementation of the Gap Analysis

recommendations for WDR Compliance (\$301,885), and authorizing the transfer of funds in the amount of \$525,714 from Wastewater Fund Reserves to fund these supplemental requests.

ACTION : **Resolution 2008-090 (Lopez/Hawn;unan)** amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$291,244 to (A) replace large water meters (\$143,560); (B) allocate two (2) Water Distribution Operators and two (2) 1000-hour employees to implement a valve turning program (\$76,627); (C) allocate one (1) Associate Civil Engineer to perform hydraulic modeling (\$83,046), and authorizing the transfer of funds in the amount of \$291,244 from Water Fund Reserves to fund these supplemental requests.

ACTION : **Resolution 2008-091 (Lopez/Hawn;unan)** amending the CIP Support Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$267,478 to allocate three (3) positions (Associate Civil Engineer, Sr. Administrative Office Assistant, and Construction Inspector) in Organization 4212 – Construction Administration, and allocate one (1) new position (Property Agent) in Organization 4112 – Engineering Design for the Capital Improvement Program; increasing revenue and offsetting expenses in the amount of \$201,740 in Organization 0300-420-4212 (Construction Administration); and increasing revenue and offsetting expenses in the amount of \$65,738 in Organization 0300-410-4112 (Engineering Design) to fund these supplemental requests.

ACTION: By Motion (**Lopez/Hawn;unan**) amending the position allocation of the Public Works Department as adopted by City Council as part of the FY 2007/2008 Budget to include the following new positions: Instrument Repair Technician (1), Electrician (1), Plant Mechanic (1), Administrative Office Assistant III (1) in Organization 5214, and Wastewater Collection System Operator (8) in Organization 5212 – Wastewater; Water Distribution Operator (2) in Organization 5016 and Associate Civil Engineer (1) in Organization 5015 – Water; Associate Civil Engineer (1), Sr. Administrative Office Assistant (1), and Construction Inspector (1) in Organization 4212 – Construction Administration; and Property Agent (1) in Organization 4112 – Engineering Design.

Councilmember Hawn left the meeting at 6:22 p.m.

HEARINGS

Published in the Modesto Bee on November 2, 2007; continued from November 27, 2007

26. Hearing to consider an appeal by Acme Construction for an adjustment of Capital Facilities Fees for the construction of a warehouse building located at 1565 Cummins Drive.

- Resolution granting the appeal made by Acme Construction for Capital Facilities Fees paid in protest at the Business Park-Manufacturing rate for the construction of a 3,300 square foot warehouse building located at 1565 Cummins Drive and approving an adjustment of Capital Facilities Fees to the Industrial-Warehouse rate recommended.

*Community & Economic Development; Amy Gedney, 577-5211,
agedney@modestogov.com*

ACTION : **Resolution 2008-092 (Keating/Marsh;unan Hawn absent)** granting the appeal made by Acme Construction for Capital Facilities Fees paid in protest at the Business Park-Manufacturing rate for the construction of a 3,300 square foot warehouse building located at 1565 Cummins Drive and approving an adjustment of Capital Facilities Fees to the Industrial-Warehouse rate.

Councilmember Hawn returned to the meeting at 6:28 p.m.

Published in the Modesto Bee on December 8, 2007; continued from January 8, 2008

27. Hearing to consider amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations.
- Motion introducing an Ordinance amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations recommended.
- Police; Kathleen Blom, 572-9637, blomk@modestopd.com*

ACTION: By Motion (**Hawn/Keating;unan**) **introducing Ordinance 3474-C.S.** amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations.

Published in the Modesto Bee on November 9, 2007; continued from December 4, 2007 –

THIS PUBLIC HEARING HAS BEEN CANCELLED UNTIL FURTHER NOTICE

28. Consider removing public hearing to consider introduction of an Ordinance adding Chapter 20 entitled “Prohibition Against Spectators at Illegal Speed Contests, Exhibition Speed, and Reckless Driving Events” to title 4 of the Modesto Municipal Code.
- Motion removing public hearing to consider introduction of an Ordinance adding Chapter 20 entitled “Prohibition Against Spectators at Illegal Speed Contests, Exhibition Speed, and Reckless Driving Events” to Title 4 of the Modesto Municipal Code recommended.
- Police; William Ryan, 342-9129, ryanw@modestopd.com*

ACTION: By Motion (**Lopez/Hawn;unan**) removing public hearing to consider introduction of an Ordinance adding Chapter 20 entitled “Prohibition Against Spectators at Illegal Speed Contests, Exhibition Speed, and Reckless Driving Events: to title 4 of the Modesto Municipal Code.

Published in the Modesto Bee on December 8, 2007; continued from January 8, 2008 –
THIS PUBLIC HEARING HAS BEEN CANCELLED UNTIL FURTHER NOTICE

29. Consider removing public hearing to consider introduction of an Ordinance amending Sections 4-12.604 of Article 6 of Chapter 12, of Title 4 of the Modesto Municipal Code relating to “Public Nuisance.”

- Motion removing public hearing to consider introduction an Ordinance amending Section 4-12.604 of Article 6 of Chapter 12 of Title 4 of the Modesto Municipal Code relating to Nuisance Creating Behavior recommended.

Police; Kathleen Blom, 572-9637, blomk@modestopd.com

ACTION: By Motion (**Lopez/Hawn;unan**) removing public hearing to consider introduction an Ordinance amending Section 4-12.604 of Article 6 of Chapter 12 of Title 4 of the Modesto Municipal Code relating to Nuisance Creating Behavior.

NEW BUSINESS

30. Consider supporting a county-wide one-half cent transportation sales tax measure and placement on the November 2008 voter ballot.

- Motion supporting a county-wide one-half cent transportation sales tax measure and placement on the November 2008 voter ballot recommended.

City Manager; James E. Niskanen, 577-5404, jniskanen@modestogov.com

Councilmember Marsh left meeting at 7:32 p.m.

ACTION: By Motion (**Hawn/Mayor Ridenour; unan O’Bryant no, Marsh absent**) supporting a county-wide one-half cent transportation sales tax measure and placement on the November 2008 voter ballot.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Zachary Hart v. City of Modesto*

Stanislaus County Superior Court Case No. 352771

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Attorney

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Jo Ann Bertolotti, Leslie Curtin and Lori Martinez v. City of Modesto, et al.,*
Stanislaus County Superior Court Case No. 373350

MINUTES

City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**
Conference Room 2005 (2nd Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, February 11, 2008, at 5:30 p.m.

Roll Call: Present: Committee members: Keating, Lopez, Marsh

Absent: None

ORAL COMMUNICATIONS **Three minute time limit per speaker**

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item #1, #2 & #3

CONSENT ITEMS

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

CONSENT

4. Consider receiving status report of development projects processed by the Community & Economic Development Department.

ACTION: No action was taken. This item was for information only.

CONSENT

5. Consider recommendation to approve the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$646,269 in Congestion Mitigation and Air Quality (CMAQ) funds for the Bus Maintenance Facility, forward to City Council for approval and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

ACTION: The Committee approved staff recommendation.

CONSENT

6. Consider recommendation to approve additional service to Route 24 during dismissal time at Enochs High School at a cost of \$11,750 per year and forward to City Council for approval.

ACTION: The Committee approved staff recommendation.

NEW BUSINESS

7. Consider recommendation to approve contracts for the furnishing of plan check services for the Community and Economic Development Department Building Safety Division to Bureau Veritas North America, Inc., CSG Consultants, Inc., Scott Fazekas & Associates, Inc., and Naffa International, Inc., as “primary” contractors, for three-year agreements with options for two one-year renewals not to exceed \$100,000 each year, and forward to City Council for approval.

ACTION: The Committee approved staff recommendation and forwarded to City Council for approval.

8. Consider recommending to City Council reappointments to boards, commissions and committees; and consider applications for current vacancies on boards, commissions and committees, recommend appointments and/or request that interviews be scheduled before the committee.

ACTION: Committee recommended reappointment of all members requesting reappointment.

The Committee unanimously recommended the following appointments:

1. Airport Advisory Committee
 - Kevin Young
2. Culture Commission
 - Henrietta Sparkman
3. Golf Courses Advisory Committee
 - Linda Kenyon
4. Solid Waste Advisory Committee
 - Duwayne Stenger

COMMITTEE MEMBER COMMENTS AND REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

3. Progress Report: Citygate Organizational Assessment of the Development
Review Permitting Process
4. Airport hangar #2 lease
5. Digester gas fired cogeneration plant incentives

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 12, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Mayor Ridenour-Item 9

Reports from Closed Session – No reportable action

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider accepting the Modesto Sister Cities International (MSCI) Annual Report, approving a Fourth Amendment to Agreement to reduce the City's FY 08-09 contribution to MSCI by 3% (\$853), and authorizing the Interim City Manager, or his designee, to sign the Amendment to Agreement.
 - Resolution accepting the Modesto Sister Cities International (MSCI) Annual Report, approving a Fourth Amendment to Agreement to reduce the City's FY 08-09 contribution to MSCI by 3% (\$853), and authorizing the Interim City Manager, or his designee, to sign the Amendment to Agreement recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349
ceubank@modestogov.com*

ACTION: **Resolution 2008-093 (Hawn/Keating; unan)** accepting the Modesto Sister Cities International (MSCI) Annual Report, approving a Fourth Amendment to Agreement to reduce the City's FY 08-09 contribution to MSCI by 3% (\$853), and authorizing the Interim City Manager, or his designee, to sign the Amendment to Agreement.

2. Presentation for the Amgen Tour of California scheduled for February 20, 2008.
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com

ACTION: Presentation for Amgen Tour of California scheduled for February 20, 2008
by Acting Director of Parks, Recreation & Neighborhoods, Julie Hannon.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 16

ACTION CONSENT ITEMS 3-8,10-16 (Hawn/Lopez; unan)

ACTION ITEM 9 (Hawn/Keating; unan Ridenour absent)

CONSENT ITEMS

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

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of February 5, 2008.
 - Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion ((**Hawn/Lopez; unan**)) approving the minutes of the regular City Council meeting of February 5, 2008.

CONSENT

4. Consider approving the final adoption of the following Ordinances:
 - A. **Ordinance 3473-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. (This action will allow the Modesto Nuts to oversee imminent projects to John Thurman Field and will ensure that project timelines do not interfere with the upcoming baseball seasons.)
 - Motion approving final adoption of **Ordinance 3473-C.S.** recommended.
 - B. **Ordinance 3474-C.S.** amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations.
 - Motion approving final adoption of **Ordinance 3474-C.S.** recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion ((**Hawn/Lopez; unan**)) approving final adoption of **Ordinance 3473-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.

ACTION: By Motion ((**Hawn/Lopez; unan**)) approving final adoption of **Ordinance 3474-C.S.** amending Sections 1-6.403 and 1-6.404 of Article 4 of Chapter 6 of Title 1 of the Modesto Municipal Code relating to Administrative Citations.

CONSENT

5. Consider authorizing the Purchasing Manager to conduct a sole source procurement of five (5) Cleaire “Longview” filter systems for the Public Works Department, Fleet Services Division, from Cummins West, Inc., and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$95,915.
- Resolution authorizing the Purchasing Manager to conduct a sole source procurement of five (5) Cleaire “Longview” filter systems for the Public Works Department, Fleet Services Division, from Cummins West, Inc., and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$95,915 recommended.

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

ACTION: **Resolution 2008-094 ((Hawn/Lopez; unan))** authorizing the Purchasing Manager to conduct a sole source procurement of five (5) Cleaire “Longview” filter systems for the Public Works Department, Fleet Services Division, from Cummins West, Inc., and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$95,915.

CONSENT

6. Consider authorizing staff to negotiate a reduced tip fee with Gilton Solid Waste for pre-ground materials from non-City sources delivered to the City of Modesto Composting Facility, and authorizing the Acting Director of Parks, Recreation and Neighborhoods to execute a Memorandum of Understanding with Gilton Solid Waste.
- Resolution authorizing staff to negotiate a reduced tip fee with Gilton Solid Waste for pre-ground materials from non-City sources delivered to the City of Modesto Composting Facility, and authorizing the Acting Director of Parks, Recreation and Neighborhoods to execute a Memorandum of Understanding with Gilton Solid Waste recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2008-095 ((Hawn/Lopez; unan)) authorizing staff to negotiate a reduced tip fee with Gilton Solid Waste for pre-ground materials from non-City sources delivered to the City of Modesto Composting Facility, and authorizing the Acting Director of Parks, Recreation and Neighborhoods to execute a Memorandum of Understanding with Gilton Solid Waste.

CONSENT

7. Consider affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2008" at Graceada Park and allowing the sale of merchandise in the Park during the event.

- Resolution affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2008" at Graceada Park and allowing the sale of merchandise in the Park during the event recommended.

Parks, Recreation & Neighborhoods; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Resolution 2008-096 ((Hawn/Lopez; unan)) affirming the City's co-sponsorship of "Earth Day in the Park Festival, 2008" at Graceada Park and allowing the sale of merchandise in the Park during the event.

CONSENT

8. Consider accepting the work by Cunningham & Sons, Inc. for the project titled "Merle Avenue and Maid Mariane Lane Roundabout Improvements" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$169,691.90. (Total project cost is \$258,819.23, which included engineering design, construction contingency and construction administration.)

- Resolution accepting the work by Cunningham & Sons, Inc. for the project titled "Merle Avenue and Maid Mariane Lane Roundabout Improvements" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$169,691.90 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-097 ((Hawn/Lopez; unan)) accepting the work by Cunningham & Sons, Inc. for the project titled "Merle Avenue and Maid Mariane Lane Roundabout Improvements" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$169,691.90.

CONSENT—*Mayor Ridenour absent due to conflict of interest*

9. Consider approving an agreement for the acquisition of a portion of a parcel of land along Floyd Avenue just west of Fine Avenue (3725 Floyd Avenue) owned by Wade and Nerie Ramey (APN: 085-018-062), including a Temporary Construction Easement (TCE) to be purchased by the City of Modesto for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue in the amount of \$120,000.
- Resolution approving an Agreement for the acquisition of a portion of a parcel of land along Floyd Avenue just west of Fine Avenue (3725 Floyd Avenue) owned by Wade and Nerie Ramey (APN: 085-018-062), including a Temporary Construction Easement (TCE) to be purchased by the City of Modesto for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue in the amount of \$120,000 and authorizing the City Manager to execute said Agreement recommended.
 - Resolution authorizing the City Manager to sign Acceptance Forms for the Grant Deed for the acquisition of a portion of the parcel along Floyd Avenue just west of Fine Avenue (3725 Floyd Avenue) owned by Wade and Nerie Ramey (APN: 085-018-062), and a Temporary Construction Easement to the City Of Modesto for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue recommended.

Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2008-098 (Hawn/Keating; unan Mayor Ridenour absent) approving an Agreement for the acquisition of a portion of a parcel of land along Floyd Avenue just west of Fine Avenue (3725 Floyd Avenue) owned by Wade and Nerie Ramey (APN: 085-018-062), including a Temporary Construction Easement (TCE) to be purchased by the City of Modesto for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue in the amount of \$120,000 and authorizing the City Manager to execute said Agreement.

ACTION: Resolution 2008-099 ((Hawn/Lopez; unan Mayor Ridenour absent) authorizing the City Manager to e Forms for the Grant Deed for the acquisition of a portion of the parcel along Floyd Avenue just west of Fine Avenue (3725 Floyd Avenue) owned by Wade and Nerie Ramey (APN: 085-018-062), and a Temporary Construction Easement to the City Of Modesto for the Floyd Avenue Widening Project between Roselle Avenue and Fine Avenue.

CONSENT

10. Consider approving a Stormwater Management and Maintenance Agreement between Kaiser Foundation Hospitals and the City of Modesto related to the management and maintenance of stormwater facilities at and adjacent to the new Kaiser Hospital on Dale Road at Bangs Road and authorizing the Interim City Manager, or his designee, to execute the agreement.
- Resolution approving a Stormwater Management and Maintenance Agreement between Kaiser Foundation Hospitals and the City of Modesto

related to the management and maintenance of stormwater facilities at and adjacent to the new Kaiser Hospital on Dale Road at Bangs Road, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-100 ((Hawn/Lopez; unan)) approving a Stormwater Management and Maintenance Agreement between Kaiser Foundation Hospitals and the City of Modesto related to the management and maintenance of stormwater facilities at and adjacent to the new Kaiser Hospital on Dale Road at Bangs Road, and authorizing the Interim City Manager, or his designee, to execute the agreement.

CONSENT

11. Consider approving an agreement with CH2MHILL in the amount of \$41,100 to perform a Wastewater Treatment Plant (WWTP) Land Application System Study, and authorizing the Interim City Manager, or his designee, to execute the agreement.

- Resolution approving an agreement with CH2MHILL in the amount of \$41,100 to perform a Wastewater Treatment Plant (WWTP) Land Application System Study, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
- Resolution authorizing the transfer of \$41,100 from Wastewater Reserves (6210-800-8000-8003) to Wastewater Treatment Secondary (6210-480-5214-0235) to fund the CH2MHILL Agreement for the Wastewater Treatment Plant Land Application System Study recommended.

Public Works; Rich Ulm, 577-5261, ruml@modestogov.com

ACTION: Resolution 2008-101 ((Hawn/Lopez; unan)) approving an agreement with CH2MHILL in the amount of \$41,100 to perform a Wastewater Treatment Plant (WWTP) Land Application System Study, and authorizing the Interim City Manager, or his designee, to execute the agreement

ACTION: Resolution 2008-102 ((Hawn/Lopez; unan)) authorizing the transfer of \$41,100 from Wastewater Reserves (6210-800-8000-8003) to Wastewater Treatment Secondary (6210-480-5214-0235) to fund the CH2MHILL Agreement for the Wastewater Treatment Plant Land Application System Study

CONSENT

12. Consider approving an amendment to the Agreement with Carollo Engineers, P.C. (Carollo) for Final Design Services for Phase 1A Tertiary Wastewater Treatment Facility Project to include Alternative Ultra Violet (UV) Disinfection System Design in an amount not to exceed \$72,095, and authorizing the Interim City Manager, or his designee, to execute the amendment to Agreement.

- Resolution approving an amendment to the Agreement with Carollo Engineers, P.C. (Carollo) for Final Design Services for Phase 1A Tertiary Wastewater Treatment Facility Project to include Alternative Ultra Violet (UV) Disinfection System Design in an amount not to exceed \$72,095, and authorizing the Interim City Manager, or his designee, to execute the amendment to Agreement recommended.

Public Works; Dean Phillips, 577-5215, dphillips@modestogov.com

ACTION: **Resolution 2008-103 ((Hawn/Lopez; unan))** approving an amendment to the Agreement with Carollo Engineers, P.C. (Carollo) for Final Design Services for Phase 1A Tertiary Wastewater Treatment Facility Project to include Alternative Ultra Violet (UV) Disinfection System Design in an amount not to exceed \$72,095, and authorizing the Interim City Manager, or his designee, to execute the amendment to Agreement.

COUNCIL COMMENTS & REPORTS

- Charter Amendment Implementation Plan.
Mayor, Jim Ridenour, 571-5597, jridenour@modestogov.com

ACTION: Mayor Ridenour gave an update on the Charter Amendment Implementation Plan and submitted a draft timeline.

- Preparation of Job Description for New Charter Office – City Auditor.
Mayor, Jim Ridenour, 571-5597, jridenour@modestogov.com

ACTION: Mayor Ridenour announced that the job description for the new Charter Office – City Auditor has almost been completed.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Jim Niskanen spoke about the opening of Sanders Neighborhood Park.

WRITTEN COMMUNICATIONS

13. Consider written communication from Terry Hopkins regarding traffic in front of his residence on Orangeburg Avenue in Modesto.

ACTION: Interim City Manager Jim Niskanen directed Police Chief Wasden and Public Works Director Pinhey to meet and respond to Mr. Hopkins' request.

HEARINGS

Published in the Modesto Bee on January 21, 2008

14. Public Hearing to consider the application of Temperate Enterprises, LLC, to prezone to R-1 (Low-Density Residential) and annex 1.87 acres located on the northeast corner of Temperate and Mercy Avenues to the City and annex to Modesto Sewer District No. 1, and detach from the Woodland Fire Protection District.
- Motion introducing an Ordinance amending Section 25-3-8 of the Zoning Map of the City of Modesto to Prezone to Prezoned Low-Density Residential (P-R-1), Property Located on the Northeast corner of Temperate and Mercy Avenues (Owner Initiated – Uninhabited) recommended.
 - Resolution approving the Filing of an Application to the Stanislaus Local Agency Formation Commission to Annex Approximately 1.87 Acres of Property Located on the Northeast corner of Temperate and Mercy Avenues to the City of Modesto and Modesto Sewer District No. 1 and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited) 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. 1999082041): Amending Section 25-3-8 of the Zoning Map to Prezone to Prezoned Low-Density Residential Zone (P-R-1), approximately 1.87 Acres of Property Located on the Northeast Corner Of Temperate and Mercy Avenues and Annex said Property to the City of Modesto and the Modesto Sewer District No. 1 and Detachment from the Woodland Fire Protection District (Owner Initiated – Uninhabited) recommended.

Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

ACTION: By Motion (**Hawn/Marsh; unan**) introducing Ordinance 3475-C.S. amending Section 25-3-8 of the Zoning Map of the City of Modesto to Prezone to Prezoned Low-Density Residential (P-R-1), Property Located on the Northeast corner of Temperate and Mercy Avenues (Owner Initiated – Uninhabited).

ACTION: Resolution 2008-104 (**Hawn/Marsh; unan**) approving the Filing of an Application to the Stanislaus Local Agency Formation Commission to Annex Approximately 1.87 Acres of Property Located on the Northeast corner of Temperate and Mercy Avenues to the City of Modesto and Modesto Sewer District No. 1 and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited).

ACTION: Resolution 2008-105 (**Hawn/Marsh; unan**) 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. 1999082041): Amending Section 25-3-8 of the Zoning Map to Prezone to Prezoned Low-Density Residential Zone (P-R-1), approximately 1.87 Acres of Property Located on the Northeast Corner Of Temperate and Mercy Avenues and Annex said Property to the City of Modesto and the

Modesto Sewer District No. 1 and Detachment from the Woodland Fire Protection District (Owner Initiated – Uninhabited).

Published in the Modesto Bee on January 13, 2008

15. Hearing to consider amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions.
- Motion introducing an Ordinance amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions recommended.
- Police; John Bear, 342-6135, bearj@modestopd.com*

ACTION: By Motion (**Keating/Marsh; unan**) introducing Ordinance 3476-C.S. amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions.

NEW BUSINESS

16. Consider approving a Professional Services Agreement with Stantec for the development of the Geographic Information System (GIS) upgrade for the Sanitary Sewer Utilities Inventory Project in an amount not to exceed \$1,246,000, and authorizing the Interim City Manager, or his designee, to execute the agreement.
- Resolution approving a Professional Services Agreement with Stantec for the development of the Geographic Information System (GIS) upgrade for the Sanitary Sewer Utilities Inventory Project in an amount not to exceed \$1,246,000, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
 - Resolution approving the change of 6210-480-B122 from a Stand Alone CIP to a Primary CIP and transferring of \$250,000 from 6210-480-5212-0235 to 6210-480-B122-6052 to fully fund the Geographic Information System (GIS) Upgrade Project recommended.
- Public Works; Tony Souza, 577-6221, tsouza@modestogov.com*

ACTION: Resolution 2008-106 (**Marsh/Hawn; unan**) approving a Professional Services Agreement with Stantec for the development of the Geographic Information System (GIS) upgrade for the Sanitary Sewer Utilities Inventory Project in an amount not to exceed \$1,246,000, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2008-107 (**Marsh/Hawn; unan**) approving the change of 6210-480-B122 from a Stand Alone CIP to a Primary CIP and transferring of \$250,000 from 6210-480-5212-0235 to 6210-480-B122-6052 to fully fund the Geographic Information System (GIS) Upgrade Project.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:45 p.m.

CLOSED SESSION

PUBLIC EMPLOYMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Discussion regarding City Manager recruitment.

MINUTES

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, February 25, 2008 at 5:30 p.m.

Roll Call: Present: Councilmembers Hawn, Olsen
Absent: Councilmember Marsh

ORAL COMMUNICATIONS
Three minute time limit per speaker

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

CONSENT ITEMS

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

CONSENT

7. Consider recommended budget adjustments for the month of February 2008 and refer to City Council for approval.

ACTION: Unanimously approved staff recommendations. Hawn/Olsen

8. Consider approving staff recommendation to authorize the Finance Director to approve any Cash-On-Hand changes up to \$20,000 in total and refer to the City Council for approval.

ACTION: Unanimously approved staff recommendations. Hawn/Olsen

9. Consider receiving informational report regarding Capital Improvement Program Process Changes and Calendar.

ACTION: Unanimously approved staff recommendations. Hawn/Olsen

10. Consider receiving informational report with a proposed calendar for the budget workshops to be held week of May 19-22, 2008.

ACTION: Unanimously approved staff recommendations. Hawn/Olsen

11. Consider receiving quarterly update on the Water Meter/Automated Reading Program.

ACTION: Unanimously approved staff recommendations. Hawn/Olsen

12. Consider supporting staff recommendation to:
 - a) Authorize the Purchasing Manager to issue a formal Request for Proposals (RFP) for the purchase of on-street parking meters for the Parks, Recreation & Neighborhoods Building and Parking Services Division for a total estimated cost of \$540,000 over a maximum of five (5) years and to include three additional Parking Service Representatives in the Fiscal Year 08-09 operating budget at an estimated staff cost of \$174,600 to be phased in as on-street meters become operational, and
 - b) Implement a structured validation system for downtown businesses involving limits based on type of retail tenant and/or tenant need, to supply retail tenants with Valometer ® machines, to track and monitor validation usage for a total estimated cost of \$7,500, and forward to City Council for approval.

ACTION: Committee members heard lengthy discussion from various stakeholders including DID, Chamber of Commerce, and Brenden Theatres regarding the 1) impact on downtown businesses if parking meters were installed and 2) parking enforcement in the downtown area.

**On recommendation 6.a, the Committee tabled the recommendation and suggested that if the DID is interested in revisiting this issue in the future, they should contact City staff to reinitiate discussions.
Hawn/Olsen**

With regard to recommendation 6.b, the Committee voted unanimously to approve staff recommendations. Olsen/Hawn

NEW BUSINESS

13. Consider approving staff plan for an application and receipt of \$3.36 million of Proposition 1B funds from the State of California to fund various street paving projects and forward to City Council for approval.

**ACTION: Committee unanimously approved staff recommendations.
Olsen/Hawn**

14. Consider recommendation to approve the repayment of the loan made to the Redevelopment Agency by the General Fund for the Gallo Center improvements and the partial repayment of the operating loans, and forward to the Redevelopment Agency for approval.

ACTION: Unanimously approved staff recommendations and directed that staff work with the Citizens Redevelopment Agency Committee on a repayment plan that provides some level of flexibility. Olsen/Hawn

15. Consider recommendation to refinance the 2006 Water Revenue Bonds using one of the options developed by staff, the City's financial advisor Public Financial Management (PFM) and Banc of America Securities.

ACTION: Committee endorsed staff recommendation to refinance the 2006 Water Revenue Bonds, selecting in preference order: Alternative 2, 3, and 1. Olsen/Hawn

16. Consider receiving informational report regarding impact of the sub-prime market on the municipal bond market.

ACTION: No action required. This was an informational report only.

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

This meeting adjourned at 7:45 pm.

Manager

JUDITH RAY, Deputy City

MINUTES

City of Modesto
CITY COUNCIL MEETING*
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, February 26, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House

City Clerk's Announcements – Item 15 Removed from Consent

Declaration of Conflicts of Interest – Hawn Item 15

Reports from Closed Session – City Attorney Wood reported on the Closed Session items

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider recommendations for reappointments and appointments to various boards, commissions and committees with term expirations of January 1, 2012:

Airport Advisory Committee

Joseph Trevena

Board of Building Appeals

Ronald Jeske

Citizens Advisory Committee on Recycling

Dr. Douglas N. Chadwick

Dorothy S. Griggs

Citizens Housing & Community Development

Linda S. Kenyon

Community Qualities Forum

Bev Graham (Mayor Ridenour's selection)

Disabled Access Appeals Board

Philip S. Anselmo Jr.

Downtown Improvement District Advisory Board

Norma Reed

*Tammy Maisetti
Georgia Anderson*

Golf Courses Advisory Committee

Ryne Conder (representing Creekside)

Human Relations Commission

Richard Gaytan

Local Cable Programming Committee

Bob Gausman

Solid Waste Advisory Committee

Jean-Pierre Batmale

- Resolution reappointing Joseph Trevino to the Airport Advisory Committee recommended.
- Resolution reappointing Ronald Jeske to the Board of Building Appeals recommended.
- Resolution reappointing Douglas N. Chadwick and Dorothy S. Griggs to the Citizens Advisory Committee on Recycling recommended.
- Resolution reappointing Linda S. Kenyon to the Citizens Housing & Community Development Committee recommended.
- Resolution reappointing Bev Graham to the Community Qualities Forum recommended.
- Resolution reappointing Philip S. Anselmo Jr. to the Disabled Access Appeals Board recommended.
- Resolution reappointing Nora Reed, Tammy Maisetti and Georgia Anderson to the Downtown Improvement District Advisory Board recommended.
- Resolution reappointing Ryne Conder to the Golf Courses Advisory Committee recommended.
- Resolution reappointing Richard Gaytan to the Human Relations Commission recommended.
- Resolution reappointing Bob Gausman to the Local Cable Programming Committee recommended.
- Resolution reappointing Jean-Pierre Batmale to the Solid Waste Advisory Committee recommended.

ACTION: **Resolution 2008-108 (Hawn/Keating;unan)** reappointing Joseph Trevino to the Airport Advisory Committee.

ACTION: **Resolution 2008-109 (Hawn/Keating;unan)** reappointing Ronald Jeske to the Board of Building Appeals.

ACTION: **Resolution 2008-110 (Hawn/Keating;unan)** reappointing Douglas N. Chadwick and Dorothy S. Griggs to the Citizens Advisory Committee on Recycling.

ACTION: **Resolution 2008-111 (Hawn/Keating;unan)** reappointing Linda S. Kenyon to the Citizens Housing & Community Development Committee.

ACTION: Resolution 2008-112 (Hawn/Keating;unan) reappointing Bev Graham to the Community Qualities Forum.

ACTION: Resolution 2008-113 (Hawn/Keating;unan) reappointing Philip S. Anselmo Jr. to the Disabled Access Appeals Board

ACTION: Resolution 2008-114 (Hawn/Keating;unan) reappointing Nora Reed, Tammy Maisetti and Georgia Anderson to the Downtown Improvement District Advisory Board.

ACTION: Resolution 2008-115 (Hawn/Keating;unan) reappointing Ryne Conder to the Golf Courses Advisory Committee.

ACTION: Resolution 2008-116 (Hawn/Keating;unan) reappointing Richard Gaytan to the Human Relations Commission.

ACTION: Resolution 2008-117 (Hawn/Keating;unan) reappointing Bob Gausman to the Local Cable Programming Committee.

ACTION: Resolution 2008-118 (Hawn/Keating;unan) reappointing Jean-Pierre Batmale to the Solid Waste Advisory Committee.

The Economic Development Committee also recommends approval of appointments as follows:

Airport Advisory Committee

Kevin Young

Culture Commission

Henrietta Sparkman

Golf Courses Advisory Committee

Linda Kenyon (representing Muni Niners Golf)

Solid Waste Advisory Committee

Duwayne Stenger

- Resolution appointing Kevin Young to the Airport Advisory Committee recommended.
- Resolution appointing Henrietta Sparkman to the Culture Commission recommended.
- Resolution appointing Linda Kenyon to the Golf Courses Advisory Committee recommended.
- Resolution appointing Duwayne Stenger to the Solid Waste Advisory Committee recommended.

Manager; James E. Niskanen, 577-5404, jniskanen@modestogov.com

ACTION: Resolution 2008-119 (Hawn/Keating;unan) appointing Kevin Young to the Airport Advisory Committee.

ACTION: Resolution 2008-120 (Hawn/Keating;unan) appointing Henrietta Sparkman to the Culture Commission.

ACTION: Resolution 2008-121 (Hawn/Keating;unan) appointing Linda Kenyon to the Golf Courses Advisory Committee.

ACTION: Resolution 2008-122 (Hawn/Keating;unan) appointing Duwayne Stenger to the Solid Waste Advisory Committee.

ORAL COMMUNICATIONS
Three minute time limit per speaker

Debra Harper, spoke about the good aspects of Modesto.

Ronnie Flood, Public Works-Water, spoke on behalf of MCEA.

Vern Fabrey, Parks, Recreation & Neighborhoods, spoke on behalf of MCEA.

Joe Rose, Attorney for MCEA, spoke on behalf of MCEA.

Rodney Nelson, Electrician for Public Works, spoke on behalf of workers.

Tom McCarthy, President of MCEA, spoke about of MCEA negotiations.

Anita Hernandez, City employee for 15 years, spoke about negotiations.

Michael Fulhendorf, City employee for 34 years, spoke about working for the City of Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 20

ACTION CONSENT ITEMS 2-14; 16-20 (Hawn/Lopez;unan)

ACTION ITEM 15 (Keating/Lopez;unan Hawn absent)

CONSENT ITEMS

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

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of February 12, 2008.

- Motion approving recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (Hawn/Lopez;unan) approving the minutes of the regular City Council meeting of February 12, 2008.

CONSENT

3. Consider approving the final adoption of the following Ordinances:
 - A. **Ordinance 3475-C.S.** amending Section 25-3-8 of the Zoning Map of the City of Modesto to Prezone to Prezoned Low-Density Residential (P-R-1), Property Located on the Northeast corner of Temperate and Mercy Avenues (Owner Initiated – Uninhabited).
 - Motion approving final adoption of **Ordinance 3475-C.S.** amending Section 25-3-8 of the Zoning Map of the City of Modesto to Prezone to Prezoned Low-Density Residential (P-R-1), Property Located on the Northeast corner of Temperate and Mercy Avenues (Owner Initiated – Uninhabited) recommended.
 - B. **Ordinance 3476-C.S.** amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions.
 - Motion approving final adoption of **Ordinance 3476-C.S.** amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions recommended.
- Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (**Hawn/Lopez;unan**) approving final adoption of **Ordinance 3475-C.S.** amending Section 25-3-8 of the Zoning Map of the City of Modesto to Prezone to Prezoned Low-Density Residential (P-R-1), Property Located on the Northeast corner of Temperate and Mercy Avenues (Owner Initiated – Uninhabited).

ACTION: By Motion (**Hawn/Lopez;unan**) approving final adoption of **Ordinance 3476-C.S.** amending Section 5-4.200 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Dogs – Penalty Provisions.

CONSENT

4. Consider acknowledging receipt of notification of the 2008 Annual Inflationary Adjustment for 1998, 1999, 2003 and 2006 Capital Facilities Fees (CFF) Programs.
 - Motion acknowledging receipt of notification of the 2008 Annual Inflationary Adjustment for 1998, 1999, 2003 and 2006 Capital Facilities Fees (CFF) Programs recommended.
- Community & Economic Development, Amy Gedney, 577-5211, agedney@modestogov.com*

ACTION: By Motion (**Hawn/Lopez;unan**) acknowledging receipt of notification of the 2008 Annual Inflationary Adjustment for 1998, 1999, 2003 and 2006 Capital Facilities Fees (CFF) Programs.

CONSENT

5. Consider authorizing the award of bid and contract for the purchase of two (2) packer trucks for the Public Works Department, Fleet Services Division, to Valley

Peterbilt, Inc. and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$351,306.

- Resolution authorizing the award of bid and contract for the purchase of two (2) packer trucks for the Public Works Department, Fleet Services Division, to Valley Peterbilt, Inc., and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$351,306 recommended.

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

ACTION: **Resolution 2008-123 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the purchase of two (2) packer trucks for the Public Works Department, Fleet Services Division, to Valley Peterbilt, Inc., and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$351,306.

CONSENT

6. Consider authorizing the award of bid and contract for the purchase of nineteen (19) Crown Victoria Police Interceptor Vehicles – 2008 model year, for the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, through Downtown Ford, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$516,826.

- Resolution authorizing the award of bid and contract for the purchase of nineteen (19) Crown Victoria Police Interceptor Vehicles – 2008 model year, for the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, through Downtown Ford, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$516,826 recommended.

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

ACTION: **Resolution 2008-124 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the purchase of nineteen (19) Crown Victoria Police Interceptor Vehicles – 2008 model year, for the Public Works Department, Fleet Services Division, by “accessing the terms” of a competitively bid contract with the City of Sacramento, through Downtown Ford, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$516,826.

CONSENT

7. Consider approving a grant application for \$100,000 in funding from the Federal Land and Water Conservation Fund Program for the purpose of replacing the Davis Park Picnic Shelter.

- Resolution approving a grant application for \$100,000 in funding from the Federal Land and Water Conservation Fund Program for the purpose of replacing the Davis Park Picnic Shelter and authorizing the Interim City Manager, or his designee, to execute the grant application documents recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: Resolution 2008-125 (Hawn/Lopez;unan) approving a grant application for \$100,000 in funding from the Federal Land and Water Conservation Fund Program for the purpose of replacing the Davis Park Picnic Shelter and authorizing the Interim City Manager, or his designee, to execute the grant application documents.

CONSENT

8. Consider approving an agreement with Moore, Iacofano, Goltsman Inc. for professional landscape architectural services for the Phase 1 Update to the Master Plan, Design Development Report and Environmental Documentation for the Mary E. Grogan Community Park for an estimated total cost of \$194,903.00.
- Resolution approving an agreement with Moore, Iacofano, Goltsman Inc. for professional landscape architectural services for the Phase 1 Update to the Master Plan, Design Development Report and Environmental Documentation for the Mary E. Grogan Community Park for an estimated total cost of \$194,903.00, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353,
dcritchfield@modestogov.com*

ACTION: Resolution 2008-126 (Hawn/Lopez;unan) approving an agreement with Moore, Iacofano, Goltsman Inc. for professional landscape architectural services for the Phase 1 Update to the Master Plan, Design Development Report and Environmental Documentation for the Mary E. Grogan Community Park for an estimated total cost of \$194,903.00, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

9. Consider amending the Fiscal Year 07-08 operating budget to appropriate \$80,000 from 0100-800-8000-8003, General Fund Reserve, to various objects in 0100-300-3020, 800 E. Morris demolition, to fund activities related to a fire at the City-owned building at 800 E. Morris Avenue in Modesto.
- Resolution amending the Fiscal Year 07-08 operating budget to appropriate \$80,000 from 0100-800-8000-8003, General Fund Reserve, to various objects in 0100-300-3020, 800 E. Morris demolition, to fund activities related to a fire at the City-owned building at 800 E. Morris Avenue in Modesto recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,
ceubank@modestogov.com*

ACTION: Resolution 2008-127 (Hawn/Lopez;unan) amending the Fiscal Year 07-08 operating budget to appropriate \$80,000 from 0100-800-8000-8003, General Fund Reserve, to various objects in 0100-300-3020, 800 E.

Morris demolition, to fund activities related to a fire at the City-owned building at 800 E. Morris Avenue in Modesto.

CONSENT

10. Consider a request for support for the expansion of the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin Rivers.
- Resolution approving a letter of support to be signed by Mayor Jim Ridenour for the proposed legislation introduced by Congressman Cardoza to expand the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin Rivers recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571- 5104, bhatcher@modestogov.com

ACTION: **Resolution 2008-128 (Hawn/Lopez;unan)** approving a letter of support to be signed by Mayor Jim Ridenour for the proposed legislation introduced by Congressman Cardoza to expand the San Joaquin River National Wildlife Refuge to include the Dos Rios Ranch at the confluence of the Tuolumne and San Joaquin Rivers.

CONSENT

11. Consider approving a request from Stanislaus PRIDE Center for amplified music at Mancini Bowl, Graceada Park, for a Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m.
- Resolution approving a request from Stanislaus PRIDE Center for amplified music at Mancini Bowl, Graceada Park, for a Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m. recommended.

Parks, Recreation & Neighborhoods Barbara Kauss, 577-5417, bkauss@modestogov.com

ACTION: **Resolution 2008-129 (Hawn/Lopez;unan)** approving a request from Stanislaus PRIDE Center for amplified music at Mancini Bowl, Graceada Park, for a Stanislaus PRIDE Day, to be held on September 27, 2008, from 2:00 p.m. to 8:00 p.m.

CONSENT

12. Consider approving a request from John Black of JB Special Events and Promotions for Amplified Music at Graceada Park for the Modesto Blues Festival event to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m.
- Resolution approving a request from John Black of JB Special Events and Promotions for amplified music at Mancini Bowl, Graceada Park, for the Modesto Blues Festival event to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m. recommended.

Parks, Recreation & Neighborhoods Barbara Kauss, 577-5417, bkauss@modestogov.com

ACTION: Resolution 2008-130 (Hawn/Lopez;unan) approving a request from John Black of JB Special Events and Promotions for amplified music at Mancini Bowl, Graceada Park, for the Modesto Blues Festival event to be held on June 14, 2008, from 1:00 p.m. to 9:30 p.m.

CONSENT

13. Consider (i) amending the Police Department position allocation as adopted by the City Council as part of the 2007/2008 budget to approve an additional Police Captain position to manage the Stanislaus Regional 911 Communications Center effective March 4, 2008, eliminate one full-time Police Lieutenant position effective March 4, 2008 and one Emergency Dispatch Services Director position effective May 1, 2008; and (ii) amending the Modesto Police Department's 2007/2008 budget reducing expenditures by \$23,470 due to personnel changes that are reimbursed by the Stanislaus Regional 911 Communications Center.
- Resolution amending the Police Department position allocation as adopted by the City Council as part of the 2007/2008 budget to approve an additional Police Captain position to manage the Stanislaus Regional 911 Communications Center effective March 4, 2008, eliminate one full-time Police Lieutenant position effective March 4, 2008 and one Emergency Dispatch Services Director position effective May 1, 2008 recommended.
 - Resolution amending the Modesto Police Department's 2007/2008 budget reducing expenditures by \$23,470 due to personnel changes that are reimbursed by the Stanislaus Regional 911 Communications Center recommended.

Police; Roy W. Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Resolution 2008-131 (Hawn/Lopez;unan) amending the Police Department position allocation as adopted by the City Council as part of the 2007/2008 budget to approve an additional Police Captain position to manage the Stanislaus Regional 911 Communications Center effective March 4, 2008, eliminate one full-time Police Lieutenant position effective March 4, 2008 and one Emergency Dispatch Services Director position effective May 1, 2008.

ACTION: Resolution 2008-132 (Hawn/Lopez;unan) amending the Modesto Police Department's 2007/2008 budget reducing expenditures by \$23,470 due to personnel changes that are reimbursed by the Stanislaus Regional 911 Communications Center.

CONSENT

14. Consider extending the limited term position for Weed and Seed Coordinator.
- Motion amending the Police Department position allocation as adopted by the City Council as part of the 07/08 budget to extend the limited-term Weed and Seed Coordinator position through September 30, 2011.

Police; Roy W. Wasden, 572-9503, wasdenr@modestopd.com

ACTION: By Motion (**Hawn/Lopez;unan**) amending the Police Department position allocation as adopted by the City Council as part of the 07/08 budget to extend the limited-term Weed and Seed Coordinator position through September 30, 2011.

REMOVED FROM CONSENT—Councilmember Hawn absent due to conflict

15. Consider supporting a grant application for \$337,200 in funding from the Environmental Protection Agency (EPA) for design completion and construction of a portion of the Ninth Street Storm Drain.
- Resolution approving a Grant application for \$337,200 in funding from the Environmental Protection Agency (EPA) for design completion and construction of a portion of the Ninth Street Storm Drain, and authorizing the Interim City Manager, or his designee, to execute the Application recommended.
 - Resolution amending the FY 07-08 Operating and Capital Improvement Program budgets to decrease Account 0700-430-4380-0235 “Annual Slurry Seal” by transferring \$275,891 to Account 0700-800-8000-8003 “Gas Tax Reserves, then transferring the same amount from Account 0700-800-8000-8003 “Gas Tax Reserves to Account 6280-800-8000-8003 “Storm Drain Reserves”, then transferring the same amount from Account 6280-800-8000-8003 “Storm Drain Reserves” to CIP Account 6280-430-N686-6053 “9th Street Storm Drainage”, required as City’s 45% share of Matching Funds associated with the Grant Application for funding from the Environmental Protection Agency (EPA) for the Ninth Street Storm Drain project recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-133 (Keating/Lopez;unan Hawn absent)** approving a Grant application for \$337,200 in funding from the Environmental Protection Agency (EPA) for design completion and construction of a portion of the Ninth Street Storm Drain, and authorizing the Interim City Manager, or his designee, to execute the Application.

ACTION: **Resolution 2008-134 (Keating/Lopez; unan Hawn absent)** amending the FY 07-08 Operating and Capital Improvement Program budgets to decrease Account 0700-430-4380-0235 “Annual Slurry Seal” by transferring \$275,891 to Account 0700-800-8000-8003 “Gas Tax Reserves, then transferring the same amount from Account 0700-800-8000-8003 “Gas Tax Reserves to Account 6280-800-8000-8003 “Storm Drain Reserves”, then transferring the same amount from Account 6280-800-8000-8003 “Storm Drain Reserves” to CIP Account 6280-430-N686-6053 “9th Street Storm Drainage”, required as City’s 45% share of Matching Funds associated with the Grant Application for funding from the Environmental Protection Agency (EPA) for the Ninth Street Storm Drain project.

CONSENT

16. Consider accepting the work by Teichert Construction for the project titled “Woodland Avenue Improvements at Carpenter Road” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$189,465.54. (Total project cost is \$309,719.09, which included construction contingency, engineering design and construction administration.)

- Resolution accepting the work by Teichert Construction for the project titled “Woodland Avenue Improvements at Carpenter Road” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$189,465.54 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-135 (Hawn/Lopez;unan)** accepting the work by Teichert Construction for the project titled “Woodland Avenue Improvements at Carpenter Road” as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$189,465.54.

CONSENT

17. Consider approving a Second Amendment to the Agreement with Kleinfelder, Inc. for continued well monitoring and reporting services, in the amount of \$14,072, for the project titled “9th Street Storm Drainage Basin at Kansas-9th-Needham,” and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement. (This Second Amendment brings the Agreement total to \$58,737.)

- Resolution approving a Second Amendment to the Agreement with Kleinfelder West, Inc. for continued well monitoring and reporting services, in the amount of \$14,072, for the project titled “9th Street Storm Drainage Basin at Kansas-9th-Needham,” and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-136 (Hawn/Lopez;unan)** approving a Second Amendment to the Agreement with Kleinfelder West, Inc. for continued well monitoring and reporting services, in the amount of \$14,072, for the project titled “9th Street Storm Drainage Basin at Kansas-9th-Needham,” and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement.

CONSENT

18. Consider approving an agreement with Stantec Consulting Inc. to prepare a final project design for the Scenic Lift Station project in an amount not to exceed \$143,387.
- Resolution approving an agreement with Stantec Consulting Inc. to prepare a final project design for the Scenic Lift Station project in an amount not to exceed \$143,387, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
 - Resolution amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$70,000 from Account 6210-800-8000-8003 "Wastewater Fund-Reserves" to CIP Account 6210-430-B491-6010 "Scenic Sewer Lift Station" in order to fully fund the agreement with Stantec Consulting Inc. to perform the required final design services to complete the Scenic Lift Station project recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: **Resolution 2008-137 (Hawn/Lopez;unan)** approving an agreement with Stantec Consulting Inc. to prepare a final project design for the Scenic Lift Station project in an amount not to exceed \$143,387, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: **Resolution 2008-138 (Hawn/Lopez;unan)** amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$70,000 from Account 6210-800-8000-8003 "Wastewater Fund-Reserves" to CIP Account 6210-430-B491-6010 "Scenic Sewer Lift Station" in order to fully fund the agreement with Stantec Consulting Inc. to perform the required final design services to complete the Scenic Lift Station project.

CONSENT

19. Consider authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 10, 2008.
- Motion authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 10, 2008 recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: By Motion (**Hawn/Lopez;unan**) authorizing the use of the Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for their annual Airport Appreciation Day on May 10, 2008.

CONSENT

20. Consider authorizing submittal of an application to the Federal Aviation Administration to impose, collect, and use a Passenger Facility Charge by air carriers on passengers using the Modesto City-County Airport.

- Resolution authorizing submittal of an application to the Federal Aviation Administration to impose, collect, and use a Passenger Facility Charge by air carriers on passengers using the Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute the application recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: **Resolution 2008-139 (Hawn/Lopez;unan)** authorizing submittal of an application to the Federal Aviation Administration to impose, collect, and use a Passenger Facility Charge by air carriers on passengers using the Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute the application.

COUNCIL COMMENTS & REPORTS

21. Consider taking action at the Council meeting of March 4, 2008: (i) the appointment of five representatives to the Citizens' Salary Setting Commission. Measure M has specific deadlines by which the work of the Citizens' Salary Setting Commission must be completed. (In order to achieve these deadlines, making recommendations to the Council for the representatives to the Citizens' Salary Setting Commission); (ii) the appointment of one of the five representatives as chairperson; and (iii) the approval of bylaws for the Citizens' Salary Setting Commission.

Mayor; Jim Ridenour; 571-5597, jridenour@modestogov.com

ACTION: Mayor Ridenour gave report on the Citizens' Salary Setting Commission and will move forward at the Council meeting of March 4, 2008: (i) the appointment of five representatives to the Citizens' Salary Setting Commission; (ii) the appointment of one of the five representatives as chairperson; and (iii) the approval of bylaws for the Citizens' Salary Setting Commission.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Niskanen announced the workshop on February 28, 2008 with Planning Commission and Council for an updated General Plan to be held at the Modesto Police Department.

Interim City Manager Niskanen also announced that the Sanders Neighborhood Park Grand Opening Ceremony on Saturday at 10:00 a.m.

Interim City Manager Niskanen also spoke about the success of the Amgen Tour on February 20, 2008.

UNFINISHED BUSINESS

22. Consider approving the plans and specifications for the project titled “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement,” accepting the bid and approving a \$4,532,484.00 contract with ZENON Environmental Corporation for the “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement.”
- Resolution approving the plans and specifications for the project titled “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement,” accepting the bid and approving a \$4,532,484.00 contract with ZENON Environmental Corporation for the “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement,” and authorizing the Interim City Manager, or his designee, to execute the contract recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: **Resolution 2008-140 (Hawn/Keating;unan)** approving the plans and specifications for the project titled “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement,” accepting the bid and approving a \$4,532,484.00 contract with ZENON Environmental Corporation for the “Phase 1A Tertiary Wastewater Treatment Project Membrane Equipment System Procurement,” and authorizing the Interim City Manager, or his designee, to execute the contract.

NEW BUSINESS

23. Consider accepting the 2008 StanCOG Regional Housing Needs Assessment staff report, specifically regarding the Draft Housing Allocation Methodology and schedule for adoption by the StanCOG Policy Board (June 11, 2008).
- Motion accepting the 2008 StanCOG Regional Housing Needs Assessment staff report recommended.
- Community & Economic Development; Brad Wall, 577-5267, bwall@modestogov.com*

ACTION: By Motion (**Hawn/Keating;unan**) accepting the 2008 StanCOG Regional Housing Needs Assessment staff report.

HEARINGS

Published in the Modesto Bee on February 11, 2008

24. Hearing to consider an Ordinance amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure - Addressing the Council.
- Motion introducing an Ordinance amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure – Addressing the Council recommended.

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

ACTION: By Motion (**Hawn/O'Bryant;unan**) introducing Ordinance 3477-C.S. amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure – Addressing the Council.

Published in the Modesto Bee on January 21, 2008

25. Hearing to consider amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law.

- Motion introducing an Ordinance amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Keating/Hawn;unan**) introducing Ordinance 3478-C.S. introducing an Ordinance amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law.

Recess at 6:35 p.m.

Reconvened at 6:52 p.m.

Published in the Modesto Bee on February 4, 2008

1. 26. Hearing to consider adoption of the Tivoli Specific Plan for the development of approximately 454 acres, property located on the north side of Sylvan Avenue and east of Oakdale Road. The application also includes certification of an Environmental Impact Report, a General Plan Amendment, rezoning the project site to Rezoned Specific Plan (P-SP), and annexation to the City of Modesto. (Submitted by David Romano, Newman ~ Romano LLC.)
 - Resolution making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Tivoli Specific Plan project (State Clearinghouse Number 2005072125). (David Romano, Newman ~ Romano LLC) recommended.
 - Resolution approving an amendment to the Modesto Urban Area General Plan regarding the Tivoli Specific Plan located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC) recommended.
 - Motion introducing an Ordinance approving the Tivoli Specific Plan for the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC) recommended.

- Motion introducing an Ordinance approving amending Sections 2-3-9 and 11-3-9 of the Zoning Map of the City of Modesto to prezone to Prezone Specific Plan (P-SP), property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC) recommended.
- Resolution of Application to the Stanislaus Local Agency Formation Commission to annex approximately 471 acres of property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue to the City of Modesto and Modesto Municipal Sewer District No. 1 and simultaneously detach the territory from the Stanislaus Consolidated Fire Protection District (Owner Initiated – Inhabited). (David Romano, Newman ~ Romano LLC) recommended. *Community & Economic Development; Paul Liu, 577-5282, pliu@modestogov.com*

Recessed at 9:05 p.m.

Reconvened at 9:25 p.m.

- ACTION:** **Resolution 2008-141 (Hawn/O’Bryant;unan)** making certain findings concerning mitigation measures, adopting a Mitigation Monitoring and Reporting Program, making findings concerning alternatives, adopting a statement of overriding considerations, and certifying the Final Environmental Impact Report for the Tivoli Specific Plan project (State Clearinghouse Number 2005072125). (David Romano, Newman ~ Romano LLC).
- ACTION:** **Resolution 2008-142 (Hawn/Keating;unan)** approving an amendment to the Modesto Urban Area General Plan regarding the Tivoli Specific Plan located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC).
- ACTION:** By Motion (**Keating/Hawn;unan**) **introducing Ordinance 3479-C.S.** approving the Tivoli Specific Plan for the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC).
- ACTION:** By Motion (**Hawn/Keating;unan**) **introducing Ordinance 3480-C.S.** approving amending Sections 2-3-9 and 11-3-9 of the Zoning Map of the City of Modesto to prezone to Prezone Specific Plan (P-SP), property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC)
- ACTION:** **Resolution 2008-143 (Hawn/Keating;unan)** Resolution of Application to the Stanislaus Local Agency Formation Commission to annex

approximately 471 acres of property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue to the City of Modesto and Modesto Municipal Sewer District No. 1 and simultaneously detach the territory form the Stanislaus Consolidated Fire Protection District (Owner Initiated – Inhabited). (David Romano, Newman ~ Romano LLC).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:10 p.m.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – Unrepresented

Agency Negotiators: James E. Niskanen, Interim City Manager
Robin Renwick, Personnel Director

Employee Organization: Unrepresented Management and Confidential
Employees

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: James E. Niskanen, Interim City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto Police Non Sworn Association

PUBLIC EMPLOYMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

City Manager

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *William A. Machado Construction, Inc. v. City of Modesto;*
Modesto City Council, et al.
Stanislaus County Superior Court Case No. 621581

MINUTES

City of Modesto

Joint City Council/Planning Commission General Plan and Master EIR Workshop

Modesto Police Department
600 Tenth Street
Public Meeting Room
Modesto, California

Thursday, February 28, 2008 at 5:30 p.m.

ROLL CALL – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
Planning Commissioners Berglund, Gillum, Bernal, Newswander, Tyler, Sanders

Absent: Planning Commissioner Brandvold

ORAL COMMUNICATIONS **Three minute time limit per speaker**

None.

NEW BUSINESS

A. Welcome, Introductions and Workshop Overview

Introductory comments by Mayor Jim Ridenour and James E. Niskanen, Interim City Manager. Objectives: Present the purpose of a General Plan and Master Environmental Impact Report; discuss goals, policies, & objectives of the 1995 General Plan and introduce the comprehensive General Plan update concept.

ACTION: Introductory comments by Mayor Jim Ridenour and Interim City Manager James E. Niskanen. Brent Sinclair, Community & Economic Development Director, gave a presentation of the definition of the General Plan and the objectives of the meeting.

B. Commemorate and Summarize Accomplishments of Technical General Plan & MEIR update

Objectives: Provide progress report of the technical General Plan & MEIR update; celebrate accomplishments; discuss connection to a comprehensive update.

ACTION: Brad Wall, Principal Planner, summarized the accomplishments of the Technical General Plan and Master EIR update.

C. Major / “Hot” Issues – Comprehensive General Plan & MEIR update

Objectives: Frame major growth issues and goals, policies & objectives of a comprehensive General Plan & MEIR update; describe citizen-centered, staff-facilitated approach and interdepartmental coordination; review changes since adoption of the 1995 General Plan; work toward integrated approach for General Plan, Strategic Plan, Capital Improvement Program, and Budget.

ACTION: Patrick Kelly, Planning Division Manager, gave a presentation of the Major/ “Hot” Issues for the Comprehensive General Plan and MEIR Update and monitoring the progress of the General Plan. Brent Sinclair, discussed Economic Development/Infill Development areas. Nick Pinhey, Public Works Director, gave presentation on the Utility Master Plans: Water, Wastewater, Storm Drainage and Traffic Circulation. Brent Sinclair addressed the process following the Comprehensive General Plan Update. Steve Mitchell, Principal Planner, gave a presentation on the reasoning for updating the General Plan at the present time.

D. Budget and Schedule

Objectives: To discuss process for a citizen-centered, staff-facilitated project, cost estimates for project components, and overall schedule / timeline & staffing.

ACTION: Brent Sinclair discussed the process for citizen-centered, staff-facilitated project; the cost estimates for the project (\$1,243,000 - \$1,815,000); and schedule (3 years).

E. Summary, Conclusions and Next Steps

Objective: To recap workshop discussions and discuss next steps for proceeding with a citizen-centered, staff-facilitated comprehensive General Plan & MEIR update. It is anticipated that a subsequent joint workshop will be the next step.

ACTION: Council and Planning Commission agree that this is the best time to move forward with a citizen-centered, staff-facilitated comprehensive General Plan & MEIR update. A follow-up workshop is to be scheduled.

F. Council and Commission Direction

ACTION: See Item E.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, March 3, 2008, at 5:30 p.m.

Roll Call: Present: Committee members Hawn, Keating, Lopez, Marsh,
O'Bryant, Olsen, Mayor Ridenour
Absent:

ORAL COMMUNICATIONS
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #4

CONSENT ITEMS

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

7. Consider receiving informational report regarding the Friends of Modesto Police Youth Association's Bicycle Refurbishing/Donation Program.

ACTION:

8. Consider receiving informational report regarding Modesto property thefts.

ACTION:

9. Consider receiving informational report regarding Modesto crime statistics for the month of December 2007, and year-to-date through December 2007.

ACTION:

10. Consider staff recommendation to amend Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to the operation of electric carts by disabled persons, bringing the ordinance into compliance with the

requirements of section 21114.5 of the California Vehicle Code and forward to City Council for approval.

ACTION:

NEW BUSINESS

11. Consider review of draft ordinance revising Chapter 16 of Title 4 related to the regulation of shopping carts, and consider recommending to the City Council that a public hearing be set to introduce the ordinance for purposes of adoption.

ACTION:

12. Consider final draft recommendation of the proposed Entertainment Ordinance and draft bylaws of the Entertainment Commission.

ACTION:

MATTERS TOO LATE FOR THE AGENDA

FUTURE AGENDA ITEMS

24. JPA with Stanislaus Drug Enforcement Agency
25. Discussion of enforcement mechanisms available for drug houses requested by Councilmember Olsen
26. Proposed ordinance regarding abatement of dangerous vehicles on private property
27. Proposed ordinance regarding use of streets for storage of vehicles prohibited
28. Status report on contents of administrative citations and penalties ordinance
29. Annual collision report for 2006
30. Parks and Parks Security
31. Increase to vehicle impound fees

ADJOURNMENT

This meeting adjourned at pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, March 4, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant,
Mayor Ridenour
Absent: Olsen

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren

City Clerk's Announcements – Item 2 (C) and (D) removed from Consent
Item 3 Removed from Agenda
Item 6 Hearing cancelled pursuant to Appellant's request

Declaration of Conflicts of Interest - Item 4 Hawn & Lopez

Reports from Closed Session: City Attorney Wood reported on Closed Session items.

ORAL COMMUNICATIONS

Three minute time limit per speaker

Russ Harrison, brought own timer for 3 minutes. He is disappointed with the Public Hearing process and that the Mayor allowed him only 5 minutes to speak at last week's meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 4

ACTION CONSENT ITEMS 1,2 (A) and (B): (Hawn/Keating; unan Olsen absent)

ACTION ITEM 2 (C) and (D): (Hawn/Lopez; unan Olsen absent)

ACTION ITEM 4: (Keating/Marsh; unan Hawn, Lopez, Olsen absent)

CONSENT ITEMS

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

CONSENT

1. Consider approval of the minutes of the regular City Council meeting of February 26, 2008.
 - Motion approving recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Keating; unan Olsen absent**) approving the minutes of the regular City Council meeting of February 26, 2008.

CONSENT

2. Consider approving final adoption of the following Ordinances:
 - A. **Ordinance No. 3477-C.S.** amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure – Addressing the Council.
 - Motion approving final adoption of **Ordinance No. 3477-C.S.** amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure – Addressing the Council recommended.
 - B. **Ordinance No. 3478-C.S.** introducing an Ordinance amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law.
 - Motion approving final adoption of **Ordinance No. 3478-C.S.** introducing an Ordinance amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law recommended.

REMOVED FROM CONSENT

- C. **Ordinance No. 3479-C.S.** approving the Tivoli Specific Plan for the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC).
 - Motion approving final adoption of **Ordinance No. 3479-C.S.** approving the Tivoli Specific Plan for the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC) recommended.

REMOVED FROM CONSENT

- D. **Ordinance No. 3480-C.S.** approving amending Sections 2-3-9 and 11-3-9 of the Zoning Map of the City of Modesto to prezone to Prezone Specific Plan (P-SP), property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC)
 - Motion approving final adoption of **Ordinance No. 3480-C.S.** approving amending Sections 2-3-9 and 11-3-9 of the Zoning Map of the City of Modesto to prezone to Prezone Specific Plan (P-SP), property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale

Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC) recommended.

Clerk; *Stephanie Lopez, 577-5397, slopez@modestogov.com*

- ACTION:** By Motion (**Hawn/Keating; unan Olsen absent**) approving final adoption of **Ordinance No. 3477-C.S.** amending Section 2-1.11 of Chapter 1 of Title 2 of the Modesto Municipal Code Relating to City Council Organization and Procedure – Addressing the Council.
- ACTION:** By Motion (**Hawn/Keating; unan Olsen absent**) approving final adoption of **Ordinance No. 3478-C.S.** introducing an Ordinance amending Section 8-6.103 of Article 1 of Chapter 6 of Title 8 of the Modesto Municipal Code relating to Wastewater Treatment Facilities Revenue Bond Law.
- ACTION:** By Motion (**Hawn/Lopez; unan Olsen absent**) approving final adoption of **Ordinance No. 3479-C.S.** approving the Tivoli Specific Plan for the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC).
- ACTION:** By Motion (**Hawn/Lopez; unan Olsen absent**) approving final adoption of **Ordinance No. 3480-C.S.** approving amending Sections 2-3-9 and 11-3-9 of the Zoning Map of the City of Modesto to prezone to Prezone Specific Plan (P-SP), property located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (David Romano, Newman ~ Romano LLC)

REMOVED FROM THE AGENDA

3. Consider authorizing the award of proposal and contract for the furnishing of Plan Check Services for the Community and Economic Development Department, Building Safety Division.
- Resolution authorizing the award of proposal and contract for the furnishing of Plan Check Services for the Community and Economic Development Department, Building Safety Division, to the following companies as “primary” contractors: Bureau Veritas North America, Inc.; CSG Consultants, Inc.; Scott Fazekas & Associates, Inc.; and Naffa International, Inc. for a three-year professional services agreement, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the Interim City Manager, or his designee, to execute the contracts recommended.
 - Resolution authorizing a three-year professional services agreement, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the Interim City Manager, or his designee, to execute the contracts recommended.

Community & Economic Development; Will Crew, 577-5231,

wcrew@modestogov.com

ACTION: Removed from the Agenda.

CONSENT-*Hawn and Lopez absent due to conflict*

4. Consider approving an application for \$3.36 Million of Proposition 1B funds – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety Account Funds from the State of California, and adding the projects listed in Attachment I to the FY 07-08 Capital Improvement Program (CIP).
 - Resolution approving an application for \$3.36 Million of Proposition 1B funds – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety Account Funds from the State of California, and adding the projects listed in Attachment I to the FY 07-08 Capital Improvement Program (CIP) recommended.

Public Works; Firoz Vohra, 577-5430, fvohra@modestogov.com

ACTION: **Resolution 2008-144 (Keating/Marsh; unan Hawn, Lopez, Olsen absent)** approving an application for \$3.36 Million of Proposition 1B funds – Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety Account Funds from the State of California, and adding the projects listed in Attachment I to the FY 07-08 Capital Improvement Program (CIP).

COUNCIL COMMENTS & REPORTS

5. Consider appointing members as recommended by the Mayor to serve on the Citizens' Salary Setting Commission and approve the bylaws for the Commission. (Three appointments are recommended at the time of this report: Dave Thomas, Raymond Newman, and Rick Dahlseid. The remaining two Commission appointments will be made at the March 4, City Council meeting if recommendations are confirmed by that time.)
 - By Motion, appoint members as recommended by the Mayor to serve on the Citizens' Salary Setting Commission and approve the bylaws for the Commission recommended. (Three appointments are recommended at the time of this report: Dave Thomas, Raymond Newman, and Rick Dahlseid. The remaining two Commission appointments will be made at the March 4, City Council meeting if recommendations are confirmed by that time.)

Mayor; Jim Ridenour; 571-5597, jridenour@modestogov.com

- Mayor Ridenour announced 5 appointments to the Citizens' Salary Setting Commission: Judge Hugh Rose as Chairperson, Ellen Meyer, Dave Thomas, Raymond Newman, and Rick Dahlseid. The Mayor also announced the City Auditor job classification has been finalized and that the City Clerk Department staff will be responsible for the Citizens' Salary Setting Commission meetings.

ACTION: By Motion (**Marsh/O'Bryant; unan Olsen absent**) appointing members as recommended by the Mayor to serve on the Citizens' Salary Setting

Commission: Judge Hugh Rose as Chairperson, Ellen Meyer, Dave Thomas, Raymond Newman and Rick Dahlseid and approved the Bylaws for the Commission.

CITY MANAGER COMMENTS & REPORTS

- Interim City Manager Jim Niskanen spoke about the housing crisis and foreclosures in the City of Modesto. Foreclosure Seminars are scheduled for this Saturday, March 8, 2008 at the Stanislaus County Agriculture Building; March 29, 2008 at the Modesto Centre Plaza; and March 7, 2008 at the San Joaquin County Fairgrounds.

HEARINGS

*Published in the Modesto Bee on October 29, 2007; continued from November 13, 2007 at Appellant's request; **hearing cancelled pursuant to Appellant's request***

6. Hearing to consider an appeal by Warner Soelling for additional compensation for expressway improvements at the Briggsmore – Oakdale intersection.
 - Resolution denying the appeal by Warner Soelling for additional compensation for expressway improvements at the Briggsmore Avenue – Oakdale Road intersection and upholding the decision of the Infrastructure Financing Program Officer recommended.
Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: Hearing cancelled pursuant to Appellant's request.

NEW BUSINESS

7. Consider appointing a Water Bond Financing Team consisting of Sidley Austin, Bond Counsel; Stradling Yocca Carlson & Rauth, Disclosure Counsel; Public Financial Management Inc. (PFM), Financial Advisor; Banc of America Securities LLC, Underwriter and Swap Counterparty and city staff with respect to the proposed refinancing of the 2006 Water Revenue Certificates of Participation and authorizing said water bond financing team to proceed with actions necessary for bond document development.
 - Resolution appointing a Water Bond Financing Team consisting of Sidley Austin, Bond Counsel; Stradling Yocca Carlson & Rauth, Disclosure Counsel; Public Financial Management Inc. (PFM), Financial Advisor; Banc of America Securities LLC, Underwriter and Swap Counterparty and city staff with respect to the proposed refinancing of the 2006 Water Revenue Certificates of Participation and authorizing said water bond financing team to proceed with actions necessary for bond document development recommended.

- Resolution approving an Agreement For Bond Counsel Services with Sidley Austin, and authorizing the Interim City Manager, or his designee, to execute said agreement recommended.
- Resolution approving an Agreement For Bond Disclosure Counsel Services with Stradling Yocca Carlson & Rauth, and authorizing the Interim City Manager, or his designee, to execute said agreement recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-145 (Hawn/O’Bryant; unan Keating no Olsen absent) appointing a Water Bond Financing Team consisting of Sidley Austin, Bond Counsel; Stradling Yocca Carlson & Rauth, Disclosure Counsel; Public Financial Management Inc. (PFM), Financial Advisor; Banc of America Securities LLC, Underwriter and Swap Counterparty and city staff with respect to the proposed refinancing of the 2006 Water Revenue Certificates of Participation and authorizing said water bond financing team to proceed with actions necessary for bond document development. **(Return to Council with addition of risk to Alternatives.)**

ACTION: Resolution 2008-146 (Hawn/O’Bryant; unan Keating no Olsen absent) approving an Agreement For Bond Counsel Services with Sidley Austin, and authorizing the Interim City Manager, or his designee, to execute said agreement.

ACTION: Resolution 2008-147 (Hawn/O’Bryant; unan Keating no Olsen absent)) approving an Agreement For Bond Disclosure Counsel Services with Stradling Yocca Carlson & Rauth, and authorizing the Interim City Manager, or his designee, to execute said agreement.

8. Consider approving the plans and specifications for the “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” project, accepting the bid and approving a \$1,827,978.30 contract with Top Grade Construction, Inc. for the project titled, “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road,” and authorizing the Interim City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$2,532,797.50, which includes engineering design, City force work, construction contingency, and construction administration.)

- Resolution approving the plans and specifications for the “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” project, accepting the bid and approving a \$1,827,978.30 contract with Top Grade Construction, Inc. for the project titled, “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road,” and authorizing the Interim City Manager, or his designee, to execute the contract.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-148 (Lopez/Keating; unan Olsen absent)** approving the plans and specifications for the “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road” project, accepting the bid and approving a \$1,827,978.30 contract with Top Grade Construction, Inc. for the project titled, “2004-2005 Pavement Rehabilitation Program - Sylvan Avenue Reconstruction 71’ East of McHenry Avenue to 365’ West of Coffee Road,” and authorizing the Interim City Manager, or his designee, to execute the contract.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:25 pm.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Discussion regarding salary range

Title: City Clerk

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Discussion regarding salary range

Title: City Auditor

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. Reza Vossoughi and Sharron Ann Vossoughi, husband and wife, as Joint Tenants, et al.*
Stanislaus County Superior Court Case No. 381861

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of real property located at the northeast corner of Pelandale Avenue and Sisk Road, Modesto, California

APN: 135-029-019

Bright Development, Inc., Owner

Negotiating parties: Norm Soares, for Owner
Claudia Gorman, Esq., Meyers Nave, for City of Modesto

Under negotiation: Price and terms of sale of property

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

INITIATION OF LITIGATION

(Pursuant to Sections 54957 of the Government Code)

One potential case

MINUTES

City of Modesto
**Economic Development Committee/
Special City Council Workshop Meeting**
Conference Room 2005 (2nd Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, March 10, 2008, at 5:30 p.m.

Roll Call: Present: Committee members: Keating, Lopez, Marsh
Absent: None

ORAL COMMUNICATIONS
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #3

CONSENT ITEMS

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

CONSENT

9. Consider receiving status report of development projects processed by the Community & Economic Development Department.

ACTION: The Committee accepted status report.

CONSENT

10. Consider recommendation to approve an increase in the maximum fare rate that taxicab companies can charge within the City, and forward to City Council for approval.

ACTION: The Committee approved staff recommendation.

11. Consider recommendation to approve a new five year contract with Storer Transit Systems to operate the Modesto Area Dial-A-Ride (MADAR) paratransit system, and forward to City Council for approval.

ACTION: The Committee approved staff recommendation.

NEW BUSINESS

12. Consider receiving and accepting progress report for Organizational Assessment and Development Review.

ACTION: The Committee approved staff recommendation.

COMMITTEE MEMBER COMMENTS AND REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

FUTURE AGENDA ITEMS

6. Airport hangar #2 lease
7. Digester gas fired cogeneration plant incentives

ADJOURNMENT

This meeting adjourned at 6:12 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, March 11, 2008, at 5:30 p.m.

Roll Call - Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk's Announcements – Items 6 & 8 Removed from Consent

Declaration of Conflicts of Interest - None

Reports from Closed Session – City Attorney Wood reported on Closed Session items

1. Certification of canvass of votes from the February 5, 2008 Election.
 - Resolution adopting the certification of canvass of votes from the February 5, 2008 Election recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Resolution 2008-149 (Hawn/Keating;unan Mayor Ridenour absent)
adopting the certification of canvass of votes from the February 5, 2008 Election.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing Richard McFarren, representing Modesto Golf Club, to the Golf Courses Advisory Committee.
 - Resolution appointing Richard McFarren to the Golf Courses Advisory Committee recommended.
Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2008-150 (Keating/Lopez;unan Mayor Ridenour absent)
appointing Richard McFarren to the Golf Courses Advisory Committee.

ORAL COMMUNICATIONS
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 14

CONSENT ACTION ITEMS 3-5,7,9-14 – (Hawn/Lopez;unan Mayor Ridenour absent)

ACTION ITEM 6: (Keating/Hawn;unan Mayor Ridenour absent)

ACTION ITEM 8: (Hawn/Keating;unan Mayor Ridenour absent)

CONSENT ITEMS

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

CONSENT

3. Consider approval of the minutes of the regular City Council meeting of March 4, 2008.
 - Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion **(Hawn/Lopez;unan Mayor Ridenour absent)** approving the minutes of the regular City Council meeting of March 4, 2008.

CONSENT

4. Consider approving Amendment No. 3 to the Standard Agreement for Consultant Services between the City of Modesto and George Osner, AICP, for on-call planning and environmental support services for the Community & Economic Development Department and Public Works Department, for an additional amount of \$50,000 for Public Works, for a total amount not to exceed \$239,999.
 - Resolution approving Amendment No. 3 to the Standard Agreement for Consultant Services between the City of Modesto and George Osner, AICP, for on-call planning and environmental support services for the Community & Economic Development Department and Public Works Department, for an additional amount of \$50,000 for Public Works, for a total amount not to exceed \$239,999, and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement.

Community & Economic Development; Debbie Magdaleno, 577-5473, dmagdaleno@modestogov.com

ACTION: **Resolution 2008-151 (Hawn/Lopez;unan Mayor Ridenour absent)** approving Amendment No. 3 to the Standard Agreement for Consultant Services between the City of Modesto and George Osner, AICP, for on-call planning and environmental support services for the Community & Economic Development Department and Public Works Department, for an

additional amount of \$50,000 for Public Works, for a total amount not to exceed \$239,999, and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement.

CONSENT

5. Consider authorizing the award of bid and contract for the purchase of a modular building and the relocation of an existing modular building for the Parks, Recreation and Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$138,064.
- Resolution authorizing the award of bid and contract for the purchase of a modular building and the relocation of an existing modular building for the Parks, Recreation and Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$138,064 recommended.
 - Resolution amending the FY 07-08 Capital Improvement Budget to appropriate \$103,064 from the Compost Fund Reserves to 6290-355-P564 to fully fund the purchase of a modular building and relocation of an existing modular building recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2008-152 (Hawn/Lopez;unan Mayor Ridenour absent) authorizing the award of bid and contract for the purchase of a modular building and the relocation of an existing modular building for the Parks, Recreation and Neighborhoods Department, Compost Facility, to Pacific Mobile Structures, Inc., Modesto, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$138,064.

ACTION: Resolution 2008-153 (Hawn/Lopez;unan Mayor Ridenour absent) amending the FY 07-08 Capital Improvement Budget to appropriate \$103,064 from the Compost Fund Reserves to 6290-355-P564 to fully fund the purchase of a modular building and relocation of an existing modular building.

REMOVED FROM CONSENT

6. Consider authorizing the award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for the Public Works Department, Fleet Services Division, to the following companies: Good Chevrolet, Alameda, CA, three (3) passenger vans, for an estimated cost of \$68,061; and Downtown Ford, Sacramento, CA, two (2) cargo vans, for an estimated cost of \$38,889, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$106,950.
- Resolution authorizing the award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for the Public Works Department, Fleet Services Division, to the following companies: Good Chevrolet,

Alameda, CA, three (3) passenger vans, for an estimated cost of \$68,061; and Downtown Ford, Sacramento, CA, two (2) cargo vans, for an estimated cost of \$38,889, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$106,950 recommended.

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

ACTION: Resolution 2008-154 (Keating/Hawn;unan Mayor Ridenour absent) authorizing the award of bid and contract for the purchase of three (3) passenger vans and two (2) cargo vans for the Public Works Department, Fleet Services Division, to the following companies: Good Chevrolet, Alameda, CA, three (3) passenger vans, for an estimated cost of \$68,061; and Downtown Ford, Sacramento, CA, two (2) cargo vans, for an estimated cost of \$38,889, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$106,950.

CONSENT

7. Consider accepting the Monthly Investment Report for January 2008.
- Motion acknowledging receipt and accepting the Monthly Investment Report for January 2008 recommended.

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

ACTION: By Motion (Hawn/Lopez;unan Mayor Ridenour absent) acknowledging receipt and accepting the Monthly Investment Report for January 2008.

REMOVED FROM CONSENT

8. Consider approving the Monthly Budget Adjustment Report for March 2008
- Resolution amending the FY 2007-2008 annual budget recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-155 (Hawn/Keating;unan Mayor Ridenour absent) amending the FY 2007-2008 annual budget.

CONSENT

9. Consider accepting an \$80,000.00 grant from Stanislaus Community Foundation funded by Kaiser Community Benefits Program.
- Resolution authorizing the City Manager to accept an \$80,000.00 grant on behalf of the City of Modesto Fire Department to the Stanislaus Community Foundation given by Kaiser Community Benefits Grant Program and authorizing the Interim City Manager, or his designee, to execute any necessary grant acceptance documents recommended.
 - Resolution amending the 2007-2008 Fiscal Year Operating Budget to reflect grant revenue in the amount of \$80,000 from the Kaiser Community Benefits Grant and increase appropriations for capital outlay by \$80,000 recommended.

- Resolution authorizing the Purchasing Manager to purchase the grant-funded items through use of existing contracts with other agencies, including Los Angeles City Fire Department and through the sole-source purchase of related software through Zoll, for an estimated total cost of \$80,000 recommended.
Fire; Alicia Hinshaw, 572-9590, ahinshaw@modestofire.com

ACTION: Resolution 2008-156 (Hawn/Lopez;unan Mayor Ridenour absent)
authorizing the City Manager to accept an \$80,000.00 grant on behalf of the City of Modesto Fire Department to the Stanislaus Community Foundation given by Kaiser Community Benefits Grant Program and authorizing the Interim City Manager, or his designee, to execute any necessary grant acceptance documents.

ACTION: Resolution 2008-157 (Hawn/Lopez;unan Mayor Ridenour absent)
amending the 2007-2008 Fiscal Year Operating Budget to reflect grant revenue in the amount of \$80,000 from the Kaiser Community Benefits Grant and increase appropriations for capital outlay by \$80,000.

ACTION: Resolution 2008-158 (Hawn/Lopez;unan Mayor Ridenour absent)
authorizing the Purchasing Manager to purchase the grant-funded items through use of existing contracts with other agencies, including Los Angeles City Fire Department and through the sole-source purchase of related software through Zoll, for an estimated total cost of \$80,000.

CONSENT

10. Consider approving an Environmentally Preferable Purchases and Practices Policy for the City of Modesto encouraging the purchase of products made from recycled materials whenever practicable.
 - Resolution approving an Environmentally Preferable Purchases and Practices Policy for the City of Modesto encouraging the purchase of products made from recycled materials whenever practicable recommended.

Parks, Recreation & Neighborhood; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Resolution 2008-159 (Hawn/Lopez;unan Mayor Ridenour absent)
approving an Environmentally Preferable Purchases and Practices Policy for the City of Modesto encouraging the purchase of products made from recycled materials whenever practicable.

CONSENT

11. Consider accepting the work by JHK Construction for the project titled "King Kennedy Memorial Center Kitchen & Auditorium Renovation" as complete, authorizing the Acting 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 \$675,571.75. (Total project

cost is \$809,736.74, which included construction contingency, engineering design and construction administration.)

- Resolution accepting the work by JHK Construction for the project titled “King Kennedy Memorial Center Kitchen & Auditorium Renovation” as complete, authorizing the Acting 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 \$675,571.75 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-160 (Hawn/Lopez;unan Mayor Ridenour absent) accepting the work by JHK Construction for the project titled “King Kennedy Memorial Center Kitchen & Auditorium Renovation” as complete, authorizing the Acting 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 \$675,571.75.

CONSENT

12. Consider approving an agreement with Pacific Design Associates, Inc. to prepare a final project design for the Water Quality Control Laboratory Remodel project in an amount not to exceed \$14,345.00.

- Resolution approving an agreement with Pacific Design Associates, Inc. to prepare a final project design for the Water Quality Control Laboratory Remodel project in an amount not to exceed \$14,345.00, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$3,100 from Object 6040 Construction to Object 6010 Engineering/Design Administration within CIP Account 6210-480-B584 “WQC Lab Remodel-Secondary” in order to fully fund the agreement with Pacific Design Associates, Inc. to perform the required final project design services of the Water Quality Control Laboratory Remodel recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-161 (Hawn/Lopez;unan Mayor Ridenour absent) approving an agreement with Pacific Design Associates, Inc. to prepare a final project design for the Water Quality Control Laboratory Remodel project in an amount not to exceed \$14,345.00, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: Resolution 2008-162 (Hawn/Lopez;unan Mayor Ridenour absent) amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$3,100 from Object 6040

Construction to Object 6010 Engineering/Design Administration within CIP Account 6210-480-B584 "WQC Lab Remodel-Secondary" in order to fully fund the agreement with Pacific Design Associates, Inc. to perform the required final project design services of the Water Quality Control Laboratory Remodel.

CONSENT

13. Consider accepting the Preliminary Design Report for the Primary Outfall Rehabilitation Project, dated March 2008, as complete.
- Resolution accepting the Preliminary Design Report for the Primary Outfall Rehabilitation Project, dated March 2008, as complete recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

ACTION: **Resolution 2008-163 (Hawn/Lopez;unan Mayor Ridenour absent)** accepting the Preliminary Design Report for the Primary Outfall Rehabilitation Project, dated March 2008, as complete.

CONSENT

14. Consider accepting the Preliminary Design Report for Emerald Trunk Rehabilitation Project, dated March 2008, as complete.
- Resolution accepting the Preliminary Design Report for Emerald Trunk Rehabilitation Project, dated March 2008, as complete recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

ACTION: **Resolution 2008-164 (Hawn/Lopez;unan Mayor Ridenour absent)** accepting the Preliminary Design Report for Emerald Trunk Rehabilitation Project, dated March 2008, as complete.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on February 17, 2008

15. Hearing to consider an appeal of Renee Ellis regarding impact fees charged to the project located at 3931 Coffee Road, Modesto, California.
- Resolution denying the appeal of Renee Ellis regarding Sparkles Car Wash located at 3931 Coffee Road for modification of Capital Facilities Fees recommended.

*Community & Economic Development; Amy Gedney, 577-5211,
agedney@modestogov.com*

ACTION: Resolution (**Hawn/Marsh; Keating,Lopez,O'Bryant, Olsen no; Mayor Ridenour absent**) denying the appeal of Renee Ellis regarding Sparkles Car Wash located at 3931 Coffee Road for modification of Capital Facilities Fees. (**Resolution did not carry.**)

ACTION: **Resolution 2008-164A (Olsen/Keating;unan Hawn,Marsh no; Mayor Ridenour absent)** granting the appeal in part of Renee Ellis regarding Sparkles Car Wash located at 3931 Coffee Road by modifying the amount charged for Capital Facilities Fees. (Resolution to be modified accordingly)

ACTION: By Motion (**Olsen/Keating;unan Hawn,Marsh no; Mayor Ridenour absent**) granting \$33,574.67 refund to Appellant.

Published in the Modesto Bee on February 17, 2008

16. Hearing to consider Zoning Code Text Amendment 2007-03: An amendment to the City's Zoning Code to provide for Implementation of Commercial and Industrial Design Guidelines (CIDG) and Development Plan Review improvements.

- Motion introducing an Ordinance amending Sections 10-2.902, 10-2.905, 10-2.908, 10-2.1002, 10-2.1008, 10-2.1102, 10-2.1108, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1302, 10-2.1304, 10-2.1308, 10-2.1402, 10-2.1404, 10-2.1407, 10-2.1502, 10-2.1507, 10-2.1602 and 10-2.1607 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.912, 10-2.1010, 10-2.1110, 10-2.1209, 10-2.1310, 10-2.1409, 10-2.1509 And 10-2.1611 thereto; Adding Article 30 thereto; and Repealing Section 10-2.903 thereof Relating to Zoning Regulations recommended.

*Community & Economic Development; Steve Mitchell, 577-5267
smitchell@modestogov.com*

ACTION: By Motion (**Hawn/Keating; unan O'Bryant,Olsen no Mayor Ridenour absent**) introducing **Ordinance No. 3481-C.S.** amending Sections 10-2.902, 10-2.905, 10-2.908, 10-2.1002, 10-2.1008, 10-2.1102, 10-2.1108, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1302, 10-2.1304, 10-2.1308, 10-2.1402, 10-2.1404, 10-2.1407, 10-2.1502, 10-2.1507, 10-2.1602 and 10-2.1607 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.912, 10-2.1010, 10-2.1110, 10-2.1209, 10-2.1310, 10-2.1409, 10-2.1509 And 10-2.1611 thereto; Adding Article 30 thereto; and Repealing Section 10-2.903 thereof Relating to Zoning Regulations.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:35 p.m.

CLOSED SESSION

PUBLIC EMPLOYMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Discussion regarding City Clerk Recruitment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Gary D. Devine v. City of Modesto, John Milroy
Habermehl, et al.*
Stanislaus County Superior Court Case No. 611099

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
 Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

MINUTES

City of Modesto

Special Finance Committee Meeting/ Special City Council Workshop Meeting

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

Monday, March 24, 2008 at 5:30 p.m.

Roll Call: Present: Committee Chair Hawn, Vice-Chair Olsen, Marsh (arrived at 5:45)
Mayor Ridenour

Absent:

ORAL COMMUNICATIONS Three minute time limit per speaker

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

CONSENT ITEMS

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

CONSENT

17. Consider supporting staff recommendation to approve appropriations from the Water Reserves in the amounts of \$93,947 to fund the installation of four (4) large water meters at the Vintage Faire Mall and \$351,840 to fund the increased electrical utility costs related to well pumps and tank sites, and forward to City Council for consideration.

ACTION: Approved (Olsen/Hawn).

CONSENT

18. Consider supporting staff recommendation to approve an Agreement with Carollo Engineers, P.C. for professional engineering services to prepare a supplement to the Wastewater Master Plan in the not-to exceed amount of \$133,500, forward to City Council for approval and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: Approved (Olsen/Hawn).

NEW BUSINESS

19. Consider recommendation to approve the sales tax measure draft expenditure plan and forward to City Council for adoption and authorizing staff to nominate the project list as the Draft Expenditure Plan for the City of Modesto for the upcoming Half-Cent Sales Tax Measure on the November ballot.

ACTION: Committee approved forwarding this item to the City Council for adoption, but noted their concerns with present format of information and desire to see it presented differently by the time it goes to Council. (Marsh/Hawn)

20. Review and discussion of wastewater rates and related studies update.

ACTION: No action required.

21. Verbal presentation on North County Corridor project and forward to City Council for consideration.

ACTION: Committee approved forwarding this item to City Council for adoption. (Marsh/Olsen)

22. Verbal presentation and discussion of proposal to refinance the 1997 Water Revenue bonds.

ACTION: No action required.

23. Consider making recommendation to the City Council regarding five budget policy issues as presented in Attachments 1-5.

ACTION: The Committee took separate action on each of the policy issues:

- a) Animal Control Services – Committee directed staff to research other options and report back to the Committee. The Committee also expressed an interest in hiring Citygate to do this evaluation since they are already doing similar work for the City of Ceres. (Marsh/Olsen)
- b) Storm Drain Fee – Committee directed staff to continue evaluation and analysis of the regulatory fees and to report back to the Committee. (Marsh/Hawn – Yes; Olsen – No)
- c) Public Safety Sales Tax – Committee recommends the Council consider placing the Public Safety Sales Tax measure on the November 2009, ballot and directed staff to return to the Committee at the April meeting with a proposed timeline and associated costs. (Olsen/Marsh)

- d) Employee Related Options – Committee directed staff to return to the Committee with further analysis and recommendations regarding 1) voluntary unpaid furloughs and 2) closure of city services between Christmas and New Year’s Day. (Marsh/Olsen)
- e) Revenue Options – Committee expressed unanimous interest in implementing fees for staff work related to pre-collection accounts and raising the returned check fee to \$25. (Marsh/Olsen)

Committee directed staff to return to the Committee with further information and analysis of fee impact for business license enforcement. (Marsh/Olsen)

Committee directed staff to return to the Committee with further information and analysis of fee impact for business license application fee. (Marsh/Hawn – Yes; Olsen – No)

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

This meeting adjourned at 8:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 1, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
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 – Hawn – Item 34

Reports from Closed Session – City Attorney reported on Closed Session Items; Mayor Ridenour announced Greg Nyhoff from Colorado Springs, CO was appointed City Manager, effective June 1, 2008.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Mike Gorasi, Vice President, Modesto Nuts, regarding the Modesto Nuts Opening Day.
City Manager’s Office; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mike Gorasi made presentation on behalf of the Modesto Nuts.

2. Introduction of Scott Kasper, Employee Relations Specialist, by Barbara Santos, Deputy Director of Personnel.
Personnel; Kathy Clements, 577-5401, kclements@modestogov.com

ACTION: Barbara Santos introduced Scott Kasper, Employee Relations Specialist.

3. Introduction of the Modesto Police Department’s newly promoted Police Managers: Michael Zahr, Police Captain; Lucian Thomas, Police Captain; Jolene Gonzales, Police Lieutenant; Scott Blom, Police Lieutenant; Ray Coyle, Police Sergeant; Matt Medina, Police Sergeant.
Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Police Chief Wasden introduced newly promoted Police Managers: Michael Zahr, Police Captain; Lucian Thomas, Police Captain; Jolene Gonzales, Police Lieutenant; Scott Blom, Police Lieutenant; Ray Coyle, Police Sergeant; Matt Medina, Police Sergeant.

ORAL COMMUNICATIONS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 31

CONSENT ACTION ITEMS: 4-31 (Hawn/Lopez;unan)

CONSENT ITEMS

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

CONSENT

4. Consider approval of the minutes of the regular City Council meeting of March 11, 2008.
- Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) approving the minutes of the regular City Council meeting of March 11, 2008.

CONSENT

5. Consider final adoption of **Ordinance No. 3481-C.S.** amending Sections 10-2.902, 10-2.905, 10-2.908, 10-2.1002, 10-2.1008, 10-2.1102, 10-2.1108, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1302, 10-2.1304, 10-2.1308, 10-2.1402, 10-2.1404, 10-2.1407, 10-2.1502, 10-2.1507, 10-2.1602 and 10-2.1607 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.912, 10-2.1010, 10-2.1110, 10-2.1209, 10-2.1310, 10-2.1409, 10-2.1509 And 10-2.1611 thereto; Adding Article 30 thereto; and Repealing Section 10-2.903 thereof Relating to Zoning Regulations.
- Motion approving adoption of **Ordinance No. 3481-C.S.** amending Sections 10-2.902, 10-2.905, 10-2.908, 10-2.1002, 10-2.1008, 10-2.1102, 10-2.1108, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1302, 10-2.1304, 10-2.1308, 10-2.1402, 10-2.1404, 10-2.1407, 10-2.1502, 10-2.1507, 10-2.1602 and 10-2.1607 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.912, 10-2.1010, 10-2.1110, 10-2.1209, 10-2.1310, 10-2.1409, 10-2.1509 And 10-2.1611 thereto; Adding Article 30 thereto; and Repealing Section 10-2.903 thereof Relating to Zoning Regulations recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) approving adoption of **Ordinance No. 3481-C.S.** amending Sections 10-2.902, 10-2.905, 10-2.908, 10-2.1002, 10-2.1008, 10-2.1102, 10-2.1108, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1302, 10-2.1304, 10-2.1308, 10-2.1402, 10-2.1404, 10-2.1407, 10-2.1502, 10-2.1507, 10-2.1602 and 10-2.1607 of Chapter 2 of Title 10 of the Modesto Municipal Code; Adding Sections 10-2.912, 10-2.1010, 10-2.1110, 10-2.1209, 10-2.1310, 10-2.1409, 10-2.1509 And 10-2.1611 thereto; Adding Article 30 thereto; and Repealing Section 10-2.903 thereof Relating to Zoning Regulations.

CONSENT

6. Consider amending Resolution No. 2008-047 titled, "A Resolution Approving the Final Map of 1000 Brighton for Condominium Purposes in the Planned Developed Zone , P-D(264), Area of the City of Modesto and authorizing the Interim City Manager, or his Designee, to execute a Subdivision Agreement with MSB Brighton, LLC", to include language approving the abandonment of a 6-Foot City of Modesto Planting Easement Along Lots 15, 16, and 17 per the Final Map.
- Resolution amending Resolution No. 2008-047 titled, "A Resolution Approving the Final Map of 1000 Brighton for Condominium Purposes in the Planned Developed Zone , P-D(264), Area of the City of Modesto and Authorizing the Interim City Manager, or his Designee, to Execute a Subdivision Agreement with MSB Brighton, LLC", to include language approving the abandonment of a 6-Foot City of Modesto Planting Easement Along Lots 15, 16, and 17 per the Final Map recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: **Resolution 2008-165 (Hawn/Lopez;unan)** amending Resolution No. 2008-047 titled, "A Resolution Approving the Final Map of 1000 Brighton for Condominium Purposes in the Planned Developed Zone , P-D(264), Area of the City of Modesto and Authorizing the Interim City Manager, or his Designee, to Execute a Subdivision Agreement with MSB Brighton, LLC", to include language approving the abandonment of a 6-Foot City of Modesto Planting Easement Along Lots 15, 16, and 17 per the Final Map.

CONSENT

7. Consider directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.
- Resolution directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6 recommended.
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

ACTION: **Resolution 2008-166 (Hawn/Lopez;unan)** directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

CONSENT

8. Consider directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.

- Resolution directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2 recommended.

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

ACTION: Resolution 2008-167 (Hawn/Lopez;unan) directing staff to prepare and file an annual report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 – 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2.

CONSENT

9. Consider revising the Job Specification and Salary Range for City Engineer.
- Resolution revising the Position Classification Plan for the City of Modesto recommended.
 - Resolution amending Exhibit “A” of Resolution No. 2007-384 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes recommended.
 - Resolution amending Exhibit “A” of Resolution No. 2007-447 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes recommended.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Resolution 2008-168 (Hawn/Lopez;unan) revising the Position Classification Plan for the City of Modesto.

ACTION: Resolution 2008-169 (Hawn/Lopez;unan) amending Exhibit “A” of Resolution No. 2007-384 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes

ACTION: Resolution 2008-170 (Hawn/Lopez;unan) amending Exhibit “A” of Resolution No. 2007-447 to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes

CONSENT

10. Consider authorizing the award of proposal and contract for the furnishing of Plan Check Services for the Community and Economic Development Department, Building Safety Division, for a three-year professional services agreement, with options for two (2), one-year renewals, not to exceed \$100,000 each year and authorizing the Interim City Manager, or his designee, to execute the contracts, to the following companies as “primary” contractors: (i) Bureau Veritas North America, Inc., Citrus Heights, CA; (ii) CSG Consultants, Inc., Pleasanton, CA; (iii) Scott Fazekas & Associates, Inc., Irvine, CA; and (iv) Naffa International, Inc., Fresno, CA.
- Resolution authorizing the award of proposal and contract for the furnishing of Plan Check Services for the Community and Economic Development Department, Building Safety Division to the following companies as “primary” contractors: Bureau Veritas North America, Inc., CSG Consultants, Inc., Scott Fazekas &

Associates, Inc., and NAFFA International, Inc. for a three-year professional services agreement, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the Interim City Manager, or his designee, to execute the contracts recommended.

Community & Economic Development; Will Crew, 577-5231, wcrew@modestogov.com

ACTION: **Resolution 2008-171 (Hawn/Lopez;unan)** authorizing the award of proposal and contract for the furnishing of Plan Check Services for the Community and Economic Development Department, Building Safety Division to the following companies as “primary” contractors: Bureau Veritas North America, Inc., CSG Consultants, Inc., Scott Fazekas & Associates, Inc., and NAFFA International, Inc. for a three-year professional services agreement, with options for two (2), one-year renewals, not to exceed \$100,000 each year, and authorizing the Interim City Manager, or his designee, to execute the contracts.

CONSENT

11. Consider approving procedural Resolutions for the annual levy and collection of assessments - Beat Health/Special Multi-Agency Response Team (SMART).
- Resolution ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement of a substandard condition as provided by the Housing Code of the City of Modesto recommended.
 - Resolution ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement of a dangerous condition as provided by the Dangerous Buildings Code of the City of Modesto recommended.
 - Resolution ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement or summary abatement of a public nuisance as provided by Chapter 6 of Title 1 of the Modesto Municipal Code recommended.

Community & Economic Development; Will Crew, 577-5231, wcrew@modestogov.com

ACTION: **Resolution 2008-172 (Hawn/Lopez;unan)** ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement of a substandard condition as provided by the Housing Code of the City of Modesto.

ACTION: **Resolution 2008-173 (Hawn/Lopez;unan)** ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement of a dangerous condition as provided by the Dangerous Buildings Code of the City of Modesto.

ACTION: **Resolution 2008-174 (Hawn/Lopez;unan)** ordering the levy and collection of assessments for fees, costs and expenses associated with the abatement or summary abatement of a public nuisance as provided by Chapter 6 of Title 1 of the Modesto Municipal Code.

CONSENT

12. Consider approving staff’s request authorizing the Director of Finance to have the authority to approve any Cash-On-Hand changes up to \$20,000.00 in total.

- Motion approving staff's request authorizing the Director of Finance to have the authority to approve any Cash-On-Hand changes up to \$20,000.00 in total recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) approving staff's request authorizing the Director of Finance to have the authority to approve any Cash-On-Hand changes up to \$20,000.00 in total.

CONSENT

13. Consider accepting the Monthly Investment Report for February 2008.

- Motion acknowledging receipt and accepting the Monthly Investment Report for February 2008 recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) acknowledging receipt and accepting the Monthly Investment Report for February 2008.

CONSENT

14. Consider accepting Monthly Budget Adjustment Report – April 2008.

- Resolution amending the FY 2007-2008 annual budget recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: **Resolution 2008-175 (Hawn/Lopez;unan)** amending the FY 2007-2008 annual budget.

CONSENT

15. Consider approving a sixty (60) day extension to a 6-month provisional appointment for Nicholas Reggiani, Software Analyst I (Web Support).

- Resolution approving a sixty (60) day extension to a 6-month provisional appointment for Nicholas Reggiani, Software Analyst I (Web Support) recommended.

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: **Resolution 2008-176 (Hawn/Lopez;unan)** approving a sixty (60) day extension to a 6-month provisional appointment for Nicholas Reggiani, Software Analyst I (Web Support).

CONSENT

16. Consider approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer, Technology Solutions Analyst.

- Resolution approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer, Technology Solutions Analyst recommended.

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: **Resolution 2008-177 (Hawn/Lopez;unan)** approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer, Technology Solutions Analyst.

CONSENT

17. Consider amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Administrative Office Assistant II in Organization 3524, TSP JPA, to the classification of Administrative Office Assistant III retroactive to March 4, 2008.
- Motion amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Administrative Office Assistant II in Organization 3524, TSP JPA, to the classification of Administrative Office Assistant III, retroactive to March 4, 2008 recommended.
- Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com*

ACTION: By Motion (**Hawn/Lopez;unan**) amending the position allocation in the Parks, Recreation and Neighborhoods Department adopted by the City Council as part of the FY 07-08 budget to reallocate one (1) Administrative Office Assistant II in Organization 3524, TSP JPA, to the classification of Administrative Office Assistant III, retroactive to March 4, 2008.

CONSENT

18. Consider approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services, and rescinding Resolution No. 2007-729.
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services, and rescinding Resolution No. 2007-729 recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: **Resolution 2008-178 (Hawn/Lopez;unan)** approving adjustments to the maximum rate schedule for City residential, commercial and industrial solid waste collection services, and rescinding Resolution No. 2007-729.

CONSENT

19. Consider approving an Agreement with Sidley Austin LLP for outside legal counsel services related to the Waste-to-Energy Project at a not-to-exceed cost of \$100,000 per year in any single calendar year, with a combined, not-to-exceed cost of this multi-year Agreement of \$500,000.
- Resolution approving an Agreement with Sidley Austin LLP for outside legal counsel services related to the Waste-to-Energy Project at a not-to-exceed cost of \$100,000 per year in any single calendar year, with a combined, not-to-exceed cost of this multi-year Agreement of \$500,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.
- Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Resolution 2008-179 (Hawn/Lopez;unan) approving an Agreement with Sidley Austin LLP for outside legal counsel services related to the Waste-to-Energy Project at a not-to-exceed cost of \$100,000 per year in any single calendar year, with a combined, not-to-exceed cost of this multi-year Agreement of \$500,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

20. Consider accepting the Maze & Associates audit reports of the Financing Agency and the Resource Recovery Account for the two-year audit period beginning July 1, 2005 and ending June 30, 2007.

- Resolution accepting the Maze & Associates audit reports of the Financing Agency and the Resource Recovery Account for the two-year audit period beginning July 1, 2005 and ending June 30, 2007 recommended.

Parks, Recreation & Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2008-180 (Hawn/Lopez;unan) accepting the Maze & Associates audit reports of the Financing Agency and the Resource Recovery Account for the two-year audit period beginning July 1, 2005 and ending June 30, 2007.

CONSENT

21. Consider adopting the Job Specification and Salary Range for City Auditor and amending the Job Specification and Salary Range for City Clerk.

- Resolution revising the Position Classification Plan for the City of Modesto to establish the classification of City Auditor and to amend and re-title the classification of City Clerk/Auditor to City Clerk recommended.
- Resolution amending Exhibit "A" of Resolution No. 2007-384 to revise the Class Range Table for Executive Management to establish the salary range for City Auditor at salary range 1414 (\$8,017-\$10,021 mo.), to change the title of City Clerk/Auditor to City Clerk and to amend the salary range for City Clerk from salary range 1410 (\$7,263-\$9,078 mo.) to range 1414 (\$8,017-\$10,021 mo.) recommended.
- Motion amending the City Clerk's Office position allocation as adopted by the City Council as part of the FY 07/08 budget to eliminate one (1) Senior Auditor position from Org 0503 and to allocate the new City Auditor position in Org 0601 recommended

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: Resolution 2008-181 (Hawn/Lopez;unan) revising the Position Classification Plan for the City of Modesto to establish the classification of City Auditor and to amend and re-title the classification of City Clerk/Auditor to City Clerk.

ACTION: Resolution 2008-182 (Hawn/Lopez;unan) amending Exhibit "A" of Resolution No. 2007-384 to revise the Class Range Table for Executive Management to establish the salary range for City Auditor at salary range 1414 (\$8,017-\$10,021 mo.), to change the title of City Clerk/Auditor to City Clerk and to amend the salary range for City Clerk from salary range 1410 (\$7,263-\$9,078 mo.) to range 1414 (\$8,017-\$10,021 mo.)

ACTION: By Motion (**Hawn/Lopez;unan**) amending the City Clerk's Office position allocation as adopted by the City Council as part of the FY 07/08 budget to eliminate one (1) Senior Auditor position from Org 0503 and to allocate the new City Auditor position in Org 0601.

CONSENT

22. Consider approving a design services agreement with HDR Engineering, Inc. (HDR) to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project in an amount not to exceed \$394,600.

- Resolution approving a design services agreement with HDR Engineering, Inc. (HDR) to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project in an amount not to exceed \$394,600, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
- Resolution amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$165,000 from Account 6180-430-W078-6040 "Downstream Improvements-Orangeburg Ave Transmission Main-Secondary" to CIP Account 6180-430-W005-6010 "Downstream Improvements Tier 2 PRVS-Secondary" in order to fully fund the agreement with HDR Engineering, Inc. for the required design services to prepare the Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-183 (Hawn/Lopez;unan)** approving a design services agreement with HDR Engineering, Inc. (HDR) to prepare a Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project in an amount not to exceed \$394,600, and authorizing the Interim City Manager, or his designee, to execute the agreement

ACTION: **Resolution 2008-184 (Hawn/Lopez;unan)** amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$165,000 from Account 6180-430-W078-6040 "Downstream Improvements-Orangeburg Ave Transmission Main-Secondary" to CIP Account 6180-430-W005-6010 "Downstream Improvements Tier 2 PRVS-Secondary" in order to fully fund the agreement with HDR Engineering, Inc. for the required design services to prepare the Preliminary Design Report (PDR) of Downstream Water Improvements Tier 2-Lapham/Yosemite/Morton Pipeline and Pressure Regulating Valves project.

CONSENT

23. Consider approving an Agreement for the acquisition of a portion of a parcel of land along Pelandale Avenue at Sisk Road (4201 Sisk Road) owned by Okada Brothers (APN: 135-029-039), including a Temporary Construction Easement (TCE) to be purchased by

the City of Modesto for the Pelandale Avenue/Sisk Road to State Route 99 Improvements Project in the amount of \$60,000.

- Resolution approving an Agreement for the acquisition of a portion of a parcel of land along Pelandale Avenue at Sisk Road (4201 Sisk Road) owned by Okada Brothers (APN: 135-029-039), including a Temporary Construction Easement (TCE) to be purchased by the City of Modesto for the Pelandale Avenue/Sisk Road to State Route 99 Improvements Project in the amount of \$60,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.
- Resolution authorizing the Interim City Manager, or his designee, to sign Acceptance Forms for the Grant Deed for the acquisition of a portion of the parcel along Pelandale Avenue at Sisk Road (4201 Sisk Road) owned by Okada Brothers (APN: 135-029-039), and a Temporary Construction Easement to the City Of Modesto for the Pelandale Avenue/Sisk Road to State Route 99 Improvements Project recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: **Resolution 2008-185 (Hawn/Lopez;unan)** approving an Agreement for the acquisition of a portion of a parcel of land along Pelandale Avenue at Sisk Road (4201 Sisk Road) owned by Okada Brothers (APN: 135-029-039), including a Temporary Construction Easement (TCE) to be purchased by the City of Modesto for the Pelandale Avenue/Sisk Road to State Route 99 Improvements Project in the amount of \$60,000, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

ACTION: **Resolution 2008-186 (Hawn/Lopez;unan)** authorizing the Interim City Manager, or his designee, to sign Acceptance Forms for the Grant Deed for the acquisition of a portion of the parcel along Pelandale Avenue at Sisk Road (4201 Sisk Road) owned by Okada Brothers (APN: 135-029-039), and a Temporary Construction Easement to the City Of Modesto for the Pelandale Avenue/Sisk Road to State Route 99 Improvements Project.

CONSENT

24. Consider approving an agreement with Carollo Engineers, P.C. for professional engineering services to prepare a Wastewater Master Plan Supplement in an amount not to exceed \$133,500.
- Resolution approving an agreement with Carollo Engineers, P.C. for professional engineering services to prepare a Wastewater Master Plan Supplement in an amount not to exceed \$133,500, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: **Resolution 2008-187 (Hawn/Lopez;unan)** approving an agreement with Carollo Engineers, P.C. for professional engineering services to prepare a Wastewater Master Plan Supplement in an amount not to exceed \$133,500, and authorizing the Interim City Manager, or his designee, to execute the agreement.

CONSENT

25. Consider approving an agreement with Brown and Caldwell to prepare a final project design for the Primary Outfall Rehabilitation project in an amount not to exceed \$787,401 for the identified scope of services, plus \$78,740 for additional services (if needed) for a maximum total amount not to exceed \$866,141
- Resolution approving an Agreement with Brown and Caldwell to prepare a final project design for the Primary Outfall Rehabilitation project in an amount not to exceed \$787,401 for the identified scope of services, plus \$78,740 for additional services (if needed) for a maximum total amount not to exceed \$866,141, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
 - Resolution amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$263,175 from Account 6210-800-8000-8003 “Wastewater Fund-Reserves” to CIP Account 6210-430-B812-6010 “Primary Outfall Rehabilitation” in order to fully fund the agreement with Brown and Caldwell to perform the required final design services to complete the Primary Outfall Rehabilitation project recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: **Resolution 2008-188 (Hawn/Lopez;unan)** approving an Agreement with Brown and Caldwell to prepare a final project design for the Primary Outfall Rehabilitation project in an amount not to exceed \$787,401 for the identified scope of services, plus \$78,740 for additional services (if needed) for a maximum total amount not to exceed \$866,141, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: **Resolution 2008-189 (Hawn/Lopez;unan)** amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$263,175 from Account 6210-800-8000-8003 “Wastewater Fund-Reserves” to CIP Account 6210-430-B812-6010 “Primary Outfall Rehabilitation” in order to fully fund the agreement with Brown and Caldwell to perform the required final design services to complete the Primary Outfall Rehabilitation project.

CONSENT

26. Consider approving an agreement with Brown and Caldwell to prepare a final project design for the Emerald Trunk Rehabilitation project in an amount not to exceed \$663,278, for the identified scope of services, plus \$66,327 for additional services (if needed) for a maximum total amount not to exceed \$729,605.
- Resolution approving an agreement with Brown and Caldwell to prepare a final project design for the Emerald Trunk Rehabilitation project in an amount not to exceed \$663,278, for the identified scope of services, plus \$66,327 for additional services (if needed) for a maximum total amount not to exceed \$729,605, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
 - Resolution amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$273,262 from Account 6210-800-

8000-8003 “Wastewater Fund-Reserves” to CIP Account 6210-430-B808-6010 “Emerald Trunk Rehabilitation” in order to fully fund the agreement with Brown and Caldwell to perform the required final design services to complete the Emerald Trunk Rehabilitation project recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: **Resolution 2008-190 (Hawn/Lopez;unan)** approving an agreement with Brown and Caldwell to prepare a final project design for the Emerald Trunk Rehabilitation project in an amount not to exceed \$663,278, for the identified scope of services, plus \$66,327 for additional services (if needed) for a maximum total amount not to exceed \$729,605, and authorizing the Interim City Manager, or his designee, to execute the agreement.

ACTION: **Resolution 2008-191 (Hawn/Lopez;unan)** amending the current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$273,262 from Account 6210-800-8000-8003 “Wastewater Fund-Reserves” to CIP Account 6210-430-B808-6010 “Emerald Trunk Rehabilitation” in order to fully fund the agreement with Brown and Caldwell to perform the required final design services to complete the Emerald Trunk Rehabilitation project.

CONSENT

27. Consider authorizing Public Works Department staff to negotiate a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) service and bring to Council for consideration.
- Resolution authorizing Public Works Department staff to negotiate a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) service and bring to Council for consideration recommended.

Public Works; Bill Latham, 577-5295, blatham@modestogov.com

ACTION: **Resolution 2008-192 (Hawn/Lopez;unan)** authorizing Public Works Department staff to negotiate a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) service and bring to Council for consideration.

CONSENT

28. Consider amending the position allocation of the Public Works Department as adopted by City Council as part of the FY 2007/2008 Budget to include the addition of one Environmental Compliance Inspector I/II for the Environmental Services Section (Org 5217) in the sewer fund.
- Motion amending the position allocation of the Public Works Department as adopted by City Council as part of the FY 2007/2008 Budget to include the addition of one Environmental Compliance Inspector I/II for the Environmental Services Section (Org 5217) recommended.
 - Resolution authorizing a transfer of \$23,900 from Wastewater Reserves to fund one additional Environmental Compliance Inspector I/II in Organization 6210-480-5217 for the remainder of FY 2007/08 recommended.

Public Works; John Rivera, 577-6240, jrivera@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) amending the position allocation of the Public Works Department as adopted by City Council as part of the FY 2007/2008 Budget to include the addition of one Environmental Compliance Inspector I/II for the Environmental Services Section (Org 5217).

ACTION: **Resolution 2008-193 (Hawn/Lopez;unan)** authorizing a transfer of \$23,900 from Wastewater Reserves to fund one additional Environmental Compliance Inspector I/II in Organization 6210-480-5217 for the remainder of FY 2007/08.

CONSENT

29. Consider approving a Joint Powers Authority Agreement with the County of Stanislaus and the cities of Oakdale and Riverbank for Route Adoption of the North County Corridor Transportation Expressway.

- Resolution approving a Joint Powers Authority Agreement with the County of Stanislaus and the cities of Oakdale and Riverbank for Route Adoption of the North County Corridor Transportation Expressway, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.

Public Works; Firoz Vohra, 577-5430 fvohra@modestogov.com

ACTION: **Resolution 2008-194 (Hawn/Lopez;unan)** approving a Joint Powers Authority Agreement with the County of Stanislaus and the cities of Oakdale and Riverbank for Route Adoption of the North County Corridor Transportation Expressway, and authorizing the Interim City Manager, or his designee, to execute the agreement.

CONSENT

30. Consider accepting the work by George Reed, Inc., for the project titled "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" as complete, authorizing the Acting 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 \$2,601,621.60. (Total project cost is \$4,159,054.44, which included engineering design, land ROW acquisition, City forces, construction contingency and construction administration.)

- Resolution accepting the work by George Reed, Inc., for the project titled "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" as complete, authorizing the Acting 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 \$2,601,621.60 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-195 (Hawn/Lopez;unan)** accepting the work by George Reed, Inc., for the project titled "Floyd Avenue Improvements – Oakdale Road to Grouse Crossing Way" as complete, authorizing the Acting 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 \$2,601,621.60.

CONSENT

31. Consider accepting the work by MCM Construction, Inc., for the project titled "Sylvan Avenue Pedestrian Overcrossing" as complete, authorizing the Acting 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 \$1,614,794.26. (Total project cost is \$2,186,351.84, which includes construction contingency, city forces, engineering design and construction administration.)
- Resolution accepting the work by MCM Construction, Inc., for the project titled "Sylvan Avenue Pedestrian Overcrossing" as complete, authorizing the Acting 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 \$1,614,794.26 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

- ACTION:** **Resolution 2008-196 (Hawn/Lopez;unan)** accepting the work by MCM Construction, Inc., for the project titled "Sylvan Avenue Pedestrian Overcrossing" as complete, authorizing the Acting 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 \$1,614,794.26.

COUNCIL COMMENTS & REPORTS

32. Consider appointing members as recommended by the Mayor to serve on the Districting Commission and approving the bylaws for the Commission.
- Motion appointing members as recommended by the Mayor to serve on the Districting Commission and approving the bylaws for the Commission recommended.
- Mayor; Jim Ridenour, 571-5169, jridenour@modestogov.com*

- ACTION:** By Motion () appointing members as recommended by the Mayor to serve on the Districting Commission and approving the bylaws for the Commission. **(Motion did not carry. Item to be brought back to April 8, 2008 Council meeting with changes to the Bylaws and recommendations by Mayor to serve on the Districting Commission.)**

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Niskanen thanked the Council for the opportunity to serve as Interim City Manager. He also thanked staff for their support. Mayor Ridenour thanked Interim City Manager Niskanen for his hard work.

UNFINISHED BUSINESS

33. Consider staff recommendation to accept Bank of America, N.A.'s proposal to provide a Standby Bond Purchase Agreement.

- Resolution accepting the proposal from Bank of America to provide a Standby Bond Purchase Agreement and authorizing the Interim City Manager to sign the Agreement recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: **Resolution 2008-197 (Marsh/Hawn;unan O’Bryant no)** accepting the proposal from Bank of America to provide a Standby Bond Purchase Agreement and authorizing the Interim City Manager to sign the Agreement.

HEARINGS

Published in the Modesto Bee on March 18, 2008—Councilmember Hawn Conflict of Interest

34. Hearing to consider the issuance by California Statewide Communities Development Authority (“CSCDA”) of bonds for the benefit of Sutter Health to finance improvements of their facilities known as Sutter Gould Medical Foundation, located within the City of Modesto and adopt a resolution approving such bond issuance.

- Resolution approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit Sutter Health and its affiliates recommended.

City Manager’s Office; Larry Sanchez, 577-5223, lsanchez@modestogov.com

ACTION: **Resolution 2008-198 (Keating;Olsen;unan Hawn absent)** approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit Sutter Health and its affiliates.

Published in the Modesto Bee on March 7, 2008

35. Hearing to consider the application of Dr. Brij Gupta to amend Planned Development Zone, P-D(575), located on the west side of Coffee Road, north of E. Rumble Road, 3125 Coffee Road to allow the conversion of existing medical and professional offices to create seven-airspace office condominium units and common area.

- Motion introducing an Ordinance amending Section 2 of Ordinance No. 3425-C.S. entitled “An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road, (Gupta)” (Dr. Brij Gupta) recommended.
- Resolution amending Sections 1 and 2 of Resolution No. 2006-565 entitled “A Resolution Approving a Development Plan for Planned Development Zone, P-D(575), (Brij Gupta)” (Dr. Brij Gupta) recommended.
- Resolution finding the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amendment to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road, 3125 Coffee Road. (Dr. Brij Gupta) recommended.

Community & Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com

ACTION: By Motion (**Marsh/Hawn;unan**) continue public hearing and have staff return to Council with information that conditions have been satisfied by Dr. Gupta.

Published in the Modesto Bee on March 7, 2008

36. Hearing to consider the application of Horizon Consulting/Jeffrey and Marlene Cowan for a rezoning from C-1 and C-2 to Planned Development Zone, P-D(584) to allow a 3,360-square-foot warehouse addition to an existing retail building, property located on the southeast corner of McHenry Avenue and Roseburg Avenue.
- Motion introducing an Ordinance amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry Avenue and Roseburg Avenue (Horizon Consulting/Jeffrey and Marlene Cowan) recommended.
 - Resolution to approve a Development Plan for Planned Development Zone, P-D(584). (Horizon Consulting/Jeffrey and Marlene Cowan) 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. 1999082041): Amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry and Roseburg Avenue. (Horizon Consulting/Jeffrey and Marlene Cowan) recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) introducing **Ordinance No. 3482-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry Avenue and Roseburg Avenue (Horizon Consulting/Jeffrey and Marlene Cowan)

ACTION: **Resolution 2008-199 (Hawn/Lopez;unan)** to approve a Development Plan for Planned Development Zone, P-D(584). (Horizon Consulting/Jeffrey and Marlene Cowan)

ACTION: **Resolution 2008-200 (Hawn/Lopez;unan)** 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. 1999082041): Amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial Zone, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry and Roseburg Avenue. (Horizon Consulting/Jeffrey and Marlene Cowan)

Published in the Modesto Bee on March 7, 2008

37. Hearing to consider the application of STANCO for a rezoning from Medium-Density Residential Zone, R-2, to Planned Development Zone, P-D(585) to facilitate development of an 18-unit senior housing development, property located on the north side of Poppypatch Drive, west of Lincoln Avenue, 421 Lincoln Avenue.
- Motion introducing an Ordinance amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-

D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO) recommended.

- Resolution approving a Development Plan for Planned Development Zone, P-D(585). (STANCO) 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. 1999082041): Amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential Zone, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO) recommended.

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

ACTION: By Motion (**O'Bryant/Keating;unan**) **introducing Ordinance No. 3483-C.S.** amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO)

ACTION: **Resolution 2008-201 (O'Bryant/Keating;unan)** approving a Development Plan for Planned Development Zone, P-D(585). (STANCO).

ACTION: **Resolution 2008-202 (O'Bryant/Keating;unan)** 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. 1999082041): Amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential Zone, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO)

Recess at 7:53 p.m.

Councilmember Lopez left at 7:55 p.m.

Reconvened at 8:05 p.m.

Published in the Modesto Bee on March 21, 2008

38. Hearing to consider Federal Funding for Purchasing Buses and Construction of the Bus Maintenance Facility.
- Resolution authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,230,567 in Congestion Mitigation and Air Quality (CMAQ) funds for the purchase of two buses (\$584,298 Federal) and the construction of the new Bus Maintenance Facility (\$646,269 Federal) and authorize the Interim City Manager, or his designee, to execute all grant application and grant agreement documents recommended.
 - Resolution authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$495,000 in FY 2006 FTA Section 5309 funds for the construction of the Bus Maintenance Facility and authorize the Interim City Manager, or his designee, to execute all grant applications and grant agreement documents recommended.

- Resolution authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$245,000 in FY 2008 FTA Section 5309 funds for the construction of the Bus Maintenance Facility and authorize the Interim City Manager, or his designee, to execute all grant applications and grant agreement documents recommended.

Public Works; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2008-203 (Marsh/Keating;unan Lopez absent) authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$1,230,567 in Congestion Mitigation and Air Quality (CMAQ) funds for the purchase of two buses (\$584,298 Federal) and the construction of the new Bus Maintenance Facility (\$646,269 Federal) and authorize the Interim City Manager, or his designee, to execute all grant application and grant agreement documents.

ACTION: Resolution 2008-204 (Marsh/Keating;unan Lopez absent) authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$495,000 in FY 2006 FTA Section 5309 funds for the construction of the Bus Maintenance Facility and authorize the Interim City Manager, or his designee, to execute all grant applications and grant agreement documents

ACTION: Resolution 2008-205 (Marsh/Keating;unan Lopez absent) authorizing the submittal of a grant application to the Federal Transit Administration (FTA) requesting \$245,000 in FY 2008 FTA Section 5309 funds for the construction of the Bus Maintenance Facility and authorize the Interim City Manager, or his designee, to execute all grant applications and grant agreement documents.

Published in the Modesto Bee on February 25, 2008 and March 3, 2008

39. Hearing to consider adopting the Turlock Groundwater Basin Association's Groundwater Management Plan for the Turlock Sub-basin.

- Resolution adopting the Turlock Groundwater Basin Association's Groundwater Management Plan for the Turlock Sub-basin recommended.

Public Works; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2008-206 (Hawn/O'Bryant;unan Lopez absent) adopting the Turlock Groundwater Basin Association's Groundwater Management Plan for the Turlock Sub-basin.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:13 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Enrique Sanchez, et al. v. City of Modesto, et al.*
Stanislaus County Superior Court No. 347903

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Clerk Recruitment

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Auditor Recruitment

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: City Manager

MINUTES

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street
Modesto, California

Wednesday, April 2, 2008 at 2:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh
Absent - Councilmember Olsen
Also Present - Mayor Ridenour

ORAL COMMUNICATIONS **Three minute time limit per speaker**

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

None.

NEW BUSINESS

1. Consider accepting verbal report on the General Fund and forwarding to the full City Council budgetary recommendations for FY 2007-08 and FY 2008-09.

ACTION: No action required. This was an informational report only.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, April 7, 2008, at 5:30 p.m.

Roll Call: Present: Councilmembers O'Bryant, Olsen
Absent: Councilmember Hawn

ORAL COMMUNICATIONS Three minute time limit per speaker

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

CONSENT ITEMS

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

CONSENT

13. Consider staff recommendation to enter into an agreement with the State of California Office of Emergency Services to house and maintain an OES Type 1 fire apparatus and forward to City Council for approval.

ACTION: The Committee approved staff recommendation and forwarded to City Council for approval.

CONSENT

14. Consider receiving informational reports for 2007 regarding use of force analysis and pursuit analysis.

ACTION: The Committee accepted staff reports.

WRITTEN COMMUNICATIONS

15. Consider written communication from Chris Murphy regarding murals for downtown Modesto.

ACTION: The Committee referred this item to Community Qualities Forum, Economic Development Committee, and the City Attorney for review and requested a monthly status report to Safety & Communities Committee.

NEW BUSINESS

16. Consider receipt and review of information from the Senior Focus Group regarding the need for increased senior programs and services.

ACTION: The Committee referred this item to Community Qualities Forum and requested an update every other month.

17. Consider recommendation to approve the La Loma Neighborhood Security Enhancement Plan and agreement between the City of Modesto and the La Loma Neighborhood Association for placement of security cameras on City-owned property, and forward to City Council for consideration and approval.

ACTION: The Committee referred this item to City Attorney for review and asked that this be brought back for consideration at the May 2008 Safety and Communities Committee meeting.

18. Discussion of enforcement mechanisms available for abating drug houses and whether a new ordinance or amended ordinance is necessary requested by Councilmember Olsen, and verbal update and presentation on the Police Department's Special Services Unit.

ACTION: This item was continued until the May Meeting.

MATTERS TOO LATE FOR THE AGENDA

FUTURE AGENDA ITEMS

32. JPA with Stanislaus Drug Enforcement Agency
33. Status report on contents of administrative citations and penalties ordinance
34. Annual collision report for 2006
35. Parks and Parks Security
36. Increase to vehicle impound fees

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES
City of Modesto
CITY COUNCIL MEETING*

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 8, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk’s Announcements - None

Declaration of Conflicts of Interest -None

Reports from Closed Session – City Attorney Wood reported on Closed Session items. Mayor Ridenour reported the appointment of the City Clerk, Stephanie Lopez.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stephen Qualls, Central Valley Regional Public Affairs Manager for the League of California Cities, who will give a brief legislative update.

ACTION: Stephen Qualls, Central Valley Regional Public Affairs Manager for the League of California Cities, made a presentation and gave a brief legislative update.

2. Presentation by Marjorie Lipsky regarding the League of Women Voters expanding to cover Stanislaus County to increase interest and awareness.

ACTION: Marjorie Lipsky spoke on the expansion of the League of Women Voters in Stanislaus County to increase interest and awareness in the cities of Stanislaus County.

3. Proclamation declaring April 16, 2008 as Arbor Day in the City of Modesto.
City Manager’s Office; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour gave Proclamation declaring April 16, 2008 as Arbor Day in the City of Modesto.

4. Presentation on Earth Day in the Park Festival, 2008.

Parks, Recreation & Neighborhoods; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Presentation by Beverly McCullough on Earth Day in the Park Festival, 2008.

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

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 19

ACTION CONSENT ITEMS 5-19: (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 approval of the minutes of the regular City Council meeting of April 1, 2008.

- Motion approving recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Lopez/Marsh;unan**) approving the minutes of the regular City Council meeting of April 1, 2008

CONSENT

6. Consider approving final adoption of the following Ordinances:

- Ordinance No. 3482-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry Avenue and Roseburg Avenue (Horizon Consulting/Jeffrey and Marlene Cowan).
 - Motion approving final adoption **Ordinance No. 3482-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry Avenue and Roseburg Avenue (Horizon Consulting/Jeffrey and Marlene Cowan) recommended.
- Ordinance No. 3483-C.S.** amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO)
 - Motion approving final adoption of **Ordinance No. 3483-C.S.** amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO) recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Lopez/Marsh;unan**) approving final adoption **Ordinance No. 3482-C.S.** amending Section 21-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, and General Commercial, C-2, to Planned Development Zone, P-D(584), property located on the southeast corner of McHenry Avenue and Roseburg Avenue (Horizon Consulting/Jeffrey and Marlene Cowan)

ACTION: By Motion (**Lopez/Marsh;unan**) approving final adoption of **Ordinance No. 3483-C.S.** amending Section 26-3-9 of the Zoning Map to rezone from Medium-Density Residential, R-2, to Planned Development Zone, P-D(585), property located on the north side of Poppypatch Drive, west of Lincoln Avenue at 421 Lincoln Avenue. (STANCO)

CONSENT

7. Consider approving an Employment Agreement with Greg A. Nyhoff.
- Resolution authorizing the Mayor to sign a three-year employment agreement with Greg A. Nyhoff to serve as City Manager of the City of Modesto, at an annual salary of \$195,000 recommended.
- City Manager; Jim Ridenour; 571-5169, jridenour@modestogov.com*

ACTION: **Resolution 2008-207 (Lopez/Marsh;unan)** authorizing the Mayor to sign a three-year employment agreement with Greg A. Nyhoff to serve as City Manager of the City of Modesto, at an annual salary of \$195,000.

CONSENT

8. Consider accepting the public improvements for the Evergreen Subdivision (including the storm drain basin), and partial Grecian Avenue Improvements (adjacent to Parcel 1 of Parcel Map 53PM67), authorizing the acting City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods. (Owners: Valley Ventures IV, LLC, a California Corporation, Meritage Homes of California, Inc., a California Corporation, BFC Properties, a California Corporation and Berberian Properties, LLC, a California Limited Liability Company).
- Resolution accepting the public improvements for the Evergreen Subdivision (including the storm drain basin), and partial Grecian Avenue Improvements (adjacent to Parcel 1 of Parcel Map 53PM67), authorizing the acting City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.
- Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com*

ACTION: **Resolution 2008-208 (Lopez/Marsh;unan)** accepting the public improvements for the Evergreen Subdivision (including the storm drain basin), and partial Grecian Avenue Improvements (adjacent to Parcel 1 of Parcel Map 53PM67), authorizing the acting City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

CONSENT

9. Consider accepting the Public Improvements for the Water Improvements related to the Village Corners Commercial Center Located in the Village One Specific Plan Area, Authorizing the Acting City Clerk to File a Notice of Completion, and to Release

Securities Upon Expiration of Statutory Periods. (Developers: Peter and Charlene Reece, Joseph and Sheryl Pimentel, and Stephen and Kathleen Hughes)

- Resolution accepting the Public Improvements for the Water Improvements related to the Village Corners Commercial Center located in the Village One Specific Plan Area, authorizing the Acting City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.
- Resolution amending the Current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$133,692 from Account 6101-800-8000-8003 “Water Development Fees Reserves” to CIP Account 6101-430-W006-6040 “Village Corners Water Main Reimburse-Secondary” in order to fully fund the Water Main Reimbursement Agreement with Joseph Pimentel, Peter Reece, and Stephen Hughes (“Developer”) recommended.

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

ACTION: **Resolution 2008-209 (Lopez/Marsh;unan)** accepting the Public Improvements for the Water Improvements related to the Village Corners Commercial Center located in the Village One Specific Plan Area, authorizing the Acting City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

ACTION: **Resolution 2008-210 (Lopez/Marsh;unan)** amending the Current Capital Improvement Program (CIP) budget by approving a transfer of funds in the amount of \$133,692 from Account 6101-800-8000-8003 “Water Development Fees Reserves” to CIP Account 6101-430-W006-6040 “Village Corners Water Main Reimburse-Secondary” in order to fully fund the Water Main Reimbursement Agreement with Joseph Pimentel, Peter Reece, and Stephen Hughes. (“Developer”)

CONSENT

10. Consider acknowledging receipt of the Progress Report for Organizational Assessment and Development Review.

- Motion acknowledging receipt and accepting the Progress Report for Organizational Assessment and Development Review recommended.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: By Motion (**Lopez/Marsh;unan**) acknowledging receipt and accepting the Progress Report for Organizational Assessment and Development Review.

CONSENT

11. Consider authorizing the award of bid and contract for the furnishing of landscape maintenance services for the Public Works Department, Stormwater Division and Wastewater Division, to Grover Landscape Services, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$38,400.

- Resolution authorizing the award of bid and contract for the furnishing of landscape maintenance services for the Public Works Department, Stormwater Division and

Wastewater Division, to Grover Landscape Services, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$38,400 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-211 (Lopez/Marsh;unan)** authorizing the award of bid and contract for the furnishing of landscape maintenance services for the Public Works Department, Stormwater Division and Wastewater Division, to Grover Landscape Services, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$38,400

CONSENT

12. Consider rejecting all bids for the purchase of water quality control laboratory equipment for the Public Works Department, Water Quality Control Division and authorizing the Purchasing Manager to re-issue formal Request for Bids for the purchase of water quality control laboratory equipment at a future date, for an estimated total cost of \$342,750.

- Resolution rejecting all bids for the purchase of water quality control laboratory equipment for the Public Works Department, Water Quality Control Division, and authorizing the Purchasing Manager to re-issue formal Request for Bids for the purchase of water quality control laboratory equipment at a future date, for an estimated total cost of \$342,750 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-212 (Lopez/Marsh;unan)** rejecting all bids for the purchase of water quality control laboratory equipment for the Public Works Department, Water Quality Control Division, and authorizing the Purchasing Manager to re-issue formal Request for Bids for the purchase of water quality control laboratory equipment at a future date, for an estimated total cost of \$342,750.

CONSENT

13. Consider authorizing the award of bid and contract for the purchase and installation of a walk-in freezer storage unit and walk-in cooler storage unit for the Modesto Police Department to DeHart Plumbing, Heating & Air, Inc., Modesto, CA, for an estimated total cost of \$73,131.

- Resolution rescinding Modesto City Council Resolution No. 2007-549 recommended.
- Resolution authorizing the award of bid and contract for the purchase and installation of a walk-in freezer storage unit and walk-in cooler storage unit for the Modesto Police Department to DeHart Plumbing, Heating & Air, Inc., Modesto, CA, for an estimated total cost of \$73,131, and authorizing the Interim City Manager, or his designee, to execute the agreement. recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-213 (Lopez/Marsh;unan)** rescinding Modesto City Council Resolution No. 2007-549

ACTION: **Resolution 2008-214 (Lopez/Marsh;unan)** authorizing the award of bid and contract for the purchase and installation of a walk-in freezer storage unit and walk-in cooler storage unit for the Modesto Police Department to DeHart Plumbing, Heating & Air, Inc., Modesto, CA, for an estimated total cost of \$73,131, and authorizing the Interim City Manager, or his designee, to execute the agreement

CONSENT

14. Consider accepting the Community Qualities Forum Annual Report for 2007.
- Motion accepting the Community Qualities Forum Annual Report for 2007 recommended.
Parks, Recreation & Neighborhoods; Andrew Johnson, 571-5582, ajohnson@modestogov.com

ACTION: By Motion (**Lopez/Marsh;unan**) accepting the Community Qualities Forum Annual Report for 2007.

CONSENT

15. Consider approving an agreement with the Housing Authority of Stanislaus County in the amount of \$52,183 to provide a Community Police Officer for the Westview Gardens Housing Complex for a period of twelve (12) months from January 1, 2008 through December 31, 2008, with an option to extend the agreement for an additional twelve (12) months.
- Resolution approving an agreement with the Housing Authority of Stanislaus County in the amount of \$52,183 to provide a Community Police Officer for the Westview Gardens Housing Complex for a period of twelve (12) months from January 1, 2008 through December 31, 2008, with an option to extend the agreement for an additional twelve (12) months, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.
Police; Chris Fuzie, 342-6161, fuziec@modestopd.com

ACTION: **Resolution 2008-215 (Lopez/Marsh;unan)** approving an agreement with the Housing Authority of Stanislaus County in the amount of \$52,183 to provide a Community Police Officer for the Westview Gardens Housing Complex for a period of twelve (12) months from January 1, 2008 through December 31, 2008, with an option to extend the agreement for an additional twelve (12) months, and authorizing the Interim City Manager, or his designee, to execute the agreement.

CONSENT

16. Consider accepting the work by Teichert Construction, for the project titled "Reconstruction of the Sylvan Avenue and Roselle Avenue Intersection" as complete, authorizing the Acting City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory period, and authorizing payment of amounts totaling \$3,176,425.22. (Total project cost is

\$3,504,004.88, which included engineering design, land ROW acquisition, city forces, construction contingency and construction administration.)

- Resolution accepting the work by Teichert Construction, for the project titled “Reconstruction of the Sylvan Avenue and Roselle Avenue Intersection” as complete, authorizing the Acting 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 \$3,176,425.22 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-216 (Lopez/Marsh;unan)** accepting the work by Teichert Construction, for the project titled “Reconstruction of the Sylvan Avenue and Roselle Avenue Intersection” as complete, authorizing the Acting 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 \$3,176,425.22.

CONSENT

17. Consider approving a Second Amendment to the Agreement with Cole Management & Engineering, Inc. for continued construction management, in the amount of \$12,080, for the project titled “Celeste/Rose/Scenic Sanitary Sewer Improvements.” (This Second Amendment brings the Agreement total to \$274,664.)

- Resolution approving a Second Amendment to the Agreement with Cole Management & Engineering, Inc. for continued construction management, in the amount of \$12,080, for the project titled “Celeste/Rose/Scenic Sanitary Sewer Improvements,” and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement recommended.

Public Works; Kris A. Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-217 (Lopez/Marsh;unan)** approving a Second Amendment to the Agreement with Cole Management & Engineering, Inc. for continued construction management, in the amount of \$12,080, for the project titled “Celeste/Rose/Scenic Sanitary Sewer Improvements,” and authorizing the Interim City Manager, or his designee, to execute the Second Amendment to the Agreement.

CONSENT

18. Consider amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$93,947 for the installation of four (4) large water meters at the Vintage Faire Mall and \$351,840 for increased electrical utility costs related to well pumps and tanks, and authorizing the transfer of funds in the total amount of \$445,787 from Water Fund Reserves.

- Resolution amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$93,947 for the installation of four (4) large water meters at the Vintage Faire Mall and \$351,840 for increased electrical utility costs related to well pumps and tanks, and authorizing the transfer of funds in the total amount of \$445,787 from Water Fund Reserves recommended.

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

ACTION: Resolution 2008-218 (Lopez/Marsh;unan) amending the Water Fund Operating Budget for Fiscal Year 2007/2008 to appropriate \$93,947 for the installation of four (4) large water meters at the Vintage Faire Mall and \$351,840 for increased electrical utility costs related to well pumps and tanks, and authorizing the transfer of funds in the total amount of \$445,787 from Water Fund Reserves.

CONSENT

19. Consider accepting the Preliminary Design Report for the Modesto Regional Water Treatment Plant Tier 2 – West Tank Improvements, dated March 2008, as complete.
- Resolution accepting the Preliminary Design Report for the Modesto Regional Water Treatment Plant Tier 2 – West Tank Improvements, dated March 2008, as complete recommended.
 - Resolution approving an Agreement with West Yost Associates, Inc. to prepare a final project design for the Modesto Regional Water Treatment Plant Tier 2 – West Tank Improvements in an amount not to exceed \$562,731, for the identified scope of services, plus \$56,273 for additional services (if needed) for a maximum total amount not to exceed \$619,004, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-219 (Lopez/Marsh;unan) accepting the Preliminary Design Report for the Modesto Regional Water Treatment Plant Tier 2 – West Tank Improvements, dated March 2008, as complete.

ACTION: Resolution 2008-220 (Lopez/Marsh;unan) approving an Agreement with West Yost Associates, Inc. to prepare a final project design for the Modesto Regional Water Treatment Plant Tier 2 – West Tank Improvements in an amount not to exceed \$562,731, for the identified scope of services, plus \$56,273 for additional services (if needed) for a maximum total amount not to exceed \$619,004, and authorizing the Interim City Manager, or his designee, to execute the Agreement

COUNCIL COMMENTS & REPORTS

20. Consider appointing members as recommended by the Mayor to serve on the Districting Commission and approving the Bylaws for the Commission.
- Motion appointing members as recommended by the Mayor to serve on the Districting Commission and approving the Bylaws for the Commission recommended.
Mayor; Jim Ridenour, 571-5169, jridenour@modestogov.com

ACTION: By Motion (**Marsh/Keating;unan**) appointing members as recommended by the Mayor to serve on the Districting Commission and approving the Bylaws for the Commission.

Councilmember Olsen complimented BEAT Health Unit staff and their service to the community and requested further information on foreclosures and foreclosure properties.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Jim Niskanen spoke about new retail development in Modesto.

UNFINISHED BUSINESS

21. Consider approving the Draft 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan 2008, which includes the City of Modesto's list of priority projects, for the upcoming November ballot.

- Resolution approving the Draft 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan 2008, which includes the City of Modesto's list of priority projects, for the upcoming November ballot recommended.

Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION: **Resolution 2008-221 (Olsen/Marsh;unan Keating and O'Bryant no)** approving the Draft 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan 2008, which includes the City of Modesto's list of priority projects, for the upcoming November ballot. **(Staff to bring back to Council one-two more options for projects.)**

HEARINGS

Published in the Modesto Bee on March 9, 2008

22. Hearing to consider amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing into compliance with the requirements of section 21114.5 of the California Vehicle Code.

- Motion introducing an Ordinance amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing the City into compliance with the requirements of Section 21114.5 of the California Vehicle Code recommended.

Police; Gene Balentine, 572-9505, balentineg@modestopd.com

ACTION: By Motion **(Marsh/Keating;unan) introducing Ordinance 3484-C.S.** amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing the City into compliance with the requirements of Section 21114.5 of the California Vehicle Code.

Published in the Modesto Bee on March 29, 2008

23. Hearing to consider amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates.

- Motion introducing an Ordinance amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates recommended.

Public Works; Bill Latham, 577-5201, blatham@modestogov.com

ACTION: By Motion (**O’Bryant/Marsh;unan**) introducing **Ordinance No. 3485-C.S.** amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates.

NEW BUSINESS

24. Consider (i) approving the Request for Application (RFA) and authorizing the Purchasing Manager to issue the Request for Application for City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services; (ii) rescinding Modesto City Council Resolution No. 2005-365; and (iii) amending the Police Department position allocation , subject to award of the Non-Exclusive Non-Consensual Franchise Tow Agreement, authorizing the addition of one Community Service Officer and one Police Clerk to administer the Non-Exclusive Non-Consensual Towing Program.

- Resolution approving the Request for Application (RFA) and authorizing the Purchasing Manager to issue the Request for Application for City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services recommended.
- Resolution rescinding Modesto City Council Resolution No. 2005-365 recommended.
- Motion amending the Police Department position allocation, subject to award of the Non-Exclusive Non-Consensual Franchise Tow Agreement, authorizing the addition of one Community Service Officer and one Police Clerk to administer the Non-Exclusive Non-Consensual Franchise Towing Program recommended.

Police; Lucian Thomas, 572-9521, ThomasL@Modestopd.com

ACTION: **Resolution 2008-222 (O’Bryant/Hawn;unan)** approving the Request for Application (RFA) and authorizing the Purchasing Manager to issue the Request for Application for City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services.

ACTION: **Resolution 2008-223 (O’Bryant/Hawn;unan)** rescinding Modesto City Council Resolution No. 2005-365.

ACTION: By Motion (**Hawn/O’Bryant;unan**) amending the Police Department position allocation, subject to award of the Non-Exclusive Non-Consensual Franchise Tow Agreement, authorizing the addition of one Community Service Officer and one Police Clerk to administer the Non-Exclusive Non-Consensual Franchise Towing Program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:20 p.m.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition in fee of a portion of real property located at the northeast corner of Tully and Bangs
APN: 046-012-002 – 5 acres
Libitzky Holdings, LLP, a California Limited Partnership, Owners

Negotiating parties: Rob Sauser, Velthoen Associates, for Owners
Steve Castellano, Associated Right of Way Services, 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: *Carmen Sabatino, et al. v. City of Modesto, et al.*
Stanislaus County Superior Court No. 620253

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Clerk Recruitment

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Auditor Recruitment

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of property located at 412 Downey Street
APN: 107-01-02-000 - .17 acres

Negotiating parties: Julie Hannon, Acting Parks Recreation and Neighborhoods
Director, for City of Modesto

Under negotiation: Price and terms of sale of property.

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, April 22, 2008, 10:00 a.m.

Roll Call: Present: Councilmember Keating, Mayor Ridenour
Absent: Councilmember O'Bryant

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

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item # 1

CONSENT ITEMS

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

CONSENT

1. Consider receiving Travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q1 (July, August & September 2007) and Q2 (October, November & December 2007).

ACTION: Motion (Keating/Mayor Ridenour) approved the Travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q1 (July, August & September 2007) and Q2 (October, November & December 2007).

NEW BUSINESS

2. Consider reviewing the annual financial statement reports from Maze & Associates for City of Modesto Community Facilities Districts and forward to City Council for acceptance.

ACTION: Motion (Keating/Mayor Ridenour) approved and forward to City Council for approval.

3. Consider reviewing the fiscal year 2006-07 Annual Reports for City of Modesto Community Facilities Districts and forward to City Council for acceptance.

ACTION: Motion (Keating/Mayor Ridenour) approved and forward to City Council for approval.

4. Consider recommendation to amend the financial audit contract with Maze & Associates for one year, forward to City Council for approval and authorizing the Interim City Manager to execute the amendment.

ACTION: Motion (Keating/Mayor Ridenour) approved and forward to City Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:15 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 22, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawm, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, First Baptist Church

City Clerk's Announcements – Items 5, 6, 7, 8, 9, 10, 15 and 16 Removed from Consent
Item B (RDA Agenda) Removed from Consent

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Mike Daniel with Final Cut Media, representing Save Mart CARES, regarding the 67th Annual California Invitational Relays (formerly Modesto Relays) to be held on Saturday, May 10th at Modesto Junior College Stadium.

ACTION: Presentation by Mike Daniel with Final Cut Media, representing Save Mart CARES, regarding the 67th Annual California Invitational Relays (formerly Modesto Relays) to be held on Saturday, May 10th at Modesto Junior College Stadium.

2. Presentation of Proclamation announcing the week of April 20-26, 2008 as Youth Temperance Education Week.
City Manager; Kathy Espinoza, 577-5223, kespinoza@modestogov.com

ACTION: Presentation of Proclamation by Mayor Ridenour announcing the week of April 20-26, 2008 as Youth Temperance Education Week.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Ron Cherrier, Olive Street, spoke in opposition new outdoor pole sign being constructed at 700 Franklin Street. Mr. Cherrier also spoke regarding a proposed alley abandonment between Franklin Street and North Madison Street.

Barbara Price, spoke regarding parking tickets at Modesto Centre Plaza.

Miguel Donoso spoke regarding violence in Modesto.

Mary Mount spoke on behalf MCEA and asked Council to give MCEA a salary increase.

Dr. Brij Gupta spoke about his zoning item from the last City Council meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 28

ACTION CONSENT ITEMS 3,4,11-14,17-28: (Hawn/Marsh;unan)

ACTION ITEM 5: (Marsh/Hawn;unan Keating,O’Bryant,Olsen no)

ACTION ITEM 6: (Marsh/Hawn;unan)

ACTION ITEM 7-10: (Marsh/O’Bryant;unan)

ACTION ITEM 15: (Hawn/Marsh;unan)

ACTION ITEM 16: (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 approval of the minutes of the regular City Council meeting of April 8, 2008.
 - Motion approving recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Marsh;unan**) approving the minutes of the regular City Council meeting of April 8, 2008 recommended.

CONSENT

4. Consider approving final adoption of the following Ordinances:
 - A. **Ordinance 3484-C.S.** amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing the City into compliance with the requirements of Section 21114.5 of the California Vehicle Code.
 - Motion approving final adoption **Ordinance 3484-C.S.** amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing the City into

compliance with the requirements of Section 21114.5 of the California Vehicle Code recommended.

- B. **Ordinance No. 3485-C.S.** amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates.
- Motion approving final adoption of **Ordinance No. 3485-C.S.** amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Marsh;unan**) approving final adoption **Ordinance 3484-C.S.** amending Section 3-2.803.1 of Article 8 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Operation of Electric Carts by Disabled Persons, bringing the City into compliance with the requirements of Section 21114.5 of the California Vehicle Code.

ACTION: By Motion (**Hawn/Marsh;unan**) approving final adoption of **Ordinance No. 3485-C.S.** amending Section 4-6.307 of Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicab rates.

REMOVED FROM CONSENT

5. Consider adopting a Resolution in opposition to Proposition 98 and authorizing the use of the City's name by the No on Proposition 98 campaign.
- Resolution in opposition to Proposition 98 and authorizing the use of the City's name by the No on Proposition 98 campaign recommended.

City Manager; Judith Ray, 571-5809, jray@modestogov.com

ACTION: **Resolution 2008-224 (Marsh/Hawn;unan Keating,O'Bryant,Olsen no)** in opposition to Proposition 98 and authorizing the use of the City's name by the No on Proposition 98 campaign.

REMOVED FROM CONSENT

6. Consider approving an Amendment to Agreement for Consultant Services with Turnstone Consulting Corporation for the preparation of a Draft Environmental Impact Report (DEIR) for the Kiernan Business Park East Project Area, in an amount not to exceed \$136,031.
- Resolution approving an Amendment to Agreement for Consultant Services with Turnstone Consulting Corporation for the Preparation of a Draft Environmental Impact Report (DEIR) for the Kiernan Business Park East Project Area, in an Amount not to Exceed \$136,031 and authorizing the Interim City Manager to execute the Amendment to the Agreement recommended.

Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

ACTION: **Resolution 2008-225 (Marsh/Hawn;unan)** approving an Amendment to Agreement for Consultant Services with Turnstone Consulting Corporation for the Preparation of a Draft Environmental Impact Report (DEIR) for the Kiernan Business Park East Project Area, in an Amount not to Exceed \$136,031 and

authorizing the Interim City Manager to execute the Amendment to the Agreement.

REMOVED FROM CONSENT

7. Consider authorizing the award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division. (For use by the following divisions: Org 5212 Wastewater Collections, one (1) 3-4 yard dump truck, for the est. cost of \$45,559. Org 4612 Streets Maintenance, one (1) 5-6 yard dump truck, for an est. cost of \$83,451. Org 5312 Storm Water Collections, one (1) 5-6 yard dump truck, for an est. cost of \$83,451. Org 4612 Streets Maintenance, two (2) 14 yard dump truck for an est. cost of \$213,636. Org 4724 Curbs Gutters & Sidewalks, one (1) 14 yard dump truck, for an est. cost of \$95,075. Org 4712 Community Forestry, two (2) dump trucks for an est. cost of \$134,909.)
- Resolution authorizing the award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division, to the following companies: Hansel Ford, Santa Rosa, CA, quantity one (1) dump truck, for an estimated cost of \$45,559, Country Ford Trucks, Inc., Ceres, CA, quantity two (2) dump trucks, for an estimated cost of \$166,902, Interstate Truck Center, LLC, Stockton, CA, quantity two (2) dump trucks, for an estimated cost of \$213,636, Pape Trucks, French Camp, CA, quantity one (1) dump truck, for an estimated cost of \$95,075 and Bonander Truck, Turlock, CA, quantity two (2) dump trucks, for an estimated cost of \$134,909, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$656,081 recommended.
- Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Motion (**Marsh/O'Bryant;unan**) continued to May 6, 2008 Council meeting.

REMOVED FROM CONSENT

8. Consider authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division. (For use by the following divisions: Org 1961 MPD Field Operations, three (3) pickup trucks, for an est. cost of \$56,192. Org 5012 Water Operations / Construction, one (1) pickup truck, for an est. cost of \$ 25,368. Org 5812 Downtown Shop Service Truck, one (1) pickup truck, for an est. cost of \$15,282. Org 5612 Bus Shop Service, one (1) pickup truck, for an est. cost of \$ 14,852. Org 3522 Parks Services, three (3) pickup trucks, for an est. cost of \$ 64,100. Org 3912 TRRP Operations, one (1) pickup truck, for an est. cost of \$ 21,503. Org 5212 Wastewater Collections, five (5) pickup trucks, for an est. cost of \$119,883. Org 1964 MPD Animal Control, two (2) pickup trucks, for an est. cost of \$ 44,469. Org 5016 Water Operations, one (1) pickup truck, for an est. cost of \$ 29,515.)
- Resolution authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division, to the following companies; American Chevrolet, Modesto, CA, quantity two (2) pickup trucks, for an estimated cost of \$44,469, Downtown Ford, Sacramento, CA, quantity nine (9) pickup trucks, for an estimated cost of \$205,590, Geweke Ford, Lodi, CA, quantity seven (7) pickup trucks, for an estimated cost of \$141,105, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$391,164 recommended.

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

ACTION: Motion (**Marsh/O'Bryant;unan**) continued to May 6, 2008 Council meeting.

REMOVED FROM CONSENT

9. Consider authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$54,993, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$238,667. (For use in the following divisions: Org 5612 Bus Maintenance, one (1) truck with utility body and crane, for an est. cost of \$92,757. Org 5016 Water Operations & Service / Meter Install, three (3) trucks with utility body, for an est. cost of \$90,917. Org 5812 Fleet Maintenance, one (1) truck with utility body, for an est. cost of \$54,993.)

- Resolution authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$54,993, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$238,667 recommended.

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

ACTION: Motion (**Marsh/O'Bryant;unan**) continued to May 6, 2008 Council meeting.

REMOVED FROM CONSENT

10. Consider authorizing the award of bid and contract for the purchase of two (2) trucks with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$271,383. (For use in the following Division, Community Forestry Division.)

- Resolution authorizing the award of bid and contract for the purchase of two (2) trucks with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$271,383 recommended.

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

ACTION: Motion (**Marsh/O'Bryant;unan**) continuing to May 6, 2008 Council meeting.

CONSENT

11. Consider approving an amendment to the Standard Agreement for Consultant Services between the City of Modesto and Shibumi Consulting Services, LLC, for an additional \$30,000 for Fiscal Year 2007/2008 to provide on-call software services including training, rate restructuring, and troubleshooting for the Finance Department.

- Resolution approving an amendment to the Standard Agreement for Consultant Services between the City of Modesto and Shibumi Consulting Services, LLC, for an

additional \$30,000 for Fiscal Year 2007/2008 to provide on-call software services including training, rate restructuring, and troubleshooting for the Finance Department; and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement recommended.

Finance; Diane Rambo, 342-4703, drambo@modestogov.com

ACTION: **Resolution 2008-226 (Hawn/Marsh;unan)** approving an amendment to the Standard Agreement for Consultant Services between the City of Modesto and Shibumi Consulting Services, LLC, for an additional \$30,000 for Fiscal Year 2007/2008 to provide on-call software services including training, rate restructuring, and troubleshooting for the Finance Department; and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement.

CONSENT

12. Consider reallocating SCADA Supervisor, Org. 5210 to Systems Engineer I/II, Org. 0742 and Transfer of Position from Public Works to Information Technology Department.

- Motion amending the Information Technology Department and Public Works Department position allocations, as adopted by City Council as part of the FY 07-08 budget, to reallocate one (1) SCADA Supervisor in the Public Works Department's SCADA and Electrical Division (Org. 5210) to one Systems Engineer I/II in the Information Technology Department's Applications Development Division (Org. 0742) recommended.
- Resolution amending the 2007/2008 budget for the Information Technology Department to increase appropriations in the General Fund and program offsetting revenues in the Wastewater and Water Funds to fund one (1) Systems Engineer I/II in the Applications Development Division (Org. 0742) for the remainder of the current fiscal year and for a full year beginning in FY 2008-09 recommended.

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: By Motion (**Hawn/Marsh;unan**) amending the Information Technology Department and Public Works Department position allocations, as adopted by City Council as part of the FY 07-08 budget, to reallocate one (1) SCADA Supervisor in the Public Works Department's SCADA and Electrical Division (Org. 5210) to one Systems Engineer I/II in the Information Technology Department's Applications Development Division (Org. 0742).

ACTION: **Resolution 2008-227 (Hawn/Marsh;unan)** amending the 2007/2008 budget for the Information Technology Department to increase appropriations in the General Fund and program offsetting revenues in the Wastewater and Water Funds to fund one (1) Systems Engineer I/II in the Applications Development Division (Org. 0742) for the remainder of the current fiscal year and for a full year beginning in FY 2008-09.

CONSENT

13. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of light fixtures for the 9th and 11th street parking garages for a total estimated cost to the Parking Fund of \$131,548.
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of light fixtures for the 9th and 11th street parking garages for a total estimated cost to the Parking Fund of \$131,548 recommended.

Parks, Recreation & Neighborhoods; Ross Schiveley, 342-2214 , rschiveley@modestogov.com

ACTION: **Resolution 2008-228 (Hawn/Marsh;unan)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of light fixtures for the 9th and 11th street parking garages for a total estimated cost to the Parking Fund of \$131,548.

CONSENT

14. Consider implementation of a structured parking validation system for downtown businesses based on type of retail tenant and/or tenant need.
- Resolution authorizing staff to: 1) implement a structured parking validation system for downtown businesses, involving limits based on type of retail tenant and/or tenant need; 2) purchase and supply retail tenants with Valometer ® machines; and, 3) track and monitor validation usage for a total estimated cost of \$7,500 to the Parking Fund (Fund 6000) recommended.

Parks, Recreation & Neighborhoods; Ross Schiveley, 342-2214 , rschiveley@modestogov.com

ACTION: **Resolution 2008-229 (Hawn/Marsh;unan)** authorizing staff to: 1) implement a structured parking validation system for downtown businesses, involving limits based on type of retail tenant and/or tenant need; 2) purchase and supply retail tenants with Valometer ® machines; and, 3) track and monitor validation usage for a total estimated cost of \$7,500 to the Parking Fund (Fund 6000).

REMOVED FROM CONSENT

15. Consider approving a HOME loan in the amount of \$1,000,000 to the Housing Authority of Stanislaus County to purchase a 40-unit multi-family housing development located at 201 E. Coolidge, for rental to low-income households.
- Resolution approving a HOME loan in the amount of \$1,000,000 to the Housing Authority of Stanislaus County to purchase a 40-unit multi-family housing development located at 201 E. Coolidge, for rental to low-income households and authorizing the Interim City Manager, or his designee, to execute the loan agreement and related documents recommended.
 - Resolution amending the FY 07-08 operating budget to appropriate \$1,000,000 in FY 06-07 HOME Entitlement Funds from 1170-800-8000-8003, HOME Fund Reserve, to 1170-320-3259-0497, Direct Loans, to fully fund the Palm Valley Apartments project recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: **Resolution 2008-230 (Hawn/Marsh;unan)** approving a HOME loan in the amount of \$1,000,000 to the Housing Authority of Stanislaus County to purchase a 40-unit multi-family housing development located at 201 E. Coolidge, for rental

to low-income households and authorizing the Interim City Manager, or his designee, to execute the loan agreement and related documents.

ACTION: Resolution 2008-231 (Hawn/Marsh;unan) amending the FY 07-08 operating budget to appropriate \$1,000,000 in FY 06-07 HOME Entitlement Funds from 1170-800-8000-8003, HOME Fund Reserve, to 1170-320-3259-0497, Direct Loans, to fully fund the Palm Valley Apartments project.

REMOVED FROM CONSENT

16. Consider approving the allocation of funding in the amount of \$355,234 in Community Development Block Grant (CDBG) Public Services funds, \$31,185 in CDBG Revolving Loan funds for Homeless Services, and \$105,346 in Emergency Shelter Grant (ESG) funds for FY 2008-2009, and authorizing the City Manager, or his designee, to execute the agreements.

- Resolution approving the allocation of funding in the amount of \$355,234 in Community Development Block Grant (CDBG) Public Services funds, \$31,185 in CDBG Revolving Loan funds for Homeless Services, and \$105,346 in Emergency Shelter Grant (ESG) funds for FY 2008-2009, and authorizing the City Manager, or his designee, to execute the agreements recommended.

Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com

ACTION: Resolution 2008-232 (Hawn/Lopez;unan) approving the allocation of funding in the amount of \$355,234 in Community Development Block Grant (CDBG) Public Services funds, \$31,185 in CDBG Revolving Loan funds for Homeless Services, and \$105,346 in Emergency Shelter Grant (ESG) funds for FY 2008-2009, and authorizing the City Manager, or his designee, to execute the agreements.

CONSENT

17. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase and installation of a high-density storage system for the Modesto Police Department, for an estimated cost of \$91,238 (Supplemental Law Enforcement Safety Fund).

- Resolution authorizing the Purchasing Manager to issue a formal Request for Bids (RFB) for the purchase and installation of a high-density storage system for the Modesto Police Department, for an estimated cost of \$91,238 recommended.

Police; Polly Findlen, 572-9518, pfindlen@modestogov.com

ACTION: Resolution 2008-233 (Hawn/Marsh;unan) authorizing the Purchasing Manager to issue a formal Request for Bids (RFB) for the purchase and installation of a high-density storage system for the Modesto Police Department, for an estimated cost of \$91,238.

CONSENT

18. Consider accepting a mini-grant in the amount of \$8,000 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) Project for overtime seat belt enforcement.

- Resolution accepting a mini-grant in the amount of \$8,000 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) Project for overtime seat belt enforcement; and authorizing the City Manager, or his designee, to execute the necessary documents recommended.
- Resolution amending the fiscal year 2007/2008 budget to appropriate \$8,000 for revenue and expense from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) project for overtime seat belt enforcement recommended.

Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: **Resolution 2008-234 (Hawn/Marsh;unan)** accepting a mini-grant in the amount of \$8,000 from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) Project for overtime seat belt enforcement; and authorizing the City Manager, or his designee, to execute the necessary documents.

ACTION: **Resolution 2008-235 (Hawn/Marsh;unan)** amending the fiscal year 2007/2008 budget to appropriate \$8,000 for revenue and expense from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration, for the California Click It or Ticket (CIOT) project for overtime seat belt enforcement.

CONSENT

19. Consider accepting the work by Richard Townsend Construction, Inc., for the project titled "Block Wall Construction for Well 21 in McHenry Village" 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 \$174,791.57. (Total project cost is \$314,231.54, which included construction contingency, land ROW acquisition, city forces, engineering design and construction administration.)

- Resolution accepting the work by Richard Townsend Construction, Inc., for the project titled "Block Wall Construction for Well 21 in McHenry Village" 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 \$174,791.57 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-236 (Hawn/Marsh;unan)** accepting the work by Richard Townsend Construction, Inc., for the project titled "Block Wall Construction for Well 21 in McHenry Village" 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 \$174,791.57.

CONSENT

20. Consider accepting the work by Perma Green Hydroseeding, Inc., for the project titled “Tuolumne River Regional Park Gateway Parcel Phase 1.1” 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 \$625,779.47. (Total project cost is \$1,241,029.03, which included construction contingency, engineering design and construction administration.)
- Resolution accepting the work by Perma Green Hydroseeding, Inc., for the project titled “Tuolumne River Regional Park Gateway Parcel Phase 1.1” 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 \$625,779.47 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: **Resolution 2008-237 (Hawn/Marsh;unan)** accepting the work by Perma Green Hydroseeding, Inc., for the project titled “Tuolumne River Regional Park Gateway Parcel Phase 1.1” 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 \$625,779.47.

CONSENT

21. Consider accepting the work by Harris Builders, Inc., for the project titled “Shade Structures for Modesto Parks (George Rogers, Stockard Coffee Park, and Robertson Road Park)” 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 \$152,217.53. (Total project cost is \$186,309.53, which included construction contingency, engineering design, and construction administration.)
- Resolution accepting the work by Harris Builders, Inc., for the project titled “Shade Structures for Modesto Parks (George Rogers, Stockard Coffee Park, and Robertson Road Park)” 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 \$152,217.53 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: **Resolution 2008-238 (Hawn/Marsh;unan)** accepting the work by Harris Builders, Inc., for the project titled “Shade Structures for Modesto Parks (George Rogers, Stockard Coffee Park, and Robertson Road Park)” 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 \$152,217.53.

CONSENT

22. Consider a resolution approving an Amendment to Agreement with Harris & Associates for Construction Management Services of the La Loma Lift Station project in the not-to-exceed amount of \$24,020.00, and authorizing the Interim City Manager, or his designee,

to execute the Amendment to Agreement. (This Amendment brings the Agreement total to \$224,745.00.)

- Resolution approving an Amendment to Agreement with Harris & Associates for Construction Management Services of the La Loma Lift Station project in the not-to-exceed amount of \$24,020.00, and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-239 (Hawn/Marsh;unan)** approving an Amendment to Agreement with Harris & Associates for Construction Management Services of the La Loma Lift Station project in the not-to-exceed amount of \$24,020.00, and authorizing the Interim City Manager, or his designee, to execute the Amendment to Agreement.

CONSENT

23. Consider accepting the work by Goodland Landscape Construction, Inc., for the project titled "Sanders Neighborhood Park" 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 \$2,596,899.41. (Total project cost is \$2,942,790.68, which included construction contingency, engineering design, and construction administration.)

- Resolution accepting the work by Goodland Landscape Construction, Inc., for the project titled "Sanders Neighborhood Park" 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 \$2,596,899.41 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-240 (Hawn/Marsh;unan)** accepting the work by Goodland Landscape Construction, Inc., for the project titled "Sanders Neighborhood Park" 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 \$2,596,899.41.

CONSENT

24. Consider approving a consultant services agreement with Nichols Consulting Engineers, Chtd. in the amount of \$33,848.23 for pavement testing, evaluation, and analysis report in connection with design of Claus Road Rehabilitation.

- Resolution approving a consultant services agreement with Nichols Consulting Engineers, Chtd. in the amount of \$33,848.23 for pavement testing, evaluation, and analysis report in connection with design of Claus Road Rehabilitation, and authorizing the Interim City Manager, or his designee, to execute the agreement recommended.

Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: **Resolution 2008-241 (Hawn/Marsh;unan)** approving a consultant services agreement with Nichols Consulting Engineers, Chtd. in the amount of \$33,848.23

for pavement testing, evaluation, and analysis report in connection with design of Claus Road Rehabilitation, and authorizing the Interim City Manager, or his designee, to execute the agreement.

CONSENT

25. Consider approving an Agreement with TRS Consultants, Inc. for construction management services for the Dale Road/ Kiernan Avenue Intersection Improvements project, in the not-to-exceed amount of \$594,834.42.
- Resolution approving an Agreement with TRS Consultants, Inc. for construction management services for the Dale Road/ Kiernan Avenue Intersection Improvements project, in the not-to-exceed amount of \$594,834.42, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.
- Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com*

ACTION: **Resolution 2008-242 (Hawn/Marsh;unan)** approving an Agreement with TRS Consultants, Inc. for construction management services for the Dale Road/ Kiernan Avenue Intersection Improvements project, in the not-to-exceed amount of \$594,834.42, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

26. Consider authorizing submittal of a grant application to the Department of Transportation for the Small Community Air Service Development Program.
- Resolution authorizing submittal of a grant application to the Department of Transportation for the Small Community Air Service Development Program, and authorizing the Interim City Manager, or his designee, to execute the grant application recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-243 (Hawn/Marsh;unan)** authorizing submittal of a grant application to the Department of Transportation for the Small Community Air Service Development Program, and authorizing the Interim City Manager, or his designee, to execute the grant application.

CONSENT

27. Consider approving an Amendment to the Airport Lease Agreement with Modesto Flight Center, Inc. and Richard Corbett, an Individual, for the addition of Office Space #8 in the former Airport Administration Building.
- Resolution approving an Amendment to the Airport Lease Agreement with Modesto Flight Center, Inc. and Richard Corbett, an Individual, for the addition of Office Space #8 in the former Airport Administration Building, and authorizing the Interim City Manager, or his designee, to execute the Amendment to the Agreement recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-244 (Hawn/Marsh;unan)** approving an Amendment to the Airport Lease Agreement with Modesto Flight Center, Inc. and Richard Corbett,

an Individual, for the addition of Office Space #8 in the former Airport Administration Building, and authorizing the Interim City Manager, or his designee, to execute the Amendment to the Agreement.

CONSENT

28. Consider amending Section 10 of Resolution No. 2007-282 entitled "A Resolution adjusting rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Council Resolution No. 2006-272" to increase the fuel flow fee rate from \$0.06 to \$0.07 per gallon, paid by Sky Trek Aviation to the Modesto City-County Airport, effective July 1, 2008.
- Resolution amending Section 10 of Resolution No. 2007-282 entitled "A Resolution adjusting rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Council Resolution No. 2006-272" to increase the fuel flow fee rate from \$0.06 to \$0.07 per gallon, paid by Sky Trek Aviation to the Modesto City-County Airport, effective July 1, 2008 recommended. *Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-245 (Hawn/Marsh;unan)** amending Section 10 of Resolution No. 2007-282 entitled "A Resolution adjusting rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Council Resolution No. 2006-272" to increase the fuel flow fee rate from \$0.06 to \$0.07 per gallon, paid by Sky Trek Aviation to the Modesto City-County Airport, effective July 1, 2008.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez made an announcement regarding the Police Department vs. Fire Department Basketball game on Saturday at Johansen High School.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

29. Consider approving the recommendations of the Citizens' Salary Setting Commission for establishment of salaries for the Mayor and Councilmembers and setting a public hearing for the May 13, 2008 Council meeting.
- Motion approving the recommendations of the Citizens' Salary Setting Commission for establishment of salaries for the Mayor and Councilmembers and setting a public hearing for the May 13, 2008 Council meeting recommended. *Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (**Marsh/Hawn;unan**) accepting the report of the recommendations of the Citizens' Salary Setting Commission for establishment of salaries for the Mayor and Councilmembers and setting a public hearing for the May 13, 2008 Council meeting.

Recess at 7:12 p.m.
Reconvened at 7:23 p.m.

HEARINGS

Published in the Modesto Bee on March 21, 2008

30. Hearing to consider amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations.

- Motion introducing an Ordinance amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations recommended.
City Attorney; Susana Wood; 577-5284, swood@modestogov.com

ACTION: By Motion (**Olsen/Marsh;unan**) introducing Ordinance 3486-C.S. amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations.

ACTION: By Motion (**Olsen/Marsh;unan**) Council approved with amendment to infraction for specified violations, and directed the City Manager to return to Council in 3-6 months with rules and regulations on implementation of the Ordinance.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:45 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Auditor Recruitment

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: James E. Niskanen, Interim City Manager
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

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

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto Police Non Sworn Association

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

Name of case: *Jo Ann Bertolotti and Leslie Curtin v. City of Modesto, et al.,*
Stanislaus County Superior Court Case No. 373350

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

Property: Acquisition of real property located
at The Stanislaus Resource Recovery Facility
4040 Fink Road, Crows Landing CA

Covanta Stanislaus, Inc., a subsidiary of Covanta Energy,
Inc., Owners

Negotiating parties: Eric Tashman, Counsel
Julie Hannon, Interim Director of Parks, Recreation
Neighborhoods
For City of Modesto

Under negotiation: Price and terms of sale of property.

MINUTES

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**

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

Monday, April 28, 2008 at 5:30 p.m.

Roll Call: Present: Councilmembers Hawn, OlsenKeating, Lopez, Marsh, O'Bryant, Olsen
Mayor Ridenour
Absent: None

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

Committee heard from Pastor Bridegroom regarding the issue of water metering at the church's community garden site. The Committee directed staff to prepare a report and recommendation on this item and to return to the Finance Committee in May.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #4

CONSENT ITEMS

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

CONSENT

1. Consider recommended budget adjustments for the month of April 2008 and refer to City Council for approval.

ACTION: Approved on consent calendar (Marsh/Olsen).

CONSENT

2. Consider supporting recommendation to enter into negotiations with FM Golf and ValleyCrest to exercise the City of Modesto's right to offer contract extensions as of June 30, 2008.

ACTION: Approved on consent calendar (Marsh/Olsen).

CONSENT

3. Consider receiving informational quarterly update on the Water Meter/Automated Reading Program.

ACTION: Approved on consent calendar (Marsh/Olsen). The Committee also requested that at the next quarterly update staff include the status of meter reading including what areas are currently being read and what the timetable is for other areas.

CONSENT

4. Consider receiving informational quarterly update on the Water Meter/Automated Reading Program.

ACTION: Approved on consent calendar (Marsh/Olsen).

CONSENT

5. Consider receiving informational update on the status of the Draft Storm Drainage Master Plan.

ACTION: Approved on consent calendar (Marsh/Olsen).

UNFINISHED BUSINESS

6. Consider accepting update on animal sheltering services and facility needs, and approving recommendation that City staff work with the County and other County cities on (a) the animal shelter replacement project (reuse and expansion) while minimizing up-front costs to the City, and (b) to review the management and operations of the Animal Services Facility, including possible use of outside consultants, to reduce costs and enhance revenue.

ACTION: Committee reaffirmed their desire to explore other options for providing this service while continuing to work with the County on the City's participation in the County Animal Shelter expansion project.

7. Consider informational report on various revenue options being brought to the Finance Committee's Budget Workshops as part of the Mayor's proposed budget.

ACTION: This was an informational item only. No action taken.

8. Consider various options for repayment of the City of Modesto General Fund loans made between the Modesto Redevelopment Agency and the City of Modesto and recommending to the Redevelopment Agency Board an on-going set repayment schedule between the City and the Redevelopment Agency, and forward to the Agency Board for consideration.

ACTION: Committee deferred action on this item until the Budget Workshops in May when it can be considered within the context of other budget recommendations being made.

NEW BUSINESS

9. Consider endorsing proposed recommendation to amend the Fiscal Year 2008 Operating Budget to appropriate \$193,000 from the Gas Tax Reserve to fully fund traffic electrical utility costs for FY 2007-08, and forward to City Council for approval.

ACTION: Approved staff recommendation (Marsh/Olsen).

10. Consider recommending to the City Council that a public hearing be conducted to:
- i. establish and collect a Public, Education, and Government (PEG) grant fee as provided for in Exhibit E of Ordinance No. 3223-C.S., dated July 5, 2001, entitled "An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement" of \$0.75 per cable subscriber, per month, and
 - ii. to direct staff to provide sixty (60) days written notice, to all known cable television operators conducting business in the City of Modesto, of the City's intent to collect grant funds to the maximum allowable amount of \$0.75 per subscriber, per month in accordance with Exhibit E of the Cable Television Franchise Renewal Agreement Between the City Of Modesto And United Cable Television Corporation, Effective July 5th, 2001.

ACTION: Committee deferred action on this item until the Budget Workshops in May when it can be considered within the context of other budget recommendations being made.

11. Consider verbal report from Committee Chair Brad Hawn regarding regional opportunities in water and wastewater utilities and consider next steps.

ACTION: The Committee recommended that the full City Council consider appointing Councilmember Hawn as the Council's point person on regional water and wastewater issues. (Marsh/Olsen)

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

This meeting adjourned at 7:35 p. pm.

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, May 5, 2008, at 5:30 p.m.

Roll Call: Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent:

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

UNFINISHED BUSINESS

1. Discussion of enforcement mechanisms available for abating drug houses and whether a new ordinance or amended ordinance is necessary, requested by Councilmember Olsen, and verbal update and presentation on the Police Department's Special Services Unit. (Continued from April 7, 2008)

ACTION: (Hawn/Olsen)

The Committee accepted the report presented by the Police Department's Special Services Unit.

The Committee directed staff to return with a report within the next several months for discussion and possible direction on measures to make the SMART team concept better utilized; analysis should also include whether NPU should move to the Police Department or Community Development Department.

NEW BUSINESS

2. Consider recommendation to approve a Joint Powers Agreement with Stanislaus Drug Enforcement Agency to provide a coordinated multi-agency specially trained police unit to assist each of the parties to enforce drug laws and narcotics enforcement, forward to City

Council for approval, and authorizing the City Manager, or his designee, to execute the Agreement, which will replace the Joint Powers Agreement dated September 15, 1999.

ACTION: (Hawn/Olsen)

The Committee accepted the report from Lt. Sundy regarding the revised structure of the JPA, and the City of Modesto becoming the new lead, and elimination of the five-year rotation.

3. Discussion regarding recent gang violence and methods to preserve public safety.

ACTION: The Committee discussed the need for community involvement to work alongside police, and the desire to see an emphasis on making the public aware that the public has to cooperate with the police in these matters.

MATTERS TOO LATE FOR THE AGENDA

FUTURE AGENDA ITEMS

1. Status report on contents of administrative citations and penalties ordinance
2. LaLoma Neighborhood Security Enhancement Plan
3. Increase to vehicle impound fees
4. Senior Programs and Services update
5. Annual collision report for 2006
6. Parks and Parks Security

ADJOURNMENT

This meeting adjourned at 6:45 pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, May 6, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen,
Mayor Ridenour
Absent: O’Bryant

Pledge of Allegiance to the Flag

Invocation: Aaron Yanagi, Bethel Church

City Clerk’s Announcements – Items 27, 28 and 32 continued to May 13, 2008

Declaration of Conflicts of Interest – Mayor Ridenour - Item 18; Lopez - Item 25

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by William A. Covino, the Provost at California State University, Stanislaus.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Presentation made by William A. Covino, the Provost at California State University, Stanislaus in support of higher education.

2. Presentation to the Stanislaus County Asthma Coalition proclaiming May 2008 Asthma Awareness Month.
City Manager; Kathy Espinoza, 577-5223, kespinoza@modestogov.com

ACTION: Presentation made by Mayor Ridenour to the Stanislaus County Asthma Coalition proclaiming May 2008 Asthma Awareness Month.

3. Proclamation declaring May 5-11, 2008 Building Safety Week.
Community & Economic Development; Debbie Magdaleno, 577-5473, dmagdaleno@modestogov.com

ACTION: Presentation made by Mayor Ridenour declaring May 5-11, 2008 Building Safety Week.

4. Presentation of Proclamation declaring May 4-10, 2008 as International Compost Awareness Week.
Parks, Recreation & Neighborhoods; Nathan Gorth, 538-2557, ngorth@modestogov.com

ACTION: Presentation made by Mayor Ridenour declaring May 4-10, 2008 as International Compost Awareness Week.

MISCELLANEOUS

Legislation
Appointments
Other

5. Consider accepting with regret the resignation of Jean-Pierre Batmale from the Solid Waste Advisory Committee.
- Resolution accepting with regret the resignation of Jean-Pierre Batmale from the Solid Waste Advisory Committee recommended.
- City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: **By Resolution 2008-246 (Marsh/Hawn;unan O'Bryant absent)** accepting with regret the resignation of Jean-Pierre Batmale from the Solid Waste Advisory Committee.

6. Consider accepting with regret the resignation of Lloyd Farris from the Community Qualities Forum.
- Resolution accepting with regret the resignation of Lloyd Farris from the Community Qualities Forum recommended.
- City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: **Resolution 2008-247 (Marsh/Hawn;unan O'Bryant absent)** accepting with regret the resignation of Lloyd Farris from the Community Qualities Forum.

7. Consider appointing Tom Slater, Lee Hedgepeth and Gene Hays as representatives of the Citizens Redevelopment Advisory Commission, to the Citizens Housing & Community Development Committee with term expirations of January 1, 2012.
- Resolution appointing members of the Citizens Redevelopment Advisory Commission to the Citizens Housing & Community Development Committee recommended.
- City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: **Resolution 2008-248 (Marsh/Hawn;unan O'Bryant absent)** appointing members of the Citizens Redevelopment Advisory Commission to the Citizens Housing & Community Development Committee.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Bishop Bergstrom commented about gang violence in Modesto.

Jeremiah Williams invited to march starting at the Stanislaus County Courthouse on May 24, 2008 to stop gang violence and encourage citizens to speak up.
Armando Flores spoke regarding the West Park project in Stanislaus County.
Unknown gentleman spoke about community effort against gang violence in Modesto; action plan needed to deal with violence among youth.
Debra Lenser spoke regarding their property on Coffee Road.
Dan Nickles, KD Land & Cattle Company, spoke regarding the salaries of Mayor and Council.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 8 through 24

ACTION ITEMS 8-17,19-24: (Marsh/Hawn;unan O’Bryant absent)

ACTION ITEM 18: (Hawn/Marsh;unan O’Bryant, Ridenour absent)

CONSENT ITEMS

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

CONSENT

8. Consider approval of the minutes of the regular City Council meeting of April 22, 2008.
- Motion approving recommended.
- Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (Marsh/Hawn;unan O’Bryant absent) approving the minutes of the regular City Council meeting of April 22, 2008.

CONSENT

9. Consider approving final adoption of **Ordinance 3486-C.S.** amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations.
- Motion approving final adoption of **Ordinance 3486-C.S.** amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations recommended.
- Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (Marsh/Hawn;unan O’Bryant absent) approving final adoption of **Ordinance 3486-C.S.** amending Chapter 16 of Title 4 of the Modesto Municipal Code relating to Shopping Cart Regulations.

CONSENT

10. Consider extending the financial audit contract with Maze & Associates for one year and authorizing the Interim City Manager to execute the Amendment.
- Resolution approving a Seventh Amendment to Agreement for Auditor Services with Maze & Associates to extend the contract term one year, at a cost not to exceed \$159,645 for the Fiscal Year 2008 audit, along with the City’s Annual Report of Financial Transactions (State Controller’s Report) at a cost of \$7,510, and authorizing the Interim City Manager to execute the Amendment recommended.

Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: Resolution 2008-249 (Marsh/Hawn;unan O’Bryant absent) approving a Seventh Amendment to Agreement for Auditor Services with Maze & Associates to extend the contract term one year, at a cost not to exceed \$159,645 for the Fiscal Year 2008 audit, along with the City’s Annual Report of Financial Transactions (State Controller’s Report) at a cost of \$7,510, and authorizing the Interim City Manager to execute the Amendment.

CONSENT

11. Consider approving an agreement for consulting services with National Demographics Corporation.

- Resolution approving an agreement for Consulting Services with National Demographics Corporation; and authorizing the Interim City Manager, or his designee, to execute the Agreement.

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

ACTION: Resolution 2008-250 (Marsh/Hawn;unan O’Bryant absent) approving an agreement for Consulting Services with National Demographics Corporation; and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

12. Consider accepting the public improvements for the Cambrook Estates Subdivision in the Village One Specific Plan Area. (Owner: GP Land Investment Company, a California Limited Liability Company)

- Resolution accepting the public improvements for the Cambrook Estates Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2008-251 (Marsh/Hawn;unan O’Bryant absent) accepting the public improvements for the Cambrook Estates Subdivision in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

13. Consider approving the Final Map and accepting the Public Improvements for the Graham Estates Subdivision in the Village One Specific Plan Area (Owners: Graham Estates, LLC).

- Resolution approving the Final Map and accepting the Public Improvements for the Graham Estates Subdivision in the Village One Specific Plan Area of the City of Modesto, authorizing the Interim City Manager to execute a subdivision agreement with Graham Estates, LLC, and authorizing the City Clerk to file a Notice of

Completion, and to release security upon expiration of statutory periods recommended.

Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2008-252 (Marsh/Hawn;unan O'Bryant absent) approving the Final Map and accepting the Public Improvements for the Graham Estates Subdivision in the Village One Specific Plan Area of the City of Modesto, authorizing the Interim City Manager to execute a subdivision agreement with Graham Estates, LLC, and authorizing the City Clerk to file a Notice of Completion, and to release security upon expiration of statutory periods.

CONSENT

14. Consider approving Task Order No. 2 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual administration of Community Facilities District No. 2007-2 (Kiernan Business Park West).

- Resolution approving Task Order No. 2 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual administration of Community Facilities District No. 2007-2 (Kiernan Business Park West) and authorizing the Interim City Manager to execute Task Order No. 2 recommended.

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

ACTION: Resolution 2008-253 (Marsh/Hawn;unan O'Bryant absent) approving Task Order No. 2 to the Master Professional Services Agreement for Consultant Services with Goodwin Consulting Group, Inc. for the annual administration of Community Facilities District No. 2007-2 (Kiernan Business Park West) and authorizing the Interim City Manager to execute Task Order No. 2.

CONSENT

15. Consider accepting the Monthly Budget Adjustment Report for May 2008.

- Resolution amending the FY 2007-2008 annual budget recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-254 (Marsh/Hawn;unan O'Bryant absent) amending the FY 2007-2008 annual budget.

CONSENT

16. Consider accepting the Monthly Investment Report for March 2008.

- Motion acknowledging receipt and accepting the Monthly Investment Report for March 2008 recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: By Motion (Marsh/Hawn;unan O'Bryant absent) acknowledging receipt and accepting the Monthly Investment Report for March 2008.

CONSENT

17. Consider approving three (3) Request for Proposal (RFP) applications for the City of Modesto to apply to become a “Host City” (start city, finish city or start/finish city) for the fourth annual Amgen Tour of California.
- Resolution approving three (3) Request for Proposal (RFP) applications for the City of Modesto to apply to become a “Host City” (start city, finish city or start/finish city) for the fourth annual Amgen Tour of California, and authorizing the Interim 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 2008-255 (Marsh/Hawn;unan O’Bryant absent)** approving three (3) Request for Proposal (RFP) applications for the City of Modesto to apply to become a “Host City” (start city, finish city or start/finish city) for the fourth annual Amgen Tour of California, and authorizing the Interim City Manager, or his designee, to sign the application and related documents.

CONSENT—*Mayor Ridenour absent due to conflict of interest*

18. Consider approving the plans and specifications for the “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue” project, accepting the bid and approving a \$2,072,323.65 contract with George Reed, Inc. for the project titled, “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue.” (Total estimated cost of this project is \$3,095,347.85, which includes engineering design, right-of-way acquisition, City force work, construction contingency, and construction administration.)
- Resolution approving the plans and specifications for the “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue” project, accepting the bid and approving a \$2,072,323.65 contract with George Reed, Inc. for the project titled, “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue,” and authorizing the Interim District Administrator, or his designee, to execute the contract recommended.

Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: **Resolution 2008-256 (Hawn/Marsh;unan O’Bryant, Ridenour absent)** approving the plans and specifications for the “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue” project, accepting the bid and approving a \$2,072,323.65 contract with George Reed, Inc. for the project titled, “Floyd Avenue Improvements from Roselle Avenue to Fine Avenue,” and authorizing the Interim District Administrator, or his designee, to execute the contract.

CONSENT

19. Consider accepting the work by Teichert Construction for the project titled “Roselle Avenue at Floyd Avenue Improvements” 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 \$3,120,730.02. (Total project cost is \$4,085,773.44, which includes engineering design, land ROW acquisition, city forces, construction contingency and construction administration.) Funding: Community Facilities District No. 2004-1 (Village One #2).

- Resolution increasing the Public Works Director’s authority to issue change orders on the “Roselle Avenue at Floyd Avenue Improvements” project from 8 percent (\$225,583.97) to 10.6 percent (\$300,930.27) of the original contract price with Teichert Construction recommended.
- Resolution accepting the work by Teichert Construction for the project titled “Roselle Avenue at Floyd Avenue Improvements” 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 \$3,120,730.02 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-257 (Marsh/Hawn;unan O’Bryant absent)** increasing the Public Works Director’s authority to issue change orders on the “Roselle Avenue at Floyd Avenue Improvements” project from 8 percent (\$225,583.97) to 10.6 percent (\$300,930.27) of the original contract price with Teichert Construction.

ACTION: **Resolution 2008-258 (Marsh/Hawn;unan O’Bryant absent)** accepting the work by Teichert Construction for the project titled “Roselle Avenue at Floyd Avenue Improvements” 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 \$3,120,730.02.

CONSENT

20. Consider increasing the Public Works Director’s authority to issue change orders on the “Installation of Lighted Crosswalks” project from \$25,000.00 to \$36,436.05. (Total estimated cost of this project is \$237,084.81, which includes construction, city forces, additional contingency, construction administration, and engineering design.) Funding: Congestion Mitigation Air Quality (CMAQ), Gas Tax
- Resolution increasing the Public Works Director’s authority to issue change orders on the “Installation of Lighted Crosswalks” project from \$25,000.00 to \$36,436.05 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-259 (Marsh/Hawn;unan O’Bryant absent)** increasing the Public Works Director’s authority to issue change orders on the “Installation of Lighted Crosswalks” project from \$25,000.00 to \$36,436.05.

CONSENT

21. Consider accepting certain Kaiser Off-Site Improvements Project and authorizing the City Clerk to file a Notice of Completion.
- Resolution accepting certain Kaiser Off-Site Improvements and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-260 (Marsh/Hawn;unan O'Bryant absent) accepting certain Kaiser Off-Site Improvements and authorizing the City Clerk to file a Notice of Completion with the Stanislaus County Recorder and to release securities upon expiration of statutory periods.

CONSENT

22. Consider approving a Storm Drainage Discharge Agreement between the Modesto Irrigation District (MID) and the City of Modesto to allow disposal of drainage water from a new City pump station into MID Lateral No. 6.
- Resolution approving a Storm Drainage Discharge Agreement between the Modesto Irrigation District (MID) and the City of Modesto to allow disposal of drainage water from a new City pump station into MID Lateral No. 6, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-261 (Marsh/Hawn;unan O'Bryant absent) approving a Storm Drainage Discharge Agreement between the Modesto Irrigation District (MID) and the City of Modesto to allow disposal of drainage water from a new City pump station into MID Lateral No. 6, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

23. Consider approving an agreement with Consolidated CM, Inc. (CCM) for construction management services of the Phase 1A Tertiary Wastewater Treatment project in an amount not to exceed \$1,123,346.
- Resolution approving an agreement with Consolidated CM, Inc. (CCM) for construction management services of the Phase 1A Tertiary Wastewater Treatment project in an amount not to exceed \$1,123,346, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2008-262 (Marsh/Hawn;unan O'Bryant absent) approving an agreement with Consolidated CM, Inc. (CCM) for construction management services of the Phase 1A Tertiary Wastewater Treatment project in an amount not to exceed \$1,123,346, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

24. Consider approving a trial Modesto Area Express (MAX) bus route to enhance service to the Stanislaus County medical facility located at 401 Paradise Road.
- Resolution approving a trial Modesto Area Express (MAX) bus route to enhance service to the Stanislaus County medical facility located at 401 Paradise Road recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2008-263 (Marsh/Hawn;unan O’Bryant absent) approving a trial Modesto Area Express (MAX) bus route to enhance service to the Stanislaus County medical facility located at 401 Paradise Road.

COUNCIL COMMENTS & REPORTS

Council Member O'Bryant to comment about the recent gang violence and the Crime Stoppers program.

ACTION: Mayor Ridenour spoke on behalf of Councilmember O’Bryant about the City’s response to recent gang violence and announced the Crime Stoppers phone number is (209) 521-4636.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Niskanen announced the Community Forum “Break the Silence of Gang Violence” tomorrow night at Modesto High School.

UNFINISHED BUSINESS

Councilmember Lopez absent due to conflict of interest

25. Consider accepting StanCOG’s updated presentation of the City of Modesto expenditure plan for the proposed Transportation Sales Tax Measure as shown in the 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan.

- Motion accepting StanCOG’s updated presentation of the City of Modesto expenditure plan for the proposed Transportation Sales Tax Measure as shown in the 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan recommended.

Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION: By Motion (Hawn/Mayor; Lopez O’Bryant absent) accepting StanCOG’s updated presentation of the City of Modesto expenditure plan for the proposed Transportation Sales Tax Measure as shown in the 20-Year Countywide Transportation Half-Cent Sales Tax Measure Financial Expenditure Plan (**with changes to list requested by Council**) .

26. Consider authorizing the award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division, to the following companies: Hansel Ford, Santa Rosa, CA, one (1) dump truck, for an estimated cost of \$47,159; Country Ford Trucks, Inc., Ceres, CA, two (2) dump trucks, for an estimated cost of \$166,902; Interstate Truck Center, LLC, Stockton, CA, two (2) dump trucks, for an estimated cost of \$213,636; Pape Trucks, French Camp, CA, one (1) dump truck, for an estimated cost of \$95,075; and Bonander Truck, Turlock, CA, quantity two (2) dump trucks, for an estimated cost of \$134,909, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$657,681.

- Resolution authorizing the award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division, to the following companies: Hansel Ford, Santa Rosa, CA, one (1) dump truck, for an estimated cost of \$47,159; Country Ford Trucks, Inc., Ceres, CA, two (2) dump trucks, for an estimated cost of \$166,902; Interstate Truck Center, LLC, Stockton, CA, two (2) dump trucks, for an estimated cost of \$213,636; Pape Trucks, French Camp, CA, one (1) dump truck, for an estimated cost of \$95,075; and Bonander Truck, Turlock, CA, quantity two (2) dump trucks, for an estimated cost of \$134,909, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$657,681 recommended.

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

ACTION: **Resolution 2008-264 (Marsh/Keating;unan O’Bryant absent)** authorizing the award of bid and contract for the purchase of eight (8) dump trucks for the Public Works Department, Fleet Services Division, to the following companies: Hansel Ford, Santa Rosa, CA, one (1) dump truck, for an estimated cost of \$47,159; Country Ford Trucks, Inc., Ceres, CA, two (2) dump trucks, for an estimated cost of \$166,902; Interstate Truck Center, LLC, Stockton, CA, two (2) dump trucks, for an estimated cost of \$213,636; Pape Trucks, French Camp, CA, one (1) dump truck, for an estimated cost of \$95,075; and Bonander Truck, Turlock, CA, quantity two (2) dump trucks, for an estimated cost of \$134,909, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$657,681.

Continued to May 13, 2008

27. Consider authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division. (For use by the following divisions: Org 1961 MPD Field Operations, three (3) pickup trucks, for an est. cost of \$56,192. Org 5012 Water Operations / Construction, one (1) pickup truck, for an est. cost of \$ 25,368. Org 5812 Downtown Shop Service Truck, one (1) pickup truck, for an est. cost of \$15,282. Org 5612 Bus Shop Service, one (1) pickup truck, for an est. cost of \$ 14,852. Org 3522 Parks Services, three (3) pickup trucks, for an est. cost of \$ 64,100. Org 3912 TRRP Operations, one (1) pickup truck, for an est. cost of \$ 21,503. Org 5212 Wastewater Collections, five (5) pickup trucks, for an est. cost of \$119,883. Org 1964 MPD Animal Control, two (2) pickup trucks, for an est. cost of \$ 44,469. Org 5016 Water Operations, one (1) pickup truck, for an est. cost of \$ 29,515.)

- Resolution authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division, to the following companies; American Chevrolet, Modesto, CA, quantity two (2) pickup trucks, for an estimated cost of \$44,469, Downtown Ford, Sacramento, CA, quantity nine (9) pickup trucks, for an estimated cost of \$205,590, Geweke Ford, Lodi, CA, quantity seven (7) pickup trucks, for an estimated cost of \$141,105, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$391,164 recommended.

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

ACTION: By Motion (**Keating/Hawn;unan**) continued to May 13, 2008.

Continued to May 13, 2008

28. Consider authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$54,993, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$238,667. (For use in the following divisions: Org 5612 Bus Maintenance, one (1) truck with utility body and crane, for an est. cost of \$92,757. Org 5016 Water Operations & Service / Meter Install, three (3) trucks with utility body, for an est. cost of \$90,917. Org 5812 Fleet Maintenance, one (1) truck with utility body, for an est. cost of \$54,993.)
- Resolution authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$54,993, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$238,667 recommended.

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

ACTION: By Motion (**Keating/Hawn;unan**) continued to May 13, 2008.

29. Consider authorizing the award of bid and contract for the purchase of two (2) trucks with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$274,466. (For use in the following Division, Community Forestry Division.)
- Resolution authorizing the award of bid and contract for the purchase of two (2) trucks with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$274,466 recommended.

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

ACTION: **Resolution 2008-265 (Marsh/Keating;unan O'Bryant absent)** authorizing the award of bid and contract for the purchase of two (2) trucks with aerial buckets for the Public Works Department, Fleet Services Division, to Terex Utilities, Inc., Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$274,466.

HEARINGS

Published in the Modesto Bee on April 11, 2008

30. Hearing to consider the appeal by Phillip Peterson, of Peterson King Contract Glass, Inc., regarding the determination of Capital Facilities Fees on Building Permit No. BLD2007-53541 located within the City's Sphere of Influence at 4812 Stratos Way.
- Resolution denying the appeal by Phillip Peterson, of Peterson King Contract Glass, Inc., regarding the determination of Capital Facilities Fees on Building Permit No. BLD2007-53541 located within the City's Sphere of Influence at 4812 Stratos Way recommended.

Community & Economic Development; Amy S. Gedney, 577-5211, agedney@modestogov.com

ACTION: Resolution 2008-266 (Hawn/Keating;unan Olsen no O'Bryant absent) denying the appeal by Phillip Peterson, of Peterson King Contract Glass, Inc., regarding the determination of Capital Facilities Fees on Building Permit No. BLD2007-53541 located within the City's Sphere of Influence at 4812 Stratos Way (**include interest on amount and bank charge to Appellant**).

Published in the Modesto Bee on March 30, 2008 and Vida on April 2, 2008

31. Hearing to consider approving the draft City of Modesto 2008-2009 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (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 2008-2009 Annual Action Plan and authorizing the Interim City Manager, or his designee, to sign the required certifications and documents for submittal to the Department of Housing and Urban Department (HUD).
- Resolution approving the draft City of Modesto 2008-2009 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (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 2008-2009 Annual Action Plan and authorizing the Interim City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development (HUD) recommended.

Parks, Recreation and Neighborhoods Department; Barbara Kauss, 577-5275, bkauss@modestogov.com

ACTION: Resolution 2008-267 (Marsh/Keating; unan O'Bryant absent) approving the draft City of Modesto 2008-2009 HUD Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant (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 2008-2009 Annual Action Plan and authorizing the Interim City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development (HUD).

Published in the Modesto Bee on April 23, 2008; continued to May 13, 2008

32. Hearing to consider adjusting the Airport Rates and Fees for activities and services at the Modesto City-County Airport, effective July 1, 2008, and rescinding Resolution No. 2007-282.
- Resolution adjusting the Airport Rates and Fees for activities and services at the Modesto City-County Airport, effective July 1, 2008, and rescinding Resolution No. 2007-282 recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: By Motion (**Keating/Hawn;unan**) continued to May 13, 2008.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Auditor Recruitment

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition of real property located at
The Stanislaus Resource Recovery Facility
4040 Fink Road, Crows Landing, California

Covanta Stanislaus, Inc., a subsidiary of Covanta Energy, Inc., Owners

Negotiating parties: Eric Tashman, Counsel
Julie Hannon, Acting Parks, Recreation and Neighborhoods Director,
for City of Modesto

Under negotiation: Price and terms of sale of property.

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: *Bertolotti and Curtin v. City of Modesto, et al.*,
Stanislaus County Superior Court Case No. 373350

CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, May 13, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements – Item 21 – Hearing Cancelled
Item 22 – Continued to May 27, 2008

Declaration of Conflicts of Interest – Item 14 - Keating

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider accepting the Airport Advisory Committee 2007 Annual Report for the Modesto City-County Airport.
 - Motion accepting the Airport Advisory Committee 2007 Annual Report for the Modesto City-County Airport recommended.
Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: Jerome Thiel presented the Airport Advisory Committee 2007 Annual Report for the Modesto City-County Airport.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Ronnie Flood, MCEA Vice President, spoke regarding the contract negotiations between the City and MCEA.

Bishop Bergstrom thanked the City for demolishing the apartment building at 215 H Street, Modesto.

Tom McCarthy, MCEA President, spoke regarding the contract negotiations between the City and MCEA and invited Council to next Wednesday’s MCEA meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 17

ACTION ITEMS 2-13; 15-17: (Hawn;Lopez;unan)

ACTION ITEM 14: (Hawn/Marsh;unan Keating absent)

CONSENT ITEMS

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

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of May 6, 2008.
- Motion approving recommended.
- Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com*

ACTION: By Motion (**Hawn;Lopez;unan**) approving the minutes of the regular City Council meeting of May 6, 2008.

CONSENT

3. Consider appointing Stephanie D. Lopez as City Clerk, effective April 8, 2008, and authorizing the Mayor to sign an employment agreement with an annual cost for salary and benefits in the amount of \$135,000.
- Resolution appointing Stephanie D. Lopez as City Clerk of the City of Modesto and authorizing the Mayor to sign an Employment Agreement with Stephanie D. Lopez to serve as City Clerk of the City of Modesto, effective April 8, 2008 recommended.
- City Manager; Jim Ridenour; 571-5169, jridenour@modestogov.com*

ACTION: **Resolution 2008-268 (Hawn;Lopez;unan)** appointing Stephanie D. Lopez as City Clerk of the City of Modesto and authorizing the Mayor to sign an Employment Agreement with Stephanie D. Lopez to serve as City Clerk of the City of Modesto, effective April 8, 2008.

CONSENT

4. Consider approving a request from JesusIsLord.com/Chad Wright for amplified music at Mancini Bowl for a "West Coast Youth Explosion" event to be held on May 31, 2008, from 3:00 p.m. to 8:00 p.m.
- Resolution approving a request from JesusIsLord.com/Chad Wright for amplified music at Mancini Bowl for a "West Coast Youth Explosion" event to be held on May 31, 2008, from 3:00 p.m. to 8:00 p.m. recommended.
- Parks, Recreation & Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com*

ACTION: **Resolution 2008-269 (Hawn;Lopez;unan)** approving a request from JesusIsLord.com/Chad Wright for amplified music at Mancini Bowl for a "West Coast Youth Explosion" event to be held on May 31, 2008, from 3:00 p.m. to 8:00 p.m.

CONSENT

5. Consider approving solicitation for qualifications and bids for airport consulting engineers for design and construction management services for the Modesto City-County Airport for a five (5) year term.
- Resolution approving solicitation for qualifications and bids for airport consulting engineers for design and construction management services for the Modesto City-County Airport for a five (5) year term recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-270 (Hawn;Lopez;unan)** approving solicitation for qualifications and bids for airport consulting engineers for design and construction management services for the Modesto City-County Airport for a five (5) year term.

CONSENT

6. Consider approving submittal of the Modesto City-County Airport's revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA).
- Resolution approving submittal of the Modesto City-County Airport's revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-271 (Hawn;Lopez;unan)** approving submittal of the Modesto City-County Airport's revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA).

CONSENT

7. Consider approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,282,500 to the Federal Aviation Administration (FAA).
- Resolution approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,282,500 to the Federal Aviation Administration (FAA), and authorizing the Interim City Manager, or his designee, to execute the application recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: **Resolution 2008-272 (Hawn;Lopez;unan)** approving the submittal of a Federal Airport Improvement Program (AIP) Grant Application in the amount of \$1,282,500 to the Federal Aviation Administration (FAA), and authorizing the Interim City Manager, or his designee, to execute the application.

CONSENT

8. Consider approving solicitation for qualifications and bids for airport planning firms for planning services for the Modesto City-County Airport.
- Resolution approving solicitation for qualifications and bids for airport planning firms for planning services for the Modesto City-County Airport recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2008-273 (Hawn;Lopez;unan) approving solicitation for qualifications and bids for airport planning firms for planning services for the Modesto City-County Airport.

CONSENT

9. Consider approving the Draft Final Noise Exposure Maps (NEM) and supporting documentation for the Modesto City-County Airport 14 CFR Part 150 Noise Compatibility Study.
- Resolution approving the Draft Final Noise Exposure Maps (NEM) and supporting documentation for the Modesto City-County Airport 14 CFR Part 150 Noise Compatibility Study, and authorizing the Interim City Manager, or his designee, to sign the Sponsor's Certification document recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2008-274 (Hawn;Lopez;unan) approving the Draft Final Noise Exposure Maps (NEM) and supporting documentation for the Modesto City-County Airport 14 CFR Part 150 Noise Compatibility Study, and authorizing the Interim City Manager, or his designee, to sign the Sponsor's Certification document.

CONSENT

10. Consider approving an Airport/Airline Lease Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger services at Modesto City-County Airport.
- Resolution approving an Airport/Airline Lease Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger services at Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.
- Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com*

ACTION: Resolution 2008-275 (Hawn;Lopez;unan) approving an Airport/Airline Lease Agreement with SkyWest Airlines, Inc., a Utah Corporation, for continued use of airport facilities to operate passenger services at Modesto City-County Airport, and authorizing the Interim City Manager, or his designee, to execute the Agreement.

CONSENT

11. Consider amending the Fiscal Year 2007/2008 Operating Budget by approving the appropriation of funds in the amount of \$193,000 from the Gas Tax Reserve to Fund 0700-160-1605, "Electrical Utility Cost," in order to fully fund electrical utility costs for Fiscal Year 2007/2008.
- Resolution amending the Fiscal Year 2007/2008 Operating Budget by approving the appropriation of funds in the amount of \$193,000 from the Gas Tax Reserve to Fund 0700-160-1605, "Electrical Utility Cost," in order to fully fund electrical utility costs for Fiscal Year 2007/2008 recommended.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2008-276 (Hawn;Lopez;unan) amending the Fiscal Year 2007/2008 Operating Budget by approving the appropriation of funds in the amount of \$193,000 from the Gas Tax Reserve to Fund 0700-160-1605, "Electrical Utility Cost," in order to fully fund electrical utility costs for Fiscal Year 2007/2008.

CONSENT

12. Consider accepting the State of California Department of Transportation (Caltrans) grant in the amount up to \$12,000 for the project titled, "Section 130 Grade Crossing Improvement Program–Woodland Avenue."
- Resolution accepting the State of California Department of Transportation CALTRANS grant in an amount not to exceed \$12,000, and authorizing the Interim City Manager, or his designee, to execute the necessary grant documents recommended
 - Resolution amending the Fiscal Year 2007/2008 Capital Improvement Program (CIP) budget accepting the grant funds and establishing one new CIP project titled, "Section 130 Grade Crossing Improvement Program–Woodland Avenue," in the amount of \$12,000 recommended.
- Public Works; Jeffrey Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2008-277 (Hawn;Lopez;unan) accepting the State of California Department of Transportation CALTRANS grant in an amount not to exceed \$12,000, and authorizing the Interim City Manager, or his designee, to execute the necessary grant documents.

ACTION: Resolution 2008-278 (Hawn;Lopez;unan) amending the Fiscal Year 2007/2008 Capital Improvement Program (CIP) budget accepting the grant funds and establishing one new CIP project titled, "Section 130 Grade Crossing Improvement Program–Woodland Avenue," in the amount of \$12,000.

CONSENT

13. Consider approving the plans and specifications for the Snyder Avenue Improvements from Prescott Road to Carver Road project and accepting the bid of Ross F. Carroll, Inc. (Total estimated cost of this project is \$819,201, which includes engineering design, City force work, construction contingency, and construction administration.) (Funding Source: Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).
- Resolution approving the plans and specifications for the Snyder Avenue Improvements from Prescott Road to Carver Road project, accepting the bid and approving a contract with Ross F. Carroll, Inc. in the amount of \$590,692.05 for the Snyder Avenue Improvements from Prescott Road to Carver Road project, and authorizing the District Administrator, or his designee, to execute the contract recommended.
 - Resolution finding that the Snyder Avenue Improvements from Prescott Road to Carver Road project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041) recommended.
 - Resolution amending the current Capital Improvement Program (CIP) budget in order to fully fund the contract with Ross F. Carroll, Inc. by transferring \$281,956 from Account 2670-800-8000-8208 "Carver/Bangs Pelandale/Snyder CFD Reserves" to

CIP Account 2680-020-A102 “Snyder Avenue (Prescott & Carver)” to fully fund the Snyder Avenue Improvements from Prescott Road to Carver Road project recommended.

Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2008-279 (Hawn;Lopez;unan) approving the plans and specifications for the Snyder Avenue Improvements from Prescott Road to Carver Road project, accepting the bid and approving a contract with Ross F. Carroll, Inc. in the amount of \$590,692.05 for the Snyder Avenue Improvements from Prescott Road to Carver Road project, and authorizing the District Administrator, or his designee, to execute the contract.

ACTION: Resolution 2008-280 (Hawn;Lopez;unan) finding that the Snyder Avenue Improvements from Prescott Road to Carver Road project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH No. 1999082041).

ACTION: Resolution 2008-281 (Hawn;Lopez;unan) amending the current Capital Improvement Program (CIP) budget in order to fully fund the contract with Ross F. Carroll, Inc. by transferring \$281,956 from Account 2670-800-8000-8208 “Carver/Bangs Pelandale/Snyder CFD Reserves” to CIP Account 2680-020-A102 “Snyder Avenue (Prescott & Carver)” to fully fund the Snyder Avenue Improvements from Prescott Road to Carver Road project.

CONSENT

14. Consider approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project, accepting the bid and approving a \$2,685,000 contract with Mozingo Construction, Inc. for the project titled, “Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts.” (Total estimated cost of this project is \$3,962,564, which includes design, construction contract, construction contingency, and construction administration.) Funding Source: Water Fund.

- Resolution approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project, accepting the bid and approving a \$2,685,000 contract with Mozingo Construction, Inc. for the project titled, “Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts,” and authorizing the Interim City Manager, or his designee, to execute the contract recommended.
- Resolution amending the Capital Improvement Program (CIP) budget by reducing Objects 6010 Engineering/Design/Administration in the amount of \$38,685. 6040 Construction in the amount of \$1,560,000, and 6060 Construction Administration in the amount of \$241,500 in CIP Account 6180-430-W361 “Downstream Improvements PRVS-Secondary”, and reappropriating funds in the amount of \$187,750 to Object 6050 Contingency within the same account, and transferring surplus funding in the amount of \$1,652,435 to Primary Account 6180-430-W425 “Downstream Improvements-Primary” recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-282 (Hawn/Marsh;unan Keating absent) approving the plans and specifications for the Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts project, accepting the bid and approving a \$2,685,000 contract with Mazingo Construction, Inc. for the project titled, "Downstream Water System Improvements - Tier 1 Priority 1 and 2 Turnouts," and authorizing the Interim City Manager, or his designee, to execute the contract.

ACTION: Resolution 2008-283 (Hawn/Marsh;unan Keating absent) amending the Capital Improvement Program (CIP) budget by reducing Objects 6010 Engineering/Design/Administration in the amount of \$38,685. 6040 Construction in the amount of \$1,560,000, and 6060 Construction Administration in the amount of \$241,500 in CIP Account 6180-430-W361 "Downstream Improvements PRVS-Secondary", and reappropriating funds in the amount of \$187,750 to Object 6050 Contingency within the same account, and transferring surplus funding in the amount of \$1,652,435 to Primary Account 6180-430-W425 "Downstream Improvements-Primary".

CONSENT

15. Consider accepting the work by Planned Environments, Inc. for the Marshall Park Improvements and Sylvan Park Splash Pad project as complete. (Total project cost is \$341,637.87, which included construction contingency, city forces, engineering design, and construction administration.) Funding Source: Parks Capital Facilities Fees and Parks Fund.
- Resolution increasing the Public Works Director's authority to issue change orders on the Marshall Park Improvements and Sylvan Park Splash Pad project from 10 percent (\$25,000.00) to 15.3 percent (\$37,793.64) of the original contract price with Planned Environments, Inc. recommended.
 - Resolution accepting the work by Planned Environments, Inc. for the Marshall Park Improvements and Sylvan Park Splash Pad 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 \$285,704.05 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-284 (Hawn;Lopez;unan) increasing the Public Works Director's authority to issue change orders on the Marshall Park Improvements and Sylvan Park Splash Pad project from 10 percent (\$25,000.00) to 15.3 percent (\$37,793.64) of the original contract price with Planned Environments, Inc.

ACTION: Resolution 2008-285 (Hawn;Lopez;unan) accepting the work by Planned Environments, Inc. for the Marshall Park Improvements and Sylvan Park Splash Pad 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 \$285,704.05. Total project cost is \$341,637.87, which included construction contingency, city forces, engineering design, and construction administration.

CONSENT

16. Consider approving a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) system, commencing June 28, 2008 and terminating June 27, 2013, at an annual cost of approximately \$2,478,450.
- Resolution approving a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) system, commencing June 28, 2008 and terminating June 27, 2013, at an annual cost of approximately \$2,478,450, and authorizing the City Manager to execute the agreement recommended.
- Public Works; Bill Latham, 577-5201, blatham@modestogov.com*

ACTION: **Resolution 2008-286 (Hawn/Lopez;unan)** approving a five-year agreement with Storer Transit Systems (Storer) to operate the Modesto Area Dial-a-Ride (DAR) system, commencing June 28, 2008 and terminating June 27, 2013, at an annual cost of approximately \$2,478,450, and authorizing the City Manager to execute the agreement.

CONSENT

17. Consider Fiscal Year 07-08 California Transit Security Grant Program Grant applications for the purchase and installation of a Video Surveillance System at the Transit Center.
- Resolution authorizing the Submittal of a Grant Application to the Governor's Office of Homeland Security (OHS) Requesting \$175,000 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of a Video Surveillance System at the Transit Center; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents recommended.
 - Resolution authorizing the Submittal of a Grant Application to the Governor's Office of Homeland Security (OHS) Requesting \$100,000 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of a Video Surveillance System at the Bus Maintenance Facility; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents recommended.
 - Resolution authorizing the Submittal of a Grant Application to the Governor's Office of Homeland Security (OHS) Requesting \$25,606 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of Video Surveillance Systems in Four Buses; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents recommended.
 - Resolution authorizing the Submittal of a Grant Application to the Governor's Office of Homeland Security (OHS) Requesting \$48,426 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of Video Surveillance Systems in Six Buses; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: **Resolution 2008-287 (Hawn/Lopez;unan)** authorizing the Submittal of a Grant Application to the Governor's Office of Homeland Security (OHS) Requesting \$175,000 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of a Video Surveillance System at the Transit Center; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents.

ACTION: Resolution 2008-288 (Hawn/Lopez;unan) authorizing the Submittal of a Grant Application to the Governor’s Office of Homeland Security (OHS) Requesting \$100,000 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of a Video Surveillance System at the Bus Maintenance Facility; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents.

ACTION: Resolution 2008-289 (Hawn/Lopez;unan) authorizing the Submittal of a Grant Application to the Governor’s Office of Homeland Security (OHS) Requesting \$25,606 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of Video Surveillance Systems in Four Buses; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents

ACTION: Resolution 2008-290 (Hawn/Lopez;unan) authorizing the Submittal of a Grant Application to the Governor’s Office of Homeland Security (OHS) Requesting \$48,426 in FY 2007-08 California Transit Security Grant Program Funds for the Purchase and Installation of Video Surveillance Systems in Six Buses; and Authorizing the Interim City Manager, or his designee, to Execute the Grant Application and Grant Related Documents.

COUNCIL COMMENTS & REPORTS

18. Consider appointing Councilmember Hawn as the City Council’s representative for regional planning issues related to the water and wastewater utilities.
- Motion appointing Councilmember Hawn as the City Council’s representative for regional planning issues related to the water and wastewater utilities recommended.

City Manager; Judith Ray, 571-5809; jray@modestogov.com

ACTION: By Motion (**Marsh/Olsen;unan**) appointing Councilmember Hawn as the City Council’s representative for regional planning issues related to the water and wastewater utilities.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager Jim Niskanen invited the public to next week’s Finance Committee budget workshops. He also announced that the Fire Department has moved into Station #2 at Neighborhood Center at Marshall Park.

HEARINGS

Published in the Modesto Bee on April 23, 2008

19. Hearing to consider introduction of an Ordinance adding sections 2-1.24, 2-1.25, 2-1.26 and 2-1.27 to Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure – City Council Compensation.

- Motion introducing an Ordinance adding sections 2-1.24, 2-1.25, 2-1.26 and 2-1.27 to Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure recommended.

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

ACTION: By Motion (**O'Bryant/Lopez;unan Hawn,Keating,Marsh no**) introducing **Ordinance 3487-C.S.** adding sections 2-1.24, 2-1.25, 2-1.26 and 2-1.27 to Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure.

Recess at 6:35 p.m.

Reconvened at 6:50 p.m.

Published in the Modesto Bee on April 17, 2008

20. Hearing to consider amending the City's Zoning Code to provide for electronic message board signs for high schools and colleges.

- Motion introducing an Ordinance amending Sections 10-2.2112 and 10-2.2114 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to zoning regulations recommended.

Community & Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: By Motion (**O'Bryant/Marsh;unan**) introducing **Ordinance 3488-C.S.** amending Sections 10-2.2112 and 10-2.2114 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to zoning regulations.

Published in the Modesto Bee on April 13, 2008 and Vida on April 16, 2008—HEARING HAS BEEN CANCELLED

21. Hearing to consider an amendment to recent Annual Action Plans, reallocating Community Development Block Grant (CDBG) funds.

ACTION: Hearing cancelled.

Published in the Modesto Bee on May 2, 2008—continued to May 27, 2008

22. Hearing to consider authorizing the establishment of Scrap Metal Dealers/Recyclers Permitting Fees.

- Resolution authorizing the establishment of fees for Scrap Metal Dealers/Recyclers Permitting Fees recommended.

Police; Gary Watts, 342-6144, wattsg@modestopd.com

ACTION: By Motion (**Marsh/Olsen;unan**) continued to May 27, 2008.

Published in the Modesto Bee on April 23, 2008; continued from May 6, 2008

23. Hearing to consider adjusting Rental Charges and Fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Resolution Nos. 2007-282 and 2008-245.

- Resolution adjusting Rental Charges and Fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Resolution Nos. 2007-282 and 2008-245 recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: **Resolution 2008-291 (Hawn/Keating;unan)** adjusting Rental Charges and Fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and rescinding Resolution Nos. 2007-282 and 2008-245.

UNFINISHED BUSINESS

Continued from May 6, 2008

24. Consider authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division, to the following companies; American Chevrolet, Modesto, CA, two (2) pickup trucks, for an estimated cost of \$44,469; Downtown Ford, Sacramento, CA, nine (9) pickup trucks, for an estimated cost of \$205,590; Geweke Ford, Lodi, CA, seven (7) pickup trucks, for an estimated cost of \$141,105; and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$391,164. (For use by the following divisions: Org 1961 MPD Field Operations, three (3) pickup trucks, for an est. cost of \$56,192. Org 5012 Water Operations / Construction, one (1) pickup truck, for an est. cost of \$ 25,368. Org 5812 Downtown Shop Service Truck, one (1) pickup truck, for an est. cost of \$15,282. Org 5612 Bus Shop Service, one (1) pickup truck, for an est. cost of \$ 14,852. Org 3522 Parks Services, three (3) pickup trucks, for an est. cost of \$ 64,100. Org 3912 TRRP Operations, one (1) pickup truck, for an est. cost of \$ 21,503. Org 5212 Wastewater Collections, five (5) pickup trucks, for an est. cost of \$119,883. Org 1964 MPD Animal Control, two (2) pickup trucks, for an est. cost of \$ 44,469. Org 5016 Water Operations, one (1) pickup truck, for an est. cost of \$ 29,515.)
- Resolution authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division, to the following companies; American Chevrolet, Modesto, CA, two (2) pickup trucks, for an estimated cost of \$44,469; Downtown Ford, Sacramento, CA, nine (9) pickup trucks, for an estimated cost of \$205,590; Geweke Ford, Lodi, CA, seven (7) pickup trucks, for an estimated cost of \$141,105; and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$391,164 recommended.

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

ACTION: **Resolution 2008-292 (O'Bryant/Marsh;unan)** authorizing the award of bid and contract for the purchase of eighteen (18) pickup trucks for the Public Works Department, Fleet Services Division, to the following companies; American Chevrolet, Modesto, CA, two (2) pickup trucks, for an estimated cost of \$44,469; Downtown Ford, Sacramento, CA, nine (9) pickup trucks, for an estimated cost of \$205,590; Geweke Ford, Lodi, CA, seven (7) pickup trucks, for an estimated cost of \$141,105; and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$391,164.

Continued from May 6, 2008

25. Consider authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$56,593, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$240,267. (For use in the following divisions: Org 5612 Bus Maintenance, one (1) truck with utility body and crane, for an est. cost of \$92,757. Org 5016 Water Operations & Service / Meter Install, three (3) trucks with utility body, for an est. cost of \$90,917. Org 5812 Fleet Maintenance, one (1) truck with utility body, for an est. cost of \$56,593.)
- Resolution authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$56,593, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$240,267 recommended.
- Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: Resolution 2008-293 (O'Bryant/Marsh;unan) authorizing the award of bid and contract for the purchase of five (5) trucks with utility bodies for the Public Works Department, Fleet Services Division, to the following companies: San Francisco Ford, Lincoln, Mercury, San Francisco, CA, four (4) trucks with utility bodies, for an estimated cost of \$183,674; Hansel Ford, Santa Rosa, CA, one (1) truck with utility body, for an estimated cost of \$56,593, and authorizing the Purchasing Manager to issue purchase orders for a total estimated cost of \$240,267.

26. Consider approving a Resolution relating to the Water Refunding Revenue Certificates of Participation, Series 2008 which approves the form of the various documents related to this transaction and authorizes both the release of the Official Statement and the execution of the various agreements related to this transaction.
- Resolution of the City Council of the City of Modesto relating to Water refunding revenue certificates of participation, Series 2008; approving the Forms of and authorizing the execution and delivery of a 2008 Supplemental Contract, a liquidity facility and a purchase contract; approving the form of and authorizing the distribution of an official statement in connection therewith; authorizing the 2008 swap amendments and authorizing certain other related actions recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

ACTION: Resolution 2008-294 (Hawn/Marsh;unan Keating,O'Bryant no) of the City Council of the City of Modesto relating to Water refunding revenue certificates of participation, Series 2008; approving the Forms of and authorizing the execution and delivery of a 2008 Supplemental Contract, a liquidity facility and a purchase contract; approving the form of and authorizing the distribution of an official statement in connection therewith; authorizing the 2008 swap amendments and authorizing certain other related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:55 pm.

MINUTES

City of Modesto
**Special Finance Committee Meetings/
Special City Council Workshop Meetings**
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Roll Call: Present: Brad Hawn, Chair
Kristin Olsen, Vice Chair
Garrad Marsh
Absent: None

Also Present: Mayor Ridenour

MONDAY, MAY 19, 2008 @ 4:00 PM

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

None.

NEW BUSINESS

- Opening comments and workshop overview

ACTION: Jeannie Kepler, Manager of Budget & Financial Analysis, made opening comments and gave overview of Agenda for the week.

- Transportation related funds review
 - Gas Tax
 - Local Transportation Fund (LTF)
 - Other – Congestion Mitigation Air Quality (CMAQ), etc.
 - Transportation sales tax review

Councilmember Olsen left meeting at 4:40 p.m.

ACTION: Public Works Director Nick Pinhey gave the report for transportation related funds: Gas Tax; Local Transportation Fund; Congestion Mitigation Air Quality (CMAQ); and transportation sales tax review.

Recess at 5:00 p.m.

Reconvene at 5:30 p.m.

JOINT PLANNING COMMISSION/CITY COUNCIL MEETING

Also Present: Tom Berglund, John Sanders, Chris Tyler, Patricia Gillum, Carolina Bernal
Absent: John Sanders, Kent Newswander

Brad Hawn opened Council meeting.
John Sanders opened Planning Commission meeting.

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

Tracy Herbeck spoke regarding the sale of John Muir School Building and importance of park to the neighborhood.

- Capital Improvement Program with Planning Commission (5:30 p.m.)

Councilmember Olsen returned to meeting at 6:05 p.m.

ACTION: Jeannie Kepler, Manager of Budget & Financial Analysis, made opening comments for the Fiscal Year 2008-2009 Capital Improvement Program. Community & Economic Director Brent Sinclair reviewed the Fiscal Year 2008-2009 Capital Improvement Program. Finance Director Wayne Padilla gave overview of the Mayor's Budget Principles. Public Works Director Nick Pinhey gave overview of Highlighting Existing Projects and Completed Projects.

ACTION: By Motion of Planning Commission (**Tyler/Gillum; unan**) approved consistency with General Plan and recommend adoption of 2009-2009 Capital Improvement Program.

ACTION: By Motion of Committee (**Marsh/Olsen;unan**) approved adoption of 2008-2009 Capital Improvement Program and forward to Council for approval.

- Daily wrap-up

ACTION: None.

- As time permits, items scheduled for discussion on subsequent days will be heard and discussed.

ACTION: None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:35 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

Roll Call: Present: Brad Hawn, Chair
Kristin Olsen, Vice Chair
Garrad Marsh
Absent: None

Also Present: Mayor Ridenour
Will O'Bryant (arrived at 9:20 a.m.)

TUESDAY, MAY 20, 2008 @ 9:00 AM – 12:00 PM

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

Agnes Peacom spoke on behalf of Modesto Senior Citizens and suggested that the John Muir School site would be a good place for a new Modesto Senior Citizens Center.

NEW BUSINESS

- Opening comments

ACTION: Jeannie Kepler made opening comments and gave overview of today's Agenda – General Fund Review.

- Continued discussion and action on any of the above listed items

ACTION: None.

- Mayor's comments

ACTION: Mayor Ridenour gave overview of the budget and the General Fund Review. Presentation of DVD questions and answers with the Mayor regarding the budget. Mayor Ridenour asked for input from citizens; any recommendations not in budget should be sent to staff.

- General Fund review

Recess at 10:10 a.m.
Reconvened at 10:20 a.m.

ACTION: Deputy City Manager Judith Ray and Finance Director Wayne Padilla gave overview of the General Fund and late changes/amendments to the Proposed Budget and made presentation.

ACTION: Brent Sinclair gave the Community & Economic Development Department budget presentation.

ACTION: Susana Alcala Wood gave the City Attorney Department budget presentation.

ACTION: Judith Ray gave the City Manager Department budget presentation.

ACTION: Wayne Padilla gave the City's cost allocation plan presentation.

ACTION: Judith Ray gave the City Clerk Department budget presentation.

ACTION: Wayne Padilla gave the Finance Department budget presentation.

ACTION: Jim Miguel gave the Fire Department budget presentation.

- Daily wrap-up

ACTION: Judith Ray summarized the items to return to Finance Committee and items that will be returning for tomorrow's budget workshop.

- As time permits, items scheduled for discussion on subsequent days will be heard and discussed.

ACTION: None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:00 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

Roll Call: Present: Brad Hawn, Chair
Kristin Olsen, Vice Chair
Garrad Marsh
Absent: None

Also Present: Mayor Ridenour
Will O'Bryan (arrived at 9:10 a.m.; left at 12:20 p.m.)

WEDNESDAY, MAY 21, 2008 @ 9:00 AM – 3:00 PM

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

NEW BUSINESS

- Continued discussion and action on any of the above listed items

ACTION: Jeannie Kepler made opening comments and continued with General Fund Review and Follow-Up of Pending Issues from yesterday: Cost recovery in CEDD, General Plan continued efforts, cost recovery for Deputy City Attorney position, and handling of Pitchess motions, along with items to return to Finance Committee.

ACTION: Brent Sinclair gave updated information regarding the cost recovery in CEDD fee-based areas and General Plan continued efforts for Community & Economic Development.

ACTION: Susana Alcala Wood gave updated information regarding a new Deputy City Attorney position and the handling of Pitchess Motions.

- General Fund review

ACTION: Gary Cook gave the Information & Technology budget presentation.

ACTION: Julie Hannon gave the Parks, Recreation & Neighborhoods budget presentation.

Recess at 10:28 a.m.

Councilmember Marsh left at 10:30 a.m.

Reconvened at 10:40 a.m.

ACTION: Robin Renwick gave the Personnel and Training budget presentation.

ACTION: Roy Wasden gave the Police budget presentation.

Recess at 12:10 p.m.

Reconvened at 1:05 p.m..

ACTION: Nick Pinhey gave the Public Works budget presentation.

ACTION: Nick Pinhey gave the Utility Enterprise Funds Review presentation.

ACTION: Motion (**Marsh/Olsen;unan**) forwarding City of Modesto proposed water rate increase of 5% on July 1, 2008 to Council.

- Daily wrap-up

ACTION: Jeannie Kepler announced the line items to return at tomorrow's meeting.

- As time permits, items scheduled for discussion on subsequent days will be heard and discussed.

ACTION: None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 3:35 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

Roll Call: Present: Brad Hawn, Chair
Kristin Olsen, Vice Chair
Garrad Marsh
Absent: None

Also Present: Mayor Ridenour
Councilmember Lopez (left meeting at 2:38 p.m.)

THURSDAY, MAY 22, 2008 @ 1:00 PM – 4:00 PM

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

None.

NEW BUSINESS

- Continued discussion and action on any of the above listed items

ACTION: Chairman Brad Hawn opened the meeting and discussed line items returned from yesterday's meeting. Interim City Manager explained about on-going vs. one-time reductions.

ACTION: Brent Sinclair reviewed the Community & Economic Development Department list of not recommended for consideration items.

- Utility funds review (Water, Sewer, Storm Drain)

ACTION: Above item addressed at yesterday's meeting.

- Pending Issues and Wrap-up.

ACTION: Judith Ray announced updated spreadsheets will be sent out tomorrow, updated exceptional revenues and/or expenses to be brought back to Finance Committee as necessary, and thanked the budget staff for their hard work.

ACTION: By Motion (**Marsh/Olsen; unan**) the Finance Committee approved forwarding the Proposed Fiscal Year 2008-09 Operating Budget and Capital Improvement Program as presented and including amendments for a Senior Civil Engineer position in Public Works and other corrections for the City of Modesto to Council for consideration on May 27, 2008.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 4:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, May 27, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – Items 5.A. and 12 Removed from Consent

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Jennifer Mullen, Executive Director, Modesto Convention and Visitors Bureau proclaiming June 2008 Graffiti Summer Month.
City Manager; Kathy Espinoza, 577-5223, kespinoza@modestogov.com

ACTION: Presentation of Proclamation made by Mayor Ridenour to Jennifer Mullen, Executive Director, Modesto Convention and Visitors Bureau proclaiming June 2008 Graffiti Summer Month.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting a letter of resignation from Richard McFarren from the Golf Courses Advisory Committee.
 - Resolution accepting with regret the resignation of Richard McFarren from the Golf Courses Advisory Committee recommended.
City Manager's Office, Esther Puckett, 571-5101, epuckett@mestogov.com

ACTION: **Resolution 2008-295 (Keating/Hawn;unan)** accepting with regret the resignation of Richard McFarren from the Golf Courses Advisory Committee.

3. Consider accepting a letter of resignation from Bill Zoslocki from the Airport Advisory Committee.
 - Resolution accepting with regret the resignation of Bill Zoslocki from the Airport Advisory Committee recommended.
City Manager's Office, Esther Puckett, 571-5101, epuckett@mestogov.com

ACTION: Resolution 2008-296 (Keating/Hawn;unan) accepting with regret the resignation of Bill Zoslocki from the Airport Advisory Committee.

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 16

ACTION CONSENT ITEMS - 4,5.B.,6-11,13-16 (Hawn/Olsen;unan)

ACTION ITEM 5.A. – (O'Bryant/Ridenour;unan Hawn Keating Marsh no)

ACTION ITEM 12 – (Olsen/Hawn;unan Keating O'Bryant no)

CONSENT ITEMS

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

CONSENT

4. Consider approval of the minutes of the regular City Council meeting of May 13, 2008.
 - Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (Hawn/Olsen;unan) approving the minutes of the regular City Council meeting of May 13, 2008.

ITEM 5.A. REMOVED FROM CONSENT

5. Consider final adoption of the following Ordinances:
 - A. **Ordinance No. 3487-C.S.** adding sections 2-1.24, 2-1.25, 2-1.26 and 2-1.27 to Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure (City Council Compensation).
 - Motion approving final adoption of **Ordinance No. 3487-C.S.** recommended.
 - B. **Ordinance No. 3488-C.S.** amending Sections 10-2.2112 and 10-2.2114 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to zoning regulations.
 - Motion approving final adoption of **Ordinance No. 3488-C.S.** recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**O'Bryant/Ridenour;unan** **Hawn Keating Marsh no**) approving the final adoption of **Ordinance No. 3487-C.S.** adding sections 2-1.24, 2-1.25, 2-1.26 and 2-1.27 to Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure.

ACTION: By Motion (**Hawn/Olsen;unan**) approving the final adoption of **Ordinance No. 3488-C.S.** amending Sections 10-2.2112 and 10-2.2114 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to zoning regulations.

CONSENT

6. Consider approving an extension to the six-month provisional appointment of Brooks Taylor, Administrative Analyst, to June 30, 2008.

- Resolution approving an extension to the six-month provisional appointment of Brooks Taylor, Administrative Analyst, to June 30, 2008 recommended.

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

ACTION: **Resolution 2008-297 (Hawn/Olsen;unan)** approving an extension to the six-month provisional appointment of Brooks Taylor, Administrative Analyst, to June 30, 2008.

CONSENT

7. Consider annexing territory to Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of special taxes therein (Annexation No. 14).

- Resolution of intention to annex territory to Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of special taxes therein (Annexation No. 14) recommended.

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

ACTION: **Resolution 2008-298 (Hawn/Olsen;unan)** of intention to annex territory to Community Facilities District No. 2004-1 (Village One #2) and to authorize the levy of special taxes therein (Annexation No. 14).

CONSENT

8. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of pest control service for use Citywide, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$40,000.

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of pest control service for use Citywide, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$40,000 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-299 (Hawn/Olsen;unan)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of pest control service for use Citywide, for a two (2) year agreement with three (3) one-year extension

options at the sole discretion of the City, for an estimated annual total cost of \$40,000.

CONSENT

9. Consider approving an Agreement between the City of Modesto and the State of California, Office of Emergency Services (OES), to house and maintain an OES Type I fire apparatus.
- Resolution approving an Agreement between the City of Modesto and the State of California, Office of Emergency Services (OES), to house and maintain an OES Type I fire apparatus, and authorizing the Interim City Manager, or his designee, to execute the Agreement recommended.

Fire; Daniel Hinshaw, 572-9590, dhinshaw@modestofire.com

ACTION: **Resolution 2008-300 (Hawn/Olsen;unan)** approving an Agreement between the City of Modesto and the State of California, Office of Emergency Services (OES), to house and maintain an OES Type I fire apparatus, and authorizing the Interim City Manager, or his designee, to execute the Agreement

CONSENT

10. Consider authorizing the Purchasing Manager to conduct a sole source purchase for an upgrade to the existing Xiotech Magnitude 3D Storage System for the Modesto Police Department In-Car Video Storage for an estimated total cost of \$68,000.00.
- Resolution authorizing the Purchasing Manager to conduct a sole source purchase for an upgrade to the existing Xiotech Magnitude 3D Storage System for the Modesto Police Department In-Car Video Storage for an estimated total cost of \$68,000.00 recommended.

Information Technology; Dave Truax, 571-5522, dtruax@modestogov.com

ACTION: **Resolution 2008-301 (Hawn/Olsen;unan)** authorizing the Purchasing Manager to conduct a sole source purchase for an upgrade to the existing Xiotech Magnitude 3D Storage System for the Modesto Police Department In-Car Video Storage for an estimated total cost of \$68,000.00.

CONSENT

11. Consider approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst.
- Resolution approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst recommended.

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

ACTION: **Resolution 2008-302 (Hawn/Olsen;unan)** approving an additional sixty (60) day extension to a 6-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst.

REMOVED FROM CONSENT

12. Consider amending the Salary Range for City Manager and amending the Vehicle Allowance Policy.
- Resolution amending Exhibit “I” of Resolution No. 2007-384 to revise the Class Range Table for Executive Management to amend the salary range for City Manager from salary range 1433 (\$12,815 - \$16,019/mo.) to range 1436 (\$13,801 - \$17,251/mo) recommended.
 - Resolution amending Exhibit “J” of Resolution No. 2007-384 to revise the Salary Schedule for Executive Management to add salary ranges 1436 to 1441 recommended.
 - Resolution authorizing Charter Officers’ Vehicle Allowances in the amount of \$400 to \$500 per month, Executives’ Vehicle Allowances in the amount of \$400 per month, Deputy Directors’ Vehicle Allowances in the amount of \$300 per month and City Manager discretion to grant Vehicle Allowances in the amount of \$100 - \$200 per month to Designated Management positions and rescinding Resolution Nos. 92-348, 92-349, 94-398, 97-605, and 2001-271 recommended.
- Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com*

ACTION: Resolution 2008-303 (Olsen/Hawn;unan Keating O’Bryant no) amending Exhibit “I” of Resolution No. 2007-384 to revise the Class Range Table for Executive Management to amend the salary range for City Manager from salary range 1433 (\$12,815 - \$16,019/mo.) to range 1436 (\$13,801 - \$17,251/mo).

ACTION: Resolution 2008-304 (Olsen/Hawn;unan Keating O’Bryant no) amending Exhibit “J” of Resolution No. 2007-384 to revise the Salary Schedule for Executive Management to add salary ranges 1436 to 1441.

ACTION: Resolution 2008-305 (Olsen/Hawn;unan Keating O’Bryant no) authorizing Charter Officers’ Vehicle Allowances in the amount of \$400 to \$500 per month, Executives’ Vehicle Allowances in the amount of \$400 per month, Deputy Directors’ Vehicle Allowances in the amount of \$300 per month and City Manager discretion to grant Vehicle Allowances in the amount of \$100 - \$200 per month to Designated Management positions and rescinding Resolution Nos. 92-348, 92-349, 94-398, 97-605, and 2001-271.

CONSENT

13. Consider approving an Amendment to Agreement with Consolidated CM for Construction Management Services of the Dissolved Air Flotation Facility. (This Amendment brings the Agreement total to \$798,129.48.) (Funding: Wastewater Fund)
- Resolution approving an Amendment to the Agreement with Consolidated CM for Construction Management Services of the Dissolved Air Flotation Facility in the not-to-exceed amount of \$99,413.48, and authorizing the Interim City Manager, or his designee, to execute the Amendment to the Agreement recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2008-306 (Hawn/Olsen;unan) approving an Amendment to the Agreement with Consolidated CM for Construction Management Services of the Dissolved Air Flotation Facility in the not-to-exceed amount of \$99,413.48, and

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

CONSENT

14. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the printing of the Monthly Utility Bill Inserts for the Public Works Department, 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 \$19,000.

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the printing of the Monthly Utility Bill Inserts for the Public Works Department, 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 \$19,000 recommended.

Public Works; Brian MacDonald, 341-2932, bmacdonald@modestogov.com

ACTION: **Resolution 2008-307 (Hawn/Olsen;unan)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the printing of the Monthly Utility Bill Inserts for the Public Works Department, 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 \$19,000.

CONSENT

15. Consider approving the Third Amendment to the On-Call Engineering Agreement with Carollo Engineers in the amount of \$75,000, for a total amount not to exceed \$197,000.

- Resolution approving the Third Amendment to the On-Call Engineering Agreement with Carollo Engineers in the amount of \$75,000, for a total amount not to exceed \$197,000, and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement recommended.
- Resolution authorizing the transfer of \$75,000 from Wastewater Reserves (6210-800-8000-8003) to Operating Account No. 6210-480-5213-0235 to fund the Third Amendment to the On-Call Engineering Agreement with Carollo Engineers recommended.

Public Works; Gary DeJesus, 577-6300, gdejesus@modestogov.com

ACTION: **Resolution 2008-308 (Hawn/Olsen;unan)** approving the Third Amendment to the On-Call Engineering Agreement with Carollo Engineers in the amount of \$75,000, for a total amount not to exceed \$197,000, and authorizing the Interim City Manager, or his designee, to execute the Third Amendment to the Agreement.

ACTION: **Resolution 2008-309 (Hawn/Olsen;unan)** authorizing the transfer of \$75,000 from Wastewater Reserves (6210-800-8000-8003) to Operating Account No. 6210-480-5213-0235 to fund the Third Amendment to the On-Call Engineering Agreement with Carollo Engineers.

CONSENT

16. Consider authorizing the Public Works Department – Wastewater Services Division to perform the bypass operations as necessary for work performed by Union Pacific Railroad at the Seventh Street Trestle per City Charter (Section 1307).
- Resolution authorizing the Public Works Department – Wastewater Services Division to perform the bypass operations as necessary for work performed by Union Pacific Railroad at the Seventh Street Trestle per City Charter (Section 1307) recommended.
 - Resolution authorizing the Public Works Director to negotiate contracts for time and materials work to assist City staff on this Bypass Operations project recommended.
 - Resolution authorizing the transfer of \$200,000 from Wastewater Reserves (6210-800-8000-8003) to Wastewater Operations 6210-480-5212-0235 to fund the contracts for time and materials work for the Bypass Operations Project recommended.
- Public Works; Gary DeJesus, 577-6300, gdejesus@modestogov.com*

ACTION: **Resolution 2008-310 (Hawn/Olsen;unan)** authorizing the Public Works Department – Wastewater Services Division to perform the bypass operations as necessary for work performed by Union Pacific Railroad at the Seventh Street Trestle per City Charter (Section 1307).

ACTION: **Resolution 2008-311 (Hawn/Olsen;unan)** authorizing the Public Works Director to negotiate contracts for time and materials work to assist City staff on this Bypass Operations project.

ACTION: **Resolution 2008-312 (Hawn/Olsen;unan)** authorizing the transfer of \$200,000 from Wastewater Reserves (6210-800-8000-8003) to Wastewater Operations 6210-480-5212-0235 to fund the contracts for time and materials work for the Bypass Operations Project.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

Interim City Manager announced the opening of Neighborhood Center at Marshall Park on June 14, 2008. He also thanked Council for his appointment as Interim City Manager.

HEARINGS

Published in the Modesto Bee on May 8, 2008

17. Hearing to consider the Proposed Fiscal Year 2008-09 Operating Budget and Capital Improvement Program for the City of Modesto.
- Motion acknowledging receipt of the Proposed Fiscal Year 2008-09 Operating Budget and Capital Improvement Program for the City of Modesto recommended.
- Finance; Wayne Padilla, 577-5371, wpadilla@modestogov.com*

ACTION: No action taken.

Published in the Modesto Bee on May 2, 2008—continued from May 13, 2008

18. Hearing to consider authorizing the establishment of Junk Dealers/Recyclers Permit Fees.
- Resolution authorizing the establishment of fees for Junk Dealers/Recyclers Permit Fees recommended.
- Police; Gary Watts, 342-6144, wattsg@modestopd.com*

ACTION: Resolution 2008-313 (Marsh/O'Bryan;unan) authorizing the establishment of fees for Junk Dealers/Recyclers Permit Fees.

19. Hearing to consider a Resolution Determining that the Public Interest and Necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Pelandale Avenue at Sisk/SR 99 Improvement Project. (Bright Development)
- Resolution determining that the Public Interest and Necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Pelandale Avenue at Sisk/SR 99 Improvement Project: Northeast Corner of Pelandale Avenue and Sisk Road, Modesto, California; Assessor's Parcel Number: 135-29-019 recommended.
- Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com*

ACTION: Resolution 2008-314 (Hawn/Keating;unan) determining that the Public Interest and Necessity require the acquisition of certain property interests and directing the filing of eminent domain proceedings for the Pelandale Avenue at Sisk/SR 99 Improvement Project: Northeast Corner of Pelandale Avenue and Sisk Road, Modesto, California; Assessor's Parcel Number: 135-29-019.

Published in the Modesto Bee on May 17, 2008

20. Hearing to consider establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services, effective July 1, 2008, and rescinding Resolution No. 2005-222 and 2005-277.
- Resolution establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services, effective July 1, 2008, and rescinding Resolution No. 2005-222 and 2005-277 recommended.
- Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com*

ACTION: Resolution 2008-315 (O'Bryant/Hawn;unan) establishing passenger fares for all Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) services, effective July 1, 2008, and rescinding Resolution No. 2005-222 and 2005-277.

NEW BUSINESS

21. Consider a request by The Salvation Army for fee waivers and deferrals for the current expansion of the Homeless Shelter located at 320 9th Street.
- Resolution approving a request by The Salvation Army to apply the 2005 water/sewer connection fee rates to the current expansion of the Homeless Shelter located at 320 9th Street recommended.

- Motion approving the formulation of a policy for very-low income housing, shelters and other related non-profit organizations concerning waivers and deferrals of fees. Stay all requests until such a policy has been approved recommended.
Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: **Resolution 2008-316 (Marsh/Olsen;unan)** approving a request by The Salvation Army to apply the 2005 water/sewer connection fee rates to the current expansion of the Homeless Shelter located at 320 9th Street.

ACTION: By Motion (**Marsh/Olsen;unan**) to allow Salvation Army to defer payment of building permit and connection fees for 75 days.

ACTION: By Motion (**Marsh/Olsen;unan**) to request Parks, Recreation & Neighborhoods HUD staff to work with Salvation Army to provide a recommendation to fund pre-development activities related to water/sewer connection and related fee costs.

ACTION: By Motion (**Marsh/Olsen;unan**) approving the formulation of a policy for very-low income housing, shelters and other related non-profit organizations concerning waivers and deferrals of fees. Stay all requests until such a policy has been approved.

22. Consider written correspondence to the County of Stanislaus expressing interest in partnering on an animal shelter and requesting a time extension to any further County action allowing the City to complete necessary due diligence.

- Motion authorizing the Mayor, on behalf of the Council, to send a letter to the Stanislaus County Board of Supervisors requesting an extension of time to allow the City's to explore options for the providing animal sheltering services during which time City staff will continue discussions with the County on the possibility of a Joint Powers Authority for operations of the shelter. The Interim City Manager recommends a 60-90 day period of time recommended.

Police; Gene Balentine, 572-9505, balentineg@modestopd.com

ACTION: By Motion (**Keating/Marsh;unan**) authorizing the Mayor, on behalf of the Council, to send a letter to the Stanislaus County Board of Supervisors requesting an extension of time to allow the City's to explore options for the providing animal sheltering services during which time City staff will continue discussions with the County on the possibility of a Joint Powers Authority for operations of the shelter. The Interim City Manager recommends **up to 120 days** period of time.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:10 p.m.

CLOSED SESSION

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 Improvements, et al. v. City of Modesto, et al.*
United States District Court, Eastern District of California
Case No. CIV-F- 04-6121 REC DLB

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: James E. Niskanen, Interim City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Attorney

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, June 2, 2008, at 5:30 p.m.

Roll Call: Present: Committee members Hawn, Keating, Lopez, Marsh, O'Bryant,
Olsen, Mayor Ridenour
Absent:

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item # 1

CONSENT ITEMS

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

19. Consider supporting the City of Modesto Culture Commission's recommendation to appoint Edward Bearden as the City's Poet Laureate for 2008 through 2010, and forward to City Council for approval.

ACTION:

UNFINISHED BUSINESS

20. Consider supporting a Memorandum of Understanding with the La Loma Neighborhood Association for placement of security cameras on City-owned property, and forward to City Council for consideration and approval. (continued from April 7, 2008)

ACTION:

NEW BUSINESS

3. Consider supporting the preparation of a proposal by the City of Modesto Fire Department to provide emergency and administrative services to the Stanislaus Consolidated Fire Protection District, and forward to City Council for approval.

ACTION:

MATTERS TOO LATE FOR THE AGENDA

FUTURE AGENDA ITEMS

- 37. Status report on contents of administrative citations and penalties ordinance
- 38. Status report on reduction of business hours for the Police Department
- 39. Annual collision report for 2006
- 40. Parks and Parks Security

ADJOURNMENT

This meeting adjourned at pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING*
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday June 03, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Carpenter's House

City Clerk's Announcements- Item 12 Removed from the Agenda
Items 2, 6, 7 & 13 Removed from Consent
Item B Removed from Consent from the RDA Agenda
Item 18 and item C on the RDA Agenda Continued to June
10, 2008.

Declaration of Conflicts of Interest-Keating, Mayor Various CIP projects

Reports from Closed Session: City Attorney Wood gave report on Closed Session items

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider acknowledging restaurants that agreed to "Go Green" by participating in our EPA grant funded pilot program to recycle food waste by composting.
 - Motion acknowledging the restaurants that agreed to "Go Green" by participating in our EPA grant funded pilot program to recycle food waste by composting recommended.

PRN; Karin Rodriguez, 577-5453, krodriquez@modestogov.com

ACTION: Presentation by Karin Rodriguez from Solid Waste on restaurants that agreed to "Go Green" by participating in our EPA grant funded pilot program to recycle food waste by composting.

PUBLIC COMMENT PERIOD

Susan Robinson spoke regarding Animal Shelter.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 16
(Keating/Lopez; Hawn absent)

ACTION CONSENT ITEMS 3,4,5, 8-11, 14-16 (Keating/Lopez; Hawn absent)

ACTION ITEMS 2 - (O’Bryant/Keating; Hawn absent)

ACTION ITEMS 6 - (Marsh/Keating; O’Bryant no, Hawn absent)

ACTION ITEMS 7 – (O’Bryant/Lopez; Hawn absent)

ACTION ITEMS 13 - (Marsh/Keating; Hawn absent)

CONSENT ITEMS

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

REMOVED FROM CONSENT

2. Consider approval of the minutes of the regular City Council meeting on May 27, 2008.
 - Motion approving the minutes of the regular City Council meeting on May 27, 2008 recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: By Motion (**O’Bryant/Keating; Hawn absent**) approving the minutes of the regular City Council meeting on May 27, 2008.

Consent

3. Consider a resolution of the City Council of the City of Modesto acting as the governing body of all of its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes
 - Resolution of the City Council of the City of Modesto acting as the governing body of all its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes recommended.
CED; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: **Resolution 2008-317 (Keating/Lopez; Hawn absent)** of the City Council of the City of Modesto acting as the governing body of all its Community Facilities

Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes.

Consent

4. Consider approving the property acquisition for two parcels adjacent to the intersection of 9th Street and D Street owned by Union Pacific Railroad Company.
 - Resolution approving the property acquisition from Union Pacific Railroad Company and authorizing the Interim City Manager, or his designee, to execute any related property documents as Grantee on behalf of the City of Modesto for the following parcels: Union Pacific Railroad Company (APN: 106-045-003; 106-046-003) recommended.
 - Resolution authorizing the Interim City Manager, or his designee, to sign acceptance forms on behalf of the City of Modesto for this acquisition recommended.
 - Motion authorizing the creation of new Capital Improvement Program Account 0700-160-E002-6030 for the purpose of funding the full cost of the 9th and D Street Property Acquisition Project recommended.

CED; Margaret James, 571-5840, mbjames@modestogov.com

ACTION: **Resolution 2008-318 (Keating/Lopez; Hawn absent)** approving the property acquisition from Union Pacific Railroad Company and authorizing the Interim City Manager, or his designee, to execute any related property documents as Grantee on behalf of the City of Modesto for the following parcels: Union Pacific Railroad Company (APN: 106-045-003; 106-046-003).

ACTION: **Resolution 2008-319 (Keating/Lopez; Hawn absent)** authorizing the Interim City Manager, or his designee, to sign acceptance forms on behalf of the City of Modesto for this acquisition.

ACTION: By Motion (**Keating/Lopez; Hawn absent**) authorizing the creation of new Capital Improvement Program Account 0700-160-E002-6030 for the purpose of funding the full cost of the 9th and D Street Property Acquisition Project.

Consent

5. Monthly Investment Report - April 2008
 - Motion acknowledging receipt and accepting the Monthly Investment Report for April 2008 recommended.

Finance Department; Wayne Padilla, 209-577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Keating/Lopez; Hawn absent**) acknowledging receipt and accepting the Monthly Investment Report for April 2008.

REMOVED FROM CONSENT

6. Water Rate Increase July 2008
 - Consider Minute Order affirming the planned implementation of a 5% Water Rate Increase originally adopted in 2004, to become effective July 1, 2008

recommended.

Finance Department; Wayne Padilla, 209-577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Marsh/Keating; O'Bryant, no, Hawn absent**) approving Minute Order affirming the planned implementation of a 5% Water Rate Increase originally adopted in 2004, to become effective July 1, 2008.

REMOVED FROM CONSENT

7. Consider approving a Standard Consultant Agreement with Shibumi Consulting Services, LLC, in an amount not to exceed \$100,000 per fiscal year, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the HTE Utility Billing System for the Customer Services Division of the Finance Department, and other City departments, beginning fiscal year 2008/2009.

- Resolution approving a Standard Consultant Agreement with Shibumi Consulting Services, LLC, in an amount not to exceed \$100,000 per fiscal year, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the HTE Utility Billing System for the Customer Services Division of the Finance Department, and other City departments, beginning fiscal year 2008/2009; and authorizing the City Manager, or his designee, to execute the agreement recommended.

Finance Department; Diane Rambo, 342-4703, drambo@modestogov.com

ACTION: **Resolution 2008-320 (O'Bryant/Lopez; Hawn absent)** approving a Standard Consultant Agreement with Shibumi Consulting Services, LLC, in an amount not to exceed \$100,000 per fiscal year, to perform support services that include training, rate restructuring, troubleshooting and data extraction from the HTE Utility Billing System for the Customer Services Division of the Finance Department, and other City departments, beginning fiscal year 2008/2009; and authorizing the City Manager, or his designee, to execute the agreement.

Consent

8. Consider establishing a fee of \$37.25 on each delinquent account to recoup in-house pre-collection costs within the Customer Services Division of the Finance Department, effective July 1, 2008.

- Resolution establishing a fee to recoup in-house pre-collection costs within the Customer Services Division of the Finance Department recommended.

Finance Department; Diane Rambo, 342-4703, drambo@modestogov.com

ACTION: **Resolution 2008-321(Keating/Lopez; Hawn absent)** establishing a fee to recoup in-house pre-collection costs within the Customer Services Division of the Finance Department.

Consent

9. Consider establishing a returned check fee within the Customer Services Division of the Finance Department, effective July 1, 2008.

- Resolution establishing a returned check fee within the Customer Services Division of the Finance Department recommended.

Finance Department; Diane Rambo, 342-4703, drambo@modestogov.com

ACTION: Resolution 2008-322 (Keating/Lopez; Hawn absent) establishing a returned check fee within the Customer Services Division of the Finance Department.

Consent

10. Consider acquisition of a parcel at 412 Downey Avenue owned by Brent and Linda Largent (APN: 107-001-002) for the Downey Avenue Affordable Housing Project, in the amount of \$292,000 in Community Development Block Grant Funds and authorizing the City Manager, or his designee, to execute the Certificate of Acceptance and Acceptance Forms.
 - Resolution authorizing the City Manager, or his designee, to execute the Certificate of Acceptance of an offer made to acquire a parcel at 412 Downey Avenue owned by Brent and Linda Largent (APN: 107-001-002) for the Downey Avenue Affordable Housing Project, and authorizing the City Manager, or his designee, to execute the Acceptance Forms for the Grant Deed for the property located at 412 Downey Avenue (APN: 107-001-002) in the amount of \$292,000 in Community Development Block Grant Funds recommended.

PRN; Barbara Kauss, 577-5275, bkauss@modestogov.com

ACTION: Resolution 2008-323 (Keating/Lopez; Hawn absent) authorizing the City Manager, or his designee, to execute the Certificate of Acceptance of an offer made to acquire a parcel at 412 Downey Avenue owned by Brent and Linda Largent (APN: 107-001-002) for the Downey Avenue Affordable Housing Project, and authorizing the City Manager, or his designee, to execute the Acceptance Forms for the Grant Deed for the property located at 412 Downey Avenue (APN: 107-001-002) in the amount of \$292,000 in Community Development Block Grant Funds.

Consent

11. Consider authorizing staff to enter into negotiations with FM Golf and ValleyCrest and to exercise the City of Modesto's right to offer contract extensions with FM Golf and ValleyCrest as of June 30, 2008.
 - Resolution authorizing staff to enter into negotiations with FM Golf and ValleyCrest and to exercise the City of Modesto's right to offer contract extensions to FM Golf and ValleyCrest as of June 30, 2008 recommended.

PRN; Lisa Forester, 577-6480, lforester@modestogov.com

ACTION: Resolution 2008-324 (Keating/Lopez; Hawn absent) authorizing staff to enter into negotiations with FM Golf and ValleyCrest and to exercise the City of Modesto's right to offer contract extensions to FM Golf and ValleyCrest as of June 30, 2008.

REMOVED FROM THE AGENDA

12. Consider approving the plans and specifications for the 2008 Streets Preventive Maintenance Project, accepting the bid and approving a contract with Bond Blacktop, Inc. in the amount of \$262,497.63 and authorizing the City Manager, or his designee,

to execute the contract. (Total estimated cost of this project is \$390,398.59, which includes engineering design, construction contingency, and construction administration.) (Funding Source: Gas Tax)

- Resolution approving the plans and specifications for the 2008 Streets Preventive Maintenance Project, accepting the bid and approving a contract with Bond Blacktop, Inc. in the amount of \$262,497.63 for the 2008 Streets Preventive Maintenance Project, and authorizing the City Manager, or his designee, to execute the contract. Total estimated cost of this project is \$390,398.59, which includes engineering design, construction contingency, and construction administration recommended.
- Resolution increasing the Public Works Director's authority to issue change orders on the 2008 Streets Preventive Maintenance Project from 10 percent (26,249.76) to 25 percent (\$65,624.41) of the original contract price with Bond Blacktop, Inc recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

REMOVED FROM CONSENT

13. Consider approving and authorizing the submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2008/2009 and Claim #2 for Fiscal Year 2007/2008 in the amount of \$9,167,552.
- Resolution approving and authorizing the submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2008/2009 in the amount of \$6,959,832 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager to execute the transit claim recommended.
 - Resolution approving and authorizing the submission of the City's Transportation Development Act Transit Claim #2 for Fiscal Year 2007/2008 in the amount of \$9,167,552 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager to execute the transit claim recommended.

Public Works; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2008-325 (Marsh/Keating; Hawn absent) approving and authorizing the submission of the City's Transportation Development Act Transit Claim for Fiscal Year 2008/2009 in the amount of \$6,959,832 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager to execute the transit claim.

ACTION: Resolution 2008-326 (Marsh/Keating, Hawn absent) approving and authorizing the submission of the City's Transportation Development Act Transit Claim #2 for Fiscal Year 2007/2008 in the amount of \$9,167,552 to the Stanislaus Council of Governments (StanCOG) and authorizing the City Manager to execute the transit claim.

Consent

14. Consider an Amendment to Agreement with Avail Technologies, Inc., in the amount of \$175,600, to increase the Modesto Area Express (MAX) Computer Aided

Dispatch/Automatic Vehicle Location (CAD/AVL) system capability. (Funding Source: Federal Transit Administration and Proposition 1B Transit Funds)

- Resolution approving an Amendment to Agreement with Avail Technologies, Inc., in the amount of \$175,600, for system upgrades to the Modesto Area Express (MAX) Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system capability and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
- Resolution amending the current FY 2007-08 Capital Improvement Program budget for project 6510-165-A044 (Automatic Vehicle Location System) recommended.

Public Works; Bill Latham, 577-5201, blatham@modestogov.com

ACTION: Resolution 2008-327 (Keating/Lopez; Hawn absent) approving an Amendment to Agreement with Avail Technologies, Inc., in the amount of \$175,600, for system upgrades to the Modesto Area Express (MAX) Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system capability and authorizing the City Manager, or his designee, to execute the Amendment to Agreement.

ACTION: Resolution 2008-328 (Keating/Lopez; Hawn absent) amending the current FY 2007-08 Capital Improvement Program budget for project 6510-165-A044 (Automatic Vehicle Location System).

Consent

15. Consider approving the plans and specifications for the Carver Road Sewer Line Replacement Project, accepting the bid and approving a contract with Rolfe Construction in the amount of \$55,840 and authorizing the City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$78,371, which includes engineering design, construction contingency, and construction administration) (Funding source: Wastewater)

- Resolution approving the plans and specifications for the Carver Road Sewer Line Replacement Project, accepting the bid and approving a contract with Rolfe Construction in the amount of \$55,840 for the Carver Road Sewer Line Replacement Project, and authorizing the City Manager, or his designee, to execute the contract. Total estimated cost of this project is \$78,371, which includes engineering design, construction contingency, and construction administration recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2008-329 (Keating/Lopez; Hawn absent) approving the plans and specifications for the Carver Road Sewer Line Replacement Project, accepting the bid and approving a contract with Rolfe Construction in the amount of \$55,840 for the Carver Road Sewer Line Replacement Project, and authorizing the City Manager, or his designee, to execute the contract. Total estimated cost of this project is \$78,371, which includes engineering design, construction contingency, and construction administration.

Consent

16. Consider accepting the Preliminary Design Report for the H Street Rehabilitation from 17th Street to Burney Street, dated January 7, 2008, as complete. (Funding Source: Federal RSTP and Gas Tax)
- Resolution accepting the Preliminary Design Report for the H Street Rehabilitation from 17th Street to Burney Street, dated January 7, 2008, as complete recommended.
- Public Works; Vickey Dion, 209-571-5542, vdion@modestogov.com

ACTION: Resolution 2008-330 (**Keating/Lopez; Hawn absent**) accepting the Preliminary Design Report for the H Street Rehabilitation from 17th Street to Burney Street, dated January 7, 2008, as complete.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager Greg Nyhoff thanked Council and staff for their support.

UNFINISHED BUSINESS

17. Consider approving the City's Fiscal Year 2008-2009 Proposed Operating and Capital Improvement program annual budgets.
- Ordinance approving the Fiscal Year 2008-09 Operating Budgets and Capital Improvement Program (CIP) for the City of Modesto recommended.
 - Resolution implementing various amendments to the FY 2007-08 Operating Budget necessary to maintain the eight percent General Fund reserve recommended.
 - Resolution approving the Mayor's Budget Goals and Budget Principles recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: By Motion (**Keating/Marsh; Hawn absent**) introducing Ordinance 3489-C.S. approving the Fiscal Year 2008-09 Operating Budgets and Capital Improvement Program (CIP) for the City of Modesto as amended to include reductions for Temporary Labor General Plan assistance (\$3,500) and Contract Planner for General Plan work (\$50,000).

ACTION: By Motion (**Marsh/Lopez; Hawn absent, Keating absent due to conflict**) approving the Fiscal Year 2008-09 Operating Budgets and Capital Improvement Program (CIP) for the City of Modesto.

- Downstream improvements Tier 1 (W361)
- Collection system rehabilitation 2006 (B627)

- ACTION:** By Motion (**Keating/Olsen; Hawn absent, Mayor Ridenour absent due to conflict**) approving the Fiscal Year 2008-09 Operating Budgets and Capital Improvement Program (CIP) for the City of Modesto.
- Floyd Ave. between Roselle & Fine (X512)
- ACTION:** **Resolution 2008-331 (Olsen/Marsh; Hawn absent)** implementing various amendments to the FY 2007-08 Operating Budget necessary to maintain the eight percent General Fund reserve.
- ACTION:** **Resolution 2008-332 (Keating/Olsen; Hawn absent)** approving the Mayor's Budget Goals and Budget Principles.

HEARINGS

Published in the Modesto Bee on May 23, 2008; continued to June 10, 2008.

18. Consider approving a Capital Facilities Fees Reimbursement and Exemption Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for 20 multi-family affordable housing units, commonly known as Village One Town Center, located at 3001 Belharbour Drive, and authorizing the City Manager, or his designee, to execute the Agreement.
CEDD; Tina Rocha, 577-5211, troche@modestogov.com

- ACTION:** By Motion (**Keating, Lopez; Hawn absent**) continuing to June 10, 2008.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 pm.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCMA

Agency Negotiators: Greg Nyhoff, City Manager
James E. Niskanen, Parks, Recreation and
Neighborhoods Director
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MCEA

Agency Negotiators: Greg Nyhoff, City Manager
James E. Niskanen, Parks, Recreation and
Neighborhoods Director
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code) – MPNSA

Agency Negotiators: Greg Nyhoff, City Manager

James E. Niskanen, Parks, Recreation and
Neighborhoods Director
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

(Pursuant to Section 54956.8 of the Government Code)

Property: Acquisition in fee of two (2) real properties located at
or near the intersection of 9th Street and D Street,
Modesto, California

APN: 106-045-003 and 106-046-0030

Union Pacific Railroad Company, Owner

Negotiating parties: Richard Gooch, Union Pacific Railroad Company, for
Owner

Richard B. Evans, Senior Deputy City Attorney and
Linda Boston, Business Development Manager,
for City of Modesto

Under negotiation: Price and terms of sale of property.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Pursuant to Section 54957(b)(1) of the Government Code)

Title: City Attorney

AGENDA

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**

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

Thursday, June 5, 2008 at 5:30 p.m.

Roll Call: Present: Chairman Hawn, Vice-Chair Olsen, Councilmember Marsh
Absent: None

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #3

CONSENT ITEMS

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

24. Consider recommended budget adjustments for the month of May 2008 and refer to City Council for approval.

ACTION: Marsh/Olsen; unanimous.

25. Consider receiving informational update regarding the pay-per-space meters located in the Centre Plaza parking lots at 9th and J Street, and 9th and I Street.

ACTION: Marsh/Olsen; unanimous.

26. Consider receiving informational update on status of major wastewater projects.

ACTION: Marsh/Olsen; unanimous.

NEW BUSINESS

27. Consider staff report regarding water metering of Community Garden located at 727 Sutter Avenue and direction requested.

ACTION: Staff advised the Committee that the West Modesto King-Kennedy Collaborative and the Central Baptist Church had developed a partnership which alleviated the immediate concern related to water metering of the community garden. No further action was taken.

28. Consider recommendation to approve changing the lobby hours for the Customer Services Division of the Finance Department to be open to the public from 8:30 a.m. to 4:30 p.m., Monday through Friday, and forward to City Council for approval.

ACTION: Marsh/Olsen; unanimous.

29. Consider staff recommendation that no changes be made to the local vendor preference provisions of the Modesto Municipal Code, and forward to City Council for approval.

ACTION: Committee recommended that Council consider retaining the 2% local vendor preference for vehicle purchases but that the local vendor preference percentage for all other purchases is increased to three percent. Further, the Committee recommended that the local vendor preference be extended to businesses residing outside the city's limits but inside the city's sphere of influence.

30. Consider recommendation to approve an agreement with Camp, Dresser & McKee to conduct a peer review of the updated Water System Engineer's Report and the Water Rate and Capacity Charge Study for a maximum total of \$50,300, forward to City Council for approval and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Marsh/Olsen; unanimous.

31. Consider recommendation to implement a 30 percent (30%) wastewater rate increase effective July 1, 2008 in lieu of the 45 percent (45%) maximum increase previously adopted, and forward to City Council for adoption.

ACTION: Marsh/Olsen; unanimous. During discussion of this item, representatives from the wet industries asked the Committee to consider appointing an advisory committee to the wastewater rate taskforce. The City Manager will discuss this concept with those representatives and return to the Committee at an unspecified future date with a recommendation.

32. Consider recommending to the City Council that a public hearing be conducted to consider establishing a fee of \$72.00 for the issuance of Tow Truck Driver Permits and a fee of \$95 for the inspection of tow trucks, as required under the terms of the non-exclusive non-consensual franchise towing services agreement.

ACTION: Olsen/Marsh; unanimous.

33. Consider recommendation to approve the proposed Fiscal Year 2009 Redevelopment Agency Operating and Capital Improvement Program Budget, and forward to the Modesto Redevelopment Agency for adoption.

ACTION: Olsen/Marsh; unanimous. The Committee also requested that the Community & Economic Development Department (CEDD) Director see if there is expertise within CEDD to move the Modesto Arch capital improvement project forward in a timelier manner. The Director will return to the Finance Committee with an update at the next Finance Committee meeting (June 23, 2008).

MATTERS TOO LATE FOR THE AGENDA

ADJOURNMENT

This meeting adjourned at 7:35 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday June 10, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk’s Announcements – Item 17 – Removed from Consent
Item 20 – continued to June 24, 2008

Declaration of Conflicts of Interest - Item 19 - Hawn

Reports from Closed Session – No Closed Session

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by StanCog regarding Stanislaus County Regional Blueprint.
*Community & Economic Development; Patrick Kelly, 209-577-5267,
pkelly@modestogov.com*

ACTION: Presentation made by Vince Harris, Executive Director of StanCog, regarding the
Stanislaus County Regional Blueprint.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 17

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

ACTION ITEM 17: (Hawn/Marsh;unan); (Olsen/Lopez;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 final adoption of **Ordinance No. 3489-C.S.** adopting the 2008-09 Annual and Multi Year Operating Budgets and the 2008-09 Capital Improvement Program for the City of Modesto and the Related Inter-Fund Transfers.
 - Motion approving the final adoption of **Ordinance No. 3489-C.S.** adopting the 2008-09 Annual and Multi Year Operating Budgets and the 2008-09 Capital Improvement Program for the City of Modesto and the Related Inter-Fund Transfers recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) approving the final adoption of **Ordinance No. 3489-C.S.** adopting the 2008-09 Annual and Multi Year Operating Budgets and the 2008-09 Capital Improvement Program for the City of Modesto and the Related Inter-Fund Transfers.

Consent

3. Consider approving the minutes of the regular City Council meeting of June 3, 2008.
 - Motion approving recommended.

City Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) approving the minutes of the regular City Council meeting of June 3, 2008.

Consent

4. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and adoption of a resolution of intention to levy and collect assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on the proposed assessments to be held on August 6, 2008.
 - Motion approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 – 6 recommended.
 - Resolution of Intention to levy and collect assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on the proposed assessments to be held on August 6, 2008 recommended.

Community & Economic Development; Melinda Evans, 342-4712, mevans@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan**) approving the City Engineer's Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 - 6.

ACTION: Resolution 2008-333 (Hawn/Lopez;unan) of Intention to levy and collect assessments for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6, and setting a public hearing on the proposed assessments to be held on August 6, 2008.

Consent

5. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivisions and Yosemite Meadows Subdivision Units 1 & 2, and adoption of a 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 Units 1 & 2; and setting a public hearing on the proposed assessments to be held on August 6, 2008.
- Motion approving the City 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 Units 1 & 2 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 Units 1 & 2; and setting a public hearing on the proposed assessments to be held on August 6, 2008 recommended.

Community & Economic Development; Melinda Evans, 342-4712, mevans@modestogov.com

ACTION: By Motion (Hawn/Lopez;unan) approving the City 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 Units 1 & 2

ACTION: Resolution 2008-334 (Hawn/Lopez;unan) 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 Units 1 & 2; and setting a public hearing on the proposed assessments to be held on August 6, 2008.

Consent

6. Consider amending Resolution No. 2008-052 titled, "A Resolution approving the Final Map, Accepting the Public Improvements for the Graham Estates Subdivision in the Village One specific plan area of the City of Modesto, authorizing the City Manager to execute a subdivision agreement with Graham Estates, LLC", to include language approving the Abandonment of the 10-Foot City of Modesto Public Utility Easement along the east property line, and the 10-foot City of Modesto Irrigation Easement along the west property line per the Final Map.
- Resolution amending Resolution No. 2008-052 titled, "A resolution approving the Final Map and accepting the public improvements for the Graham Estates Subdivision in the Village One Specific Plan Area of the City of Modesto,

authorizing the City Manager to execute a subdivision agreement with Graham Estates, LLC”, to include language approving the abandonment of the 10-foot City of Modesto Public Utility Easement along the east property line and the 10-foot City of Modesto Irrigation Easement along the west property line per the Final Map recommended.

Community & Economic Development; Melinda Evans, 342-4712, mevans@modestogov.com

ACTION: Resolution 2008-335 (Hawn/Lopez;unan) amending Resolution No. 2008-052 titled, “A resolution approving the Final Map and accepting the public improvements for the Graham Estates Subdivision in the Village One Specific Plan Area of the City of Modesto, authorizing the City Manager to execute a subdivision agreement with Graham Estates, LLC”, to include language approving the abandonment of the 10-foot City of Modesto Public Utility Easement along the east property line and the 10-foot City of Modesto Irrigation Easement along the west property line per the Final Map.

Consent

7. Consider authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing for public auction services of City property, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City.
- Resolution authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing for public auction services of City property, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City recommended.

Finance Department; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2008-336 (Hawn/Lopez;unan) authorizing the Purchasing Manager to issue formal Request for Proposals (RFP) for the furnishing for public auction services of City property, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City.

Consent

8. Consider approving the Monthly Budget Adjustment for June 2008.
- Resolution amending the FY 2007-2008 annual budget recommended.

Finance; Wayne Padilla, 209-577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-337 (Hawn/Lopez;unan) amending the FY 2007-2008 annual budget.

Consent

9. Consider establishing the 2008-2009 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation.
- Resolution establishing the 2008-2009 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation recommended.

Finance; Wayne Padilla, 577-2369, wpadilla@modestogov.com

ACTION: Resolution 2008-338 (Hawn/Lopez;unan) establishing the 2008-2009 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation.

Consent

10. Consider authorizing the Finance Director to amend the FY 2007-2008 Gas Tax, Local Transportation and Capital Grant fund budgets to recognize current estimates for revenue and expenses.
- Resolution authorizing the Finance Director to amend the FY 2007-2008 Gas Tax, Local Transportation and Capital Grant fund budgets to recognize current estimates for revenue and expenses recommended.

Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-339 (Hawn/Lopez;unan) authorizing the Finance Director to amend the FY 2007-2008 Gas Tax, Local Transportation and Capital Grant fund budgets to recognize current estimates for revenue and expenses.

Consent

11. Consider approving an additional sixty (60) day extension to a 6-month provisional appointment for Lisa Baysinger as Accountant I in the Finance Department.
- Resolution approving an additional sixty (60) day extension to a 6-month provisional appointment for Lisa Baysinger as Accountant I in the Finance Department recommended.

Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-340 (Hawn/Lopez;unan) approving an additional sixty (60) day extension to a 6-month provisional appointment for Lisa Baysinger as Accountant I in the Finance Department.

Consent

12. Consider approving an amendment to CalPERS contract to exclude Councilmembers from membership in Retirement System
- Resolution of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council 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 (CalPERS) to exclude City Council members from CalPERS membership recommended.

Personnel; Robin Renwick, , rrenwick@modestogov.com

ACTION: Resolution 2008-341 (Hawn/Lopez;unan) of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of Modesto.

ACTION: By Motion (**Hawn/Lopez;unan**) introducing **Ordinance 3490-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 (CalPERS) to exclude City Council members from CalPERS membership.

Consent

13. Consider approving an Agreement with Modesto City Schools for eight (8) Modesto Police Officers/School Resource Officers (SROs) at Beyer, Davis, Downey, Johansen, Modesto, and Enochs High Schools, Elliott Alternative Education Center, and LaLoma, Mark Twain, Hanshaw and Roosevelt Junior High Schools.
- Resolution approving an agreement between the City of Modesto and Modesto City Schools in the amount of \$449,295 for the provision of eight Modesto Police Officers/School Resource Officers (SROs) to provide direct law enforcement services, campus supervisor training, in services, and consultations with site staff and District administrators, and act as a liaison between the Modesto Police Department and Modesto City Schools, and authorizing the City Manager, or his designee, to execute the agreement recommended.
- Police Department; Pat Kimes, 572-9565, kimesp@modestopd.com*

ACTION: **Resolution 2008-342 (Hawn/Lopez;unan)** approving an agreement between the City of Modesto and Modesto City Schools in the amount of \$449,295 for the provision of eight Modesto Police Officers/School Resource Officers (SROs) to provide direct law enforcement services, campus supervisor training, in services, and consultations with site staff and District administrators, and act as a liaison between the Modesto Police Department and Modesto City Schools, and authorizing the City Manager, or his designee, to execute the agreement.

Consent

14. Consider approving the plans and specifications for the Phase 1A Tertiary Wastewater Treatment Project Oxidation Ditch Aeration and Mixing Equipment Procurement, accepting the bid and approving a \$323,533.00 contract with WesTech Engineering, Inc., and authorizing the City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$24,911,808, which includes design, design support during construction, program management, construction management services, and equipment pre-purchase). (Funding source: Wastewater)
- Resolution approving the plans and specifications for the project titled "Phase 1A Tertiary Wastewater Treatment Project Oxidation Ditch Aeration and Mixing Equipment Procurement," accepting the bid and approving a \$323,533 contract with WesTech Engineering, Inc. for the "Phase 1A Tertiary Wastewater Treatment Project Oxidation Ditch Aeration and Mixing Equipment Procurement," and authorizing the City Manager, or his designee, to execute the contract recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

ACTION: **Resolution 2008-343 (Hawn/Lopez;unan)** approving the plans and specifications for the project titled "Phase 1A Tertiary Wastewater Treatment Project Oxidation Ditch Aeration and Mixing Equipment Procurement," accepting

the bid and approving a \$323,533 contract with WesTech Engineering, Inc. for the "Phase 1A Tertiary Wastewater Treatment Project Oxidation Ditch Aeration and Mixing Equipment Procurement," and authorizing the City Manager, or his designee, to execute the contract.

Consent

15. Consider approving an Amendment to Agreement with ICM Group, Inc. for Construction Management Services of the Virginia Corridor Phase III with Downstream Water System Improvements Project in the not-to-exceed amount of \$12,517.50, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement. (This Amendment brings the Agreement total to \$138,841.50). (Funding Source: Capital Grants)
- Resolution approving an Amendment to the Agreement with ICM Group, Inc. for Construction Management Services of the Virginia Corridor Phase III with Downstream Water System Improvements Project, in the not-to-exceed amount of \$12,517.50, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2008-344 (Hawn/Lopez;unan) approving an Amendment to the Agreement with ICM Group, Inc. for Construction Management Services of the Virginia Corridor Phase III with Downstream Water System Improvements Project, in the not-to-exceed amount of \$12,517.50, and authorizing the City Manager, or his designee, to execute the Amendment to the Agreement.

Consent

16. Consider approving the plans and specifications for the Rose Avenue Sewer Manhole Installation project, accepting the bid and approving a contract with Preston Pipelines, Inc. in the amount of \$24,000, and authorizing the City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$35,700, which includes engineering design support, construction contingency, and construction administration). (Funding Source: Wastewater)
- Resolution approving the plans and specifications for the Rose Avenue Sewer Manhole Installation project, accepting the bid and approving a contract with Preston Pipelines, Inc., in the amount of \$24,000, for the Rose Avenue Sewer Manhole Installation project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Public Works; William Wong, 209-571-5801, wwong@modestogov.com*

ACTION: Resolution 2008-345 (Hawn/Lopez;unan) approving the plans and specifications for the Rose Avenue Sewer Manhole Installation project, accepting the bid and approving a contract with Preston Pipelines, Inc., in the amount of \$24,000, for the Rose Avenue Sewer Manhole Installation project, and authorizing the City Manager, or his designee, to execute the contract.

REMOVED FROM CONSENT

17. Consider accepting an Airport Improvement Program (AIP) grant offer (AIP Project

No. 3-06-0153-32) in the amount of \$1,045,000 from the Federal Aviation Administration to fund “preparing the design for rehabilitating the general-aviation apron and improving Runway 10R/28L safety areas, and to acquire a 1,500 gallon aircraft rescue and firefighting (ARFF) vehicle”, and authorizing the City Manager, or his designee, to execute the acceptance of the grant on behalf of the City

- Resolution accepting an Airport Improvement Program (AIP) grant offer (AIP Project No. 3-06-0153-32) in the amount of \$1,045,000 from the Federal Aviation Administration to fund “preparing the design for rehabilitating the general-aviation apron and improving Runway 10R/28L safety areas, and to acquire a 1,500 gallon aircraft rescue and firefighting (ARFF) vehicle”, and authorizing the City Manager, or his designee, to execute the acceptance of the grant on behalf of the City recommended.

Public Works; Jerome Thiele, 577-5319, jthiele@modestogov.com

ACTION: By Motion (**Hawn/Marsh;unan**) agreeing to take immediate action on this item and agreeing to take immediate action after the Agenda was posted.

ACTION: By Motion (**Hawn/Marsh;unan**) agreeing to amend this item and directing acceptance of Grant No. 2 be included.

ACTION: **Resolution 2008-346 (Olsen/Lopez;unan)** accepting an Airport Improvement Program (AIP) grant offer (AIP Project No. 3-06-0153-32) in the amount of \$1,045,000 from the Federal Aviation Administration to fund “preparing the design for rehabilitating the general-aviation apron and improving Runway 10R/28L safety areas, and to acquire a 1,500 gallon aircraft rescue and firefighting (ARFF) vehicle”, and authorizing the City Manager, or his designee, to execute the acceptance of the grant on behalf of the City.

ACTION: By Motion (**Olsen/Lopez;unan**) making a finding of necessity to consider a second Airport Improvement Program Grant Offer in the amount of \$237,500, due to a short return time required by the Federal Aviation Administration (FAA).

ACTION: **Resolution 2008-347 (Olsen/Lopez;unan)** accepting an Airport Improvement Program Grant Offer in the amount of \$237,500 and authorizing the City Manager, or his designee, to execute the acceptance of the grant on behalf of the City.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff announced the opening of the Neighborhood Center at Marshall Park on Saturday.

UNFINISHED BUSINESS

18. Consider approving a wastewater rate increase effective July 1, 2008 that is less than the originally adopted rate increase. Staff is recommending an approximately 30% increase compared to the 45% rate increase that was adopted last year. (Funding Source: Wastewater Fund)
- Resolution approving a wastewater rate increase effective July 1, 2008 that is less than the originally adopted rate increase. Staff is recommending an approximately 30% increase compared to the 45% rate increase that was adopted last year recommended.
- Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

ACTION: **Resolution 2008-348 (Marsh/Hawn;unan)** approving a wastewater rate increase effective July 1, 2008 that is less than the originally adopted rate increase. Staff is recommending an approximately 30% increase compared to the 45% rate increase that was adopted last year.

HEARINGS

*Councilmember Hawn absent due to conflict of interest
Published in the Modesto Bee on May 16, 2008*

19. Hearing to consider a Third Amendment to the Development Agreement by and between the City of Modesto and Kaiser Foundation Hospitals to modify funding and construction provisions for Bangs/American intersection and revise timing of City-build traffic improvements in conjunction with the completion of the hospital located on the west side of Dale Road north of Bangs Avenue and south of Health Care Way.
- Motion introducing an Ordinance approving the Development Agreement Between the City of Modesto and Kaiser Foundation Hospitals related to development of a medical center on property located on the west side of Dale Road north of Bangs Avenue and south of Healthcare Way.
- Community & Economic Development; Philip Reed, 577-5267,
preed@modestogov.com*

ACTION: By Motion (**Olsen/Lopez;unan Hawn absent**) **introducing Ordinance 3491-C.S.** approving the Third Amendment to the Development Agreement Between the City of Modesto and Kaiser Foundation Hospitals related to development of a medical center on property located on the west side of Dale Road north of Bangs Avenue and south of Healthcare Way. (Kaiser Foundation Hospitals)

*Published in the Modesto Bee on May 23, 2008; continued from June 3, 2008; **continued to June 24, 2008***

20. Hearing to consider approving a Capital Facilities Fees Reimbursement and Exemption Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for 20 multi-family affordable housing units, commonly known as Village One Town Center, located at 3001 Belharbour Drive, and authorizing the City Manager, or his designee, to execute the Agreement.
- Community & Economic Development Department; Amy Gedney, 577-5211,*

agedney@modestogov.com

ACTION: Hearing continued to June 24, 2008.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 pm.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT-CANCELLED

(Pursuant to Sections 54954.5 and 54957 of the Government Code)

Title: Status of City Auditor Recruitment

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

Monday, June 16, 2008, 10:00 a.m.

Roll Call: Present - Councilmembers Keating, O'Bryant, Mayor Ridenour
Absent - None

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

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item # 1

CONSENT ITEMS

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

CONSENT

1. Consider receiving Travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q3 (January, February & March 2008).

ACTION: Motion (**O'Bryant/Keating;unan**) approving the Travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q3 (January, February & March 2008).

NEW BUSINESS

2. Consider reviewing the annual financial statement reports from Maze & Associates for City of Modesto Tuolumne River Regional Park, Transportation Development Act Funds, Single Audit, Memorandum of Internal Control Structure (Management Letter), Comprehensive Annual Financial Report (CAFR), Gann report, Redevelopment Agency, Abandoned Vehicle Abatement Program, Public Works Audit, and forward to City Council for acceptance.

ACTION: Motion (**Keating/Mayor Ridenour;unan**) directing staff to return to the next Audit Committee meeting in 60-90 days for the express purpose of providing an in-depth analysis of findings and recommendations made in the Public Works Agreed Upon Procedures Report.

ACTION: Motion (**Keating/O'Bryant;unan**) accepting the annual financial statement reports from Maze & Associates for City of Modesto Tuolumne River Regional Park, Transportation Development Act Funds, Single Audit, Memorandum of Internal Control Structure (Management Letter), Comprehensive Annual Financial Report (CAFR), Gann report, Redevelopment Agency, Abandoned Vehicle Abatement Program, Public Works Audit, and forward to City Council for acceptance.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:30 a.m.

MINUTES

City of Modesto
**Special Finance Committee Meeting/
Special City Council Workshop Meeting**

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Monday, June 23, 2008 at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh, Olsen
Absent -

Also Present - Mayor Ridenour

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

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #3

CONSENT ITEMS

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

CONSENT

1. Consider recommended budget adjustments for the month of June 2008 and refer to City Council for approval.

ACTION: Motion (**Olsen/Marsh;unan**) recommend forwarding to Council for approval.

CONSENT

2. Consider recommendation authorize the Purchasing Manager to issue a Request for Proposals for banking services, and forward to City Council for approval.

ACTION: Removed from Agenda.

CONSENT

3. Consider recommendation to authorize the Purchasing Manager to conduct sole source acquisitions with: (1) Sungard HTEVAR to purchase an IBM Power6 Model M25 server and provide migration and training services/supplies for the existing system for an

estimated total cost of \$112,010.00, and (2) Sungard HTE to purchase the Naviline web upgrade, migration and training services for Sungard THE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$85,000, and forward to City Council for approval.

ACTION: Motion (**Olsen/Marsh;unan**) recommend forwarding to Council for approval.

NEW BUSINESS

4. Consider a verbal report from Bill Bassitt on the activities of the Alliance.

ACTION: Bill Bassitt gave presentation on the activities and accomplishments of the Alliance.

5. Consider recommendation to establish a Business License Application Fee for processing new and reactivated business licenses, and forward to City Council for approval.

ACTION: Motion (**Marsh/Hawn; majority Olsen no**) recommend forwarding to City Council for approval.

6. Consider staff report on recommended enhancements to the Business License Code enforcement efforts in the Customer Services Division of the Finance Department and forward to the City Council for consideration.

ACTION: Motion (**Marsh/Olsen;unan**) implementing Business Code Enforcement effort and return to Committee with status report in 6 months and complete evaluation in one year.

7. Consider staff recommendation to approve a project to construct a Modesto Area Express (MAX) fare deposit facility on City property, authorize staff to solicit design and construction proposals, and forward to City Council for approval.

ACTION: Motion (**Olsen/Marsh;unan**) recommend forwarding to City Council for approval.

8. Consider authorizing staff to develop a 5-year lease agreement with Civic Partners, Modesto, Inc., for the Transit Division to occupy office space on the first floor of Tenth Street Place at a rental rate of approximately \$64,500 annually and a one-time tenant improvement expense of approximately \$105,000, and forward to City Council for presentation and consideration.

ACTION: Motion (**Olsen/Marsh;unan**) recommend forwarding to City Council for presentation and consideration.

9. Consider recommendation to appoint members to the 2008 Lease Revenue and Capital Improvement Bond Debt Refinancing Team, approve an agreement for Bond Disclosure Counsel Services with Stradling, Yocca, Carlson and Rauth, approve and agreement for Bond Counsel Services with Sidley Austin, LLC, forward to City Council for approval and authorizing the City Manager or his designee to execute the agreements.

ACTION: Motion (**Marsh/Olsen;unan**) recommend forwarding to City Council for approval and authorizing the City Manager or his designee to execute the agreements.

10. Consider staff report, discussion and policy direction regarding possible voluntary employee work furloughs and possible business closure of City offices between the Christmas and New Year's holidays.

ACTION: Motion (Olsen/Marsh;unan) recommending City Manager to review one-day furlough for December 24 and return to the Finance Committee.

11. Consider staff report, discussion and policy direction regarding the City's Management and Confidential leave benefits and provide direction.

ACTION: Motion (**Olsen/ Marsh; unan**) directing the City Manager to evaluate the subject of management and confidential leave, options within or outside of employee contracts, review of employees receiving management and confidential leave, and return to the Finance Committee in 60 days with findings.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:10 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 01, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Jeff Norman, Modesto Covenant Church

City Clerk's Announcements – Item 24 – continued to July 8, 2008

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation proclaiming July 7 through 13, 2008 as Healthy Air Living Week. (Funding Source: Not applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented a Proclamation proclaiming July 7 through 13, 2008 as Healthy Air Living Week.

PUBLIC COMMENT PERIOD

Frank Johnson, Vice President of NAACP, spoke regarding harassment by the Modesto Police Department and requested to be put on the next Council Agenda.

Salvador Rivera spoke as a member of the Community regarding harassment by the Modesto Police Department.

Tony Hernandez, former Vice President of Most Envied Motorcycle Club, spoke regarding harassment by the Modesto Police Department.

John Mataka, identifying himself as legal redress for the NAACP of Stanislaus County, spoke regarding harassment and racial profiling of the Most Envied Motorcycle Club by the Modesto Police Department.

Luis, President of the Most Envied Motorcycle Club, spoke regarding the harassment by the Modesto Police Department.

Fire Chief Jim Miguel spoke regarding illegal fireworks in Modesto on the 4th of July; citations will be \$750 for illegal fireworks. Call 552-3911 regarding illegal fireworks.

Pastor Louis spoke regarding a conditional use permit for a transition house and was referred to Brent Sinclair, Director of Community & Economic Development.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 19

ACTION CONSENT ITEMS 2-19: (Hawn/Lopez;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 regular City Council meeting of June 24, 2008. (Funding Source: Not applicable)
 - Motion approving recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) approving the minutes of the regular City Council meeting of June 24, 2008.

Consent

3.
 - A. Consider approving final adoption of Ordinance No. 3490-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 (CalPERS) to exclude City Council members from CalPERS membership.
 - B. Consider approving final adoption of Ordinance No. 3492-C.S. Amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Relating to Entertainment. (Funding Source: Not applicable)
 - Motion approving final adoption of Ordinance No. 3490-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 (CalPERS) to exclude City Council members from CalPERS membership recommended.
 - Motion approving final adoption of Ordinance No. 3492-C.S. Amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Relating to Entertainment recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) approving final adoption of **Ordinance No. 3490-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 (CalPERS) to exclude City Council members from CalPERS membership.

ACTION: By Motion (**Hawn/Lopez;unan**) approving final adoption of **Ordinance No. 3492-C.S.** amending Article 4 of Chapter 1 of Title 4 of the Modesto Municipal Code Relating to Entertainment.

Consent

4. Consider adopting the selection of the Short-list of On-call Environmental Service Providers. (Funding Source: Not Applicable)
- Resolution approving the selection of environmental service providers to prepare environmental impact reports and perform other related environmental services for a period of four years recommended.
- Community and Economic Development; Paul Liu, 577-5267, pliu@modestogov.com*

ACTION: **Resolution 2008-385 (Hawn/Lopez;unan)** approving the selection of environmental service providers to prepare environmental impact reports and perform other related environmental services for a period of four years.

Consent

5. Consider accepting the public improvements for road improvements related to the Modesto Endoscopy Center located in the Village One Specific Plan Area in the City of Modesto, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods. (Funding Source: Not Applicable)
- Resolution accepting Public Improvements for Road Improvements related to the Modesto Endoscopy Center on Sylvan Avenue and Bob's Way located in the Village One Specific Plan Area of the City of Modesto, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.
- Community & Economic Development; Robert Davalos, 209-577-5253, rdavalos@modestogov.com*

ACTION: **Resolution 2008-386 (Hawn/Lopez;unan)** accepting Public Improvements for Road Improvements related to the Modesto Endoscopy Center on Sylvan Avenue and Bob's Way located in the Village One Specific Plan Area of the City of Modesto, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

6. Consider approving a Deferred Payment Agreement and Notice of Lien with Armando Gonzalez, Luis Javier Gonzalez and Refugio Gonzalez, and Jaime and Veronica Gonzalez for the payment of \$10,022.40 in Capital Facilities Fees due at the time of building permit issuance and \$40,089.60 plus interest in no more than five (5) annual

installments and authorizing the City Manager or designee to execute the Agreement.
(Funding Source: Not Applicable - CFF revenue generation)

- Resolution approving a Deferred Payment Agreement and Notice of Lien with Armando Gonzalez, Luis Javier Gonzalez and Refugio Gonzalez, and Jaime and Veronica Gonzalez for the payment of \$10,022.40 in Capital Facilities Fees due at the time of building permit issuance and \$40,089.60 plus interest in no more than five (5) annual installments and authorizing the City Manager or designee to execute the Agreement recommended.

*Community & Economic Development; Amy Gedney, 571-5501,
agedney@modestogov.com*

ACTION: **Resolution 2008-387 (Hawn/Lopez;unan)** approving a Deferred Payment Agreement and Notice of Lien with Armando Gonzalez, Luis Javier Gonzalez and Refugio Gonzalez, and Jaime and Veronica Gonzalez for the payment of \$10,022.40 in Capital Facilities Fees due at the time of building permit issuance and \$40,089.60 plus interest in no more than five (5) annual installments and authorizing the City Manager or designee to execute the Agreement.

Consent

7. Consider acknowledging receipt of 2006-2007 Annual Reports for the City of Modesto Community Facilities Districts. (Funding Source: CFD 1996-1 (Village One), CFD 1998-2 (Carver-Bangs/Pelandale-Snyder), CFD 2000-2 (Coffee-Claratina), CFD 2002-1 (NorthPointe), CFD 2003-1 (Fairview Village) and CFD 2004-1 (Village One #2))
 - Motion acknowledging receipt of 2006-2007 Annual Reports for the City of Modesto Community Facilities Districts recommended.

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

ACTION: By Motion (**Hawn/Lopez;unan**) acknowledging receipt of 2006-2007 Annual Reports for the City of Modesto Community Facilities Districts.

Consent

8. Consider authorizing the award of bid and contracts for the furnishing of water well and tank site painting services for the Public Works Department, Water Division to D.C. Vient, Inc., Modesto, CA, as the “primary” contractor, and Pacific Maintenance Co., Santa Clara, CA, as the “secondary” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$35,000. (Funding Source: Water Fund)
 - Resolution authorizing the award of bid and contracts for the furnishing of water well and tank site painting services for the Public Works Department, Water Division to D.C. Vient, Inc., Modesto, CA, as the “primary” contractor, and Pacific Maintenance Co., Santa Clara, CA, as the “secondary” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$35,000 recommended.

Finance Department; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Resolution 2008-388 (Hawn/Lopez;unan) authorizing the award of bid and contracts for the furnishing of water well and tank site painting services for the Public Works Department, Water Division to D.C. Vient, Inc., Modesto, CA, as the “primary” contractor, and Pacific Maintenance Co., Santa Clara, CA, as the “secondary” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$35,000.

Consent

9. Consider the Monthly Budget Adjustment Report for July 2008. (Funding Source: Various Funds)
- Resolution amending the FY 2007-2008 annual budget recommended.
Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-389 (Hawn/Lopez;unan) amending the FY 2007-2008 annual budget.

Consent

10. Consider approving a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus PRIDE Day festival, to be held on September 27, 2008, from 10:00 a.m. to 6:00 p.m. (Funding Source: Not Applicable)
- Resolution approving a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus PRIDE Day festival, to be held on September 27, 2008, from 10:00 a.m. to 6:00 p.m. recommended.
Parks, Recreation and Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Resolution 2008-390 (Hawn/Lopez;unan) approving a request from Stanislaus Pride Center for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus PRIDE Day festival, to be held on September 27, 2008, from 10:00 a.m. to 6:00 p.m.

Consent

11. Consider approving a request from The Association of United Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 4, 2008, from 9:00 a.m. to 6:00 p.m. (amplified music from 10:00 am - 3:00 p.m. only) (Funding Source: Not Applicable)
- Resolution approving a request from The Association of United Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 4, 2008, from 9:00 a.m. to 6:00 p.m. (amplified music from 10:00 am - 3:00 p.m. only) recommended.
Parks, Recreation and Neighborhoods; Mary Otten, 571-5863, motten@modestogov.com

ACTION: Resolution 2008-391 (Hawn/Lopez;unan) approving a request from The Association of United Pagans for amplified music at Mancini Bowl, Graceada Park, for their annual Stanislaus Pagan Unity Festival, to be held on October 4, 2008, from 9:00 a.m. to 6:00 p.m. (amplified music from 10:00 am - 3:00 p.m. only)

Consent

12. Consider revising the Position Classification Plan for the City of Modesto to amend the job specification for the classification of Water Conservation Specialist. (Funding Source: Not applicable)
- Resolution revising the Position Classification Plan for the City of Modesto to amend the job specification for the classification of Water Conservation Specialist recommended.
- Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

ACTION: Resolution 2008-392 (Hawn/Lopez;unan) revising the Position Classification Plan for the City of Modesto to amend the job specification for the classification of Water Conservation Specialist.

Consent

13. Consider accepting the work by Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line 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 \$105,254.45. (Total project cost is \$215,049.78, which included construction contingency, engineering design and construction administration.) (Funding Source: Development Contribution)
- Resolution accepting the work by Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line 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 \$105,254.45 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: Resolution 2008-393 (Hawn/Lopez;unan) accepting the work by Clyde Wheeler Pipeline, Inc. for the “Modesto Irrigation District – Irrigation Line 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 \$105,254.45.

Consent

14. Consider approving an Agreement with Associated Right of Way Services, Inc. for Acquisition Services for portions of up to 7 parcels for the Emerald Trunk Rehabilitation Project, in the not-to-exceed amount of \$68,500, for the identified scope of services, plus \$6,850 for additional services (if needed) for a maximum total amount of \$75,350, and authorizing the City Manager, or his designee, to execute the Agreement. Consider amending the FY08/09 Capital Improvement Program budget in

order to fully fund the Agreement with Associated Right of Way Services, Inc.
(Funding Source: Wastewater)

- Resolution approving an Agreement with Associated Right of Way Services, Inc. (AR/WS) for Acquisition Services for portions of up to 7 parcels for the Emerald Trunk Rehabilitation Project, in the not-to-exceed amount of \$68,500, for the identified scope of services, plus \$6,850 for additional services (if needed) for a maximum total amount of \$75,350, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution amending the FY08/09 Capital Improvement Program budget in order to fully fund the Agreement with Associated Right of Way Services, Inc. (AR/WS) for acquisition services, by decreasing Object 6050 Contingency by \$75,350 and reappropriating the same amount to Object 6030 Land/ROW Acquisition within the same CIP Account 6210-480-B808 (Emerald Trunk Rehab) to perform the required appraisal services to complete the project recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2008-394 (Hawn/Lopez;unan) approving an Agreement with Associated Right of Way Services, Inc. (AR/WS) for Acquisition Services for portions of up to 7 parcels for the Emerald Trunk Rehabilitation Project, in the not-to-exceed amount of \$68,500, for the identified scope of services, plus \$6,850 for additional services (if needed) for a maximum total amount of \$75,350, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2008-395 (Hawn/Lopez;unan) amending the FY08/09 Capital Improvement Program budget in order to fully fund the Agreement with Associated Right of Way Services, Inc. (AR/WS) for acquisition services, by decreasing Object 6050 Contingency by \$75,350 and reappropriating the same amount to Object 6030 Land/ROW Acquisition within the same CIP Account 6210-480-B808 (Emerald Trunk Rehab) to perform the required appraisal services to complete the project.

Consent

15. Consider approving an Agreement with Associated Right of Way Services, Inc. for Acquisition Services for portions of up to 29 parcels for the Primary Outfall Rehabilitation Project, in the not-to-exceed amount of \$226,000 for the identified scope of services, plus \$22,600 for additional services (if needed) for a maximum total amount of \$248,600, and authorizing the City Manager, or his designee, to execute the Agreement. Consider amending the FY08/09 Capital Improvement Program to fully fund the Agreement with Associated Right of Way Services, Inc. (Funding Source: Wastewater)
 - Resolution approving an Agreement with Associated Right of Way Services, Inc. (AR/WS) for Acquisition Services for portions of up to 29 parcels for the Primary Outfall Rehabilitation Project, in the not-to-exceed amount of \$226,000 for the identified scope of services, plus \$22,600 for additional services (if needed) for a maximum total amount of \$248,600, and authorizing the City Manager, or his

designee, to execute the Agreement recommended.

- Resolution amending the FY08/09 Capital Improvement Program budget in order to fully fund the Agreement with Associated Right of Way Services, Inc. (AR/WS) for acquisition services, by decreasing Object 6050 Contingency by \$248,600 and reappropriating the same amount to Object 6030 Land/ROW Acquisition within the same CIP Account 6210-480-B812 (Primary Outfall Rehab) to perform the required appraisal services to complete the project recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2008-396 (Hawn/Lopez;unan) approving an Agreement with Associated Right of Way Services, Inc. (AR/WS) for Acquisition Services for portions of up to 29 parcels for the Primary Outfall Rehabilitation Project, in the not-to-exceed amount of \$226,000 for the identified scope of services, plus \$22,600 for additional services (if needed) for a maximum total amount of \$248,600, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2008-397 (Hawn/Lopez;unan) amending the FY08/09 Capital Improvement Program budget in order to fully fund the Agreement with Associated Right of Way Services, Inc. (AR/WS) for acquisition services, by decreasing Object 6050 Contingency by \$248,600 and reappropriating the same amount to Object 6030 Land/ROW Acquisition within the same CIP Account 6210-480-B812 (Primary Outfall Rehab) to perform the required appraisal services to complete the project.

Consent

16. Consider accepting the work by Applegate Johnston, Inc. for the project titled "Installation of Lighted Crosswalks at 4 Locations 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 \$190,457.05. (Total project cost is \$237,925.71, which included construction, contingency, engineering design and construction administration.) (Funding Source: CMAQ and Matching Gas Tax Funds)
- Resolution accepting the work by Applegate Johnston, Inc. for the project titled "Installation of Lighted Crosswalks at 4 Locations 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 \$190,457.05. Total project cost is \$237,925.71, which included construction, contingency, engineering design and construction administration recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-398 (Hawn/Lopez;unan) accepting the work by Applegate Johnston, Inc. for the project titled "Installation of Lighted Crosswalks at 4 Locations 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

\$190,457.05. Total project cost is \$237,925.71, which included construction, contingency, engineering design and construction administration.

Consent

17. Consider authorizing the Purchasing Manager to conduct a sole source procurement of a SCADA System Upgrade for the Public Works Department, Water Quality Control Division, from HSQ Technology, Hayward CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$73,000. (Funding Source: Wastewater and Stormwater Funds)
- Resolution authorizing the Purchasing Manager to conduct a sole source procurement of a SCADA System Upgrade for the Public Works Department, Water Quality Control Division, from HSQ Technology, Hayward CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$73,000 recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Resolution 2008-399 (Hawn/Lopez;unan) authorizing the Purchasing Manager to conduct a sole source procurement of a SCADA System Upgrade for the Public Works Department, Water Quality Control Division, from HSQ Technology, Hayward CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$73,000.

Consent

18. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of water meters for the Public Works Department, Water Services Division, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated total annual cost of \$1.6 million. (Funding Source: Water Fund)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of water meters for the Public Works Department, Water Services Division, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated total annual cost of \$1.6 million recommended.

Public Works; Jeremy Damas, 209-342-2208, jdamas@modestogov.com

ACTION: Resolution 2008-400 (Hawn/Lopez;unan) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of water meters for the Public Works Department, Water Services Division, for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, for an estimated total annual cost of \$1.6 million.

Consent

19. Consider approving the 20-year License Agreement with Pacific Gas and Electric (PG&E) for the Installation of PG&E SmartMeter Communication Equipment Technology on all City-owned Streetlights, and authorizing the City Manager, or his designee, to execute the License Agreement. (Funding Source: Not Applicable)
- Resolution approving the 20-year License Agreement with Pacific Gas and Electric

(PG&E) for the Installation of PG&E SmartMeter Communication Equipment Technology on all City-owned Streetlights, and authorizing the City Manager, or his designee, to execute the License Agreement recommended.

- Resolution amending the adopted Capital Improvement Program (CIP) Budget for Fiscal Year 2008-09 to recognize \$27,000 in one-time revenue from PG&E Smart Meter Installation and appropriate \$27,000 in offsetting expenses to CIP Account No. 2370-160-E947-6041 – High Voltage Street Light Circuit Repair recommended.

Public Works; Nick Pinhey, 209-577-5213, npinhey@modestogov.com

ACTION: **Resolution 2008-401 (Hawn/Lopez;unan)** approving the 20-year License Agreement with Pacific Gas and Electric (PG&E) for the Installation of PG&E SmartMeter Communication Equipment Technology on all City-owned Streetlights, and authorizing the City Manager, or his designee, to execute the License Agreement.

ACTION: **Resolution 2008-402 (Hawn/Lopez;unan)** amending the adopted Capital Improvement Program (CIP) Budget for Fiscal Year 2008-09 to recognize \$27,000 in one-time revenue from PG&E Smart Meter Installation and appropriate \$27,000 in offsetting expenses to CIP Account No. 2370-160-E947-6041 – High Voltage Street Light Circuit Repair.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on June 19, 2008

20. Hearing to consider (i) calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 14) and (ii) canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1 (Village One #2). (Funding Source: CFD 2004-1 (Village One #2) Formation)
 - Resolution calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 14) recommended.
 - Resolution canvassing the results of the special election and ordering the

annexation of the additional territory to Community Facilities District No. 2004-1 recommended.

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

ACTION: Resolution 2008-403 (Keating/Marsh;unan) calling a special election within the additional territory proposed to be annexed to City of Modesto Community Facilities District No. 2004-1 (Village One #2) (Annexation No. 14).

ACTION: Resolution 2008-404 (Keating/Marsh;unan) canvassing the results of the special election and ordering the annexation of the additional territory to Community Facilities District No. 2004-1.

Published in the Modesto Bee on June 20, 2008

21. Hearing to consider approving the Tivoli Specific Plan Facilities Master Plan (FMP) and Infrastructure Finance Plan (IFP) for the infrastructure necessary to support the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. (Funding Source: Not Applicable)

- Resolution approving the Tivoli Specific Plan Facilities Master Plan (FMP) and Infrastructure Finance Plan (IFP) for the Infrastructure necessary to support the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

Councilmember Marsh left meeting at 6:50 p.m.

ACTION: Resolution 2008-405 (Hawn/Keating;unan Marsh absent) approving the Tivoli Specific Plan Facilities Master Plan (FMP) and Infrastructure Finance Plan (IFP) for the Infrastructure necessary to support the development of approximately 454 acres located north of Sylvan Avenue, south of future Claratina Avenue, east of Oakdale Road, west of Roselle Avenue. **(Staff to incorporate two modifications to the Tivoli FMP and IFP provided in Dave Romano's July 1, 2008 letter.)**

Published in the Modesto Bee on June 12, 2008

22. Hearing to consider establishing fees for tow truck driver permits and inspection of tow trucks. (Funding Source: General Fund)

- Resolution establishing fees for tow driver permits, and inspections and reinspections of tow trucks recommended.

Police; William Ryan, 342-9129, ryanw@modestopd.com

ACTION: Resolution 2008-406 (Keating/Lopez;unan Marsh absent) establishing fees for tow driver permits, and inspections and reinspections of tow trucks.

NEW BUSINESS

23. Consider accepting the annual Financial Statements, Single Audit, Management Letter, Consolidated Annual Financial Report, Gann Report, Redevelopment Agency Report, Abandoned Vehicle Abatement Program Report and Public Works Audit for year end June 30, 2007. (Funding Source: Various Funds)
- Motion accepting the Financial Statements, Single Audit, Management Letter, Consolidated Annual Financial Report, Gann Report, Redevelopment Agency Report, Abandoned Vehicle Abatement Program Report and Public Works Audit for year end June 30, 2007 recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: By Motion (**Keating/Hawn;unan Marsh absent**) accepting the Financial Statements, Single Audit, Management Letter, Consolidated Annual Financial Report, Gann Report, Redevelopment Agency Report, Abandoned Vehicle Abatement Program Report for year end June 30, 2007 and Public Works Audit for Fiscal Years 2003, 2004 and 2005.

24. Consider the request of Petrulakis Jensen & Friedrich, LLP on behalf of Dr. Brij Gupta for confirmation of development conditions on P-D(575), located at 3125 Coffee Road. (Funding Source: Not Applicable)
- There is not a recommended action on this item. See the Policy Alternatives section of the report for options on Council action.
- Community and Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com*

ACTION: Continued to July 8, 2008 Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned 7:00 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Section 54957(b)(1) of the Government Code) Title: City Attorney

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Robin Renwick, Personnel Director Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Robin Renwick, Personnel Director Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCEA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Barbara Santos, Deputy Director of Personnel Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Barbara Santos, Deputy Director of Personnel Employee Organization: Modesto Police Non Sworn Association

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, July 7, 2008, at 5:30 p.m.

Roll Call: Present: Councilmembers O'Bryant, Olsen,
Absent: Hawn

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item #1

CONSENT ITEMS

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

CONSENT

1. Consider supporting recommendation to approve an agreement for the purchase of retired police canine by its handler, Officer Daniel Gonzalez, for \$1.00, forward to City Council for approval, and authorizing the City Manager, or his designee, to execute the agreement.

ACTION: Motion (Olsen/O'Bryant) approving and forwarding to Council for approval.

NEW BUSINESS

2. Consider recommending to City Council review of existing policy regarding destruction of firearms and amending policy to allow for the sale of firearms only after City Council approval.

ACTION: Motion (Olsen/O'Bryant) approving and forwarding to Council for approval.

MATTERS TOO LATE FOR THE AGENDA

None.

FUTURE AGENDA ITEMS

3. Status report on contents of administrative citations and penalties ordinance
4. Status report on reduction of business hours for the Police Department
5. Annual collision report for 2007
6. Parks and Parks Security

ADJOURNMENT

This meeting adjourned at 5:45 pm.

MINUTES

City of Modesto
CITY COUNCIL MEETING*
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday July 08, 2008, at 5:30 p.m.

Roll Call Present: Councilmembers Hawn, Keating, Lopez, Marsh, O'Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Cliff Traub, Bethel Church

City Clerk's Announcements – Item 8 – removed from Consent
Item 15 - will be heard at 8:30 p.m.
Item 17 – continued to August 6, 2008 Council meeting

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Stephen Qualls, League of California Cities, regarding the State budget. (Funding Source: Not applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation made by Stephen Qualls, League of California Cities, regarding the State budget.

2. Proclamation declaring (Funding Source: Not Applicable)
Police; Rosie Fabela, 572-9676, fabelar@modestopd.com

ACTION: Proclamation by Mayor Ridenour to Rosie Fabela declaring Tuesday, August 5, 2008 as "National Night Out."

3. Presentation by Allen Lagarbo, Acting Deputy Director, on Water's Consumer Confidence Report. (Funding Source: Not Applicable)
Public Works; Gail Bailey, 342-4590, gbailey@modestogov.com

ACTION: Presentation made by Allen Lagarbo, Acting Deputy Director, on Water's Consumer Confidence Report.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 14

ACTION CONSENT ITEMS 4-7, 9-14: (Lopez/Hawn;unan)

ACTION ITEM 8: (Olsen/Lopez;majority Keating,O’Bryant no)

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 regular City Council meeting of July 1, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: By Motion (**Lopez/Hawn;unan**) approving the minutes of the regular City Council meeting of July 1, 2008.

Consent

5. Consider a resolution of the City Council of the City of Modesto acting as the governing body of all of its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes. (Funding Source: Not Applicable)
 - Resolution of the City Council of the City of Modesto acting as the governing body of all its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes recommended.*Community & Economic Development; Tina Rocha, 577-5211, trocha@modestogov.com*

ACTION: **Resolution 2008-407 (Lopez/Hawn;unan)** of the City Council of the City of Modesto acting as the governing body of all its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 and ordering that the Stanislaus County Tax Collector be credited with those taxes.

Consent

6. Consider authorizing the award of bid and contract for the purchase of fluorescent induction lighting fixtures for the Parks, Recreation and Neighborhoods Department,

Building and Parking Services Division, to Paragon Light Fixture, L.P., Santa Clara, CA, for an estimated total cost of \$123,312, and authorize the Purchasing Manager to issue a purchase order. (Funding Source: Enterprise Parking Fund)

- Resolution authorizing the award of bid and contract for the purchase of fluorescent induction lighting fixtures for the Parks, Recreation and Neighborhoods Department, Building and Parking Services Division, to Paragon Light Fixture, L.P., Santa Clara, CA, for an estimated total cost of \$123,312, and authorize the Purchasing Manager to issue a purchase order recommended. (Funding Source: Org. P597 Enterprise Parking Fund)

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-408 (Lopez/Hawn;unan)** authorizing the award of bid and contract for the purchase of fluorescent induction lighting fixtures for the Parks, Recreation and Neighborhoods Department, Building and Parking Services Division, to Paragon Light Fixture, L.P., Santa Clara, CA, for an estimated total cost of \$123,312, and authorize the Purchasing Manager to issue a purchase order.

Consent

7. Consider approving roll-over of 2007-2008 Encumbrances and Amendment of the 2008-2009 Fiscal Year Budget. (Funding Source: Various Funds)
 - Resolution authorizing the Finance Director to amend the FY 2008-2009 Budgets of Various Funds to Reflect the Roll-over of Encumbrances from the prior year recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modetogov.com

ACTION: **Resolution 2008-409 (Lopez/Hawn;unan)** authorizing the Finance Director to amend the FY 2008-2009 Budgets of Various Funds to Reflect the Roll-over of Encumbrances from the prior year.

Consent

8. Consider approving recommended enhancements to the Business License Code enforcement efforts in the Customer Services Division of the Finance Department. (Funding Source: General Fund)
 - Resolution approving recommended enhancements to the Business License Code Enforcement Efforts in the Customer Services Division of the Finance Department and approve addition of \$41,100.00 to fund this program recommended.
 - Resolution approving the addition of a part-time Code Enforcement Officer to the Customer Services Division of the Finance Department and the amendment of the General Fund Budget to reflect the revenues and expenses associated with enhanced Business License enforcement recommended.

Finance; Cheryl M. Detmar, 571-5174, cdetmar@modestogov.com

ACTION: **Resolution 2008-410 (Olsen/Lopez;majority Keating,O'Bryant no)** approving recommended enhancements to the Business License Code Enforcement Efforts in the Customer Services Division of the Finance Department and approve addition of \$41,100.00 to fund this program.

ACTION: Resolution 2008-411 (Olsen/Lopez;majority Keating,O'Bryant no) approving the addition of a part-time Code Enforcement Officer to the Customer Services Division of the Finance Department and the amendment of the General Fund Budget to reflect the revenues and expenses associated with enhanced Business License enforcement.

Consent

9. Consider authorizing the issuance of formal Request for Bids (RFB) for apparatus repair services for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$100,000. (Funding Source: General Fund)
- Resolution authorizing the issuance of formal Request for Bids (RFB) for apparatus repair services for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$100,000 recommended.

Fire; Lori Martinez, 209-572-9590, lmartinez@modestogov.com

ACTION: Resolution 2008-412 (Lopez/Hawn;unan) authorizing the issuance of formal Request for Bids (RFB) for apparatus repair services for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$100,000.

Consent

10. Consider approving a grant application for \$540,000 in funding from the Safe Routes to School Grant Program for the construction and installation of 2,850 lineal feet of curb, gutter, curb ramps, sidewalk and fencing between California Avenue and Maze Boulevard, along the Modesto Irrigation District's Briggs Ditch. (Funding Source: CDBG for matching funds)
- Resolution approving a grant application for \$540,000 in funding from the Safe Routes to School Grant Program for the construction and installation of 2,850 lineal feet of curb, gutter, curb ramps, sidewalk and fencing between California Avenue and Maze Boulevard, along the Modesto Irrigation District's Briggs Ditch, and authorizing the City Manager, or his designee, to execute the appropriate grant documents recommended.

Parks, Recreation and Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: Resolution 2008-413 (Lopez/Hawn;unan) approving a grant application for \$540,000 in funding from the Safe Routes to School Grant Program for the construction and installation of 2,850 lineal feet of curb, gutter, curb ramps, sidewalk and fencing between California Avenue and Maze Boulevard, along the Modesto Irrigation District's Briggs Ditch, and authorizing the City Manager, or his designee, to execute the appropriate grant documents.

Consent

11. Consider approving a five-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust

Street by STANCO's transitional housing program at the cost of \$1.00 per year.
(Funding Source: Not Applicable)

- Adoption of a resolution approving a five-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program at the cost of \$1.00 per year, and authorizing the City Manager, or his designee, to execute the lease agreement recommended.

*Parks, Recreation and Neighborhoods; Barbara Kauss, 577-5275,
bkauss@modestogov.com*

ACTION: Resolution 2008-414 (Lopez/Hawn;unan) approving a five-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program at the cost of \$1.00 per year, and authorizing the City Manager, or his designee, to execute the lease agreement.

Consent

12. Consider accepting the 35 Percent Preliminary Design Report for the Yosemite Boulevard/State Route 132 Waterline Replacement, dated June 6, 2008, as complete.
(Funding Source: Water Fund)

- Resolution accepting the 35 Percent Preliminary Design Report for the Yosemite Boulevard/State Route 132 Waterline Replacement, dated June 6, 2008, as complete recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-415 (Lopez/Hawn;unan) accepting the 35 Percent Preliminary Design Report for the Yosemite Boulevard/State Route 132 Waterline Replacement, dated June 6, 2008, as complete.

Consent

13. Consider approving an Agreement with Camp Dresser McKee Inc. for Peer Review Services related to work currently under way in the updating of the Water System Engineer's Report and the associated Rate/Capacity Charge Study, in the not-to-exceed amount of \$45,800 for the identified scope of services, plus \$4,580 for additional services (if needed), for a maximum total amount of \$50,380. (Funding Source: Water Fund-CIP)

- Resolution approving an Agreement with Camp Dresser McKee Inc. for Peer Review Services related to work currently underway in the updating of the Water System Engineer's Report and the associated Rate/Capacity Charge Study, in the not-to-exceed amount of \$45,800 for the identified scope of services, plus \$4,580 for additional services (if needed), for a maximum total amount of \$50,380, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Steven Stroud, 577-5399, sstroud@modestogov.com

ACTION: Resolution 2008-416 (Lopez/Hawn;unan) approving an Agreement with Camp Dresser McKee Inc. for Peer Review Services related to work currently underway

in the updating of the Water System Engineer's Report and the associated Rate/Capacity Charge Study, in the not-to-exceed amount of \$45,800 for the identified scope of services, plus \$4,580 for additional services (if needed), for a maximum total amount of \$50,380, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider approving the plans and specifications for the "ATMS (Advanced Traffic Management System) Expansion-Pelandale Avenue," project; accepting the bid; approving a construction contract with Sierra National Construction, Inc., for \$255,105, for the project titled, "ATMS (Advanced Traffic Management System) Expansion-Pelandale Avenue." (Funding Source: Congestion Mitigation Air Quality - CMAQ)
- Resolution approving the plans and specifications for the "ATMS (Advanced Traffic Management System) Expansion-Pelandale Avenue," Project; accepting the bid; approving a construction contract with Sierra National Construction, Inc. for \$255,105, for the project titled "ATMS (ADVANCED TRAFFIC MANAGEMENT SYSTEM) expansion Pelandale Avenue;" and authorizing the City Manager, or his designee, to execute the Contract recommended.
Public Works; Jeffrey L. Barnes, 209.577.5468, jbarnes@modestogov.com

ACTION: **Resolution 2008-417 (Lopez/Hawn;unan)** approving the plans and specifications for the "ATMS (Advanced Traffic Management System) Expansion-Pelandale Avenue," Project; accepting the bid; approving a construction contract with Sierra National Construction, Inc. for \$255,105, for the project titled "ATMS (ADVANCED TRAFFIC MANAGEMENT SYSTEM) expansion Pelandale Avenue;" and authorizing the City Manager, or his designee, to execute the Contract

COUNCIL COMMENTS & REPORTS

Mayor Ridenour spoke on the recent passing of Helen White giving thanks to her and her family. Councilmember Lopez also spoke about Helen White's contributions to the community and her church.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff requested Fire Chief Miguel to speak about the recent fires in the area. Chief Miguel spoke about the fires and the heat. He also announced the opening of three (3) cooling zones – Maddux Youth Center, Senior Citizens Center and Salvation Army.

HEARINGS

Published in the Modesto Bee on June 24, 2008

15. Consider authorizing the issuance of Multifamily Housing Refunding Revenue Bonds

for the refinancing of the Valley Oak Apartments project, holding a Tax Equity and Financial Responsibility Act (TEFRA) hearing regarding the Valley Oaks Apartments project, granting TEFRA approval and approving other related documents and actions. (Funding Source: Private Enterprise)

- Resolution authorizing the issuance of Multifamily Housing Refunding Revenue Bonds by V O Associates, LLP and the loan of the proceeds thereof for the refinancing of the Valley Oak Apartments (the "Project") recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: **Resolution 2008-418 (Keating/Marsh;unan)** authorizing the issuance of Multifamily Housing Refunding Revenue Bonds by V O Associates, LLP and the loan of the proceeds thereof for the refinancing of the Valley Oak Apartments (the "Project").

NEW BUSINESS

16. Consider appointing a voting delegate for the 2008 League of California Cities Annual Conference to be held in Long Beach, CA, September 24-27, 2008. (Funding Source: Not applicable)

- Motion approving a voting delegate for the 2008 League of California Cities Annual Conference to be held in Long Beach, CA, September 24-27, 2008 recommended.

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

ACTION: **By Motion (Lopez/Keating;unan)** approving a voting delegate for the 2008 League of California Cities Annual Conference to be held in Sacramento, CA, September 24-27, 2008.

17. Consider the request of Petrulakis Jensen & Friedrich, LLP on behalf of Dr. Brij Gupta for confirmation of development conditions of P-D575, located at 3125 Coffee Road. (Continued from July 1, 2008) (Funding Source: Not Applicable)

- There is not a recommended action on this item. See the Policy Alternatives section of the report for options on Council action.

Community and Economic Development; Steve Mitchell, 577-5267, smitchell@modestogov.com

ACTION: Continued to August 6, 2008 Council meeting.

18. Consider the request of Frank Johnson and John Mataka, NAACP, to be placed on Council Agenda. (Funding Source: Not Applicable)

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

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Pursuant to Section 54957(b)(1) of the Government Code) Title: City Attorney

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Robin Renwick, Personnel Director Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Robin Renwick, Personnel Director Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCEA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Barbara Santos, Deputy Director of Personnel Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Greg Nyhoff, City Manager James E. Niskanen, Parks, Recreation and Neighborhoods Director Barbara Santos, Deputy Director of Personnel Employee Organization: Modesto Police Non Sworn Association



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

Wednesday August 06, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

Absent: Keating

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk’s Announcements – Item 30 – removed from Consent

Item 31 – to be heard before Consent

Item 32 – continued to August 12, 2008 Council meeting

Item 38 – resolved

Declaration of Conflicts of Interest - None

Reports from Closed Session – No reportable action.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider approving the purchase of retired City of Modesto Police Canine by the assigned handler, Officer Gonzalez. (Funding Source: General Fund Revenue)
Police; Ron Cloward, 572-9664, clowardr@modestopd.com
 - Resolution approving an agreement for the purchase of retired City of Modesto Police canine by its handler, Officer Gonzalez, for one dollar (\$1.00), and authorizing the City Manager, or his designee, to execute the agreement with the officer for purchase of his police canine recommended.

ACTION: **Resolution 2008-419 (Hawn/Marsh;unan Keating absent)** approving an agreement for the purchase of retired City of Modesto Police canine by its handler, Officer Gonzalez, for one dollar (\$1.00), and authorizing the City Manager, or his designee, to execute the agreement with the officer for purchase of his police canine.

2. Consider a request from the League of California Cities to adopt a Resolution opposing fiscally irresponsible State Budget decisions that would "borrow" Local Government and Transportation funds. (Funding Source: Not applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com
 - Resolution opposing fiscally irresponsible State Budget decisions that would "borrow" Local Government and Transportation funds recommended.

ACTION: **Resolution 2008-420 (Olsen/Marsh;unan Keating absent)** opposing fiscally irresponsible State Budget decisions that would "borrow" Local Government and Transportation funds (**with additional paragraph to be inserted between Paragraphs 2 and 3 regarding the State's severe fiscal crisis**).

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 30

ACTION CONSENT ITEMS 3-29: (Hawn/Lopez;unan Keating, Ridenour absent)

ACTION ITEM 30: (Hawn/Lopez;majority;O'Bryant no, Keating, Ridenour absent)

Mayor Ridenour left meeting at 6:00 p.m

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 regular City Council meeting of July 8, 2008. (Funding Source: Not applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com
 - Motion approving recommended.

ACTION: By Motion (**Hawn/Lopez;unan Keating, Ridenour absent**) approving the minutes of the regular City Council meeting of July 8, 2008.

Consent

4. Consider accepting the public improvements for the Scenic Bend Estates Subdivision, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods. (Funding Source: Not Applicable)
Community & Economic Development; Miguel Alvarez, 577-5348, malvarez@modestogov.com
- Resolution authorizing the acceptance of the public improvements for the Scenic Bend Estates Subdivision, authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

ACTION: Resolution 2008-421 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the acceptance of the public improvements for the Scenic Bend Estates Subdivision, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

5. Consider authorizing the City Clerk to release the Subdivision Warranty Bond to William Lyon Homes, Inc. for the Falling Leaf Subdivision, conditioned upon receipt of acceptable Warranty Securities from Bonaventure Fund I LLC and to release securities upon expiration of statutory period. (Funding Source: Not applicable)
Community & Economic Development; Jennifer Pratt, 577-5259, jpratt@modestogov.com
- Resolution authorizing the City Clerk to release the Subdivision Warranty Bond to William Lyon Homes, Inc. for the Falling Leaf Subdivision, conditioned upon receipt of acceptable Warranty Securities from Bonaventure Fund I LLC and to release securities upon expiration of statutory period recommended.

ACTION: Resolution 2008-422 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the City Clerk to release the Subdivision Warranty Bond to William Lyon Homes, Inc. for the Falling Leaf Subdivision, conditioned upon receipt of acceptable Warranty Securities from Bonaventure Fund I LLC and to release securities upon expiration of statutory period.

Consent

6. Consider summarily vacating (or abandoning) the alley right-of-way between Kansas Avenue and Needham, from Franklin Street to Madison Street in the City of Modesto. (Funding Source: Not Applicable)
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com
- Resolution authorizing to consider summarily vacating (or abandoning) the alley right-of-way between Kansas Avenue and Needham, from Franklin Street to Madison Street in the City of Modesto recommended.

ACTION: Resolution 2008-423 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing to consider summarily vacating (or abandoning) the alley right-of-

way between Kansas Avenue and Needham, from Franklin Street to Madison Street in the City of Modesto.

Consent

7. Consider accepting the Monthly Investment Report for May 2008. (Funding Source: Not Applicable)
Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com
- Motion acknowledging receipt and accepting the Monthly Investment Report for May 2008 recommended.

ACTION: By Motion (**Hawn/Lopez;unan Keating, Ridenour absent**) acknowledging receipt and accepting the Monthly Investment Report for May 2008.

Consent

8. Consider authorizing the award of bid and contract for the printing of monthly utility bill inserts for the Public Works Department, to Sierra Pacific Lithographics, West Sacramento, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$25,981. (Funding Source: Water Services, Wastewater Services, Storm Drain and City Manager)
Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com
- Resolution authorizing the award of bid and contract for the printing of monthly utility bill inserts for the Public Works Department, to Sierra Pacific Lithographics, West Sacramento, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$25,981 recommended.

ACTION: **Resolution 2008-424 (Hawn/Lopez;unan Keating, Ridenour absent)** authorizing the award of bid and contract for the printing of monthly utility bill inserts for the Public Works Department, to Sierra Pacific Lithographics, West Sacramento, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$25,981.

Consent

9. Consider authorizing the issuance and the award of an informal Request for Bids for gym services for a three (3) year agreement, for an estimated annual cost of \$12,000. (Funding Source: FY 08-09 Budget)
Fire; Lori Martinez, 572-9590, lmartinez@modestogov.com
- Resolution authorizing the issuance and the award of an informal Request for Bids for gym services for a three (3) year agreement, for an estimated annual cost of \$12,000 recommended.

ACTION: Resolution 2008-425 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the issuance and the award of an informal Request for Bids for gym services for a three (3) year agreement, for an estimated annual cost of \$12,000.

Consent

10. Consider authorizing the issuance of formal Request for Bids (RFB) for apparatus bay door repair and maintenance services 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 \$25,000 and a one time cost of up to \$150,000 in the first year. (Funding Source: General Fund)

Fire; Lori Martinez, 572-9590, lmartinez@modestogov.com

- Resolution authorizing the issuance of formal Request for Bids (RFB) for apparatus bay door repair and maintenance services 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 \$25,000 and a one time cost of up to \$150,000 in the first year recommended.

ACTION: Resolution 2008-426 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the issuance of formal Request for Bids (RFB) for apparatus bay door repair and maintenance services 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 \$25,000 and a one time cost of up to \$150,000 in the first year.

Consent

11. Consider authorizing the sale of surplus personal protection equipment from the Modesto Fire Department to the Yosemite Community College District, Regional Fire Training Center and authorizing the donation of surplus personal protective equipment from the Modesto Fire Department to various organizations in need. (Funding Source: Not Applicable)

Fire; Lori Martinez, 572-9590, lmartinez@modestogov.com

- Resolution authorizing the donation of surplus personal protective equipment from the Modesto Fire Department to various organizations in need recommended.
- Resolution authorizing the sale of surplus personal protection equipment from the Modesto Fire Department to the Yosemite Community College District, Regional Fire Training Center recommended.

ACTION: Resolution 2008-427 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the donation of surplus personal protective equipment from the Modesto Fire Department to various organizations in need.

ACTION: Resolution 2008-428 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the sale of surplus personal protection equipment from the Modesto Fire Department to the Yosemite Community College District, Regional Fire Training Center.

Consent

12. Consider authorizing the Purchasing Manager to conduct a sole source acquisition with (i) HTEVAR to purchase an IBM Power6 Model M25 server and provide migration and training services/supplies for the existing Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$112,010.00 and (ii) Sungard HTE to purchase the Naviline web upgrade, migration and training services for Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$85,000.00. (Funding Source: Water and Wastewater Funds) *Information Technology; Gary Cook, 577-5229, gcook@modestogov.com*

- Resolution authorizing the Purchasing Manager to conduct a sole source acquisition with HTEVAR to purchase an IBM Power6 Model M25 server and provide migration and training services/supplies for the existing Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$112,010.00 recommended.
- Resolution authorizing the Purchasing Manager to conduct a sole source acquisition with Sungard HTE to purchase the Naviline web upgrade, migration and training services for Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$85,000.00 recommended.
- Resolution to amend the Fiscal Year 08-09 operating budget to transfer \$98,505.00 from 6100-800-80000-8003 Water Fund Reserves and transfer \$98,505.00 from 6210-800-8000-8003 Wastewater Fund Reserve to the Information Technology Fund Reserves for the sole source purchases of the Utility Billing Miscellaneous Receivables System IBM Power6 M25 server and Naviline web upgrade recommended.

ACTION: **Resolution 2008-429 (Hawn/Lopez;unan Keating, Ridenour absent)** authorizing the Purchasing Manager to conduct a sole source acquisition with HTEVAR to purchase an IBM Power6 Model M25 server and provide migration and training services/supplies for the existing Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$112,010.00.

ACTION: **Resolution 2008-430 (Hawn/Lopez;unan Keating, Ridenour absent)** authorizing the Purchasing Manager to conduct a sole source acquisition with Sungard HTE to purchase the Naviline web upgrade, migration and training services for Sungard HTE Utility Billing Miscellaneous Receivables System for an estimated total cost of \$85,000.00.

ACTION: **Resolution 2008-431 (Hawn/Lopez;unan Keating, Ridenour absent)** to amend the Fiscal Year 08-09 operating budget to transfer \$98,505.00 from 6100-800-80000-8003 Water Fund Reserves and transfer \$98,505.00 from 6210-800-8000-8003 Wastewater Fund Reserve to the Information Technology Fund Reserves for the sole source purchases of the Utility Billing Miscellaneous Receivables System IBM Power6 M25 server and Naviline web upgrade.

Consent

13. Consider amending Resolution 2006-145 to add taxes in an amount of \$12,000 to recurring cost of \$160,000 for a total not to exceed \$172,000 for term of 5 years and

authorizing the Purchasing Manager to issue a purchase order to Dell Corporation under the State of California, Department of General Services and the Western States Contracting Alliance (WSCA) for a Microsoft Enterprise Agreement (EA) True Up in an amount not to exceed \$62,000 (Funding Source: Information Technology Replacement Fund)

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

- Resolution amending Resolution 2006-145 to add taxes in an amount of \$12,000 to the recurring costs of \$160,000 for a total cost not to exceed \$172,000 per year for a term of 5 years recommended.
- Resolution authorizing the Purchasing Manager to issue a purchase order to Dell Corporation under the State of California, Department of General Services and the Western States Contracting Alliance (WSCA) for a Microsoft Enterprise Agreement (EA) True Up in the amount not to exceed \$62,000 recommended.

ACTION: **Resolution 2008-432 (Hawn/Lopez;unan Keating, Ridenour absent)** amending Resolution 2006-145 to add taxes in an amount of \$12,000 to the recurring costs of \$160,000 for a total cost not to exceed \$172,000 per year for a term of 5 years.

ACTION: **Resolution 2008-433 (Hawn/Lopez;unan Keating, Ridenour absent)** authorizing the Purchasing Manager to issue a purchase order to Dell Corporation under the State of California, Department of General Services and the Western States Contracting Alliance (WSCA) for a Microsoft Enterprise Agreement (EA) True Up in the amount not to exceed \$62,000.

Consent

14. Consider approving an additional (60) day extension to the six-month provisional appointment of Jeanette Maurer as Administrative Analyst I/Technology Solutions Analyst. (Funding Source: Information Technology Salaries)

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

- Resolution approving an additional sixty (60) day extension to a six-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst recommended.

ACTION: **Resolution 2008-434 (Hawn/Lopez;unan Keating, Ridenour absent)** approving an additional sixty (60) day extension to a six-month provisional appointment for Jeanette Maurer as Administrative Analyst/Technology Solutions Analyst.

Consent

15. Consider approving the FY 2008-2009 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility, as amended. (Funding Source: Waste-to-Energy Fund)

Parks, Recreation and Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

- Resolution approving the FY 2008-2009 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility, as amended, recommended.

ACTION: Resolution 2008-435 (Hawn/Lopez;unan Keating, Ridenour absent)
approving the FY 2008-2009 budget for the Stanislaus Resource Recovery (Waste-to-Energy) Facility, as amended.

Consent

16. Consider approving an agreement with Stanislaus County Probation for High Risk Offender/Juvenile Warrant Enforcement Program. (Funding Source: General Fund)
Police; Joel Broumas, 572-9821, broumasj@modestopd.com
- Resolution approving an agreement with the Stanislaus County Probation Department in the amount of \$91,670.00 for one (1) police officer to provide High-Risk Offender/Juvenile Warrant Enforcement Program for fiscal year 2008/09, and authorizing the City Manager to execute the agreement recommended.
 - Resolution amending the fiscal year 2008/09 operating budget by appropriating \$16,594.00 from the General Fund reserve to fully cover the cost of this program recommended.

ACTION: Resolution 2008-436 (Hawn/Lopez;unan Keating, Ridenour absent)
approving an agreement with the Stanislaus County Probation Department in the amount of \$91,670.00 for one (1) police officer to provide High-Risk Offender/Juvenile Warrant Enforcement Program for fiscal year 2008/09, and authorizing the City Manager to execute the agreement.

ACTION: Resolution 2008-437 (Hawn/Lopez;unan Keating, Ridenour absent) amending the fiscal year 2008/09 operating budget by appropriating \$16,594.00 from the General Fund reserve to fully cover the cost of this program.

Consent

17. Consider approving a Joint Powers Agreement with Stanislaus Drug Enforcement Agency. (Funding Source: General Fund)
Police; Dave Sundy, 558-6300, sundyd@modestopd.com
- Resolution approving a Joint Powers Agreement with Stanislaus Drug Enforcement Agency for \$786,690 to provide a coordinated multi-agency specially trained police unit to assist each of the parties to enforce drug laws and narcotics enforcement, and authorizing the City Manager to execute the agreement, which will replace the Joint Powers Agreement dated December 14, 1999 recommended.

ACTION: Resolution 2008-438 (Hawn/Lopez;unan Keating, Ridenour absent)
approving a Joint Powers Agreement with Stanislaus Drug Enforcement Agency for \$786,690 to provide a coordinated multi-agency specially trained police unit to assist each of the parties to enforce drug laws and narcotics enforcement, and authorizing the City Manager to execute the agreement, which will replace the Joint Powers Agreement dated December 14, 1999.

Consent

18. Consider approving an agreement with Stanislaus County Office of Education for one-half of a Modesto Police Officer's/School Resource Officer's (SRO) salary and benefits

for the Sylvan Union School District. (Funding Source: Sylvan Union School District Funds/General Fund)

Police; Jolene Gonzales, Police Lieutenant, 342-6147, gonzalesj@modestopd.com

- Resolution approving an agreement with Sylvan Union School District in the amount of \$54,374 for the provision of one-half of a Modesto Police Officer's/School Resource Officer's (SRO) salary and benefits to provide direct law enforcement services, expertise and training at the schools within the District, and authorizing the City Manager to execute the agreement recommended.

ACTION: Resolution 2008-439 (Hawn/Lopez;unan Keating, Ridenour absent)
approving an agreement with Sylvan Union School District in the amount of \$54,374 for the provision of one-half of a Modesto Police Officer's/School Resource Officer's (SRO) salary and benefits to provide direct law enforcement services, expertise and training at the schools within the District, and authorizing the City Manager to execute the agreement.

Consent

19. Consider approving an Amendment to Party Patrol Agreement with the County of Stanislaus Behavioral Health and Recovery Services. (Funding Source: Not Applicable)

Police; James Rokatis, Police Detective, 572-9606, rokatisj@modestopd.com

- Resolution approving an Amendment to the Party Patrol Agreement to extend the termination date by ninety (90) days recommended.

ACTION: Resolution 2008-440 (Hawn/Lopez;unan Keating, Ridenour absent)
approving an Amendment to the Party Patrol Agreement to extend the termination date by ninety (90) days.

Consent

20. Consider approving a Longitudinal Pipeline Encroachment Agreement with the Union Pacific Railroad Company to allow the construction, operation, and maintenance of a water transmission pipeline along the Union Pacific Railroad's right-of-way between Pelandale Avenue and Bangs Avenue in the amount of \$15,320, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Water Fund-CIP)

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

- Resolution approving a Longitudinal Pipeline Encroachment Agreement with the Union Pacific Railroad Company to allow the construction, operation, and maintenance of a water transmission pipeline along the Union Pacific Railroad's right-of-way between Pelandale Avenue and Bangs Avenue in the amount of \$15,320, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

ACTION: Resolution 2008-441 (Hawn/Lopez;unan Keating, Ridenour absent)
approving a Longitudinal Pipeline Encroachment Agreement with the Union Pacific Railroad Company to allow the construction, operation, and maintenance

of a water transmission pipeline along the Union Pacific Railroad's right-of-way between Pelandale Avenue and Bangs Avenue in the amount of \$15,320, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

21. Consider authorizing expenditure of the currently budgeted Stanislaus & Tuolumne Rivers' Groundwater Basin Association (STRGBA) -Groundwater Management Plan (GWMP) -Secondary funds (approximately \$49,950) to continue participation in ongoing groundwater management related activities. (Funding Source: Water Fund-CIP)

Public Works; Jim Alves, 571-5557, jalves@modestogov.com

- Resolution authorizing expenditure of the currently budgeted Stanislaus & Tuolumne Rivers' Groundwater Basin Association (STRGBA) -Groundwater Management Plan (GWMP) -Secondary funds (approximately \$49,950) to continue participation in ongoing groundwater management related activities recommended.

ACTION: Resolution 2008-442 (Hawn/Lopez;unan Keating, Ridenour absent) authorizing expenditure of the currently budgeted Stanislaus & Tuolumne Rivers' Groundwater Basin Association (STRGBA) -Groundwater Management Plan (GWMP) -Secondary funds (approximately \$49,950) to continue participation in ongoing groundwater management related activities.

Consent

22. Consider accepting the work by Preston Pipelines, Inc. for the La Loma Avenue Sanitary Sewer Lift Station 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 \$1,823,139.62. (Total project cost is \$2,264,765.94, which includes construction contingency, city forces, engineering design and construction administration.) (Funding Source: Sewer Fund)

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

- Resolution accepting the work by Preston Pipelines, Inc. for the La Loma Avenue Sanitary Sewer Lift Station 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 \$1,823,139.62 recommended.

ACTION: Resolution 2008-443 (Hawn/Lopez;unan Keating, Ridenour absent) accepting the work by Preston Pipelines, Inc. for the La Loma Avenue Sanitary Sewer Lift Station 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 \$1,823,139.62.

Consent

23. Consider approving an Agreement with HDR Engineering, Inc. to prepare a final

project design for the El Rio Sewer Replacement project, in an amount not to exceed \$139,363 for the identified scope of services, plus \$13,937 for additional services (if needed) for a maximum total amount of \$153,300, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Wastewater Fund-CIP) *Public Works; William Wong, 571-5801, wwong@modestogov.com*

- Resolution approving an Agreement with HDR Engineering, Inc. to prepare a final project design for the El Rio Sewer Replacement project, in an amount not to exceed \$139,363 for the identified scope of services, plus \$13,937 for additional services (if needed) for a maximum total amount of \$153,300, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

ACTION: Resolution 2008-444 (Hawn/Lopez;unan Keating, Ridenour absent) approving an Agreement with HDR Engineering, Inc. to prepare a final project design for the El Rio Sewer Replacement project, in an amount not to exceed \$139,363 for the identified scope of services, plus \$13,937 for additional services (if needed) for a maximum total amount of \$153,300, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

24. Consider approving an Agreement with Carollo Engineers, P.C. to prepare a final project design of the Digester Gas Treatment System project, in an amount not to exceed \$44,247 for the identified scope of services, plus \$4,425 for additional services (if needed) for a maximum total amount of \$48,672. (Funding Source: Wastewater Fund-CIP)

Public Works; Pete Kambel, 577-5444, pkambel@modestogov.com

- Resolution approving an Agreement with Carollo Engineers, P.C. to prepare a final project design of the Digester Gas Treatment System project, in an amount not to exceed \$44,247 for the identified scope of services, plus \$4,425 for additional services (if needed) for a maximum total amount of \$48,672 recommended.

ACTION: Resolution 2008-445 (Hawn/Lopez;unan Keating, Ridenour absent) approving an Agreement with Carollo Engineers, P.C. to prepare a final project design of the Digester Gas Treatment System project, in an amount not to exceed \$44,247 for the identified scope of services, plus \$4,425 for additional services (if needed) for a maximum total amount of \$48,672.

Consent

25. Consider approving an Agreement with Carollo Engineers, P.C. for preparing the Anaerobic Digester No. 1 Evaluation, in an amount not to exceed \$49,664 for the identified scope of services, plus \$4,966 for additional services (if needed) for a maximum total amount of \$54,630. (Funding Source: Wastewater Fund-CIP)

Public Works; William Wong, 571-5801, wwong@modestogov.com

- Resolution approving an Agreement with Carollo Engineers, P.C. for preparing the Anaerobic Digester No. 1 Evaluation, in an amount not to exceed \$49,664 for the identified scope of services, plus \$4,966 for additional services (if needed) for a maximum total amount of \$54,630 recommended.

ACTION: Resolution 2008-446 (Hawn/Lopez;unan Keating, Ridenour absent)
approving an Agreement with Carollo Engineers, P.C. for preparing the Anaerobic Digester No. 1 Evaluation, in an amount not to exceed \$49,664 for the identified scope of services, plus \$4,966 for additional services (if needed) for a maximum total amount of \$54,630.

Consent

26. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of concrete for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,000. (Funding Source: Gas tax Fund)

Public Works; Bill Dufresne, 342-2233, bdufresne@modestogov.com

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of concrete for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,000 recommended.

ACTION: Resolution 2008-447 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of concrete for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,000.

Consent

27. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of street sweeping materials receiving services for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$60,000. (Funding Source: Storm Drain Fund)

Public Works; Bill Dufresne, 342-2233, bdufresne@modestogov.com

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of street sweeping materials receiving services for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$60,000 recommended.

ACTION: Resolution 2008-448 (Hawn/Lopez;unan Keating, Ridenour absent)
authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of street sweeping materials receiving services for Public Works Department, Transportation Services - Forestry, for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$60,000.

Consent

28. Consider authorizing the award of contract to Clyde Wheeler Pipeline in an amount not to exceed \$42,500 for emergency repairs to the Emerald Sewer Trunk Line, and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Wastewater Fund)

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

- Resolution authorizing the award of contract to Clyde Wheeler Pipeline in an amount not to exceed \$42,500 for emergency repairs to the Emerald Sewer Trunk Line, and authorizing the City Manager, or his designee, to execute the contract recommended.

ACTION: Resolution 2008-449 (Hawn/Lopez;unan Keating, Ridenour absent) authorizing the award of contract to Clyde Wheeler Pipeline in an amount not to exceed \$42,500 for emergency repairs to the Emerald Sewer Trunk Line, and authorizing the City Manager, or his designee, to execute the contract.

Consent

29. Consider amending the Capital Improvement Program (CIP) as adopted by Council for FY 2008-09 to establish a new project titled “Bus Fare Depository” Account No. 6510-165-J001 to design and construct a Bus Fare Depository in an amount not to exceed \$86,600 and authorizing staff to solicit proposals from qualified firms to design the Bus Fare Depository and authorizing staff to award a contract to the selected firm in an amount not to exceed \$10,000. (Funding Source: Federal Transit Administration and Local Transportation Fund)

Public Works; Fred Cavanah, 577-6300, fcavanah@modestogov.com

- Resolution amending the Capital Improvement Program (CIP) as adopted by Council for FY 2008-09 to establish a new project titled “Bus Fare Depository” Account No. 6510-165-J001 to design and construct a Bus Fare Depository in an amount not to exceed \$86,600.
- Resolution authorizing staff to solicit proposals from qualified firms to design the Bus Fare Depository and authorizing staff to award a contract to the selected firm in an amount not to exceed \$10,000 recommended.

ACTION: Resolution 2008-450 (Hawn/Lopez;unan Keating, Ridenour absent) amending the Capital Improvement Program (CIP) as adopted by Council for FY 2008-09 to establish a new project titled “Bus Fare Depository” Account No. 6510-165-J001 to design and construct a Bus Fare Depository in an amount not to exceed \$86,600 and authorizing staff to solicit proposals from qualified firms to design the Bus Fare Depository and authorizing staff to award a contract to the selected firm in an amount not to exceed \$10,000.

ACTION: Resolution 2008-451 (Hawn/Lopez;unan Keating, Ridenour absent) authorizing staff to solicit proposals from qualified firms to design the Bus Fare Depository and authorizing staff to award a contract to the selected firm in an amount not to exceed \$10,000.

REMOVED FROM CONSENT

30. Consider approving a five-year lease agreement with Civic Partners Modesto, Inc., for the Public Works Department – Transportation Services Division/Transit Section to occupy approximately 2,300 sq. ft. of office space on the first floor of Tenth Street Place (TSP) at a rental rate of approximately \$64,500 annually, and a one-time tenant improvement expense of approximately \$105,000; and authorizing the City Manager, or his designee, to execute the Lease Agreement. (Funding Source: Federal Transit Administration Funds and Local Transportation Fund)

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

- Resolution approving a five-year lease agreement with Civic Partners Modesto, Inc., for the Public Works Department – Transportation Services Division/Transit Section to occupy approximately 2,300 sq. ft. of office space on the first floor of Tenth Street Place (TSP) at a rental rate of approximately \$64,500 annually, and a one-time tenant improvement expense of approximately \$105,000; and authorizing the City Manager, or his designee, to execute the Lease Agreement recommended.

ACTION: **Resolution 2008-452 (Hawn/Lopez;majority; O’Bryant no, Keating, Ridenour absent)** approving a five-year lease agreement with Civic Partners Modesto, Inc., for the Public Works Department – Transportation Services Division/Transit Section to occupy approximately 2,300 sq. ft. of office space on the first floor of Tenth Street Place (TSP) at a rental rate of approximately \$64,500 annually, and a one-time tenant improvement expense of approximately \$105,000; and authorizing the City Manager, or his designee, to execute the Lease Agreement.

COUNCIL COMMENTS & REPORTS

Councilmember O’Bryant discussed the foreclosure problem in the City of Modesto; would like the City Manager and City Attorney to see what other Cities are doing to address problem of abandoned homes and action necessary by City Council.

Councilmember Olsen requested a report on a multi-agency meeting; Julie Hannon will return to Council in 3 weeks with informational update.

CITY MANAGER COMMENTS & REPORTS

City Manager Nyhoff acknowledged National Night Out on August 5, 2008 and Modesto as an “All American City.”

UNFINISHED BUSINESS

31. Consider a resolution relating to Lease Revenue Bond Refunding, Series 2008; approving the forms of and authorizing the execution and delivery of a 2008 Supplemental Contract, a Liquidity Facility and a Purchase Contract; approving the form of and authorizing the distribution of an official statement in connection therewith; authorizing the 2008 SWAP amendments and authorizing certain other

related actions. (Funding Source: General Fund Lease Revenue Bonds)

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

- Resolution of the City Council of the City of Modesto approving and authorizing the issuance and sale by the Modesto Public Financing Authority of Lease Revenue Refunding Bonds, Series 2008 in an aggregate principal amount not to exceed \$75,000,000; directing execution of certain lease financing documents and certain related documents; approving the forms of and authorizing the execution and delivery of a letter of credit and reimbursement agreement, and a bond purchase contract, and a swap agreement; approving the form of and authorizing the distribution of an official statement; and approving certain other related actions recommended.

ACTION: Resolution 2008-453 (Marsh/Hawn;majority; O’Bryant no,Keating absent) the City Council of the City of Modesto approving and authorizing the issuance and sale by the Modesto Public Financing Authority of Lease Revenue Refunding Bonds, Series 2008 in an aggregate principal amount not to exceed \$75,000,000; directing execution of certain lease financing documents and certain related documents; approving the forms of and authorizing the execution and delivery of a letter of credit and reimbursement agreement, and a bond purchase contract, and a swap agreement; approving the form of and authorizing the distribution of an official statement; and approving certain other related actions.

32. Consider approving an implementation plan for enforcement of Shopping Cart Ordinance 3486–C.S. § 1 which became effective on June 5, 2008. (Funding Source: General Fund) (Funding Source: General Fund)

Parks, Recreation and Neighborhoods; Barbara Kauss, 577-5275, bkauss@modestogov.com

- Resolution approving an implementation plan for enforcement of Shopping Cart Ordinance 3486–C.S. § 1 which became effective on June 5, 2008 recommended.

ACTION: Item continued to August 12, 2008 Council meeting.

HEARINGS

Published in the Modesto Bee on July 6, 2008

33. Hearing to consider confirming the diagram and assessment and ordering the levy and collecting of charges within Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6. (Funding Source: Not Applicable)

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

- Resolution confirming the diagram and assessment and ordering the levy and collecting of charges within Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 recommended.

ACTION: Resolution 2008-454 (Hawn/Lopez;unan Keating, Ridenour absent) confirming the diagram and assessment and ordering the levy and collecting of

charges within Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6.

Published in the Modesto Bee on July 6, 2008

34. Hearing to consider confirming the diagram and assessments 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. (Funding Source: Not Applicable)
Community & Economic Development; Bill Sandhu, 577-5356, bsandhu@modestogov.com

- Resolution confirming the diagram and assessments 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.

ACTION: Resolution 2008-455 (Hawn/Lopez;unan Keating, Ridenour absent) confirming the diagram and assessments 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.

Published in the Modesto Bee on July 17, 2008.

35. Hearing to consider approving a Business License Application Fee for processing new and reactivated business licenses. (Funding Source: Not Applicable)
Finance; Cheryl M. Detmar, 571-5174, cdetmar@modestogov.com

- Resolution establishing a Business License Application Fee for processing new and reactivated business licenses recommended.

ACTION: Resolution 2008- (Hawn/Lopez; Marsh yes; O’Bryant, Olsen no; Keating, Ridenour absent) establishing a Business License Application Fee for processing new and reactivated business licenses. **(Resolution failed to pass with a majority of Council.)**

Published in the Modesto Bee on July 5, 2008 and Vida on July 9, 2008.

36. Hearing to consider approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009 and consider amending the FY 2008-2009 annual operating budget to reflect approved changes to the HUD Annual Action Plan. (Funding Source: Various HUD Funds)

Parks, Recreation and Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com

- Resolution approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute related documents recommended. (Funding Sources: CDBG, HOME, Revolving Loan Funds)
- Resolution amending the FY 2008-2009 annual operating and capital improvement budgets to reflect approved changes to the HUD Annual Action Plan and

authorizing the Finance Director to take the necessary steps to implement the provisions of this resolution recommended. (Funding Sources: CDBG, HOME, Revolving Loan Funds)

ACTION: Resolution 2008-456 (Olsen/O'Bryant; unan Keating, Ridenour absent) approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009, and authorizing the City Manager, or his designee, to execute related documents.

ACTION: Resolution 2008-457 (Olsen/O'Bryant; unan Keating, Ridenour absent) amending the FY 2008-2009 annual operating and capital improvement budgets to reflect approved changes to the HUD Annual Action Plan and authorizing the Finance Director to take the necessary steps to implement the provisions of this resolution.

Published in the Modesto Bee on July 18, 2008

37. Hearing to consider submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,185,489 in Section 5307 formula funds for public transit operating and capital purposes and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents. (Funding Source: Federal Transit Administration (FTA))

Public Works; Fred Cavanah, 209-577-5298, fcavanah@modestogov.com

- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,185,489 in Section 5307 formula funds for public transit operating and capital purposes and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents, submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,185,489 in Section 5307 formula funds for public transit operating and capital purposes and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.

ACTION: Resolution 2008-458 (O'Bryant/Hawn unan Keating, Ridenour absent) approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,185,489 in Section 5307 formula funds for public transit operating and capital purposes and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents, submittal of a grant application to the Federal Transit Administration (FTA) requesting \$4,185,489 in Section 5307 formula funds for public transit operating and capital purposes and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

NEW BUSINESS

38. Consider the request of Petrulakis Jensen & Friedrich, LLP on behalf of Dr. Brij Gupta for confirmation of development conditions of P-D575, located at 3125 Coffee Road. (Continued from July 1, 2008 and July 8, 2008) (Funding Source: Not Applicable)

*Community & Economic Development; Steve Mitchell, 577-5267,
smitchell@modestogov.com*

- This matter has been resolved per Attorney Matt Friedrich's July 30, 2008 letter.

ACTION: This item resolved per Attorney Matt Friedrich's July 30, 2008 letter.

39. Consider authorizing the Purchasing Manager to approve continuing the yearly renewal of software and hardware maintenance contracts for the budgeted amount of \$1,015,707. (Funding Source: Information Technology Replacement Fund)
Information Technology; Gary Cook, 577-5229, gcook@modestogov.com
- Resolution authorizing the Purchasing Manager to continue yearly renewal of software and hardware maintenance contracts for the budgeted amount of \$1,015,707 recommended.

ACTION: **Resolution 2008-459 (Hawn/Lopez;unan Keating,Ridenour absent)** authorizing the Purchasing Manager to continue yearly renewal of software and hardware maintenance contracts for the budgeted amount of \$1,015,707.

40. Consider approving negotiated salary and health contribution increases for employees represented by the Modesto City Employees Association (MCEA). (Funding Source: General Fund & Other Fund Reserves)
Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com
- Resolution granting a 3% across-the-board salary increase to employees represented by Modesto City Employees Association (MCEA), and amending Section 1 of Resolution No. 2006-318, effective August 5, 2008 recommended.
 - Resolution granting health benefit increases for MCEA and amending Section 2 of Resolution No. #2006-318, effective July 22, 2008 recommended.
 - Resolution approving the Class Range Table for General Non-Sworn Classes recommended.
 - Resolution amending the Fiscal Year 08-09 Operating Budget to transfer \$332,000 from 0100-800-8000-8003, General Fund Reserves and \$765,000 from other fund reserves to various salary and benefit accounts to provide funding for salary and health benefit changes for employees represented by MCEA recommended.

ACTION: **Resolution 2008-460 (Hawn/Marsh;unan Keating, Ridenour absent)** granting a 3% across-the-board salary increase to employees represented by Modesto City Employees Association (MCEA), and amending Section 1 of Resolution No. 2006-318, effective August 5, 2008.

ACTION: **Resolution 2008-461 (Hawn/Marsh;unan Keating, Ridenour absent)** granting health benefit increases for MCEA and amending Section 2 of Resolution No. #2006-318, effective July 22, 2008.

ACTION: **Resolution 2008-462 (Hawn/Marsh;unan Keating, Ridenour absent)** approving the Class Range Table for General Non-Sworn Classes.

ACTION: **Resolution 2008-463 (Hawn/Marsh;unan Keating, Ridenour absent)**
amending the Fiscal Year 08-09 Operating Budget to transfer \$332,000 from
0100-800-8000-8003, General Fund Reserves and \$765,000 from other fund
reserves to various salary and benefit accounts to provide funding for salary and
health benefit changes for employees represented by MCEA.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:40 pm.

CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT (Pursuant to Sections 54954.5 and 54957 of the
Government Code) Title: City Auditor

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the
Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager James
E. Niskanen, Acting Deputy City Manager Robin Renwick, Personnel Director Employee
Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the
Government Code) – MCMA Agency Negotiators: Greg Nyhoff, City Manager James E.
Niskanen, Acting Deputy City Manager Robin Renwick, Personnel Director Employee
Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the
Government Code) – MCEA Agency Negotiators: Greg Nyhoff, City Manager James E.
Niskanen, Acting Deputy City Manager Barbara Santos, Deputy Director of Personnel
Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the
Government Code) – MPNSA Agency Negotiators: Greg Nyhoff, City Manager James E.
Niskanen, Acting Deputy City Manager Barbara Santos, Deputy Director of Personnel
Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the
Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager Robin
Renwick, Director of Personnel Employee Organization: Modesto Police Officers' Association

Attest: _____
Stephanie Lopez, City Clerk

MODESTO PUBLIC FINANCING AUTHORITY

www.modestogov.com

MINUTES

City of Modesto
SPECIAL MODESTO PUBLIC
FINANCING AUTHORITY MEETING

Tenth Street Place
Chambers, Basement Level
1010 10th Street
Modesto, California

Wednesday, August 6, 2008, 5:30 p.m.

Roll Call- Present: Commissioners Hawn, Lopez, Marsh, O'Bryant, Olsen,
Chairperson Ridenour
Absent: Keating

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item A

CONSENT ITEMS

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

CONSENT

- A. Consider approval of the minutes of the Public Financing Authority meeting of May 13, 2008.
- Motion approving recommended.
Clerk; Stephanie Lopez, 577-5397, slopez@modestogov.com

ACTION: By Motion (**Hawn/Lopez;unan Keating, Ridenour absent**) approval of the minutes of the Public Financing Authority meeting of May 13, 2008.

NEW BUSINESS

- B. Consider a resolution of the Modesto Public Financing Authority approving and authorizing the issuance and sale of its lease revenue refunding bonds, series 2008 in an aggregate principal amount not to exceed \$75,000,000; directing the execution of certain lease financing documents and certain related documents; approving the forms of and authorizing the execution and delivery of an indenture, a remarketing agreement, a letter of credit and reimbursement agreement and a bond purchase contract; approving the form of and authorizing the distribution of an official statement; and approving certain other

related actions.

- Resolution of the Modesto Public Financing Authority approving and authorizing the issuance and sale of its lease revenue refunding bonds, series 2008 in an aggregate principal amount not to exceed \$75,000,000; directing the execution of certain lease financing documents and certain related documents; approving the forms of and authorizing the execution and delivery of an indenture, a remarketing agreement, a letter of credit and reimbursement agreement and a bond purchase contract; approving the form of and authorizing the distribution of an official statement; and approving certain other related actions recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 02-2008 (Hawn/Lopez;majority O'Bryant no,Keating absent) the Modesto Public Financing Authority approving and authorizing the issuance and sale of its lease revenue refunding bonds, series 2008 in an aggregate principal amount not to exceed \$75,000,000; directing the execution of certain lease financing documents and certain related documents; approving the forms of and authorizing the execution and delivery of an indenture, a remarketing agreement, a letter of credit and reimbursement agreement and a bond purchase contract; approving the form of and authorizing the distribution of an official statement; and approving certain other related actions.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Thursday August 07, 2008, at 5:30 p.m.

Roll Call: Present: Councilmembers Hawn, Marsh
Absent: Councilmember Olsen

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None

CONSENT

None.

UNFINISHED BUSINESS

1. Consider options and recommend to the full Council one option regarding the future of the Pruned Refuse Collection Program and associated reductions in Storm Drain Services. (Funding Source: Storm Drain Fund, possible General Fund Loan)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com
2. Consider options and recommend to the full Council one option regarding the regulatory costs associated with the Storm Water System, for the purpose of establishing a fee structure for a portion of those services. (Funding Source: Storm Drain Fund, possible General Fund Loan)
Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION (Items 1 & 2 heard together): Motion (Hawn/Marsh) to forward all four (4) Options provided by Staff to the City Council for consideration.

NEW BUSINESS

3. Consider recommending to Council adoption of a resolution approving the Wastewater Master Plan Supplement. (Funding Source: Wastewater Fund)
Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Motion (Marsh/Hawn;unan) approved forwarding the Wastewater Master Plan Supplement to the City Council for consideration.

4. Consider verbal update on 2008-09 revised revenue projections. (Funding Source: Not Applicable)
Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

| **ACTION:** No action required. This was an informational report only.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:33 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday August 12, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Marty Villa, Youth for Christ

City Clerk’s Announcements: Item 17 – removed from Agenda

Declaration of Conflicts of Interest: Item 12 - Keating

Reports from Closed Session – City Attorney Wood reported on Closed Session items

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Garden Club Annual Report for 2007-08. (Funding Source: Not Applicable)
 - Motion accepting the Modesto Garden Club Annual Report for 2007-08 recommended
Parks, Recreation and Neighborhoods; Steve Lumpkin, 342-2275, slumpkin@modestogov.com

ACTION: Motion (**Olsen/Hawn, unan.**) accepting the Modesto Garden Club Annual Report for 2007-08.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider appointing June Sheehan, representing Modesto Golf Club, to the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
 - Resolution appointing June Sheehan to the Golf Courses Advisory Committee recommended.
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Resolution 2008-464 (Marsh/Hawn, unan.)** appointing June Sheehan to the Golf Courses Advisory Committee.

PUBLIC COMMENT PERIOD

Robert Stanford spoke regarding the reduction of Modesto Police Officers.
Susan Mendia Beasley announced the International Heritage Festival on October 4, 2008.
Steve Madison spoke on behalf of the Salvation Army, announced that the Homeless Shelter is on track and will open on November 1, 2008

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 15

CONSENT ITEMS 3-11, 13-15: (Hawn/Lopez, unan.)

CONSENT ITEM 12: (Hawn/Lopez, unan.; Keating absent)

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 regular City Council meeting of August 6, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (**Hawn/Lopez, unan.**) approving the minutes of the regular City Council meeting of August 6, 2008.

Consent

4. Consider approving an Agreement regarding Payment In Lieu Of One-Time Special Tax with the Housing Authority of Stanislaus County, a housing authority organized and existing under the Constitution and laws of the State of California, and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: CFD No. 2004-1 (Village One #2) Special Taxes)
 - Resolution approving an Agreement Regarding Payment In Lieu Of One-Time Special Tax with the Housing Authority of Stanislaus County, a housing authority organized and existing under the Constitution and laws of the State of California, and authorizing the City Manager, or his designee, to execute the Agreement recommended.*Community & Economic Development; Tina Rocha, 577-5321, trocha@modestogov.com*

ACTION: **Resolution 2008-465 (Hawn/Lopez, unan.)** approving an Agreement Regarding Payment In Lieu Of One-Time Special Tax with the Housing Authority of Stanislaus County, a housing authority organized and existing under the

Constitution and laws of the State of California, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

5. Consider authorizing the award of bid and contract for the furnishing of pruned refuse receiving and transfer services for the Public Works Department, Forestry Division to Gilton Resource Recovery/ Transfer Facility Inc., Modesto, CA, for a period of two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$103,000. (Funding Source: General Fund and Storm Drain Fund)
- Resolution authorizing the award of bid and contract for the furnishing of pruned refuse receiving and transfer services for the Public Works Department, Forestry Division to Gilton Resource Recovery/ Transfer Facility Inc., Modesto, CA, for a period of two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$103,000 recommended.
- Finance; Mark Averell, 577-5412, maverell@modestogov.com*

ACTION: Resolution 2008-466 (Hawn/Lopez, unan.) authorizing the award of bid and contract for the furnishing of pruned refuse receiving and transfer services for the Public Works Department, Forestry Division to Gilton Resource Recovery/ Transfer Facility Inc., Modesto, CA, for a period of two (2) years, with three (3) one-year extension options, at the sole discretion of the City, for an estimated annual cost of \$103,000.

Consent

6. Consider authorizing the award of bid and contracts for the furnishing of water quality testing services for the Public Works Department, Water Division, to MWH Laboratories, Monrovia, CA, as the “primary” contractor, Moore Twining Associates, Inc., Fresno, CA, as the “secondary” contractor, and BSK Analytical Laboratories, Fresno, CA, as the “third” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,410. (Funding Source: Water Fund)
- Resolution authorizing the award of bid and contracts for the furnishing of water quality testing services for the Public Works Department, Water Division, to MWH Laboratories, Monrovia, CA, as the “primary” contractor, Moore Twining Associates, Inc., Fresno, CA, as the “secondary” contractor, and BSK Analytical Laboratories, Fresno, CA, as the “third” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,410.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: Resolution 2008-467 (Hawn/Lopez, unan.) authorizing the award of bid and contracts for the furnishing of water quality testing services for the Public Works Department, Water Division, to MWH Laboratories, Monrovia, CA, as the “primary” contractor, Moore Twining Associates, Inc., Fresno, CA, as the

“secondary” contractor, and BSK Analytical Laboratories, Fresno, CA, as the “third” contractor, and authorizing the Purchasing Manager to issue annual purchase agreements for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual total cost of \$170,410.

Consent

7. Consider approving the Monthly Investment Report for June 2008. (Funding Source: Not Applicable)
- Motion acknowledging receipt and accepting the Monthly Investment Report for June 2008 recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

ACTION: Motion (**Hawn/Lopez, unan.**) acknowledging receipt and accepting the Monthly Investment Report for June 2008.

Consent

8. Consider approving a Capital Facilities Fees Exemption Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for 20 multi-family affordable housing units, commonly known as Village One Town Center, located at 3001 Belharbour Drive, and authorizing the City Manager, or his designee, to sign the Agreement. (Funding Source: Not Applicable)
- Resolution approving a Capital Facilities Fees Exemption Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for 20 multi-family affordable housing units, commonly known as Village One Town Center, located at 3001 Belharbour Drive, and authorizing the City Manager, or his designee, to sign the Agreement recommended.
- Parks, Recreation and Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

ACTION: **Resolution 2008-468 (Hawn/Lopez, unan.)** approving a Capital Facilities Fees Exemption Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for 20 multi-family affordable housing units, commonly known as Village One Town Center, located at 3001 Belharbour Drive, and authorizing the City Manager, or his designee, to sign the Agreement.

Consent

9. Consider accepting the designation of Modesto as the Stage Four Finish Host City for the 2009 Amgen Tour of California on February 17, 2009, authorizing staff to negotiate an agreement with AEG, and authorizing the City Manager, or his designee, to execute an agreement regarding the activities and responsibilities for the City of Modesto to be a 2009 Amgen Tour of California Host City. (Funding Source: Community Contributions)
- Resolution accepting the designation of Modesto as the Stage Four Finish Host City for the 2009 Amgen Tour of California on February 17, 2009, authorizing staff to negotiate an agreement with AEG, and authorizing the City Manager, or his designee, to execute an agreement regarding the activities and responsibilities for

the City of Modesto to be a 2009 Amgen Tour of California Host City recommended.

Parks, Recreation and Neighborhoods; Barbara Kauss, 577-5275, bkauss@modestogov.com

ACTION: **Resolution 2008-469 (Hawn/Lopez, unan.)** accepting the designation of Modesto as the Stage Four Finish Host City for the 2009 Amgen Tour of California on February 17, 2009, authorizing staff to negotiate an agreement with AEG, and authorizing the City Manager, or his designee, to execute an agreement regarding the activities and responsibilities for the City of Modesto to be a 2009 Amgen Tour of California Host City.

Consent

10. Consider reviewing the City's existing policy, which requires all firearms taken out of service in the Police Department to be destroyed. (Funding Source: Possible Grant/General Funds)

- Resolution amending the previous Council firearms policy to allow for the sale of firearms only after City Council approval. The transaction to sell the firearms would include a condition that all firearms are sold in a single transaction as a component of a firearm purchase/trade-in transaction recommended.

Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: **Resolution 2008-470 (Hawn/Lopez, unan.)** amending the previous Council firearms policy to allow for the sale of firearms only after City Council approval. The transaction to sell the firearms would include a condition that all firearms are sold in a single transaction as a component of a firearm purchase/trade-in transaction.

Consent

11. Consider approving a second Amendment to an Agreement with Avail Technologies, Inc., in the amount of \$21,500 to support increases to the Modesto Area Express (MAX) Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system capability and authorize the City Manager, or his designee, to execute the second Amendment to an Agreement. (Funding Source: Proposition 1B Transit Funds)

- Resolution approving a second Amendment to an Agreement with Avail Technologies, Inc., in the amount of \$21,500 to support increases to the Modesto Area Express (MAX) Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system capability and authorize the City Manager, or his designee, to execute the second Amendment to an Agreement recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Resolution 2008-471 (Hawn/Lopez, unan.)** approving a second Amendment to an Agreement with Avail Technologies, Inc., in the amount of \$21,500 to support increases to the Modesto Area Express (MAX) Computer Aided Dispatch/Automatic Vehicle Location (CAD/AVL) system capability and authorize the City Manager, or his designee, to execute the second Amendment to an Agreement.

Consent--*Councilmember Keating Conflict of Interest*

12. Consider accepting the work by D.A. Wood Construction, Inc. for the project titled "Collection System Rehabilitation 2006" 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 \$733,074.73. (Total project cost is \$870,707.98, which included construction, contingency, city forces, engineering design and construction administration.) (Funding Source: Wastewater Enterprise Fund)
- Resolution accepting the work by D.A. Wood Construction, Inc. for the project titled "Collection System Rehabilitation 2006" 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 \$733,074.73 recommended.
- Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com*

ACTION: **Resolution 2008-472 (Hawn/Lopez, unan.; Keating absent)** accepting the work by D.A. Wood Construction, Inc. for the project titled "Collection System Rehabilitation 2006" 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 \$733,074.73.

Consent

13. Consider approving a Consultant Agreement with Pacific Design Associates, Inc., in the not-to-exceed amount of \$41,488.91, for the project titled, "Elm Street Building Improvements." (Funding Source: Local Transportation Funds (LTF))
- Resolution approving a Consultant Agreement with Pacific Design Associates, Inc., in the not-to-exceed amount of \$41,488.91, for the project titled, "Elm Street Building Improvements," and authorizing the City Manager or his designee to execute the Agreement recommended.
- Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com*

ACTION: **Resolution 2008-473 (Hawn/Lopez, unan.)** approving a Consultant Agreement with Pacific Design Associates, Inc., in the not-to-exceed amount of \$41,488.91, for the project titled, "Elm Street Building Improvements," and authorizing the City Manager or his designee to execute the Agreement.

Consent

14. Consider approving a professional services agreement with Larry Walker Associates to complete special studies as required in the City's National Pollutant Discharge Elimination System (NPDES) for discharge to the San Joaquin River in an amount not to exceed \$242,000 for the first year, with two (2) one-year extension options at the sole discretion of the City, in an amount not to exceed \$100,000 each year. (Funding Source: Wastewater Fund)
- Resolution approving a professional services agreement with Larry Walker Associates to complete special studies as required in the City's National Pollutant

Discharge Elimination System (NPDES) for discharge to the San Joaquin River in an amount not to exceed \$242,000 for the first year, with two (2) one-year extension options at the sole discretion of the City, in an amount not to exceed \$100,000 each year recommended.

Public Works; John Rivera, 577-6240, jrivera@modestogov.com

ACTION: **Resolution 2008-474 (Hawn/Lopez, unan.)** approving a professional services agreement with Larry Walker Associates to complete special studies as required in the City's National Pollutant Discharge Elimination System (NPDES) for discharge to the San Joaquin River in an amount not to exceed \$242,000 for the first year, with two (2) one-year extension options at the sole discretion of the City, in an amount not to exceed \$100,000 each year.

Consent

15. Consider approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$206,464 from the Job Access Reverse Commute (JARC) program and \$85,165 from the New Freedom program and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents. (Funding Source: Federal Transit Administration (FTA))
- Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$206,464 from the Job Access Reverse Commute (JARC) program and \$85,165 from the New Freedom program and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Resolution 2008-475 (Hawn/Lopez, unan.)** approving submittal of a grant application to the Federal Transit Administration (FTA) requesting \$206,464 from the Job Access Reverse Commute (JARC) program and \$85,165 from the New Freedom program and authorizing the City Manager, or his designee, to execute all grant application and grant agreement documents.

COUNCIL COMMENTS & REPORTS

Councilmember Marsh encouraged citizens to attend the production of the Wizard of Oz at the Gallo Arts Center.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

16. Consider approving the plans and specifications for the Pelandale Avenue Widening project, accepting the bid and approving a \$9,458,292.06 contract with George Reed,

Inc. for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$16,384,485.60, which includes engineering/design/administration, right-of-way acquisition, construction contract, construction contingency, and construction administration.) (Funding Source: CFF)

- Resolution approving the plans and specifications for the Pelandale Avenue Widening project, accepting the bid and approving a \$9,458,292.06 contract with George Reed, Inc. for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: **Resolution 2008-476 (Hawn/Keating, unan.)** approving the plans and specifications for the Pelandale Avenue Widening project, accepting the bid and approving a \$9,458,292.06 contract with George Reed, Inc. for the Pelandale Avenue Widening project, and authorizing the City Manager, or his designee, to execute the contract.

REMOVED FROM AGENDA

17. Consider approving an implementation plan for enforcement of Shopping Cart Ordinance 3486–C.S. § 1 which became effective on June 5, 2008. (Funding Source: General Fund) (Continued from August 6, 2008 Council meeting.) (Funding Source: General Fund)

- Resolution approving an implementation plan for enforcement of Shopping Cart Ordinance 3486–C.S. § 1 which became effective on June 5, 2008 recommended.

Parks, Recreation & Neighborhoods; Barbara Kauss, 577-5275, bkauss@modestogov.com

ACTION: This item removed from Agenda.

HEARINGS

Published in the Modesto Bee on July 20, 2008

18. Hearing to consider the application of Ioan and Victoria Muresan to rezone 0.46 acres, located on the north side of Kansas Avenue east of Reno Avenue, from Light Industrial Zone (M-1) to Planned Development Zone P-D(586), to allow the conversion of an existing industrial development to seven air-space industrial condominium units. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial (M-1) to Planned Development Zone, P-D(586) property located on the north side of Kansas Avenue east of Reno Avenue, (Muresan) recommended.
- Resolution adopting a Development Plan for Planned Development Zone, P-D(586) (Muresan) 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. 199082041): Amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial Zone, M-1, to Planned Development Zone, P-D(586), property located at 1233 Kansas Avenue (Ioan & Victoria Muresan) recommended.

Community and Economic Development; Rita Doscher, 577-5267, rdoscher@modestogov.com

ACTION: Motion (**Marsh/Keating, unan.**) introducing **Ordinance No. 3493–C.S.** amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial (M-1) to Planned Development Zone, P-D(586) property located on the north side of Kansas Avenue east of Reno Avenue, (Muresan).

ACTION: **Resolution 2008-477 (Hawn/Lopez, unan.)** adopting a Development Plan for Planned Development Zone, P-D(586) (Muresan).

ACTION: **Resolution 2008- 478 (Hawn/Lopez, unan.)** 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. 199082041): Amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial Zone, M-1, to Planned Development Zone, P-D(586), property located at 1233 Kansas Avenue (Ioan & Victoria Muresan).

Published in the Modesto Bee on July 20, 2008

19. Hearing to consider the application of STANCO, to rezone from P-D(469) to a new Planned Development Zone to allow for development of a 32-unit one- and two-story special needs apartment project, located on the north side of E. Coolidge Avenue, between Melrose and Sunrise Avenues (Funding Source: Not Applicable)
- Motion introducing an Ordinance amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469) to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue on the north side of East Coolidge Avenue, west of Sunrise Avenue (STANCO) recommended.
 - Resolution approving a Development Plan for P-D(587) (STANCO) 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. 199082041): Amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469), to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue, on the north side of E. Coolidge Avenue, west of Sunrise Avenue. (STANCO) recommended.

Community and Economic Development; Kristinae Toomians, 577-5267, ktoomians@modestogov.com

ACTION: Motion (Marsh/Hawn, unan.) introducing **Ordinance No. 3494–C.S.** amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469) to Planned Development Zone, P-D(587), property located at 605 E.

Coolidge Avenue on the north side of East Coolidge Avenue, west of Sunrise Avenue (STANCO).

ACTION: Resolution 2008-479 (Marsh/Hawn, unan.) approving a Development Plan for P-D(587) (STANCO) (**modification to Resolution: masonry wall to be 6 feet-high**).

ACTION: Resolution 2008-480 (Marsh/Hawn, unan.) 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. 199082041): Amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469), to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue, on the north side of E. Coolidge Avenue, west of Sunrise Avenue. (STANCO).

Published in the Modesto Bee on July 23, 2008

20. Hearing to consider the application of Dr. Brij Gupta to amend Planned Development Zone, P-D(575), located on the west side of Coffee Road, north of E. Rumble Road, 3125 Coffee Road to allow the conversion of existing medical and professional offices to create seven-airspace office condominium units and required common area.

(Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Section 2 of Ordinance No. 3425-C.S. entitled "An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road." (Dr. Brij Gupta) recommended.
- Resolution amending Sections 1 and 2 of Resolution No. 2006-565 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(575) (Dr. Brij Gupta)" (Dr. Brij Gupta) recommended.
- Resolution finding the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amendment to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road, 3125 Coffee Road (Dr. Brij Gupta) recommended.

*Community & Economic Development; Rita Doscher, 577-5267,
rdoscher@modestogov.com*

ACTION: Motion (Marsh/Keating, unan.) introducing **Ordinance No. 3495-C.S.** amending Section 2 of Ordinance No. 3425-C.S. entitled "An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road." (Dr. Brij Gupta).

ACTION: Resolution 2008-481 (Marsh/Keating, unan.) amending Sections 1 and 2 of Resolution No. 2006-565 entitled "A Resolution Approving a Development Plan for Planned Development Zone, P-D(575) (Dr. Brij Gupta)" (Dr. Brij Gupta).

ACTION: Resolution 2008-482 (Marsh/Keating, unan.) finding the following project is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (Sch No. 1999082041): Amendment to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road, 3125 Coffee Road (Dr. Brij Gupta).

Published in the Modesto Bee on July 19, 2008.

21. Hearing to consider amending Resolution No. 2004-367 titled "A Resolution setting tipping fees at Modesto Composting for green waste, pruned refuse, and biosolids and establishing a separate Compost Enterprise Fund" to establish new tipping fees at Modesto Composting of \$20.35 per ton for green waste and pruned refuse and \$18.71 for biosolids effective September 1, 2008. (Funding Source: Solid Waste Fund)
- Resolution amending Resolution No. 2004-367 titled "A Resolution setting tipping fees at Modesto Composting for green waste, pruned refuse, and biosolids and establishing a separate Compost Enterprise Fund" to establish new tipping fees at Modesto Composting of \$20.35 per ton for green waste and pruned refuse and \$18.71 for biosolids effective September 1, 2008 recommended.

Parks, Recreation and Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2008-483 (Hawn/Marsh, unan.) amending Resolution No. 2004-367 titled "A Resolution setting tipping fees at Modesto Composting for green waste, pruned refuse, and biosolids and establishing a separate Compost Enterprise Fund" to establish new tipping fees at Modesto Composting of \$20.35 per ton for green waste and pruned refuse and \$18.71 for biosolids effective September 1, 2008.

Published in the Modesto Bee on July 19, 2008.

22. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, and rescinding Resolution No. 2008-178. (Funding Source: Solid Waste Fund)
- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, and rescinding Resolution No. 2008-178 recommended.

Parks, Recreation and Neighborhoods; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Resolution 2008-484 (Hawn/Lopez, unan.) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, and rescinding Resolution No. 2008-178.

NEW BUSINESS

23. Consider extending a contract for fuel card-lock services for the Public Works Department, Fleet Services Division with Boyett Petroleum, Modesto, CA, for one-year, for an estimated annual total cost of \$2,045,000, and authorizing the Purchasing

Manager to issue a formal Request for Proposal (RFP) for fuel card-lock services.
(Funding Source: Fleet Fund)

- Resolution authorizing extending a contract for fuel card-lock services for the Public Works Department, Fleet Services Division with Boyett Petroleum, Modesto, CA., for one-year, for an estimated annual total cost of \$2,045,000, and authorizing the Purchasing Manager to issue a formal Request for Proposal (RFP) for fuel card-lock services recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-485 (Keating/Olsen, unan.)** authorizing extending a contract for fuel card-lock services for the Public Works Department, Fleet Services Division with Boyett Petroleum, Modesto, CA., for one-year, for an estimated annual total cost of \$2,045,000, and authorizing the Purchasing Manager to issue a formal Request for Proposal (RFP) for fuel card-lock services.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

CLOSED SESSION

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

Agency Negotiators: Greg Nyhoff, City Manager
 Robin Renwick, Director of Personnel

Employee Organization: Modesto Police Officers' Association

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

Agency Negotiators: Greg Nyhoff, City Manager
 Robin Renwick, Personnel Director

Employee Organization: Modesto Police Management Association

MINUTES

City of Modesto
CITY COUNCIL MEETING*
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 02, 2008, at 5:30 p.m.

Present: Councilmembers Keating, Lopez, Marsh, O'Bryant, Olsen, and Mayor Ridenour
Absent: Councilmember Hawn

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk's Announcements – Item #15 – Hearing – Cancelled.

Declaration of Conflicts of Interest - Councilmember Hawn on Items 11 & 12

Reports from Closed Session – City Attorney Wood stated no reportable action taken.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation announcing September 2008 as National Preparedness Month. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour presented the Proclamation to Fire Marshal Mike Payton.

MISCELLANEOUS

Legislation
Appointments
Other

None.

2. Consider recommending the appointment of William Schwarz to the Community Qualities forum by Councilmember Will O'Bryant. (Funding Source: Not Applicable)
 - Resolution appointing William Schwarz to the Community Qualities Forum recommended.*City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: Resolution 2008-486 (Marsh/Lopez, unan.; Hawn absent) appointing William Schwarz to the Community Qualities Forum.

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

Mr. Terry Plett, with Disability Resource Agency for Independent Living spoke, commending Chief Wasden and his staff for their assistance during a family emergency.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 14

CONSENT ITEMS 3-14: (Lopez/Marsh, unan.; Hawn absent)

CONSENT ITEMS

Consent

3. Consider approving the Minutes of the regular City Council meeting of August 12, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.

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

ACTION: Motion (Lopez/Marsh, unan.; Hawn absent) approving the Minutes of the regular City Council meeting of August 12, 2008.

Consent

4. Consider approving the final adoption of the following Ordinances:
 - A. Ordinance No. 3493–C.S. amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial (M-1) to Planned Development Zone, P-D(586) property located on the north side of Kansas Avenue east of Reno Avenue, (Muresan).
 - B. Ordinance No. 3494–C.S. amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469) to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue on the north side of East Coolidge Avenue, west of Sunrise Avenue (STANCO).
 - C. Ordinance No. 3495–C.S. amending Section 2 of Ordinance No. 3425-C.S. entitled "An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road." (Dr. Brij Gupta). (Funding Source: Not Applicable)

- Motion approving final adoption of the following Ordinances:
 - A. Ordinance No. 3493–C.S. amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial (M-1) to Planned Development Zone, P-D(586) property located on the north side of Kansas Avenue east of Reno Avenue, (Muresan) recommended.
 - B. Ordinance No. 3494–C.S. amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469) to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue on the north side of East Coolidge Avenue, west of Sunrise Avenue (STANCO) recommended.
 - C. Ordinance No. 3495–C.S. amending Section 2 of Ordinance No. 3425-C.S. entitled "An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road." (Dr. Brij Gupta) recommended.

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

ACTION: **Motion (Marsh/Lopez, unan.; Hawn absent)** approving the final adoption of Ordinance No. 3493–C.S. amending Section 30-3-9 of the Zoning Map to rezone from Light Industrial (M-1) to Planned Development Zone, P-D(586) property located on the north side of Kansas Avenue east of Reno Avenue, (Muresan).

ACTION: **Motion (Marsh/Lopez, unan.; Hawn absent)** approving the final adoption of Ordinance No. 3494–C.S. amending Section 21-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(469) to Planned Development Zone, P-D(587), property located at 605 E. Coolidge Avenue on the north side of East Coolidge Avenue, west of Sunrise Avenue (STANCO).

ACTION: **Motion (Marsh/Lopez, unan.; Hawn absent)** approving the final adoption of Ordinance No. 3495–C.S. amending Section 2 of Ordinance No. 3425-C.S. entitled "An Ordinance amending Section 9-3-9 of the Zoning Map to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(575), property located on the west side of Coffee Road north of E. Rumble Road." (Dr. Brij Gupta).

Consent

5. Consider recommendation for selection and appointment of Frank DeMattos as City Auditor. (Funding Source: General Fund)
 - Resolution authorizing the Mayor to sign an employment agreement with Frank DeMattos to serve as City Auditor of the City of Modesto, at an annual salary of \$96,200 recommended.

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

ACTION: Resolution 2008-487 (Marsh/Lopez, unan.; Hawn absent) authorizing the Mayor to sign an employment agreement with Frank DeMattos to serve as City Auditor of the City of Modesto, at an annual salary of \$96,200.

Consent

6. Consider authorizing the award of bid and contract for the furnishing of asphalt paving materials for the Public Works Department, to George Reed, Munn and Perkins Plant, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of one (1) year, with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$2,000,000. (Funding Source: Various Funds)

- Resolution authorizing the award of bid and contract for the furnishing of asphalt paving materials for the Public Works Department, to George Reed, Munn and Perkins Plant, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of one (1) year, with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$2,000,000 recommended.

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

ACTION: Resolution 2008-488 (Marsh/Lopez, unan.; Hawn absent) authorizing the award of bid and contract for the furnishing of asphalt paving materials for the Public Works Department, to George Reed, Munn and Perkins Plant, Modesto, CA, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of one (1) year, with four (4) one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed \$2,000,000.

Consent

7. Consider authorizing the Purchasing Manager to conduct a sole source purchase to RoboVu of four (4) Mobile Data Computers (MDCs) annually as a replacement to existing units purchased under Resolution 2004-388 for an estimated annual cost, not to exceed \$28,000. (Funding Source: General Fund)

- Resolution authorizing the Purchasing Manager to conduct a sole source purchase to RoboVu of four (4) Mobile Data Computers (MDCs) annually as a replacement to existing units purchased under Resolution 2004-388 for an estimated annual cost, not to exceed \$28,000 recommended.

Information Technology; Gary Cook, 571-5229, gcook@modestogov.com

ACTION: Resolution 2008-489 (Marsh/Lopez, unan.; Hawn absent) authorizing the Purchasing Manager to conduct a sole source purchase to RoboVu of four (4) Mobile Data Computers (MDCs) annually as a replacement to existing units purchased under Resolution 2004-388 for an estimated annual cost, not to exceed \$28,000.

Consent

8. Consider authorizing the Purchasing Manager to issue a formal Request for Bids (RFB) for modernization of the elevators at the 11th Street parking garage for the Parks, Recreation and Neighborhoods Department, Parking Services Division, at an estimated cost of \$98,000 and consider amending the Capital Improvement Program to revise the description of activities in CIP 6000-350-P597 to add “modernization of the elevator at the 11th Street parking garage.” (Funding Source: Parking Fund)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for modernization of the elevator at the 11th Street parking garage for the Parks, Recreation and Neighborhoods Department, Parking Services Division, at an estimated cost of \$98,000 recommended.
 - Resolution amending the CIP to revise the description of CIP 6000-350-P597 to add “modernization of the 11th Street parking garage elevator” recommended.
- Parks, Recreation and Neighborhoods; Ross Schiveley, 342-2214, rschiveley@modstogov.com*

ACTION: Resolution 2008-490 (Marsh/Lopez, unan.; Hawn absent) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for modernization of the elevator at the 11th Street parking garage for the Parks, Recreation and Neighborhoods Department, Parking Services Division, at an estimated cost of \$98,000.

ACTION: Resolution 2008-491 (Marsh/Lopez, unan.; Hawn absent) amending the CIP to revise the description of CIP 6000-350-P597 to add “modernization of the 11th Street parking garage elevator”.

Consent

9. Consider approving a Memorandum of Understanding with Stanislaus County Office of Education for one-half of a Modesto Police Officer’s/School Resource Officer’s (SRO) salary and benefits at Petersen Alternative Center for Education (P.A.C.E.) campus. (Funding Source: General Fund)
- Resolution approving a Memorandum of Understanding (MOU) with Stanislaus County Office of Education in the amount of \$54,373 for the provision of one half of a Modesto Police Officer’s/School Resource Officer’s (SRO) salary and benefits at Petersen Alternative Center for Education (P.A.C.E.) campus to provide direct law enforcement services, expertise and training, and authorizing the City Manager, or his designee, to execute the MOU recommended.
- Police; Pat Kimes, 572-9162, kimesp@modestopd.com*

ACTION: Resolution 2008-492 (Marsh/Lopez, unan.; Hawn absent) approving a Memorandum of Understanding (MOU) with Stanislaus County Office of Education in the amount of \$54,373 for the provision of one half of a Modesto Police Officer’s/School Resource Officer’s (SRO) salary and benefits at Petersen Alternative Center for Education (P.A.C.E.) campus to provide direct law enforcement services, expertise and training, and authorizing the City Manager, or his designee, to execute the MOU.

Consent

10. Consider accepting the Federal Highway Safety Improvement Program (HSIP) grant in an amount not to exceed \$49,500, and authorizing the City Manager, or his designee, to execute necessary grant documents; and a resolution approving the amendment of the Fiscal Year 2008/2009 Capital Improvement Program (CIP) budget accepting the grant funds and approving an appropriation transfer of \$5,500 from Gas Tax for the City match, and establishing one new CIP project titled, "Installation of Lime Green School Zone Signs," Account No. 2370-160-E006. (Funding Source: Gas Tax)
- Resolution accepting the Federal Highway Safety Improvement Program (HSIP) grant in an amount not to exceed \$49,500, and authorizing the City Manager, or his designee, to execute necessary grant documents recommended.
 - Resolution amending the Fiscal year 2008/2009 Capital Improvement Program (CIP) budget, accepting the Federal Highway Safety Improvement Program (HSIP) grant funds in the amount of \$49,500, approving an appropriation transfer of \$5,500 from Gas Tax for the City Match, and establishing one new CIP Project titled "Installation of Lime Green School Zone Signs," Account No. 2370-160-E006 recommended.

Public Works; Jeffrey L. Barnes, 209.577.5468, jbarnes@modestogov.com

ACTION: **Resolution 2008-493 (Marsh/Lopez, unan.; Hawn absent)** accepting the Federal Highway Safety Improvement Program (HSIP) grant in an amount not to exceed \$49,500, and authorizing the City Manager, or his designee, to execute necessary grant documents.

ACTION: **Resolution 2008-494 (Marsh/Lopez, unan.; Hawn absent)** amending the Fiscal year 2008/2009 Capital Improvement Program (CIP) budget, accepting the Federal Highway Safety Improvement Program (HSIP) grant funds in the amount of \$49,500, approving an appropriation transfer of \$5,500 from Gas Tax for the City Match, and establishing one new CIP Project titled "Installation of Lime Green School Zone Signs," Account No. 2370-160-E006

Consent

11. Consider approving a Sewage Grinder Pump Access and Maintenance Agreement between the City of Modesto and Kaiser Foundation Hospitals and authorizing the City Manager, or his designee, to execute the Agreement. (Funding Source: Not Applicable)
- Resolution approving a Sewage Grinder Pump Access and Maintenance Agreement between the City of Modesto and Kaiser Foundation Hospitals and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: **Resolution 2008-495 (Marsh/Lopez, unan.; Hawn absent)** approving a Sewage Grinder Pump Access and Maintenance Agreement between the City of Modesto and Kaiser Foundation Hospitals and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

12. Consider approving an Amendment to the Reimbursement Agreement between the City of Modesto and Kaiser Permanente Hospital in an amount not-to-exceed \$42,883 for the City's share of construction costs for the Pelandale Avenue/Dale Road Intersection East Leg Improvements, and authorizing the City Manager, or his designee, to execute the Amendment to the Reimbursement Agreement. (This first Amendment brings the Agreement total to \$223,763.) (Funding Source: Capital Facilities Fees)
- Resolution approving an Amendment to the Reimbursement Agreement between the City of Modesto and Kaiser Permanente Hospital in an amount not-to-exceed \$42,883 for the City's share of construction costs for the Pelandale Avenue/Dale Road Intersection East Leg Improvements, and authorizing the City Manager, or his designee, to execute the Amendment to the Reimbursement Agreement recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-496 (Marsh/Lopez, unan.; Hawn absent) approving an Amendment to the Reimbursement Agreement between the City of Modesto and Kaiser Permanente Hospital in an amount not-to-exceed \$42,883 for the City's share of construction costs for the Pelandale Avenue/Dale Road Intersection East Leg Improvements, and authorizing the City Manager, or his designee, to execute the Amendment to the Reimbursement Agreement.

Consent

13. Consider approving the Fiscal Year 2008/2009 Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Program Plan Agreement for Federally Funded Street, Airport, and Transit projects, and authorizing the City Manager or his designee to execute the Agreement; and a resolution authorizing participation in the Unified Certification Program (UCP) in an amount not to exceed \$2,000, for certifying Disadvantaged Business Enterprise contractors. (Funding Source: For UCP Only: Capital Improvement Support)
- Resolution approving the Fiscal Year 2008/2009 Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Program Plan Agreement for Federally Funded Street, Airport, and Transit projects, and authorizing the City Manager or his designee to execute the Agreement recommended.
 - Resolution authorizing participation in the Unified Certification Program (UCP) in an amount not to exceed \$2,000, for certifying Disadvantaged Business Enterprise contractors recommended.

Public Works; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Resolution 2008-497 (Marsh/Lopez, unan.; Hawn absent) approving the Fiscal Year 2008/2009 Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement for Federally Funded Street, Airport, and Transit projects, establishing a FY 2008/2009 anticipated DBE participation level goal of 10.56%,

and authorizing the City Manager or his designee to execute the agreement.

ACTION: **Resolution 2008-498 (Marsh/Lopez, unan.; Hawn absent)** authorizing participation in the Unified Certification Program (UCP) in an amount not to exceed \$2,000, for certifying Disadvantaged Business Enterprise contractors.

Consent

14. Consider approving the plans and specifications for the 2008-2009 Sanitary Sewer Collection System Replacement Project, accepting the bid and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$237,732.50 for the 2008-2009 Sanitary Sewer Collection System Replacement Project, and authorizing the City Manager, or his designee, to execute the contract. (Total estimated cost of this project is \$332,825.50, which includes engineering design, construction contingency, and construction administration.) (Funding Source: Wastewater)
- Resolution approving the plans and specifications for the 2008-2009 Sanitary Sewer Collection System Replacement Project, accepting the bid and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$237,732.50 for the 2008-2009 Sanitary Sewer Collection System Replacement Project, and authorizing the City Manager, or his designee, to execute the contract recommended.
- Public Works; William Wong, 571-5801, wwong@modestogov.com*

ACTION: **Resolution 2008-499 (Marsh/Lopez, unan.; Hawn absent)** approving the plans and specifications for the 2008-2009 Sanitary Sewer Collection System Replacement Project, accepting the bid and approving a contract with Clyde Wheeler Pipeline, Inc. in the amount of \$237,732.50 for the 2008-2009 Sanitary Sewer Collection System Replacement Project, and authorizing the City Manager, or his designee, to execute the contract.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on August 7, 2008--HEARING CANCELLED

15. Hearing to consider establishment and collection of a Public, Education, and Government (PEG) Grant Fee as provided for in Exhibit E of Ordinance No. 3223-C.S., dated July 5, 2001, entitled "An Ordinance of the City Council of the City of Modesto Granting United Cable Television Corporation a Renewal of its Nonexclusive

Franchise to Construct, Operate and Maintain a Cable Communications System Within the City of Modesto Subject to the Terms and Conditions Set Forth in the Franchise Renewal Agreement' of \$0.75 per cable subscriber, per month. (Funding Source: Not Applicable)

- **Hearing cancelled.**

Information Technology; Gary Cook, 577-5229, gcook@modestogov.com

NEW BUSINESS

16. Consider approving the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and Modesto Police Non Sworn Association (MPNSA) for the term of July 22, 2008 through June 22, 2009. (Funding Source: General Fund)
- Resolution approving the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and Modesto Police Non Sworn Association (MPNSA) for the term of July 22, 2008 through June 22, 2009 recommended.
 - Resolution approving the Class Range Table for Public Safety Non Sworn Classes (MPNSA) recommended.
 - Resolution amending the FY 08-09 operating budget to appropriate \$62,125 from 0100-800-8000-8003 General Fund Reserve to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MPNSA recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: **Resolution 2008-500 (Keating/Marsh, unan.; Hawn absent)** approving the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and Modesto Police Non Sworn Association (MPNSA) for the term of July 22, 2008 through June 22, 2009.

ACTION: **Resolution 2008-501 (Keating/Marsh, unan.; Hawn absent)** approving the Class Range Table for Public Safety Non Sworn Classes (MPNSA).

ACTION: **Resolution 2008-502 (Keating/Marsh, unan.; Hawn absent)** amending the FY 08-09 operating budget to appropriate \$62,125 from 0100-800-8000-8003 General Fund Reserve to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MPNSA.

17. Consider approving the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) for the term of July 22, 2008 through June 22, 2009. (Funding Source: General Fund and Other Funds)
- Resolution approving the Memorandum of Understanding (MOU) between the City

of Modesto and Modesto Confidential and Management Association (MCMA) for the term of July 22, 2008 through June 22, 2009 recommended.

- Resolution approving the Class Range Table for MCMA recommended.
- Resolution amending the FY 08-09 operating budget to appropriate \$82,850 from 0100-800-8000-8003 General Fund Reserve, and \$79,050 from other Funds reserves to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MCMA recommended.

Personnel; Robin Renwick, 577 5400, rrenwick@modestogov.com

ACTION: Resolution 2008-503 (Marsh/Keating, unan.; Hawn absent) approving the Memorandum of Understanding (MOU) between the City of Modesto and Modesto Confidential and Management Association (MCMA) for the term of July 22, 2008 through June 22, 2009.

ACTION: Resolution 2008-504 (Marsh/Keating, unan.; Hawn absent) approving the Class Range Table for MCMA.

ACTION: Resolution 2008-505 Marsh/Keating, unan.; Hawn absent) amending the FY 08-09 operating budget to appropriate \$82,850 from 0100-800-8000-8003 General Fund Reserve, and \$79,050 from other Funds reserves to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MCMA.

18. Consider granting health contribution changes to Unrepresented Management and Confidential employees, effective July 22, 2008, and amending the Fiscal Year 08-09 Operating Budget to fund health contributions. (Funding Source: General Fund and Other Funds)
- Resolution granting health contribution changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 22, 2008, and amending Section 1 of Resolution No. 2007-386 recommended.
 - Resolution amending the Fiscal Year 08-09 Operating Budget to transfer \$46,885 from 0100-800-8000-8003, General Fund Reserve, and \$5,940 from other Funds reserves to various salary and benefit accounts to provide funding for health benefit changes for Unrepresented Management and Confidential employees, including Charter Officers and Executives recommended.

Personnel; Robin Renwick, 577-5401, rrenwick@modestogov.com

ACTION: Resolution 2008-506 (Lopez/Keating, unan.; Hawn absent) granting health contribution changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, effective July 22, 2008, and amending Section 1 of Resolution No. 2007-386.

ACTION: Resolution 2008-507 (Lopez/Keating, unan.; Hawn absent) amending the Fiscal Year 08-09 Operating Budget to transfer \$46,885 from 0100-800-8000-8003, General Fund Reserve, and \$5,940 from other Funds reserves to various

salary and benefit accounts to provide funding for health benefit changes for Unrepresented Management and Confidential employees, including Charter Officers and Executives.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

CLOSED SESSION

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

Agency Negotiators: Greg Nyhoff, City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto Confidential & Management Association

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

Agency Negotiators: Greg Nyhoff, City Manager
Barbara Santos, Deputy Director of Personnel

Employee Organization: Modesto City Employees Association

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday, September 09, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk’s Announcements – Item 10 Removed from Consent

Declaration of Conflicts of Interest - Hawn Item 9

Reports from Closed Session – City Attorney reported on Closed Session items.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation announcing September 15 – October 15, 2008 as Hispanic Heritage Month. (Funding Source: Not Applicable)
City Council; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour announced September 15 – October 15, 2008 as Hispanic Heritage Month.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Sally Mears spoke regarding the need for Animal Shelter and handed out petition: “Citizens’ Complaint to the Modesto City Council – 06/08”.

Ernie Foote spoke regarding a water feature on Briggsmore & McHenry and would like status of how it is being handled.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 10

ACTION CONSENT ITEMS: 2-8 (Hawn/Lopez;unan)

ACTION CONSENT ITEM: 9 (Lopez/Marsh;unan; Hawn absent)

ACTION CONSENT ITEM: 10 (Hawn/Keating;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 regular City Council meeting of September 2, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez;unan) approving the minutes of the regular City Council meeting of September 2, 2008.

Consent

3. Consider approving the sale of a portion of a City-owned parcel at the intersection of 9th and D Streets to Calif. Dept. of Transportation (APN: 106-045-003) for the sale price of \$34,900. (Funding Source: Gas Tax Revenue)
 - Resolution approving the property sale to Calif. Dept. of Transportation of a portion of a parcel located at the northeast corner of 9th Street and D Street; and authorizing the City Manager, or his designee, to execute any related property documents as owner on behalf of the City of Modesto for the parcel identified as Assessor Parcel Number 106-045-003 recommended.
Community & Economic Development Department; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Resolution 2008-508 (Hawn/Lopez;unan) approving the property sale to Calif. Dept. of Transportation of a portion of a parcel located at the northeast corner of 9th Street and D Street; and authorizing the City Manager, or his designee, to execute any related property documents as owner on behalf of the City of Modesto for the parcel identified as Assessor Parcel Number 106-045-003.

Consent

4. Consider acknowledging receipt and accepting the Monthly Investment Report for July 2008. (Funding Source: Not Applicable)
 - Motion acknowledging receipt and accepting the Monthly Investment Report for July 2008 recommended.
Finance; Wayne Padilla, 577-5369, wapdilla@modestogov.com

ACTION: Motion (Hawn/Lopez;unan) acknowledging receipt and accepting the Monthly Investment Report for July 2008.

Consent

5. Consider acknowledging receipt and accepting the Monthly Budget Adjustment Report for August 2008. (Funding Source: Not Applicable)
 - Resolution amending the FY 2008-2009 Annual Budget recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-509 (Hawn/Lopez;unan) acknowledging receipt and accepting the Monthly Budget Adjustment Report for August 2008.

Consent

6. Consider granting the authority to the City Manager to extend provisional appointments beyond the initial six-month appointment. (Funding Source: Not Applicable)
 - Resolution granting authority to the City Manager to extend provisional appointments beyond the initial six-month appointment recommended.*Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com*

ACTION: Resolution 2008-510 (Hawn/Lopez;unan) granting authority to the City Manager to extend provisional appointments beyond the initial six-month appointment.

Consent

7. Consider (1) approving the Wastewater Master Plan Supplement, dated June 2008, as complete; and (2) consider amending the FY08/09 Capital Improvement Program budget in order to provide funding necessary to begin project design, by decreasing CIP Accounts 6210-430-B770 "Wastewater Treatment-Phase 1B Secondary WQC Upgrades" in the amount of \$1,020,600 and 6210-480-B806 "Wastewater Treatment-Phase 1B Tertiary" in the amount of \$4,373,216 to close both accounts, and reappropriating the total amount of \$5,393,816 to CIP Account 6210-430-B061 "Wastewater Treatment-Phase 2 Tertiary." (Funding Source: Wastewater Fund)
 - Resolution approving the Wastewater Master Plan Supplement, dated June 2008, as complete recommended.
 - Resolution amending the FY08/09 Capital Improvement Program budget in order to provide funding necessary to begin project design, by decreasing CIP Accounts 6210-430-B770 "Wastewater Treatment-Phase 1B Secondary WQC Upgrades" in the amount of \$1,020,600 and 6210-480-B806 "Wastewater Treatment-Phase 1B Tertiary" in the amount of \$4,373,216 to close both accounts, and reappropriating the total amount of \$5,393,816 to CIP Account 6210-430-B061 "Wastewater Treatment-Phase 2 Tertiary" recommended.*Public Works; William Wong, 571-5801, wwong@modestogov.com*

ACTION: Resolution 2008-511 (Hawn/Lopez;unan) approving the Wastewater Master Plan Supplement, dated June 2008, as complete.

ACTION: Resolution 2008-512 (Hawn/Lopez;unan) amending the FY08/09 Capital Improvement Program budget in order to provide funding necessary to begin project design, by decreasing CIP Accounts 6210-430-B770 "Wastewater Treatment-Phase 1B Secondary WQC Upgrades" in the amount of \$1,020,600 and 6210-480-B806 "Wastewater Treatment-Phase 1B Tertiary" in the amount of \$4,373,216 to close both accounts, and reappropriating the total amount of

\$5,393,816 to CIP Account 6210-430-B061 “Wastewater Treatment-Phase 2 Tertiary”.

Consent

8. Consider accepting the work by Tim Paxin’s Pacific Excavation, Inc. for the “Neighborhood Parks Security Lighting 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 \$193,980.91. (Total project cost is \$239,433.25, which included construction contingency, engineering design and construction administration.) (Funding Source: Capital Facilities Fees)
- Resolution accepting the work by Tim Paxin’s Pacific Excavation, Inc. for the “Neighborhood Parks Security Lighting 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 \$193,980.91 recommended.
Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-513 (Hawn/Lopez;unan) accepting the work by Tim Paxin’s Pacific Excavation, Inc. for the “Neighborhood Parks Security Lighting 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 \$193,980.91.

Consent—*Councilmember Hawn absent due to conflict of interest*

9. Consider (1) approving a Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services for the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project, in the not-to-exceed amount of \$46,190, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement. (This Second Amendment brings the Agreement total to \$251,090); and (2) amending the FY08/09 Capital Improvement Program budget in order to fully fund the Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services, including City staff time, to complete the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project, transferring \$44,000 by decreasing Object 6030 Land/ROW Acquisition and reappropriating the same amount to Object 6010 Engineering/Design/Administration within the same CIP Account 1410-430-H424 “Pelandale Sisk to 99 Improvements.” (Funding Source: Capital Facilities Fees)
- Resolution approving a Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services for the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project, in the not-to-exceed amount of \$46,190, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.
 - Resolution amending the FY08/09 Capital Improvement Program budget in order to fully fund the Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services, including City staff time, to complete the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project,

transferring \$44,000 by decreasing Object 6030 Land/ROW Acquisition and reappropriating the same amount to Object 6010 Engineering/Design/Administration within the same CIP Account 1410-430-H424 "Pelandale Sisk to 99 Improvements" recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-514 (Lopez/Marsh;unan; Hawn absent) approving a Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services for the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project, in the not-to-exceed amount of \$46,190, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

ACTION: Resolution 2008-515 (Lopez/Marsh;unan; Hawn absent) amending the FY08/09 Capital Improvement Program budget in order to fully fund the Second Amendment to Agreement with Mark Thomas & Company, Inc. for consultant services, including City staff time, to complete the Pelandale Avenue at Sisk Road and SR99 Northbound On-ramp project, transferring \$44,000 by decreasing Object 6030 Land/ROW Acquisition and reappropriating the same amount to Object 6010 Engineering/Design/Administration within the same CIP Account 1410-430-H424 "Pelandale Sisk to 99 Improvements".

Removed from Consent

10. Consider (1) approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Irrigation District (MID) related to the initial funding, repayment provisions, carrying costs, and allocation of costs for Exterior Insulation and Finish Systems (EIFS) repair and roof replacement work at the Modesto Regional Water Treatment Plant and Terminal Reservoir/Pump Station facility (MRWTP), and authorizing the City Manager, or his designee, to execute the MOU; and (2) authorizing the Modesto Irrigation District (MID) to execute a construction contract with Alpha Restoration & Waterproofing in the amount of \$5,901,045 for Exterior Insulation and Finish Systems (EIFS) Repair and Roof Replacement at the Modesto Regional Water Treatment Plant (MRWTP), and authorize a change order authority to the MID General Manager for up to 14.1 percent (\$832,047) of the construction contract amount, provided that such change orders have been approved through the process described in the Amended and Restated Treatment and Delivery Agreement (ARTDA). (Funding Source: Water Fund)
 - Resolution approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Irrigation District (MID) related to the initial funding, repayment provisions, carrying costs, and allocation of costs for Exterior Insulation and Finish Systems (EIFS) repair and roof replacement work at the Modesto Regional Water Treatment Plant and Terminal Reservoir/Pump Station facility (MRWTP), and authorizing the City Manager, or his designee, to execute the MOU recommended.
 - Resolution authorizing the Modesto Irrigation District (MID) to execute a construction contract with Alpha Restoration & Waterproofing in the amount of \$5,901,045 for Exterior Insulation and Finish Systems (EIFS) Repair and Roof Replacement at the Modesto Regional Water Treatment Plant (MRWTP), and

authorize a change order authority to the MID General Manager for up to 14.1 percent (\$832,047) of the construction contract amount, provided that such change orders have been approved through the process described in the Amended and Restated Treatment and Delivery Agreement (ARTDA) recommended.

Public Works; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Resolution 2008-516 (Hawn/Keating;unan) approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Irrigation District (MID) related to the initial funding, repayment provisions, carrying costs, and allocation of costs for Exterior Insulation and Finish Systems (EIFS) repair and roof replacement work at the Modesto Regional Water Treatment Plant and Terminal Reservoir/Pump Station facility (MRWTP), and authorizing the City Manager, or his designee, to execute the MOU.

ACTION: Resolution 2008-517 (Hawn/Keating;unan) authorizing the Modesto Irrigation District (MID) to execute a construction contract with Alpha Restoration & Waterproofing in the amount of \$5,901,045 for Exterior Insulation and Finish Systems (EIFS) Repair and Roof Replacement at the Modesto Regional Water Treatment Plant (MRWTP), and authorize a change order authority to the MID General Manager for up to 14.1 percent (\$832,047) of the construction contract amount, provided that such change orders have been approved through the process described in the Amended and Restated Treatment and Delivery Agreement (ARTDA).

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

NEW BUSINESS

11. Consider directing staff to proceed with the annexation of the Shackelford Infill Area. (Funding Source: General Fund)
 - Resolution directing staff to proceed with the annexation of the Shackelford Infill Area recommended.

Community and Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com

ACTION: Resolution 2008-518 (Hawn/Olsen;unan) directing staff to proceed with the annexation of the Shackelford Infill Area.

12. Consider the Revenue Sharing Agreement for sales tax between the City of Modesto and Maxum Petroleum, Inc.
Annual Estimated Revenue Increase to General Fund: \$475,000 (Funding Source:)

- Resolution approving the Revenue Sharing Agreement for sales tax between the City of Modesto and General Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents recommended.
 - Resolution amending Modesto's Operating Budget to increase the anticipated sales tax revenue beginning in FY 08-09 is recommended.

*Community & Economic Development ; Linda Boston, 571-5179,
lboston@modestogov.com*

ACTION: Resolution 2008-519 (Hawn/Olsen; majority; O'Bryant no) approving the Revenue Sharing Agreement for sales tax between the City of Modesto and General Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents. **(Agreement to be modified to reflect a 45% (General Petroleum) - 55% (City) split.)**

ACTION: Resolution 2008-520 (Hawn/Olsen; majority; O'Bryant no) amending Modesto's Operating Budget to increase the anticipated sales tax revenue beginning in FY 08-09.

ACTION: Motion (Hawn/Olsen; majority; O'Bryant no) authorizing similar Revenue Sharing Agreement for sales tax be made available for all businesses, beginning with petroleum-based businesses, coming to the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:15 p.m.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Acquisition in fee of a portion of real property located On Codoni Avenue, Modesto, California 95357 APN: 009-018-054 – 5.31 acres Negotiating parties: Joseph C. Mackil, for Owners Steve Castellano, Associated Right of Way Services, for City of Modesto Under negotiation: Price and terms of sale of property.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Sale of a portion of the real property located at the northeast corner of 9th Street and D Street, Modesto, California. APN: 106-045-003. City of Modesto, Owner. Negotiating parties: Linda Hennings, Property Agent, for California Department of Transportation; Richard B. Evans, Senior Deputy City Attorney and Linda Boston, Business Development Manager, for City of Modesto. Under negotiation: Price and terms of sale of property.

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA. Agency Negotiators: Greg Nyhoff, City Manager; Barbara Santos, Deputy Director of Personnel. Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MPOA. Agency Negotiators: Greg Nyhoff, City Manager; Robin Renwick, Director of Personnel. Employee Organization: Modesto Police Officers' Association.

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, September 16, 2008, 10:00 a.m.

Roll Call: Present - Councilmembers Keating, O'Bryant, Mayor Ridenour
Absent - None

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

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item # 1

CONSENT ITEMS

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

CONSENT

1. Consider receiving travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q4 (April, May and June2008). (Funding Source: not applicable)
City Manager; Greg Nyhoff, 577-5224, gnyhoff@modestogov.com

ACTION: Motion (O'Bryant/Keating;unan) accepting the travel information for Mayor and Councilmembers, Charter Officers, Deputy City Manager, Department Directors, Department Deputy Directors, Assistants and Divisions Chiefs for fiscal year 2007/08 Q4 (April, May and June2008).

UNFINISHED BUSINESS

2. Consider accepting staff report on the City's response to the Public Works Agreed Upon Procedures Report. (Funding Source:)
City Manager; Judith Ray, 571-5809, jray@modestogov.com

ACTION: Motion (Keating/O'Bryant;unan) accepting staff report on the City's response to the Public Works Agreed Upon Procedures Report.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:45 a.m.

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California

Monday, September 22, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh, Olsen
Absent - None
Also Present - Mayor Ridenour

PUBLIC COMMENTS
Three minute time limit per speaker

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. Monthly Budget Adjustment Report - September 2008 (Funding Source: Various Funds)
Finance; Wayne Padilla, 577-5371, wpadilla@modestogov.com

ACTION: Motion (Olsen/Marsh;unan) accepting Monthly Budget Report – September 2008 and forwarding to City Council for consideration and approval.

NEW BUSINESS

2. Consider recommending to City Council the reallocation of \$3.5 million in Capital Facility Fees from the Pelandale Capital Improvement Project (CIP) to other CIP projects. (Funding Source: Capital Facility Fees)
Public Works; Vickey Dion, 209-571-5542, vdion@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) recommending forwarding to City Council for consideration and approval the reallocation of \$3.5 million in Capital Facility Fees from the Pelandale Capital Improvement Project (CIP) to other CIP projects.

3. Consider accepting report updating the committee on Fiscal Year 2008-09 General Fund revenues and recommended spending reductions, and recommend to the full City Council approval of spending reductions and revenue enhancements.

Mayor Jim Ridenour, 571-5597, jridenour@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) accepting report updating the committee on Fiscal Year 2008-09 General Fund revenues and recommended spending reductions, and recommending forwarding to City Council for consideration and approval of spending reductions and revenue enhancements **with updates**.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:18 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday September 23, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen
Absent: Mayor Ridenour

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren

City Clerk’s Announcements – Closed Session Meeting has been cancelled

Declaration of Conflicts of Interest: Hawn – Items 28, 29
Marsh – Item 8, 30

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Tom Changnon, Stanislaus County Superintendent of Schools, "Fit for the Future Campaign." (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Presentation made by Tom Changnon, Stanislaus Superintendent of Schools, “Fit for the Future Campaign.”

2. Consider approving an agreement with the Lions Club for the Virginia Corridor. (Funding Source: Not Applicable)
 - Resolution approving an agreement with the Modesto Lions Club for the sponsorship of the Virginia Corridor/Morris Avenue park site play structure and authorizing the City Manager or his designee to execute the agreement recommended.*Parks, Recreation and Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

ACTION: **Resolution 2008-521 (Hawn/Olsen;unan; Mayor Ridenour absent)** approving an agreement with the Modesto Lions Club for the sponsorship of the Virginia Corridor/Morris Avenue park site play structure and authorizing the City Manager or his designee to execute the agreement

3. Presentation on Green Waste Program Expansion. (Funding Source: Not Applicable)

*Parks, Recreation and Neighborhoods; Beverly McCullough, 577-5495,
bmcullough@modestogov.com*

ACTION: Presentation by Beverly McCullough on Green Waste Program Expansion.

MISCELLANEOUS

Legislation

Appointments

Other

4. Consider recommendations for appointments to various boards, commission and committees: Airport Advisory Committee Jason McCoy, term expiration of 1/1/2011; Community Qualities Forum Ulysses Cisneros, Northeast area resident, term expiration of 1/1/2012; Richard Horning, Northeast area resident, term expiration of 1/1/2012; Disabled Access Appeals Board Evan Yoshino, term expiration of 1/1/2012; Karen Swanson, term expiration of 1/1/2012; Equal Opportunity/Disability Commission Jennifer Abrahamson, term expiration of 1/1/2012; Charlotte Dalby, term expiration of 1/1/2012; Golf Courses Advisory Committee Michael Ford, term expiration of 1/1/2012; Jack Jacques, term expiration of 1/1/2011; Jeannie McDonald, term expiration of 1/1/2009; and Housing Rehabilitation Loan Committee Dan Park, term expiration of 1/1/2012. (Funding Source: Not applicable)
- Resolution appointing Jason McCoy to the Airport Advisory Committee recommended.
 - Resolution appointing Ulysses Cisneros and Richard Horning to the Community Qualities Forum recommended.
 - Resolution appointing Evan Yoshino and Karen Swanson to the Disabled Access Appeals Board recommended.
 - Resolution appointing Jennifer Abrahamson and Charlotte Dalby to the Equal Opportunity/Disability Commission recommended.
 - Resolution appointing Michael Ford, Jack Jacques and Jeannie McDonald to the Golf Courses Advisory Committee recommended.
 - Resolution appointing Dan Park to the Housing Rehabilitation Loan Committee recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Resolution 2008-522 (Hawn/Lopez;unan; Mayor Ridenour absent)** appointing Jason McCoy to the Airport Advisory Committee.

ACTION: **Resolution 2008-523 (Hawn/Lopez;unan; Mayor Ridenour absent)** appointing Ulysses Cisneros and Richard Horning to the Community Qualities Forum.

ACTION: **Resolution 2008-524 (Hawn/Lopez;unan; Mayor Ridenour absent)** appointing Evan Yoshino and Karen Swanson to the Disabled Access Appeals Board.

ACTION: **Resolution 2008-525 (Hawn/Lopez;unan; Mayor Ridenour absent)** appointing Jennifer Abrahamson and Charlotte Dalby to the Equal Opportunity/Disability Commission.

ACTION: Resolution 2008-526 (Hawn/Lopez;unan; Mayor Ridenour absent) appointing Michael Ford, Jack Jacques and Jeannie McDonald to the Golf Courses Advisory Committee.

ACTION: Resolution 2008-527 (Hawn/Lopez;unan; Mayor Ridenour absent) appointing Dan Park to the Housing Rehabilitation Loan Committee.

5. Consider accepting letter of resignation from Ron Jeske from the Golf Courses Advisory Committee. (Funding Source: Not Applicable)
- Resolution accepting with regret the resignation of Ron Jeske from the Golf Courses Advisory Committee recommended.
- City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: Resolution 2008-528 (Hawn/Lopez;unan; Mayor Ridenour absent) accepting with regret the resignation of Ron Jeske from the Golf Courses Advisory Committee.

6. Consider accepting letter of resignation from Seth Ingram from the Citizens Advisory Committee on Recycling. (Funding Source: Not Applicable)
- Resolution accepting with regret the resignation of Seth Ingram from the Citizens Advisory Committee on Recycling recommended.
- City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com*

ACTION: Resolution 2008-529 (Hawn/Lopez;unan; Mayor Ridenour absent) accepting with regret the resignation of Seth Ingram from the Citizens Advisory Committee on Recycling.

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

Joyce Whitehead, Central Stamp and Coin, spoke regarding loss of business on Saturdays and during X-Fest.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 32

CONSENT ACTION ITEMS: 7, 9-27 (Lopez/Hawn;unan; Mayor Ridenour absent)

CONSENT ACTION ITEMS: 28, 29 (Keating/Lopez;unan; Mayor Ridenour,Hawn absent)

CONSENT ACTION ITEM: 8, 30 (Hawn/Keating;unan; Mayor Ridenour, Marsh 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 regular City Council meeting of September 9, 2008. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: By Motion (Lopez/Hawn;unan; Mayor Ridenour absent) approving the Minutes of the regular City Council meeting of September 9, 2008.

Consent—*Marsh absent due to conflict of interest*

8. Consider accepting the public improvements for the Burkshire Estates II Subdivision, (Roselle Avenue widening between Sylvan Road and Kodiak Drive) related to the Burkshire Estates II Subdivision located in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods. (Funding Source: Community Facilities District 2004-1 (Village One #2))
- Resolution authorizing the acceptance of the public improvements for the Burkshire Estates II Subdivision, (Roselle Avenue widening between Sylvan Road and Kodiak Drive) related to the Burkshire Estates II Subdivision located in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.
- Community & Economic Development; Robert Davalos, 577-5253, rdavalos@modestogov.com*

ACTION: Resolution 2008-530 (Hawn/Keating;unan; Mayor Ridenour;Marsh absent) authorizing the acceptance of the public improvements for the Burkshire Estates II Subdivision, (Roselle Avenue widening between Sylvan Road and Kodiak Drive) related to the Burkshire Estates II Subdivision located in the Village One Specific Plan Area, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

9. Consider approving storm drainage design interim policy for infill/redevelopment pending the adoption & implementation of the new Storm Water Master Plan. (Funding Source: Not Applicable)
- Resolution approving Storm Drainage Design Interim Policy for infill/redevelopment pending the adoption and implementation of the new Storm Water Master Plan recommended.
- Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com*

ACTION: Resolution 2008-531 (Lopez/Hawn;unan; Mayor Ridenour absent) approving Storm Drainage Design Interim Policy for infill/redevelopment pending the adoption and implementation of the new Storm Water Master Plan.

Consent

10. Consider approving a refund of \$292,618.70 for a portion of Capital Facilities Fees paid in protest for building permit No. BLD2007-55307 and approving a Deferred Payment Agreement and Notice of Lien with Mastagni/Aderholt Joint Venture, a General Partnership, for the payment of \$352,131.98 in Capital Facilities Fees plus interest in no more than ten (10) annual installments and authorizing the City Manager or designee to execute the Agreement (Funding Source: Capital Facilities Fees Revenue Generation)
- Resolution approving a refund of \$292,618.70 for a portion of Capital Facilities Fees paid in protest for building permit No. BLD2007-55307 and approving a Deferred Payment Agreement and Notice of Lien with Mastagni/Aderholt Joint Venture, a General Partnership, for the payment of \$352,131.98 in Capital Facilities Fees plus interest in no more than ten (10) annual installments and authorizing the City Manager or designee to execute the Agreement recommended.
Community & Economic Development; Amy Gedney, 571-5501, agedney@modestogov.com

ACTION: Resolution 2008-532 (Lopez/Hawn;unan; Mayor Ridenour absent) approving a refund of \$292,618.70 for a portion of Capital Facilities Fees paid in protest for building permit No. BLD2007-55307 and approving a Deferred Payment Agreement and Notice of Lien with Mastagni/Aderholt Joint Venture, a General Partnership, for the payment of \$352,131.98 in Capital Facilities Fees plus interest in no more than ten (10) annual installments and authorizing the City Manager or designee to execute the Agreement.

Consent

11. Consider receiving a Proposed Amendment to the Amended Modesto Redevelopment Plan and a Report to Council regarding the Proposed Amendment and setting a joint public hearing with the Modesto Redevelopment Agency on October 28, 2008 to consider introduction of an ordinance amending the Redevelopment Plan. (Funding Source: Not Applicable)
- Motion receiving a Proposed Amendment to the Amended Modesto Redevelopment Plan and a Report to Council regarding the Proposed Amendment and setting a joint public hearing with the Modesto Redevelopment Agency on October 28, 2008 to consider introduction of an ordinance amending the Redevelopment Plan recommended.
Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: By Motion (Lopez/Hawn;unan; Mayor Ridenour absent) accepting a Proposed Amendment to the Amended Modesto Redevelopment Plan and a Report to Council regarding the Proposed Amendment and setting a joint public hearing with the Modesto Redevelopment Agency on October 28, 2008 to consider introduction of an ordinance amending the Redevelopment Plan.

Consent

12. Consider acknowledging Del Valle Homes' construction of a neighborhood park within the Fairview Village Specific Plan Area, and the gifting of the neighborhood park to

the City of Modesto. (Funding Source: City of Modesto Community Facilities District No. 2003-1(Fairview Village))

- Motion acknowledging Del Valle Homes' construction of a neighborhood park within the Fairview Village Specific Plan Area, and the gifting of the neighborhood park to the City of Modesto recommended.

Community & Economic Development; Robert Davalos, 577-5253, rdavalos@modestogov.com

ACTION: **By Motion (Lopez/Hawn;unan; Mayor Ridenour absent)** acknowledging Del Valle Homes' construction of a neighborhood park within the Fairview Village Specific Plan Area, and the gifting of the neighborhood park to the City of Modesto.

Consent

13. Consider authorizing the extension of the contract for tire recapping and related services for the Public Works Department, Fleet Services Division with Brannon Tire Corp., Stockton, CA, for one-year, for an estimated annual cost of \$80,000, and authorizing the Purchasing Manager to issue a formal Request for Bid (RFB) for tire recapping and related services for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City. (Funding Source: Fleet Division)
- Resolution extending the contract for tire recapping and related services for the Public Works Department, Fleet Services Division with Brannon Tire Corp., Stockton, CA, for one-year, for an estimated annual cost of \$80,000, and authorizing the Purchasing Manager to issue a formal Request for Bid (RFB) for tire recapping and related services for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City recommended.

Finance; Meagan Torres, (209) 571-5839, mtorres@modestogov.com

ACTION: **Resolution 2008-533 (Lopez/Hawn;unan; Mayor Ridenour absent)** extending the contract for tire recapping and related services for the Public Works Department, Fleet Services Division with Brannon Tire Corp., Stockton, CA, for one-year, for an estimated annual cost of \$80,000, and authorizing the Purchasing Manager to issue a formal Request for Bid (RFB) for tire recapping and related services for a two (2) year agreement, with three (3) one-year extension options at the sole discretion of the City.

Consent

14. Consider approving a successor remarketing agent for the multi-family housing refinancing revenue bonds. (Funding Source: Not Applicable)
- Resolution of the City Council of the City of Modesto approving the selection of a successor remarketing agent for the Multifamily Housing Refunding Revenue Bonds, Series 1994 (Live Oak Apartments Project) previously issued for the purpose of refinancing the Live Oak Apartments Project and determining other matters in connection therewith recommended.

Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Resolution 2008-534 (Lopez/Hawn;unan; Mayor Ridenour absent) of the City Council of the City of Modesto approving the selection of a successor remarketing agent for the Multifamily Housing Refunding Revenue Bonds, Series 1994 (Live Oak Apartments Project) previously issued for the purpose of refinancing the Live Oak Apartments Project and determining other matters in connection therewith.

Consent

15. Consider approving an agreement with the Redevelopment Agency for the sale of City-owned real property at 416 Downey Avenue for the "Downey Avenue Project" for the fair market value of \$520,000 plus one-half of the closing costs and amending the General Fund budget to estimate \$520,000 in revenue in 0100-510-9510-8301.09, less a \$295,000 advance to other funds (0100-1201 B.S.) (Funding Source: General Fund (for Revenue))
- Resolution approving an agreement with the Redevelopment Agency for the sale of City-owned real property at 416 Downey Avenue for the "Downey Avenue Project" for the fair market value of \$520,000 plus one-half of the closing costs recommended.
 - Resolution amending the General Fund budget to estimate \$520,000 in revenue in 0100-510-9510-8301.09, less a \$295,000 advance to other funds recommended.
- Parks, Recreation and Neighborhoods; Ken Horrillo, 577-5419,
khorrillo@modestogov.com*

ACTION: Resolution 2008-535 (Lopez/Hawn;unan; Mayor Ridenour absent) approving an agreement with the Redevelopment Agency for the sale of City-owned real property at 416 Downey Avenue for the "Downey Avenue Project" for the fair market value of \$520,000 plus one-half of the closing costs.

ACTION: Resolution 2008-536 (Lopez/Hawn;unan; Mayor Ridenour absent) amending the General Fund budget to estimate \$520,000 in revenue in 0100-510-9510-8301.09, less a \$295,000 advance to other funds.

Consent

16. Consider approving Amendments to Four Agreements with Crown Castle MU LLC, a Delaware Limited Liability Company, for leases of cell tower sites at various City of Modesto properties. (Funding Source: Funding Source for Revenue: Parks Fund)
- Resolution approving First Amendments to the Four Agreements with Crown Castle MU LLC, a Delaware limited liability company, for cell tower leases located at Beyer Park, Briggsmore Avenue East, Downey Park and Dry Creek and authorizing the City Manager, or his designee, to execute the First Amendments to Agreements recommended.
 - Resolution amending the FY 08-09 operating budget to estimate \$32,000 in revenue in 1400-310-3142-8107, Donations, and to appropriate \$32,000 in expenditures to 1400-310-3142-0235, Fund Development, Services Professional and Other, to be used for park and recreation purposes recommended.
- Parks, Recreation and Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: Resolution 2008-537 (Lopez/Hawn;unan; Mayor Ridenour absent) approving First Amendments to the Four Agreements with Crown Castle MU LLC, a Delaware limited liability company, for cell tower leases located at Beyer Park, Briggsmore Avenue East, Downey Park and Dry Creek and authorizing the City Manager, or his designee, to execute the First Amendments to Agreements.

ACTION: Resolution 2008-538 (Lopez/Hawn;unan; Mayor Ridenour absent) amending the FY 08-09 operating budget to estimate \$32,000 in revenue in 1400-310-3142-8107, Donations, and to appropriate \$32,000 in expenditures to 1400-310-3142-0235, Fund Development, Services Professional and Other, to be used for park and recreation purposes.

Consent

17. Consider approving a Third Amendment to Agreement with Goldenstate Towers LLC, a Delaware limited liability company, for lease of cell tower site at Creekside Golf Course. (Funding Source: Funding Source for Revenue: Parks Fund)
- Resolution approving a Third Amendment to the Agreement with Goldenstate Towers LLC, a Delaware limited liability company for the lease of cell tower site at Creekside Golf Course recommended.
 - Resolution amending the FY 08-09 operating budget to estimate \$8,000 in revenue in 1400-310-3142-8107, Donations, and to appropriate \$8,000 in expenditures to 1400-310-3142-0235, Fund Development, Services Professional and Other, to be used for park and recreation purposes recommended.
- Parks, Recreation and Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

ACTION: Resolution 2008-539 (Lopez/Hawn;unan; Mayor Ridenour absent) approving a Third Amendment to the Agreement with Goldenstate Towers LLC, a Delaware limited liability company for the lease of cell tower site at Creekside Golf Course.

ACTION: Resolution 2008-540 (Lopez/Hawn;unan; Mayor Ridenour absent) amending the FY 08-09 operating budget to estimate \$8,000 in revenue in 1400-310-3142-8107, Donations, and to appropriate \$8,000 in expenditures to 1400-310-3142-0235, Fund Development, Services Professional and Other, to be used for park and recreation purposes.

Consent

18. Consider approving a HOME allocation in the amount of \$343,000 to WJC Development., LLC, to provide gap financing in the form of down payment assistance to first-time homebuyers to purchase new quality homes at Sportsmen Estates, and consider approving HOME Program Down Payment Assistance Guidelines to provide gap financing in the form of down payment assistance to first-time homebuyers to purchase new quality homes at Sportsmen Estates. (Funding Source: HOME Funds)
- Resolution approving a HOME allocation in the amount of \$343,000 to WJC Development., LLC, to provide gap financing in the form of down payment assistance to qualified first-time homebuyers to purchase new quality homes at

Sportsmen Estates, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding (“MOU”) and related documents recommended.

- Resolution approving HOME Program Down Payment Assistance Guidelines to provide gap financing in the form of down payment assistance to first-time homebuyers to purchase new quality homes at Sportsmen Estates recommended.

Parks, Recreation and Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Resolution 2008-541 (Lopez/Hawn;unan; Mayor Ridenour absent) approving a HOME allocation in the amount of \$343,000 to WJC Development., LLC, to provide gap financing in the form of down payment assistance to qualified first-time homebuyers to purchase new quality homes at Sportsmen Estates, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding (“MOU”) and related documents.

ACTION: Resolution 2008-542 (Lopez/Hawn;unan; Mayor Ridenour absent) approving HOME Program Down Payment Assistance Guidelines to provide gap financing in the form of down payment assistance to first-time homebuyers to purchase new quality homes at Sportsmen Estates.

Consent

19. Consider accepting the fiscal year 2007-2008 Parks, Recreation and Neighborhoods Department Fund Development Report. (Funding Source: Not Applicable)

- Motion accepting the fiscal year 2007-2008 Parks, Recreation and Neighborhoods Department Fund Development Report recommended.

Parks, Recreation and Neighborhoods; Andrew Johnson, 571-5582, ajohnson@modestogov.com

ACTION: By Motion (Lopez/Hawn;unan; Mayor Ridenour absent) accepting the fiscal year 2007-2008 Parks, Recreation and Neighborhoods Department Fund Development Report.

Consent

20. Consider approving an application for \$150,000 in funding from the Federal Recreational Trails Program for the construction and installation of 2,850 lineal feet of bike/pedestrian trail within the proposed Pelandale/Snyder Bike Trail. (Funding Source: Carver Bangs Pelandale Snyder Community Facilities District (Match only))

- Resolution approving an application for \$150,000 in funding from the Federal Recreational Trails Program for the construction and installation of 2,850 lineal feet of bike/pedestrian trail within the proposed Pelandale/Snyder Bike Trail recommended.

Parks, Recreation and Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: Resolution 2008-543 (Lopez/Hawn;unan; Mayor Ridenour absent) approving an application for \$150,000 in funding from the Federal Recreational Trails

Program for the construction and installation of 2,850 lineal feet of bike/pedestrian trail within the proposed Pelandale/Snyder Bike Trail.

Consent

21. Consider authorizing the City-owned property located at 720 Coldwell Avenue (APN 110-001-004) known as the Coldwell Office to be sold as surplus property and authorizing staff to contract for real estate services for the sale of this property. (Funding Source: (for revenue) General Fund, Parks Fund)
- Resolution authorizing the City-owned property located at 720 Coldwell Avenue (APN 110-001-004) known as the Coldwell Office to be sold as surplus property and authorizing staff to contract for real estate services for the sale of this property recommended.
- Parks, Recreation and Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com*

ACTION: Resolution 2008-544 (Lopez/Hawn;unan; Mayor Ridenour absent) authorizing the City-owned property located at 720 Coldwell Avenue (APN 110-001-004) known as the Coldwell Office to be sold as surplus property and authorizing staff to contract for real estate services for the sale of this property.

Consent

22. Consider approving a request by California Public Employees' Retirement System (CalPERS) authorizing a correction to the wording of the July 8, 2008 amendment to the contract between CalPERS and the City of Modesto which excluded Councilmembers from membership in the retirement system. (Funding Source: Not Applicable)
- Resolution authorizing a correction to the wording of the July 8, 2008 amendment to the contract between CalPERS and the City of Modesto which excluded Councilmembers from membership in the retirement system recommended.
- Personnel; Robin Renwick, (209) 577-5400, rrenwick@modestogov.com*

ACTION: Resolution 2008-545 (Lopez/Hawn;unan; Mayor Ridenour absent) authorizing a correction to the wording of the July 8, 2008 amendment to the contract between CalPERS and the City of Modesto which excluded Councilmembers from membership in the retirement system.

Consent

23. Consider accepting the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) with the U.S. Department of Justice in the amount of \$47,285, for Firearms Upgrade. (Funding Source: Grant)
- Resolution accepting the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) with the U.S. Department of Justice, in the amount of \$47,285, for firearms upgrade and authorizing the Police Chief to execute the necessary documents recommended.
- Police; Roy W. Wasden, 572-9501, wasdenr@modestopd.com*

ACTION: Resolution 2008-546 (Lopez/Hawn;unan; Mayor Ridenour absent) accepting the 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) with the U.S. Department of Justice, in the amount of \$47,285, for firearms upgrade and authorizing the Police Chief to execute the necessary documents.

Consent

24. Consider approving a License Agreement and an Irrigation Easement with the Modesto Irrigation District (MID) for the West Tank property. (Funding Source: Water Fund)
- Resolution approving a License Agreement with the Modesto Irrigation District (MID) for the purpose of installing and maintaining domestic water transmission mains located on MID property, which serve the proposed West Tank, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
 - Resolution approving an Irrigation Easement with the Modesto Irrigation District (MID) for the purpose of identifying future irrigation access on the City of Modesto West Tank property, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Resolution 2008-547 (Lopez/Hawn;unan; Mayor Ridenour absent) approving a License Agreement with the Modesto Irrigation District (MID) for the purpose of installing and maintaining domestic water transmission mains located on MID property, which serve the proposed West Tank, and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2008-548 (Lopez/Hawn;unan; Mayor Ridenour absent) approving an Irrigation Easement with the Modesto Irrigation District (MID) for the purpose of identifying future irrigation access on the City of Modesto West Tank property, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

25. Consider accepting the final report of the California Air Resources Board grant for \$325,787 for the purchase of four (4) backhoe tractors. (Funding Source: California Air Resources Board Grant/Fleet Replacement Funds)
- Motion accepting the final report of the California Air Resources Board grant for \$325,787 for the purchase of four (4) backhoe tractors recommended.
- Public Works; Dennis Turner, 341-2906, dturner@modestogov.com*

ACTION: By Motion (Lopez/Hawn;unan; Mayor Ridenour absent) accepting the final report of the California Air Resources Board grant for \$325,787 for the purchase of four (4) backhoe tractors.

Consent

26. Consider approving the Protected-Permissive Traffic Signals Report for 2008. (Funding Source: Gas Tax)
- Resolution approving the protected-permissive traffic signals for 2008 recommended.

Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2008-549 (Lopez/Hawn;unan; Mayor Ridenour absent) approving the protected-permissive traffic signals for 2008.

Consent

27. Consider approving the plans and specifications for the “Modification of Traffic Signals at Three Locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road,” project; accepting the bid; approving a construction contract with Collins Electrical Company, Inc., for \$346,300, for the project titled, “Modification of Traffic Signals at Three Locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road;” and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: CMAQ, Gas Tax, and CFF)

- Resolution approving the plans and specifications for the “Modification of Traffic Signals at three locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road,” Project; accepting the bid, approving a construction contract with Collins Electrical Company, Inc. for \$346,300, for the project titled, “Modification of Traffic Signals at Three Locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road;” and authorizing the City Manager, or his designee, to execute the contract recommended.

Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: Resolution 2008-550 (Lopez/Hawn;unan; Mayor Ridenour absent) approving the plans and specifications for the “Modification of Traffic Signals at three locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road,” Project; accepting the bid, approving a construction contract with Collins Electrical Company, Inc. for \$346,300, for the project titled, “Modification of Traffic Signals at Three Locations 12th Street/J Street, La Loma Avenue/Burney Street, and Briggsmore Avenue/Carver Road;” and authorizing the City Manager, or his designee, to execute the contract.

Consent—*Hawn absent due to conflict of interest*

28. Consider accepting the Kaiser Well Project and authorizing the City Clerk to file a Notice of Completion. (Funding Source: Not Applicable)

- Resolution accepting the Kaiser Well Project and authorizing the City Clerk to file a Notice of Completion recommended.

Public Works; Robert Eichblatt, 571-5537, beichblatt@modestogov.com

ACTION: Resolution 2008-551 (Keating/Lopez;unan; Mayor Ridenour;Hawn absent) accepting the Kaiser Well Project and authorizing the City Clerk to file a Notice of Completion.

Consent--*Hawn absent due to conflict of interest*

29. Consider accepting the work by Tom Mayo Construction, Inc. for the project titled “2005-2006 Pavement Rehabilitation Program- 9th Street Reconstruction as complete,

authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts totaling \$1,219,255.38. (Total project cost is \$1,543,470.96, which includes construction, contingency, engineering design, and construction administration.)
(Funding Source: Capital Grants Funds)

- Resolution accepting the work by Tom Mayo Construction, Inc. for the project titled “2005-2006 Pavement Rehabilitation Program- 9th Street Reconstruction L Street to Modesto Irrigation District Lateral No. 4 and 9th Street Overlay B Street to D Street” 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 \$1,219,255.38 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: Resolution 2008-552 (Keating/Lopez;unan; Mayor Ridenour;Hawn absent) accepting the work by Tom Mayo Construction, Inc. for the project titled “2005-2006 Pavement Rehabilitation Program- 9th Street Reconstruction L Street to Modesto Irrigation District Lateral No. 4 and 9th Street Overlay B Street to D Street” 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 \$1,219,255.38.

Consent—*Marsh absent due to conflict of interest*

30. Consider approving a Water and Sewer Utility Agreement between the City of Modesto and Caltrans in the amount of \$33,300 for the Modesto 132 Rehab; and approving a Water Utility Agreement and a Sewer Utility Agreement between the City of Modesto and Caltrans in the amount of \$20,480 for the Modesto SR108 Rehab.
(Funding Source: Water & Wastewater Funds)

- Resolution approving a Water and Sewer Utility Agreement between the City of Modesto and the California Department of Transportation (Caltrans) in the total amount of \$33,300 for roadway improvements within the project titled, “Modesto 132 Rehab,” and authorizing the City Manager, or his designee, to execute the Agreement recommended.
- Resolution approving a Water Utility Agreement and a Sewer Utility Agreement between the City of Modesto and the California Department of Transportation (Caltrans) in the total amount of \$20,480 for roadway improvements within the project titled, “Modesto SR108 Rehab,” and authorizing the City Manager, or his designee, to execute the Agreements recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-553 (Hawn/Keating;unan; Mayor Ridenour;Marsh absent) approving a Water and Sewer Utility Agreement between the City of Modesto and the California Department of Transportation (Caltrans) in the total amount of \$33,300 for roadway improvements within the project titled, “Modesto 132 Rehab,” and authorizing the City Manager, or his designee, to execute the Agreement.

ACTION: Resolution 2008-554 (Hawn/Keating;unan; Mayor Ridenour;Marsh absent) approving a Water Utility Agreement and a Sewer Utility Agreement between the City of Modesto and the California Department of Transportation (Caltrans) in the total amount of \$20,480 for roadway improvements within the project titled, "Modesto SR108 Rehab," and authorizing the City Manager, or his designee, to execute the Agreements.

Consent

31. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of hydrochloric acid for the Public Works Department, Water Quality Control Division, 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 not to exceed \$60,000. (Funding Source: Wastewater Funds)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of hydrochloric acid for the Public Works Department, Water Quality Control Division, 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 not to exceed \$60,000 recommended.

Public Works; Gary DeJesus, 577-6255, GDeJesus@modestogov.com

ACTION: Resolution 2008-555 (Lopez/Hawn;unan; Mayor Ridenour absent) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of hydrochloric acid for the Public Works Department, Water Quality Control Division, 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 not to exceed \$60,000.

Consent

32. Consider authorizing staff to issue a Request for Proposals (RFP) for a five-year franchise to place benches with advertising thereon at City of Modesto bus stops and a lease for the placement of advertising inside Modesto Area Express (MAX) buses to become effective January 1, 2009. (Funding Source: Transit Fund Revenue (Program is Revenue generating))
- Resolution authorizing staff to issue a Request for Proposals (RFP) for a five-year franchise to place benches with advertising thereon at City of Modesto bus stops and a lease for the placement of advertising inside Modesto Area Express (MAX) buses to become effective January 1, 2009 recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Resolution 2008-556 (Lopez/Hawn;unan; Mayor Ridenour absent) authorizing staff to issue a Request for Proposals (RFP) for a five-year franchise to place benches with advertising thereon at City of Modesto bus stops and a lease for the placement of advertising inside Modesto Area Express (MAX) buses to become effective January 1, 2009.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

33. Consider letter dated September 11, 2008 from Attorney Charles Brunn on behalf of Richard Corbett and Modesto Flight Center, Inc. regarding an airport lease for a fuel farm facility at the Modesto City/County Airport. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: No action taken; matter will return to Council at a future date.

HEARINGS

Published in the Modesto Bee on September 8, 2008

34. Hearing to consider approving a Capital Facilities Fees ("CFF") Exemption between the City of Modesto and Habitat for Humanity, Stanislaus ("Habitat for Humanity") for 20 single-family affordable housing units, commonly known as Hope Village, located at 800 Houser Lane. (Funding Source: Not Applicable)
- Resolution approving a Capital Facilities Fees ("CFF") Exemption/Deferral Agreement between the City of Modesto and Habitat for Humanity, Stanislaus ("Habitat for Humanity") for 20 single-family affordable housing units, commonly known as Hope Village, located at 800 Houser Lane, and authorizing the City Manager, or his designee, to execute the agreement recommended.
Parks, Recreation and Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: **Resolution 2008-557 (Hawn/O'Bryan;unan; Mayor Ridenour absent)** approving a Capital Facilities Fees ("CFF") Exemption/Deferral Agreement between the City of Modesto and Habitat for Humanity, Stanislaus ("Habitat for Humanity") for 20 single-family affordable housing units, commonly known as Hope Village, located at 800 Houser Lane, and authorizing the City Manager, or his designee, to execute the agreement.

Published in the Modesto Bee on August 26, 2008

35. Hearing to consider FY 2007-2008 Consolidated Annual Performance and Evaluation Report (CAPER). (Funding Source: CDBG Fund, HOME Fund, ESG Fund)
- Resolution approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2007-2008, authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER, and authorizing staff to forward the report to the U. S. Department of Housing and Urban Development (HUD) for review and approval recommended.
Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com

ACTION: Resolution 2008-558 (Hawn/Lopez;unan; Mayor Ridenour absent) approving the City of Modesto Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2007-2008, authorizing the City Manager, or his designee, to execute all documents related to the submission of the CAPER, and authorizing staff to forward the report to the U. S. Department of Housing and Urban Development (HUD) for review and approval.

NEW BUSINESS

36. Consider the "Moderate Change 2050" Conceptual Growth Scenario as the Stanislaus County Preferred Scenario for use in the development of the Blueprint Valley-wide Scenarios. (Funding Source: Not Applicable)
- Motion continuing the "Moderate Change 2050" Conceptual Growth Scenario as the Stanislaus County Preferred Scenario for consideration after the October 8, 2008 StanCOG Policy Board meeting to resolve potential ambiguities regarding SB 375 and impact upon the Modesto General Plan recommended.
Community & Economic Development; Patrick Kelly, 577-5267, pkelly@modestogov.com

ACTION: By Motion (Hawn/Keating;unan; Mayor Ridenour absent) continuing the "Moderate Change 2050" Conceptual Growth Scenario as the Stanislaus County Preferred Scenario for consideration after the October 8, 2008 StanCOG Policy Board meeting to resolve potential ambiguities regarding SB 375 and impact upon the Modesto General Plan.

Recess at 7:45 p.m.

Reconvened at 8:00 p.m.

37. Consider approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Boyett Petroleum, Inc. (Funding Source: Not Applicable)
- Resolution approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Boyett Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents recommended.
 - Resolution amending the Fiscal Year 08-09 Operating Budget to increase the anticipated sales tax revenue beginning in Fiscal Year 08-09 and to create an expenditure appropriation Account No. 0100-510-9510-0235 for purposes of revenue sharing payments to Boyett Petroleum, Inc. pursuant to the approved Revenue Sharing Agreement with the City of Modesto recommended.
Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Resolution 2008-559 (Marsh/Lopez; O'Bryant no; majority; Mayor Ridenour absent) approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Boyett Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents (**with revised language on Baseline.**)

ACTION: Resolution 2008-560 (Marsh/Lopez; O'Bryant no; majority; Mayor Ridenour absent) amending the Fiscal Year 08-09 Operating Budget to increase the anticipated sales tax revenue beginning in Fiscal Year 08-09 and to create an expenditure appropriation Account No. 0100-510-9510-0235 for purposes of revenue sharing payments to Boyett Petroleum, Inc. pursuant to the approved Revenue Sharing Agreement with the City of Modesto.

38. Consider approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Breshears Petroleum, Inc. (Funding Source: Not Applicable)
- Resolution approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Breshears Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents recommended.
 - Resolution amending the Fiscal Year 08-09 Operating Budget to increase the anticipated sales tax revenue beginning in Fiscal Year 08-09 and to create an expenditure appropriation Account No. 0100-510-9510-0235 for purposes of revenue sharing payments to Breshears Petroleum, Inc. pursuant to the approved Revenue Sharing Agreement with the City of Modesto recommended.
- Community and Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com*

ACTION: Resolution 2008-561 (Marsh/Lopez; O'Bryant no; majority; Mayor Ridenour absent) approving the Revenue Sharing Agreement for Sales Tax between the City of Modesto and Breshears Petroleum, Inc. and authorizing the City Manager to execute the Agreement and any related documents (**with revised language on Baseline**).

ACTION: Resolution 2008-562 (Marsh/Lopez; O'Bryant no; majority; Mayor Ridenour absent) amending the Fiscal Year 08-09 Operating Budget to increase the anticipated sales tax revenue beginning in Fiscal Year 08-09 and to create an expenditure appropriation Account No. 0100-510-9510-0235 for purposes of revenue sharing payments to Breshears Petroleum, Inc. pursuant to the approved Revenue Sharing Agreement with the City of Modesto.

39. Consider approving the plans and specifications, accepting the bid, and approving a \$19,148,562.50 contract with Pacific Mechanical Corporation for the Phase 1A Tertiary Wastewater Treatment Project. (Total estimated cost of this project is \$25,339,313, which includes design/environmental, construction contract, construction contingency, and construction administration); and approving a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program, and adopting a finding regarding the CEQA Environmental Review document; and amending the FY08/09 Capital Improvement Program budget. (Funding Source: Wastewater Fund)
- Resolution approving the plans and specifications for the Phase 1A Tertiary Wastewater Treatment Project, accepting the bid and approving a \$19,148,562.50 contract with Pacific Mechanical Corporation for the Phase 1A Tertiary Wastewater Treatment Project, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution approving a Mitigated Negative Declaration dated July 2008 and a

Mitigation Monitoring and Reporting Program for the Phase 1A Tertiary Wastewater Treatment Project, and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document recommended.

- Resolution amending the FY08/09 Capital Improvement Program budget in order to provide funding necessary for design support during construction, including City staff time, by decreasing CIP Account 6210-430-B812 "Primary Outfall Rehabilitation" in the amount of \$900,000, and reappropriating the same amount to CIP Account 6210-480-B805 "Wastewater Treatment-Phase 1A Tertiary" recommended.

Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: Resolution 2008-563 (Hawn/Lopez; unan; Mayor Ridenour absent) approving the plans and specifications for the Phase 1A Tertiary Wastewater Treatment Project, accepting the bid and approving a \$19,148,562.50 contract with Pacific Mechanical Corporation for the Phase 1A Tertiary Wastewater Treatment Project, and authorizing the City Manager, or his designee, to execute the contract.

ACTION: Resolution 2008-564 (Hawn/Lopez; unan; Mayor Ridenour absent) approving a Mitigated Negative Declaration dated July 2008 and a Mitigation Monitoring and Reporting Program for the Phase 1A Tertiary Wastewater Treatment Project, and adopting a finding that the City Council has reviewed and considered and made findings regarding the CEQA Environmental Review document.

ACTION: Resolution 2008-565 (Hawn/Lopez; unan; Mayor Ridenour absent) amending the FY08/09 Capital Improvement Program budget in order to provide funding necessary for design support during construction, including City staff time, by decreasing CIP Account 6210-430-B812 "Primary Outfall Rehabilitation" in the amount of \$900,000, and reappropriating the same amount to CIP Account 6210-480-B805 "Wastewater Treatment-Phase 1A Tertiary."

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:58 p.m.

CLOSED SESSION

Closed Session Meeting Cancelled

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

Property: Acquisition of property located at 1108 North 9th Street,
Modesto, CA 95350
APN: 029-009-010

Negotiating parties: Stoddard, LLC, Owner
Julie Hannon, Acting Director, Parks, Recreation &
Neighborhoods and Barbara Kauss, Acting Deputy Director,
Parks, Recreation & Neighborhoods, for City of Modesto
Redevelopment Agency

Under negotiation: Price and terms of sale of property

Property: Acquisition of property located at 1136 North 9th Street,
Modesto, CA 95350
APN: 029-009-023

Negotiating parties: Stoddard, LLC, Owner
Julie Hannon, Acting Director, Parks, Recreation &
Neighborhoods and Barbara Kauss, Acting Deputy Director,
Parks, Recreation & Neighborhoods, for the City of Modesto
Redevelopment Agency

Under negotiation: Price and terms of sale of property

Property: Acquisition of property located at 1024 North 9th Street,
Modesto, CA 95350
APN: 029-009-021

Negotiating parties: Stoddard, LLC, Owner
Julie Hannon, Acting Director, Parks, Recreation &
Neighborhoods and Barbara Kauss, Acting Deputy Director,
Parks, Recreation & Neighborhoods, for City of Modesto
Redevelopment Agency

Under negotiation: Price and terms of sale of property

MINUTES

City of Modesto
City Council Workshop
Room B300, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, September 30, 2008
6:00 p.m.

Roll Call: Present: Councilmembers Hawn, Keating, Lopez, Marsh, Olsen,
Mayor Ridenour
Absent: O'Bryant

A. Welcome/Introduction

Councilmember Keating welcomed everyone to the meeting and introductions were made.

B. Background

Patrick Kelly, Planning Division Manager, gave the background of the Affordable Housing Implementation Tools.

- C. Affordable Housing Implementation Tools
- a. Overview of Tools
 - b. Council Discussion/Direction on Individual Tools

ACTION: Motion (Keating/Olsen; unan; O'Bryant absent) directing staff to move forward with Affordable Housing Implementation Tool Item Nos. 1-10; 12-18.

D. Additional Discussion

Council directed the City Attorney to research the applicability of AB 1233 to the City of Modesto as a Charter City.

E. Adjourn

This meeting adjourned at 8:20 p.m.

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, October 6, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, O'Bryant, Olsen,
Absent - None

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items # 1 through #4

CONSENT ITEMS

**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 Modesto Crime Statistics for the month of June 2008 and year-to-date through June 2008. (Funding Source: Not applicable)
Police Department; Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: Motion (O'Bryant/Olsen; Hawn absent) accepting an informational report regarding Modesto Crime Statistics for the month of June 2008 and year-to-date through June 2008.

Consent

2. Consider accepting the 2007 annual Modesto Police Department's Internal Affairs/Complaints Report. (Funding Source: Not applicable)
Police Department; Dan Shrader, 572-9612, shraderd@modestopd.com

ACTION: Motion (O'Bryant/Olsen; Hawn absent) accepting the 2007 annual Modesto Police Department's Internal Affairs/Complaints Report.

Consent

3. Consider staff recommendation to amend the Fiscal Year 2008-2009 budget to add new multi-year appropriation and revenue accounts of \$30,582 within the Operation Block Grants Fund for Modesto Police Activities League (PAL) and Gang/Drug Awareness Programs, and forward to City Council for adoption. (Funding Source: Not applicable)
Police Department; Roy W. Wasden, Chief of Police, 572-9501, wasdenr@modestopd.com

ACTION: Motion (O'Bryant/Olsen; Hawn absent) approving staff recommendation amending the Fiscal Year 2008-2009 budget to add new multi-year appropriation and revenue accounts of \$30,582 within the Operation Block Grants Fund for Modesto Police Activities League (PAL) and Gang/Drug Awareness Programs, and forward to City Council for adoption.

Councilmember Hawn left meeting at 5:40 p.m.

Consent

4. Consider accepting the Modesto Police Department's Auto Theft Report for January to August 2008. (Funding Source: Not Applicable)
Police Department; Gary Watts, Police Lieutenant, 342-6144, wattsg@modestopd.com

ACTION: Motion (O'Bryant/Olsen; Hawn absent) accepting the Modesto Police Department's Auto Theft Report for January to August 2008.

UNFINISHED BUSINESS

5. Consider supporting a Memorandum of Understanding between the City of Modesto and the La Loma Neighborhood Association for placement of security cameras on City-owned property. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Julie G. Hannon, 577-5417, jhannon@modestogov.com

ACTION: Motion (O'Bryant/Olsen; Hawn absent) supporting a Memorandum of Understanding between the City of Modesto and the La Loma Neighborhood Association for placement of security cameras on City-owned property.

Councilmember Hawn returned to meeting at 5:45 p.m.

NEW BUSINESS

6. Consider verbal report from the Stanislaus County District Attorney on the role of the District Attorney's Office in the criminal justice process. (Funding Source: Not Applicable)
Police Department; Roy W. Wasden, Chief of Police, 572-9501, wasdenr@modestopd.com

ACTION: No action was taken. This item was for information only.

7. Consider supporting staff recommendation to accept the report on Xclamation Fest 2008 held on July 19, 2008 and approving Xclamation Fest 2009 to be hosted by Chris Ricci Presents, Inc., on July 18, 2009. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Vicki Rice, 577-6444, vrice@modestogov.com

ACTION: Motion (Hawn/O'Bryant;unan) accepting the report on Xclamation Fest 2008 held on July 19, 2008 and approving Xclamation Fest 2009 to be hosted by Chris Ricci Presents, Inc., on July 18, 2009.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:05 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 07, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Darryl Fair, Renaissance Christian Center

City Clerk’s Announcements - Council Closed Session Item Cancelled

Declaration of Conflicts of Interest - None

Reports from Closed Session - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring October 5-11, 2008 as Fire Prevention Week.
(Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour made Presentation of Proclamation declaring October 5-11, 2008 as Fire Prevention Week.to Mike Payton, Modesto Fire Department.

2. Presentation of Proclamation declaring October 6-15, 2008 as the Eighth Annual Binational Health Week. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Mayor Ridenour made Presentation of Proclamation declaring October 6-15, 2008 as the Eighth Annual Binational Health Week.

MISCELLANEOUS

Legislation
Appointments
Other

3. Consider resignation of Dwight Bateman from the Human Relations Commission.
(Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Dwight Bateman from the

Human Relations Commission recommended.
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2008-566 (Hawn/Keating;unan) accepting with regret the resignation of Dwight Bateman from the Human Relations Commission.

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None

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

CONSENT ACTION ITEMS: 4-12 (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 regular City Council meeting of September 23, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Lopez/Marsh;unan) approving the Minutes of the regular City Council meeting of September 23, 2008.

Consent

5. Consider approving the Monthly Budget Adjustment Report for October 2008. (Funding Source: Various Funds)
 - Resolution amending the Fiscal Year 2008-2009 Annual Budget recommended.*Finance Department; Wayne Padilla, 577-5371, wpadilla@modestogov.com*

ACTION: Resolution 2008-567 (Lopez/Marsh;unan) amending the Fiscal Year 2008-2009 Annual Budget.

Consent

6. Consider opposing Proposition 5 Ballot Initiative. (Funding Source: Not Applicable)
 - Resolution opposing the passage of Proposition 5, also known as the Nonviolent Offender Rehabilitation Act (NORA). This proposition will be on the November 2008 statewide ballot recommended.*Police; Roy Wasden, 572-9501, wasdenr@modestopd.com*

ACTION: Resolution 2008-568 (Lopez/Marsh;unan) opposing the passage of Proposition 5, also known as the Nonviolent Offender Rehabilitation Act (NORA). This proposition will be on the November 2008 statewide ballot.

Consent

7. Consider supporting Proposition 6: Safe Neighborhoods Act to be voted on in the November 2008 general election. (Funding Source: Not Applicable)
- Resolution supporting Proposition 6: Safe Neighborhoods Act to be voted on in the November 2008 general election recommended.
Police; Roy Wasden, 572-9501, wasdend@modestopd.com

ACTION: Resolution 2008-569 (Lopez/Marsh;unan) supporting Proposition 6: Safe Neighborhoods Act to be voted on in the November 2008 general election.

Consent

8. Consider accepting the COPS 2008 Technology grant in the amount of \$133,280.25 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project. (Funding Source: Federal Police Grant)
- Resolution accepting the COPS 2008 Technology grant in the amount of \$133,280.25 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project; and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.
 - Resolution amending the fiscal year 2008/09 multi-Year budget, estimating revenue of \$133,280.25 for the COPS 2008 Technology grant to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project recommended.
Police; Lucian Thomas, 552-3901, thomasl@modestopd.com

ACTION: Resolution 2008-570 (Lopez/Marsh;unan) accepting the COPS 2008 Technology grant in the amount of \$133,280.25 from the U.S. Department of Justice, Office of Community Oriented Policing Services, to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project; and authorizing the City Manager, or his designee, to execute the necessary program documents.

ACTION: Resolution 2008-571 (Lopez/Marsh;unan) amending the fiscal year 2008/09 multi-Year budget, estimating revenue of \$133,280.25 for the COPS 2008 Technology grant to provide partial funding for the City of Modesto and Stanislaus Operational Area Regional Radio Interoperability Project.

Consent

9. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of after-hours answering services for the Public Works Department, 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 \$16,500. (Funding Source: Water and Wastewater Funds)

- Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of after-hours answering services for the Public Works Department, 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 \$16,500 recommended.

Public Works; Allen Lagarbo, (209) 342-2203, alagarbo@modestogov.com

ACTION: Resolution 2008-572 (Lopez/Marsh;unan) authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the furnishing of after-hours answering services for the Public Works Department, 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 \$16,500.

Consent

10. Consider finding that the project titled, "Merle Avenue Improvements at the Village One Central Basin" is within the scope of the previously certified Village One Specific Plan Program EIR; and approving the plans and specifications for the Merle Avenue Improvements at the Village One Central Basin project, accepting the bid and approving a \$229,910.41 contract with Teichert Construction, and authorizing the City Manager to execute the contract. (Funding Source: CFD No. 2004-1 (Village One #2 bond proceeds))

- Resolution finding that the project titled, "Merle Avenue Improvements at the Village One Central Basin," is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181) recommended.
- Resolution approving the plans and specifications for the Merle Avenue Improvements at the Village One Central Basin project, accepting the bid and approving a \$229,910.41 contract with A. Teichert & Son, Inc., dba Teichert Construction for the Merle Avenue Improvements at the Village One Central Basin project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Resolution 2008-573 (Lopez/Marsh;unan) finding that the project titled, "Merle Avenue Improvements at the Village One Central Basin," is within the scope of the previously certified Village One Specific Plan Program EIR, as amended by the Village One Supplemental EIR and the Addendum to the EIR (SCH No. 90020181).

ACTION: Resolution 2008-574 (Lopez/Marsh;unan) approving the plans and specifications for the Merle Avenue Improvements at the Village One Central Basin project, accepting the bid and approving a \$229,910.41 contract with A. Teichert & Son, Inc., dba Teichert Construction for the Merle Avenue Improvements at the Village One Central Basin project, and authorizing the City Manager, or his designee, to execute the contract.

Consent

11. Consider approving a Second Amendment to Agreement with Carollo Engineers, P.C. for final design services for the Phase 1A Tertiary Wastewater Treatment Facility Project, in an amount not to exceed \$732,600, and authorizing the City Manager to execute the Second Amendment to Agreement. (This Second Amendment brings the Agreement total to \$2,648,795.) (Funding Source: Wastewater Fund)
- Resolution approving a Second Amendment to Agreement with Carollo Engineers, P.C. (Carollo) for final design services for the Phase 1A Tertiary Wastewater Treatment Facility Project, to include design support during construction, in an amount not to exceed \$732,600, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement recommended.
Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: **Resolution 2008-575 (Lopez/Marsh;unan)** approving a Second Amendment to Agreement with Carollo Engineers, P.C. (Carollo) for final design services for the Phase 1A Tertiary Wastewater Treatment Facility Project, to include design support during construction, in an amount not to exceed \$732,600, and authorizing the City Manager, or his designee, to execute the Second Amendment to Agreement.

Consent

12. Consider approving an Agreement with George Osner, AICP, for On-call Environmental Planning Support Services for one year, with three 1-year extension options, in an amount not to exceed \$85,000 per year, and authorizing the City Manager to execute the Agreement, and up to three 1-year extension options. (Total cost for four years is not to exceed \$340,000.) (Funding Source: Various CIPs)
- Resolution approving an Agreement with George Osner, AICP, for On-call Environmental Planning Support Services for various Public Works – Capital Improvement Services Projects for one year, with three 1-year extension options, at the sole discretion of the City, in an amount not to exceed \$85,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to three 1-year extension options recommended.
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-576 (Lopez/Marsh;unan)** approving an Agreement with George Osner, AICP, for On-call Environmental Planning Support Services for various Public Works – Capital Improvement Services Projects for one year, with three 1-year extension options, at the sole discretion of the City, in an amount not to exceed \$85,000 per year, and authorizing the City Manager, or his designee, to execute the Agreement, and up to three 1-year extension options.

COUNCIL COMMENTS & REPORTS

13. Consider request by Councilmember Olsen regarding a Sports Commission for the City of Modesto. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Councilmember Olsen spoke in support of a Sports Commission for the City of Modesto and offered to volunteer to serve as a liaison for the City.

CITY MANAGER COMMENTS & REPORTS

None.

WRITTEN COMMUNICATIONS

14. Consider a letter from Kari Koga regarding parking situation along 11th and L Streets, Modesto. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Kari Koga spoke in favor of tenant parking along 11th and L Streets, Modesto. Mayor Ridenour directed the City Manager and Traffic Engineering to meet with Ms. Koga.

UNFINISHED BUSINESS

15. Consider approving Option 1 or Option 2 as related to the Storm Drain budget reductions and Pruned Refuse Services; and authorizing staff to meet and confer with Modesto City Employees' Association (MCEA), and Modesto Confidential Management Association (MCMA), on any impacts from the reduction or discontinuation of services based on the option selected above. (Funding Source: Storm Drain Fund)
- Resolution approving Option 1 or Option 2 as related to the Storm Drain budget reductions and Pruned Refuse Services recommended.
 - Motion authorizing staff to meet and confer with Modesto City Employees' Association (MCEA), and Modesto Confidential Management Association (MCMA), on any impacts from the reduction or discontinuation of services based on the option selected above recommended.

Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: Resolution 2008- () approving Option 1 or Option 2 as related to the Storm Drain budget reductions and Pruned Refuse Services. **(Resolution not voted on.)**

ACTION: Motion () authorizing staff to meet and confer with Modesto City Employees' Association (MCEA), and Modesto Confidential Management Association (MCMA), on any impacts from the reduction or discontinuation of services based on the option selected above. **(Motion not voted on.)**

ACTION: **Motion (Marsh/Hawn;unan)** returning matter to Council meeting on October 28, 2008 with three (3) Options: (i) Combined Total (Capital Improvement

Program, Operations, and Pruned Refuse); (ii) Operations and Pruned Refuse; (iii) Pruned Refuse.

NEW BUSINESS

16. Consider amending the Fiscal Year 2008-09 adopted budget estimates for major and non-major revenues and approving the Mayor's proposed revenue enhancements and spending reductions. (Funding Source: General Fund)
- Resolution amending the Fiscal year 2008-09 adopted budget estimates for major and non-major revenues and approving the Mayor's proposed revenue enhancements and spending reductions recommended.
- Mayor; Jim Ridenour, 571-5597, jridenour@modestogov.com*

ACTION: **Resolution 2008-577 (Hawn/Olsen;unan)** amending the Fiscal year 2008-09 adopted budget estimates for major and non-major revenues and approving the Mayor's proposed revenue enhancements and spending reductions (**with the exception of Item 21 to be discussed at next week's Council meeting**).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

CLOSED SESSION

Closed Session Cancelled

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

One Case (Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Gary D. Devine v. City of Modesto, John Milroy Habermehl, et al., Stanislaus County Superior Court Case No. 611099

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Chambers, Basement Level
1010 10th Street
Modesto, California

Thursday, October 9, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh, Olsen,
Absent - None

PUBLIC COMMENTS
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None.

CONSENT
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 the report prepared by Citygate Associates, LLC entitled Review of Animal Control Service and Shelter Replacement Options for the Cities of Ceres and Modesto and provide policy direction regarding negotiations with the County over the City of Modesto's participation in the financing and management of the animal shelter with consideration of the following staff recommendations: (i) Consider formation of Joint Powers Authority (JPA) with County, Ceres, and other interested parties to manage the shelter; (ii) Structure fees to recover the annual on-going costs related to operations and maintenance of facility; and (iii) utilize Tobacco Securitization Funds for initial capital funding of the animal shelter facility and recoup this cost through fees for service. (Funding Source: General Fund)
City Manager; Judith Ray, 571-5809, jray@modestogov.com

ACTION: Motion (Marsh/Olsen) directing staff to reject County's current proposal; City Manager and staff to continue negotiations with County; and plan alternate options if not able to reach negotiable settlement. **(Motion rescinded.)**

ACTION: Motion (Marsh/Hawn;unan) directing staff to advise County that their proposed terms are unacceptable and directing staff to return to County to renegotiate.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:12 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday October 14, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh (arrived at 5:40 pm),
O’Bryant, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Michael Douglass, Advancing Vibrant Communities

City Clerk’s Announcements – Item 8 removed from Consent
Item 10 continued to October 28, 2008

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider acknowledging local winners of the 2007 Waste Reduction Awards Program and the 2008 City of Modesto Business Recycling Awards via presentation and reception. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Beverly McCullough, 577-5495, bmcullough@modestogov.com

ACTION: Mayor Ridenour presented awards to the local winners of the 2007 Waste Reduction Awards Program (Target, Safeway and SaveMart) and the 2008 City of Modesto Business Recycling Awards (Fuddruckers, Modesto Junk Company, Modesto Police Explorers, Community Business College).

2. Presentation of Second Chance Week by Parks, Recreation & Neighborhoods. (Funding Source: Not Applicable)
Parks, Recreation and Neighborhoods; Beverly McCullough, 577-5495, bdmccullough@modestogov.com

ACTION: Presentation of Second Chance Week by Beverly McCullough, Parks, Recreation & Neighborhoods.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 8

ACTION CONSENT ITEMS: 3-7 (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 regular City Council meeting of October 7, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (**Hawn/Lopez;unan**) approving the Minutes of the regular City Council meeting of October 7, 2008.

Consent

4. Consider approving the request for Enterprise Zone Expansion by the Cities of Hughson, Newman, Patterson and Waterford. (Funding Source: Not Applicable)
 - Resolution approving the request by the Cities of Patterson, Hughson, Newman, and Waterford to expand the geographic boundaries of their enterprise zones by a combined total of 778.5 acres and direct the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit for each City the written request to expand and required accompanying documentation to the California Department of Housing & Community Development recommended.*Community and Economic Development; Margaret James, 571-5840, mbjames@modestogov.com*

ACTION: **Resolution 2008-578 (Hawn/Lopez;unan)** approving the request by the Cities of Patterson, Hughson, Newman, and Waterford to expand the geographic boundaries of their enterprise zones by a combined total of 778.5 acres and direct the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus Enterprise Zone Administrator, to submit for each City the written request to expand and required accompanying documentation to the California Department of Housing & Community Development.

Consent

5. Consider authorizing the award of bid and contract for the purchase of water meters for the Public Works Department, Water Division, to Badger Meter, Inc., Milwaukee, WI, and authorizing the Purchasing Manager to issue an annual purchase agreement for a

period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,600,000. (Funding Source: Org. 6180 Water Services Capital Project)

- Resolution authorizing the award of bid and contract for the purchase of water meters for the Public Works Department, Water Division, to Badger Meter, Inc., Milwaukee, WI, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,600,000 recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: **Resolution 2008-579 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the purchase of water meters for the Public Works Department, Water Division, to Badger Meter, Inc., Milwaukee, WI, and authorizing the Purchasing Manager to issue an annual purchase agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimated annual cost of \$1,600,000.

Consent

6. Consider authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, 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 \$60,000. (Funding Source: Water Fund)
 - Resolution authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, 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 \$60,000 recommended.

Public Works; Allen Lagarbo, 209-342-2203, alagarbo@modestogov.com

ACTION: **Resolution 2008-580 (Hawn/Lopez;unan)** authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of chemical feed metering pumps for the Public Works Department, Water Division, 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 \$60,000.

Consent

7. Consider approving the plans and specifications for the project titled “Downstream Water System Improvements-Tier 2, West Tank 12 Water Transmission Mains,” accepting the bid and approving a \$2,387,300 contract with D.A. Wood Construction, Inc., and authorizing the City Manager to execute the contract. (Funding Source: Water Fund-CIP)
 - Resolution approving the plans and specifications for the project titled “Downstream Water System Improvements-Tier 2, West Tank 12 Water Transmission Mains,” accepting the bid and approving a \$2,387,300 contract with D.A. Wood Construction, Inc. for the Downstream Water System Improvements –

Tier 2 West Tank 12 Water Transmission Mains project, and authorizing the City Manager, or his designee, to execute the contract recommended.
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-581 (Hawn/Lopez;unan) approving the plans and specifications for the project titled “Downstream Water System Improvements-Tier 2, West Tank 12 Water Transmission Mains,” accepting the bid and approving a \$2,387,300 contract with D.A. Wood Construction, Inc. for the Downstream Water System Improvements – Tier 2 West Tank 12 Water Transmission Mains project, and authorizing the City Manager, or his designee, to execute the contract.

REMOVED FROM CONSENT

8. Consider rejecting all bids for the tank and pump station portion of the Capital Improvement Program project titled, “Downstream Water System Improvements – Tier 2, West Tank 12 Improvements,” and authorizing staff to re-advertise the project at a future date. (Funding Source: Water Fund - CIP)
- Resolution rejecting all bids for the tank and pump station portion of the Capital Improvement Program project titled, “Downstream Water System Improvements – Tier 2, West Tank 12 Improvements,” and authorizing staff to re-advertise the project at a future date recommended.
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Motion (Olsen/Hawn;majority Lopez no) rejecting staff recommendation rejecting all bids for the tank and pump station portion of the Capital Improvement Program project titled, “Downstream Water System Improvements – Tier 2, West Tank 12 Improvements,” and authorizing staff to re-advertise the project at a future date.

ACTION: Motion (Marsh/Keating;unan) bringing matter back to Council in two weeks with three (3) options for the tank and pump station portion of the Capital Improvement Program project titled, “Downstream Water System Improvements – Tier 2, West Tank 12 Improvements”: (i) declare the omitted information as a minor irregularity and award to Teichert Construction; (ii) declare that the omitted information was not a minor irregularity and award to GSE Construction (5th low); or (iii) reject all bids and rebid.

COUNCIL COMMENTS & REPORTS

9. Consider request by Councilmember Marsh to return to Council on October 28, 2008 to reconsider establishing a Business License Application Fee for processing new reactivated business licenses, effective November 1, 2008. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: **Motion (Marsh/Hawn;Lopez yes; Keating,O'Bryant,Olsen, Mayor Ridenour no)** returning to Council on October 28, 2008 to reconsider establishing a Business License Application Fee for processing new reactivated business licenses, effective November 1, 2008. **(Motion failed to carry.)**

CITY MANAGER COMMENTS & REPORTS

Mayor Ridenour asked Fire Chief Miguel to speak regarding the fires in Southern California. Fire Chief Miguel gave the Council the status of the Modesto Fire Department staff responding to the fires in Southern California.

HEARINGS

Published in the Modesto Bee on September 29, 2008--HEARING CONTINUED TO OCTOBER 28, 2008

10. Hearing to consider establishing a Business License Application Fee for processing new reactivated business licenses, effective November 1, 2008. (Funding Source: Not Applicable)
- Hearing continued to October 28, 2008.
- Finance; Cheryl Detmar, 577-5369, cdetmar@modestogov.com*

ACTION: Hearing continued to October 28, 2008.

Published in the Modesto Bee on September 21, 2008

11. Hearing to certify the updated Master Environmental Impact Report and amend the Urban Area General Plan. (Funding Source: General Fund)
- Resolution to make certain findings concerning mitigation measures, make findings concerning alternatives, adopt a statement of overriding considerations, and certify the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023) recommended.
 - Resolution approving amendment to the Modesto Urban Area General Plan recommended.
- Community & Economic Development; Cindy van Empel, 577-5267, cvanempel@modestogov.com*

ACTION: **Resolution 2008-582 (Hawn/Marsh;unan)** to make certain findings concerning mitigation measures, make findings concerning alternatives, adopt a statement of overriding considerations, and certify the Final Master Environmental Impact Report for the Urban Area General Plan (SCH No. 2007072023).

ACTION: **Resolution 2008-583 (Hawn/Marsh;unan)** approving amendment to the Modesto Urban Area General Plan.

NEW BUSINESS

12. Consider directing staff to proceed with the 2009 Urban Growth Review Update Work

Program as recommended by the Economic Development Committee. (Funding Source: General Fund)

- Motion directing staff to proceed with the 2009 Urban Growth Review Update Work Program as recommended by the Economic Development Committee recommended.
- Motion affirming funding of a Senior Planner position beginning January 1, 2009 to serve as the Project Manager for the Comprehensive General Plan Update, at a cost of \$46,800 recommended.

*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Motion (Hawn/Olsen;unan) directing staff to proceed with the 2009 Urban Growth Review Update Work Program as recommended by the Economic Development Committee.

ACTION: Motion (Marsh/Olsen;unan) declining funding of a Senior Planner position beginning January 1, 2009 to serve as the Project Manager for the Comprehensive General Plan Update, at a cost of \$46,800.

13. Consider approving the Fiscal Year 2008/2009 Planning Division Work Program. (Funding Source: General Fund)

- Motion approving the Fiscal Year 2008/2009 Planning Division Work Program recommended.

*Community & Economic Development; Patrick Kelly, 577-5267,
pkelly@modestogov.com*

ACTION: Motion (Lopez/Keating;unan) approving the Fiscal Year 2008/2009 Planning Division Work Program.

14. Consider approving the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Employee's Association (MCEA) for the term of July 22, 2008 through June 22, 2009. (Funding Source: General Fund and Other Funds)
- Resolution approving the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and Modesto City Employee's Association (MCEA) for the term of July 22, 2008 through June 22, 2009 recommended.
 - Resolution approving the Class Range Table for General Non-Sworn Classes (MCEA) recommended.
 - Resolution amending the FY 08-09 operating budget to appropriate \$99,300 from 0100-800-8000-8003 General Fund Reserve and \$182,800 from other Fund reserves to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MCEA recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

ACTION: Resolution 2008-584 (Hawn/Lopez;unan) approving the Memorandum of Understanding (MOU) between the City of Modesto (CITY) and Modesto City

Employee's Association (MCEA) for the term of July 22, 2008 through June 22, 2009.

ACTION: Resolution 2008-585 (Hawn/Lopez;unan) approving the Class Range Table for General Non-Sworn Classes (MCEA).

ACTION: Resolution 2008-586 (Hawn/Lopez;unan) amending the FY 08-09 operating budget to appropriate \$99,300 from 0100-800-8000-8003 General Fund Reserve and \$182,800 from other Fund reserves to various accounts in departments' operating budgets for implementation of the City's negotiated MOU with MCEA.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Gary D. Devine v. City of Modesto, John Milroy Habermehl, et al., Stanislaus County Superior Court Case No. 611099

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager Robin Renwick, Personnel Director Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) - MCEA Agency Negotiators: Greg Nyhoff, City Manager Barbara Santos, Deputy Director, Personnel Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Greg Nyhoff, City Manager Barbara Santos, Deputy Director, Personnel Employee Organization: Modesto Confidential & Management Association

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Monday, October 27, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh, Olsen,
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. Review recommended budget adjustments and refer to City Council for consideration and approval (Funding Source: Various Funds)
Finance Department; Wayne Padilla, 577-5369, wpadilla@modestogov.com

ACTION: Motion (Olsen/Marsh;unan) approving the recommended budget adjustments and forwarding to City Council for consideration and approval.

NEW BUSINESS

2. Presentation by Mark Tucker of Gallagher Benefit Services regarding the status of regional healthcare, City of Modesto claims experience, an explanation of experience vs. community rating, as well as the pros and cons of High Deductible Health Plans and other cost saving strategies including employee wellness programs. (Funding Source: Not Applicable)
Personnel; Mary Akin, 577-5251, makin@modestogov.com

ACTION: No action required. This was an informational report only.

3. Consider recommending to the City Council approval of funding for two new

Customer Service Account Clerk I positions in the Finance Department and for increased printing and mailing services related to the Water Metering Program, at a cost of \$79,548 in Fiscal Year 2008-09. (Funding Source: Water Fund)
Public Works and Finance Department; Allen Lagarbo, 209-342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) forwarding to City Council for consideration and approval.

4. Consider providing input to the proposed criteria for evaluating recycled water proposals and recommending that the criteria be presented to full Council for consideration and adoption. (Funding Source: Not Applicable)
Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) accepting the proposed Criteria for Evaluating Recycled Water Proposals, coming up with a specific criteria, and forwarding to City Council for consideration and approval.

5. Consider recommending to the City Council approval of the creation of a City wastewater treatment capacity banking program (WTCB) for the purposes of economic development. (Funding Source: Not Applicable)
Public Works; Nick Pinhey, 209-577-5213, npinhey@modestogov.com

ACTION: No action required. This was an informational report only.

6. Consider first quarter update on the fiscal condition of the General Fund with a review of revenue totals for the first three months of the year. (Funding Source: General Fund)
Finance; Wayne Padilla, 577-5371, wpadilla@modestogov.com

ACTION: No action required. This was an informational report only.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

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 October 28, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Wade Estes, First Baptist Church Modesto

City Clerk’s Announcements – Item 24 – Hearing cancelled

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Consider verbal report from the Stanislaus County District Attorney on the role of the District Attorney’s Office in the criminal justice process. (Funding Source: Not Applicable)
Police; Karen Rabb, 572-9523, rabbk@modestopd.com

ACTION: Stanislaus County District Attorney Birgit Fladager gave a verbal report on the role of the District Attorney’s Office in the criminal justice process.

PUBLIC COMMENT PERIOD Three minute time limit per speaker

Stacy Siler spoke on behalf of her mother regarding high permit fees for sewer hook up at her mother’s home. Ms. Siler was referred to Nick Piney, Public Works Director, by Mayor Ridenour.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 21

ACTION CONSENT ITEMS 2-21: (Hawn/Lopez;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 regular City Council meeting of October 14, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Motion (Hawn/Lopez;unan) approving the Minutes of the regular City Council meeting of October 14, 2008.

Consent

3. Consider approving the 2009 City Council Meeting Calendar. (Funding Source: Not Applicable)
 - Resolution approving the 2009 City Council Meeting Calendar recommended.*City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: Resolution 2008-587 (Hawn/Lopez;unan) approving the 2009 City Council Meeting Calendar.

Consent

4. Consider accepting the 2009 City Council Committees Calendar for the Economic Development Committee, Finance Committee, and Safety & Communities Committee. (Funding Source: Not Applicable)
 - Motion accepting the 2009 City Council Committees Calendar for the Economic Development Committee, Finance Committee, and Safety & Communities Committee.*City Manager; Judith Ray, 571-5809, jray@modestogov.com*

ACTION: Motion (Hawn/Lopez;unan) accepting the 2009 City Council Committees Calendar for the Economic Development Committee, Finance Committee, and Safety & Communities Committee

Consent

5. Consider adopting Resolutions in support of Propositions 1A - Safe, Reliable High-Speed Passenger Train Bond Act and Proposition 11 – Redistricting, and opposition to Proposition 2 - Standards for Confining Farm Animals. (Funding Source: Not Applicable)
 - Resolution supporting Proposition 1A, The Safe, Reliable High-Speed Passenger Train Bond Act, and Proposition 11, Redistricting, to be voted on in the November 2008 General Election recommended.
 - Resolution opposing the passage of Proposition 2, Standards for Confining Farm Animals, to be voted on in the November 2008 General Election recommended.*City Attorney; Susana Alcalá Wood, 577-5284, swood@modestogov.com*

ACTION: Resolution 2008-588 (Hawn/Lopez;unan) supporting Proposition 1A, The Safe, Reliable High-Speed Passenger Train Bond Act, and Proposition 11, Redistricting, to be voted on in the November 2008 General Election.

ACTION: Resolution 2008-589 (Hawn/Lopez;unan) opposing the passage of Proposition 2, Standards for Confining Farm Animals, to be voted on in the November 2008 General Election.

Consent

6. Consider approving (i) a Capital Facilities Fees "Like for Like" Credit Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company for retail development located at the southwest corner of Briggsmore Avenue and McHenry Avenue and (ii) a Capital Facilities ROW and Improvement Reimbursement Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company, with a maximum reimbursement amount of \$153,413 for right of way dedication and construction of certain street improvements at the southwest corner of McHenry Avenue and Briggsmore Avenue. (Funding Source: Capital Facilities Fees)
- Resolution approving a Capital Facilities Fees "Like for Like" Credit Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company for retail development located at the southwest corner of Briggsmore Avenue and McHenry Avenue and authorizing the City Manager or his designee, to execute the Agreement recommended.
 - Resolution approving a Capital Facilities ROW and Improvement Reimbursement Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company, with a maximum reimbursement amount of \$153,413 for right of way dedication and construction of certain street improvements at the southwest corner of McHenry Avenue and Briggsmore Avenue and authorizing the City Manager, or his designee, to execute the Agreement recommended.

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

ACTION: Resolution 2008-590 (Hawn/Lopez;unan) approving a Capital Facilities Fees "Like for Like" Credit Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company for retail development located at the southwest corner of Briggsmore Avenue and McHenry Avenue and authorizing the City Manager or his designee, to execute the Agreement.

ACTION: Resolution 2008-591 (Hawn/Lopez;unan) approving a Capital Facilities ROW and Improvement Reimbursement Agreement between the City of Modesto and McHenry-Briggsmore Real Estate Invest Group, a California Limited Liability Company, with a maximum reimbursement amount of \$153,413 for right of way dedication and construction of certain street improvements at the southwest corner of McHenry Avenue and Briggsmore Avenue and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

7. Consider authorizing the Purchasing Manager to solicit bids for new vehicles and heavy equipment throughout FY 2008-09 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$1,779,000. (Funding Source: Fleet Fund, Federal Aviation Administration (FAA) Grant Funding)
- Resolution authorizing the Purchasing Manager to solicit bids for new vehicles and heavy equipment throughout FY 2008-09 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$1,779,000 recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: **Resolution 2008-592 (Hawn/Lopez;unan)** authorizing the Purchasing Manager to solicit bids for new vehicles and heavy equipment throughout FY 2008-09 through various competitive processes and in a cumulative amount not to exceed the budgeted amount of \$1,779,000.

Consent

8. Consider authorizing the award of bid and contract for the purchase of diesel particulate filters to A-Z Emissions Solution, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$139,063. (Funding Source: Org 5812, Fleet Services Division)
- Resolution authorizing the award of bid and contract for the purchase of diesel particulate filters to A-Z Emissions Solution, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$139,063 recommended.

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

ACTION: **Resolution 2008-593 (Hawn/Lopez;unan)** authorizing the award of bid and contract for the purchase of diesel particulate filters to A-Z Emissions Solution, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for an estimated total cost of \$139,063.

Consent

9. Consider approving an amendment to the existing license agreement with the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October 24, 2010. (Funding Source: Not Applicable)
- Resolution approving an amendment to the existing license agreement with the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October 24, 2010, and authorizing the City Manager, or his designee, to execute said Amendment to Agreement recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: **Resolution 2008-594 (Hawn/Lopez;unan)** approving an amendment to the existing license agreement with the Modesto Nuts Professional Baseball Club to extend the deadline for stadium improvements at John Thurman Field by one year to October 24, 2010, and authorizing the City Manager, or his designee, to execute said Amendment to Agreement.

Consent

10. Consider approving a lease agreement with Project Sentinel for 412 Downey Avenue, to provide the City with Fair Housing Services for a period of one year. (Funding Source: Not Applicable)
- Resolution approving a lease agreement between Project Sentinel and the City of Modesto for the property located at 412 Downey Avenue for One Dollar (\$1.00) for a one-year term to provide fair housing services; and authorizing the City Manager, or his designee, to sign the Lease Agreement recommended.
- Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

ACTION: **Resolution 2008-595 (Hawn/Lopez;unan)** approving a lease agreement between Project Sentinel and the City of Modesto for the property located at 412 Downey Avenue for One Dollar (\$1.00) for a one-year term to provide fair housing services; and authorizing the City Manager, or his designee, to sign the Lease Agreement.

Consent

11. Consider approving a loan agreement with Stanislaus Community Assistance Project (SCAP) for \$100,000 in Community Development Block Grant (CDBG) funds, to rehabilitate two units into accessible units with a ten-year Affordability Covenant, and authorizing the City Manager or his designee to execute all documents. (Funding Source: Community Development Block Grant)
- Resolution approving a Loan Agreement, Promissory Note, Affordable Rental Covenant and other necessary documents between Stanislaus Community Assistance Project and the City of Modesto for \$100,000 in Community Development Block Grant Funds to rehabilitate two rental units into accessible units at 1312 Ensenada Drive; and authorizing the City Manager, or his designee, to execute the required documents recommended.
- Parks, Recreation & Neighborhoods; Rebecca Blanco, 577-5368, rblanco@modestogov.com*

ACTION: **Resolution 2008-596 (Hawn/Lopez;unan)** approving a Loan Agreement, Promissory Note, Affordable Rental Covenant and other necessary documents between Stanislaus Community Assistance Project and the City of Modesto for \$100,000 in Community Development Block Grant Funds to rehabilitate two rental units into accessible units at 1312 Ensenada Drive; and authorizing the City Manager, or his designee, to execute the required documents.

Consent

12. Consider approving a grant application to the California Integrated Waste Management

Board (CIWMB) and the California Department of Conservation (DOC) for solid waste programs and accepting grant awards from both the CIWMB and DOC.

(Funding Source: Not Applicable)

- Resolution approving grant applications to the California Integrated Waste Management Board (CIWMB) for solid waste programs, accepting grant award, amending the annual budget and authorizing the City Manager, or his designee, to execute all grant-related documents, and rescinding Resolution No. 2004-669 recommended.
- Resolution approving grant applications to the California Department of Conservation (DOC) for Solid Waste programs, accepting grant awards, amending the annual budget and authorizing the City Manager, or his designee, to execute all grant-related documents, and rescinding Resolution No. 2004-669A recommended.

Parks, Recreation & Neighborhoods; Bev McCullough, 577-5495, bmccullough@modestogov.com

ACTION: **Resolution 2008-597 (Hawn/Lopez;unan)** approving grant applications to the California Integrated Waste Management Board (CIWMB) for solid waste programs, accepting grant award, amending the annual budget and authorizing the City Manager, or his designee, to execute all grant-related documents, and rescinding Resolution No. 2004-669.

ACTION: **Resolution 2008-598 (Hawn/Lopez;unan)** approving grant applications to the California Department of Conservation (DOC) for Solid Waste programs, accepting grant awards, amending the annual budget and authorizing the City Manager, or his designee, to execute all grant-related documents, and rescinding Resolution No. 2004-669A.

Consent

13. Consider authorizing the employees who are in the bargaining unit represented by the Modesto City Fire Fighters Association (MCFFA) to participate in the Central Valley Retiree Medical Trust (CVRMT). (Funding Source: Not Applicable)
- Resolution authorizing the employees represented by Modesto City Fire Fighters Association to Participate in the Central Valley Retiree Medical Trust recommended.

Personnel; Robin Renwick, Personnel Director, 571-5216, rrenwick@modestogov.com

ACTION: **Resolution 2008-599 (Hawn/Lopez;unan)** authorizing the employees represented by Modesto City Fire Fighters Association to Participate in the Central Valley Retiree Medical Trust.

Consent

14. Consider amending the Fiscal Year 2008-2009 budget to use \$30,582 in Asset Forfeiture funds, for Modesto Police Activities League (PAL) and Gang/Drug Awareness Programs; and authorizing the Finance Director, or his designee, to make adjustments to the appropriation and revenue accounts when future Gang/Drug Awareness Asset Forfeiture receipts are received. (Funding Source: Asset Forfeiture)

- Resolution approving amending the Fiscal Year 2008-2009 Budget to reflect the use of \$30,582 within the Operation Block Grants Fund for the Modesto Police Activities League (PAL) and Gang/Drug Awareness Programs; and authorizing the Finance Director, or his designee, to implement the provisions of this Resolution recommended.

Police Department; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: **Resolution 2008-600 (Hawn/Lopez;unan)** approving amending the Fiscal Year 2008-2009 Budget to reflect the use of \$30,582 within the Operation Block Grants Fund for the Modesto Police Activities League (PAL) and Gang/Drug Awareness Programs; and authorizing the Finance Director, or his designee, to implement the provisions of this Resolution.

Consent

15. Consider accepting the work by Odyssey Landscaping Co., Inc. for the project titled "Landscaping at Sylvan Pedestrian Overcrossing" as complete. (Total project cost is \$208,441.71.) (Funding Source: Community Facilities District No. 2004-1, Village One #2)

- Resolution accepting the work by Odyssey Landscaping Co., Inc. for the project titled "Landscaping at Sylvan Pedestrian Overcrossing" 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 \$158,960.39 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-601 (Hawn/Lopez;unan)** accepting the work by Odyssey Landscaping Co., Inc. for the project titled "Landscaping at Sylvan Pedestrian Overcrossing" 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 \$158,960.39.

Consent

16. Consider accepting the work by Preston Pipelines, Inc. for the project titled "Rose Avenue Sewer Manhole Installation" as complete. (Total project cost is \$49,817.97.) (Funding Source: Wastewater Fund)

- Resolution accepting the work by Preston Pipelines, Inc. for the project titled "Rose Avenue Sewer Manhole Installation" 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 \$33,320.42 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-602 (Hawn/Lopez;unan)** accepting the work by Preston Pipelines, Inc. for the project titled "Rose Avenue Sewer Manhole Installation" 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 \$33,320.42.

Consent

17. Consider accepting the work by Rolfe Construction for the “Carver Road Sewer Line Replacement Project” as complete. (Total project cost is \$75,843.40.) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Rolfe Construction for the “Carver Road Sewer Line 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 \$55,840 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-603 (Hawn/Lopez;unan)** accepting the work by Rolfe Construction for the “Carver Road Sewer Line 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 \$55,840.

Consent

18. Consider authorizing a request for bids for the purchase of three (3) vertical turbine mixed flow propeller pumps for the Jennings Road Treatment Plant for a cost not to exceed \$120,000. (Funding Source: Wastewater Fund)
- Resolution authorizing the Purchasing Manager to issue formal Request for Bids for the purchase of three (3) vertical turbine mixed flow propeller pumps for the Jennings Treatment Plant for a cost not to exceed \$120,000 recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: **Resolution 2008-604 (Hawn/Lopez;unan)** authorizing the Purchasing Manager to issue formal Request for Bids for the purchase of three (3) vertical turbine mixed flow propeller pumps for the Jennings Treatment Plant for a cost not to exceed \$120,000.

Consent

19. Consider approving an Agreement with Holdrege & Kull Consulting Engineers and Geologists for design services for grout stabilization of the Wastewater Treatment Plant Chlorination Facility, in an amount not to exceed \$85,473 for the identified scope of services, plus \$8,547 for additional services (if needed), for a maximum total amount of \$94,020. (Funding Source: Wastewater Fund)
- Resolution approving an Agreement with Holdrege & Kull Consulting Engineers and Geologists for design services for grout stabilization of the Wastewater Treatment Plant Chlorination Facility, in an amount not to exceed \$85,473 for the identified scope of services, plus \$8,547 for additional services (if needed), for a maximum total amount of \$94,020, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com

ACTION: Resolution 2008-605 (Hawn/Lopez;unan) approving an Agreement with Holdrege & Kull Consulting Engineers and Geologists for design services for grout stabilization of the Wastewater Treatment Plant Chlorination Facility, in an amount not to exceed \$85,473 for the identified scope of services, plus \$8,547 for additional services (if needed), for a maximum total amount of \$94,020, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

20. Consider approving an amendment of the FY08/09 Capital Improvement Program (CIP) budget by reallocating Pelandale Avenue Widening project savings, and approving an increase of the Public Works Director's Authority to issue change orders on the Pelandale Avenue Widening Project. (Funding Source: Capital Facility Fees)
- Resolution approving an amendment of the FY08/09 Capital Improvement Program (CIP) budget in order to fund other high-priority CIP projects, by decreasing CIP Account H461 "6-Lanes Dale to McHenry" in the amount of \$3,150,000, and reappropriating 1) \$2,500,000 to CIP Account H455 "Claratina/McHenry to Coffee-4 Lanes"; and 2) \$650,000 to CIP Account H579 "Pelandale/Dale to McHenry Additional Improvements", and approving the transfer of funds as set forth herein for the required redistribution of funds to the other Streets Capital Facility Fee projects recommended.
 - Resolution increasing the Public Works Director's Authority to issue change orders on the "Pelandale Avenue Widening" project by \$350,000 from 8% (\$756,663) to 11.7% (\$1,106,663) of the original contract price with George Reed, Inc. to fund the change order for the median curb installation recommended.
- Public Works; Vickey Dion, 571-5542, vdion@modestogov.com*

ACTION: Resolution 2008-606 (Hawn/Lopez;unan) approving an amendment of the FY08/09 Capital Improvement Program (CIP) budget in order to fund other high-priority CIP projects, by decreasing CIP Account H461 "6-Lanes Dale to McHenry" in the amount of \$3,150,000, and reappropriating 1) \$2,500,000 to CIP Account H455 "Claratina/McHenry to Coffee-4 Lanes"; and 2) \$650,000 to CIP Account H579 "Pelandale/Dale to McHenry Additional Improvements", and approving the transfer of funds as set forth herein for the required redistribution of funds to the other Streets Capital Facility Fee projects.

ACTION: Resolution 2008-607 (Hawn/Lopez;unan) increasing the Public Works Director's Authority to issue change orders on the "Pelandale Avenue Widening" project by \$350,000 from 8% (\$756,663) to 11.7% (\$1,106,663) of the original contract price with George Reed, Inc. to fund the change order for the median curb installation.

Consent

21. Consider approving an Agreement Consenting to Common Use with the Modesto Irrigation District (MID) related to the Emerald Trunk Sewer Line Rehabilitation project. (Funding Source: Not Applicable)
- Resolution approving an Agreement Consenting to Common Use with the Modesto

Irrigation District, for construction related to the Emerald Trunk Sewer Line Rehabilitation project, to use certain real property located at 929 Woodland Avenue (APN-115-002-001), and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com

ACTION: **Resolution 2008-608 (Hawn/Lopez;unan)** approving an Agreement Consenting to Common Use with the Modesto Irrigation District, for construction related to the Emerald Trunk Sewer Line Rehabilitation project, to use certain real property located at 929 Woodland Avenue (APN-115-002-001), and authorizing the City Manager, or his designee, to execute the Agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

22. Consider approving the plans and specifications for the project titled, "Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station," and one of the following options: (i) reject all bids. (Staff recommendation); (ii) declare the omitted contractor qualifications information as a minor irregularity, accept the bid and approve a \$5,760,000 contract with Teichert Construction. (Total estimated cost of this project is \$7,103,396, which includes the construction contract, construction contingency, and construction administration.); or (iii) declare the omitted contractor qualifications information was not a minor irregularity, accept the bid and approve a \$6,020,100 contract with G.S.E. Construction Company, Inc. (Total estimated cost of this project is \$7,389,506, which includes the construction contract, construction contingency, and construction administration.) (Funding Source: Water Fund-CIP)
- Resolution rejecting all bids for the project titled, "Downstream Water System Improvements – Tier 2, West Tank 12 and Pump Station," and authorizing staff to re-advertise the project at a future date recommended.
 - Resolution declaring the omitted contractor qualifications information as a minor irregularity, approving the plans and specifications for the project titled "Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station," accepting the bid and approving a \$5,760,000 contract with A. Teichert & Son, Inc., dba Teichert Construction for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project, and authorizing the City Manager, or his designee, to execute the contract recommended.
 - Resolution declaring the omitted contractor qualifications information was not a minor irregularity, approving the plans and specifications for the project titled "Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station," accepting the bid and approving a \$6,020,100 contract with G.S.E.

Construction Company, Inc. for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project, and authorizing the City Manager, or his designee, to execute the contract recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-609 (Olsen/Marsh; majority; Keating, Lopez, O'Bryant no) declaring the omitted contractor qualifications information as a minor irregularity, approving the plans and specifications for the project titled "Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station," accepting the bid and approving a \$5,760,000 contract with A. Teichert & Son, Inc., dba Teichert Construction for the Downstream Water System Improvements-Tier 2, West Tank 12 and Pump Station project, and authorizing the City Manager, or his designee, to execute the contract.

23. Consider implementing \$1.6 million in budget reductions in the Storm Drain operating budget for FY 2008-09 to balance the budget along with several fee options for improving the health of the Storm Drain Fund. These options include:

Initiate a Proposition 218 process (mail-in voter approval) implementing a fee to:

- 1A - Cover the costs associated with the Pruned Refuse Pickup Program only; OR
1B - Cover the costs associated with the Pruned Refuse Pickup Program and the costs associated with Storm Drain operations and maintenance activities; OR
1C - Cover the costs associated with the Pruned Refuse Pickup Program, the costs associated with Storm Drain operations and maintenance activities, and the Capital Improvement Program for the Storm Drain System.

OR

Consider two additional alternatives to fund pruned refuse collection services by implementing an AB 939 Green Waste Diversion fee to:

- 2A - Fund the collection of Pruned Refuse materials for composting purposes to be charged on a per-ton basis through the maximum garbage rates; OR
2B - Fund the collection of Pruned Refuse and Forestry materials for composting purposes to be charged on a per-ton basis through the maximum garbage rates.
(Funding Source: General Fund and Storm Drain Fund)

- 1A. Resolution implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; initiate a Proposition 218 process (mail-in voter approval) implementing a fee to cover the costs associated with the pruned refuse pickup program; conducting the vote seeking approval from the majority of property owners affected by the new proposed fee; including an annual rate adjustment component, linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, beginning July 1, 2010; authorizing the City Manager to execute two (2) contracts with professional service contractors, up to \$50,000 each, to initiate the cost allocation study and the ballot voting process; and authorizing a General Fund loan to the Storm Drain Fund in the amount of \$642,187 for the Fiscal Year 2008-09 recommended.

- 1B. Resolution implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; initiate a proposition 218 process (mail-in voter approval) implementing a fee to cover the costs associated with the pruned refuse pickup program and the costs associated with storm drain operations and maintenance activities; conducting the vote seeking approval from the majority of property owners affected by the new proposed fee; including an annual rate adjustment component, linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, beginning July 1, 2010; and authorizing a General Fund loan to the Storm Drain Fund in the amount of \$642,187 for the fiscal year 2008-09 recommended.
- 1C. Resolution implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; initiate a proposition 218 process (mail-in voter approval) implementing a fee to cover the costs associated with the pruned refuse pickup program, the costs associated with storm drain operations and maintenance activities, and the capital improvement program for the storm drain system; conducting the vote seeking approval from the majority of property owners affected by the new proposed fee; including an annual rate adjustment component, linked to changes in the Consumer Price Index, Urban Wage Earners and Clerical Workers Series for the San Francisco CMSA, beginning July 1, 2010; and authorizing a General Fund loan to the Storm Drain Fund in the amount of \$642,187 for the fiscal year 2008-09 recommended.
- 2A. Resolution implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; approving an AB 939 Green Waste Diversion Fee to fund the collection of pruned refuse for composting purposes to be charged on a per-ton basis through the maximum garbage rates; setting a Public Hearing to set this Fee, which would be charged to the City's licensed solid waste haulers on a per-ton basis for residential, commercial, and drop box solid waste; incorporating the Fee as part of the cost structure of maximum rates for solid waste collection services, to become effective January 1, 2009; establishing a separate AB 939 Green Waste Diversion Fund in the Solid Waste Fund recommended.
- 2B. Resolution implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; approving an AB 939 Green Waste Diversion Fee to fund the collection of pruned refuse and forestry materials for composting purposes to be charged on a per-ton basis through the maximum garbage rates; setting a Public Hearing to set this Fee, which would be charged to the City's licensed solid waste haulers on a per-ton basis for residential, commercial, and drop box solid waste; incorporating the Fee as part of the cost structure of maximum rates for solid waste collection services, to become effective January 1, 2009; establishing a separate AB 939 Green Waste Diversion Fund in the Solid Waste Fund recommended.

Public Works; Dennis Turner, 341-2906, dturner@modestogov.com

ACTION: **Resolution 2008-610 (Hawn/Lopez;unan)** implementing \$1.6 million in budget reductions in the storm drain operating budget for FY 2008-09; approving an AB 939 Green Waste Diversion Fee to fund the collection of pruned refuse and forestry materials for composting purposes to be charged on a per-ton basis through the maximum garbage rates; setting a Public Hearing to set this Fee,

which would be charged to the City's licensed solid waste haulers on a per-ton basis for residential, commercial, and drop box solid waste; incorporating the Fee as part of the cost structure of maximum rates for solid waste collection services, to become effective January 1, 2009; establishing a separate AB 939 Green Waste Diversion Fund in the Solid Waste Fund.

ACTION: **Motion (Hawn/Lopez;unan)** approving Option 1C, excluding the pruned refuse portion, and approving the \$1.6 million reduction to the Storm Drain Fund operating budget.

Recess at 7:50 p.m.

Reconvened at 8:05 p.m.

HEARINGS

Published in the Modesto Bee on September 29, 2008; continued from 10/14/08--HEARING CANCELLED

24. Hearing to consider establishing a Business License Application Fee for processing new reactivated business licenses, effective November 1, 2008. (Funding Source: Not Applicable)

- Hearing cancelled.

Finance; Cheryl Detmar, 577-5369, cdetmar@modestogov.com

ACTION: Hearing cancelled.

Published in the Modesto Bee on October 7, 14 and 21, 2008

25. Hearing to consider (i) an Ordinance clarifying that the land uses described in the Modesto Redevelopment Plan match the land uses in the City's General Plan and the Redevelopment Agency's Master Plan and (ii) confirming that this Amendment is included in the existing, approved Master Environmental Impact Report. (Funding Source: Not Applicable)

- Motion introducing an Ordinance amending Ordinance Nos. 2203-C.S., 2269-C.S., 2793-C.S., 2931-C.S., 3454-C.S.; and approving and adopting an Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project recommended.
- Resolution considering and making findings as to the Master Environmental Impact Report ("MEIR") for the Urban Area General Plan Update, as such MEIR relates to the proposed Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project recommended.

Community & Economic Development; Linda Boston, 571-5179,

lboston@modestogov.com

ACTION: **Motion (Olsen/Keating;unan)** introducing **Ordinance No. 3496-C.S.** amending Ordinance Nos. 2203-C.S., 2269-C.S., 2793-C.S., 2931-C.S., 3454-C.S.; and approving and adopting an Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project.

ACTION: Resolution 2008- 611 (Olsen/Keating;unan) considering and making findings as to the Master Environmental Impact Report (“MEIR”) for the Urban Area General Plan Update, as such MEIR relates to the proposed Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project.

NEW BUSINESS

26. Consider approving request from the Building Industry Association of Central California to extend vesting status of subdivision maps; defer impact fee collection for single family residential; and defer and/or waive impact fees for low income and very low income housing, shelters and temporary housing. (Funding Source: Capital Facilities Fees)

- Motion approving Capital Facility Fee (CFF) waivers and deferrals as a coordinated action as recommended by the Economic Development Committee recommended.

Community & Economic Development; Tess Friedberg, 577-5228, tfriedberg@modestogov.com

ACTION: Motion (Hawn/Marsh;unan) approving Capital Facility Fee (CFF) waivers and deferrals as a coordinated action as recommended by the Economic Development Committee, **with the exception of extending the life of tentative subdivision maps.**

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:50 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - THREATENED LITIGATION

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

MINUTES

City of Modesto
**Safety & Communities Committee/
Special City Council Workshop Meeting**
Second Floor, Room 2005
Tenth Street Place, 1010 10th Street

Modesto, California

Monday, November 3, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, O'Bryant, Olsen
Absent - None

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items #1 through #2

CONSENT ITEMS

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

Consent

1. Consider an informational staff report on Administrative Citations. (Funding Source: Not Applicable)
Police Department; John Bear, Animal Control Supervisor, 342-6135, bearj@modestopd.com

ACTION: Motion (Hawn/O'Bryant; unan) accepting informational staff report on Administrative Citations.

Consent

2. Consider an informational report regarding Modesto's Crime Statistics for the month of September 2008 and for year-to-date through September 2008. (Funding Source: Not Applicable)
Police Department; Joel Broumas, Police Captain, 572-9821, broumasj@modestopd.com

ACTION: Motion (Hawn/Olsen; unan) accepting an informational report regarding Modesto's Crime Statistics for the month of September 2008 and for year-to-date through September 2008.

NEW BUSINESS

3. Consider amending the 2008/2009 Operating Budget to use \$18,900 from Asset Forfeitures for the purchase of K9 equipment. (Funding Source: Asset Forfeiture Revenue)
*Police Department; Ron Cloward, Police Lieutenant, 572-9664,
clowadr@modestopd.com*

ACTION: Motion (Hawn/O'Bryant;unan) approving amendment of the 2008/2009 Operating Budget to use \$18,900 from Asset Forfeitures for the purchase of K9 equipment.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:35 p.m.

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 05, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, O’Bryant, Olsen, Mayor Ridenour
Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk’s Announcements – Item 15 Removed from Consent
Item 19 Appellant request to continue to 12/9/08 meeting

Declaration of Conflicts of Interest - None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Modesto Police Department canine, Caesar, who saved a 15-year old boy's life. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation made by Councilmember O’Bryant to Modesto Police canine, Caesar and his handler, Officer Murphy.

2. Presentation of Proclamation to the National Society Daughters of the American Revolution proclaiming November as National American Indian Heritage Month. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation made by Mayor Ridenour to the National Society Daughters of the American Revolution proclaiming November as National American Indian Heritage Month.

3. Presentation of Proclamation to the United Domestic Workers Homecare Providers Union proclaiming November 2008 as National Family Caregivers Month. (Funding Source: Not Applicable)
City Manager; Kathy Espinoza, 571-5597, kespinoza@modestogov.com

ACTION: Presentation made by Mayor Ridenour to the United Domestic Workers Homecare Providers Union proclaiming November 2008 as National Family Caregivers Month.

PUBLIC COMMENT PERIOD
Three minute time limit per speaker

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 18

ACTION CONSENT ITEMS: 4-18 (Lopez/Hawn;unan Marsh absent)

ACTION ITEM 15: (Hawn/Lopez;unan Marsh 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 regular City Council meeting of October 28, 2008. (Funding Source: Not Applicable)
- Motion approving recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: By Motion (**Lopez/Hawn;unan Marsh absent**) approving the Minutes of the regular City Council meeting of October 28, 2008.

Consent

5. Consider final adoption of **Ordinance No. 3496–C.S.** amending Ordinance Nos. 2203-C.S., 2269-C.S., 2793-C.S., 2931-C.S., 3454-C.S.; and approving and adopting an Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project. (Funding Source: Not Applicable)
- Motion approving final adoption of **Ordinance No. 3496-C.S.** recommended.
- City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com*

ACTION: By Motion (**Lopez/Hawn;unan Marsh absent**) **approving final adoption of Ordinance No. 3496–C.S.** amending Ordinance Nos. 2203-C.S., 2269-C.S., 2793-C.S., 2931-C.S., 3454-C.S.; and approving and adopting an Amendment to the Amended Redevelopment Plan for the Modesto Redevelopment Project.

Consent

6. Consider accepting a component of the subdivision improvements installed for Center Court Subdivision, waiving the warranty security requirement, and authorizing the City Clerk to File a Notice of Completion for the Landscape and Irrigation Improvements Only. (Funding Source: City of Modesto Community Facilities District No. 1996-1)

- Resolution authorizing the acceptance of a portion of the subdivision improvements installed for the Center Court Subdivision (as described in the Mutual Release and Settlement Agreement between the City of Modesto Community Facilities District No. 1996-1 and Charleston Place, A California Limited Partnership) and waiving the warranty security requirement related thereto recommended.

Community & Economic Development; Robert Davalos, 577-5253, rdavalos@modestogov.com

ACTION: **Resolution 2008-612 (Lopez/Hawn;unan Marsh absent)** authorizing the acceptance of a portion of the subdivision improvements installed for the Center Court Subdivision (as described in the Mutual Release and Settlement Agreement between the City of Modesto Community Facilities District No. 1996-1 and Charleston Place, A California Limited Partnership) and waiving the warranty security requirement related thereto.

Consent

7. Consider (i) rescinding the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Bonander Truck, Turlock, CA, for an estimated total cost of \$134,909 and (ii) authorizing the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Interstate Truck Center, Stockton, CA, for an estimated total cost of \$137,501. (Funding Source: Org 5812, Fleet Services Division)
- Resolution rescinding the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Bonander Truck, Turlock, CA, for an estimated total cost of \$134,909 recommended.
 - Resolution authorizing the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Interstate Truck Center, Stockton, CA, for an estimated total cost of \$137,501 recommended.
- Finance; Meagan Torres, 571-5839, mtorres@modestogov.com*

ACTION: **Resolution 2008-613 (Lopez/Hawn;unan Marsh absent)** rescinding the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Bonander Truck, Turlock, CA, for an estimated total cost of \$134,909.

ACTION: **Resolution 2008-614 (Lopez/Hawn;unan Marsh absent)** authorizing the award of bid and contract for the purchase of two (2) dump trucks for the Public Works Department, Fleet Services Division to Interstate Truck Center, Stockton, CA, for an estimated total cost of \$137,501.

Consent

8. Consider acknowledging receipt and accepting the Monthly Investment Report for August 2008. (Funding Source: Not Applicable)
- Motion accepting the Monthly Investment Report for August 2008 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: By Motion (**Lopez/Hawn;unan Marsh absent**) accepting the Monthly Investment Report for August 2008.

Consent

9. Consider authorizing the issuance of formal a Request for Bids (RFB) for personal protective equipment care and maintenance services 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 \$30,000 and a one time cost of up to \$100,000 for replacement personal protective equipment, as deemed necessary as a result of the resulting care and maintenance service. (Funding Source: General Fund)
- Resolution authorizing the issuance of formal Request for Bids (RFB) for personal protective equipment care and maintenance services for the Modesto Fire Department for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$30,000, and a one-time cost of up to \$100,000 for replacement personal protective equipment recommended.

Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com

ACTION: **Resolution 2008-615 (Lopez/Hawn;unan Marsh absent)** authorizing the issuance of formal Request for Bids (RFB) for personal protective equipment care and maintenance services for the Modesto Fire Department for a two (2) year agreement with three (3) one-year extension options, for an estimated annual cost of \$30,000, and a one-time cost of up to \$100,000 for replacement personal protective equipment.

Consent

10. Consider authorizing the issuance of formal a Request for Bids (RFB) for linen services 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 \$35,000. (Funding Source: General Fund)
- Resolution authorizing the issuance of formal request for bids for linen services for the Modesto Fire Department for a two (2) year agreement, with three (3) one-year extension options for an estimated annual cost of \$35,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Fire; Lori Martinez, 572-9590, lmartinez@modestofire.com

ACTION: **Resolution 2008-616 (Lopez/Hawn;unan Marsh absent)** authorizing the issuance of formal request for bids for linen services for the Modesto Fire Department for a two (2) year agreement, with three (3) one-year extension options for an estimated annual cost of \$35,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

11. Consider approving a grant application for \$1million in funding from the Urban Streams Restoration Grant Program for the stabilization of the river banks at Dry Creek. (Funding Source: Not applicable)
- Resolution approving a grant application for \$1 million in funding from the State of California's Urban Streams Restoration funding for the stabilization of the river

banks at Dry Creek, and authorizing the City Manager, or his designee, to execute all necessary documents recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-617 (Lopez/Hawn;unan Marsh absent)** approving a grant application for \$1 million in funding from the State of California's Urban Streams Restoration funding for the stabilization of the river banks at Dry Creek, and authorizing the City Manager, or his designee, to execute all necessary documents.

Consent

12. Consider approving a grant application for \$2.2 million in funding from the California River Parkways Grant Program for projects within the Tuolumne River Regional Park Gateway Parcel. (Funding Source: Parks CIP Budget)

- Resolution approving a Grant Application for \$2.2 million in funding from the State of California's River Parkways Grant Funding Program for the development of projects within the Tuolumne River Regional Park Gateway Parcel, and authorizing the City Manager, or his designee, to execute all necessary grant documents recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-618 (Lopez/Hawn;unan Marsh absent)** Resolution approving a Grant Application for \$2.2 million in funding from the State of California's River Parkways Grant Funding Program for the development of projects within the Tuolumne River Regional Park Gateway Parcel, and authorizing the City Manager, or his designee, to execute all necessary grant documents.

Consent

13. Consider accepting the report on Xclamation Fest 2008 held on July 19, 2008, in downtown Modesto and approving Xclamation Fest 2009, to be hosted by Chris Ricci Presents, Inc. on July 18, 2009. (Funding Source: No City funds are expended. Promoter reimbursement for the use of City staff.)

- Resolution accepting the report on Xclamation Fest 2008, and approving Xclamation Fest 2009, to be hosted by Chris Ricci Presents, Inc. in Downtown Modesto on Saturday, July 18, 2009 recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-619 (Lopez/Hawn;unan Marsh absent)** accepting the report on Xclamation Fest 2008, and approving Xclamation Fest 2009, to be hosted by Chris Ricci Presents, Inc. in Downtown Modesto on Saturday, July 18, 2009.

Consent

14. Consider accepting the Culture Commission Annual Report for 2007-08. (Funding

Source: Not applicable)

- Motion accepting the Culture Commission Annual Report for 2007-08 recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: By Motion (**Lopez/Hawn;unan Marsh absent**) accepting the Culture Commission Annual Report for 2007-08.

REMOVED FROM CONSENT

15. Consider accepting two Target grants in the amount of \$4,200 to provide funding for "Access MPD" and National Night Out. (Funding Source: Miscellaneous Grant Revenue)

- Resolution accepting two Target grants totaling \$4,200 to provide funding for "Access MPD" and National Night Out; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
- Resolution amending the Fiscal Year 2008/2009 General Fund Budget, estimating revenue of \$4,200 from two Target Grants recommended.

Police; Rosie Fabela, 572-9676, fabelar@modestopd.com

ACTION: **Resolution 2008-620 (Hawn/Lopez;unan Marsh absent)** accepting two Target grants totaling \$4,200 to provide funding for "Access MPD" and National Night Out; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: **Resolution 2008-621 (Hawn/Lopez;unan Marsh absent)** accepting two Target grants totaling \$4,200 to provide funding for "Access MPD" and National Night Out; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

Consent

16. Consider approving an Agreement with Nolte Associates, Inc. for construction management services of the Downstream Water System Improvements - Tier 2, West Tank 12 and Pump Station project in an amount not to exceed \$635,595.56. (Funding Source: Water Funds-CIP)

- Resolution approving an Agreement with Nolte Associates, Inc. for construction management services of the Downstream Water System Improvements - Tier 2, West Tank 12 and Pump Station project in an amount not to exceed \$635,595.56, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-622 (Lopez/Hawn;unan Marsh absent)** approving an Agreement with Nolte Associates, Inc. for construction management services of the Downstream Water System Improvements - Tier 2, West Tank 12 and Pump Station project in an amount not to exceed \$635,595.56, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

17. Consider approving a contract with EcoLogic for consultant services for the removal and disposal of contaminants from the drinking water supply at the Jennings Wastewater Treatment Plant in amount not to exceed \$150,000. (Funding Source: Wastewater Fund)
- Resolution approving a contract with Ecologic for Consultant Services for the removal and disposal of contaminants from the drinking water supply at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$150,000, and authorizing the City Manager, or his designee, to execute the contract recommended.

Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: **Resolution 2008-623 (Lopez/Hawn;unan Marsh absent)** approving a contract with Ecologic for Consultant Services for the removal and disposal of contaminants from the drinking water supply at the Jennings Wastewater Treatment Plant, in an amount not to exceed \$150,000, and authorizing the City Manager, or his designee, to execute the contract.

Consent

18. Consider accepting the work by John D. Baker Construction Company for the project titled "Installation of Detector Loops at 7 Intersections" as complete. Total project cost is \$282,874.73. (Funding Source: CMAQ and Matching Gas Tax Funds)
- Resolution accepting the work by John D. Baker Construction Company, for the project titled "Installation of Detector Loops at 7 Intersections" 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 \$242,295 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-624 (Lopez/Hawn;unan Marsh absent)** accepting the work by John D. Baker Construction Company, for the project titled "Installation of Detector Loops at 7 Intersections" 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 \$242,295.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on October 16, 2008

19. Hearing to consider the appeal of Mika Telecom Group on behalf of T-Mobile to a Board of Zoning Adjustment decision to deny a Conditional Use Permit (CUP-08-003) to allow the installation of a seventy-five-foot (75') cellular tower and communications facility at property located at 3120 McHenry Avenue. (Funding Source: Not Applicable)
- Motion to deny the appeal and direct staff to return to Council with a resolution to deny the appeal of Mika Telecom;
 - Or
 - Motion to grant the appeal and direct staff to return to the Council with a resolution to grant the appeal of Mika Telecom, thereby granting a Conditional Use Permit for the 75' cellular tower as proposed, subject to the conditions reflected in Attachment No. 14.

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

ACTION: By Motion (**Keating/Olsen;unan**) continued to December 9, 2008 Council meeting.

Published in the Modesto Bee on October 17, 2008

20. Hearing to consider the Appeal filed by Modesto City Employees Association (MCEA) and Modesto Confidential & Management Association (MCMA) regarding the Request for Proposal for Custodial Services. (Funding Source: Not Applicable)
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (**Olsen/Lopez;majority, Hawn no, Marsh absent**) waiving time and move forward with substantive Appeal.

ACTION: Motion (**Hawn/Mayor Ridenour; unan Marsh absent**) denying Appeal.

ACTION: Motion (**Keating/Mayor Ridenour; unan Marsh absent**) directing City Attorney to prepare Resolution and put on Consent for next Council meeting.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:15 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Debra Coito in the interest of her son Jeremy Wilson (deceased) v. City of Modesto, et al. Stanislaus County Superior Court No. 624500

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Acquisition of property located at: 3200 Nightingale Drive Modesto, CA 95356-0216 APN: 076-001-037 Negotiating parties: Bill McKinstry, Listing Agent for Matel Realtors Julia Gillette, Property Agent, City of Modesto Under negotiation: Permission to make an offer on the property

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager Robin Renwick, Director of Personnel Employee Organization: Modesto Police Officers' Association

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

MINUTES

City of Modesto
SPECIAL CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Wednesday November 12, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, O’Bryant, Olsen,
Mayor Ridenour

Absent: Marsh

Pledge of Allegiance to the Flag

Invocation: Cliff Traub, Bethel Church

City Clerk’s Announcements – Item 6 Removed from Consent

Declaration of Conflicts of Interest - None

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

MISCELLANEOUS

Legislation
Appointments
Other

1. Consider accepting letter of resignation from Liliana Lazo from the Culture Commission. (Funding Source: Not Applicable)
 - Resolution accepting with regret the resignation of Liliana Lazo from the Culture Commission recommended.
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Resolution 2008-625** (Hawn/Olsen, unan.; Marsh absent) accepting with regret the resignation Liliana Lazo from the Culture Commission.

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

Richard Arevalo spoke regarding obtaining a dance permit in Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 7

ACTION CONSENT ITEMS: 2-5, 7 (Hawn/Lopez, unan.; Marsh absent)

ACTION ITEM: 6 (Hawn/Lopez, unan.; Marsh 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 special City Council meeting of November 5, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.
City Clerk; Stephanie Lopez, 577-5396, slopez@modestogov.com

ACTION: Motion (Hawn/Lopez, unan.; Marsh absent) approving the Minutes of the special City Council meeting of November 5, 2008.

Consent

3. Consider approving the Monthly Budget Adjustment Report for November 2008. (Funding Source: Various Funds)
 - Resolution amending the Fiscal Year 2008-2009 Annual budget recommended.
Finance; Diane Rambo, 75369, drambo@modestogov.com

ACTION: Resolution 2008-626 (Hawn/Lopez, unan.; Marsh absent) amending the Fiscal Year 2008-2009 Annual budget.

Consent

4. Consider approving the purchase of a Pierce Quantum 1500GPM Fire Apparatus from Golden State Fire Apparatus in the amount of \$445,885.00 through a lease-purchase agreement between the City of Modesto and Oshkosh Capital to finance the acquisition and approving changes to the Fiscal Year 2008-2009 General Fund and Fleet Replacement Fund budgets. (Funding Source: General Fund and Fleet Replacement Fund)
 - Resolution approving the purchase of a Pierce Quantum 1500GPM Fire Apparatus from Golden State Fire Apparatus in the amount of \$445,885.00 and also approving a lease-purchase agreement between the City of Modesto and Oshkosh Capital to finance the acquisition recommended.
 - Resolution approving changes to the Fiscal Year 2008-2009 General Fund and Fleet Replacement Fund budgets to reflect the costs associated with the lease-purchase of a new fire apparatus recommended.
Fire; Daniel Hinshaw, 572-9590, dhinshaw@modestogov.com

ACTION: Resolution 2008-627 (Hawn/Lopez, unan.; Marsh absent) approving the purchase of a Pierce Quantum 1500GPM Fire Apparatus from Golden State Fire Apparatus in the amount of \$445,885.00 and also approving a lease-purchase agreement between the City of Modesto and Oshkosh Capital to finance the acquisition.

ACTION: Resolution 2008-628 (Hawn/Lopez, unan.; Marsh absent) approving changes to the Fiscal Year 2008-2009 General Fund and Fleet Replacement Fund budgets to reflect the costs associated with the lease-purchase of a new fire apparatus.

Consent

5. Consider accepting the Status Report for Thurman Field Improvements. (Funding Source: Not Applicable)
- Motion accepting the status report for Thurman Field Improvements recommended. *Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com*

ACTION: Motion (Hawn/Lopez, unan.; Marsh absent) accepting the status report for Thurman Field Improvements.

Removed from Consent

6. Consider approving the plans and specifications for the project titled "Installation of Traffic Signals at Four Locations: Claus Road/Sylvan Avenue, Floyd Avenue/Lincoln Oak Drive, Tully Road/Stoddard Avenue, and Sisk Road/Vintage Faire Driveway;" accepting the bid and approving a construction contract with Angelo Utilities, for \$695,870, for the project; and authorizing the City Manager, or his designee, to execute the contract. (Funding Source: Congestion Mitigation and Air Quality (CMAQ) with Gas Tax and Capital Facility Fees (CFF) providing the local match.)
- Resolution approving the plans and specifications for the project titled "Installation of Traffic Signals at Four Locations: Claus Road/Sylvan Avenue, Floyd Avenue/Lincoln Oak Drive, Tully Road/Stoddard Avenue, and Sisk Road/Vintage Faire Driveway"; accepting the bid and approving a construction contract with Angelo Utilities, for \$695,870, for the project; and authorizing the City Manager, or his designee, to execute the contract recommended. *Public Works; Jeffrey L. Barnes, Traffic Engineer, (209) 577-5468, jbarnes@modestogov.com*

ACTION: Resolution 2008-629 (Hawn/Lopez, unan.; Marsh absent) approving the plans and specifications for the project titled "Installation of Traffic Signals at Four Locations: Claus Road/Sylvan Avenue, Floyd Avenue/Lincoln Oak Drive, Tully Road/Stoddard Avenue, and Sisk Road/Vintage Faire Driveway"; accepting the bid and approving a construction contract with Angelo Utilities, for \$695,870, for the project; and authorizing the City Manager, or his designee, to execute the contract.

Consent

7. Consider approving prequalified consultant lists for Engineering Design Services, Construction Management, and Inspection Services for various Capital Improvement Program (CIP) projects. (Funding Source: Various CIP)
- Resolution approving prequalified consultant lists for Engineering Design Services for underground utilities, street design, landscape design, and the prequalified consultants for Construction Management and Inspection Services for domestic water treatment and delivery, wastewater collection systems, buildings, parks,

traffic signals, and streets recommended.
Public Works; Violet Jakab, 571-5869, vjakab@modestogov.com

ACTION: **Resolution 2008-630** (Hawn/Lopez, unan.; Marsh absent) approving prequalified consultant lists for Engineering Design Services for underground utilities, street design, landscape design, and the prequalified consultants for Construction Management and Inspection Services for domestic water treatment and delivery, wastewater collection systems, buildings, parks, traffic signals, and streets recommended.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:50 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Harry Daniel Tessien v. City of Modesto, et al. United States District Court, Case No. 1:07-CV-00460-AWI-NEW

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager Robin Renwick, Director of Personnel Employee Organization: Modesto Police Officers' Association

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Second Floor, Room 2001
1010 10th Street
Modesto, California

Monday, November 24, 2008, at 5:30 p.m.

Roll Call: Present - Councilmembers Hawn, Marsh, Olsen
Absent - None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1 through 3

CONSENT

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

Consent

1. Consider recommended budget adjustments and refer to City Council for consideration and approval. (Funding Source: Various)
Finance Department; Wayne Padilla, Director, 577-5369, wpadilla@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) accepting budget adjustments and forwarding to City Council for consideration and approval.

Consent

2. Consider accepting quarterly update on the Water Meter/Automated Reading Program (AMR). (Funding Source: Water Fund)
Public Works Department; Allen Lagarbo, Deputy Director, 342-2203, alagarbo@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) accepting quarterly update on the Water Meter/Automated Reading Program (AMR).

Consent

3. Consider receiving informational report on the bidding process for Capital Improvement Program (CIP) projects. (Funding Source: Not applicable)
Public Works Department; Rich Ulm, Deputy Director, 577-5261, rulm@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) accepting informational report on the bidding process for Capital Improvement Program (CIP) projects.

NEW BUSINESS

4. Consider recommending to the full City Council implementation of a pay parking system at Modesto City-County Airport. (Funding Source: Airport Fund - Potential Revenue Source)
Public Works Department; Jerome Thiele, Airport Manager, 577-5319, jthiele@modestogov.com

ACTION: Motion (Marsh/Hawn; Olsen no) forwarding to Council implementation of a pay parking system at Modesto City-County Airport.

5. Consider recommending to the full City Council a request to authorize the Purchasing Manager to issue a Request for Proposals (RFP) for an Enterprise Resource Program (ERP) System and Implementation Services. (Funding Source: Various)
Information Technology Department; Gary Cook, Director, 577-5229, gcook@modestogov.com

ACTION: Motion (Olsen/Marsh;unan) forwarding to Council a request to authorize the Purchasing Manager to issue a Request for Proposals (RFP) for an Enterprise Resource Program (ERP) System and Implementation Services.

6. Consider recommending to the City Council approval of the creation of a City wastewater treatment capacity banking and transfer program (WTCBT) for the purpose of creating incentives for economic development. The WTCBT would be created through an ordinance amending the Modesto Municipal Code. (Funding Source: Not applicable)
Public Works Department; Nick Pinhey, Director, 577-5205, npinhey@modestogov.com

ACTION: Motion (Olsen/Marsh;unan) forwarding to Council approval of the creation of a City wastewater treatment capacity banking and transfer program (WTCBT) for the purpose of creating incentives for economic development. The WTCBT would be created through an ordinance amending the Modesto Municipal Code.

7. Consider verbal report from the Finance Director updating status of General Fund. (Funding Source: Not applicable)
Finance Department; Wayne Padilla, Director, 577-5369, wpadilla@modestogov.com

ACTION: No action required. This was an informational report only.

8. Consider receiving report and providing staff direction on the financial status of the Redevelopment Agency. (Funding Source: Redevelopment Agency)
Finance Department and Community & Economic Development Department; Wayne

Padilla, RDA Treasurer, 577-5369, wpadilla@modestogov.com

ACTION: Motion (Hawn/Marsh;unan) accepting report and gave staff input on balancing the Redevelopment Agency budget.

9. Consider recommending to the full City Council work furloughs and closure of City offices on December 26, 2008 and January 2, 2009. (Funding Source: Various funds)
City Manager; Greg Nyhoff, City Manager, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) forwarding to Council the recommendation the closure of non-essential City offices on Friday, December 26, 2008 and Friday, January 2, 2009.

10. Consider recommending to the City Council acceptance of the City Manager's recommendations regarding Management & Confidential Leave (M&C Leave) for unrepresented employees. (Funding Source: Various funds)
City Manager; Greg Nyhoff, 577-5404, gnyhoff@modestogov.com

ACTION: Motion (Marsh/Hawn;unan) forwarding to Council no change in cash-out formula for 2008.

ACTION: Motion (Olsen; Hawn, Marsh no) forwarding to Council eliminating Management & Confidential Leave for those unrepresented employees currently eligible for overtime (3 staff) with provision not to be implemented until implemented for like employees in other Associations. (**Motion failed to carry.**)

ACTION: Motion (Marsh/Hawn, Olsen no) forwarding to Council eliminating Management & Confidential Leave for those unrepresented employees currently eligible for overtime (3 staff).

ACTION: Motion (Marsh/Olsen;unan) forwarding to Council reducing the annual Management & Confidential Leave allocation by 50% pending negotiations with other Associations.

ACTION: Motion (Marsh/Olsen;unan) forwarding to Council allowing Department Directors to allocate an additional 40 hours annually at their discretion with City pending negotiations with other Associations.

ACTION: Motion (Olsen; Hawn, Marsh no) forwarding to Council reducing the annual Management and Confidential leave to 50% of current cash-out allowance in 2009 and 0% in 2010 (**Motion failed to carry**)

ACTION: Motion (Marsh/Hawn;unan) forwarding to Council reducing annual cash-out of Management & Confidential Leave to 50% of current cash-out allowance.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:50 p.m.

MINUTES

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday November 25, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour
Absent: None

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Brethren

City Clerk’s Announcements – None

Declaration of Conflicts of Interest – None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring free parking zones in all City parking lots and garages in Downtown Modesto from 7:00 a.m. on Friday, November 28, 2008 through 7:00 a.m. on Saturday, November 29, 2008. (Funding Source: Not Applicable)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5351, jhannon@modestogov.com

ACTION: Presentation made by Mayor Ridenour declaring free parking zones in all City parking lots and garages in Downtown Modesto from 7:00 a.m. on Friday, November 28, 2008 through 7:00 a.m. on Saturday, November 29, 2008.

MISCELLANEOUS

Legislation
Appointments
Other

2. Consider accepting letter of resignation from Paul Fredericks from the Community Qualities Forum. (Funding Source: Not applicable)
 - Resolution accepting resignation of Paul Fredericks from the Community Qualities Forum recommended.
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Resolution 2008-631** (Keating/Hawn;unan) accepting with regret the resignation of Paul Fredericks from the Community Qualities Forum.

3. Consider accepting letter of resignation from Larry Dovichi from the Community Qualities Forum. (Funding Source: Not applicable)
 - Resolution accepting letter of resignation from Larry Dovichi from the Community Qualities Forum recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: **Resolution 2008-632** (Keating/Hawn;unan) accepting with regret the resignation of Larry Dovichi from the Community Qualities Forum.

PUBLIC COMMENT PERIOD

Jose Cisneros, 2427 Glendale Avenue, spoke regarding accessibility on his street. Mayor Ridenour referred Mr. Cisneros to the City Manager.

Emerson Drake spoke regarding Measure S.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through 15

ACTION CONSENT ITEMS 4-15: (Hawn/Keating;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 special City Council meeting of November 12, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.

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

ACTION: Motion (Hawn/Keating;unan) approving the Minutes of the City Council meeting of November 12, 2008.

Consent

5. Consider approving a Resolution denying an Appeal filed by Modesto City Employees Association (MCEA) and Modesto Confidential & Management Association (MCMA) regarding the Request for Proposal for Custodial Services. (Funding Source: Not Applicable)
 - Resolution denying an appeal filed by Modesto City Employees Association (MCEA) and Modesto Confidential & Management Association (MCMA) regarding the Request for Proposal (RFP) for Custodial Services recommended.

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

ACTION: Resolution 2008-633 (Hawn/Keating;unan) denying an appeal filed by Modesto City Employees Association (MCEA) and Modesto Confidential & Management Association (MCMA) regarding the Request for Proposal (RFP) for Custodial Services

Consent

6. Consider accepting the Final Subdivision Map and public improvements at 3125 Coffee Road for condominium purposes for the Gupta Professional Plaza and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory period. (Funding Source: Not Applicable)
- Resolution accepting the Final Subdivision Map and public improvements at 3125 Coffee Road for condominium purposes for the Gupta Professional Plaza, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
Community & Economic Development; Dan England, 571-5589, dengland@modestogov.com

ACTION: Resolution 2008-634 (Hawn/Keating;unan) accepting the Final Subdivision Map and public improvements at 3125 Coffee Road for condominium purposes for the Gupta Professional Plaza, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Consent

7. Consider (i) authorizing the award of bid and contract for the purchase of a 2009 Crane Truck to Altec Industries, Inc., Daleville, VA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$171,812 and (ii) amending the 2008-2009 operating budget to transfer \$86,812 from the Capital Project Account #6180-480-W428-6052 to the Fleet Replacement Fund where it will be appropriated to 7210-480-5814-5787 for the purchase of a 2009 Crane Truck. (Funding Source: Fleet Fund)
- Resolution authorizing the award of bid and contract for the purchase of a 2009 crane truck to Altec Industries, Inc., Daleville, Va, and authorizing the purchasing manager to issue a purchase order for a total estimated cost of \$171,812 recommended.
 - Resolution amending the Fiscal Year 2008-2009 Water Enterprise Fund Capital Project budget to transfer \$86,812 to the Fleet Replacement Fund where it will be applied to the purchase of a 2009 crane truck recommended.
Finance; Meagan Torres, 571-5839, mtorres@modestogov.com

ACTION: Resolution 2008-635 (Hawn/Keating;unan) authorizing the award of bid and contract for the purchase of a 2009 crane truck to Altec Industries, Inc., Daleville, Va, and authorizing the purchasing manager to issue a purchase order for a total estimated cost of \$171,812.

ACTION: Resolution 2008-636 (Hawn/Keating;unan) amending the Fiscal Year 2008-2009 Water Enterprise Fund Capital Project budget to transfer \$86,812 to the Fleet Replacement Fund where it will be applied to the purchase of a 2009 crane truck.

Consent

8. Consider awarding a contract to Terex Utilities in Sacramento, CA, for the purchase of a Digger Derrick Truck for a total estimated cost of \$195,672. (Funding Source: Fleet Fund)
- Resolution authorizing the award of bid and contract for the purchase of a digger derrick truck to Terex Utilities, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$195,672 recommended.

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

ACTION: Resolution 2008-637 (Hawn/Keating;unan) authorizing the award of bid and contract for the purchase of a digger derrick truck to Terex Utilities, Sacramento, CA, and authorizing the Purchasing Manager to issue a purchase order for a total estimated cost of \$195,672.

Consent

9. Consider authorizing the award of the formal bid for gym services for Modesto Fire Department employees to Brenda Athletic Club and authorizing the issuance of a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City, for a total annual cost of \$11,000 and potential five (5) year cost of \$55,000. (Funding Source: General Fund)
- Resolution authorizing the award of bid and approving a two-year Agreement with Brenda Athletic Club for gym services with three (3) one-year extension options, at the sole discretion of the City, for a total annual cost of \$11,000, and potential five (5) year cost of \$55,000, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Fire; Lori Martinez, 209-572-9590, lmartinez@modestogov.com

ACTION: Resolution 2008-638 (Hawn/Keating;unan) authorizing the award of bid and approving a two-year Agreement with Brenda Athletic Club for gym services with three (3) one-year extension options, at the sole discretion of the City, for a total annual cost of \$11,000, and potential five (5) year cost of \$55,000, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider accepting a donation totaling \$5,096 to purchase search and rescue equipment for the Modesto Police Department Dive Team. (Funding Source: General Fund Grant/Donation Revenue)
- Resolution accepting the Laci & Conner Search and Rescue Fund donation totaling \$5,096 to purchase search and rescue equipment; and authorizing the City Manager, or his designee, to execute the necessary grant documents recommended.
 - Resolution amending the Fiscal Year 2008-2009 Operating Budget, and authorizing the Finance Director, or his designee, to increase the revenue and appropriation

accounts estimating revenue of \$5,096 from the Laci & Conner Search and Rescue Fund donation to provide funding for the purchase of search and rescue equipment recommended.

Police; Gary Watts, 342-6144, wattsg@modestopd.com

ACTION: **Resolution 2008-639** (Hawn/Keating;unan) accepting the Laci & Conner Search and Rescue Fund donation totaling \$5,096 to purchase search and rescue equipment; and authorizing the City Manager, or his designee, to execute the necessary grant documents.

ACTION: **Resolution 2008-640** (Hawn/Keating;unan) amending the Fiscal Year 2008-2009 Operating Budget, and authorizing the Finance Director, or his designee, to increase the revenue and appropriation accounts estimating revenue of \$5,096 from the Laci & Conner Search and Rescue Fund donation to provide funding for the purchase of search and rescue equipment.

Consent

11. Consider approving continuation of Modesto Area Express Route 43 bus service, which connects the Downtown Transportation Center with Paradise Road, Carpenter Road and California Avenue. (Funding Source: Transit Funds)
- Resolution approving continuation of Modesto Area Express Route 43 bus service, which connects the Downtown Transportation Center with Paradise Road, Carpenter Road and California Avenue recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Resolution 2008-641** (Hawn/Keating;unan) approving continuation of Modesto Area Express Route 43 bus service, which connects the Downtown Transportation Center with Paradise Road, Carpenter Road and California Avenue.

Consent

12. Consider approving funding for two new Customer Service Account Clerk I positions in the Finance Department and funding for increased printing and mailing services related to the Water Metering Program, at a cost of \$79,548 in Fiscal Year 2008-09. (Funding Source: Water Fund)
- Motion allocating two (2) Customer Service Account Clerk I positions in the Utilities and Collections Division of the Finance Department, recommended.
 - Resolution transferring \$79,548 to fund the positions and related costs in Fiscal Year 2008-09 recommended.

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

ACTION: Motion (Hawn/Keating;unan) allocating two (2) Customer Service Account Clerk I positions in the Utilities and Collections Division of the Finance Department.

ACTION: **Resolution 2008- 642** (Hawn/Keating;unan) transferring \$79,548 to fund the positions and related costs in Fiscal Year 2008-09.

Consent

13. Consider accepting the work by Mazingo Construction, Inc. for the project titled "Downstream Water System Improvements, Tier 1 - Orangeburg Transmission Main" as complete. (Total project cost is \$3,616,884.14.) (Funding Source: Water Fund)
- Resolution accepting the work by Mazingo Construction, Inc. for the project titled "Downstream Water System Improvements, Tier 1 - Orangeburg Transmission Main" 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 \$3,268,562.05 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-643** (Hawn/Keating;unan) accepting the work by Mazingo Construction, Inc. for the project titled "Downstream Water System Improvements, Tier 1 - Orangeburg Transmission Main" 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 \$3,268,562.05.

Consent

14. Consider accepting the work by Kaweah Construction Co. for the project titled "Dissolved Air Flotation Facility" as complete. (Total project cost is \$8,165,856.70.) (Funding Source: Wastewater Fund)
- Resolution accepting the work by Kaweah Construction Co. for the project titled "Dissolved Air Flotation Facility" 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 \$6,489,791.60 recommended.

Public Works; Kris Ohlson, 577-5423, kohlson@modestogov.com

ACTION: **Resolution 2008-644** (Hawn/Keating;unan) accepting the work by Kaweah Construction Co. for the project titled "Dissolved Air Flotation Facility" 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 \$6,489,791.60.

Consent

15. Consider approving a Settlement Agreement and Mutual Release for the acceptance of improvements between Del Valle Capital Corporation and the City of Modesto for the Galas Brothers Subdivision Unit Nos. 1 & 2, authorizing the City Manager, or his designee, to execute the agreement, and authorizing the City Clerk to file a Notice of Completion and to release securities upon meeting the conditions of the Settlement Agreement and the expiration of statutory periods. (Funding Source: City of Modesto Community Facilities District No. 2003-1 (Fairview Village))
- Resolution approving a Settlement Agreement and Mutual Release for the acceptance of improvements between Del Valle Capital Corporation and the City of Modesto for the Galas Brothers Subdivision, Unit Nos. 1 & 2, authorizing the City

Manager, or his designee, to execute the Settlement Agreement, and authorizing the City Clerk to file a Notice of Completion and to release securities upon meeting the conditions of the Settlement Agreement and the expiration of statutory periods recommended.

- Resolution approving an amendment of the FY08-09 Capital Improvement Program (CIP) budget in order to fully fund the settlement agreement and mutual release with Del Valle Capital Corporation and create a new CIP project D002 (Fairview Storm Drain Repairs) and approve the budget adjustments included in Attachment A recommended.

Public Works; Nick Pinhey, 577-5205, npinhey@modestogov.com

ACTION: **Resolution 2008-645** (Hawn/Keating;unan) approving a Settlement Agreement and Mutual Release for the acceptance of improvements between Del Valle Capital Corporation and the City of Modesto for the Galas Brothers Subdivision, Unit Nos. 1 & 2, authorizing the City Manager, or his designee, to execute the Settlement Agreement, and authorizing the City Clerk to file a Notice of Completion and to release securities upon meeting the conditions of the Settlement Agreement and the expiration of statutory periods.

ACTION: **Resolution 2008-646** (Hawn/Keating;unan) approving an amendment of the FY08-09 Capital Improvement Program (CIP) budget in order to fully fund the settlement agreement and mutual release with Del Valle Capital Corporation and create a new CIP project D002 (Fairview Storm Drain Repairs) and approve the budget adjustments included in Attachment A.

COUNCIL COMMENTS & REPORTS

Councilmember Lopez spoke regarding the Councilman in the Park event at Riverside Park last Saturday.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

16. Consider (i) approving the award of a proposal to PRIDE Industries of Roseville, California (PRIDE) to provide custodial services to certain City-owned facilities; (ii) authorizing staff to negotiate a service agreement with PRIDE; and (iii) authorizing the City Manager, or his designee, to sign the negotiated agreement with PRIDE to furnish custodial services to the majority of City of Modesto owned buildings. (Funding Source: Initially, Building Services Enterprise Fund; expenses to be allocated to various funds)
 - Resolution authorizing the award of Proposal and contract for the furnishing of custodial services for certain city-owned facilities other than the Public Safety Building (Option 2 in the Staff Report) to PRIDE Industries, Roseville, California;

authorizing staff to negotiate an Agreement with PRIDE Industries; and authorizing the City Manager to execute an annual Agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimate annual cost of \$308,064 recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-647** (Marsh/Lopez;unan) authorizing the award of Proposal and contract for the furnishing of custodial services for certain city-owned facilities other than the Public Safety Building (Option 2 in the Staff Report) to PRIDE Industries, Roseville, California; authorizing staff to negotiate an Agreement with PRIDE Industries; and authorizing the City Manager to execute an annual Agreement for a period of two (2) years, with three (3) one-year extension options at the sole discretion of the City, for an estimate annual cost of \$308,064.

HEARINGS

Published in the Modesto Bee on November 6, 2008

17. Hearing to consider approving the proposed amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009 allocating the Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) funding, and authorizing the City Manager or his designee to execute all related documents; and authorizing staff to submit the document to HUD. (Funding Source: Community Development Block Grant Neighborhood Stabilization Program Entitlement)
- Resolution approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009 allocating the Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) funding, and authorizing the City Manager, or his designee, to execute all related documents; and authorizing staff to submit the documents to HUD recommended.
 - Resolution amending the FY 08-09 operating budget to create five multi year organizations in new fund 1131 CDBG NSP Entitlement and estimate and appropriate \$8.1 million in entitlement revenue from the federal Community Development Block Grant Neighborhood Stabilization Program as more fully described in Exhibits 1 through 5 recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571 5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-648** (Hawn/O'Bryant;unan) approving an amendment to the Department of Housing & Urban Development (HUD) Annual Action Plan for Fiscal Year 2008-2009 allocating the Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP) funding, and authorizing the City Manager, or his designee, to execute all related documents; and authorizing staff to submit the documents to HUD.

ACTION: **Resolution 2008-649** (Hawn/O'Bryant;unan) amending the FY 08-09 operating budget to create five multi year organizations in new fund 1131 CDBG NSP Entitlement and estimate and appropriate \$8.1 million in entitlement revenue from the federal Community Development Block Grant Neighborhood Stabilization Program as more fully described in Exhibits 1 through 5.

Published in the Modesto Bee on November 15 and 20, 2008

18. Hearing to consider approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2009, including fuel cost and an AB939 Green Waste Diversion Fee and creating a new AB 939 Green Waste Diversion Fund within the Solid Waste Fund. (Funding Source: Solid Waste Fund)

- Resolution approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2009, including fuel cost and an AB 939 Green Waste Diversion Fee, creating a new AB 939 Green Waste Diversion Fund within the Solid Waste Fund, and rescinding Resolution No. 2008-484 recommended.

*Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104,
bhatcher@modestogov.com*

ACTION: **Resolution 2008-650** (Marsh/Lopez;unan) approving adjustments to the maximum rate schedule for City residential, commercial, and industrial solid waste collection services, to become effective January 1, 2009, including fuel cost and an AB 939 Green Waste Diversion Fee, creating a new AB 939 Green Waste Diversion Fund within the Solid Waste Fund, and rescinding Resolution No. 2008-484.

Published in the Modesto Bee on November 13, 2008

19. Hearing to consider awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009; and awarding UCPA a lease to place advertising inside Modesto Area Express (MAX) buses for a five-year period commencing January 1, 2009. (Funding Source: Transit Fund Revenue)

- Motion introducing an Ordinance awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009 recommended.
- Resolution awarding UCPA a lease to place advertising inside Modesto Area Express (MAX) buses for a five-year period commencing January 1, 2009 recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Motion (Marsh/Olsen;unan) introducing **Ordinance 3497-C.S.** awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year

franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009.

ACTION: **Resolution 2008-651** (Marsh/Olsen;unan) awarding UCPA a lease to place advertising inside Modesto Area Express (MAX) buses for a five-year period commencing January 1, 2009.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:40 p.m. to the Conference with Labor Negotiator Closed Session Item.

CLOSED SESSION

Removed from Agenda

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION One Case (Pursuant to Section 54956.9(a) of the Government Code) Name of case: Kevin Borden v. City of Modesto, et al. United States District Court, Case No. 1:08-CV-01061-AWI-SMS

Heard Prior to the Council meeting and adjourned the meeting to this Closed Session Item

CONFERENCE WITH LABOR NEGOTIATOR: (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager Robin Renwick, Personnel Director Employee Organization: Unrepresented Management and Confidential Employees

Heard Prior to the Council meeting

CONFERENCE WITH REAL PROPERTY NEGOTIATOR: (Pursuant to Section 54956.8 of the Government Code) Property: Lease of property located at: 530 - 11th Street, Modesto, CA APN: 106-030-005-000 Negotiating parties: Joe Mackel, on behalf of Beard Land Development, Greg Nyhoff, City Manager and Chief James Miguel, on behalf of the City of Modesto Under negotiation: Potential Lease/Purchase Fire Headquarters Building

This meeting adjourned at 7:55 p.m. after Conference with Labor Negotiator Closed Session Item.

AGENDA

City of Modesto
CITY COUNCIL MEETING
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California
Tuesday December 02, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen, Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Ross Briles, Sherwood Bible Church

City Clerk’s Announcements – Item 8 Removed from Agenda

Declaration of Conflicts of Interest – None

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Officer Bill Jones and his Canine, Cain, for Top Narcotics Canine Team. (Funding Source: Not Applicable)
Police; Ron Cloward, 572-9664, clowardr@modestopd.com

ACTION: Mayor Ridenour presented Proclamation to Officer Bill Jones and his Canine, Cain, for Top Narcotics Canine Team.

PUBLIC COMMENT PERIOD

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 10

ACTION CONSENT ITEMS 2-7,9-10: (Hawn/Lopez;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 regular City Council meeting of November 25, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended

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

ACTION: Motion (**Hawn/Lopez;unan**) approving the Minutes of the City Council meeting of November 25, 2008.

Consent

3. Consider approving the 2008 Biennial Update of the Conflict of Interest Departmental Codes, and the creation of a Conflict of Interest Code for the newly-established Office of the City Auditor. (Funding Source: Not Applicable)
 - Resolution of the Council of the City of Modesto adopting an Amended Conflict of Interest Code for the following departments of the City of Modesto: Office of the City Attorney, and rescinding Resolution 2006-589; Office of the City Clerk, and rescinding Resolution 2002-449; Office of the City Manager and rescinding Resolution 2006-590; Community & Economic Development Department, and rescinding Resolution 2006-591; Finance Department, and rescinding Resolution 2006-592; Fire Department, and rescinding Resolution 2006-593; Information & Technology Department, and rescinding Resolution 2006-594; Parks, Recreation & Neighborhoods Department, and rescinding Resolution 2006-595; Personnel Department, and rescinding Resolution 2006-596; Police Department and rescinding Resolution 2006-597; Public Works Department, and rescinding Resolution 2006-598; and creating a Conflict of Interest Code for the Office of the City Auditor recommended.

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

ACTION: **Resolution 2008-652 (Hawn/Lopez;unan)** adopting an Amended Conflict of Interest Code for the following departments of the City of Modesto: Office of the City Attorney, and rescinding Resolution 2006-589; Office of the City Clerk, and rescinding Resolution 2002-449; Office of the City Manager and rescinding Resolution 2006-590; Community & Economic Development Department, and rescinding Resolution 2006-591; Finance Department, and rescinding Resolution 2006-592; Fire Department, and rescinding Resolution 2006-593; Information & Technology Department, and rescinding Resolution 2006-594; Parks, Recreation & Neighborhoods Department, and rescinding Resolution 2006-595; Personnel Department, and rescinding Resolution 2006-596; Police Department and rescinding Resolution 2006-597; Public Works Department, and rescinding Resolution 2006-598; and creating a Conflict of Interest Code for the Office of the City Auditor.

Consent

4. Consider accepting public improvements for the slip ramp, landscaping, and parking for the Briggsmore Plaza Slip Ramp improvements, and authorizing the City Clerk to file a Notice of Completion (Developer: California Equity Management Group Inc.) (Funding Source: Not applicable)
 - Resolution accepting the public improvements installed for Briggsmore Plaza Slip

Ramp project, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods recommended.

Community & Economic Development; Dan England, 571-5889, dengland@modestogov.com

ACTION: **Resolution 2008-653 (Hawn/Lopez;unan)** accepting the public improvements installed for Briggsmore Plaza Slip Ramp project, authorizing the City Clerk to file a Notice of Completion, and to release securities upon expiration of statutory periods.

Consent

5. Consider adopting a resolution to create two new funds and two new budget organizations for the management of revenues and expenses for Landscape Assessment Districts 1 and 2, and appropriate revenue, reserves and expenses. (Funding Source: Landscape Assessment District funds located in the General Fund)

- Resolution authorizing to create two new funds and two new budget organizations for the management of revenues and expenses for Landscape Assessment Districts 1 and 2, and appropriate revenue, reserves and expenses recommended.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: **Resolution 2008-654 (Hawn/Lopez;unan)** authorizing to create two new funds and two new budget organizations for the management of revenues and expenses for Landscape Assessment Districts 1 and 2, and appropriate revenue, reserves and expenses.

Consent

6. Consider approving the Monthly Investment Report for September 2008. (Funding Source: Not Applicable)

- Motion accepting staff report on the Monthly Investment report for September 2008 recommended.

Finance; Vanessa Ferrel, 571-5511, vferrel@modestogov.com

ACTION: Motion (**Hawn/Lopez;unan**) accepting staff report on the Monthly Investment report for September 2008.

Consent

7. Consider amending the Fiscal Year 2008/2009 General Fund Operating Budget to reflect the purchase of Canine (K9) equipment. (Funding Source: Seized Forfeiture Revenue in General Fund)

- Motion approving the purchase of Canine (K9) car equipment recommended.
- Resolution amending the Fiscal Year 2008/2009 General Fund Operating Budget, estimating revenue of \$18,900 from Asset Forfeitures to police operations for the purchase of canine (K9) equipment; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution recommended.

Police; Ron Cloward, 572-9664, clowardr@modestopd.com

ACTION: Motion (**Hawn/Lopez;unan**) approving the purchase of Canine (K9) car equipment.

ACTION: **Resolution 2008-655 (Hawn/Lopez;unan)** amending the Fiscal Year 2008/2009 General Fund Operating Budget, estimating revenue of \$18,900 from Asset Forfeitures to police operations for the purchase of canine (K9) equipment; and authorizing the Finance Director, or his designee, to implement the provisions of this resolution.

REMOVED FROM THE AGENDA

8. Consider amending the Agreement with Pacific Design Associates, Inc. for the Customer Services Lobby, Workstation and Counter Remodel. (Funding Source: Special Fund for Capital Outlay)
- Resolution approving an Amendment to Agreement with Pacific Design Associates, Inc. for Customer Services Lobby, Workstation, and Counter Remodel, in an amount not to exceed \$6,495.00, and authorizing the City Manager, or his designee, to execute the Amendment to Agreement recommended.
 - Resolution amending the current Capital Improvement Program (CIP) budget in order to fully fund the Amendment to Agreement with Pacific Design Associates, Inc. for Customer Services Lobby, Workstation, and Counter Remodel by decreasing Object 6040-Construction in CIP Account 1300-120-Q237 "Counter Reconstruction" in the amount \$6,495.00 and reappropriating \$6,495.00 to Object 6010-Engineering/Design/Administration within the same account recommended.
Public Works; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Removed from Agenda.

Consent

9. Consider approving an agreement with Carollo Engineers, P.C. for the preparation of a Preliminary Design Report for Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Facility. (Funding Source: Wastewater Fund)
- Resolution approving an agreement with Carollo Engineers, P.C. for the preparation of a Preliminary Design Report for Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Facility for an amount not to exceed \$1,564,400 for the identified scope of services, plus \$156,440 for additional services (if needed), for a maximum total amount of \$1,720,840, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Public Works; William Wong, 571-5801, wwong@modestogov.com

ACTION: **Resolution 2008-656 (Hawn/Lopez;unan)** approving an agreement with Carollo Engineers, P.C. for the preparation of a Preliminary Design Report for Phase 2 Biological Nutrient Removal (BNR)/Tertiary Treatment Facility for an amount not to exceed \$1,564,400 for the identified scope of services, plus \$156,440 for additional services (if needed), for a maximum total amount of \$1,720,840, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

10. Consider accepting the City's 2008 Draft Stormwater Management Plan. (Funding Source: Not Applicable)
- Motion accepting informational report recommended.
Public Works; Gary DeJesus, 577-6255, gdejesus@modestogov.com

ACTION: Motion (**Hawn/Lopez;unan**) accepting the City's 2008 Draft Stormwater Management Plan.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

HEARINGS

Published in the Modesto Bee on November 21, 2008

11. Hearing to consider an application to prezone 8.3 acres to P-D (Planned Development) for a 150-unit affordable housing development and annex 32.2 acres located on the north corner of North 9th Street and Carver Road to the City and to Modesto Sewer District No. 1 and simultaneously detach the property from the Woodland Fire Protection District; submitted by EAH. (Funding Source: Not Applicable)
- Motion introducing an Ordinance Amending Section 19-3-9 of the Zoning Map of the City of Modesto to Prezone from Prezone Highway Commercial (P-C-3) and Prezone Light Industrial (P-M-1) to Prezone Planned Development (P-D), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated – Uninhabited) recommended.
 - Resolution Approving a Development Plan for Prezoned Planned Development Zone P-D(588), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated - Uninhabited) recommended.
 - Resolution Approving the Filing of an Application to the Stanislaus Local Agency Formation Commission to Annex 32.2 Acres of Property Located North of the intersection of North 9th Street and Carver Road to the City of Modesto, and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited) 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 19-3-9 of the Zoning Map to Prezone to Prezone Planned Development Zone (P-D), Approximately 32.2 Acres of Property Located North of the intersection of North 9th Street and Carver Road to the City of Modesto and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited) recommended.
Community & Economic Development; Josh Bridegroom, 577-5267, jbridegroom@modestogov.com

- ACTION:** Motion (**Marsh/Hawn;unan**) introducing **Ordinance 3498-C.S** amending Section 19-3-9 of the Zoning Map of the City of Modesto to Prezone from Prezone Highway Commercial (P-C-3) and Prezone Light Industrial (P-M-1) to Prezone Planned Development (P-D), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated – Uninhabited).
- ACTION:** **Resolution 2008-657 (Marsh/Hawn;unan)** approving a Development Plan for Prezoned Planned Development Zone P-D(588), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated - Uninhabited).
- ACTION:** **Resolution 2008-658 (Marsh/Hawn;unan)** approving the Filing of an Application to the Stanislaus Local Agency Formation Commission to Annex 32.2 Acres of Property Located North of the intersection of North 9th Street and Carver Road to the City of Modesto, and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited).
- ACTION:** **Resolution 2008-659 (Marsh/Hawn;unan)** 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 19-3-9 of the Zoning Map to Prezone to Prezone Planned Development Zone (P-D), Approximately 32.2 Acres of Property Located North of the intersection of North 9th Street and Carver Road to the City of Modesto and to Detach said Property From the Woodland Fire Protection District (Owner Initiated – Uninhabited).

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:05 p.m.

CLOSED SESSION

Closed Session Heard Prior to Council Meeting

INITIATION OF LITIGATION (Pursuant to Sections 54957 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 December 09, 2008, at 5:30 p.m.

Roll Call – Present: Councilmembers Hawn, Keating, Lopez, Marsh, O’Bryant, Olsen,
Mayor Ridenour

Absent: None

Pledge of Allegiance to the Flag

Invocation: Marvin Jacobo, Youth for Christ

City Clerk’s Announcements – Item 4 Removed from Consent

Declaration of Conflicts of Interest – Marsh Item 18

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

PUBLIC COMMENT PERIOD

Manny Sousa spoke regarding e-mail he sent to the Mayor and Council. Mayor has agreed to meet with Engineers in the City of Modesto in January 2009.

Debra Harper spoke regarding the election of Barrack Obama and discrimination.

Dave Cerulti supports the construction of the new Animal Shelter.

Rob Christensen, Mid Valley Engineering, spoke regarding Capital Improvement Projects being awarded to out-of-town firms.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 15

ACTION CONSENT ITEMS 1-3;5-15: (Lopez/Hawn;unan)

ACTION ITEM 4: (Hawn/Keating;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 regular City Council meeting of December 2, 2008. (Funding Source: Not Applicable)
 - Motion approving recommended.

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

ACTION: Motion (Lopez/Hawn;unan) approving the Minutes of the City Council meeting of December 2, 2008.

Consent

2. Consider approving the final adoption of Ordinance 3497-C.S. awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009. (Funding Source: Not applicable)
 - Motion approving the final adoption of Ordinance 3497-C.S. awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009 recommended.

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

ACTION: Motion (Lopez/Hawn;unan) approving the final adoption of **Ordinance 3497-C.S.** awarding to United Cerebral Palsy Association of Stanislaus County (UCPA) a five-year franchise to place benches with advertising thereon at City of Modesto bus stops commencing January 1, 2009.

Consent

3. Consider approving the final adoption of Ordinance 3498-C.S. amending section 19-3-9 of the Zoning Map of the City of Modesto to Prezone from Prezone Highway Commercial (P-C-3) and Prezone Light Industrial (P-M-1) to Prezone Planned Development (P-D), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated – Uninhabited). (Funding Source: Not applicable)
 - Motion approving the final adoption of Ordinance 3498 -C.S. amending section 19-3-9 of the Zoning Map of the City of Modesto to Prezone from Prezone Highway Commercial (P-C-3) and Prezone Light Industrial (P-M-1) to Prezone Planned Development (P-D), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated – Uninhabited) recommended.

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

ACTION: Motion (Lopez/Hawn;unan) approving the final adoption of **Ordinance 3498-C.S.** amending section 19-3-9 of the Zoning Map of the City of Modesto to Prezone from Prezone Highway Commercial (P-C-3) and Prezone Light Industrial (P-M-1) to Prezone Planned Development (P-D), Property Located North of the Intersection of North 9th Street and Carver Road (Owner Initiated – Uninhabited).

REMOVED FROM CONSENT

4. Consider approving closure of City Offices on December 26, 2008 and January 2, 2009. (Funding Source: Various)
- Resolution approving closure of City Offices on December 26, 2008 and January 2, 2009 recommended.
- City Manager's Office; Judith Ray, 571-5809, jray@modestogov.com*

ACTION: **Resolution 2008-660 (Hawn/Keating;unan)** approving closure of City Offices on December 26, 2008 and January 2, 2009.

Consent

5. Consider accepting the annual report for the Fiscal Year ending June 30, 2008, 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, 2008, for the Redevelopment Agency of the City of Modesto recommended.
- Community & Economic Development; Laurie A. Smith, 577-5347, lsmith@modestogov.com*

ACTION: **Resolution 2008-661 (Lopez/Hawn;unan)** accepting the annual report for the Fiscal Year ending June 30, 2008, for the Redevelopment Agency of the City of Modesto.

Consent

6. Consider accepting the Monthly Budget Adjustment Report for November 2008. (Funding Source: Various Funds)
- Resolution amending the FY 2007-2008 and FY 2008-2009 annual budgets recommended.
- Finance; Wayne Padilla, 577-5369, wpadilla@modestogov.com*

ACTION: **Resolution 2008-662 (Lopez/Hawn;unan)** amending the FY 2007-2008 and FY 2008-2009 annual budgets.

Consent

7. Consider authorizing the award of proposal and contract for the purchase and installation of a downtown video camera monitoring system for the Modesto Police Department to CelPlan Technologies, Inc., Reston, VA, for a total cost of \$239,788.27. (Funding Source: Redevelopment Fund Transfer)
- Resolution authorizing the award of proposal and contract for the purchase and installation of a downtown video camera monitoring system for the Modesto Police Department to CelPlan Technologies, Inc., Reston, VA, and authorizing the City Manager, or his designee, to issue an agreement for a total cost of \$239,788.27 recommended.
- Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com*

ACTION: **Resolution 2008-663 (Lopez/Hawn;unan)** authorizing the award of proposal and contract for the purchase and installation of a downtown video camera monitoring system for the Modesto Police Department to CelPlan Technologies, Inc., Reston,

VA, and authorizing the City Manager, or his designee, to issue an agreement for a total cost of \$239,788.27.

Consent

8. Consider authorizing the award of bid and contracts for the purchase of cement concrete for an estimated annual cost not to exceed \$250,000. (Funding Source: Various Funds)
- Resolution authorizing the award of bid and contracts for the purchase of concrete cement for the Public Works Department, to Allied Concrete & Supply Co., Inc., Modesto, CA, as the “primary” contractor, and Modesto THC., Inc., Modesto, CA, as the “secondary” contractor, and authorizing the Purchasing Manager to issue purchase agreements for one year, with four (4) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$250,000 recommended.

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

ACTION: Resolution 2008-664 (Lopez/Hawn;unan) authorizing the award of bid and contracts for the purchase of concrete cement for the Public Works Department, to Allied Concrete & Supply Co., Inc., Modesto, CA, as the “primary” contractor, and Modesto THC., Inc., Modesto, CA, as the “secondary” contractor, and authorizing the Purchasing Manager to issue purchase agreements for one year, with four (4) one-year extension options, at the sole discretion of the City, for an estimated annual cost not to exceed \$250,000.

Consent

9. Consider approving the re-appropriation of \$1,737,589 from fiscal year 07-08 to fund affordable housing projects at 421 Lincoln Avenue, 605 E. Coolidge and 615 - 5th Street. (Funding Source: HOME Fund)
- Resolution amending the Fiscal Year 08-09 operating budget to re-appropriate \$1,737,589 in HOME Fund carryover from 1170-800-8000-8003 to HOME Fund Direct Loans 1170-320-3259-0497 (\$1,087,589) and to the HOME Fund CHDO Set-Aside, 1170-320-3259-0508 (\$650,000) to fund projects at 421 Lincoln Avenue, 605 E. Coolidge and 615 5th Street recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: Resolution 2008-665 (Lopez/Hawn;unan) amending the Fiscal Year 08-09 operating budget to re-appropriate \$1,737,589 in HOME Fund carryover from 1170-800-8000-8003 to HOME Fund Direct Loans 1170-320-3259-0497 (\$1,087,589) and to the HOME Fund CHDO Set-Aside, 1170-320-3259-0508 (\$650,000) to fund projects at 421 Lincoln Avenue, 605 E. Coolidge and 615 5th Street.

Consent

10. Consider approving a contract with the State of California Resources Agency for the Habitat Conservation Fund Program for \$200,000. (Funding: Grant Revenue to TRRP Gateway Fund and Match from CFF Parks Fund). (Funding Source: Grant Revenue to

TRRP Gateway Fund and Match from CFF Parks Fund)

- Resolution accepting a grant award from the State of California Resources Agency Habitat Conservation Fund program for \$200,000 for the Tuolumne River Regional Park Gateway Parcel Project and authorizing the City Manager, or his designee, to execute all grant-related documents recommended.
- Resolution amending the Fiscal Year 08-09 CIP budget to include \$200,000 in TRRP Gateway Phase I and II project, as more fully described in “Exhibit 1” recommended.

Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: **Resolution 2008-666 (Lopez/Hawn;unan)** accepting a grant award from the State of California Resources Agency Habitat Conservation Fund program for \$200,000 for the Tuolumne River Regional Park Gateway Parcel Project and authorizing the City Manager, or his designee, to execute all grant-related documents.

ACTION: **Resolution 2008-667 (Lopez/Hawn;unan)** amending the Fiscal Year 08-09 CIP budget to include \$200,000 in TRRP Gateway Phase I and II project, as more fully described in “Exhibit 1”.

Consent

11. Consider amending the Fiscal Year (FY) 2008/2009 General Fund Operating Budget to appropriate revenues and expenditures for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund (SLESF). (Funding Source: SLESF Funds)

- Resolution amending the FY 2008/2009 Multi-Year Budget to appropriate revenues and expenditures for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund (SLESF); and authorizing the Finance Director, or his designee to implement the provisions of this resolution. The appropriation will be budgeted in four installments of approximately \$83,685.75, once the funds have been received by the city recommended.
- Resolution approving the expenditure of the City of Modesto's FY 2008/2009 allocation in the amount of \$334,743 from the State Supplemental Law Enforcement Services Fund (SLESF) for overtime, and authorizing the City Manager, or his designee, to execute the necessary program documents recommended.

Police; Roy W. Wasden, 572-9503, wasdenr@modestopd.com

ACTION: **Resolution 2008-668 (Lopez/Hawn;unan)** amending the FY 2008/2009 Multi-Year Budget to appropriate revenues and expenditures for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund (SLESF); and authorizing the Finance Director, or his designee to implement the provisions of this resolution. The appropriation will be budgeted in four installments of approximately \$83,685.75, once the funds have been received by the city.

ACTION: Resolution 2008-669 (Lopez/Hawn;unan) approving the expenditure of the City of Modesto's FY 2008/2009 allocation in the amount of \$334,743 from the State Supplemental Law Enforcement Services Fund (SLESF) for overtime, and authorizing the City Manager, or his designee, to execute the necessary program documents.

Consent

12. Consider approving the appointment of members to the Capital Improvement Program Task Force (CIP Task Force). (Funding Source: Not Applicable)
- Resolution approving the appointments of Brad Hawn (Councilmember), Tom Berglund (Planning Commission member), Kevin Young (Airport Advisory Committee member), Ron Jeske (citizen member), Michael Brinton (citizen member) and the following staff members: Judith Ray, Nick Pinhey, Brent Sinclair, Wayne Padilla, Jim Miguel, Julie Hannon, Rich Ulm, Firoz Vohra, and Amy Gedney to the Capital Improvement Program Task Force recommended.
Public Works; Nick Pinhey, 577-5213, npinhey@modestogov.com

ACTION: Resolution 2008-670 (Lopez/Hawn;unan) approving the appointments of Brad Hawn (Councilmember), Tom Berglund (Planning Commission member), Kevin Young (Airport Advisory Committee member), Ron Jeske (citizen member), Michael Brinton (citizen member) and the following staff members: Judith Ray, Nick Pinhey, Brent Sinclair, Wayne Padilla, Jim Miguel, Julie Hannon, Rich Ulm, Firoz Vohra, and Amy Gedney to the Capital Improvement Program Task Force.

Consent

13. Consider accepting the Preliminary Design Report for the Downstream Water System Improvements, Tier 2 – Pressure Regulating Valves project, as complete, and approving an Agreement with HDR Engineering, Inc. for final design services of the project. (Funding Source: Water Fund-CIP)
- Resolution accepting the Preliminary Design Report dated November 2008 for the Downstream Water System Improvements, Tier 2 – Pressure Regulating Valves as complete recommended.
 - Resolution approving an Agreement with HDR Engineering, Inc. for final design services of Downstream Water System Improvements, Tier 2 – Pressure Regulating Valves in an amount not to exceed \$336,946 for the identified scope of services, plus \$33,694 (10%) for additional services (if needed), for a maximum total amount of \$370,640, and authorizing the City Manager, or his designee, to execute the Agreement recommended.
Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Resolution 2008-671 (Lopez/Hawn;unan) accepting the Preliminary Design Report dated November 2008 for the Downstream Water System Improvements, Tier 2 – Pressure Regulating Valves as complete.

ACTION: Resolution 2008-672 (Lopez/Hawn;unan) approving an Agreement with HDR Engineering, Inc. for final design services of Downstream Water System Improvements, Tier 2 – Pressure Regulating Valves in an amount not to exceed

\$336,946 for the identified scope of services, plus \$33,694 (10%) for additional services (if needed), for a maximum total amount of \$370,640, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

14. Consider accepting the Preliminary Design Report for the Downstream Water System Improvements – Yosemite Transmission Main project, as complete, and approving an Agreement with HDR Engineering, Inc. for final design services of the project.
(Funding Source: Water Fund-CIP)
- Resolution accepting the Preliminary Design Report dated November 2008 for the Downstream Water System Improvements – Yosemite Transmission Main as complete recommended.
 - Resolution approving an Agreement with HDR Engineering, Inc. for final design services of Downstream Water System Improvements – Yosemite Transmission Main in an amount not to exceed \$238,023 for the identified scope of services, plus \$23,802 (10%) for additional services (if needed), for a maximum total amount of \$261,825, and authorizing the City Manager, or his designee, to execute the Agreement recommended.

Public Works; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: **Resolution 2008-673 (Lopez/Hawn;unan)** accepting the Preliminary Design Report dated November 2008 for the Downstream Water System Improvements – Yosemite Transmission Main as complete.

ACTION: **Resolution 2008-674 (Lopez/Hawn;unan)** approving an Agreement with HDR Engineering, Inc. for final design services of Downstream Water System Improvements – Yosemite Transmission Main in an amount not to exceed \$238,023 for the identified scope of services, plus \$23,802 (10%) for additional services (if needed), for a maximum total amount of \$261,825, and authorizing the City Manager, or his designee, to execute the Agreement.

Consent

15. Consider approving a contract with Gillig LLC for the purchase of seven (7) low-floor transit buses for a total price not to exceed \$2,730,000, and authorizing the City Manager, or his designee, to execute the agreement. (Funding Source: Transit Funds)
- Resolution approving a contract with Gillig LLC for the purchase of seven (7) low-floor transit buses for a total price not to exceed \$2,730,000, and authorizing the City Manager, or his designee, to execute the agreement recommended.

Public Works; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: **Resolution 2008-675 (Lopez/Hawn;unan)** approving a contract with Gillig LLC for the purchase of seven (7) low-floor transit buses for a total price not to exceed \$2,730,000, and authorizing the City Manager, or his designee, to execute the agreement.

COUNCIL COMMENTS & REPORTS

None.

CITY MANAGER COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

16. Consider authorizing the Purchasing Manager to issue a Request for Proposal (RFP) for an Enterprise Resource Program (ERP) System and Implementation Services. (Funding Source: Various Funds)
- Resolution authorizing the Purchasing Manager to issue a Request for Proposal for an Enterprise Resource Planning (ERP) System and Implementation Services recommended.
- Information Technology; Gary S. Cook, 577-5229, gcook@modestogov.com*

ACTION: **Resolution 2008-676 (Hawn/Lopez/unan)** authorizing the Purchasing Manager to issue a Request for Proposal for an Enterprise Resource Planning (ERP) System and Implementation Services.

HEARINGS

Published in the Modesto Bee on November 11, 2008

17. Hearing to consider the Recommended Districting Plan from the Citizen's Districting Commission. (Funding Source: Not Applicable)
- Resolution approving the recommended Districting Plan adopted by the Citizens' Districting Commission recommended.
- City Attorney; Susana Wood, 577-5284, swood@modestogov.com*

ACTION: **Resolution 2008-677 (Marsh/Hawn/unan)** approving the recommended Districting Plan adopted by the Citizens' Districting Commission.

Published in the Modesto Bee on October 16, 2008; continued from November 5, 2008
Councilmember Marsh Conflict of Interest

18. Hearing to consider the Appeal of Mika Telecom Group on behalf of T-Mobile to a Board of Zoning Adjustment decision to deny a Conditional Use Permit (CUP-08-003) to allow the installation of a seventy-five-foot (75') cellular tower and communications facility at property located at 3120 McHenry Avenue. (Funding Source: Not Applicable)
- Motion denying the Appeal and direct staff to return to Council with a Resolution to deny the Appeal of Mika Telecom;
 - Or
 - Motion granting the Appeal and directing staff to return to the Council with a Resolution granting the Appeal of Mika Telecom, thereby granting a Conditional Use Permit for the 75' cellular tower as proposed, subject to the conditions reflected in Attachment No. 14.
- Community & Economic Development; Katharine Martin, 577-5267,*

kmartin@modestogov.com

ACTION: **Motion (Hawn/Ridenour; Lopez,O'Bryant, Olsen, Ridenour no; Marsh absent)** granting the Appeal and directing staff to return to the Council with a Resolution granting the Appeal of Mika Telecom, thereby granting a Conditional Use Permit for the 75' cellular tower as proposed, subject to the conditions including the screen landscape planter. **(Motion failed to carry.)**

ACTION: **Motion (Olsen/Lopez; majority; Hawn no; Marsh absent)** continuing Appeal to the first meeting in January 2009, or as soon as possible, for the purpose of requesting Applicant and staff to bring additional information regarding the feasibility of adding to the existing tower across the street, including structural issues and related issues. Council directs that should the Appeal be denied, any new application fees to be paid by the Applicant for a different site are to be waived.

Recess at 7:27 p.m.

Reconvened at 7:45 p.m.

Published in the Modesto Bee on November 25, 2008

19. Hearing to consider accepting the Capital Facilities Fees Annual Report for 2007-2008. (Funding Source: Not Applicable)

- Motion accepting the Capital Facilities Fees Annual Report for 2007-2008 recommended.
- Resolution accepting the Annual Capital Facilities Fee Report and making findings relating to each of the fee categories recommended.

Community & Economic Development; Amy Gedney, 577-5211, agedney@modestogov.com

ACTION: **Motion (O'Bryant/Marsh;unan)** accepting the Capital Facilities Fees Annual Report for 2007-2008.

ACTION: **Resolution 2008-678 (O'Bryant/Marsh;unan)** accepting the Annual Capital Facilities Fee Report and making findings relating to each of the fee categories.

NEW BUSINESS

20. Consider (i) approving the Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers' Association (MPOA) for the term of December 23, 2008 – March 28, 2011 and (ii) the Class Range Table for General Police Classes as set forth in Exhibit "A" attached hereto effective December 23, 2008 and adopted concurrently with Resolution No. 2008 _____ approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association for a term of December 23, 2008 through March 28, 2011. (Funding Source: General Fund and Grant Fund Expenditures)

- Resolution approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association for a term of December 23,

2008 through March 28, 2011 recommended.

- Resolution approving the Class Range Table for General Police Classes as set forth in Exhibit "A" attached hereto effective December 23, 2008, and adopted concurrently with Resolution No. 2008-_____ approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association for a term of December 23, 2008 through March 28, 2011 recommended.

Personnel; Robin Renwick, 571-5126, rrenwick@modestogov.com

ACTION: Resolution 2008-679 (Keating/Hawn;unan) approving a Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association for a term of December 23, 2008 through March 28, 2011.

ACTION: Resolution 2008-680 (Keating/Hawn;unan) approving the Class Range Table for General Police Classes as set forth in Exhibit "A" attached hereto effective December 23, 2008, and adopted concurrently with Resolution No. 2008-679 approving the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers' Association for a term of December 23, 2008 through March 28, 2011.

21. Consider approving the implementation of recommendations identified in the comprehensive classification study to establish a new Position Classification Plan consisting of updated job specification and approving adjustments in the Class Range Tables as identified. (Funding Source: General Fund & Other Fund Reserves)
 - Resolution approving the adoption of a new Position Classification Plan for the City of Modesto and rescinding Resolution No. 88-338 recommended.
 - Resolution amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "A" of Resolution No. 2008-504, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "C" of Resolution No. 2007-384 to revise the Class Range Table for Fire Management Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "A" of Resolution No. 2008-501 to revise the Class Range Table for Public Safety Non-Sworn Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "I" of Resolution No. 2007-384 to revise the Class Range Table for Executive Management, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "D" of Resolution No. 2007-384 to revise the Class Range Table for Police Management Classes Unrepresented, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.
 - Resolution amending Exhibit "A" of Resolution No. 2007-384 to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes,

as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009 recommended.

Personnel; Barbara Santos, 577-5466, bsantos@modestogov.com

- ACTION: Resolution 2008-681 (Hawn/Marsh;unan)** approving the adoption of a new Position Classification Plan for the City of Modesto and rescinding Resolution No. 88-338.
- ACTION: Resolution 2008-682 (Hawn/Marsh;unan)** amending Exhibit "A" of Resolution No. 2008-585 to revise the Class Range Table for General Non-Sworn Classes as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-683 (Hawn/Marsh;unan)** amending Exhibit "A" of Resolution No. 2008-504, to revise the Class Range Table for Represented Management and Confidential Non-Sworn Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-684 (Hawn/Marsh;unan)** amending Exhibit "C" of Resolution No. 2007-384, to revise the Class Range Table for Fire Management Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-685 (Hawn/Marsh;unan)** amending Exhibit "A" of Resolution No. 2008-501, to revise the Class Range Table for Public Safety Non-Sworn Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-686 (Hawn/Marsh;unan)** amending Exhibit "I" of Resolution No. 2007-384, to revise the Class Range Table for Executive Management, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-687 (Hawn/Marsh;unan)** amending Exhibit "D" of Resolution No. 2007-384, to revise the Class Range Table for Police Management Classes Unrepresented, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.
- ACTION: Resolution 2008-688 (Hawn/Marsh;unan)** amending Exhibit "A" of Resolution No. 2007-384, to revise the Class Range Table for Unrepresented Management and Confidential Non-Sworn Classes, as set forth in the amended Exhibit "A", attached hereto, effective January 6, 2009.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:15 p.m.

CLOSED SESSION

All Closed Sessions Heard Prior to Meeting

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – MCEA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director Personnel Employee Organization: Modesto City Employees Association

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – MCMA Agency Negotiators: Greg Nyhoff, City Manager, Barbara Santos, Deputy Director Personnel Employee Organization: Modesto Confidential & Management Association

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – MPOA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director Employee Organization: Modesto Police Officers' Association

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – MPNSA Agency Negotiators: Greg Nyhoff, City Manager Robin Renwick, Personnel Director Employee Organization: Modesto Police Non Sworn Association

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – Unrepresented Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director Employee Organization: Unrepresented Management and Confidential Employees

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) –MPMA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director Employee Organization: Modesto Police Management Association

CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to Section 54957.6 of the Government Code) – MCFFA Agency Negotiators: Greg Nyhoff, City Manager, Robin Renwick, Personnel Director Employee Organization: Modesto City Firefighters Association

MINUTES

City of Modesto
SPECIAL FINANCE COMMITTEE / WORKSHOP
Second Floor, Room 2005
1010 10th Street
Modesto, California

Thursday, December 11, 2008, at 5:30 p.m.

Roll Call: Present – Councilmembers Hawn, Marsh and Olsen.

Absent: None

PUBLIC COMMENTS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: None.

CONSENT

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

None.

NEW BUSINESS

1. Consider recommending to the City Council establishing special event parking fees to be used when an event requires the closure or buy out of all spaces within a City-owned parking facility or structure, and that the Parks, Recreation and Neighborhoods Director be given the discretionary ability to refuse or recommend parking facility closure when there is another conflicting event. (Funding Source: Enterprise Fund revenue)
Parks, Recreation & Neighborhoods; Beverly Hatcher, 571-5104, bhatcher@modestogov.com

ACTION: This item will return to the Committee in January or February of 2009, with a comprehensive analysis report that will include an update on the activities and financial status of the parking fund.

2. Consider recommending to the City Council the return of \$1.1 million in Capital Facility Fee (CFF) project savings from the Claratina Expressway Extension from Coffee to Oakdale Road, Capital Improvement Project (CIP) to CFF reserves and

reallocating the funds to a new CIP project for the design, right-of-way acquisition, and construction of a new roundabout at Coffee Road and Claratina Avenue. (Funding Source: Capital Facility Fees-Fund 1410)
Public Works; Jeffrey L. Barnes, 577-5468, jbarnes@modestogov.com

ACTION: **Motion (Olsen/Marsh;unan)** forwarding to Council for consideration and directing staff to include a status update on the acquisition of the right-of-way.

COMMITTEE MEMBERS COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:02 p.m.