

MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, January 3, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

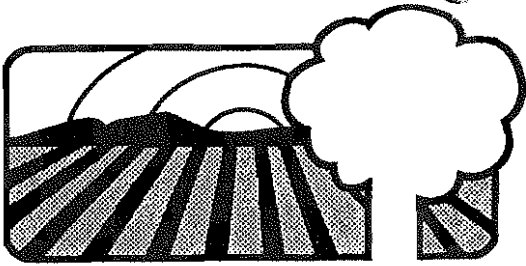
Absent: Councilmember Patterson

A report was made on the customer relations improvement project by Gail Puthuff and Ray Hunt, members of the Citizens First Tax Force.

Oral Communications: None

The meeting adjourned at 6:58 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 3, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Dr. Guy G. Grimes, Orangeburg Avenue Baptist Church

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

Removed from consent: 3

ACTION: (McClanahan/Friedman unan., Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of December 20, 1994, and the special City Council meeting of December 27, 1994.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

3. Consider approving plans and specifications and calling for bids for traffic signal modifications at the McHenry Avenue and Orangeburg Avenue intersection.
(Suggested bid opening: January 24, 1995, at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed.
Estimated cost: \$66,000 (contract \$55,000; contract admin. & contingencies \$11,000) Funds are budgeted.)

ACTION: Res. 95-1 adopted (Muratore/McClanahan, unan., Patterson absent)
calling for bids. (P/W to handle)

CONSENT

4. Consider approving plans and specifications calling for bids for traffic signal modifications at the Tully Road and Orangeburg Avenue intersection.
(Suggested bid opening: January 24, 1995, at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed.
Estimated cost: \$108,000 (contract \$100,000; contract admin. & contingencies \$8,000) Funds are budgeted.)

ACTION: Res. 95-2 adopted calling for bids. (P/W to handle)

CONSENT

5. Consider award of contract to Conco-West, Inc. for the electrical division shop modifications.
(Resolution awarding contract needed. Estimated cost: \$34,221.00
contract \$28,050; contract admin. & cont. \$6,171) Funds are budgeted.)

ACTION: Res. 95-3 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider acceptance of Howk Systems, Inc.'s contract to rehabilitate storm water lift station - Tully at Briggsmore as complete, and authorize City Clerk to file a Notice of Completion. (Original contract: \$114,700.00).

(Resolution accepting work as complete needed. Final cost: \$114,380.01.
Funds are budgeted.)

ACTION: Res. 95-4 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Patch Master of Central California's contract for Hetch Hetchy bike path, phase I, as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$175,676.40).
(Resolution accepting work as complete needed. Final cost: \$178,980.90.
Funds are budgeted.)

ACTION: Res. 95-5 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Rolfe Construction Company's contract for McHenry Avenue waterline as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$78,260.00).
(Resolution accepting work as complete needed. Final Cost: \$76,159.00.
Funds are budgeted.)

ACTION: Res. 95-6 adopted accepting as complete. (Clerk to handle)

CONSENT

9. Consider revising the bid, award and acceptance process on formally bid Capital Improvement Program projects.
(Resolution approving revised bid, award and acceptance process needed.)

ACTION: Res. 95-7 adopted revising bid process on Capital Improvement Program projects. (P/W to handle)

NEW BUSINESS

10. Consider consultant services with Brady and Associates to prepare an Environmental Impact Report and Specific Plan to develop the Kiernan Business Park (Village 5), located between Dale Road and Tully Road.
(Resolution approving agreement, and resolution amending the budget in the amount of \$211,241 needed.)

ACTION: By motion (Cogdill/Dobbs, unan., Patterson absent) this item was continued for two weeks. (Com. Dev. to handle)

CONSENT

11. Consider authorizing an amendment to the employment agreement with the City Attorney and consider approving an employment agreement with the City Clerk.
(Resolution approving amendment to employment agreement needed, and resolution approving agreement needed. Estimated cost 1994-1995: \$4,200.)

ACTION: Res. 95-8 adopted approving amended agreement with City Attorney.
Res. 95-9 adopted approving agreement with City Clerk.
(Deputy Manager to handle)

CONSENT

12. Consider approving an agreement with Stanislaus County to provide \$635,000 in funding for the County Library for Fiscal Year 1994-95. (Resolution approving agreement needed.)

ACTION: Res. 95-10 adopted approving agreement with County. (P/R to handle)

ORAL COMMUNICATIONS

13. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Patrick McGrath spoke about Richard Patterson and his condition.

MATTERS TOO LATE FOR THE AGENDA

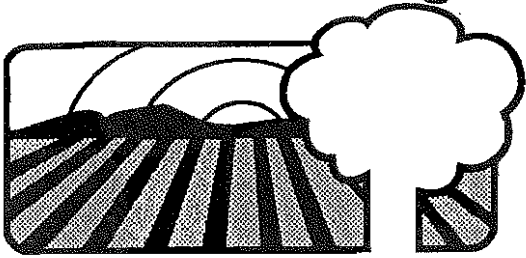
14. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 7:35 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 10, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 10, 11, 12, 13, 14,
15, 17

Removed from consent: 8

ACTION: (Dobbs/Muratore, unan., Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of January 3, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the proposed designation of the State Theater Building, located at 1307 J Street as a Modesto Landmark Preservation Site.

ACTION: Res. 95-11 adopted (Muratore/Friedman, unan., Patterson absent) designating the State Theater a landmark preservation site.
(Com. Dev. to handle)

4. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to P-D as an addition to P-D(346) for expansion of the English Oaks Convalescent Hospital to provide offices, classrooms, maintenance facilities, and additional off-street parking, property located on the north side of West Rumble Road, west of Conant Avenue. (Terry L. Mundy)

ACTION: By motion (Friedman/McClanahan, unan., Patterson absent) Ord. No. 2939-C.S. introduced.
Res. 95-12 adopted (same vote) approving plan.
Res. 95-13 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Com.Dev. to handle)

BIDS

CONSENT

5. Consider acceptance of the contract of Delta Excavating, Inc., for the Sonoma trunk sewer from Floyd Avenue to Sylvan Avenue as complete and authorize City Clerk to file a Notice of Completion. Original contract: \$508,936.
(Resolution accepting work as complete needed. Final cost: \$506,122.04. Funds are budgeted.)

ACTION: Res. 95-14 adopted accepting as complete. (Clerk to handle)

CONSENT

6. Consider acceptance of the contract of Delta Excavating, Inc., for the Lakewood trunk sewer from Briggsmore Avenue to Sylvan Avenue as complete and authorize City Clerk to file a Notice of Completion. Original contract: \$828,661.
(Resolution accepting work as complete needed. Final cost: \$831,153.63. Funds are budgeted.)

ACTION: Res. 95-15 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of the contract of Ksenco Construction, Inc., for the waterline construction and Automated Traffic Management System interconnect on Carpenter Road as complete and authorize City Clerk to file a Notice of Completion. Original contract: \$129,469.
(Resolution accepting work as complete needed. Final cost: \$103,321.40. Funds are budgeted.)

ACTION: Res. 95-16 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

8. Consider adoption of a Pilot Graffiti Abatement Program.
(Resolution adopting a Graffiti Abatement Program and resolution amending the budget needed. Estimated cost: \$25,000.)

ACTION: Res. 95-17 adopted (Dobbs/McClanahan, unan., Patterson absent) adopting Graffiti Abatement Program.
Res. 95-18 adopted (same vote) amending the budget.
(Com. Dev. to handle)

9. Consider approving a Request for Proposals for a consultant team to critique Village One Specific Plan and its Finance Plan implications in regard to market feasibility and to suggest ways for making Village One more feasible.
(Motion authorizing staff to proceed with a Request for Proposals. Estimated maximum 20,000. Funds are not budgeted. A budget amendment will be requested at the time the contract is awarded.)

ACTION: By motion (Cogdill/Muratore, unan., Patterson absent) staff authorized to proceed. (Com. Dev. to handle)

CONSENT

10. Consider approving an agreement with Garrad W. Marsh, et al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project.
(Resolution approving agreement needed. Total estimated cost: \$7,150 (cost: \$6,800; interest: \$350). Funds are budgeted.)

ACTION: Res. 95-19 adopted approving agreement. (Com. Dev. to handle)

CONSENT

11. Consider approving an agreement with McHenry Bowl, et al., for the acquisition of permanent and temporary sewer easements in excess land for the Lakewood sewer trunk project.
(Resolution approving agreement needed. Total estimated cost: \$5,600 (cost: \$5,300; interest: \$300). Funds are budgeted.)

ACTION: Res. 95-20 adopted approving agreement. (Com. Dev. to handle)

CONSENT

12. Consider authorizing the City Manager to execute financing agreement with property owner Delinda D. Chavez-Bouche' for the purpose of rehabilitating property at 2225 Crommelin Avenue pursuant to Modesto's Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreement needed. Estimated cost: \$12,452. Funds are budgeted.)

ACTION: Res. 95-21 adopted approving agreement. (Com. Dev. to handle)

CONSENT

13. Consider authorizing a Request for Proposals for the lease of Hangar #2 at the Modesto City-County Airport.
(Motion authorizing a Request for Proposals needed.)

ACTION: By motion, staff authorized to request proposals. (P/W to handle)

CONSENT

14. Consider authorizing the City Manager to execute a Cooperative Agreement with Caltrans and appropriating \$90,000 from an existing account to create a new account for the construction of a traffic signal at State Route 132 (D Street) and 11th Street intersection.
(Resolution authorizing City Manager to execute Cooperative Agreement and resolution approving an appropriation transfer.)

ACTION: Res. 95-22 adopted approving agreement.
Res. 95-23 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

15. Consider amending the Position Classification Plan and Class Range Tables to create job specifications and set salary ranges for Communications Marketing Manager (Range 438) and Public Information Technician (Range 119).
(Resolution amending the Position Classification Plan and resolution amending the Class Range Tables needed.)

ACTION: Res. 95-24 adopted amending Position Classification Plan.
Res. 95-25 adopted amending Class Range Table to establish salary range for Communications marketing Manager.
Res. 95-26 adopted amending Class Range Table for Public Information Technician.
(Personnel to handle)

16.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
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- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Loretta Carhart spoke about repairs to her house.

Bill Cameron spoke about banning fireworks in Modesto.

The City Clerk read a letter from Russell Harrison urging the Council to proceed with replacement of Councilmember Patterson.

WRITTEN COMMUNICATIONS

CONSENT

17. Letter from Francis R. Ruggieri, representing Grudzen Development Co., requesting reconsideration of the action taken on December 27, 1995, concerning the Disposition and Development Agreement between the Redevelopment Agency and Wiljan Modesto Partnership.
(Motion denying request needed.)

ACTION: By motion, request denied. (Clerk to handle)

18.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

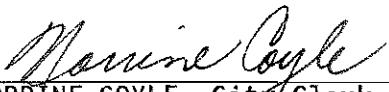
CLOSED SESSION

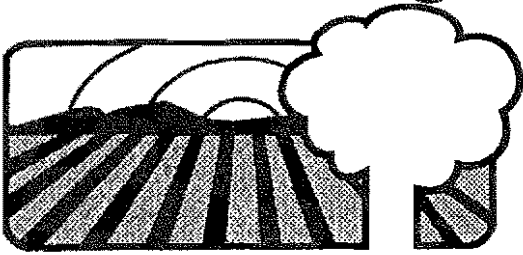
19. CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case

ADJOURNMENT

Meeting adjourned to closed session at 4:40 p.m. The City Council adjourned from closed session at 5:19 p.m. The City Attorney announced that, by a vote of five to one, with Councilmember Cogdill dissenting, the City Council authorized the filing of an application with the State Attorney General to seek permission to bring action to determine whether or not Councilmember Richard Patterson's seat is now vacant.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, January 17, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

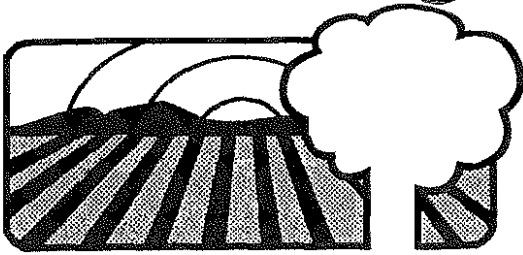
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Financial Polity Committee
4. Human Services/Public Safety Committee
5. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:59 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

1-17-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 17, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Phil Zimmerman, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 8, 9, 10, 11, 12, 13

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 10, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved.

UNFINISHED BUSINESS

CONSENT

3. Consider approving agreement for consultant services with Brady and Associates to prepare an Environmental Impact Report and Specific Plan to develop the Kiernan Business Park (Village 5), located between Dale Road and Tully Road.
(Resolution approving agreement and resolution amending the budget in the amount of \$211,241 needed. Continued from the January 3, 1995 Council meeting. Motion continuing to January 24, 1995, City Council meeting.)

ACTION: By motion, this item was continued to January 24, 1995, at 4:00 p.m. (Com. Dev. to handle)

CONSENT

4. Final adoption of Ordinance No. 2939-C.S. rezoning from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition and amendment to P-D(346), property located on the north side of West Rumble Road, west of Conant Avenue (Terry L. Mundy).
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2939-C.S. adopted. (Clerk to handle)

HEARINGS

5. Consider approving the annual update of the Americans with Disabilities Act (ADA) Complementary Paratransit Plan. The ADA requires development of an annual update of the City's plan to provide paratransit (Dial-A-Ride) service which complements the City's fixed-route service (MAX). The update indicates that the City is in full compliance with the ADA.
(Resolution approving the plan needed.)

ACTION: Res. 95-27 adopted (Dobbs/Muratore, unan., Patterson absent) approving the plan. (P.W. & T. to handle)

6. Consider the appeal of Modesto Sherwood Forest Homeowners' Association, Inc. to a Board of Zoning Adjustment decision regarding the application of Melendez Design Group for a conditional use permit in the C-3 Zone to allow replacement of the existing Chevron Service Station with a new convenience store and auto service center with covered gas pump island located at 3300 McHenry Avenue, on the northeast corner of McHenry Avenue and Robin Hood Drive.

Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 95-28 adopted (Friedman/Muratore, unan., Cogdill and Patterson absent) upholding the appeal by the Homeowners' Association. (Com. Dev. to handle)

7. Consider rezoning to Planned Development Zone, a 50+ acre property owned by the City adjacent to the Wastewater Treatment Facility to be developed for wastewater disposal including co-composting biosolids and yard clippings, property located on the west side of Jennings Road south of Keyes Road, and consider recommending reorganization to the City of Modesto the 51.18 acres at 7008 Jennings Road.

ACTION: By motion (Friedman/Cogdill, majority, McClanahan-no, Patterson absent) Ordinance No. 2940-C.S. introduced amending the Zoning Map to prezone the property.
Res. 95-29 adopted (Friedman/Cogdill, majority, McClanahan-no, Patterson absent) approving the reorganization of the area.
Res. 95-30 adopted (Friedman/Cogdill, majority, McClanahan-no, Patterson absent) certifying the Negative Declaration.
(Clerk/Com.Dev. to handle)

BIDS

CONSENT

8. Consider consenting to the withdrawal of the bid from B.G. Pipeline and approve award of a contract to Rolfe Construction Co. for the Claratina Avenue waterline project, and approving an appropriation transfer to fully fund the project.
(Resolution awarding contract to Rolfe Construction Co., consenting to the withdrawal of bid from B.G. Pipeline, and resolution approving an appropriation transfer needed. Total Cost: \$1,081,601.00 (Contr. \$957,169; Other \$124,432) Funds are budgeted.)

ACTION: Res. 95-31 adopted awarding the contract to Rolfe Construction Co. and consenting to the withdrawal of B. G. Pipeline's bid.
Res. 95-32 adopted approving the appropriation transfer.
(P.W.& T/Finance to handle)

CONSENT

9. Consider approving specifications and calling for bids to be opened February 7, 1995, at 11:00 a.m., for the furnishing of annual recycled janitorial paper products under a local government agency bid.

(Resolution approving specifications and calling for bids needed. Total Cost: \$25,000. Funds are budgeted.)

ACTION: Res. 95-33 adopted approving specifications and calling for bids.
(Finance to handle)

CONSENT

10. Consider awarding a contract to Ireland's for the Mildred Perkins Park ballfield improvement project.
(Resolution awarding contract needed. Total Cost \$35,532. (Contract \$30,890; Other \$4,633) Funds are budgeted.)

ACTION Res. 95-34 adopted awarding contract. (P.W. & T to handle)

NEW BUSINESS

CONSENT

11. Consider amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title XII of the Municipal Code relating to use of parks, park closure hours, clarification of definitions, use of vehicles and the prohibition of glass containers and fireworks.
(Introduction of an ordinance amending the Municipal Code needed.)

ACTION: By motion, Ordinance No. 2941-C.S. introduced amending the Municipal Code. (Clerk to handle)

CONSENT

12. Consider approving a Deferred Compensation Plan with Public Agency Retirement System (PARS) PST Deferred Compensation Services for part-time, seasonal and temporary employees.
(Resolution approving an agreement needed.)

ACTION: Res. 95-35 adopted approving Deferred Compensation Plan.
(Personnel to handle)

CONSENT

13. Consider amending the budget to appropriate \$10,000 from the General Fund Contingency Reserve and authorizing the City Manager to execute an agreement with Stanislaus Partners in Education to support their 1994-95 business plan.
(Resolution amending the budget, and a resolution approving an agreement needed. Funds are budgeted.)

ACTION: Res. 95-36 adopted amending the budget.
Res. 95-37 adopted approving the agreement
(Manager to handle)

ORAL COMMUNICATIONS

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None

MATTERS TOO LATE FOR THE AGENDA

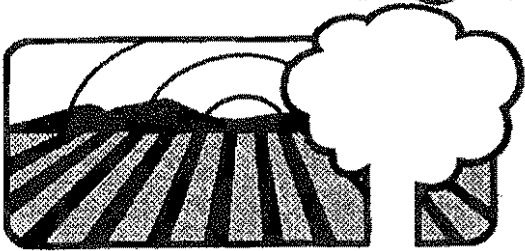
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None

ADJOURNMENT

Meeting adjourned at 9:02 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 8:00 a.m. on Friday, January 20, 1995, at the Pacific Valley National Bank, 1524 McHenry Avenue, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

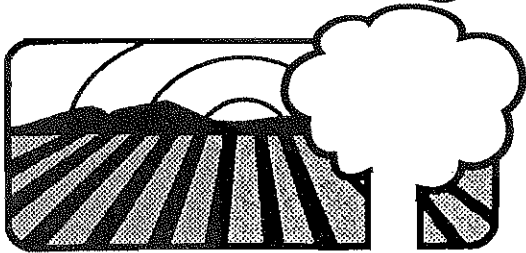
Absent: Councilmember Patterson

The Council held a retreat for the purpose of discussing its goals and objectives for the ensuing year.

The meeting adjourned at 4:45 p.m., reconvened at 8:00 a.m. on Saturday, January 21 in the Third Floor East Conference Room, City Hall, 801 11th Street, Modesto, California, and adjourned at 1:35 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

1-20-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 24, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Dick McKee, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19

Removed from consent: 9

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1-24-95

ACKNOWLEDGEMENT AND PRESENTATIONS

1. Presentation of plaque and checks awarded to Modesto for its National Night Out activities.

Chief Jefferson presented a plaque to Mayor Lang for Modesto's participation in National Night Out activities.

Mayor Lang presented \$50 checks to each of the winning neighborhood watch groups.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of January 17, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Consider approving agreement for consultant services with Brady Associates to prepare an Environmental Impact Report and Specific Plan to develop a Business Park in the Kiernan-Pelandale corridor, and consider amending the budget in the amount of \$211,241. (Continued from the January 3, and January 17, 1995, City Council meetings.)
(Resolution approving agreement needed, and resolution amending budget needed.)

ACTION: Res. 95-38 adopted (Cogdill/Friedman, unan., Patterson absent) approving agreement.
Res. 95-39 adopted (same vote) amending the budget.
(Com. Dev. to handle)

4. Final adoption of Ordinance No. 2940-C.S. rezoning from A-2-40 to P-D(506), property located on the west side of Jennings Road just east of the City of Modesto sewer treatment facility.
(Motion adopting needed.)

ACTION: By motion (Muratore/Friedman, majority, McClanahan-no, Patterson absent) Ord. No. 2940-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ordinance No. 2941-C.S. amending sections of the Modesto Municipal Code relating to use of parks.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2941-C.S. adopted. (Clerk to handle)

1-24-95

BIDS

CONSENT

6. Consider consenting to the withdrawal of the bid from Jardin Pipeline and approve award of contract to Rolfe Construction Co. in the amount of \$49,125 for the Maze Boulevard lift station influent line project and consider approving an appropriation transfer in the amount of \$56,000. (Resolution consenting to the bid from Jardin Pipeline and awarding contract to Rolfe Construction needed, and resolution approving appropriation transfer needed. Total estimated cost: \$55,511.25 (contract \$49,125; contract admin. & contingencies \$6,386.25)

ACTION: Res. 95-40 adopted approving withdrawal of bid of Jardin Pipeline and awarding contract to Rolfe Construction Co.
Res. 95-41 adopted approving appropriation transfer. (P/W to handle)

CONSENT

7. Consider accepting as complete contract of D & L Concrete Pumping, Inc. for Project No. 20 - replacement of curb, drive aprons and sidewalks, and authorize the City Clerk to file a Notice of Completion. (Original contract: \$89,028.21)
(Resolution accepting as complete needed. Final cost: \$96,702.45. Funds are budgeted.)

ACTION: Res. 95-42 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider accepting as complete contract of Rolfe Construction Company for the Encina Avenue storm drain upgrade project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$109,656.40)
(Resolution accepting as complete needed. Final cost: \$107,478.80. Funds are budgeted.)

ACTION: Res. 95-43 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

9. Consider authorization of the City of Modesto's co-sponsorship and funding assistance for "GARBAGE...and all that Trash!" exhibit at Great Valley Museum of Natural History, March 1 to December 1, 1995. (Resolution authorizing City co-sponsorship needed. Estimated cost: \$2,700. Funds are budgeted.)

ACTION: Res. 95-44 adopted (Friedman/Muratore, unan., Patterson absent) authorizing co-sponsorship. (P/W to handle)

CONSENT

10. Consider authorizing an application to CalTrans and the San Joaquin Valley Unified Air Pollution Control District for grant funding for the telework center for 1995-96. (Resolution authorizing grant applications needed.)

1-24-95

ACTION: Res. 95-45 adopted authorizing grant application. (Com. Dev. to handle)

CONSENT

11. Consider approving a cable programming grant for Modesto Gospel Mission for a program on homelessness.
(Resolution authorizing City Manager to sign grant agreement needed.
Estimated cost: \$1,500. Funds are budgeted.)

ACTION: Res. 95-46 adopted approving grant agreement. (Com. Dev. to handle)

CONSENT

12. Consider Annual Report on Testing of the cable television franchise.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, acknowledged receipt of report.

CONSENT

13. Consider approving and accepting an Easement Agreement with Modesto Irrigation District for the construction of a waterline in Lateral No. 6 right-of-way.
(Resolution approving and accepting easement agreement needed.)

ACTION: Res. 95-47 adopted approving easement agreement. (Com. Dev. to handle)

CONSENT

14. Consider approving revisions to the City of Modesto Records Management Manual and Records Retention Schedule and authorize destruction of useless records.
(Resolution adopting a revised Records Management Manual and Records Retention Schedule and authorizing destruction of useless records.
Estimated cost: \$250. Funds are budgeted.)

ACTION: Res. 95-48 adopted approving revisions. (Finance to handle)

CONSENT

15. Consider approving the submission of and authorizing the City Manager to sign an application for federal funds in the amount of \$745,913 to complete the 1995-96 capital improvements at the Modesto City-County Airport.
(Resolution approving application needed. Total estimated City cost: \$82,879. Funds will be budgeted in the Airport's 1996 Capital Improvement Program.)

ACTION: Res. 95-49 adopted approving application. (P/W to handle)

CONSENT

16. Consider authorizing the City Manager to sign a letter extending the listing agreement the City has with Paul M. Zagaris agents Richard Rand and Bob Wood to market airport property.
(Resolution authorizing City Manager to sign letter needed.)

ACTION: Res. 95-50 adopted approving agreement. (P/W to handle)

1-24-95

CONSENT

17. Consider authorizing submission of a revised Annual Transportation Claim to the Stanislaus Area Association of Governments (SAAG) to receive a supplemental apportionment of \$254,266 which has been made available through Transportation Development Act Funds and a Rural Transit Fee credit.

(Resolution authorizing submission of a revised Annual Transportation Claim and resolution amending the budget needed.)

ACTION: Res. 95-51 adopted authorizing submission of revised Annual Transportation Claim.
Res. 95-52 adopted amending budget. (Finance to handle)

CONSENT

18. Consider amending the budget to appropriate \$9,000 from the General Fund Contingency Reserve to the McClatchy Square Capital Improvement Project to fund additional contribution to the construction.
(Resolution amending the budget needed.)

ACTION: Res. 95-53 adopted amending the budget. (P/R, Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

19. Letter from Harlan Smith, Modesto Camelia Society, requesting the donation of the Sweepstakes Trophy for the 34th Annual Camellia Cavalcade to be held March 18 and 19, 1995.
(Motion approving request needed.)

ACTION: By motion, request approved. (Finance to handle)

ORAL COMMUNICATIONS

20. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Carmen Sabatino spoke about Richard Patterson's Council seat.
Howard Jervis spoke.

1-24-95

MISCELLANEOUS

Appointments

2I. Consider appointments and reappointments to the following commissions and committees:

a. Airport Advisory Committee

ACTION: Res. 95-54 adopted (Dobbs/Friedman, unan., Patterson absent) appointing Gil Wymond and Charles Brandt and reappointing Jeff Hill.

b. Affirmative Action Commission

ACTION: Res. 95-55 adopted (same vote) appointing Steve Bailey and Nancy Bronstein and reappointing Joan Cardoza, Sterling Fountain and Robert Andrews.

c. Board of Zoning Adjustment

ACTION: Res. 95-56 adopted (same vote) reappointing Jerry Matsunaga.

d. Citizens Advisory Committee on Recycling

ACTION: Res. 95-57 adopted (same vote) appointing Gunther Baldauf and Ed Washington.

e. Culture Commission

ACTION: Res. 95-58 adopted (same vote) reappointing Helen White.

f. Downtown Improvement District

ACTION: Res. 95-59 adopted (same vote) reappointing Frank Boots and David Boring.

g. Housing Rehabilitation Loan Committee

ACTION: Res. 95-60 adopted (same vote) appointing Fred Satariano and reappointing Brad Pitts.

h. Landmark Preservation Commission

ACTION: Res. 95-61 adopted (same vote) reappointing Dirk Hoek.

i. Local Cable Programming Committee

ACTION: Res. 95-62 adopted (same vote) reappointing Douglas Hillblom.

j. Planning Commission

ACTION: Res. 95-63 adopted (same vote) reappointing Fred Cruz.

k. Redevelopment Advisory Committee

ACTION: Res. 95-64 adopted (same vote) appointing Richard Tatoyan and reappointing Robert Wirth and Tony Varni.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

22. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

23. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

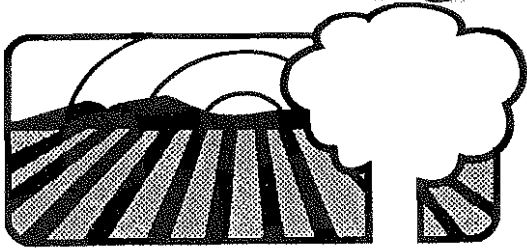
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

Not held.

ADJOURNMENT

The meeting adjourned at 4:35 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, February 7, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Mayor Lang was excused at 6:40 p.m.

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

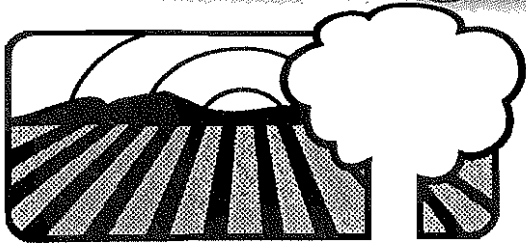
1. Community Development and Housing Committee
2. Financial Policy Committee
3. Transportation Policy Committee
4. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:45 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

2-7-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 7, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Wayne Bridegroom, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 17

ACTION: (Friedman/Dobbs, unan., Patterson absent)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leader of Troop 12, sponsored by the Latter Day Saints Church.
Mayor Lang also introduced Charles Brandt, newly appointed to the Airport Advisory Board, and Evelyn Brandt.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 24, 1995, and the special City Council meeting of January 20, 1995. (Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider authorizing request for bids for furnishing Centre Plaza heating, ventilating and air conditioning (HVAC) modifications. (Suggested bid opening: March 13, 1995, at 11:00 a.m. Resolution authorizing calling for bids needed. Estimated cost: \$119,181. Funds are budgeted.)

ACTION: Res. 95-65 adopted calling for bids. (Finance to handle)

CONSENT

4. Consider awarding contract for the traffic signal modifications at McHenry Avenue and Orangeburg Avenue intersection to Safety Electric Corporation for \$48,573. (Resolution awarding contract to Safety Electric Corporation needed. Total estimated cost: \$58,287.60 (contract \$48,573; other \$9,714.60) Funds are budgeted.)

ACTION: Res. 95-66 adopted awarding contract. (P/W to handle)

CONSENT

5. Consider awarding contract for the traffic signal modifications at Tully Road and Orangeburg Avenue to Collins Electrical for \$102,350; and consider approving appropriation transfer in the amount of \$30,000 to fully fund the project. (Resolution awarding contract to Collins Electrical needed, and resolution approving appropriation transfer needed. Estimated cost: \$120,773.60 (contract \$102,350; other \$18,423.60. Funds are partially budgeted.)

ACTION: Res. 95-67 adopted awarding contract.
Res. 95-68 adopted approving appropriation transfer.
(P/W, Finance to handle)

CONSENT

6. Consider awarding contract for the gate modification for clarifier Nos. 1 and 2 at the Water Quality Control Plant to Conco-West, Inc. for \$96,000, and consider approving an appropriation transfer in the amount of \$4,000 to fully fund the project.
(Resolution awarding contract to Conco-West, Inc. needed, and resolution approving appropriation transfer needed. Estimated cost: \$110,490 (contract \$96,000; other \$14,490) Funds are partially budgeted.)

ACTION: Res. 95-69 adopted awarding contract.
Res. 95-70 adopted approving appropriation transfer.
(P/W, Finance to handle)

CONSENT

7. Consider accepting the contract of Mid Cal Pipeline as complete for the Glenn Avenue water line project and authorize the City Clerk to file a Notice of Completion. (Original contract \$143,871)
(Resolution accepting contract as complete needed. Final cost: \$142,530. Funds are budgeted.)

ACTION: Res. 95-71 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider waiving formal bid procedures and authorizing the purchase of tree trimming services at the City-County Airport from Davey Tree Service at a cost of \$26,140.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 95-72 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

9. Consider authorizing submission of application in the amount of \$72,000 to the San Joaquin Valley Unified Air Pollution Control District for grant funding to increase public awareness of Modesto Area Express bus service.
(Resolution authorizing grant application needed.)

ACTION: Res. 95-73 adopted authorizing grant application. (P/W to handle)

CONSENT

10. Consider authorizing submittal of two grant applications to the San Joaquin Valley Unified Air Pollution Control District for grant funding of \$44,391 for compressed natural gas vehicle conversions and \$94,780 for two electric vehicles.
(Two resolutions authorizing grant applications needed.)

ACTION: Res. 95-74 adopted authorizing grant application for vehicle conversions.
Res. 95-75 adopted authorizing grant application to purchase two electric vehicles.
(P/W to handle)

CONSENT

11. Consider approving agreement with Brady & Associates for preparation of a Non-motorized Transportation Master Plan for the City of Modesto. (Resolution approving agreement needed. Estimated cost: \$54,700. Funds are budgeted.)

ACTION: Res. 95-76 adopted approving agreement. (P/R to handle)

CONSENT

12. Consider joinder in amicus brief in Santa Clara County Local Transportation Authority v. Carl Guardino, et al. (Motion authorizing joinder in amicus brief needed.)

ACTION: By motion, joinder in amicus brief authorized. (Atty to handle)

CONSENT

13. Presentation of semi-annual monitoring reports for the following organizations funded with Community Development Block Grant Funds during Fiscal Year 1994-95: Central Valley Information and Referral System, Community Integrated Employment Development Services, Miracle Mission, Modesto Independent Living Center, Stanislaus County Affordable Housing Corporation. (Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

14. Consider approving financing agreement with Esperanza Jaime in the amount of \$82,452 for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program. (Resolution approving agreement needed. CDBG funds are budgeted.)

ACTION: Res. 95-77 adopted approving agreement. (Com. Dev. Dept.)

15. Fiscal Year 1994-95 Annual Budget -- Midyear Status Report and Proposed Adjustments. (Resolution amending the Fiscal Year 1994-95 Budget of the City of Modesto and re-estimating revenue for FY 1994-95 needed.)

Dropped from agenda.

16. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.

- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

The City Clerk read a letter from the Stanislaus County Grand Jury supporting the City Council on its action concerning Richard Patterson's position.

WRITTEN COMMUNICATIONS

CONSENT

- 17. Letter of resignation from the Landmark Preservation Commission from Corinne Rowe.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-78 adopted accepting resignation. (Clerk to handle)

18. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

19. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 549569 of the Government Code: One case.

Not held.

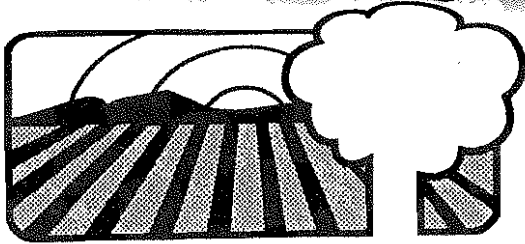
20. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Downtown Preservation Committee, an unincorporated Association, Steve Burke, Petitioners, City of Modesto, Modesto Redevelopment Agency, Respondents, and Wilmore/Regent Partners, dba Wiljan Modesto Partnership, Real Parties in Interest. Superior Court Case No. 316600.

ADJOURNMENT

The meeting adjourned at 7:05 to closed session to discuss item 20. The City Attorney returned at 7:55 p.m. and announced that no action had been taken.

ATTEST: 



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 14, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jack Shackelford, First Baptist Church

A moment of silence was observed in memory of Larry and Mary Davis and Eugene Berry who were killed in plane crashes over the weekend.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 3, 5, 6, 8, 9, 10, 11, 12, 13,
14, 15

ACTION: (McClanahan/Friedman, unan., Patterson absent)

Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

2-14-95

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation concerning supporting Measure C, the 1/8¢ sales tax measure, to provide dedicated funding to the Stanislaus County Free Library.
(Resolution supporting Measure C needed.)

Megan Gowan and Myrtle Osner spoke in favor of Measure C.

ACTION: Res. 95-79 adopted (Friedman/Dobbs, unan., Patterson absent) supporting Measure C.

2. Presentation of Special Recognition Plaques and Certificates for co-sponsorships of the City's 1994 Recreation Programs.

Plaques and certificates were presented by Mayor Lang.

- 2A. Darwin Inman presented a plaque to the City of Modesto in appreciation for assistance with the Maze Boulevard Christian Church Senior Housing Project.

MINUTES

CONSENT

3. Consider approval of the minutes of the regular and special City Council meetings of February 7, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

4. Hearing to consider the application of Escalon Community Ambulance for a license for provider service/non-emergency ambulance transport and to determine whether the public convenience and necessity require the operation of an additional ambulance service in the City of Modesto.

ACTION: Res. 95-80 adopted (Muratore/Cogdill, unan., Patterson absent) approving license. (Finance to handle)

2-14-95

BIDS

CONSENT

5. Consider acceptance of Agee Construction Company's contract for Claus Road bridge widening as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$1,922,003)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department Therefore it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting as complete needed. Final cost: \$2,019,029.48. Funds are budgeted.)

ACTION: Res. 95-81 adopted accepting as complete. (Clerk to handle)

CONSENT

6. Consider acceptance of Allen A. Waggoner Construction's contract for Neece Drive water line as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$412,936.10)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department Therefore it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting as complete needed. Final cost: \$393,832.96. Funds are budgeted.)

ACTION: Res. 95-82 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

7. Fiscal Year 1994-95 Annual Budget -- Midyear Status Report and Proposed Adjustments.
(Resolution amending the Fiscal Year 1994-95 Budget of the City of Modesto and re-estimating revenue for FY 1994-95 needed.)

ACTION: Res. 95-83 adopted (Friedman/McClanahan, unan., Patterson absent) amending budget. (Finance to handle)

CONSENT

8. Consider agreements for services with United Way for administration of the Central Valley Information and Referral System to be funded with Community Development Block Grant Funds during 1994-95.
(Resolution approving agreement needed.)

ACTION: Res. 95-84 adopted approving agreement. (Com. Develop. to handle)

CONSENT

9. Consider electing coverage by Public Employees' Medical & Hospital Care Act (PEMHCA) for Modesto Fire Fighters Association (MCFFA).
(Resolution electing coverage by PEMHCA needed.)

2-14-95

ACTION: Res. 95-85 adopted electing coverage by PEMHCA.
(Com. Develop. to handle)

CONSENT

10. Consider approving Third Amendment to Lease Agreement with Modesto Executive Air Charter for the lease of Corporate Hangar Plots 1 and 2 at the Modesto City/County Airport.
(Resolution approving Third Amendment to Lease Agreement needed.)

ACTION: Res. 95-86 adopted approving amended agreement.
(Com. Develop. to handle)

CONSENT

11. Consider approving Third Amendment to Lease Agreement with Modesto Executive Air Charter for the lease of Corporate Hangar Plots 3, 4, and 5 at the Modesto City/County Airport.
(Resolution approving Third Amendment to Lease Agreement needed.)

ACTION: Res. 95-87 adopted approving amended agreement.
(Com. Develop. to handle)

CONSENT

12. Consider amending the legislative platform outlining the City's overall legislative concerns.
(Motion accepting the 1995 Legislative Platform needed)

ACTION: By motion, 1995 legislative platform accepted. (Mgr. to handle)

CONSENT

13. Consider approving an agreement with Matt Vella for the payment of crop damages.
(Resolution approving agreement needed. Estimated cost: \$1,150. Funds are budgeted.)

ACTION: Res. 95-88 adopted approving agreement. (Com. Develop. to handle)

CONSENT

14. Consider report of loans approved under the Emergency Home Repair Program (EHRP) during January, 1995, and previously approved loans declined by owners.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

15. Consider authorizing the City Manager to sign an application for a \$300,000 maximum 1994-95 Local Government Used Oil Opportunity grant.
(Resolution approving application needed.)

ACTION: Res. 95-89 adopted approving application. (P/W to handle)

- 15A. Consider amendment adding interim zoning regulations to the emergency interim ordinance prohibiting the opening of new adult businesses.
(Introduction and adoption of ordinance needed.)

2-14-95

Councilmember McClanahan excused due to a conflict of interest.

ACTION: By motion (Cogdill/Muratore, unan., McClanahan and Patterson absent) Ord. No. 2942-C.S. introduced and adopted.
(Clerk to handle)

16.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

APPOINTMENTS

17. Consider appointments and reappointments to the International Friendship Committee.

ACTION: Res. 95-90 adopted (Friedman/Dobbs, unan., Patterson absent) appointing Raju Mathew, Betty Lewis and Geoffrey Hutcheson and reappointing Hannah Parris, Terry Katzakian, and Donald Knies.
(Clerk to handle)

18.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

2-14-95

CLOSED SESSION

19. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

20. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

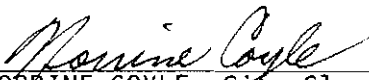
Significant exposure to litigation pursuant to subdivision (b) of Section 549569 of the Government Code: One case.

A significant exposure to litigation against the City of Modesto exists based on the following facts and circumstances: One of the unions representing a group of City employees has threatened litigation to collect additional overtime that it contends is due its members.

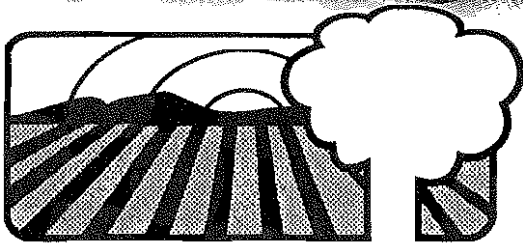
ADJOURNMENT

The meeting adjourned at 4:45 p.m. to closed sessions.

Mayor Lang returned at 5:50 p.m. and announced that no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk

2-14-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, February 21, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Mayor Lang was excused at 6:40 p.m.

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

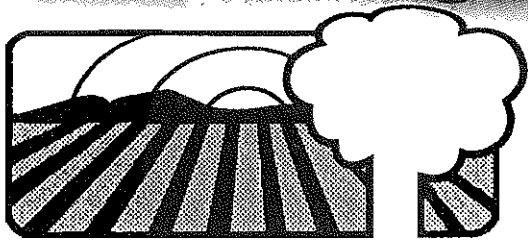
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Human Services Committee/Public Safety Committee
4. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:53 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

2-21-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 21, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jeff Kreiser, Living Faith Community Church

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

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 5

ACTION: (Friedman/Dobbs, unan., Cogdill and Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 12

ACTION: (Friedman/Dobbs, unan., McClanahan and Patterson absent)

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2/21/95

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of Modesto Police Corporal Paul Owen as the 1994 recipient of the City Council's Gerald L. McKinsey Achievement Award.
(Presentation to Corporal Owen of the perpetual plaque and resolution commending Corporal Owen for his achievements in law enforcement needed.)

Award presented by Mayor Lang.

- b. Introduction of Christopher S. Wilson as the 1994 recipient of the City Council's Gerald L. McKinsey Scholarship Award and presentation of a check for \$500.

Check presented by Mayor Lang.

- c. Mayor Lang introduced members and advisors of the Law Explorer Post of Boy Scouts of America.

MINUTES

CONSENT

2. Consider approval of the minutes of the regular City Council meeting of February 14, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Consider allowing Arnold Arrambide to transfer three Certificates of Convenience and Necessity issued to A Touch of Class Taxi by selling the business to Michael Quinn.

ACTION: Res. 95-91 adopted (Friedman/Muratore, unan., Patterson absent)
transferring Certificates. (P/W to handle)

2/21/95

BIDS

CONSENT

4. Consider declaring InfiNet lowest responsible proposer and authorize the purchase of a Fire Department computer network system for the total cost of \$64,163.
(Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 95-92 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

5. Consider approving a parking lease agreement between the City of Modesto and Withrow, Cronin and Ciccarelli for lease of two parking spaces at the McHenry Mansion.
(Resolution approving agreement needed.)
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 95-93 adopted approving lease agreement. (P/R to handle)

CONSENT

6. Presentation of Treasurer's Report for the month of December 1994.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

7. Consider updating the policy for investment of public funds.
(Motion adopting updated policy needed.)

ACTION: By motion, policy adopted. (Finance to handle)

CONSENT

8. Consider consultant services of The Planning Center, primary consultant assisted by The Whitney Research Group, subconsultant, to prepare a Village One Specific Plan and Finance Plan Feasibility Analysis.
(Resolution approving agreement in the amount of \$15,750 with The Planning Center, and resolution amending the budget needed.)

ACTION: Res. 95-94 adopted approving agreement.
Res. 95-95 adopted amending budget. (Com. Dev. to handle)

CONSENT

9. Consider cancelling the City's contract with Stanislaus County for Emergency Preparedness Services.
(The requested action will authorize the City Manager to cancel the contract between the City and County for provision of Emergency Preparedness Services. Resolution authorizing the City Manager to cancel the contract needed.)

ACTION: Res. 95-96 adopted cancelling contract. (Fire to handle)

2/21/95

CONSENT

10. Consider Automatic Aid Agreement between the City of Modesto and Westport Fire Protection District for fire service protection to the secondary Water Treatment Plant.
(Resolution approving agreement needed.)

ACTION: Res. 95-97 adopted approving agreement. (Fire to handle)

CONSENT

11. Consider authorizing the City Manager to sign a Hold Harmless Agreement with Yosemite Community College District for use of facilities at Modesto Junior College for the City of Modesto's recreation activities.
(Resolution approving agreement needed.)

ACTION: Res.95-98 adopted approving agreement. (P/R to handle)

CONSENT

12. Consider the City's intent to reimburse itself for certain expenditures made in connection with the development and construction of the new City Hall as a part of the Plaza Project.
(Resolution of intent to reimburse the City needed.)
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 95-99 adopted approving intent to reimburse the City.
(P/W to handle)

CONSENT

13. Consider approving the vacation and abandonment of the alley right of way in Block 38, between 7th and 8th Streets, north of M Street. A 20-foot public utility easement will be reserved. Owner: Kenneth G. Leming.
(Resolution vacating and abandoning alley right of way needed.)

ACTION: Res. 95-100 adopted abandoning alley right of way.
(P/W to handle)

CONSENT

14. Consider authorizing the City Manager to execute a Freeway Maintenance Agreement with the State of California, defining the City's responsibilities regarding maintenance of the portions of the Crows Landing Road, Kansas Avenue and Pelandale Avenue overcrossings over SR99 which fall within the City limits.
(Resolution approving agreement needed.)

ACTION: Res. 95-101 adopted approving agreement. (P/W to handle)

CONSENT

15. Consider approving an agreement with the City of Ceres to manage Ceres' part of the Modesto Closed Circuit Television (CCTV)/Ceres Advanced Traffic Management System (ATMS) Project.
(Resolution approving agreement needed.)

ACTION: Res. 95-102 adopted approving agreement. (P/W to handle)

16.

ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Carmen Sabatino spoke about various matters.

APPOINTMENTS

17. Consider appointments or reappointments to:

- a. Airport Advisory Committee

ACTION: Res. 95-103 adopted (Dobbs/Muratore, unan., Patterson absent)
Robert Hauff appointed. (Clerk to handle)

- b. Local Cable Programming Committee

ACTION: Res. 95-104 adopted (Dobbs/Muratore, unan., Patterson absent)
appointing Ernest Foote and reappointing George Pettygrove.
(Clerk to handle)

18.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

19. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court case No. 296508.


2/21/95

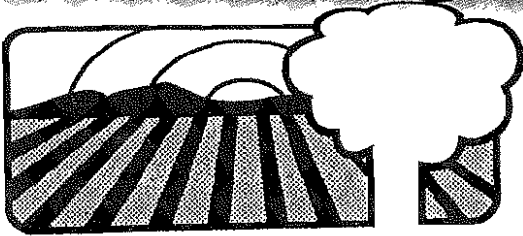
20. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 7:28 p.m. to closed session. The City Attorney returned at 8:50 p.m. and announced that no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 28, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Renke, Orchard Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 11, 13

ACTION: (Muratore/Friedman, unan., Patterson absent)

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of February 21, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider approval specifications and call for bids for one self-propelled lift for disabled aircraft passengers.
(Suggested bid opening: April 3, 1995, at 11:00 a.m. Resolution approving specifications and calling for bids needed. Estimated cost: \$27,000. Funds are budgeted.)

ACTION: Res. 95-105 adopted calling for bids. (Finance to handle)

CONSENT

4. Consider award of contract to Cimarron Construction for sewer rehabilitation 1995 -- Norwegian Avenue, Floyd Avenue, and E. Morris Avenue.
(Bids were opened on February 14, 1995. The low bid of \$111,496, submitted by Cimarron Construction is 18.15% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the project be awarded to them. Resolution awarding contract needed. Estimated cost: \$125,990.48 (contract \$111,496; eng. & cont. \$14,494.48). Funds are budgeted.)

ACTION: Res. 95-106 adopted awarding contract. (P/W to handle)

CONSENT

5. Consider award of contract to The McDonald Glenn Company for handicap restroom remodel, Roosevelt, Downey and Davis Parks.
(Bids were opened on January 10, 1995. The low bid of \$104,182, submitted by The McDonald Glenn Company is 8.45% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the project be awarded to them. Resolution awarding contract needed. Estimated cost: \$127,102.04 (contract \$104,182; eng. & cont. \$22,920.04). Funds are budgeted.)

ACTION: Res. 95-107 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider acceptance of Grover Landscaping Inc.'s contract for Claus Road sidewalk and landscaping modifications as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$45,131.29.) (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting as complete needed. Final cost: \$43,668.62. Funds are budgeted.)

ACTION: Res. 95-108 adopted accepting as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of Conco-West, Inc.'s contract for GAC adsorber system installation at Wells 14 and 40 as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$88,060) (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting as complete needed. Final cost: \$88,060. Funds are budgeted.)

ACTION: Res. 95-109 adopted accepting as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Graham Contractor, Inc.'s contract for cape seal of various City streets, 1994, as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$207,537) (All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore it is in order to accept the work as complete and to file the Notice of Completion. Report with agenda. Resolution accepting as complete and resolution approving an appropriation transfer of \$11,000 needed. Final cost: \$220,519.38. Funds are partially budgeted.)

ACTION: Res. 95-110 adopted accepting as complete.
Res. 95-111 adopted approving an appropriation transfer.
(Clerk/Finance to handle)

CONSENT

9. Consider authorizing City Manager to execute an escrow agreement with GSE Construction Co., contractor for the Thousand Oaks Lift Station, allowing the normal 10% retention held on a public works project to be deposited into an escrow account. (Section 22300 of the Public Contract Code allows this action. Resolution approving escrow agreement needed.)

ACTION: Res. 95-112 adopted approving escrow agreement. (P/W to handle)

NEW BUSINESS

10. Report and presentation by the Fire Department regarding the Early Defibrillation Program.
(Motion acknowledging receipt of report needed. Estimated cost: \$80,000.)

ACTION: By motion (McClanahan/Friedman, unan., Patterson absent) receipt of report acknowledged.

CONSENT

11. Consider authorizing an employment agreement with the City Manager.
(Resolution approving agreement needed.)

ACTION: Res. 95-113 adopted approving agreement.

12. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

CONSENT

13. Letter from Steve Bailey resigning from the Affirmative Action Commission.
(Resolution accepting resignation needed.)

ACTION: Res. 95-114 adopted accepting resignation.

14. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate

action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

15. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court case No. 296508.

16. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

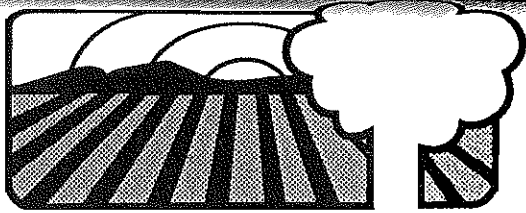
17. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

ADJOURNMENT

The meeting adjourned to closed session at 4:23 p.m. The City Attorney returned to open session at 5:50 p.m. and reported no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 12:00 noon, on Friday, March 3, 1995, in the multi-purpose room at Modesto City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

The Council met with Senator Dick Montieth and Assemblymember George House to discuss the State budget and legislation as the relate to the needs and problems of the City.

After giving the legislators some general information about Modesto, the following items were mentioned or briefly discussed: Redevelopment Agency project, AB 939, 1/2 cent sales tax for streets and transit, trains on 9th Street, Highway 132, Amtrak station, further legislation requiring parents to be responsible for their children's actions, and budget problems.

The meeting adjourned at 1:27 p.m.

ATTEST: 
NORRINE COYLE, CITY CLERK

3-3-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, March 7, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

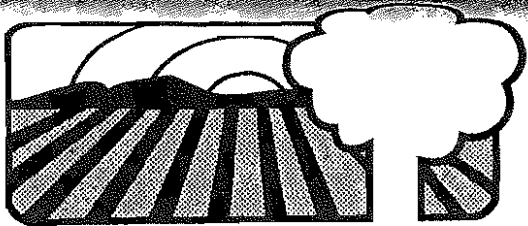
1. Transportation Policy Committee
2. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:40 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

3-7-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 7, 1995 , AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag: Led by Brownie Troop No. 301, Girl Scouts
of America

Invocation: Rev. Rick Fritzscheier, Youth for Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 11, 12,
14, 15, 16, 17, 18

Removed from consent: 5

ACTION: (Friedman/McClanahan, unan., Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of proclamation concerning Girl Scout Week.

Mayor Lang presented the proclamation to leaders and members of Brownie Troop 301.

Mayor Lang introduced members of Boy Scout Troop 112.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 28, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider an application by Self-Help Enterprises, Inc., for an amendment to Section 3-5-8 of the Zoning Map to rezone from R-1 and C-1 zones to P-D Planned Development for a combination multi-family and single-family residential development, property located on the southeast side of Paradise Road at Mayette Avenue.

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) Ord. No. 2943-C.S. introduced.
Res. 95-115 adopted (same vote) approving plan.
Res. 95-116 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Com. Develop. to handle)

BIDS

CONSENT

4. Consider approving specifications and authorize request for bids to be opened April 3, 1995, at 11:00 a.m. for furnishing and installing 32 radios with P.A. system in MAX buses.
(Resolution approving specifications and calling for bids needed.
Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 95-117 adopted calling for bids. (Finance to handle)

5. Consider declaring Lionudakis Removal Service low responsible bidder on and authorize the purchase of chipping/grinding and short term storage of green waste, and/or transportation services for the chipped green waste for up to fifteen months for a total cost of \$192,517.
(Resolution declaring Lionudakis low responsive and responsible bidder and authorize issuing a purchase order for the required services. Funds are budgeted.)

ACTION: Res. 95-118 adopted (McClanahan/Friedman, unan., Patterson absent) awarding bid. (Finance to handle)

CONSENT

6. Consider rejecting bids for installation of Water Tank 4 and Well 54 due to expiration of the 30-day period to award the bid. (Stanislaus County Public Works Department was interested in excavating and taking the excess dirt from the project, saving the City about \$60,000. After reviewing soil tests, the County determined the dirt was not suitable for their purpose. By this time, the 30-day period for awarding the bid had expired. Resolution rejecting all bids needed.)

ACTION: Res. 95-119 adopted rejecting all bids. (P/W to handle)

CONSENT

7. Consider approving a reduction in the retention amount on the Downtown Transportation Center project from 10% to 5% of the total contract amount. (Resolution approving reduction in retention needed.)

ACTION: Res. 95-120 adopted approving reduction in retention. (P/W to handle)

NEW BUSINESS

CONSENT

8. Consider authorizing the City Manager to execute a Cooperative Agreement with Caltrans to install audible pedestrian signals along McHenry Avenue at seven intersections, and amending the budget by the addition of \$12,000. (Caltrans now has funds to reimburse the City for Caltrans' share of this project which has been completed. Resolution approving Cooperative Agreement, and resolution amending the budget needed.)

ACTION: Res. 95-121 adopted approving agreement.
Res. 95-122 adopted amending the budget. (P/W, Finance to handle)

CONSENT

9. Consider amending the Position Classification Plan to:
- a. Revise class specifications for Senior Fire Equipment Mechanic, Maintenance Mechanic-Pumps, Maintenance Mechanic Crewleader-Pumps, Equipment Mechanic, Equipment Mechanic Crewleader, Coach Mechanic, and Coach Mechanic Crewleader;
 - b. Adopt class specifications for Police Records Manager, Police Training and Records Technician, and Fire Marshal;
 - c. Delete class specifications for Police Records Supervisor, Equipment Maintenance Superintendent, Assistant Equipment Maintenance Superintendent, Community Development Program Manager and Office Services Supervisor.

Consider amending the class range tables to establish salaries for Police Records Manager, Police Training and Records Technician and Fire

Marshal.
(Resolution amending the Position Classification Plan and resolution amending the class range tables needed.)

ACTION: Res. 95-123 adopted amending the Position Classification Plan.
Res. 95-124 adopted amending the class range tables.
(Personnel to handle)

CONSENT

10. Consider authorizing exemption from Streets Capital Facilities Fees, subject to City staff verification of Tri-Valley Growers' assumptions based on a traffic study, for a proposed 285,300 square foot warehouse at Tri-Valley Growers Plant 1, 555 Mariposa Road, Beard Industrial Tract.
(Resolution approving an exemption to Tri-Valley Growers for Streets Capital Facilities Fees needed.)

ACTION: Res. 95-125 adopted approving exemption. (Com. Devel. to handle)

CONSENT

11. Consider approving the Community Development and Housing Committee recommendation that the Fairview Village be considered on the same basis for Urban Growth Policy purposes as the northerly remnant neighborhoods.
(Motion approving recommendation needed.)

ACTION: By motion, recommendation approved. (Com. Devel. to handle)

12. Consider authorizing the City Manager to execute a Settlement and Asset Purchase Agreement with the Del Este Water Company.
(Resolution approving agreement needed, and resolution certifying review of the negative declaration needed.)

ACTION: Res. 95-126 adopted (Muratore/McClanahan, unan., Cogdill-no, Patterson absent) approving agreement.
Res. 95-127 adopted (same vote) certifying review of the negative declaration.
(P/W, Atty. to handle)

ORAL COMMUNICATIONS

13. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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Dennis Jackman spoke about G.O.A.L.'s interest in having the City invest money in rehabilitating housing and infilling projects rather than more new development.

WRITTEN COMMUNICATIONS

CONSENT

14. Letter from R. Kirk Lindsey resigning from the Redevelopment Advisory Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-128 adopted accepting resignation. (Clerk to handle)

CONSENT

15. Letter from Susan Middleton-Keirn resigning from the Human Relations Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-129 adopted accepting resignation. (Clerk to handle)

APPOINTMENTS

CONSENT

16. Consider recommendation of the Downtown Improvement District Board of Directors that Eric H. Benson of J. S. West & Company be appointed to the Board to fill the vacancy caused by the resignation of Mark Jordan.
(Resolution appointing Eric H. Benson needed.)

ACTION: Res. 95-130 adopted appointing Eric Benson. (Clerk to handle)

CONSENT

17. Consider recommendation of the Planning Commission that Becky Ward be reappointed as the Commission representative on the Board of Zoning Adjustment.
(Resolution reappointing Becky Ward needed.)

ACTION: Res. 95-131 adopted reappointing Becky Ward. (Clerk to handle)

CONSENT

18. Consider recommendation of the Planning Commission that Tim Fisher be reappointed as the Commission representative on the Redevelopment Advisory Commission.
(Resolution reappointing Tim Fisher needed.)

ACTION: Res. 95-132 adopted reappointing Tim Fisher. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by

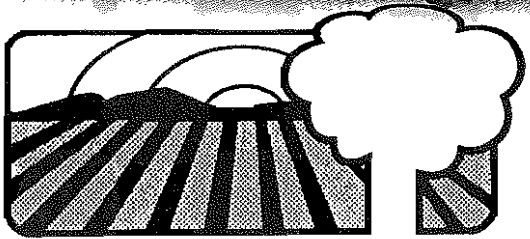
State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



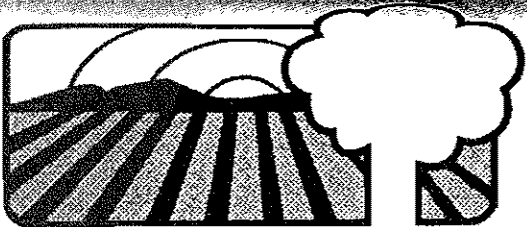
MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 14, 1995, AT 4:00 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, MARCH 14, 1995,
DUE TO LACK OF A QUORUM

THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, MARCH 21, 1995, AT 7:00 P.M.



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, March 21, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

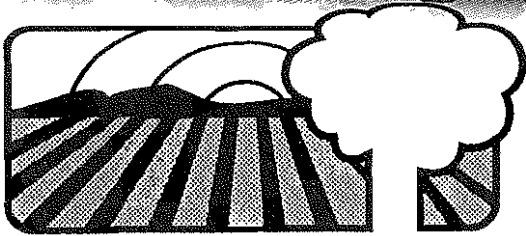
1. Financial Policy Committee
2. Human Services Committee / Public Safety Committee
3. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:58 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

3-21-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 21, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Dick McKee, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 13, 14, 15,
16, 17, 18, 20, 21, 22, 23, 25

Removed from consent: 5, 18

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meetings of March 3, 1995, and the special and regular City Council meetings of March 7, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. 2943-C.S. amending Sec. Map 6-4-9 of the Zoning Map to rezone from R-1 and C-1 to P-D(507), property located on the southeast side of Paradise Road at Mayette Avenue. (Self Help Enterprises)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2943-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider the appeal of Doctors Medical Center to a Planning Commission decision regarding an application for an amendment to Planned Development Zone, P-D(317), to provide for two-, three- and four-story hospital expansion including emergency and lab facilities at the north-center of Doctors Medical Center site, bounded by W. Orangeburg and Granger Avenues and Florida and Sherwood Avenues.

ACTION: Res. 95-133 adopted (Cogdill/Muratore, unan., Patterson absent) approving plan.
Res. 95-134 adopted (same vote) certifying review of Environmental Assessment. (Com. Dev. to handle)

BIDS

5. Consider authorizing staff to solicit proposals for a new bus bench franchise that would take effect January 1, 1996.
(The existing franchise, held by Computer Pathways, expires December 31, 1995. The City Council Transportation Policy Committee recommends that the City Council solicit bids for a new franchise and not exercise the extension option contained in the existing franchise. Motion directing staff to solicit proposals for a new bus bench franchise needed.)

ACTION: By motion (Dobbs/Muratore, unan., Patterson absent) staff authorized to solicit proposals. (P/W to handle)

CONSENT

6. Consider award of contract for the replacement of eleven wheelchair lifts on existing Modesto Area Express buses to Complete Coach Works for the total cost of \$217,250.
(Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 95-135 adopted awarding contract. (Finance to handle)

CONSENT

7. Consider award of contract for recycled janitorial paper products under a six month cooperative local government agency bid with a maximum six month extension to Central Janitors Supply, Randik Paper Company, San Joaquin Supply and Port Stockton Food, Inc.
(The one-year estimated total cost is \$27,000 for recycled janitorial paper products for the City of Modesto is \$27,000. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 95-136 adopted awarding contract. (Finance to handle)

CONSENT

8. Consider accepting the contract of Thorcon, Inc. for construction of picnic area and shade structure at East La Loma Park as complete and authorizing City Clerk to file Notice of Completion. (Original contract: \$75,059.56)
(Resolution accepting work as complete needed. Total final cost: \$79,265.12 Funds are budgeted.)

ACTION: Res. 95-137 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider accepting the contract of Industrial Electrical Co. for Well Nos. 6, 40, 41, and 42 generator installations as complete and authorizing City Clerk to file Notice of Completion. (Original contract and final cost: \$173,275)
(Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 95-138 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider authorizing payment of a construction claim filed on the parallel outfall sewer project by the contractor, Mountain Cascade, Inc., and consider approving an appropriation transfer in the amount of \$49,846.
(Resolution authorizing payment of construction claim needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 95-139 adopted authorizing payment.
Res. 95-140 adopted approving appropriation transfer.
(P/W & T, Finance to handle)

NEW BUSINESS

11. Consider approving amendments to agreement with DeLeuw, Cather & Company for engineering services for relocation of Union Pacific Railroad from 9th Street.
(Resolution approving amendment to agreement needed. Estimated cost: \$794,352. Funds are budgeted.)

ACTION: Res. 95-141 adopted (Dobbs/McClanahan, unan., Patterson absent) approving agreement. (P/W to handle)

12. Oral presentation by the City Manager on status of Fiscal Year '96 Budget.

No action taken.

CONSENT

13. Consider excusing Mayor Lang and Councilmembers Cogdill, Dobbs, Friedman, McClanahan and Muratore from the March 14, 1995, City Council meeting due to their attendance at the National League of Cities Annual Congressional City Conference March 12 to 15, 1995.
(Motion excusing needed.)

ACTION: By motion, absences excused. (Clerk to handle)

CONSENT

14. Consider approving grant agreement for local television programming with Randy Magnus in the amount of \$2,220.
(Resolution approving grant agreement needed. Funds are budgeted.)

ACTION: Res. 95-142 adopted approving grant agreement. (Mgr. to handle)

CONSENT

15. Consider joinder in amicus briefs in: Deshetres v. Steen; Watt v. Burnside; Auburn Manor Holding Corporation v. City of Roseville; Neecke v. County of Marin (City of Mill Valley); Hillsboro Properties Inc. v. City of Rohnert Park, et al; and Love v. City of Monterey.
(Motion authorizing joinder in the amicus briefs and directing the City Attorney to execute and forward six letters of support to respective counsel preparing amicus briefs needed.)

ACTION: By motion, authorized joining in amicus briefs and City Attorney directed to forward letters of support.

CONSENT

16. Consider approving amendment to the grant agreement with the Federal Aviation Administration for the Modesto City-County Airport AIP 3-06-0153-09 project to reconstruct and enlarge the passenger terminal to increase Federal participation by \$80,665.20.
(Resolution approving amendment to grant agreement needed.)

ACTION: Res. 95-143 adopted approving agreement. (P/W to handle)

CONSENT

17. Consider approving a 15-year ground lease with the National Oceanic and

Atmospheric Administration to install an automated surface observation system at the Modesto City-County Airport.
(Resolution approving lease agreement needed.)

ACTION: Res. 95-144 adopted approving lease agreement. (P/W to handle)

CONSENT

18. Consider awarding a professional services contract to RRM Design Group to prepare the Design Development Report for Chrysler 99 Neighborhood Park, the Design Development Report for Eisenhut Neighborhood Park, working drawings for the Dry Creek Trail Project and conceptual design layouts for Woodland Neighborhood Park.
(Resolution approving agreement with RRM Design Group for professional services needed; resolution approving appropriation transfer in the amount of \$3,032 needed; resolution approving appropriation transfer in the amount of \$12,889 needed. Estimated cost: \$106,500. Funds are partially budgeted.)

ACTION: Res. 95-145 adopted approving agreement.
Res. 95-146 adopted approving appropriation transfer of \$3,032.
Res. 95-147 adopted approving appropriation transfer of \$12,889.
(P/R, Finance to handle)

19. Consider approving agreement with the Senior Opportunity Services Program to finance a discount golf program for senior citizens at Muni Golf Course.
(Resolution approving agreement needed.)

ACTION: Res. 95-148 adopted (McClanahan/Friedman, unan., Patterson absent) approving agreement. (P/R to handle)

CONSENT

20. Consider authorizing the City Manager to sign a letter of intent to enter into a Memorandum of Understanding with the State of California Wildlife Conservation Board to manage property to be acquired by the Board along the Tuolumne River for riparian restoration and preservation.
(Resolution authorizing City Manager to sign letter of intent needed.)

ACTION: Res. 95-149 adopted authorizing Letter of Intent. (P/R to handle)

CONSENT

21. Consider approving Culture Commission recommendations concerning approval of requests from local organizations for financial assistance. (The Financial Policy Committee supports the recommendations of the Culture Commission. Resolution approving recommendations needed.)

ACTION: Res. 95-150 adopted approving recommendations. (Finance to handle)

CONSENT

22. Consider approving lease agreement with Police Athletic and Activities League for the lease of the former Daisy Tree property at the southwest corner of 11th and G Streets.
(Resolution approving lease agreement needed.)

ACTION: Res. 95-151 adopted approving agreement. (Com. Dev. to handle)

CONSENT

23. Consider approving agreement for consultant services with The Planning Center to prepare the Environmental Impact Report (EIR) for the City of Modesto on the Pelandale-Snyder Specific Plan, prezone, and General Plan amendment.
(Resolution approving agreement needed. Estimated cost: \$68,715. Funds are budgeted.)

ACTION: Res. 95-152 adopted approving agreement. (Com. Dev. to handle)

ORAL COMMUNICATIONS

24. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
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 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Tim Daniels spoke about the city's abandoned vehicle law.

WRITTEN COMMUNICATIONS

CONSENT

25. Letter of resignation from the International Friendship Committee from Michael J. Franzia.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-153 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

26. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

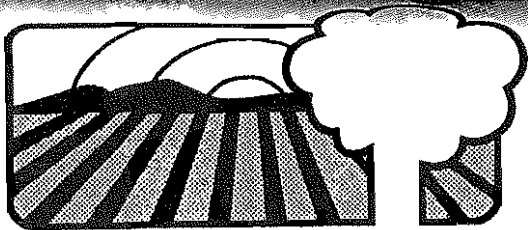
27. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 8:41 p.m. to closed session. the City Attorney returned to open session at 9:05 p.m. and announced that no action had been taken.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 28, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Ken Swett, Foursquare Gospel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 3, 4, 5, 6, 7, 8, 11,

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 9, 12
Councilmembers Cogdill and McClanahan excused due to a conflict of interest.

ACTION: (Muratore/Friedman, unan., Cogdill, McClanahan, Patterson absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by BRAVO! Repertory Dance Theatre.

Members of Bravo crowned Mayor Lang "Cinderfella" and thanked the City Council for its support.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of March 21, 1995.
(Motion approving needed.)

ACTION: By motion, minutes were approved. (Clerk to handle)

BIDS

CONSENT

3. Consider declaring American Chiller Services, Inc. low bidder on Centre Plaza heating, ventilation and air conditioning modifications and authorize the purchase of a chiller retrofit and backup chiller for a total of \$118,820.
(Resolution declaring American Chiller Services, Inc. low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 95-154 adopted awarding bid. (Finance to handle)

CONSENT

4. Consider accepting Floyd Johnston Construction's contract for the waterline to water tank No. 3 and Well 30 - Crows Landing to Zeff Road project as complete and authorize the City Clerk to file the Notice of Completion. (Original contract: \$108,038.75)
(Resolution accepting as complete needed. Final cost: \$106,914.50. Funds are budgeted.)

ACTION: Res. 95-155 adopted accepting as complete. (Clerk to handle)

CONSENT

5. Consider declaring vehicles and equipment surplus and authorize the Purchasing Officer to sell the equipment by sealed bid, auction, scrapping of the material, or by other methods in the best interest of the City.
(Resolution declaring vehicles and equipment surplus and authorizing sale needed.)

ACTION: Res. 95-156 adopted declaring vehicles and equipment surplus and authorizing sale. (Finance to handle)

NEW BUSINESS

CONSENT

6. Consider amending the Position Classification Plan to revise class specification for Buyer.
(Resolution amending Position Classification Plan needed.)

ACTION: Res. 95-157 adopted amending Position Classification Plan. (Personnel to handle)

CONSENT

7. Consider approving a refund of \$7,008.18 to A & L Western Agriculture Laboratories, Inc. for unnecessary payment of business license taxes.
(Resolution authorizing refund needed.)

ACTION: Res. 95-158 adopted authorizing refund. (Finance to handle)

CONSENT

8. Consider approving agreement with Ball, Janik and Novack for provision of federal legislative advocacy for the City during the 1995-96 fiscal year.
(Resolution approving agreement needed. Estimated cost: \$30,799.92. Funds are budgeted.)

ACTION: Res. 95-159 adopted approving agreement. (Manager to handle)

CONSENT

9. Consider approving the second amendment to the Catering and Concessionaire Agreement to extend the initial term for 60 days and modify the procedure for exercising the first extension option, and authorizing the City Manager to sign the second amendment.
(Resolution approving second amendment to agreement needed.)
Councilmembers Cogdill and McClanahan excused due to conflicts of interest.

ACTION: Res. 95-160 adopted approving amended agreement. (Attorney to handle)

9A Consider authorizing an emergency Public Works project to stabilize the drainage channel located at the City's remote pond site, and consider approving an appropriation transfer in the amount of \$125,000 to create a new C.I.P. account.
(Resolution authorizing the emergency project, and resolution approving appropriation transfer needed.)

ACTION: Res. 95-161 adopted (Dobbs/Friedman, unan., Patterson absent) authorizing project.
Res. 95-162 adopted (same vote) approving appropriation transfer. (P/W, Finance to handle)

ORAL COMMUNICATIONS

10. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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None

WRITTEN COMMUNICATIONS

CONSENT

11. Letter from Kenni Friedman, Chairperson of the Citizen's Advisory Committee on Recycling, expressing the Committee's support of the City's proposed biosolids co-composting project.
(Motion acknowledging receipt of letter needed.)

By motion, receipt of letter acknowledged.

MISCELLANEOUS

Appointments

12. Consider establishing a seven-member ad hoc "Graffiti Reporting Rewards Committee."
(Resolution establishing committee and appointing members needed.)

ACTION: Res. 95-163 adopted (McClanahan/Friedman, unan., Patterson absent) establishing committee and appointing members. (Police to handle)

MATTERS TOO LATE FOR THE AGENDA

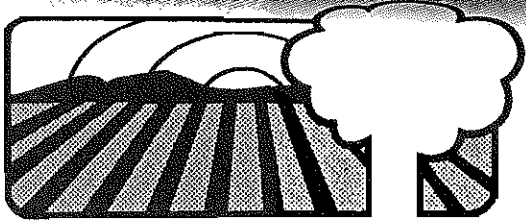
13. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, April 4, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

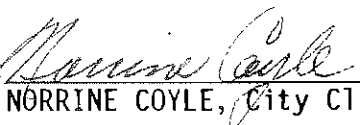
Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

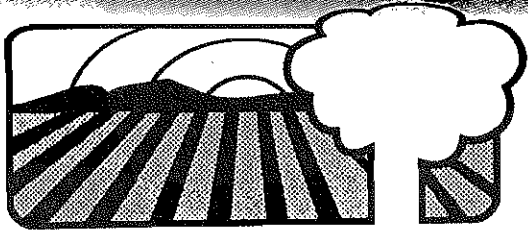
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Utility Services & Franchises Committee

Oral Communications: None

The meeting adjourned at 6:40 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

4-4-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 4, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Vice mayor Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of March 28, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider accepting the contract of Ksenco Construction for Water Capital Improvements project - Four alleys (Fairmont - Magnolia) as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$139,990)
(Resolution accepting work as complete needed. Final cost: \$150,663.26) Funds are budgeted.)

ACTION: Res. 95-164 adopted accepting as complete. (Clerk to handle)

CONSENT

4. Consider accepting the contract of B. G. Pipeline, Inc. for the Lateral No. 6 waterline project - Prescott Road to Carver Road as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$109,421)
(Resolution accepting work as complete needed. Final cost: \$110,062) Funds are budgeted.)

ACTION: Res. 95-165 adopted accepting as complete. (Clerk to handle)

CONSENT

5. Consider accepting the contract of Titan Structures, Inc. for the Downtown Transportation Center project as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$2,447,513.50)
(Resolution accepting work as complete needed. Final cost: \$2,821,000.95) Funds are budgeted.)

ACTION: Res. 95-166 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

6. Update on status of Plaza Project.
Councilmember McClanahan excused due to a conflict of interest.

No action taken.

WRITTEN COMMUNICATIONS

7. Letter from Tim White, Public Relations Co-Chair of Citizens Against Redevelopment Excess (C.A.R.E.), regarding opposition to the proposed Plaza Project.
Councilmember McClanahan excused due to a conflict of interest.

No action taken.

8. Letter from Dennis E. Wilson, President/CEO of Mid-Valley Engineering, regarding the Plaza Project.
Councilmember McClanahan excused due to a conflict of interest.

No action taken.

A 5 minute recess was taken at 10:20 p.m.

ORAL COMMUNICATIONS

9. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
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 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)
- a. Darlene Binion spoke about violence on the part of young people, complimented the Council on curfew enforcement, needs of young people not in school, the need for parents to be involved, and commended the Council for opening meetings with an invocation.
 - b. David Garrett spoke about bilingual education requirements in the schools and other school problems.

MISCELLANEOUS

Appointments

10. Community Qualities Forum

ACTION: Res. 95-167 adopted (Muratore/McClanahan, unan., Patterson absent)
appointing Honor Denney. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

11. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

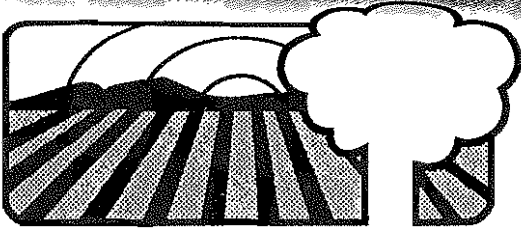
12. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 10:36 p.m. to closed session. The City Attorney returned to open session at 11:20 p.m. and reported that no action was taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:30 a.m. on Monday, April 10, 1995, in the Magnolia Room, Centre Plaza, 1100 L Street, Modesto, California.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang


Mayor Lang was excused at 7:40 a.m.
Councilmember McClanahan arrived at 7:45 a.m.

Absent: Councilmember Dobbs, Patterson

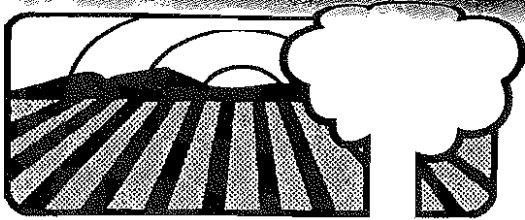
The City Council met with Vickie Cram with the firm of Ball, Janick & Novack, to discuss the status of various pieces of Federal legislation that will affect the City of Modesto. Ms. Cram especially pointed out the need to obligate and spend as soon as possible the funds allocated by the Federal government for the Ninth Street railroad project.

Oral Communications: None

The meeting adjourned at 8:35 a.m.

ATTEST: 
NORRINE COYLE, City Clerk

4-10-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 11, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Joel Richard, La Loma Grace Brethren Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 10, 12

Removed from consent: 7

ACTION: (Dobbs/Friedman, unan., Patterson absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

- 1a. Presentation of plaques honoring Colleen Nelson, Kimberly Hardee, Jamie Stephens and Tommy Rodriguez as Outstanding Youth for 1994.

Mayor Lang and Brandon Loew, President of the Youth Commission, presented the plaques.

- b. Presentation of proclamations to the Yosemite Area Council Boy Scouts of America and the Morning Star Mission Modesto Team from Oregon, for assistance during the floods.

Proclamations were presented by Mayor Lang.

- c. Acknowledgement of the receipt of California Parks and Recreation Society Award of Excellence by the City of Modesto Parks and Recreation Department's Leisure Services Division for its new logo design.

Mayor Lang displayed the winning logo and presented the plaque to Chris Elms of the Parks and Recreation Department.

- d. Acknowledgement of State-wide Waste Reduction Awards Program award winners Grover Landscaping, Inc., Memorial Hospitals Association, Modesto Disposal Service, and Moore Business Forms & Systems Division.

Certificates were presented to business representatives by Mayor Lang.

MINUTES

CONSENT

- 2. Approval of the minutes of the special and regular City Council meetings of April 4, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

- 3. Hearing to consider the appeal of Ronald and Janice M. Henry to a decision of the Housing Rehabilitation Loan Committee denying an application for a rehabilitation loan for a house located at 522 Sierra Drive.

ACTION: Res. 95-168 adopted (Cogdill/Friedman, unan., Patterson absent) denying appeal. (Com. Devel. to handle)

- 4. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(508), for a professional office building and an off-street parking area, property located at the southeast corner of East Orangeburg and Fiori Avenues. (Norman E. Wilson, AIA)

ACTION: By motion (Dobbs/Muratore, unan., Patterson absent)
Ord. No. 2944-C.S. introduced.
Res. 95-169 adopted (same vote) approving development plan.
Res. 95-170 adopted (same vote) certifying review of Environmental
Assessment. (Clerk/Com. Devel. to handle)

BIDS

CONSENT

5. Consider award of contract to Community Playgrounds for the installation of play apparatus at Aqueduct Park, Floyd Park, Mildred Perkins Park and Riverside Park in the amount of \$170,831.03.
(Resolution awarding contract to Community Playgrounds needed. Total estimated cost: \$193,039.06 (contract \$170,831.03; construction admin. & contingencies \$22,208.03) Funds are budgeted.)

ACTION: Res. 95-171 adopted awarding contract. (P/W to handle)

CONSENT

6. Consider authorizing an increase in the scope of work to the Claus Road widening project and change order to provide street lighting between the Claus Road Bridge and the Johansen High School campus; and consider approval an appropriation transfer in the amount of \$35,000 to fund the increased scope of work.
(Resolution approving increased scope of work and issuance of change order needed; and resolution approving appropriation transfer needed.)

ACTION: Res. 95-172 adopted approving increase in scope of work.
Res. 95-173 adopted approving appropriation transfer.
(P/W to handle)

NEW BUSINESS

7. Annual staff report on City of Modesto Curbside Recycling Program.
(Motion acknowledging receipt of report needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson absent) receipt of report acknowledged.

CONSENT

8. Staff report recommending continuance of the 6:00 a.m. starting time for garbage collection when in or adjacent to residential zone areas.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

9. Consider Village One Specific Plan Feasibility Study.
(Motion referring to staff for review and recommendations via the Community Development and Housing Committee needed.)

ACTION: By motion (Cogdill/Dobbs, unan., Patterson absent) referred to staff.
(Com. Devel. to handle)

CONSENT

10. Consider supporting a partnership with the Yosemite Community College District to improve Blue Gum Avenue in front of Modesto Junior College West Campus, and consider an appropriation transfer in the amount of \$10,000 to establish a new Capital Improvement Program project. (Resolution supporting the project needed, and resolution approving an appropriation transfer for preliminary engineering needed.)

ACTION: Res. 95-174 adopted supporting the project.
Res. 95-175 adopted approving appropriation transfer.
(P/W to handle)

ORAL COMMUNICATIONS

11. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Loretta Carhart spoke about sidewalk requirements.
Howard Jurvis spoke.

WRITTEN COMMUNICATIONS

CONSENT

12. Letter of resignation from the Planning Commission from Robert M. Dunbar.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-176 adopted accepting resignation with regret.
(Clerk to handle)

MISCELLANEOUS

Appointments

13. Landmark Preservation Commission

ACTION: Res. 95-177 adopted (McClanahan/Friedman, unan., Patterson absent) appointing Paul Ventimiglia.

Airport District Neighborhood Advisory Committee

ACTION: Res. 95-178 adopted (McClanahan/Friedman, unan., Patterson absent) appointing Francina Call, Patricia Garcia, and Ben Williams.

Highway Village Neighborhood Advisory Committee

ACTION: Res. 95-179 adopted (McClanahan/Friedman, unan., Patterson absent) appointing Shawn Gray and William Stevens.

MATTERS TOO LATE FOR THE AGENDA

14. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

15. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

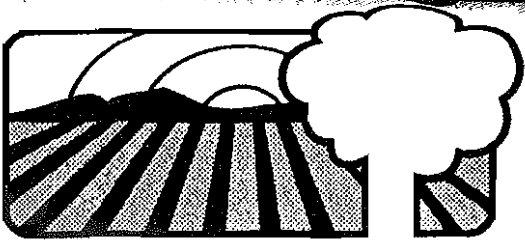
Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

Not held

ADJOURNMENT

The meeting adjourned at 5:21 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, April 18, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

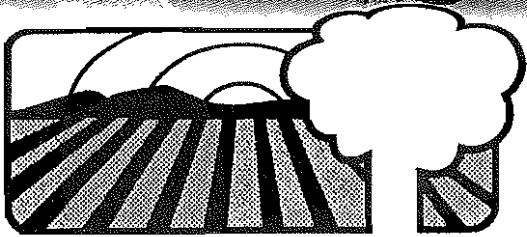
1. Financial Policy Committee
2. Human Services Committee/Public Safety Committee

Oral Communications: None

The meeting adjourned at 6:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

4-18-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 18, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Ed Shakespeare, Community Hospice

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 9, 10, 11,
12, 13

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special City Council meeting of April 10, 1995, and the regular City Council meeting of April 11, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2944-C.S. rezoning from R-1 to P-D(508), property located on the southeast corner of East Orangeburg and Fiori Avenues. (Norman E. Wilson AIA)
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2944-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

4. Consider approving specifications and authorizing call for bids for the purchase of one Engineering Document Reader/Printer.
(Suggested bid opening: May 8, 1995, at 11:00 a.m. Resolution approving specifications and bid call needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 95-180 adopted approving specifications and calling for bids.
(Finance to handle)

CONSENT

5. Consider acceptance of Utility Service and Electric's contract for the Higbee Street light circuit project as complete and authorize City Clerk to file a Notice of Completion, and consider authorizing an appropriation transfer in the amount of \$6,500. (Original contract: \$98,000)
(Resolution accepting work as complete, and resolution authorizing appropriation transfer needed. Final cost: \$99,425) Funds are partially budgeted.)

ACTION: Res. 95-181 adopted accepting work as complete.
Res. 95-182 adopted approving appropriation transfer.
(Clerk/Finance to handle)

CONSENT

6. Consider acceptance of the contract of Mid Cal Pipeline and Utilities for the Rosemore Avenue water line as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$44, 832.50) (Resolution accepting work as complete. Final cost: \$43,087. Funds are budgeted.)

ACTION: Res. 95-183 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of the contract of Ross F. Carroll, Inc. for the El Vecino Avenue at Modesto Irrigation District Lateral No. 4 bridge replacement project, and authorize the City Clerk to file a Notice of Completion, and consider authorizing appropriation transfer in the amount of \$3,500. (Original contract: \$223,372) (Total final cost: \$226,314.82, Funds are partially budgeted.)

ACTION: Res. 95-184 adopted accepting work as complete
Res. 95-184A adopted approving appropriation transfer.
(Clerk/Finance to handle)

NEW BUSINESS

8. Consider authorizing City staff to continue the process of selecting an architect to provide the City with professional services relating to the new City Hall tenant improvement project.
(Motion authorizing staff to continue the selection process needed.)
Councilmember Dobbs excused due to a potential conflict of interest.

ACTION: By motion (Cogdill/McClanahan, unan., Dobbs and Patterson absent), this matter was referred back to staff to check backgrounds of the firms being considered and then referred to the proper Council Policy Committee.) (Public Works & Trans. to handle)

CONSENT

9. Consider authorizing the Director of Public Works and Transportation to sign Right of Way Certifications for Federally funded street maintenance and transportation related projects.
(Resolution authorizing Director of Public Works and Transportation to sign right of way certifications needed.)

ACTION: Res. 95-185 adopted authorizing the Director of Public Works and Transportation to sign the certifications.
(Public Works & Trans. to handle)

CONSENT

10. Report of loans approved under the Emergency Home Repair Program (EHRP) during February and March 1995, and previously approved loans declined by owners.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

11. Consider authorizing City Manager, Deputy City Manager, Finance Director, or the Purchasing Officer to sign necessary and required documents for the Federal Emergency Management Administration (FEMA) and the California Office of Emergency Services (OES) for the purpose of filing claims for reimbursement due to the rain/winds and flood of 1995, known as Winter Storm 95.
(Resolution authorizing designated staff to sign necessary and required papers for FEMA/OES Reimbursement needed.)

ACTION: Res. 95-186 adopted authorizing staff to sign papers.
(Manager to handle)

CONSENT

12. Consider joinder in amicus briefs in: Loder v. City of Glendale; California Federal Savings and Loan Association v. City of Los Angeles; Citizens for a Better Environment v. Union Oil; and Caldwell v. Montoya.
(Motion authorizing the City to join in amicus briefs and directing the City Attorney to execute and forward four letters of support to respective counsel preparing amicus briefs needed.)

ACTION: By motion, joining in amicus briefs authorized, and City Attorney to execute and forward letters of support.

CONSENT

13. Consider approving agreement with Caltrans for the City to take over the signal timing for the signals on State routes in Modesto.
(Resolution approving agreement needed.)

ACTION: Res. 95-187 adopted approving agreement.
(Public Works & Trans. to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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None

The Council meeting was recessed at 7:12 p.m. and reconvened at 7:15 p.m.

WRITTEN COMMUNICATIONS

15. Letter from Marcus A. Nugent regarding the Hughson and Covell Hotels.

No action taken.

MATTERS TOO LATE FOR THE AGENDA

16. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

Meeting adjourned at 7:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO REDEVELOPMENT AGENCY

City Hall
801 11th Street
Modesto, California

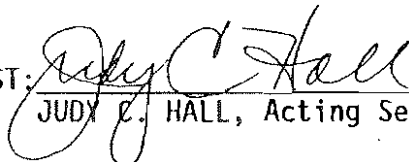
The Redevelopment Agency of the City of Modesto met in a special meeting which convened at 4:38 p.m. at the close of the 4:00 p.m. special Redevelopment Agency meeting on Tuesday, April 25, 1995, in the Mayor's Chambers at City Hall, 801 11th Street, Modesto, California, for a closed session.

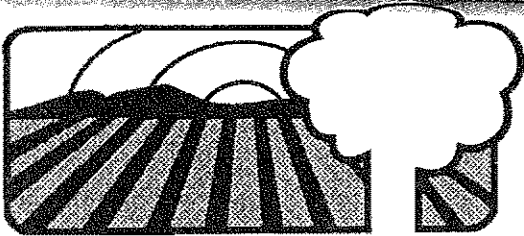
Present: Agencymembers Cogdill, Dobbs, Friedman, McClanahan, Muratore

Absent: Agencymember Patterson, Chairperson Lang

The Redevelopment Agency held a closed session for a conference with its legal counsel regarding anticipated litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

The meeting adjourned at 5:10 p.m. The General Counsel returned to open session at 5:10 p.m. and announced that no action had been taken.

ATTEST: 
JUDY E. HALL, Acting Secretary



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, APRIL 25, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore

Absent: Councilmember Patterson, Mayor Lang

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Benedict, Prescott Evangelical Free Church

A moment of silence was observed in remembrance of the victims of the Oklahoma City bombing.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 3, 4, 5, 7, 8, 9, 10, 12, 13,
14, 15, 16

Removed from consent: 6

ACTION: (McClanahan/Friedman unan., Patterson, Mayor Lang absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Jeff Grover introduced Study Exchange Group from Nigeria.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of April 18, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider approving specifications and authorizing bid call for the purchase of three new sets of overhead lube reel systems for the Fleet Services Division of Public Works and Transportation.
(Suggested bid opening: May 16, 1995 at 11:00 a.m. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$38,000. Funds are budgeted.)

ACTION: Res. 95-188 adopted calling for bids. (Finance to handle)

CONSENT

4. Consider approving specifications and authorizing call for bids for furnishing forty-four new utility vehicles for the Fleet Services Division of Public Works and Transportation.
(Suggested bid opening: May 16, 1995 at 11:05 a.m. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$1,865,042. Funds are budgeted.)

ACTION: Res. 95-189 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider approving specifications and authorizing call for bids for furnishing grounds maintenance equipment to be used by Parks and Recreation Department for grounds maintenance at the golf courses, John Thurman Field and at various park sites.
(Suggested opening: May 16, 1995 at 11:10 a.m. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$246,114. Funds are budgeted.)

ACTION: Res. 95-190 adopted calling for bids. (Finance to handle)

6. Consider awarding contract for the Claus Road water line - Briggsmore Avenue to Sylvan Avenue project to Rolfe Construction for \$552,450. (Resolution awarding contract to Rolfe Construction needed. Total estimated cost: \$624,268.50 (contract \$552,450; construction admin. & contingencies \$71,818.50) Funds are budgeted.)

ACTION: Res. 95-191 adopted (Friedman/Cogeill, unan., Patterson and Mayor Lang absent) awarding bid to Rolfe Construction. (P/W to handle)

CONSENT

7. Consider awarding contract for the desander installation project at Wells 1, 3, 8, 10, 17, 18, 22 and 29 to Hawk Systems for \$271,000 and consider authorizing an appropriation transfer in the amount of \$357,682 to combine individual projects into one single account for ease of accounting. (Resolution awarding contract needed, and resolution authorizing appropriation transfer needed. Estimated total cost: \$306,230 (contract \$271,000; const. admin. & contingencies \$35,230)

ACTION: Res. 95-192 adopted awarding contract.
Res. 95-193 adopted approving appropriation transfer. (P/W to handle)

CONSENT

8. Consider awarding contract for the rip rap project at remote ponds on Jennings Road - 1995 to Moody Construction for \$49,000. (Resolution awarding contract needed. Estimated total cost: \$55,370 (contract \$49,000; const. admin. & contingencies \$6,370) Funds are budgeted.)

ACTION: Res. 95-194 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider accepting the contract of Allen A. Waggoner Construction, Inc. for the General Aviation Area water system upgrade project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$151,896) (Resolution accepting work as complete needed. Total final cost: \$158,479.77. Funds are budgeted.)

ACTION: Res. 95-195 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider accepting the contract of Conco-West, Inc. for the Electrical Division shop modification project as complete and authorize City Clerk to file a Notice of Completion. (Original contract and final cost: \$28,050) (Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 95-196 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

11. Third Quarter Status Report - Fiscal Year 1994-95 Budget.
(Motion acknowledging receipt of report needed, and resolution amending Fiscal Year 1994-95 Budget needed.)

ACTION: By motion (Friedman/Dobbs, unan., Patterson and Mayor Lang absent)
receipt of report acknowledged.
Res. 95-197 adopted (same vote) amending budget.

CONSENT

12. Consider approving agreements with Stanislaus Area Association of Governments and Brady and Associates for Bicycle Transportation Master Plan, and consider amending the budget to estimate revenue and expenditures for new capital project.
(Resolutions approving agreements needed, and resolution amending the budget needed. Estimated cost: \$32,051.)

ACTION: Res. 95-198 adopted approving agreement with Stanislaus Area Association of Governments.
Res. 95-199 adopted approving agreement with Brady and Associates.
Res. 95-200 adopted amending the budget. (P/R to handle)

CONSENT

13. Consider authorizing the City Manager to execute financing agreements with the following owners of properties for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program: Darrell Wade, Florence Von Dohlen, Gregory Say and Robert Pedersen.
(Resolution authorizing City Manager to execute agreements needed. Total estimated cost: \$127,019; (CDBG) \$115,937; (RRP) \$11,082. Funds are budgeted.)

ACTION: Res. 95-201 adopted authorizing the Manager to sign agreements.
(Com. Develop. to handle)

CONSENT

14. Consider approving amendment to lease agreement with Hein Hettinga and Amos De Groot for the lease of the Hailwood Ranch.
(Resolution approving amendment to lease agreement needed.)

ACTION: Res. 95-202 adopted approving agreement. (Com. Develop. to handle)

CONSENT

15. Consider approving license agreement with City Tower Group for the installation of a repeater antenna used for communications with City buses.
(Resolution approving license agreement needed. Estimated cost: \$250 for remainder of this fiscal year; thereafter \$2,280 per year. Funds are budgeted.)

ACTION: Res. 95-203 adopted approving agreement. (Com. Develop. to handle)

CONSENT

16. Treasurer's Report - March 1995.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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Bill Cameron spoke about fireworks sales.

ACTION: By motion (Cogdill/McClanahan, majority, Dobbs-no, Patterson and Mayor Lang absent) Council agreed to reconsider Item 6.

WRITTEN COMMUNICATIONS

CONSENT

18. Letter of resignation from the Culture Commission from Reuben Torch.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-204 adopted accepting resignation with regret.
(Clerk to handle)

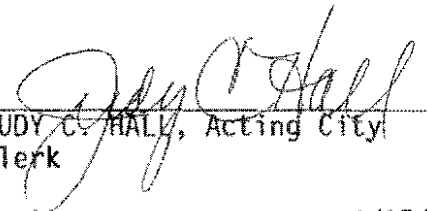
MATTERS TOO LATE FOR THE AGENDA

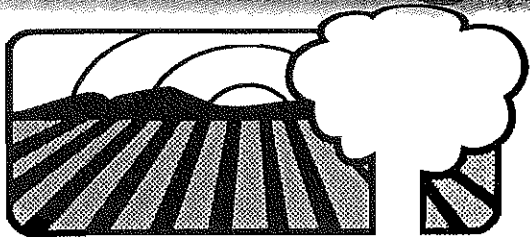
19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 4:36 p.m.

ATTEST: 
JUDY C. HALL, Acting City
Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, May 2, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

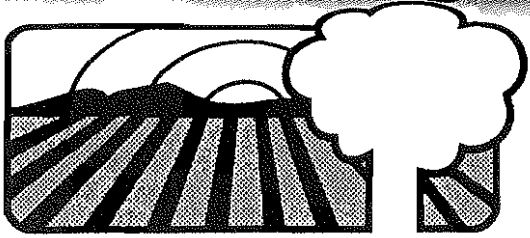
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Relations Committee
3. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:48 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

5-2-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 2, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 8, 9, 10, 12, 13

ACTION: (Muratore/Friedman, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 11
Councilmember Dobbs excused due to a conflict of interest.

ACTION: (Friedman/McClanahan, unan., Dobbs and Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of April 25, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the appeal of Alan Garren to a decision of the Director of Parks and Recreation regarding the use of amplified music for an event at the Mancini Bowl in Graceada Park on June 24, 1995.

ACTION: By motion (Friedman/Muratore, unan., Patterson absent) appeal denied. (P/R to handle)

BIDS

CONSENT

4. Consider declaring Lagorio Communications low bidder for furnishing and installing 32 radios/PA system in MAX buses for a total of \$81,272.83. (Resolution awarding bid to Lagorio Communications needed. Funds are budgeted.)

ACTION: Res. 95-205 adopted awarding bid. (Finance to handle)

CONSENT

5. Consider awarding contract for Water Tank No. 4 and Well No. 54 project to Auburn Constructors.
(Resolution awarding contract needed. Estimated total cost: \$995,680 (contract amount \$889,000; const. admin. & cont. \$106,000) Funds are budgeted.)

ACTION: Res. 95-206 adopted awarding contract. (P/W to handle)

NEW BUSINESS

6. Review of Consolidated Plan for Housing and Community Development for years 1995-2000.
(Resolution approving Consolidated Plan and directing City Manager to sign appropriate documents and submit to HUD needed.)

ACTION: Res. 95-207 adopted (Dobbs/Friedman, unan., Patterson absent) approving Plan and directing City manager.

(Com. Devel. to handle)

7. Consider Implementation Plan for the Village One Specific Plan Feasibility Study.
(Motion approving staff recommendations needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) this item was continued two weeks to May 16, 1995, at 7:00 p.m.

(Clerk to handle)

CONSENT

8. Consider approving Automatic Aid Agreements between Burbank-Paradise Fire Protection District, Salida Fire Protection District, Woodland Avenue Fire Protection District, and Westport Fire Protection District.
(Resolutions approving agreements needed.)

ACTION: Res. 95-208 adopted approving agreement with Burbank-Paradise Fire Protection District.
Res. 95-209 adopted approving agreement with Salida Fire Protection District.
Res. 95-210 adopted approving agreement with Woodland Avenue Fire Protection District.
Res. 95-211 adopted approving agreement with Westport Fire Protection District. (Fire to handle)

CONSENT

9. Consider approving agreement with the Modesto A's Professional Baseball Club for use of John Thurman Field.
(Resolution approving agreement needed.)

ACTION: Res. 95-212 adopted approving agreement. (P/R to handle)

CONSENT

10. Consider commendation of Modesto Police Reserves for contributions to the community welfare and safety; consider commending the Modesto Police Department Explorers for contributions to the community welfare and safety; and consider commending the Modesto Police Department Citizen Volunteers for contributions to the community welfare and safety.
(Resolutions commending Reserves, Explorers and Citizen Volunteers for service to the City of Modesto in 1994 needed.)

ACTION: Res. 95-213 adopted commending Modesto Police Reserves.
Res. 95-213A adopted commending Modesto Police Department Explorers.
Res. 95-213B adopted commending Modesto Police Department Citizen Volunteers.

CONSENT

11. Consider approving agreement with the Sylvan Union School District for the use of Sommerset Multipurpose Facility.
(Resolution approving agreement needed.)
Councilmember Dobbs excused due to a conflict of interest.

ACTION: Res. 95-214 adopted (Friedman/McClanahan, unan., Dobbs and Patterson absent) approving agreement.

(P/R to handle)

CONSENT

12. Consider amending the budget to appropriate \$1,100 from the General Fund Contingency Reserve to fund activities by the Stanislaus County Commission on Aging and the Central California Art League's 42nd Annual Spring Art Show.
(Resolution amending the budget needed.)

ACTION: Res. 95-215 adopted amending the budget. (Finance to handle)

CONSENT

13. Consider amending consultant services agreement with Brady and Associates to prepare an Environmental Impact Report and Specific Plan to develop a business park in the Kiernan-Pelandale corridor.
(Resolution authorizing the City Manager to execute a replacement agreement needed, and resolution terminating the January 24, 1995 agreement needed.)

ACTION: Res. 95-216 adopted amending agreement with Brady and Associates.
Res. 95-217 adopted terminating the January 24, 1995 agreement with Brady and Associates. (Com. Devel. to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Bruce Frohman spoke about Village I.

WRITTEN COMMUNICATIONS

15. Letter from Marcus Nugent regarding the Hughson and Covell Hotels.
Mr. Nugent requested a delay on this item.

MATTERS TOO LATE FOR THE AGENDA

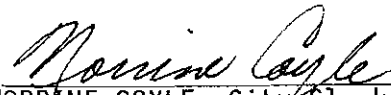
16. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

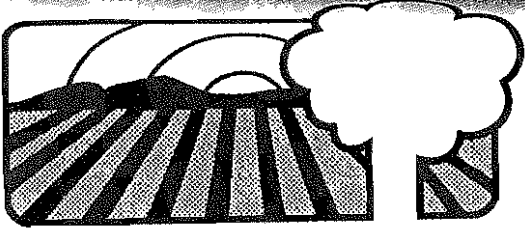
ADJOURNMENT

The meeting adjourned at 8:56 p.m.

ATTEST:



NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 9, 1995, AT 4:00 P.M

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Wade Estes, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 9, 10, 11, 12, 13,
14, 15, 16

ACTION: (Friedman/Dobbs, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of Distinguished Service Award Plaque to Myrtle Osner for service on the Citizens Advisory Committee on Recycling, Robert Dunbar for his service on the Planning Commission, Randall Cavanagh for his service on the Board of Building Appeals, and Janice Gray and David Mesenhimer for service on the Airport Advisory Committee. Janice Gray accepted a plaque for the family of Larry Davis who served on the Airport Advisory Commission.

Mayor Lang presented the awards.

- b. Presentation of a check from P.G. & E. in the amount of \$14,000 to help cover the cost of the two new CNG-powered buses recently purchased by the City.

Jim Johnson, P.G. & E. presented the check to Mayor Lang.

- c. Acknowledgement of the members of the Modesto Police Department SWAT (Special Weapons and Tactics) Team for placing first in the Annual California SWAT Championships.

Mayor Lang presented certificates to the SWAT team members.

- d. Introduction of Youth-In-Government Day students who will be holding their own mock Council meeting on May 10, 1995.

Wendy Byrd introduced members of the Modesto youth Commission.

- e. Presentation by Modesto Convention & Visitors Bureau on current marketing programs and results.

Linda Hoile spoke about marketing results. Doug Van Pelt, Chamber of Commerce Chair, presented a framed photograph of "Modesto Man" to Mayor Lang.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of May 2, 1995.
(Motion approving needed.)

ACTION: By motion, minutes were approved. (Clerk to handle)

HEARINGS

3. Consider adopting a fare increase for Modesto Area Express and Modesto Area Dial-A-Ride to be effective July 1, 1995.
(Resolution adopting fare increase needed.)

ACTION: Res. 95-218 adopted (McClanahan/Friedman, unan., Patterson absent) approving recommended fare increase for Modesto Area Express.
Res. 95-218A adopted (same vote) approving recommended fare increase for Dial-A-Ride, except that the book of tickets is to be \$10.00 and to be reviewed in six months.
(P/W to handle)

BIDS

CONSENT

4. Consider awarding a contract for the Airport Way Extension project to George Reed, Inc. for \$75,555.55, and consider authorizing an appropriation transfer in the amount of \$12,900 to fully fund the project.
(Resolution awarding contract to George Reed, Inc., and resolution approving an appropriation transfer needed. Total estimated cost: \$86,888.88 (contract: \$75,555.55; const. admin. and contingencies \$11,333.33)

ACTION: Res. 95-219 adopted awarding contract.
Res. 95-220 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

5. Consider accepting the contract of B. G. Pipeline, Inc. the for Sylvan Avenue waterline to Water Tank No. 4 and Well No. 54 as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$669,213.00)
(Resolution accepting work as complete needed. Final cost: \$667,785.93) Funds are budgeted.)

ACTION: Res. 95-221 adopted accepting work as complete. (Clerk to handle)

CONSENT

6. Consider accepting the contract of Continental Transformer Services for Dryden Golf Course Driving Range Lighting as complete and authorize City Clerk to file a Notice of Completion, and consider authorizing an appropriation transfer in the amount of \$925.00. (Original contract: \$40,600.00)
(Resolution accepting work as complete and resolution approving an appropriation transfer needed. Final cost: \$41,425.00.)

ACTION: Res. 95-222 adopted accepting work as complete.
Res. 95-223 adopted approving appropriation transfer.
(Clerk to handle)

NEW BUSINESS

7. Presentation of Proposed 1995-96 Operating Budget and Proposed Capital Improvement Program (CIP) for 1995-96 through 1998-99.
(Resolution setting public hearing May 23, 1995, at 4:00 p.m. needed, and motion referring budget and CIP to the Council Financial Policy Committee needed.)

ACTION: Res. 95-224 adopted (Friedman/Cogdill, unan., Patterson absent) setting hearing.
By motion (same vote) the budget was referred to the Council
Financial Policy Committee. (Clerk to handle)

8. Consider authorizing the City Manager to execute agreements with Lifeguard Health Care and PacifiCare of California to provide employee group health coverage effective August 1, 1995, and consider canceling administrative services agreement with Foundation for Medical Care for the City's self-insured health plan and contracts with National Health Plans and TakeCare, effective July 31, 1995.
(Resolution approving contracts with Lifeguard and PacifiCare for Employee Group Health Insurance and authorizing the cancelation of the City's Self-Insured Plan and contracts with National Health Plans and TakeCare needed.)
Councilmember McClanahan excused due to a conflict of interest.

ACTION: By motion (Cogdill/Muratore, unan., McClanahan and Patterson absent) this item was held over one week.

CONSENT

9. Consider ordering the Director of Public Works and Transportation to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6.
(Resolution ordering the Director of Public Works and Transportation to prepare and file the Annual Report needed.)

ACTION: Res. 95-225 adopted ordering preparation and filing of the Annual Report. (P/W to handle)

CONSENT

10. Consider ordering the Director of Public Works and Transportation to prepare and file the Annual Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10.
(Resolution ordering the Director of Public Works and Transportation to prepare and file the Annual Report needed.)

ACTION: Res. 95-226 adopted ordering preparation and filing of the Annual Report. (P/W to handle)

CONSENT

11. Consider an amendment to the Fiscal Year 1995-96 Memorandum of Understanding (MOU) between the City of Modesto and the Modesto City Fire Fighters Association to correct a mistake made on the original MOU.
(Resolution amending FY 1995-96 Memorandum of Understanding needed.)

ACTION: Res. 95-227 adopted amending the Memorandum of Understanding. (Personnel to handle)

CONSENT

12. Consider lease with Modesto Garden Project for use of 2 acres of Tuolumne River Regional Park adjacent to the City Nursery (Robertson Road and Sutter Avenues) for the purpose of providing a garden project for disadvantaged and homeless persons.
(Resolution approving lease agreement needed.)

ACTION: Res. 95-228 adopted approving lease agreement. (P/R to handle)

CONSENT

13. Consider authorizing the City Manager to execute a financing agreement with Ernestine Alvarez, owner of property at 2708 Sparks Way, for the purpose of rehabilitating her property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute a financing agreement needed. Total estimated cost: \$22,089.00. Funds are budgeted.)

ACTION: Res. 95-229 adopted approving financing agreement.
(Com. Devel. to handle)

CONSENT

14. Consider excusing Mayor Lang from the April 25, 1995, City Council meeting due to his trip to Aguas Calientes April 21-25, 1995, representing the City of Modesto at a Sister City meeting.
(Motion excusing needed.)

ACTION: By motion, absence excused. (Clerk to handle)

CONSENT

15. Consider authorizing a "1995 Police Summer Games" banner on the pedestrian overcrossing on Ninth Street from June 23 to July 2, 1995.
(Resolution authorizing banner needed.)

ACTION: Res. 95-230 adopted authorizing banner. (Police to handle)

CONSENT

16. Consider authorizing appropriation transfer in the amount of \$12,000 to purchase a laser alignment tool for Wastewater Treatment System pumps and equipment.
(Resolution authorizing appropriation transfer needed. Total estimated cost: \$17,000. Funds are partially budgeted.)

ACTION: Res. 95-231 adopted approving appropriation transfer.
(P/W, Finance to handle)

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Howard Jurvis spoke

Mike Milich reported that he'd received a phone call from Don Curtin who said he was hired by the Modesto City Schools to assist in reviewing aspects of the General Plan.

MISCELLANEOUS

Appointments

18. a. Local Cable Programming Committee

ACTION: Res. 95-232 adopted (Cogdill/Friedman, unan., Patterson absent) appointing Forrest Heath.

- b. Affirmative Action Commission

ACTION: Res. 95-233 adopted (Cogdill/Friedman, unan., Patterson absent) appointing Joseph Martinez.

- c. Board of Building Appeals

ACTION: Res. 95-234 adopted appointing Laura Bonich. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

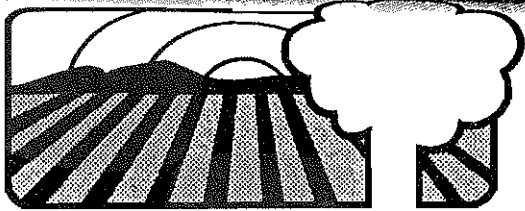
19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 6:55 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special session at 5:00 p.m., on Tuesday, May 16, 1995, in the multi-purpose room at Modesto City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

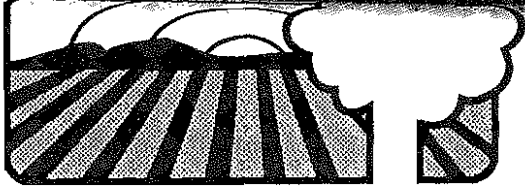
Members of the Community Development Department staff up-dated the Council on the discussions of the Planning Commission about the proposed General Plan. Staff members also expressed their own concerns about various aspects of the proposed plan,

At 5:56 p.m., the City Council adjourned to the City Hall 2nd Floor conference room for a light meal.

That meeting adjourned at 6:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, CITY CLERK

5-16-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, May 16, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore, Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

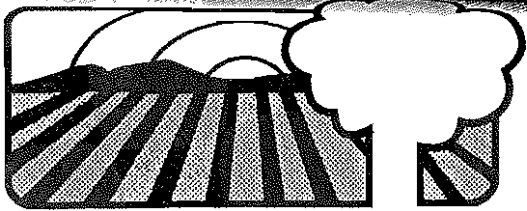
1. Financial Policy Committee
2. Human Services Committee/Public Safety Committee
3. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:57 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

5-16-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 16, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8

ACTION: (Friedman/McClanahan, unan., Patterson absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 9, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Consider authorizing the City Manager to execute agreements with Lifeguard Health Care and PacifiCare of California to provide employee group health coverage effective August 1, 1995, and consider canceling administrative services agreement with Foundation for Medical Care for the City's self-insured health plan and contracts with National Health Plans and TakeCare, effective July 31, 1995.
(Held over from May 9, 1995, City Council meeting. Resolution approving contracts with Lifeguard and PacifiCare for Employee Group Health Insurance and authorizing the cancelation of the City's Self-Insured Plan and contracts with National Health Plans and TakeCare needed.)
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 95-235 adopted (Cogdill/Lang, majority, Friedman-no, McClanahan and Patterson absent) approving agreement with Lifeguard Health Care.
Res. 95-236 adopted (same vote) approving agreement with PacifiCare of California.
Res. 95-237 adopted (same vote) approving agreement with National Health Plans.
Res. 95-238 adopted (same vote canceling City's Self-Insured Plan and contract with TakeCare. (Personnel to handle)

4. Continued consideration of an Implementation Plan for the Village One Specific Plan Feasibility Study.
(Continued from May 2, 1995, City Council meeting. Motion approving staff recommendations needed.)

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) this item was continued to June 6, 1995, at 7:00 p.m.
(Com. Devel. to handle)

HEARINGS

5. Hearing to consider an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 and P-D(465) to P-D(509), for expansion of the Melrose Manor Board and Care Facility, property located between Corson and Fairmont Avenues west of M.I.D. Lateral No. 4. (Melrose Sundial, Inc.)

ACTION: By motion (Friedman/McClanahan, majority, Muratore-no, Patterson absent) Ord. No. 2945-C.S. introduced.
Res. 95-239 adopted (same vote) approving plan.
Res. 95-240 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Com. Devel. to handle)

NEW BUSINESS

6. Consider approving an agreement with Environmental Science Associates to prepare a focused Environmental Impact Report for the Specific Plan for Fairview Village.
(Resolution approving agreement needed, and resolution amending budget needed. Estimated cost: \$64,765. This contract amount will be funded completely by the project applicant, along with a \$3,000 monthly compensating balance during the life of the contract for staff services and costs.)

ACTION: Res. 95-241 adopted (Cogdill/McClanahan, unan., Patterson absent) approving agreement.
Res. 95-242 adopted (same vote) amending the budget. (Com. Devel. to handle)

CONSENT

7. Consider approving the formation of Public Facilities District No. 9 to construct a canal crossing for Poust Road and McDonald Avenue (MID Lateral No. 3).
(Resolution approving formation of Public Facilities District No. 9 needed.)

ACTION: Res. 95-243 adopted approving formation of Public Facilities District No. 9. (P/W to handle)

CONSENT

8. Consider approving the formation of Public Facilities District No. 10 to construct a canal crossing at the future extension of Morse Avenue.
(Resolution approving formation of Public Facilities District No. 10 needed.)

ACTION: Res. 95-244 adopted approving formation of Public Facilities District No. 10. (P/W to handle)

ORAL COMMUNICATIONS

9. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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None

WRITTEN COMMUNICATIONS

- 10. Letter from John Booker, AIA, Booker Lawlor Architects, regarding New City Hall Tenant Improvements professional services selection process.

ACTION: By motion (Muratore/McClanahan, unan., Patterson absent) this item was continued one week. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

- 11. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

- 12. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Twenty-one (21) cases.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court Case No. 296508.

Not held.

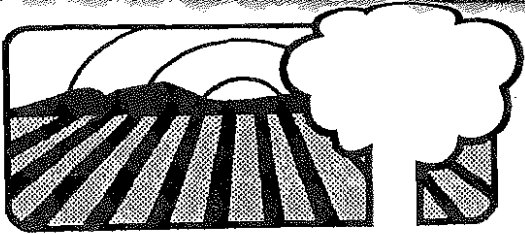
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: James Looney v. City of Modesto
Scott Greenhaw v. City of Modesto,
consolidated, Superior Court case No. 258783.

ADJOURNMENT

The meeting adjourned at 7:55 p.m. to closed session. The City Attorney returned at 8:30 p.m. and announced that no action was taken.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, MAY 23, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Stan Lubeck, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19,20

ACTION: (Friedman/Dobbs, unan., Patterson)

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5/23/95

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation to Public Works and Transportation Director, R. Marshall Elizer, Jr. in recognition of May 21-27, 1995, as National Public Works and Transportation Week.

Mayor Lang presented the proclamation to Marshall Elizer and announced that Mr. Elizer had been named one of the top ten Public works Directors in the United States by the American Public Works Association.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of May 16, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the appeal of Gary and Lori Martinez to a decision of the Board of zoning Adjustment denying an application for a variance from the 15-foot side yard to allow a six foot high fence one foot from the property line along Ursini Drive, property located between Sylvan Avenue and Ursini Drive east of Palmwood Drive at 1901 Sylvan Avenue.

ACTION: By motion (Cogdill/Friedman, unan., Patterson absent) this item was referred back to the Board of Zoning Adjustment for further study. (Com. Devel. to handle)

4. Hearing to consider the Proposed 1995-96 Operating Budget and Proposed Capital Improvement Program for 1995-96 through 1998-99.

No action taken

5. Hearing to consider the proposed revision of various Police Department fees, to consider establishing new recreation program fees, and to consider revising various Airport fees.

ACTION: Res. 95-245 adopted (McClanahan/Friedman, unan., Patterson absent) revising fees for copies of Police reports and photographs.
Res. 95-246 adopted (same vote) revising fees for fingerprinting.
Res. 95-247 adopted (same vote) revising fees for impounded vehicle release.
Res. 95-248 adopted (same vote) revising fees for Parks & Recreation activities.
Res. 95-249 adopted (same vote) revising fees for the Airport services.

5/23/95

BIDS

CONSENT

6. Consider approving specifications and authorizing call for bids for the purchase of an above-ground mobile hoist for the bus maintenance facility.
(Suggested bid opening: June 13, 1995, at 11:00 a.m. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$51,000. Funds are budgeted.)

ACTION: Res. 95-250 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider declaring Fairway Systems, Inc. low proposer on a Golf Management Software and Hardware System, authorizing the purchase for a total of \$98,765.93, and authorizing multi-year payments for the next three years.
(Resolution declaring Fairway Systems, Inc. low proposer. Total Estimated cost for F.Y. 95-96 \$40,000. Funds are budgeted)

ACTION: Res. 95-251 adopted awarding bid. (Finance to handle)

CONSENT

8. Consider accepting the contract of George Reed, Inc. for the Sisk Road Neighborhood Improvements (Target) as complete and authorize the city Clerk to file a Notice of Completion. (Original contract and final cost: \$37,250)
(Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 95-252 adopted accepting as complete. (Clerk to handle)

CONSENT

9. Consider declaring surplus stolen, unclaimed, and/or seized property accumulated by the City and authorizing the Purchasing Officer to sell at public auctions conducted by Roger Ernst and Associates on August 5, 1995, at 824 W. Kiernan Avenue, and on August 7, 1995, at 501 N. Jefferson Street, City Corporation Yard; or by other means if the auctions prove unsuccessful.
(Resolution declaring property surplus and authorizing public auctions needed.)

ACTION: Res. 95-253 adopted declaring property surplus and authorizing public auction. (Finance to handle)

CONSENT

10. Consider approving a "takeover agreement" with Indemnity Company of California to complete construction of the Briggsmore Avenue waterline from Well #21 to Coffee Road project.
(Resolution approving agreement needed.)

ACTION Res. 95-254 adopted approving agreement. (P/W to handle)

5/23/95

NEW BUSINESS

CONSENT

11. Annual Report on Business and Development Activity.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider amending the Modesto Municipal Code Sections pertaining to Campaign Report to eliminate the additional campaign contributions and expenditure report prior to the Second Regular Election (Run-off) in December of odd-numbered years.
(Introduction of ordinance amending Section 2-8.02 of the Modesto Municipal Code needed.)

ACTION: By motion, Ord. No. 2946-C.S. introduced. (Clerk to handle)

CONSENT

13. Consider authorizing grant application for \$30,000 in funding from the State Department of Forestry and Fire Protection under the California Wildlife, Coastal and Park Land Conservation Bond Act of 1988 (Proposition 70) for the Modesto Reforestation Project of 1995.
(Resolution authorizing grant application needed.)

ACTION: Res. 95-255 adopted authorizing grant application. (P/R to handle)

CONSENT

14. Consider authorizing City Manager to execute financing agreements with Durval M. Estrela and John A. Todd for the purpose of rehabilitating properties pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution approving agreements needed. Total estimated cost: \$35,302. CDBG funds are budgeted.)

ACTION: Res. 95-256 adopted approving agreement with Durval Estrela.
Res. 95-257 adopted approving agreement with John Todd.
(Com. Develop. to handle)

CONSENT

15. Consider authorizing staff to request proposals for the design of the Water Quality Control Plant headworks, grit removal, and sludge thickening facilities.
(Resolution authorizing request for proposals needed. Total est. cost: \$745,000. Funds are budgeted.)

ACTION: Res. 95-258 adopted authorizing request for proposals. (P/W to handle)

CONSENT

16. Consider approving lease agreement with George Frederickson for the lease of a portion of Fire Station No. 5 for a garden.
(Resolution approving agreement needed.)

ACTION: Res. 95-259 adopted approving agreement. (Com. Develop. to handle)

5/23/95

CONSENT

17. Report of loans approved under the Emergency Home Repair Program (EHRP) during April 1995, and previously approved loans declined by owners. (Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

18. Consider approving an agreement for special counsel services for the Waste-to-Energy Project with Carroll, Burdick & McDonough. (Resolution approving agreement needed. Estimated cost: Not to exceed \$20,000 and will be appropriated from the Waste-to-Energy Project fund administered by Stanislaus County.)

ACTION: Res. 95-260 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider agreeing that the distribution of property tax revenues under the current master property tax agreement is acceptable to the City for purposes of mitigation of fiscal impacts arising for the proposed North Beyer Reorganization. (Resolution regarding mitigation of fiscal impacts needed.)

ACTION: Res. 95-261 adopted regarding mitigation of fiscal impacts. (Com. Develop. to handle)

CONSENT

20. Consider authorizing and approving the borrowing of funds for Fiscal Year 1995-96; the issuance and sale of a 1995-96 Tax and Revenue Anticipation Note therefor and participation in the California Communities Cash Flow Financing Program. (Total estimated cost: \$146,200; total estimated revenue \$194,400. Funds are budgeted.)

ACTION: Res. 95-262 adopted approving borrowing of funds and issuance/sale of Revenue Anticipation Note and participating in the Financing Program. (Finance to handle)

21. a. Consider authorizing staff to enter into negotiations with Pacific Design Associates, Inc. for professional services relating to the New City Hall Tenant Improvement Project; consider amending the 1994-95 Budget to fund architectural services and related staff costs; consider authorizing the City Manager to execute the professional services agreement upon completion of negotiations. (Motion authorizing staff to enter into negotiations needed; resolution amending the 1994-95 Budget needed; resolution authorizing the City Manager to execute the agreement needed.) Councilmember Dobbs excused due to a conflict of interest.
- b. Letter from John Booker, AIA, Booker Lawlor Architects, regarding New City Call Tenant Improvements professional services selection process. Councilmember Dobbs excused due to a conflict of interest.

5/23/95

ACTION: By motion (Friedman/McClanahan, majority, Cogdill- no, Dobbs and Patterson absent) this matter was referred to staff with directions to delete third party waiver language in the Waiver and Release Agreement and then the matter is to be reconsidered by the Council Financial Policy Committee.

ORAL COMMUNICATIONS

22. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

24. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

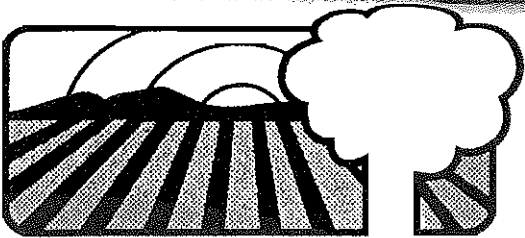
Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court Case No. 296508.

5/23/95

ADJOURNMENT

The meeting adjourned at 5:10 p.m. to closed session. The Mayor returned to open session at 6:25 p.m. and announced no action had been taken.

ATTEST *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, June 6, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang

Absent: Councilmembers Muratore and Patterson

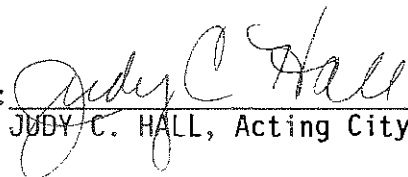
Reports of activities and studies were made by the Chairs and members of the following policy committees:

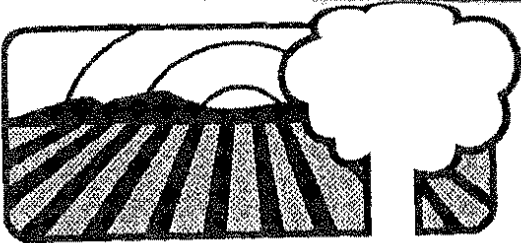
1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations
3. Financial Policy Committee
4. Utility Services and Franchises

Oral Communications: None

The meeting adjourned at 6:53 p.m.

ATTEST:


JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 6, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10, 13, 14, 15,
16, 17, 18, 19, 20, 23

ACTION: (Friedman/Dobbs, unan., Patterson absent)

Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 23, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Continued consideration of an Implementation Plan for the Village One Specific Plan Feasibility Study.
(Continued from the May 16, 1995, City Council meeting. Motion approving staff recommendations needed.)

ACTION: By motion (Cogdill/Friedman, majority, Muratore-no, Patterson absent) staff recommendations approved. (Com. Develop. to handle)

4. Final adoption of Ord. No. 2945-C.S. rezoning from R-2 to P-D(509), property located on the south side of Corson Avenue at Melrose Avenue on the north side of East Fairmont Avenue. (Melrose Sundial, Inc.)
(Motion adopting needed.)

ACTION: By motion (Friedman/McClanahan, majority, Muratore-no, Patterson absent) Ord. No. 2946-C.S. adopted. (Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2946-C.S. relating to campaign reform disclosure.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2946-C.S. adopted. (Clerk to handle)

HEARINGS

6. a. Hearing to consider the proposed revision of City of Modesto Parks and Recreation Department fees for swimming pool rental and usage for high school pools, Modesto Junior College pool, Johansen High School pool, and neighborhood park pools; consider approving aquatics use policy.
(Resolution approving fee schedule needed; resolution approving policy needed.)

ACTION: Res. 95-263 adopted (McClanahan/Friedman, unan., Patterson absent) approving fee schedule.
Res. 95-264 adopted (same vote) approving policy. (P/R to handle)

- b. Consider approving agreements with the City of Modesto Swim Team, Modesto/Stanslaus Water Polo and Yosemite Community College District for use of aquatics facilities.
(Resolutions approving agreements needed.)

ACTION: Res. 95-265 adopted (McClanahan/Friedman, unan., Patterson absent) approving agreement with Modesto Swim Team.
Res. 95-266 adopted (same vote) approving agreement with Modesto/Stanslaus Water Polo.
Res. 95-267 adopted (same vote) approving agreement with Yosemite Community College District.

(P/R to handle)

BIDS

CONSENT

7. Consider approving specifications and authorizing call for bids for furnishing one digital telephone recorder/reproducer.
(Suggested bid opening: June 16, 1995, at 11:00 a.m. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$40,743.28. Funds are budgeted.)

ACTION: Res. 95-268 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider awarding contract for Project No. 21 - replace curb, drive aprons and sidewalks to Teichert Construction for \$204,257.99.
(Resolution awarding contract to Teichert Construction needed. Estimated cost: \$236,939.27 (contract \$204,257.99; const. admin. & contingencies \$32,681.28) Funds are budgeted.)

ACTION: Res. 95-269 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider declaring Donlee Pump Company low responsible bidder and authorize the purchase and installation of three new sets of overhead lube reel systems for \$24,493.74.
(Resolution declaring Donlee Pump Company low bidder needed. Funds are budgeted.)

ACTION: Res. 95-270 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider waiving formal bid procedures and authorizing the purchase and installation of five mobile data terminals and related accessories to be installed in new patrol vehicles for the total price of \$37,618.05.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 95-271 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

11. Consider endorsing the Final Draft 1995 Wastewater Master Plan as the proposed project to be studied in the Environmental Impact Report.
(Resolution endorsing the Final Draft 1995 Wastewater Master Plan 1995.)

ACTION: Res. 95-272 adopted endorsing Final Draft. (P/W to handle)
(Muratore/Friedman, unan., Patterson absent)

12. Consider Financial Policy Committee recommendation to authorize staff to enter into negotiations for professional services relating to the new City Hall Tenant Improvement Project; consider amending the 1994-95 Budget to fund architectural services and related staff costs; consider authorizing City Manager to execute the professional services agreement upon completion of negotiations.
(Motion authorizing staff to enter into negotiations with Pacific Design needed; resolution amending the 1994-95 budget needed; resolution authorizing City Manager to execute agreement upon completion of negotiations needed. Estimated cost: \$300,000)
Councilmember Dobbs excused due to a conflict of interest.

ACTION: By motion (Friedman/Cogdill, unan., Dobbs and Patterson absent)
staff authorized to enter into negotiations with Pacific Design.
Res. 95-273 adopted (same vote) amending the budget.
Res. 95-274 adopted (same vote) authorizing the Manager to execute agreement upon completion of negotiations. (P/W to handle)

CONSENT

13. Consider authorizing City Manager to sign an agreement with West Yost & Associates to provide consulting services for the City's proposed biosolids co-compost project.
(Resolution approving agreement needed. Estimated cost: \$31,600.
Funds are budgeted.)

ACTION: Res. 95-275 adopted approving agreement. (P/W to handle)

CONSENT

14. Semi-annual monitoring reports of agencies funded with Community Development Block Grant (CDBG) funds during Fiscal year 1994-95.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

15. Consider authorizing an appropriation transfer in the amount of \$34,000 to provide funding for rockwell rejuvenation to 70 problem rockwells.
(Resolution authorizing appropriation transfer needed.)

ACTION: Res. 95-276 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

16. Consider approving agreement with Yosemite Community College District and Modesto Junior College District and Modesto Junior College for the Federal Work Study Program for the 1995-96 August to June academic year.
(Resolution approving agreement needed.)

ACTION: Res. 95-277 adopted approving agreement. (Personnel to handle)

CONSENT

17. Consider amending the budget to appropriate funds for a new CIP project, Tuolumne River Regional Park Trail, and consider approving an agreement in the amount of \$29,334 with RRM Design Group for preparation of bid documents for the TRRP Trail Project.
(Resolution amending budget needed, and resolution approving agreement needed. Total estimated cost: \$29,921)

ACTION: Res. 95-278 adopted amending the budget.
Res. 95-279 adopted approving agreement. (P/R to handle)

CONSENT

18. Consider approving a pipeline crossing agreement with the Union Pacific Railroad Company to construct a water line along MID Lateral No. 6 from Semallon Drive to Well No. 48 within the Union Pacific right of way.
(Resolution approving agreement needed. Total estimated cost: \$1,440. Funds are budgeted.)

ACTION: Res. 95-280 adopted approving agreement. (P/W to handle)

CONSENT

19. Consider approval of the final map of Charleston Place subdivision and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code; consider approval of deferred work agreement with owners, Charleston Place.
(Resolution approving final map and authorizing City Manger to sign subdivision agreement needed, and resolution approving deferred work agreement needed.)

ACTION: Res. 95-281 adopted approving final map.
Res. 95-282 adopted approving deferred work agreement.
(Com. Develop./Clerk to handle)

CONSENT

20. Consider authorizing submission of Annual Claim for Local Transportation Funds in the amount of \$3,992,432 to the Stanislaus Area Association of Governments (SAAG).
(Resolution authorizing submission of Annual Claim needed.)

ACTION: Res. 95-283 adopted authorizing submission of Annual Claim.
(Finance to handle)

ORAL COMMUNICATIONS

21. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.

- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

22. Letter from Trish Anderson regarding a growing crime rate in the Rosemore Avenue neighborhood and surrounding areas and the need for more Police coverage.

Dropped from agenda.

CONSENT

23. Letter of resignation from the Affirmative Action Commission from Joan Check.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-284 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

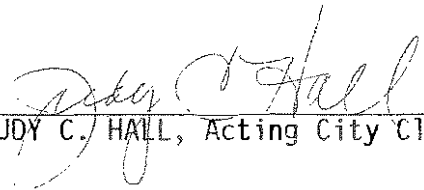
CLOSED SESSION

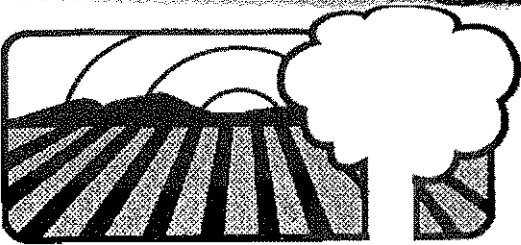
25. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 549569 of the Government Code: One case.

ADJOURNMENT

Adjourned at 7:42 p.m. to closed session. The City Attorney returned to open session at 9:13 p.m. and announced no action had been taken.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:00 p.m. on Monday, June 12, 1995, in the Sacramento Room, Red Lion Hotel, 1150 Ninth Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The City Council met with members of the Stanislaus County Board of Supervisors to review and discuss the following items:

Existing cooperative programs and activities;

City General Plan update and County economic development and industrial zoning initiatives;

Waste-to-Energy Project, related agreements and future issues;

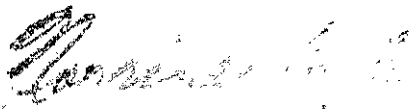
County-wide transportation issues, including multi-county regional approaches, existing transit system and long-term transportation planning and financing;

County-wide regional parks system.

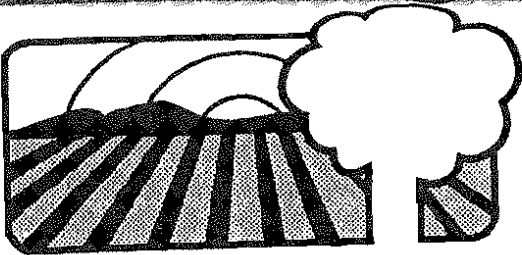
Oral Communications: None

The meeting adjourned at 8:58 p.m.

ATTEST:



NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto adjourned session convened at 5:15 p.m., on Tuesday, June 13, 1995, in the Council Chambers at Modesto City Hall, 801 11th Street, Modesto, California.

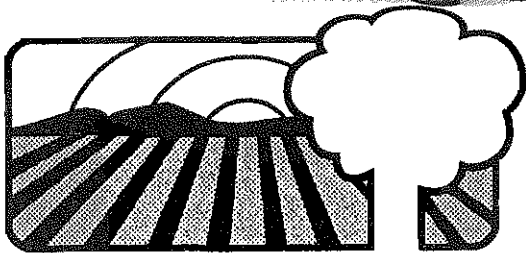
Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: Councilmembers Patterson

Members of the Community Development Department staff up-dated the Council on the actions taken by the Planning Commission on the proposed General Plan.

At 5:25 p.m., the City Council adjourned to the Pistache Room, Centre Plaza, 1000 L Street, Modesto, California, for a meeting with the Modesto Irrigation District Board of Directors.

ATTEST: Norrine Coyle
NORRINE COYLE, CITY CLERK



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 13, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Mike Atinsky, Dry Creek Evangelical Free Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 6, 8

ACTION: (Dobbs/Friedman, unan., Patterson absent)

Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 6, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider waiving formal bid procedures and authorizing the purchase of various traffic signal accessories from Peek Traffic Signal Control for a total cost of \$26,109.80.
(Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 95-285 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

CONSENT

4. Consider amending conflict of interest codes for the Community Development Department, Fire Department, Parks & Recreation Department and adopting the new Code for the Housing Rehabilitation Loan Committee.
(Resolutions adopting the amended and new codes needed.)

ACTION: Res. 95-286 adopted amending the code for the Community Development Department.
Res. 95-287 adopted amending the code for the Fire Department.
Res. 95-288 adopted amending the code for the Parks & Recreation Department.
Res. 95-289 adopted adopting the code for the Housing Rehabilitation Loan Committee.
Res. 95-290 adopted rescinding the Parking and Traffic code.
(Clerk to handle)

5. Consider review and recommendations on Fiscal Year 1995-96 Budget.
(Motion needed accepting Financial Policy Committee recommendations on the Fiscal Year 1995-96 Proposed Budget, and direct staff to incorporate the accompanying recommendations into the budget adoption report on June 20, 1995.)

ACTION: By motion (McClanahan/Muratore, majority, Cogdill-no, Patterson absent) the Lincoln-Lakewood Bridge was added to the Capital Improvement Program. (Finance to handle)

CONSENT

- 6. Consider approving financing agreements with owners of properties (Manuel Reis, Martha Figueroa, Agustin Alberto and Helen D. Hardy) for the purpose of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation program.
(A resolution authorizing the City Manager to execute financing agreements with four property owners needed. Total estimated cost: \$71,829 (HOME); \$107,769.00 (CDBG). Funds are budgeted.)

ACTION: Res. 95-291 adopted approving agreement with Manuel Reis.
 Res. 95-292 adopted approving agreement with Martha Figueroa.
 Res. 95-293 adopted approving agreement with Agustin Alberto.
 Res. 95-294 adopted approving agreement with Helen Hardy.
 (Com. Devel. Dept. to handle)

ORAL COMMUNICATIONS

- 7. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
 - (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

CONSENT

- 8. Resignation from the International Friendship Committee from R. Kirk Lindsey.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-295 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

Appointments

- 9. a. Culture Commission

ACTION: Res. 95-296 adopted (McClanahan/Muratore, unan., Patterson absent) appointing Gene D'Accardo.

- b. Affirmative Action Commission

ACTION: Res. 95-297 adopted (McClanahan/Muratore, unan., Patterson absent) appointing Nancy Norton.

c. Housing Rehabilitation Loan Committee

ACTION: Res. 95-298 adopted (McClanahan/Muratore, unan., Patterson absent) appointing Ricardo Cordova as representative from the Citizens Housing and Community Development Committee. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

10. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

12. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court case No. 296508.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: The People of the State of California on the relation of city of Modesto vs. Richard G. Patterson, Superior Court case No. 27336.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Maria Layana Lewis vs. City of Modesto, Department of Public Works, Superior Court case No. 301411.

ADJOURNMENT

This meeting will adjourn to the Multipurpose Room, Court Floor, City Hall, 801 11th Street, Modesto, California, at 5:00 p.m or upon adjournment of the 4:00 p.m. regular City Council meeting for a status report of the Planning Commission's actions on the Modesto Urban Area General Plan update.

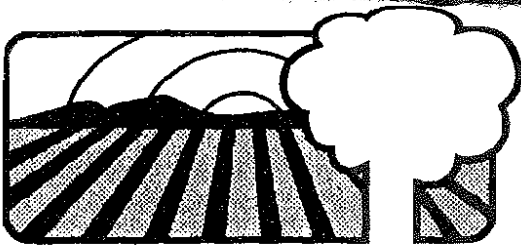
That meeting will be adjourned to 6:30 p.m. in the Pistache Room, Centre Plaza, 1000 L Street, Modesto, California, for a joint dinner meeting with the M.I.D. Board to consider the following:

- Bay-Delta/FERC Update

- Groundwater Management Update
- Update on Electrical Rates & Retail Wheeling
- How can MID and the City improve Communication on planning and implementation issues of common interest?
- Update on Del Este acquisition
- Cooperative Agreements for Joint Use of Facilities
- What City and MID policies could be revised to enhance economic development?

The meeting adjourned to closed session at 4:14 p.m. The City Attorney returned to open session at 5:00 p.m. and announced no action had been taken. The Council then adjourned to a meeting concerning the General Plan. That meeting adjourned at 5:25 p.m. to the meeting with the Modesto irrigation District.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an adjourned session at 6:30 p.m. on Tuesday, June 13, 1995, in the Pistache Room, Centre Plaza, 1000 L Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Patterson

The City Council met with members of the Modesto Irrigation District Board of Directors to consider following items:

Bay-Delta/FERC update;

Groundwater Management update;

Update on electrical rates and retail wheeling;

How the Modesto Irrigation District and the City of Modesto can improve communication on planning and implementation issues of common interest;

Update on Del Este acquisition;

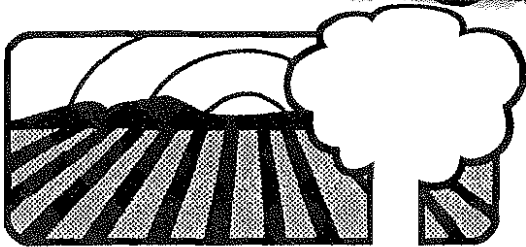
Cooperative agreements for joint use of facilities;

What City and M.I.D. policies could be revised to enhance economic development.

Oral Communications: None

The meeting adjourned at 8:52 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:00 p.m., on Tuesday, June 20, 1995, in the Multi-purpose Room at Modesto City Hall, 801 11th Street, Modesto, California.

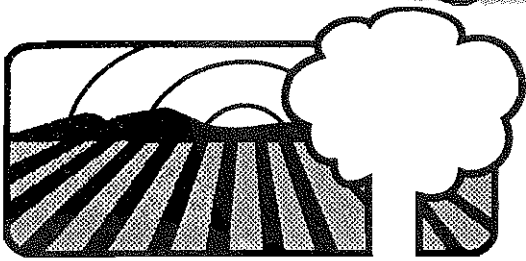
Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

Members of the Community Development Department staff reviewed the changes recommended by the Planning Commission on the proposed General Plan, the recommended revisions to the Final Environmental Impact Report and mitigation measures, and the public comments received during the public review period.

The meeting adjourned at 6:03 p.m.

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, June 20, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: Councilmember Patterson

Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Economic Development, Community and Intergovernmental Relations
2. Financial Policy Committee
3. Human Services/Public Safety Committee

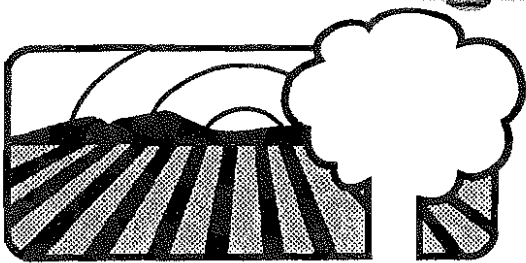
Oral Communications: None

The meeting adjourned at 6:55 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Judy C. Hall". The signature is written over a horizontal line.

JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 20, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. Mike Moran, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 12, 13

ACTION: (Muratore/Friedman, unan., Patterson absent)

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A copy of this agenda may be obtained in the City Clerk's Office.

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. None

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of June 12, the two adjourned regular and the regular City Council meetings of June 13, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider an increase in tipping fees at the Stanislaus Resource Recovery Facility.

ACTION: Res. 95-299 adopted (Muratore/McClanahan, unan., Patterson absent) increasing fees. (P/W, Finance to handle)

CONSENT

4. Hearing to consider changes in garbage rates as a result of the annual garbage rate review.
(This hearing will not be held, but will be continued to June 27, at 4:00 p.m. Motion continuing hearing needed.)

ACTION: By motion, hearing continued to June 27.

5. Hearing concerning amending the Resolution No. 93-350 (concerning acquisition of the Del Este Water Company) and authorizing the filing of an amended complaint in Stanislaus County Superior Court Action No. 296508.

ACTION: Res. 95-300 adopted (Friedman/Muratore, majority, Cogdill-no, Patterson absent) amending Res. No. 95-350, and filing of amended complaint authorized. (Attorney to handle)

BIDS

CONSENT

6. Consider declaring the following vendors the lowest responsible bidders on and authorize the purchase from same for various replacement utility and grounds maintenance equipment for a total cost of \$1,830,672.21. The vendors are: Bobcat Control, Inc., California Utility, Central Valley Golf, Country Ford, F.B. Hart, Garton Ford, H.V. Carter, Jenkins Machinery, J.M. Equipment, Maita Chevrolet, Modesto Ford, Modesto Ford

6-20-95

Tractor, Nixon-Egli Equipment Co., and Pacific Utility.
(Resolution declaring several vendors lowest and responsible bidders and authorizing the award of purchase orders to same needed. Funds are budgeted.)

ACTION: Res. 95-301 adopted awarding bid. (Finance to handle)

NEW BUSINESS

CONSENT

7. Consider approval of an appropriation transfer of \$50,000 to provide funding for needed analytical services and review of Local Limits Development data by a consultant.
(Testing is mandated by the State Regional Water Quality Control Board. Resolution approving appropriation transfer needed.)

ACTION: Res. 95-302 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

8. Consider accepting \$455,000 in grant funding from the State Wildlife Conservation Board for acquisition of property for the Tuolumne River Regional Park, and amending the budget to estimate and appropriate revenue to a new Capital Improvement Program project, Tuolumne River Regional Park Land Acquisition.
(Resolution authorizing the City Manager to sign an agreement with the State Wildlife Conservation Board, and resolution amending the budget needed.)

ACTION: Res. 95-303 adopted approving grant agreement.
Res. 95-304 adopted amending the budget.
(P/R to handle)

CONSENT

9. Semi-annual monitoring reports for organizations funded with Community Development Block Grant Funds.
(Motion acknowledging receipt of reports needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

10. Consider authorizing the City Manager to execute an agreement to reimburse Yosemite Community College District for City's share of costs to improve Blue Gum Avenue at the College's West Campus and authorize multi-year payments beginning fiscal year 1995-96.
(Resolution approving agreement and resolution approving appropriation transfer needed.)

ACTION: Res. 95-305 adopted approving agreement.
Res. 95-306 adopted approving appropriation transfer.
(P/W to handle)

11. Consider adoption of the Fiscal Year 1995-96 Annual Operating Budget and first year of the Four-Year Capital Improvement Program, including reappropriations of capital projects in progress. and establish the

6-20-95

price and population factors to be used in calculating the Proposition 4 limit.

(Introduction of ordinance adopting Budget and Capital Improvement Program; resolution establishing the 1995-96 fiscal year appropriations limit including the price and population factors to be used in calculations; and resolution amending the 1994-95 budget and re-estimating revenue needed.)

ACTION: By motion (Friedman/Muratore, unan., Patterson absent) Ord. No. 2947-C.S. adopted.
Res. 95-307 adopted (same vote) establishing 1995-96 fiscal year appropriations limit including price and population factors.
Res. 95-308 adopted (same vote) amending the 1994-95 budget.
(Finance to handle)

CONSENT

12. a. Consider increasing sewer rates 4% for all user groups, effective July 1, 1995.

b. Consider decreasing storm drain rates 5%, effective July 1, 1995.

(Resolution increasing sewer rates and decreasing storm drain rates needed.)

ACTION: Res. 95-309 adopted increasing sewer rates and decreasing storm drain rates.
(P/W, Finance to handle)

CONSENT

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

(Resolution amending the Salary Schedule; resolution authorizing payment by employees of a portion of their PERS contribution. Estimated cost: \$300,000. Funds are included in the 1995-96 budget.)

ACTION: Res. 95-310 adopted amending Salary Schedule.
Res. 95-311 adopted authorizing payment of PERS contribution.
(Personnel to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

(a) Briefly respond to statements made or questions raised.

(b) Ask a question for clarification.

(c) Provide a reference to staff or other resources for factual information.

(d) Request staff to report back at a subsequent meeting.

6-20-95

(e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

15. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

16. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

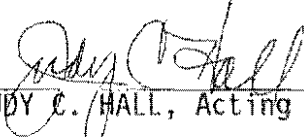
Name of case: City of Modesto vs. Del Este Water Company and California Water Service Company, Superior Court case No. 296508.

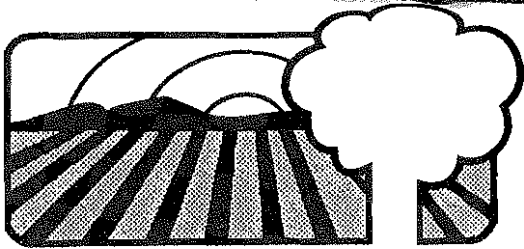
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 549569 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned to closed session at 7:22 p.m. The City Attorney returned to open session at 8:10 p.m. and announced that no action was taken.

ATTEST: 
JUDY C. HALL, Acting City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special closed session at 3:30 p.m. on Tuesday, June 27, 1995, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: Councilmember Patterson

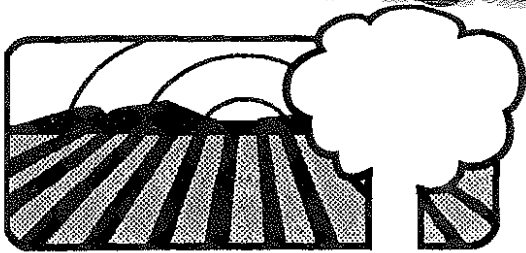
The City Council met in closed session to hold a conference with legal counsel regarding existing litigation in the cases of City of Modesto vs. Del Este Water Company and California Water Company, Superior Court Case No. 296508; and The People of the State of California on the relation of City of Modesto vs. Richard G. Patterson, Superior Court Case No. 27336.

The meeting adjourned at 4:07 p.m. The City Attorney announced that no action had been taken.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

6-27-95

141-84 through
147-84 not used



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special closed session at scheduled for 5:00 p.m. and convened at 5:20 p.m. on Tuesday, June 27, 1995, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

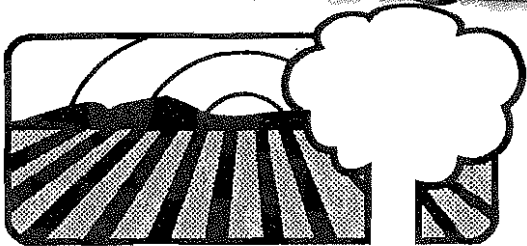
Absent: Councilmember Patterson

The City Council met in closed session to hold a conference with legal counsel regarding anticipated litigation in one case pursuant to Subdivision (b) of Section 549569 of the Government Code.

The meeting adjourned at 5:35 p.m. The City Attorney announced that no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

6-27-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 7:00 p.m., on Tuesday, June 27, 1995, in the Council Chambers at Modesto City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmembers Patterson

A public hearing was held concerning the proposed General Plan, the Final Environmental Impact Report and mitigation measures.

Councilmember Muratore was excused at 10:00 p.m.

By motion (Cogdill/Friedman, majority, McClanahan - no, Muratore and Patterson absent) the Council approved the staff proposal, with the following modifications:

1. Deleted the Blue Gum/Dakota Comprehensive Planning District (CPD).
2. Moved the Highway 132 Business Park CPD south and east, with the new boundaries being: Kansas Avenue to the north, Carpenter Road to the east, California Avenue to the south, and Nebraska Avenue to the west.
3. Added a modified version of the Whitmore/Carpenter CPD, with the modified boundaries being: Tuolumne River to the north, Carpenter Road to the east, Whitmore Avenue to the south, and Vivian Road to the west.

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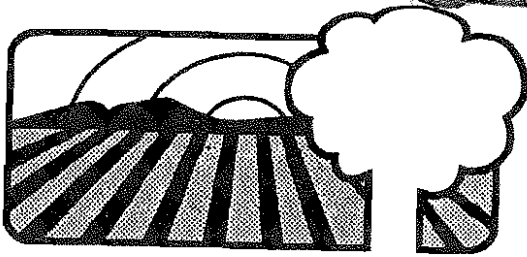
4. Added a new area to the north of Empire, with the boundaries being: Parker Road to the north, Church Street to the east, the northern boundary of the Empire Sanitary Sewer District to the south, and the Santa Fe Railroad to the west."

By motion (Cogdill/Friedman, unan., Muratore and Patterson absent), the hearing was continued to Tuesday, August 15, 1995, at 7:00 p.m.

The meeting adjourned at 10:37 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

6-27-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 27, 1995, AT 4:00 P.M.

Meeting convened at 4:09 p.m.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Patterson

Pledge of Allegiance to the Flag

Invocation: Rev. John Krueger, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 10, 11, 12, 13,
14, 15, 16

ACTION: (Friedman/Dobbs, unan., Patterson absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 9
Councilmember Cogdill excused due to a conflict of interest.

ACTION (Muratore/McClanahan, unan., Cogdill and Patterson absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificate of Recognition to the Modesto Sea Cadet Division of the United States Naval Sea Cadet Corps for their selection as the recipient of the George S. Halas Trophy for the most outstanding NSCC/NLCC programs in the nation.

The Certificate of Recognition was presented by Mayor Lang.

MINUTES

CONSENT

2. Approval of the minutes of the two special and the regular City Council meetings of June 20, 1995
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider changes in the garbage rates as a result of the annual garbage rate review.
Councilmember McClanahan excused due to a conflict of interest.

ACTION: Res. 95-312 adopted (Muratore/Lang, unan., McClanahan and Patterson absent) rate changes approved. (P/W, Finance to handle)

BIDS

CONSENT

4. Consider waiving formal bid procedures and authorizing the purchase of bulk gasoline and diesel fuels from the best available sources to meet City needs for Fiscal year 1995-1996.
(Resolution waiving formal bid procedures and authorizing purchase of bulk fuels needed. (Five affirmative votes needed.) Estimated cost: \$808,129. Funds are budgeted.)

ACTION: Res. 95-313 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

5. Consider awarding contract for the traffic signal construction project at Yosemite Boulevard/Creekwood Drive to Collins Electrical, and consider approving an appropriation transfer in the amount of \$38,478 to fully fund the project.

(Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated cost: \$105,610 (contract \$89,500; other \$16,110) Funds are partially budgeted.)

ACTION: Res. 95-314 adopted awarding contract.
Res. 95-315 adopted approving appropriation transfer.
(P/W to handle)

CONSENT

6. Consider accepting the contract of Ireland's for the Mildred Perkins Park Ballfield Improvements as complete and authorize City Clerk to file the Notice of Completion. (Original contract: \$30,890)
(Resolution accepting work as complete needed. Final cost: \$32,212.60. Funds are budgeted.)

ACTION: Res. 95-316 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider approval of an appropriation transfer in the amount of \$38,000 to fully fund the Emerald influent project.
(During the course of construction of the Emerald Avenue lift station rehabilitation, a series of unforeseen conditions has caused a shortfall to the original project budget. Resolution approving appropriation transfer needed.)

ACTION: Res. 95-317 adopted approving appropriation transfer.
(P/W, Finance to handle)

NEW BUSINESS

8. Consider the following actions related to the acquisition of the Del Este Water Company:

- a. Consider authorizing the City Manager to take such actions and execute such documents as are necessary or appropriate to implement and carry out the Settlement and Asset Purchase Agreement by and between the City of Modesto and the Del Este Water Company, dated March 7, 1995.
(Resolution authorizing City Manager to take such actions and execute necessary documents needed.)

ACTION: Res. 95-318 adopted (Friedman/Muratore, majority, Cogdill-no, Patterson absent) authorizing Manager to execute documents.
(Attorney to handle)

- b. Consider authorizing an appropriation transfer of \$10.2 million from the Water Certificate of Participation (COP) Fund Projects to a new CIP account for the purchase of the Del Este Water Company, and consider amending the budget to appropriate funds from the Modesto Irrigation District Water Fund Reserve in the amount of \$3.65 million to provide the remaining funding for the purchase of the Del Este Water Company.
(Resolution authorizing appropriation transfer needed, and resolution amending budget needed.)

ACTION: Res. 95-319 adopted (Friedman/Muratore, majority, Cogdill-no, Patterson absent) approving appropriation transfer.
Res. 95-320 adopted (same vote) amending budget. (Finance to handle)

- c. Consider amending the 1995-96 Budget to incorporate the Del Este acquisition and re-estimating revenue.
(Resolution amending the 1995-96 Budget and re-estimating revenue needed.)

ACTION: Res. 95-321 adopted (Friedman/Muratore, majority, Cogdill- no, Patterson absent) amending the budget. (Finance to handle)

- d. Consider indicating the City's intent to reimburse itself from bond proceeds in the future for certain costs incurred in the acquisition of the Del Este Water Company.
(Resolution of Intent to Reimburse needed.)

ACTION: Res. 95-322 adopting (Friedman/Muratore, majority, Cogdill-no, Patterson absent) Intent to Reimburse. (Finance to handle)

- e. Consider approving agreement with Modesto Irrigation District (MID) for the City to assume previous Del Este Water Co. obligations under Domestic Water Treatment and Delivery Agreement.
(Resolution approving agreement needed.)

ACTION: Res. 95-323 adopted (Friedman/Muratore, majority, Cogdill-no, Patterson absent) approving agreement. (Finance to handle)

- f. Consider adopting a rate structure and rate schedule for the customers served by the Del Este Water Company, to be acquired under a settlement agreement in the eminent domain proceedings, effective the date of escrow closing, on or about July 1, 1995; and consider setting connection charges for the new service area.
(Resolution adopting rate structure and rate schedule needed, and resolution setting connection charges needed.)

ACTION: Res. 95-324 adopted (Friedman/Muratore, majority, Cogdill-no, Patterson absent) adopting rate schedule.
Res. 95-325 adopted (same vote) setting connection charges. (Finance to handle)

- g. Consider authorizing City Manager to sign four new utility pay station agreements with California Check Cashing, Inc. (2), Quesenberry's Waterford Pharmacy, and New Deal, Inc.
(Four resolutions approving agreements needed. Total est. cost: \$5,000. Funds are budgeted.)

ACTION: Res. 95-326 adopted (Friedman/Muratore, majority, Cogdill-no, Paterson absent) approving agreement with California Check Cashing on Oakdale Road.
Res. 95-327 adopted same vote) approving agreement with California

Check Cashing on Standiford Avenue.
Res. 95-328 adopted (same vote) approving agreement with
Quesenberry's Waterford Pharmacy.
Res. 95-329 adopted (same vote) approving agreement with New Deal
Inc. (Finance to handle)

CONSENT

9. Consider authorizing a \$28,352 combined total reduction in audited transient occupancy tax due the City for calendar years 1991 through 1993 for Mallards Inn, Red Lion Inn, Super 8 Lodge, Town House Lodge, and Vagabond Motor Motel.
(Resolution authorizing reduction in audited transient occupancy tax needed.)
Councilmember Cogdill excused due to a conflict of interest.

ACTION: Res. 95-330 adopted authorizing reduction in audited transient occupancy tax. (Finance to handle)

CONSENT

10. Consider requiring candidates for the November 7, 1995, Modesto City Council and Modesto Board of Education election to pay the cost of candidates' statements.
(The State Elections Code provides that the Council determine whether candidates will pay the cost of printing their statements in the elections materials. The Fair Political Practices Commission has ruled that the City is prohibited from paying these costs. Resolution requiring candidates to pay the cost of the statements needed.)

ACTION: Res. 95-331 adopted requiring candidates to pay the cost of statements. (Clerk to handle)

CONSENT

11. Consider determining that the December 12, 1995, run-off election, if needed, will be conducted by mail.
(Motion determining the Council's intention to conduct the run-off election, if needed, by mail needed.)

ACTION: By motion, Council indicated its intention to conduct the December 12 run-off election, if needed, by mail. (Clerk to handle)

CONSENT

12. Consider authorizing the City Manager to execute financing agreements with property owner, Ethel Nowak, for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution approving agreement needed. Total est. CDBG cost: \$12,405; funds are budgeted.)

ACTION: Res. 95-332 adopted approving agreement. (Com. Devel. to handle)

CONSENT

13. Consider endorsing HUD application of CSU, Stanislaus, and agreement to participate in joint Community Development Program.
(Resolution endorsing grant application and certifying that activities proposed are consistent with the Consolidated Plan needed.)

ACTION: Res. 95-333 adopted endorsing grant application. (Com. Develop. to handle)

CONSENT

14. Consider approving lease agreement with Dennis and April Starkweather for the lease of 1204 River Road (Mancini house). (Resolution approving lease agreement needed.)

ACTION: Res. 95-334 adopted approving agreement. (Com. Develop. to handle)

CONSENT

15. Consider approving lease agreement with Cathryne "K.C." Green, dba Valley Traffic and News, for the lease of the former conference room in the former Airport Administration Office. (Resolution approving lease agreement needed.)

ACTION: Res. 95-335 adopted approving agreement. (Com. Develop. to handle)

CONSENT

16. Consider accepting grant offer for federal funds in the amount of \$614,608 to complete the Airport's recommended F.Y. 1995-96 Capital Improvement Projects, and authorize the City Manager to sign the Grant offer and any future amendments to increase the level of federal funds for the recommended projects needed. (Resolution approving grant offer and future amendments needed.)

ACTION: Res. 95-336 adopted approving grant offer. (P/W to handle)

ORAL COMMUNICATIONS

17. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Bill Cameron spoke about the General Plan.

MISCELLANEOUS

18.

Appointments

Planning Commission

ACTION: Res. 95-337 adopted (Muratore/Cogdill, unan., Patterson absent)
appointing Dan Thayer. (Clerk to handle)

Reappointments

Community Qualities Forum

ACTION: Res. 95-338 adopted (Muratore/Cogdill, unan., Patterson absent)
reappointing Robert Boranian, Kathleen Morgan, Peter Dutton,
Jeanie Palleschi and Chico Roberts. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

19. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

20. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of case: Bobby Donaldson v. City of Modesto, Workers'
Compensation Appeals Board Case No. STK 109346

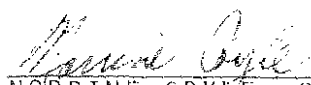
PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Clerk and Auditor

ADJOURNMENT

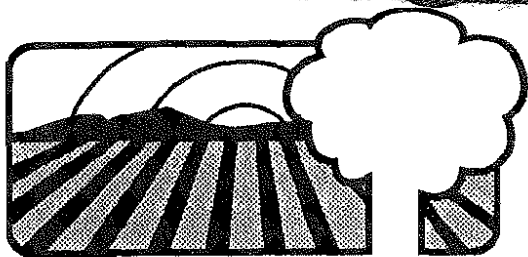
The meeting adjourned at 5:12 p.m. to closed session. The closed session recessed at 5:20 p.m. and reconvened at 5:35 p.m. The closed session adjourned at 6:05 p.m. with the Mayor announcing that no action was taken. The meeting then adjourned to 7:00 p.m. in the Council Chambers to hold a public hearing to consider adoption of the Modesto Urban Area General Plan, certify the Final EIR, make findings, adopt a Statement of Overriding Considerations, and adopt a mitigation monitoring program.

ATTEST:


NORRINE COYLE, City Clerk

7

6/27/95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Wednesday, July 5, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore, Mayor Lang

Absent: Councilmembers McClanahan, Patterson

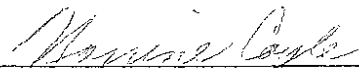
Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Economic Development, Community and Intergovernmental Relations Committee
3. Utility Services and Franchises Committee

Oral Communications: None

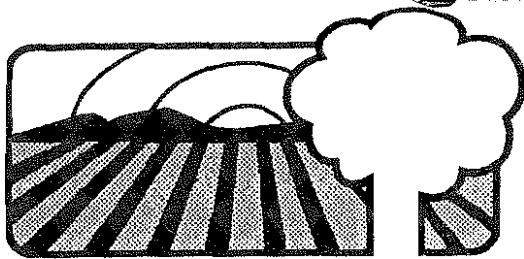
The meeting adjourned at 6:40 p.m.

ATTEST:



NORRINE COYLE, City Clerk

7-5-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF **WEDNESDAY, JULY 5, 1995, AT 7:00 P.M.**

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore,
Mayor Lang

Absent: Councilmembers McClanahan and Patterson

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 6, 7, 8, 10

ACTION: (Friedman/Dobbs, unan., McClanahan and Patterson absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the two special meetings, the regular, and adjourned regular City Council meetings of June 27, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider awarding contract for the rockwell replacement/addition 1995-96 project to Teichert Construction, and consider authorizing staff to proceed with a \$30,000 contract change order to construct an additional eight rockwells as part of the project.
(Resolution awarding contract to Teichert Construction needed, and consider authorizing change order needed. Total estimated cost: \$417,966.09 (contract \$349,519; other \$68,448.09) Funds are budgeted.)

ACTION: Res. 95-339 adopted awarding contract.
By motion, change order authorized. (P/W to handle)

CONSENT

4. Consider acceptance of Moody Construction's contract for the rip rap project at storage ponds on Jennings Road as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$49,000)
(Resolution accepting work as complete needed. Final cost: \$61,306.60. Funds are budgeted.)

ACTION: Res. 95-340 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

5. Review Community Qualities Forum report on regulation of adult businesses.
(Motion accepting report and referring to Planning Commission for further consideration needed.)

ACTION: By motion (Friedman/Cogdill, unan., McClanahan and Patterson absent) report accepted and referred to Planning Commission.
(Com. Devel. to handle)

CONSENT

6. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1-6, and consider adopting a Resolution of Intention setting a hearing for July 18, 1995, at 7:00 p.m. on the levy of the proposed assessment.

(Motion approving the City Engineer's Annual Report needed, and Resolution of Intention needed.)

ACTION: By motion, City Engineer's Report approved.
Res. 95-341 adopted approving Resolution of Intention setting hearing. (Clerk to handle)

CONSENT

7. Consider approving the City Engineer's Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7-10, and consider adopting a Resolution of Intention setting a hearing for July 18, 1995, at 7:00 p.m. on the levy of the proposed assessment. (Motion approving the City Engineer's Annual Report needed, and Resolution of Intention needed.)

ACTION: By motion, City Engineer's Report approved.
Res. 95-342 adopted approving Resolution of Intention setting hearing. (Clerk to handle)

CONSENT

8. Consider approving the vacation and abandonment of Chestnut Street right of way between Block 435 and 436 and consider approval of an appropriation transfer in the amount of \$12,990 to cover additional costs of the bus yard modification project. (Resolution vacating and abandoning the street right of way needed, and resolution approving appropriation transfer needed.)

ACTION: Res. 95-343 adopted abandoning street right of way.
Res. 95-344 adopted approving appropriation transfer. (P/W to handle)

ORAL COMMUNICATIONS

9. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

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- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

MISCELLANEOUS

CONSENT

10. Consider recommendation by the Planning Commission that Fred Cruz be appointed as its representative to the Citizens Housing and Community Development Committee.
(Resolution approving appointment needed.)

ACTION: Res. 95-345 adopted approving appointment.

MATTERS TOO LATE FOR THE AGENDA

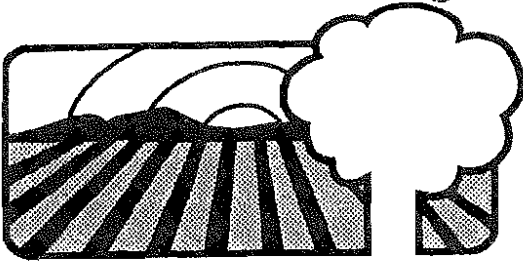
11. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

ACTION: By motion (Dobbs/Friedman, unan., McClanahan and Patterson absent) it was determined that the need to hold a closed session concerning City of Modesto vs. Richard Patterson arose after the agenda was posted.

ADJOURNMENT

The meeting adjourned at 7:05 p.m. to closed session. The City Attorney returned to open session at 8:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 11, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

ACTION: (McClanahan/Muratore, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Modesto and Downey High Schools government students.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 5, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider rejecting all bids for one digital telephone recorder/reproducer, and consider waiving formal bid procedures and authorizing Purchasing Officer to negotiate with and issue a purchase order to the vendor who meets the required specifications for a digital telephone recorder/reproducer.
(Resolution rejecting bids, waiving formal bid procedures (five affirmative votes needed) and authorizing negotiation and issuance of purchase order needed. Estimated cost: \$40,743.28. Funds are budgeted.)

ACTION: Res. 95-346 adopted rejecting bids, waiving formal bids and authorizing Purchasing Officer to negotiate.
(Finance to handle)

NEW BUSINESS

CONSENT

4. Consider declaring 700 feet of 1-1/2 inch fire hose as surplus property and authorize gift to Camp Mensinger Boy Scout Camp.
(Resolution declaring hose as surplus and authorizing gift needed.)

ACTION: Res. 95-347 adopted declaring hose surplus & authorizing gift.
(Fire to handle)

CONSENT

5. Consider amending the Position Classification Plan to adopt class specifications for Systems Technician; to revise the class specification for Systems Analyst; and to delete the class specifications for Printing Services Operator I, Printing Services Operator II and Senior Printing Services Operator.
(Resolution amending the Position Classification plan needed, and resolution amending the class range tables needed.)

ACTION: Res. 95-348 adopted amending Position Classification plan.
Res. 95-349 adopted amending class range tables.
(Personnel to handle)

CONSENT

6. Consider approving agreement with Caltrans for the construction and maintenance of the traffic signal at Yosemite Boulevard (State Route 132)/Creekwood Drive.
(Resolution approving agreement needed.)

ACTION: Res. 95-350 adopted approving agreement. (P/W to handle)

CONSENT

7. Consider authorizing the City Manager to certify and send to SAAG the Annual Self-Certification checklist for the Congestion Management Program.
(Resolution authorizing City Manager to sign Self-Certification form needed.)

ACTION: Res. 95-351 adopted authorizing City Manager to sign Self-Certification form. (P/W to handle)

CONSENT

8. Consider approving agreement with Modesto Irrigation District to lease pole space as part of the Advanced Traffic Management system (ATMS) project.
(Resolution approving agreement needed. Estimated cost: \$8,000. Funds are budgeted.)

ACTION: Res. 95-352 adopted approving agreement. (P/W to handle)

CONSENT

9. Consider proposed amendment to the City Charter which would address the problem posed by chronically ill councilmembers.
(Resolution proposing charter amendment for Regular Municipal Election to be held on November 7, 1995.)

ACTION: Res. 95- 353 adopted adding Charter amendment to November 7, 1995 ballot. (Clerk to handle)

CONSENT

10. Consider introduction of an ordinance amending Section 2-3.302 of the Modesto Municipal Code to eliminate that portion thereof which provides that the City Clerk shall take general administrative direction from the City Manager.
(Introduction of an ordinance amending the Modesto Municipal Code needed.)

ACTION: By motion, Ord. no. 2948-C.S. introduced. (Clerk to handle)

CONSENT

11. Consider amending the Modesto Municipal Code Section concerning "Mail Ballot Elections" to reflect the amended number in the California Elections Code.
(Introduction of an ordinance amending the California Elections Code section number needed.)

ACTION: By motion, Ord. No. 2949-C.S. introduced. (Clerk to handle)

12. By motion, determine whether or not to appoint a successor to Councilmember Richard Patterson within the 30-day time period provided for in Section 702 of the Modesto City Charter, and consideration of a resolution adding Council Chair 4 to the ballot for the Regular Municipal Election to be held in November, 1995.

ACTION: By motion (McClanahan/Muratore, unan.) it was determined not to appoint a successor to Councilmember Patterson's seat.
Res. 95-354 adopted (same vote) adding Councilmember Patterson's vacant seat to the Regular Municipal Election November, 1995.
(Clerk to handle)

ORAL COMMUNICATIONS

13. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
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 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Carmen Sabatino spoke about a proposed initiative.

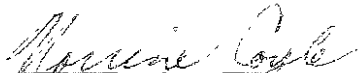
MATTERS TOO LATE FOR THE AGENDA

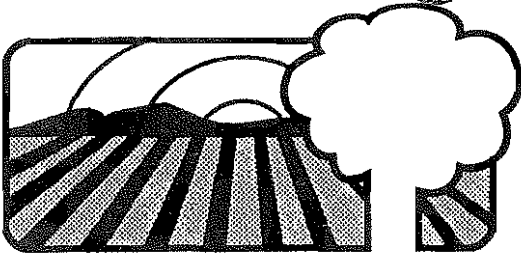
14. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 4:13 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, July 18, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, Muratore, McClanahan,
Mayor Lang

Mayor Lang arrived at 6:54 p.m.

Absent: None

Reports of activities and studies were made by the Chairs and members of the following policy committees:

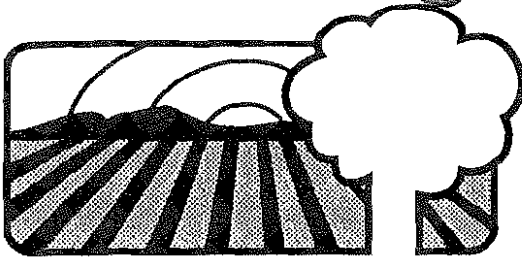
1. Financial Policy Committee
2. Human Services Committee/Public Safety Committee

Oral Communications: None

The meeting adjourned at 7:00 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

7-18-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 18, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Stan Lubeck, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 7, 8, 9, 10, 12, 13,
14, 15, 17

ACTION: (Muratore/Dobbs, unan.)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of check in the amount of \$5,000 from the Sons of Italy for the purchase of defibrillation equipment.

Vera Girolami, President of the Sons of Italy, presented the check to Mayor Lang and Chief Hughes.

Mayor Lang introduced high school government students.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 11, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:
 - a. Ord. No. 2948-C.S. amending the Municipal Code relating to creation and functions of the City Clerk and Auditor.
 - b. Ord. No. 2949-C.S. amending the Municipal Code relating to Mail Ballot Elections.
(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions 1 - 6.

ACTION: Res. 95-355 adopted (Dobbs/Friedman, unan.) confirming diagram and assessments and levying assessments.
(PW & T to handle)

5. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions 7 - 10.

ACTION: Res. 95-356 adopted (Dobbs/Friedman, unan.) confirming diagram and assessments and levying assessments.
(PW & T to handle)

BIDS

CONSENT

6. Consider approving specifications and authorizing call for bids for the furnishing and installing of one vehicle lift.
(Suggested bid opening: August 14, 1995, at 11:00 a.m. Resolution approving specifications and calling for bids needed. Total estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 95-357 adopted approving specifications and authorizing call for bids.
(Finance to handle)

CONSENT

7. Consider award of contract for the 1995 Cape and Slurry Seals to Graham Contractors, Inc.
(Resolution awarding contract to Graham Contractors, Inc. needed. Estimated total cost: \$512,818.86 (contract \$453,822; other amount \$58,996.896) Funds are budgeted.)

ACTION: Res. 95-358 adopted awarding contract.
(PW & T to handle)

CONSENT

8. Consider award of contract for the Crows Landing drain basin outfall to Falco Construction; consider approving appropriation transfer in the amount of \$22,000 to fully fund the project; consider approving an appropriation transfer in the amount of \$6,000 to fund a new project "Water Well No. 49 Slope Protection at the Crows Landing Drainage Basin."
(Resolution awarding contract to Falco Construction needed; two resolutions approving appropriation transfers needed. Estimated total cost: \$59,783.90 (contract \$51,986; const. admin. & contingencies \$7,797.90. Funds are budgeted.)

ACTION: Res. 95-359 adopted awarding contract.
Res. 95-360 adopted approving appropriation transfer.
Res. 95-361 adopted approving appropriation transfer.
(PW & T to handle)

CONSENT

9. Consider authorizing an increase in the scope of work for the replacement of curb, drive aprons and sidewalks - Project 21.
(Due to favorable bid prices, funds are available within the budgeted amount to do more work and reduce the backlog of citizen work requests on curb, gutters and sidewalks. Resolution authorizing increase in scope of work needed. Total estimated cost: \$305,283 (contract \$204,258; increase in scope of work \$70,772; const. admin. & contingencies \$30,253) Funds are budgeted.)

ACTION: Res. 95-362 adopted authorizing increase in scope of work.
(PW & T to handle)

CONSENT

10. Consider accepting the contract of Ross F. Carroll, Inc. for the Rumble Road lift station rehabilitation project - Phase 2 as complete and authorize the City Clerk to file the Notice of Completion. (Original contract \$23,775)
(Resolution accepting work as complete needed. Final cost: \$26,949.90. Funds are budgeted.)

ACTION: Res. 95-363 adopted accepting work as complete and authorizing Clerk to file Notice of Completion.
(Clerk to handle)

NEW BUSINESS

11. Consider designating voting delegate and voting alternate for League of California Cities Annual Conference October 22 through October 24, 1995. (Motion designating voting delegate and voting alternate needed.)

ACTION: By motion (Dobbs/Friedman, unan.) Mayor Lang was designated as delegate, Vice Mayor Muratore designated first alternate, and past Vice Mayor McClanahan designated second alternate.
(Clerk to handle)

CONSENT

12. Consider directing the City Clerk and Auditor to submit a copy of the proposed Charter amendment measure concerning chronically ill councilmembers to the City Attorney for preparation of an impartial analysis of the measure.
(Resolution directing the City Clerk and Auditor to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis needed.)

ACTION: Res. 95-364 adopted directing City Clerk and Auditor to transmit a copy of measure to City Attorney for preparation of an impartial analysis of the measure.
(Clerk to handle)

CONSENT

13. Consider authorizing staff to proceed with an application to California Transportation Commission for a grant to construct an Amtrack station on Santa Fe tracks in Modesto; approving the City's participation in the project via \$607,528 worth of Capital Improvements related to the project subject to completion of the CEQA process; and making certain assurances to the California Transportation Commission related to the project.
(Resolution authorizing grant application, approving City's participation, and making assurances to CTC needed.)

ACTION: Res. 95-365 adopted authorizing grant application, approving City participation, and making required assurances.
(PW & T to handle)

CONSENT

14. Consider amending the Position Classification Plan to adopt class specifications for Systems Manager; consider amending Class Range Table to establish salary for Systems Manager.
(Resolution amending the Position Classification Plan needed, and resolution amending the Class Range Table needed.)

ACTION: Res. 95-366 adopted amending Position Classification Plan.
Res. 95-367 adopted amending Class Range Table.
(Personnel to handle)

CONSENT

15. Consider authorizing the City Manager to execute financing agreements with Silas Green and Clyde Harter for the purposes of rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreement needed. Total estimated cost: \$14,500 (CDBG); \$69,575 (HOME). Funds are budgeted.)

ACTION: Res. 95-368 adopted approving financing agreements.
(Com. Dev. to handle)

ORAL COMMUNICATIONS

16. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Carmen Sabatino spoke about liens.

WRITTEN COMMUNICATIONS

CONSENT

17. Letter of resignation from the Citizens Advisory Committee on Recycling from Dennis V. Jackman.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-369 adopted accepting resignation.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

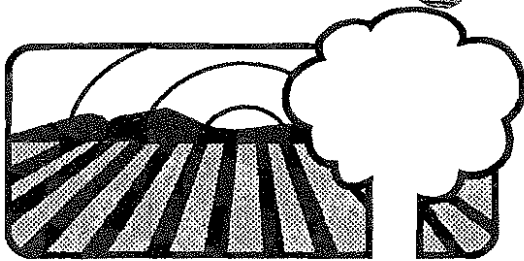
18. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, JULY 25, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: Councilmember Dobbs

Pledge of Allegiance to the Flag

Invocation: Rev. Thomas M. Mello, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 12, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23

Removed from consent: 13

ACTION: (Friedman/McClanahan, unan., Dobbs absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of July 18, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the appeal of Gary and Lori Martinez to a Board of Zoning Adjustment denial of a variance to allow a six-foot high fence within one foot of the side street side yard property line along Ursini Lane, including a ten-foot corner cut-off of the fence adjacent to property at 1901 Sylvan Avenue.

ACTION: Res. 95-370 adopted (McClanahan/Muratore, unan., Dobbs absent) denying the appeal. (Com. Develop. to handle)

4. Hearing to consider the proposed designation of the Graham House, located at 206 Roselawn Avenue, as a Modesto Landmark Preservation Site.

ACTION: Res. 95-371 adopted (Friedman/Cogdill, unan., Dobbs absent) designating Graham House a Landmark Preservation Site. (Com. Develop. to handle)

5. Hearing to consider the proposed designation of the Masonic Temple Building, located at 1500 J Street, as a Modesto Landmark Preservation Site.

ACTION: Res. 95-372 adopted (McClanahan/Cogdill, unan., Dobbs absent) designating the Masonic Temple a Landmark Preservation Site. (Com. Develop. to handle)

6. Hearing to consider the proposed designation of the Stockton Savings Bank Building, located at 1101 J Street, as a Modesto Landmark Preservation Site.

ACTION: Res. 95-373 adopted (McClanahan/Muratore, unan., Dobbs absent) designating the Stockton Savings Bank Building a Landmark Preservation Site. (Com. Develop. to handle)

7. Hearing to consider the proposed designation of the H Street Facade of the Modesto High School located at 18 H Street, as a Modesto Landmark Preservation Site.

ACTION: Res. 95-374 adopted (Lang/Friedman, unan., Dobbs absent) designating the H Street Facade of Modesto High School a Landmark Preservation Site. (Com. Develop. to handle)

BIDS

CONSENT

8. Consider awarding contract for construction of street lighting project on Scenic Drive between Rose Avenue and Oakdale Road to Collins Electrical Company.
(Resolution awarding contract to Collins Electrical needed. Total estimated cost: \$36,580; contract \$31,000; const. admin. & contingencies \$5,580. Funds are budgeted.)

ACTION: Res. 95-375 adopted awarding contract. (P/W to handle)

CONSENT

9. Consider acceptance of the contract of Conco West, Inc. for the sewer lift station rehabilitation project - Trask/Encina and College/Orangeburg as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$243,700)
(Resolution accepting work as complete needed. Total final cost: \$247,519.75. Funds are budgeted.)

ACTION: Res. 95-376 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of the contract of Rolfe Construction for the Maze Boulevard lift station influent line project as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$49,125)
(Resolution accepting work as complete needed. Total final cost: \$52,234. Funds are budgeted.)

ACTION: Res. 95-377 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

11. Final parameters of Modesto Irrigation District Bond Financing related to City acquisition of Del Este Water Company.
(Resolution approving final parameters of the forthcoming Modesto Irrigation District bond financing related to the acquisition of the Del Este Water Company needed.)

ACTION: Res. 95-378 adopted (Friedman/McClanahan, unan.) approving final parameters of the M.I.D. bond financing relating to the Del Este Water Company acquisition. (Finance to handle)

CONSENT

12. Recap of 1994 Tax and Revenue Anticipation Note (TRAN).
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

13. Consider adopting a policy that would require the payment of prevailing wages only on construction contracts on which there are State or Federal funds which have prevailing wage requirements, or for projects having Statewide concern.

(Resolution adopting policy needed.)

ACTION: By motion (Friedman/McClanahan, unan., Dobbs absent) this matter was referred to the Council's Financial Policy Committee to hold a meeting on August 21, 1995, at 5:00 p.m. in the Council Chambers.

CONSENT

14. Consider approving amendment to lease agreement with Hein Hettinga and Amos De Groot for the lease of approximately 2,565 acres of the secondary wastewater treatment facility.
(Resolution approving amendment to agreement needed.)

ACTION: Res. 95-379 adopted approving amended agreement.
(Com. Develop. to handle)

CONSENT

15. Consider amending the Position Classification Plan to revise the class specification for City Clerk and Auditor; and consider amending the Class Range Table to adjust salary range.
(Resolution amending Position Classification Plan needed, and resolution amending Class Range Table needed.)

ACTION: Res. 95-380 adopted amending Position Classification Plan.
Res. 95-381 adopted amending Class Range Table.
(Personnel to handle)

CONSENT

16. Consider adoption of a resolution supporting "National Night Out 1995" on August 1, 1995.
(Resolution supporting "National Night Out 1995" needed.)

ACTION: Res. 95-382 adopted supporting "National Night Out 1995".
(Police to handle)

CONSENT

17. Consider approving agreement with Gold Star Checking to operate as a bus pass outlet for Modesto Area Express (MAX).
(This will establish a pass outlet near the intersection of Hatch Road and Herndon Avenue to make it more convenient to purchase bus passes. Outlets are paid 20 cents for each pass sold. Resolution approving agreement needed.)

ACTION: Res. 95-383 adopted approving agreement. (P/W to handle)

CONSENT

18. Consider authorizing Request for Proposals for the use of a commercial real estate agent to market vacant airport property and office space.
(Motion authorizing Request for Proposals needed.)

ACTION: By motion, Request for Proposals authorized. (P/W to handle)

CONSENT

19. Consider approving agreement with Minager & Associates to provide consultant services for the Modesto Traffic Signal Retiming and Upgrade Project.
(Resolution approving agreement needed. Total estimated cost: \$120,615. Funds are budgeted.)

ACTION: Res. 95-384 adopted approving agreement. (P/W to handle)

CONSENT

20. Consider approving the vacation and abandonment of a portion of the north side of Woodland Avenue between Rosemore Avenue and Dan West Court.
(Resolution vacating and abandoning needed.)

ACTION: Res. 95-385 adopted vacating and abandoning. (P/W to handle)

CONSENT

21. Consider approval of the final map of Conant Meadows and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Housing Authority of the County of Stanislaus)
(Resolution approving the final map and approving agreement needed.)

ACTION: Res. 95-386 adopted approving final map. (Clerk to handle)

CONSENT

22. Consider authorizing City Manager to execute financing agreement with Silas Green for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution approving financing agreement needed. Total estimated CDBG Cost: \$17,258. Funds are budgeted.)

ACTION: Res. 95-387 adopted approving agreement. (Com. Develop. to handle)

CONSENT

23. Treasurer's Report - June 1995.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

ORAL COMMUNICATIONS

24. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

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None

MATTERS TOO LATE FOR THE AGENDA

25. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

26. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

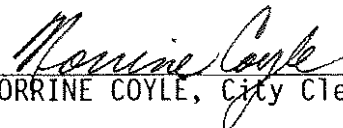
Name of Case: Debra Lamb, et al. vs. City of Modesto, Ron Johnson & Does 1-100
United States District Court, Eastern District of California, No. CV-F, 94-5156 GEB DLB

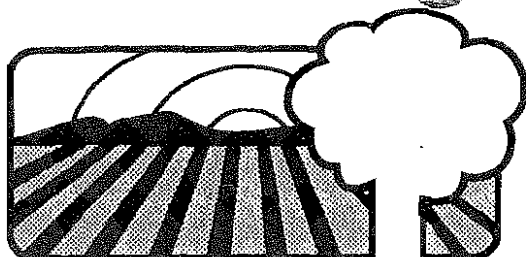
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

The meeting adjourned at 4:40 p.m. to closed session. The City Attorney returned to open session at 5:05 p.m. and announced no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 5:00 p.m., on Tuesday, August 1, 1995, in the Multipurpose Room, Court Floor, Modesto City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Mayor Lang was excused at 5:30 p.m.

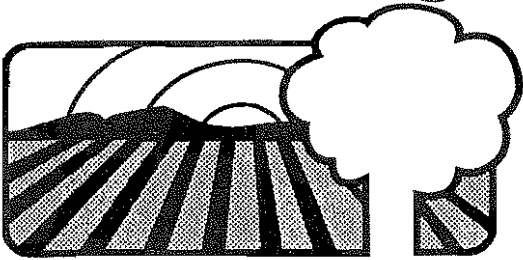
Absent: None

The City Council held a workshop to study the proposed General Plan and changes that will be recommended at the August 15, 1995, City Council meeting as a result of comments made during the Council's public hearing on June 27, 1995.

The meeting adjourned at 6:02 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

8-1-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:15 p.m. on Tuesday, August 15, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: None

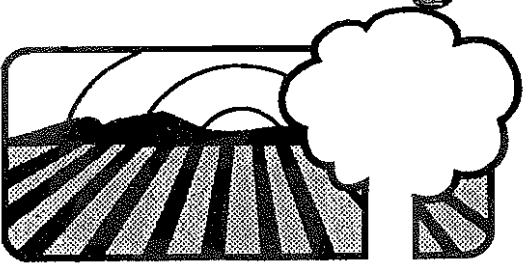
The Council met to discuss the submission of an argument concerning Measure G on the November 7, 1995, ballot, amending a Charter section concerning vacancies on the City Council.

By motion (Friedman/Muratore, unan.) the Mayor was authorized to submit an argument in favor of Measure G.

Oral Communications: None

The meeting adjourned at 6:30 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, August 1, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Acting Mayor Muratore

Absent: Mayor Lang

Reports of activities and studies were made by the Chairs and members of the following policy committees:

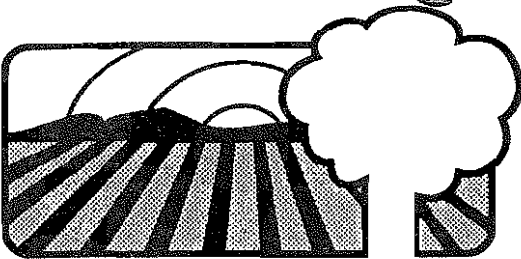
1. Community Development and Housing Committee
2. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:47 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

8-1-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 1, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs,
Friedman, McClanahan, Muratore,
Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Jeffrey Norman, Modesto Covenant Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 7,
8, 9

ACTION: (Friedman/Dobbs, unan.) consent items approved.

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8/1/95

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Exchange students and their chaperone from Khmelnitsky, Ukraine USSR, presented a painting from their City to Modesto.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 25, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider award of contract for the Scenic lift station discharge line project to Rolfe Construction Company.
(Resolution awarding contract to Rolfe Construction needed. Estimated total cost: \$186,990 (contract \$155,825; const. admin. & contingencies \$31,165) Funds are budgeted.)

ACTION: Res. 95-388 adopted awarding contract. (P/W to handle)

CONSENT

4. Consider rejection of bid received for the CNG fueling station at the Corporation Yard, and consider withdrawing the City's request for a \$90,000 grant from the San Joaquin Valley Air Pollution Control District.
(Resolution rejecting bid needed, and resolution withdrawing request for grant needed.)

ACTION: Res. 95-389 adopted rejecting bid and withdrawing request for grant. (P/W to handle)

CONSENT

5. Consider accepting the contract of George Reed, Inc. as complete for the reconstruction of "H" and "I" Streets and authorizing the City Clerk to file a Notice of Completion.
(Original contract: \$935,818.50)
(Resolution accepting work as complete needed. Total final cost: \$1,686,445. Funds are budgeted.)

ACTION: Res. 95-390 adopted accepting as complete. (Clerk to handle)

HEARING

6. Consider adoption of a resolution of necessity to acquire the security interest of the Pacific Mutual Life Insurance

8/1/95

Company in real and personal property formerly owned by the Del Este Water Company.
(Resolution of necessity needed.)

ACTION:: Res. 95-391 adopted (Friedman/McClanahan, unan.)
approving a Resolution of Necessity. (Atty to handle)

NEW BUSINESS

CONSENT

7. Recognition of Greg Steel for his twenty-one years with Stanislaus Area Association of Governments.
(Resolution commending Greg Steel for his contributions to transportation and air quality planning in Stanislaus County needed.)

ACTION:: Res. 95-392 adopted commending Greg Steel.
(P/W to handle)

CONSENT

8. Consider proposed Capital Facilities Fees modifications regarding the reuse of an existing building.
(Resolution amending Res. 91-90 regarding exemptions from CFF fees needed.)

ACTION: Res. 95-393 adopted amending Res. 91-90)
(Com. Devel. to handle)

CONSENT

9. Consider granting approval for the International Festival Committee to conduct a parade and international festival in the City of Modesto, subject to certain conditions.
(Resolution granting approval needed.)

ACTION: Res. 95-394 adopted granting approval. (P/R to handle)

ORAL COMMUNICATIONS

10. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (d) Request staff to report back at a subsequent meeting.

8/1/95

(e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Councilmember Muratore announced that he will not be running for re-election.

MATTERS TOO LATE FOR THE AGENDA

11. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

12. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

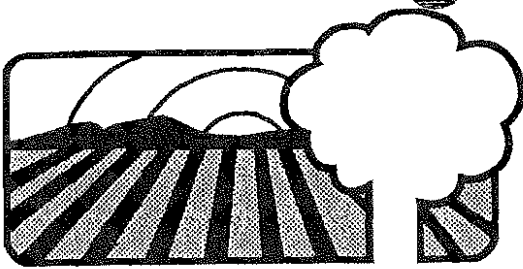
Name of Case: MPMA vs. City of Modesto, United States
District Court, case No. CV-F 94-6189 OWW DLB

ADJOURNMENT

The meeting adjourned to closed session at 7:20 p.m. The City Attorney returned at 9:10 p.m. and announced that no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

8/1/95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 8, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Rick Thompson, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 9, 10, 11, 12, 14

ACTION: (Friedman/Dobbs, unan.)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Students and chaperones from Kurume, Japan, were introduced and presented gifts from the Mayor President and City Council of Kurume to the City of Modesto.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of August 1, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (City Clerk to handle)

HEARINGS

3. Hearing to consider request of Self-Help Enterprises for an exemption to Capital Facilities Fees (CFF) for a 48-unit Multi-Family complex on Paradise Road opposite Mayette Avenue.
(Self-Help Enterprises, a not-for-profit developer is seeking exemption from Capital Facilities Fees for a multi-family project earmarked for households with less than 50% median area income. Resolution making findings and indicating intent to approve an agreement granting an exemption of \$115,920 of CFF needed.)

ACTION: Res. 95-395 adopted granting the exemption. (Com. Develop.)

BIDS

CONSENT

4. Consider awarding contract for the Airport District Improvements - Empire Avenue and Kerr Avenue to Teichert Construction Co.
(Resolution awarding contract to Teichert Construction needed. Total estimated cost: \$304,441.92 (contract \$274,272; const. admin. & contingencies \$30,169.92) Funds are budgeted.)

ACTION: Res. 95-396 adopted awarding contract. (P/W to handle)

CONSENT

5. Consider rejecting all bids for an above-ground mobile bus hoist for the bus maintenance facility and authorize new call for bids.
(Suggested bid opening: August 28, 1995, at 11:00 a.m. Staff will rewrite the specifications to include additional enhancements. Resolution rejecting all bids and authorizing new bid call needed. Estimated cost: \$51,000. Funds are budgeted.)

ACTION: Res. 95-397 adopted rejecting bids and authorizing new call for bids. (Finance to handle)

CONSENT

6. Consider waiving formal bid procedures and authorizing the Purchasing Officer to purchase computer equipment for Fiscal Year 1995-96 from the best available competitively bid or cooperative contract source. (Resolution waiving formal bid procedures and authorizing the purchase of computer equipment needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 95-398 adopted waiving formal bid procedures & authorizing purchase. (Finance to handle)

NEW BUSINESS

7. Consider amending the Modesto Municipal Code relating to fireworks. (Introduction of an ordinance needed.)

ACTION: By motion (McClanahan/Cogdill, majority, Dobbs and Muratore-no) Section 3-1.108(a)3B limiting the number of booths was included in Ord. No. 2950-C.S.
By motion (McClanahan/Friedman, unan.) Ord. No. 2950-C.S. was introduced, (Fire to handle)

8. Consider adopting a Pay for Performance Program for unrepresented Management and Confidential employees in the classified service. (Resolution adopting Pay for Performance Program needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 95-399 adopted (Friedman/McClanahan, unan.) adopting a Pay for Performance Program. (Personnel to handle)

CONSENT

9. Consider amending the City's Labor Policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of City employees represented by the Modesto City Employees' Association (MCEA), Modesto City Fire fighters' Association (MCFFA), Modesto Police Officers' Association (MPOA), and the Modesto Police Management Association (MPMA), and consider adopting the provisions of Section 414(h)(2) of the Internal Revenue Code. (Five resolutions needed.)

ACTION: Res. 95-400 adopted amending labor policy providing for PERS employee contributions to be paid by the City for M.C.E.A. members.
Res. 95-401 adopted amending labor policy providing for PERS employee contributions to be paid by the City for Modesto Police Officers Association members.
Res. 95-402 adopted adopting provisions of IRS Code relating to PERS employee contributions.
Res. 95-403 adopted amending labor policy providing for PERS employee contributions to be paid by the City for Modesto Police Management Association members.
Res. 95-404 adopted amending labor policy providing for PERS

employee contributions to be paid by the City for Fire Fighters
Association members. (Fire to handle)

CONSENT

10. Report of loans approved under the Emergency Home Repair Program (EHRP) during July 1995.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

11. Consider approving concession agreement with Avis Rent-A-Car Systems, Inc., for rental car operations at the Modesto City/County Airport.
(Resolution approving concession agreement needed.)

ACTION: Res. 95-405 adopted approving agreement. (Com. Develop. to handle)

CONSENT

12. Consider approving concession agreement with Hertz Corporation for rental car operations at the Modesto City/County Airport.
(Resolution approving concession agreement needed.)

ACTION: Res. 95-406 adopted approving agreement. (Com. Develop. to handle)

ORAL COMMUNICATIONS

13. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

CONSENT

14. Letter of resignation from the Highway Village Neighborhood Advisory Committee from Conni-lynn Yandell.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-407 adopted accepting resignation. (Clerk to handle)

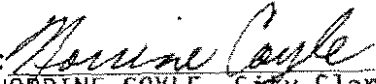
MATTERS TOO LATE FOR THE AGENDA

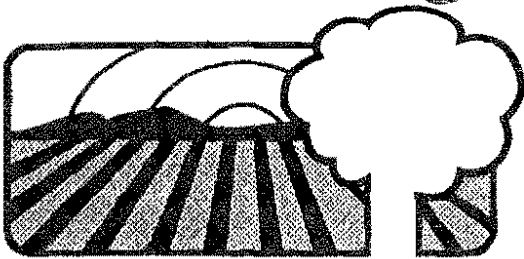
15. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, August 15, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: None

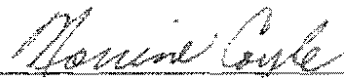
Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Economic Development, Community & Intergovernmental Relations
2. Financial Policy Committee

Oral Communications: None

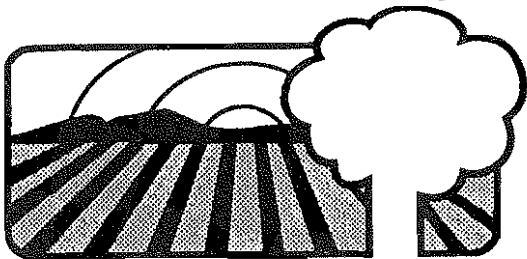
The meeting adjourned at 6:40 p.m.

ATTEST:



NORRINE COYLE, City Clerk

8-15-95



MODESTO CITY COUNCIL

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 15, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 11

Removed from consent: , 7

ACTION: (Friedman/Dobbs, unan.)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced members and leaders of Boy Scout Troop #137, sponsored by St. Paul's Episcopal Church.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 8, 1995.
(Motion approving needed.)

ACTION: By motion, the minutes were approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2950-C.S. relating to fireworks.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2950-C.S. was adopted. (Clerk to handle)

By direction of the Chair, the order of items was revised with Item 7 being considered, followed by item 5, and then item 4.

HEARINGS

4. Hearing to consider adoption of the Modesto Urban Area General Plan and to certify the Final Master Environmental Impact Report for the Plan.

ACTION: Res. 95-408 adopted (Cogdill/Friedman, unan.) certifying review of the Master Environmental Impact Report, adopting findings supporting rejection of alternatives, adopting a Statement of Overriding Considerations, and adopting a Mitigation Monitoring Program.

Res. 95-409 adopted (Cogdill/Friedman, unan.) adopting the General Plan.

5. Hearing to consider appeal of Richard Hagerty, REDEV, Inc., on behalf of Ajmer Gill, to a decision of the State Department of Alcoholic Beverage Control Board denying a license for the sale of alcoholic beverages at a Stop n Shop at the Creekwood Plaza Shopping Center at 380I Yosemite Boulevard, and to determine whether the public convenience or necessity would be served by the issuance of a license.

ACTION: Res. 95-410 adopted (Muratore/McClanahan, unan.) determining that the public convenience or necessity would be served by the issuance of a liquor license at 380I Yosemite Boulevard.
(Police to handle)

BID

CONSENT

6. Consider awarding contract for the Woodland Avenue lift station generator project to Collins Electrical Company, Inc. for \$92,090. (Resolution awarding contract needed. Total estimated cost: \$105,903.50; contract \$92,090; const. admin. & contingencies \$13,813.50) Funds are budgeted.)

ACTION: Res. 95-411 adopted awarding contract. (Public Works & Trans. to handle)

7. Consider awarding contract for the Coffee Road - road construction and storm drain project to George Reed, Inc. for \$1,681,556.95. (Resolution awarding contract needed. Total estimated cost: \$1,866,528.50; contract \$1,681,556.95; const. admin. & contingencies \$184,897.16) Funds are budgeted.)

ACTION: Res. 95-412 adopted (Dobbs/Friedman, unan.) awarding contract.
Res. 95-412A adopted (Dobbs/Friedman, unan) amending the budget. (Public Works & Trans. to handle)

CONSENT

8. Consider awarding contract for the tennis court lighting renovation project to Collins Electrical, Inc. for \$185,770. (Resolution awarding contract needed. Total estimated cost: \$211,777.80; contract \$185,770; const. admin. & contingencies \$26,007.80) Funds are budgeted.)

ACTION: Res. 95-413 adopted awarding contract.

NEW BUSINESS

CONSENT

9. Consider amending the budget to provide \$11,000 in interim funding for Telework Center from July through September, 1995. (Resolution amending budget needed.)

ACTION: Res. 95-414 adopted amending the budget. (Com. Dev. to handle)

ORAL COMMUNICATIONS

10. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATIONS

CONSENT

- 11. Letter of resignation from the Tuolumne River Regional Park Citizens Advisory Committee from Bev Kilpatrick.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-415 adopted accepting resignation with regret.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

- 12. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

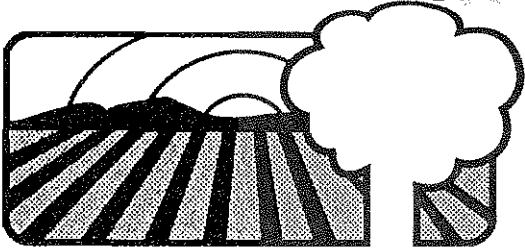
- 13. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

TITLE: City Manager

ADJOURNMENT

The meeting adjourned to closed session at 8:00 p.m. The Mayor returned to open session at 9:05 p.m. and announced no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, AUGUST 22, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Wayne Bridegroom, Central Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10,
11, 12, 13, 14, 17,

Removed from Consent: 18

ACTION: (McClanahan/Dobbs, unan.)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition to Karate Knights of Tae Kwon Do students who won at the State level and won awards in national competition.

Mayor Lang presented the certificates.

MINUTES

CONSENT

2. Approval of the minutes of the two special meetings and the regular City Council meeting of August 15, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider awarding contract for the intersection improvements at Claus Road and Briggsmore Avenue to Ross F. Carroll, Inc., and consider approving an appropriation transfer in the amount of \$197,000 to fully fund the project.
(Resolution awarding contract needed, and resolution approving appropriation transfer needed. Estimated total cost: \$197,000 (contract \$158,546; other \$38,454).

ACTION: Res. 95-416 adopted awarding contract
Res. 95-417 adopted approving appropriation transfer.
(PW&T to handle)

CONSENT

4. Consider acceptance of the contract of Teichert Construction for the rockwell replacement/addition 94/95 project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$253,581.
(Resolution accepting as complete needed. Total final cost: \$313,635. Funds are budgeted.)

ACTION: Res. 95-418 adopted accepting as complete.
(PW&T to handle)

CONSENT

5. Consider acceptance of the contract of Tri Technic, Inc. for the Runway 38R/10L electrical regulator upgrade project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$34,541.38.)
(Resolution accepting as complete needed. Total final cost: \$41,942.39) Funds are budgeted.)

ACTION: Res. 95-419 adopted accepting as complete.
(PW&T to handle)

CONSENT

6. Consider acceptance of the contract of Cimarron Construction for the sewer rehabilitation 1995 - Norwegian Avenue, Floyd Avenue, and E. Morris Avenue project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$111,496.) (Resolution accepting as complete needed. Total final cost: \$112,567) Funds are budgeted.)

ACTION: Res. 95-420 adopted accepting as complete.

(PW&T to handle)

CONSENT

7. Consider acceptance of the contract of Fagundes & Son, Inc. for the parking lot construction in Block 56 - 9th and I Streets as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$30,311.38) (Resolution accepting as complete needed. Total final cost: \$30,540.70) Funds are budgeted.)

ACTION: Res. 95-421 adopted accepting as complete.

(PW&T to handle)

CONSENT

8. Consider acceptance of the contract of Collins Electrical Co., Inc. for the Graceada Park electrical improvements project as complete and authorize the City Clerk to file a Notice of Completion. (Original contract: \$172,235) (Resolution accepting as complete needed. Total final cost: \$181,817) Funds are budgeted.)

ACTION: Res. 95-422 adopted accepting as complete.

(PW&T to handle)

NEW BUSINESS

CONSENT

9. Consider authorizing City Manager to execute grant agreements with Housing and Urban Development for fiscal year 1995-96 Community Development Block Grant funds in the amount of \$2,663,000 and HOME Investment Partnership Act (HOME) funds in the amount of \$868,000. (Resolution authorizing City Manager to execute grant agreements needed.)

ACTION: Res. 95-423 adopted authorizing City Manager to execute grant agreements.

(Com. Dev. to handle)

CONSENT

10. Consider authorizing City Manager to execute agreements with eighteen subrecipients of Community Development Block Grant Funds for Fiscal Year 1995-96.
(Resolution authorizing City Manager to execute agreements needed.)

ACTION: Res. 95-424 adopted authorizing City Manager to execute agreements. (Com. Dev. to handle)

CONSENT

11. Consider authorizing the submittal of an application for a grant in the amount of \$2,000 available through the California Integrated Waste Management Board's Waste Prevention Partnership Project.
(Resolution authorizing submittal of grant application needed.)

ACTION: Res. 95-425 adopted authorizing submittal of grant application. (PW&T to handle)

CONSENT

12. Consider approving agreement with Brown and Wood to provide special bond counsel services for the Waste-to-Energy project.
(Resolution approving agreement needed. Estimated cost: not to exceed \$50,000. Funds to be appropriated from Waste-to-Energy Project Fund administered by Stanislaus County.)

ACTION: Res. 95-426 adopted approving agreement. (PW&T to handle)

CONSENT

13. Consider approving agreement with Public Resources Advisory Group to provide special financing advisory services for the Waste-to-Energy project.
(Resolution approving agreement needed. Estimated cost: not to exceed \$50,000. Funds to be appropriated from Waste-to-Energy Project Fund administered by Stanislaus County.)

ACTION: Res. 95-427 adopted approving agreement. (PW&T to handle)

CONSENT

14. Consider amending the 1995-96 Budget for outside printing of Planning documents.
(Resolution amending budget needed.)

ACTION: Res. 95-428 adopted amending budget. (Com. Dev. to handle)

15. Consider authorizing City Manager to sign agreement with City Tower Group LLC to provide parking in City lots for American Medical Response, and consider authorizing City Manager to sign agreement with Redevelopment Agency for payment for said parking, subject to City Attorney review.
(Resolution approving agreement with City Tower Group LLC needed, and resolution approving agreement with Redevelopment Agency needed.)

ACTION: Res. 95-429 adopted (Friedman/Lang, majority, McClanahan and Muratore, no) approving agreement with City Tower Group LCC.

Res. 95-429A adopted (same vote) approving agreement with
Redevelopment Agency.

(Com. Dev. to handle)

ORAL COMMUNICATIONS

16. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Carmen Sabatino spoke about downtown parking.

WRITTEN COMMUNICATIONS

CONSENT

17. Consider request of Board of Directors of the Empire Sanitary District for consolidation of the Empire Sanitary District into the City System. (Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (PW&T to handle)

18. Letter from John W. Ward, General Manager of The Modesto Bee, requesting the closure of K Street between 9th and 11th for the KidsFest event of Saturday, September 30, 1995. (Motion referring to staff needed.)

ACTION: Res. 95-430 adopted (McClanahan/Dobbs, unan.) approving request. (PW&T to handle)

MISCELLANEOUS

19. Appointments

Citizens Advisory Committee on Recycling

ACTION: Res. 95-431 adopted (Friedman/Dobbs, unan.) appointing Leonard Choate.

Appointments and Reappointments

Housing Rehabilitation Loan Committee

ACTION: Res. 95-432 adopted (Friedman/Dobbs, unan.) appointing John Kern, reappointing Fred Sandow, and appointing Brad Pitts to represent

the HRLC on the Citizens Housing & Community Development Committee; and authorizing that Seat #9 be filled on a term basis.

(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

20. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

21. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

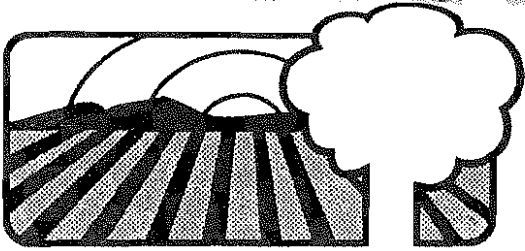
Name of case: Dennis Puthuff v. City of Modesto
Workers' Compensation Appeals Board
Case No. STK 105612

Name of case: Art Garza vs. City of Modesto
EEOC Charge Number 375950149

ADJOURNMENT

The meeting adjourned to closed session at 4:43 p.m. The City Attorney returned to open session at 5:17 p.m. and announced no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, September 5, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: None

Reports of activities and studies were made by the Chairs and members of the following policy committees:

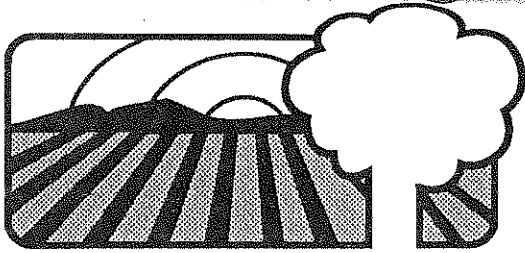
1. Community Development and Housing Committee
2. Financial Policy Committee
3. Transportation Policy Committee
4. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:55 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

9-5-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 5, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 7, 8, 10, 11, 12, 13,
14, 15, 16, 17

ACTION: (McClanahan/Friedman, unan.)

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 22, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider ordering the work of construction of an alley in Block 1024, Brighton Avenue to Roselene Avenue between Locke Road and Elizabeth Court.

ACTION: Res. 95-433 adopted (Friedman/Dobbs, unan.) ordering the work of construction.
(PW & T to handle)

4. Hearing to consider amendments to the Sign Regulations of the Municipal Code to allow an increase from 30 square feet to 48 square feet for two directional signs (readerboards) for restaurants utilizing drive-thru service.

ACTION: By motion, (Dobbs/Cogdill, unan.) Ord. No. 2951-C.S. introduced.
(Clerk to handle)

BIDS

CONSENT

5. Consider rejecting the proposal submitted by Coast United Advertising for the bus bench franchise and authorizing staff to resolicit proposals for the franchise.
(Resolution rejecting the proposal and directing staff to resolicit proposals for the franchise needed.)

ACTION: Res. 95-434 adopted rejecting proposal and authorizing staff to resolicit.
(PW & T to handle)

CONSENT

6. Consider award of contract for the T-hangar A and D pavement project to Teichert Construction Company.
(Resolution awarding contract to Teichert Construction needed. Total est. cost: \$52,277.08 (contract \$46,262.90; const. admin. & cont. \$6,014.18) Funds are budgeted.)

ACTION: Res. 95-435 adopted awarding contract. (PW & T to handle)

CONSENT

7. Consider acceptance of the contract of George Reed, Inc. for the Claus Road widening project - Garst Road to Gomes Road, and authorize City Clerk to file a Notice of Completion. Original contract: \$268,673.75. (Resolution accepting work as complete needed. Total final cost: \$307,603.19. Funds are budgeted.)

ACTION: Res. 95-436 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

8. Consider waiving formal bid procedures and authorizing the Purchasing Officer to issue a change order to a purchase order to purchase a second aerial tower truck for a total cost of \$82,341.82. (Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 95-437 adopted waiving formal bid procedures and authorizing change order.
(Finance to handle)

NEW BUSINESS

9. Consider designating voting delegate and two alternate voting delegates to the Annual Congress of Cities, November 29 - December 2, 1995, Phoenix, Arizona. (Motion designating voting delegate and two alternate voting delegates needed.)

ACTION: By motion, (Dobbs/Friedman, unan.) Mayor Lang was designated as voting delegate and Councilmembers Friedman and McClanahan were designated as alternate voting delegates.
(Clerk to handle)

CONSENT

10. Consider expression of preliminary intent to modify the circular and diagonal connector streets in the Village One Specific Plan by reconfiguring them to be more rectilinear to follow property lines. (Motion indicating preliminary intention to make connector streets more rectilinear in Village One needed.)

ACTION: By motion, indicated preliminary intent to modify connector streets.
(Com. Dev. to handle)

CONSENT

11. Consider Annual Reports for City Council Committees for Fiscal Year 1994-95. (Motion acknowledging receipt of reports needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

12. Consider adoption of the Public Transit Section's Disadvantaged Business Enterprise (DBE) Fiscal Year 1995-96 goal of 10% participation in federally-funded transit contract awards.
(Resolution adopting a goal of 10% DBE participation needed.)

ACTION: Res. 95-438 adopted adopting DBE participation goal.
(PW & T to handle)

CONSENT

13. Consider approving lease agreement with Betty S. Waldron and Velma J. Cox for the lease of the former Crismon house at 660 El Vista Avenue.
(Resolution approving lease agreement needed.)

ACTION: Res. 95-439 adopted approving lease agreement.
(Com. Dev. to handle)

CONSENT

14. Consider approving amendment to agreement with Mid-Valley Engineering for engineering services for the Briggsmore/McHenry intersection modifications.
(Resolution approving amendment to agreement needed. Total estimated cost: \$6,500. Funds are budgeted.)

ACTION: Res. 95-440 adopted approving amendment to agreement.
(PW & T to handle)

CONSENT

15. Consider authorizing City Manager to execute a financing agreement with property owner Neal Griffin for the purpose of rehabilitating property located at 812 Benson Avenue pursuant to the City of Modesto's Housing Rehabilitation program.
(Resolution approving agreement needed. Total estimated CDBG cost: \$24,233. Funds are budgeted.)

ACTION: Res. 95-441 adopted approving agreement.
(Com. Dev. to handle)

CONSENT

16. Consider establishing the Constitution and By Laws for the City of Modesto Golf Courses Committee.
(Resolution establishing Constitution and By Laws needed.)

ACTION: Res. 95-442 adopted establishing Constitution and By Laws.
(P & R to handle)

CONSENT

17. Consider approving the Engineer's Report on Public Facilities District No. 9 (Poust/McDonald Canal Crossing) and setting a hearing on the proposed building permit assessment to be held on October 3, 1995, at 7:00 p.m.
(Motion approving Engineer's Report needed, and Resolution of Intention needed.)

ACTION: Res. 95-443 adopted setting hearing. (PW & T/Clerk to handle)

ORAL COMMUNICATIONS

18. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)
- None

WRITTEN COMMUNICATIONS

19. Request from Tim Daniels to discuss an issue of a car and the distance it has to be moved.

ACTION: By motion, (Cogdill/McClanahan, unan.) this matter was referred to the Council's Public Safety Policy Committee. (Mgr. to handle)

20. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

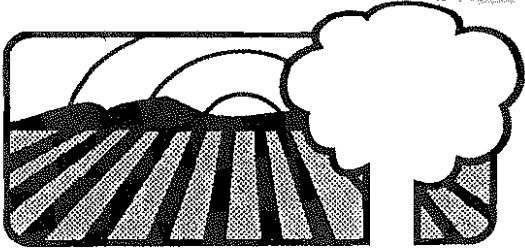
21. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One case.

ADJOURNMENT

Meeting adjourned at 7:30 p.m. to closed session. The City Attorney returned to open session at 8:15 p.m. and announced that by a vote of 6-0 the Council authorized the initiation of an action in Stanislaus County Superior Court. Pursuant to Government Code Section 54957.1, the action, the defendant, and other particulars shall, once formally commenced, be disclosed to any person upon inquiry.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 12, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent:

Pledge of Allegiance to the Flag

Invocation: Rev. Wade Estes, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 9, 10, 11,
12, 13, 14

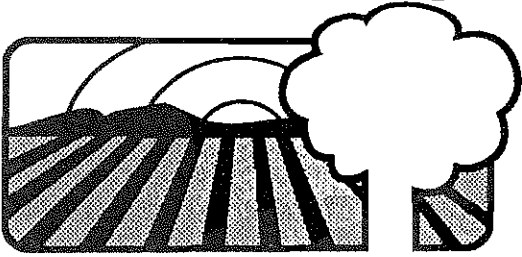
ACTION: (Friedman/Dobbs, unan.)

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MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 5:00 p.m., which convened at 5:15 p.m., on Tuesday, September 12, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Dobbs

The City Council held a workshop to study the proposed Adult Entertainment Ordinance to be presented to the Council at its meeting on September 26, 1995.

Oral Communications: None

The meeting adjourned at 6:10 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9-12-95

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation regarding "Red Ribbon Week" in October.

Bob Foster spoke about the "Red Ribbon Week" activities.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meeting of September 5, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2951-C.S. amending the Municipal Code relating to sign regulations.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2951-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

4. Consider awarding contract for the McHenry Museum reroofing project to Kings Roofing.
(Resolution awarding contract needed. Estimated total cost: \$95,462 (contract \$80,900; other \$14,562) Funds are budgeted.)

ACTION: Res. 95-444 adopted awarding contract. (PW & T to handle)

NEW BUSINESS

CONSENT

5. Review responses to Fiscal Year 1995 Grand Jury Report.
(Motion authorizing City Manager to transmit report to the Presiding Judge in response to request for comments on recommendations in two cases needed.)

ACTION: By motion City Manager authorized to transmit report.
(City Manager to handle)

CONSENT

6. Consider authorizing staff to proceed with procurement of professional services related to the design of the collections system maintenance building at the Water Quality Control Plant, the Amtrak Station, surveying services, and plan line development (Capital Improvement Program Projects).
(Motion authorizing staff to proceed needed.)

ACTION: By motion, staff authorized to proceed. (PW & T to handle)

CONSENT

7. Consider adopting revisions to City's Down Payment Assistance Program.
(Resolution adopting revisions needed.)

ACTION: Res. 95-445 adopted adopting revisions. (Com. Dev. to handle)

8. Consider approving allocation of \$550,000 in HOME Funds for Affordable Housing Projects and authorize City Manager to execute loan agreements when prepared.
(Resolution approving allocation of HOME funds needed.)

ACTION: Res. 95-446 adopted approving allocation of funds and authorizing City Manager to execute loan agreements.
(Com. Dev. to handle)

CONSENT

9. Report of two additional loans approved under the Emergency Home Repair Program (EHRP) during July 1995.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

10. Consider approving agreement with Dr. Philip Trompeter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, consult on cases with Investigative Services Division and provide crisis debriefing.
(Resolution approving agreement. Total estimated cost: \$34,950. Funds are budgeted.)

ACTION: Res. 95-447 adopted approving agreement. (Police to handle)

CONSENT

11. Consider amending the Position Classification Plan to adopt class specifications for Used Oil Coordinator, and consider amending the Class Range Tables to establish a salary for Used Oil Coordinator.
(Resolution amending the Position Classification Plan needed, and resolution amending the Class Range Tables needed.)

ACTION: Res. 95-448 adopted amending Position Classification Plan.
Res. 95-449 adopted amending Class Range Tables.
(Personnel to handle)

CONSENT

12. Consider approving agreement with Hilton, Farnkof & Hobson for financial services regarding the Wastewater Master Plan.
(Resolution approving agreement needed. Total estimated cost: \$40,000. Funds are budgeted.)

ACTION: Res. 95-450 adopted approving agreement. (PW & T to handle)

CONSENT

13. Consider approving an inter-agency agreement between the City and California State University Stanislaus for the administration adjudication of parking citations.
(Resolution approving agreement needed. Estimated cost: \$20,000 to \$25,000.)

ACTION: Res. 95-451 adopted approving agreement. (Finance to handle)

CONSENT

14. Consider approving letter agreement with the Housing Authority of Stanislaus County for the placement of a directional sign on excess City property in the Conant Meadows development at Conant and Standiford.
(Resolution approving letter agreement needed.)

ACTION: Res. 95-452 adopted approving letter agreement.
(Com. Dev. to handle)

ORAL COMMUNICATIONS

15. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

Barbara Price spoke about problems with the City's Street Project No. 21.

WRITTEN COMMUNICATIONS

16. Letter from Mr. John J. Scheuerlein concerning the housing rehabilitation program in Highway Village.

No action taken.

MATTERS TOO LATE FOR THE AGENDA

17. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None.

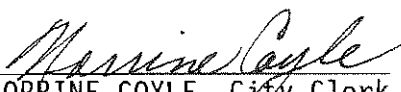
CLOSED SESSION

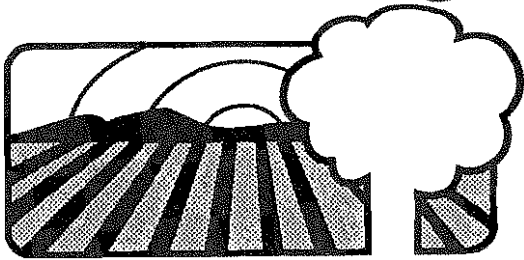
18. PUBLIC EMPLOYEE APPOINTMENT:

Title: City Clerk

ADJOURNMENT

The meeting adjourned at 4:37 p.m. to Closed Session. The City Clerk returned at 5:10 p.m. and announced no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, September 19, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Acting Mayor Muratore

Absent: Mayor Lang

Reports of activities and studies were made by the Chairs and members of the following policy committees:

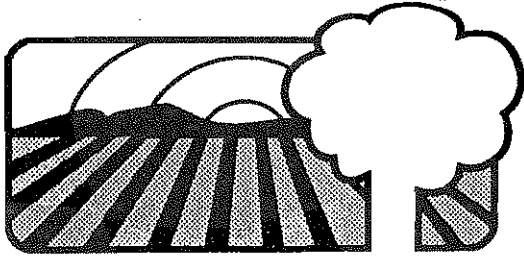
1. Community Development and Housing Committee
2. Financial Policy Committee
3. Human Services / Public Safety Committee

Oral Communications: Vice Mayor Muratore mentioned that the T.I.D. is going to proceed with funding of a water treatment plant.

The meeting adjourned at 6:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9-19-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 19, 1995 , AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang
Mayor Lang arrived at 8:22 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember Dave Cogdill

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 8, 9, 10

ACTION: (Friedman/Dobbs, unan., Mayor Lang, absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of September 12, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider rejecting all bids for furnishing one vehicle lift, and authorizing new call for bids.
(Suggested bid opening: October 11, 1995, at 11:05 a.m. Resolution rejecting bids and authorizing new call for bids needed. Estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 95-453 adopted rejecting bids and authorizing new bid call.
(Finance to handle)

CONSENT

4. Consider accepting the contract of King's Roof for reroofing Hangar No. 1 at the Modesto City-County Airport as complete and authorizing City Clerk to file a Notice of Completion; consider amending the budget to fully fund the project. (Original contract: \$51,368.90)
(Resolution accepting work as complete needed, and resolution amending the budget needed. Final cost: \$62,470.28. Funds are budgeted.)

ACTION: Res. 95-454 adopted accepting as complete.
Res. 95-455 adopted amending the budget.
(Clerk/PW & T to handle)

CONSENT

5. Consider acceptance of Rolfe Construction's contract for the Claus Road waterline - Briggsmore to Sylvan Avenue project as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$552,450)
(Total final cost: \$553,464. Funds are budgeted.)

ACTION: Res. 95-456 adopted accepting as complete.
(Clerk/PW & T to handle)

CONSENT

6. Consider approving specifications and authorizing call for bids for furnishing approximately 900 various size meters for the period of date of award through June 30, 1998.
(Suggested bid opening: October 11, 1995, at 11:00 a.m. Resolution approving specifications and authorizing call for bids needed. Estimated total cost: \$67,000.00 Funds are budgeted.)

ACTION: Res. 95-457 adopted approving bid call. (Finance to handle)

NEW BUSINESS

7. Consider adopting a policy that would require the payment of prevailing wages only on construction contracts on which there are State or Federal funds which have prevailing wage requirements or for projects having Statewide concern.
(Resolution adopting policy needed.)

ACTION: Res. 95-458 adopted (Cogdill/Friedman, majority, Dobbs & Mayor Lang, no) approving recommended policy with a Committee to be appointed to study the matter during the next year and report back on the results.
(PW & T to handle)

CONSENT

8. Consider authorizing the City Manager to execute financing agreements with property owners Daniel Garrett, Amelia Periera and Roger Ellis for the purpose or rehabilitating those properties pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreements needed. Total estimated cost: \$83,705. CDBG funds are budgeted.)

ACTION: Res. 95-459 adopted approving agreements. (Com. Dev. to handle)

CONSENT

9. Consider approving an agreement with Sunrise Rotary to provide and install play apparatus at Orchard Park.
(Resolution approving agreement needed.)

ACTION: Res. 95-460 adopted approving agreement. (P & R to handle)

CONSENT

10. Capital Facilities Fee Annual Summary Report.
(Resolution accepting report of the Annual Capital Facilities Fees Fund Summary and making the required statutory findings needed.)

ACTION: Res. 95-461 adopted accepting report and making findings.
(Finance to handle)

ORAL COMMUNICATIONS

11. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

This item was taken up prior to item 7.

Margo Sasse, M.J.D. Foundation, invited the Councilmembers to take part in a walk-a-thon to raise money for the Junior College library.

MATTERS TOO LATE FOR THE AGENDA

12. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

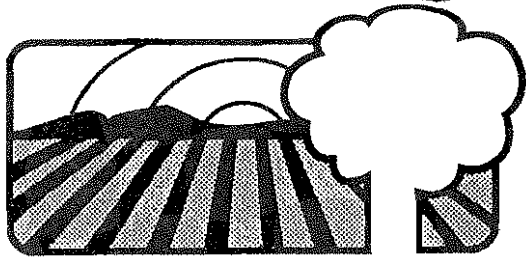
13. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

ADJOURNMENT

The meeting adjourned at 8:35 p.m. to closed session. The City Attorney returned to open session at 8:45 p.m. and reported no action was taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 26, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag - Flag Ceremony by Pack 13 Webeloes

Invocation: Rev. Dick McKee, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 9, 10, 11, 13, 14,
16, 17, 18, 20

ACTION: (Friedman/Dobbs, unan.)

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9/26/95

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced former Mayors Hammond and Johansen and former Councilmember Kullijian.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of September 19, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

HEARINGS

3. Hearing to consider the proposed amendment to the Modesto Municipal Code pertaining to Zoning Regulations applicable to adult entertainment businesses.
(Adoption of emergency ordinance extending for 30 days the moratorium on adult businesses needed; introduction of an ordinance adding Article 24 to Chapter 2 of Title X of the Modesto Municipal Code pertaining to zoning regulations applicable to adult entertainment businesses and amending Chapter 9 of Title 5 of the Modesto Municipal Code relating to adult entertainment businesses needed.)

ACTION: By motion (Cogdill/Friedman, unan.) emergency interim Ord. No. 2952-C.S. extending moratorium adopted.

By motion (Cogdill/Friedman, unan.) Ord. No. 2953-C.S. amending the Modesto Municipal Code relating to adult entertainment businesses introduced.

(Clerk to handle)

4. Hearing to consider adoption of the Comprehensive Housing Affordability Strategy (CHAS) Annual Performance Report for Fiscal Year 1993 and Fiscal Year 1994.
(Resolution adopting 1993 and 1994 Comprehensive Housing Affordability Strategy Performance Report needed.)

ACTION: Res. 95-462 adopted (Dobbs/Cogdill, unan.) adopting CHAS performance Report.

(Com. Dev. to handle)

9/26/95

BIDS

CONSENT

5. Consider approving specifications and authorizing call for bids for the furnishing of approximately 369 to 600 tons of liquid sulphur dioxide (SO₂) for the period from the date of award of contract to June 30, 1998.

(Suggested bid opening: October 16, 1995, at 11:00 a.m. Resolution approving specifications and authorizing bid call needed. Total estimated cost: \$38,745. Funds are budgeted.)

ACTION: Res. 95-463 adopted approving specifications and bid call.

(Finance to handle)

CONSENT

6. Consider declaring Torero, Inc. low bidder on and authorize the purchase of self-propelled lift for disabled aircraft passengers for the total cost of \$27,831.37.

(Resolution declaring Torero, Inc. low bidder and authorizing the purchase needed. Funds are budgeted.)

ACTION: Res. 95-464 adopted awarding bid.

(Finance to handle)

7. Consider awarding contract for the construction of the Advanced Traffic Management System (ATMS) TO L.K. Comstock and Company Incorporated for \$1,529,971; consider amending the budget to estimate \$1,344,158 in federal funds; and consider approving an appropriation transfer in the amount of \$49,281.

(Resolution awarding contract to L.K. Comstock and Company Incorporated needed; resolution amending budget needed; and resolution approving appropriation transfer needed. Estimated total cost: \$1,744,166 (contract \$1,529,971; const. admin. & contingencies \$214,196).)

ACTION: Res. 95-465 adopted (Friedman/McClanahan, unan.) awarding contract.

Res. 95-466 adopted (same vote) amending budget.

Res. 95-467 adopted (same vote) approving appropriation transfer.

(PW & T to handle)

CONSENT

8. Consider awarding contract for the Carpenter Road widening project to Teichert Construction; consider amending the budget to fully fund the project; and consider certifying the project Negative Declaration.

(Resolution awarding contract needed; resolution amending budget needed; and resolution certifying the Negative Declaration needed. Total estimated cost: \$165,499.80 (contract \$146,460; const. admin. & contingencies \$19,039.80) Funds are budgeted.)

ACTION: Res. 95-468 adopted awarding contract.

Res. 95-469 adopted amending budget.

Res. 95-470 adopted certifying negative declaration.

(PW & T to handle)

9/26/95

CONSENT

9. Consider waiving formal bid procedures and authorize the purchase of Remote Terminal Units (RTU'S) for the Supervisory Control and Data Acquisition (SCADA) System from HSQ Technology for Fiscal Year 1995-96 and authorize multi-year procurements.
(Resolution waiving formal bid procedures and authorizing purchase and multi-year procurements needed. (Five affirmative votes needed.)
Estimated cost for F.Y. 95-96: \$107,375. Funds are budgeted.)

ACTION: Res. 95-471 adopted waiving bid procedures and authorizing purchase.
(Finance to handle)

NEW BUSINESS

CONSENT

10. Review of Grantee Performance Report (GPR) for Fiscal Year 1994 Community Development Block Grant Program.
(Motion acknowledging receipt of report and directing staff to submit to HUD needed.)

ACTION: By motion, receipt of report acknowledged and staff directed to submit to HUD.
(Com. Dev. to handle)

CONSENT

11. Consider setting a hearing to confirm the costs of demolishing a structure at 620 Benson Avenue.
(Resolution setting hearing October 10, 1995, at 4:00 p.m. needed.)

ACTION: Res. 95-472 adopted setting hearing. (Clerk to handle)

12. Consider waiving formal consultant selection procedures and authorizing staff to negotiate a professional services contract with Mid-Valley Engineering for revision of the Village One Facilities Master Plan.
(Resolution waiving formal consultant selection procedures and authorizing staff to negotiate contract needed.)

ACTION: Res. 95-473 adopted (Muratore/Mayor Lang, unan.) waiving selection procedures and authorizing negotiaton of contract.
(PW & T to handle)

CONSENT

13. Consider authorizing the City Manager to sign an application and grant-related documents for a Household Hazardous Waste Discretionary Grant from the California Integrated Waste Management Board.
(Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 95-474 adopted authorizing City Manager to sign grant application.
(PW & T to handle)

9/26/95

CONSENT

14. Consider amending the Modesto Municipal Code relating to use of park and recreation areas and facilities, declaring parks as "drug free zones". (Introduction of an ordinance needed. Estimated cost for signage: \$4,000. Funds are budgeted.)

ACTION: Ord. No. 2954-C.S. adopted relating to use of park and recreation areas. (P & R to handle)

CONSENT

15. Consider authorizing City Manager to sign the Memorandum of Understanding relating to the formation and operation of the Turlock Groundwater Basin Association with Del Este Water Company, City of Ceres, Keyes Community Services District, Denair Community Services District, City of Turlock, Hilmar County Water District, Delhi County Water District, City of Hughson, Merced Irrigation District, Ballico Community Services District, County of Merced, County of Stanislaus, Eastside Water District, Ballico-Cortez Water District, and Turlock Irrigation District (Implementation of AB 3030 - The Groundwater Management Act). (Resolution authorizing the City Manager to sign the Memorandum of Understanding needed.)

ACTION: Res. 95-475 adopted authorizing City Manager to sign MOU. ((PW& T to handle)

CONSENT

16. Consider approving the request of the International Festival Committee for additional financial assistance for the International Festival. (Resolution amending the budget to appropriate \$1,500 from the General Fund Reserve needed.)

ACTION: Res. 95-476 adopted amending budget. (P & R/Finance to handle)

CONSENT

17. Consider approving an agreement with Aguascalientes, Mexico to enter into a Sister Cities relationship. (Resolution approving agreement needed.)

ACTION: Res. 95-477 adopted approving agreement. (P & R to handle)

CONSENT

18. Consider naming the trail in Dry Creek Park the "Peggy Mensinger Trail." (Resolution naming the trail needed.)

ACTION: Res. 95-478 adopted naming trail.

9/26/95

ORAL COMMUNICATIONS

19. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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Ida Bowers, Dan Ratto, Ruthie Buchanan, Steve Burke and Bill Tanner asked the City Council to take steps to protect people from being evicted from 620 Paradise.

WRITTEN COMMUNICATIONS

CONSENT

20. Request for direct City assistance from Cathy Helie, Parade Coordinator, K093 Radio, for the 6th Annual Downtown Modesto Christmas Parade on Saturday, December 9, 1995.
(Resolution approving request needed.)

ACTION: Res. 95-479 adopted approving request. (P & R to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

22. PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: City Manager

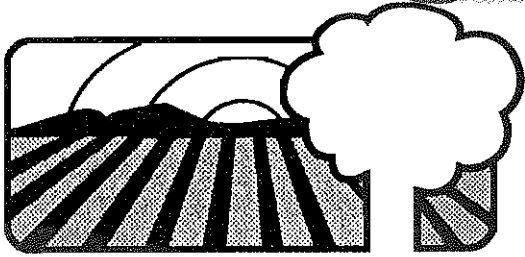
9/26/95

ADJOURNMENT

Meeting adjourned at 5:34 p.m. to closed session.

Vice Mayor Muratore returned to open session at 6:55 p.m. and announced no action had been taken.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, October 3, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: None

Reports of activities and studies were made by the Chairs and members of the following policy committees:

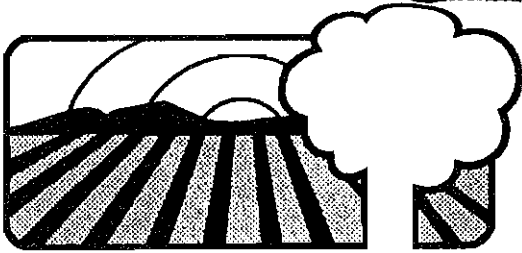
1. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

10-3-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 3, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Don McBride, First Foursquare Gospel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 9, 10, 12

Dropped from agenda: 8

ACTION: (Friedman/McClanahan, unan.)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Mayor Lang introduced Webelos and leaders of Cub Scout Pack 8.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 26, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of:
 - a. Ordinance No. 2953-C.S. adding/amending Modesto Municipal Code sections pertaining to adult entertainment businesses.
 - b. Ordinance No. 2954-C.S. amending Modesto Municipal Code section relating to use of park and recreation areas and facilities.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider the designation of an area of benefit for the Poust Road and McDonald Avenue canal crossing (Lateral No. 3) intersection in the City of Modesto Public Facilities District No. 9.

ACTION: Res. 95-480 adopted (Cogdill/Friedman, unan.) designating area of benefit and establishing amount of assessment.
(PW & T/to handle)

BIDS

CONSENT

5. Consider award of contract to George Reed, Inc., for waterline overlays, and consider approval of an appropriation transfer to fully fund the project.
(Resolution awarding contract to George Reed, Inc., and resolution approving an appropriation transfer of \$72,000 from the Claus Road waterline project needed. Estimated cost: \$143,133.33 (contract: \$126,666.66; other: \$16,466.67) Funds are partially budgeted.)

ACTION: Res. 95-481 adopted awarding contract.
Res. 95-482 adopted approving appropriation transfer.
(PW & T/Finance to handle)

NEW BUSINESS

CONSENT

6. Consider approval of an agreement with Black & Veatch for preparation of plans and specifications for the design of the cannery segregation pipeline, replacement of the Emerald trunk sewer, headworks and grit removal facilities at the primary water quality control plant.
(Resolution approving agreement needed. Estimated cost: \$1,586,253. Funds are budgeted.)

ACTION: Res. 95-483 adopted approving agreement. (PW & T to handle)

CONSENT

7. Consider approving an agreement with the Modesto Chamber of Commerce to provide funding to the Convention and Visitors Bureau for the 1995-96 fiscal year based on 13.33% of actual Transient Occupancy Tax accrued for 1995-96.
(Resolution approving agreement needed. Estimated cost: \$207,978.40. Funds are budgeted.)

ACTION: Res. 95-484 adopted approving agreement. (P & R to handle)

CONSENT

8. Consider County referral of Use Permit Application No. 95-13 by Edward J. Cardoza to construct a radio tower and broadcast facilities in the A-2-10 zone at 2706 Kiernan Avenue on the south side of Kiernan Avenue east of Dale Road.
(Resolution recommending that the County deny the Use Permit needed.)

Dropped from agenda.

CONSENT

9. Consider establishing a revenue account for the Fairview Village Specific Plan and E.I.R.
(Resolution amending the budget to estimate and appropriate revenue held in the City's trust account needed.)

ACTION: Res. 95-485 adopted amending budget. (Finance/Com. Dev. to handle)

CONSENT

10. Consider amending the Modesto Municipal Code section relating to refunds of collected utility charges.
(Introduction of an ordinance amending the Modesto Municipal Code needed.)

ACTION: By motion, Ord. No. 2955-C.S. introduced. (Clerk to handle)

ORAL COMMUNICATIONS

11. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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Harry Kullijian, representing C.L.E.A.N., thanked the Council for adopting the adult entertainment business ordinance and spoke about the organization's goals.

WRITTEN COMMUNICATIONS

CONSENT

12. Letter from Moorad, Clark & Gleason, on behalf of Gilton Solid Waste Management, requesting that a hearing be set to consider a transfer of the company's license.
(Resolution setting hearing October 17, 1995, at 7:00 p.m. needed.)

ACTION: Res. 95-486 adopted setting hearing.

(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

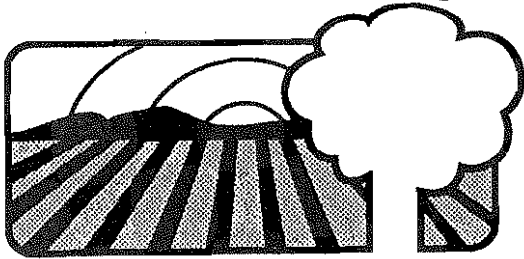
13. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

The meeting adjourned at 7:21 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 10, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Councilmember Cogdill arrived at 4:10 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Frank Muratore

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 6, 7, 8, 9, 10, 12, 13

ACTION: (Friedman/Dobbs, unan., Cogdill absent)

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Acknowledgement and presentation by the Mayor of a plaque to Steve Franklin for his service as Chairman and member at large on the City of Modesto Housing Rehabilitation Loan Committee.

Mayor Lang presented the plaque to Steve Franklin.

Mayor Lang introduced members and leaders of Den 3 of Pack 177 from Franklin School.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of October 3, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2955-C.S. amending the Municipal Code relating to refunds of collected utility funds.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2955-C.S. adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider the Chief Building Official's report and any protests or objections concerning the demolition of a building at 620 Benson Avenue.

Dropped from agenda.

5. Hearing to consider Village One Specific Plan Amendment No. 7 to implement suggestions made by the Whitney Research Group and the Planning Center to reduce costs and facilitate development and implementation of the Village One Specific Plan.

ACTION: Res. 95-487 (Cogdill/Friedman, majority, Muratore - no) adopted approving S.P.A. No. 7.
(Com. Dev. to handle)

BIDS

CONSENT

6. Consider acceptance of Conco-West, Inc.'s contract titled, "Rehabilitate Storm Water Lift Station - Hatch Dallas and Ashford Court" as complete and authorize City Clerk to file Notice of Completion. (Original contract: \$177,600.00)
(All work on this project has been completed to the satisfaction of the Public Works and Transportation Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting as complete needed. Final cost: \$178,180.00. Funds are budgeted.)

ACTION: Res. 95-488 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

7. Consider amending Chapter 6 of Title XI of the Modesto Municipal Code and adding Section 11-6.16 relating to management and collection of garbage service charges.
(Introduction of an ordinance amending the Modesto Municipal Code needed.)

ACTION: By motion, Ord. No. 2956-C.S. introduced. (Clerk to handle)

CONSENT

8. Consider initiating an application with Stanislaus County LAFCO to amend Modesto's Sphere of Influence to include all areas within the boundaries of the recently adopted General Plan, and to not designate a Primary and Secondary Area of Influence.
(Resolution initiating an application with Stanislaus County LAFCO needed.)

ACTION: Res. 95-489 adopted initiating an application with Stanislaus County LAFCO. (Com. Dev. to handle)

CONSENT

9. Consider approving amendment to agreement with Community Reinvestment Fund, Inc., to provide additional services - Insurance monitoring for housing loan recipients.)
(Resolution authorizing the City Manager to execute amendment to agreement needed. Estimated cost: \$2,300. Funds are budgeted.)

ACTION: Res. 95-490 adopted amending agreement. (Com. Dev. to handle)

CONSENT

10. Consider adoption of resolution declaring surplus: vehicles, miscellaneous pieces of equipment, surplus, stolen, unclaimed, and/or seized property accumulated by the City and authorize the Purchasing Officer to sell the equipment by sealed bid, auction, scrapping of the material, or by other methods to be in the best interest of the City. (Resolution declaring surplus and authorizing the Purchasing Office to sell the vehicles, equipment and surplus in the best interest of the City needed.)

ACTION: Res. 95-491 adopted declaring property surplus. (PW & T to handle)

11. Consider authorizing the development of a co-composting program and preparation of bid specifications for program components and authorizing staff to proceed with the development of capital and operations budgets within the Sewer Fund; and authorizing staff to continue discussions with the local refuse collection companies, with a recommendation for containerized green waste collection to be presented to the Council in late November/early December 1995. (Resolution authorizing development of a co-composting program, and authorizing staff to continue discussions with local refuse collection companies, with a report to the Council in late November/early December 1995 needed.)

ACTION: A motion, (Friedman/Muratore; Cogdill, Dobbs, McClanahan, Lang - no) to approve the staff recommendation failed to carry.

By motion, (McClanahan/Dobbs, unan.) this matter was referred back to staff for further review and information as to whether it is preferable to have a private contractor rather than City staff do the work.

CONSENT

12. Consider authorizing the City Manager to sign a grant application to Stanislaus Area Association of Governments for \$750,024 in funding under the Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for acquisition of 47.9 acres of land east of Claus Road. (Resolution authorizing the City Manager to sign a grant application needed.)

ACTION: Res. 95-493 adopted authorizing City Manager to sign.

(P & R to handle)

CONSENT

13. Consider authorizing the City Manager to sign a grant application for \$305,600 in funding under the Federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) for development of 1.27 miles of Class I bicycle trail on Hetch Hetchy easement. (Resolution authorizing City Manager to sign grant application needed.)

ACTION: Res. 95-494 adopted authorizing City Manager to sign.

(P & R to handle)

ORAL COMMUNICATIONS

14. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
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- None

WRITTEN COMMUNICATIONS

15. Letter from Elaine and William Berkhout, 3924 Moana Way, Modesto, expressing concern for rent increases in their mobilehome park.
- No action taken.

MATTERS TOO LATE FOR THE AGENDA

16. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)
- None.

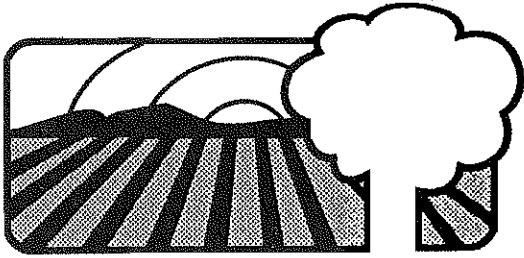
CLOSED SESSION

16. a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
- Name of case: City of Modesto v. Bearden
Superior Court Case No. 302043
- b. PUBLIC EMPLOYEE APPOINTMENT
- Title: City Clerk

ADJOURNMENT

The meeting adjourned at 5:45 p.m. to Closed Session. The City Attorney returned to open session at 6:00 p.m. and announced that by a 4 to 2 vote (Dobbs and Lang - no) the Council had voted to file an appeal in the case of City of Modesto v. Bearden. The City Clerk returned to open session at 6:15 p.m. and announced no action had been taken concerning the public employee appointment.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, October 17, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore,
Mayor Lang

Absent: None

Reports of activities and studies were made by the Chairs and members of the following policy committees:

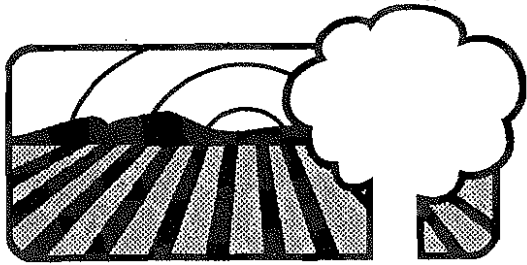
1. Economic Development, Community & Intergovernmental Committee
2. Financial Policy Committee
3. Human Services Committee/Public Safety Committee
4. Transportation Policy Committee

Oral Communications: None

The meeting adjourned at 6:55 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

10-17-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 17, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Bud LaCore, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 8, 9, 10, 11, 12, 13,
15, 16, 17, 18

Removed from Consent: Item 14

ACTION: (Friedman/Dobbs, unan.)

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Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Bill Seavy, Anti-Graffiti Citizens Steering Committee Member, will provide an update on the Anti-Graffiti Reward Program. Three citizens will be presented rewards for their efforts in reporting graffiti, and Mr. Seavy will be presented a check for \$1,535 from Stewart Title for the Anti-Graffiti Reward Program.

Mayor Lang, Chief Jefferson and Bill Seavy presented checks for \$100 and plaques to Mike Timmermeyer, David Rodriguez, and one person who wished to remain anonymous.

- b. Presentation to Police Athletic League (PAL) for outstanding community service.

Dropped from agenda.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 10, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. No. 2956-C.S. relating to management and collection of garbage service charges by City-licensed garbage companies.
(Motion adopting needed.)

ACTION: By motion, ordinance adopted. (Clerk to handle)

HEARINGS

4. Hearing to consider the request of Gilton Solid Waste Management for a transfer of the company's license to collect household and industrial garbage in the City of Modesto.

ACTION: Res. 95-495 adopted (Muratore/Dobbs, unan.) approving transfer.

(PW & T to handle)

5. Hearing to determine whether the public convenience and necessity require the issuance of a license for additional emergency vehicles to American Medical Response West to operate a total of 12 emergency vehicles within the City's limits.

ACTION: Res. 95-496 adopted (Muratore/Lang, unan.) approving license for additional emergency vehicles.

(Finance to handle)

6. Hearing to consider amending Section 7-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(510), to allow a 22-unit senior housing development on the west side of Carver Road south of Standiford Avenue.

ACTION: By motion, (Dobbs/Friedman, unan.) Ord. No. 2957-C.S. introduced.
Res. 95-497 adopted (same vote) approving development plan.
Res. 95-498 adopted (same vote) certifying review of environmental assessment.

(Com. Dev. handle)

7. Hearing to consider an amendment to P-D(287) to allow a Radio Station in an office building, including location of two microwave dishes on the roof, property located on the southwest corner of Orangeburg and Oakdale Roads.

ACTION: By motion, (Cogdill/McClanahan, unan.) Ord. No. 2958-C.S. introduced.
Res. 95-499 adopted (same vote) amending development plan.

BIDS

CONSENT

8. Consider acceptance of bid and awarding a \$27,841.00 contract to Central Coating Company, Inc., for the Digesters No. 1 and 2 Foam Coating Repair.
(Resolution awarding contract to Central Coating Company, Inc., needed. Total estimated cost: \$34,244.43. (Contract amount \$27,841.00, other amount \$6,403.43.) Funds are budgeted.)

ACTION: Res. 95-500 adopted awarding contract. (PW & T to handle)

CONSENT

9. Consider acceptance of EBC Integrated Solution's contract titled, "Woodman Way Waterline from Tully Road to College Avenue" as complete and authorize City Clerk to file a Notice of Completion.
(Resolution accepting work as completed needed. Total final cost: \$53,097.95. Funds are budgeted.)

ACTION: Res. 95-501 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider waiving formal bid procedures and authorizing the purchase of eight used late model sedans from Golden Gate Auto Auction and/or Bay Cities Auto Auction.
(Resolution waiving formal bid procedures and authorizing the purchase of eight late model vehicles needed. (Five affirmative votes needed.) Total estimated cost: \$120,000. Funds are budgeted.)

ACTION: Res. 95-502 adopted waiving formal bid procedures and authorizing purchase.

(Finance to handle)

NEW BUSINESS

11. Consider a motion accepting the staff report from the Juvenile Crime Prevention Task Force and directing staff to proceed with the recommendations in the report.
(Motion accepting the staff report and directing staff to proceed needed.)

ACTION: By motion (McClanahan/Dobbs, unan.) report accepted and staff directed to proceed with recommendations.
(Police to handle)

CONSENT

12. Consider a motion acknowledging receipt of the report entitled "Kiernan Business Park Specific Plan Industrial Development Strategy" prepared by Bay Area Economics, and referring the report to the Community Development and Housing Committee for review in conjunction with Specific Plan preparation.
(Motion acknowledging receipt of report and referring report to Community Development and Housing Committee needed.)

ACTION: By motion, receipt of report acknowledged and report was referred to the Community Development and Housing Committee.
(Com. Dev. to handle)

CONSENT

13. Consider authorizing the City Manager to execute a professional services agreement with Parsons/Brinckerhoff for the Bus Maintenance Facility/FTA Grant Application project. Consider amending the 1995/96 Budget to appropriate \$16,000 from the Fleet Management Fund Contingency Reserve to a new CIP account.
(Resolution authorizing the City Manager to execute the agreement needed, and resolution amending the 1995/96 Budget. Estimated cost: \$112,930.00. Funds are budgeted.)

ACTION: Res. 95-503 adopted approving agreement.
Res. 95-504 adopted amending budget.
(PW & T to handle)

14. Consider authorizing the City Manager to execute a professional services agreement with Mid-Valley Engineering to update the Village One Facilities Master Plan. Consider amending the 1995/96 Budget to appropriate \$86,380 from the Strategic Planning Fund Contingency Reserve to the Village One operating budget.
(Resolution authorizing the City Manager to execute the agreement. Resolution amending the 1995/96 budget. Estimated cost: \$86,380.)

ACTION: Res. 95-505 adopted (Cogdill/Friedman, majority, Muratore - no) approving agreement.
Res. 95-506 adopted (same vote) amending budget.
(P W & T to handle)

CONSENT

15. Consider authorizing the City Manager to execute a Common Use Agreement with Modesto Irrigation District (MID) for use of MID right-of-way to install part of the roadway improvement for the Claus Road and Briggsmore Avenue/Parker Road intersection improvements.
(Resolution authorizing the City Manager to execute Common Use Agreement.)

ACTION: Res. 95-507 adopted approving agreement.

CONSENT

16. Consider amending the Position Classification Plan to revise the class specification for Streets Maintenance Superintendent.
(Resolution amending the Position Classification Plan needed.)

ACTION: Res. 95-508 adopted amending Position Classification Plan.
Res. 95-509 adopted amending Class Range Table.
(Personnel to handle)

CONSENT

17. Consider adoption a resolution authorizing the City Manager to execute financing agreement with property owner Lazaro Vasquez for the purpose of rehabilitating property pursuant to the City of Modesto's Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreement needed. Estimated cost: \$482.86. Funds are budgeted.)

ACTION: Res. 95-510 adopted approving financing agreement.
(Com. Dev. to handle)

CONSENT

18. Consider accepting grant with the State Department of Forestry and Fire Protection for a tree planting grant funded through Proposition 70, and consider amending the budget to estimate and appropriate \$30,000 in revenue and expenditures.
(Resolution accepting grant needed, and resolution amending the budget needed. Estimated cost: \$30,000. Funds are budgeted.)

ACTION: Res. 95-511 adopted accepting grant.
Res. 95-512 adopted amending budget.
(P & R to handle)

ORAL COMMUNICATIONS

19. (These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.

- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

MATTERS TOO LATE FOR THE AGENDA

- 20. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

ACTION: By motion, (Friedman/McClanahan, unan.) it was determined that there was a need to take immediate action and the need for action arose after the agenda was posted.

Res. 95-513 adopted (McClanahan/Friedman, unan.) the request by the United Nations Association for "Direct City Assistance" on U. N. Day, October 24, and as requested in future years approved.

(P & R to handle)

CLOSED SESSION

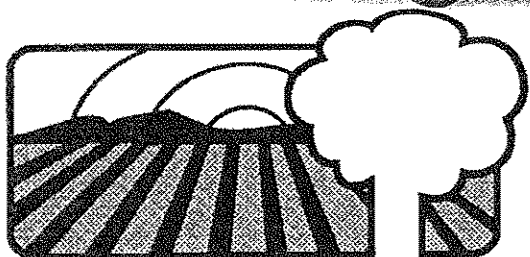
- 21. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Clerk

ADJOURNMENT

The meeting adjourned at 7:40 p.m. to Closed Session. The Mayor returned to open session at 8:20 p.m. and announced no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in an special closed session at 6:15 p.m. on Tuesday, November 7, 1995, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

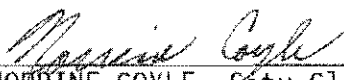
Present: Councilmembers Cogdill, Dobbs, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Friedman

The City Council met in closed session to hold a conference with legal counsel regarding anticipated litigation -- Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

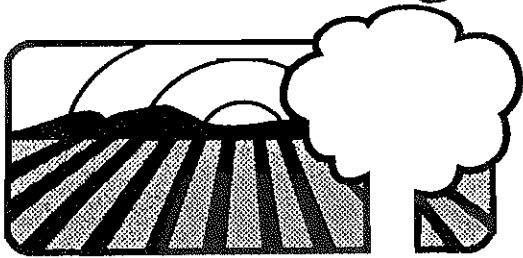
The meeting adjourned at 6:30 p.m. The City Attorney announced that no action had been taken.

ATTEST:



NORRINE COYLE, City Clerk

11-7-95



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, November 7, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, Muratore, Mayor Lang

Absent: Councilmember Friedman

Reports of activities and studies were made by the Chairs and members of the following policy committees:

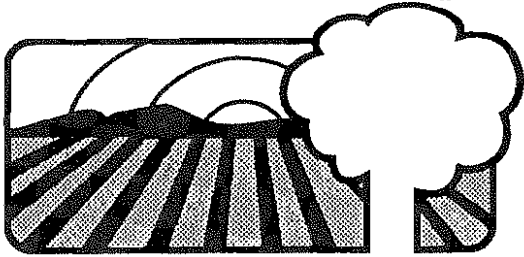
1. Community Development and Housing Committee
2. Economic Development, Community & Intergovernmental Committee
3. Human Services Committee/Public Safety Committee
4. Transportation Policy Committee
5. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:54 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

11-7-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 7, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, McClanahan, Muratore,
Mayor Lang

Absent: Friedman

Pledge of Allegiance to the Flag

Invocation: Rev. Jeff Kreiser, Living Faith Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 16, 18, 19, 20, 22,
23, 24, 25, 26, 27, 28, 29, 30, 31,
35, 36

ACTION: (Muratore/McClanahan, unan., Friedman, absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation by Judge Al Girolami concerning Domestic Violence Month.

Mayor Lang presented a proclamation concerning Domestic Violence.

- b. Presentation to Police Athletic League (PAL) for outstanding community service.

Dropped from agenda.

Mayor Lang introduced members and leaders of Cub Scout Packs 3 and 5 sponsored by Our Lady of Fatima Church. Cub Scout Christopher Wirowek presented a statement concerning the election.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of October 17, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. a. Final adoption of Ord. 2957-C.S. rezoning R-1 to P-D(510), property located on the west side of Carver south of Standiford Avenue, 3401 Carver Road.
(Motion adopting needed.)
- b. Final adoption of Ord. No. 2958-C.S. amending Section 2 of Ord. No. 2004-C.S. entitled "An Ordinance Amending Section Map 22-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereof (Oakwood Builders)" as Previously amended by Ord. No. 2060-C.S. (Architecture Plus)
(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

- 3A. Consider approving the development of Long-term Dredging, Dewatering, and Co-composting components of the Biosolids Co-compost Program, and authorize preparation of bid specifications for each program component; and consider authorizing staff to proceed with development of capital and operations budgets within the Sewer Fund for these program elements; and directing staff to prepare a report for Council within two years of operation addressing the options for competitive bid of all operations.
(Resolution needed.)

ACTION: A motion to approve staff recommendation failed to carry
(Cogdill/Muratore, Dobbs, McClanahan, Lang - no, Friedman, absent)

By motion, (Dobbs/McClanahan, unan., Friedman, absent) matter referred back to staff. (PW & T to handle)

Item 4 was considered before item 3A.

HEARINGS

- 4. Hearing concerning rezoning from R-1, Low Density Residential Zone, to P-D(511) for conversion of a residential structure to a professional office and addition of an accessory off-street parking area, property located on the southwest corner of East Orangeburg and Collier Avenue (Sherman R. Glenn)

ACTION: By motion, (Cogdill/Muratore, unan. Friedman, absent) Ord. No. 2959-C.S. introduced.
Res. 95-514 adopted (same vote) approving development plan. (Clerk to handle)

BIDS

CONSENT

- 5. Consider approving specification and authorizing call for bids to be opened November 28, 1995, at 2 p.m. for furnishing five new Police motorcycles.
(Resolution approving specifications and authorizing call for bids needed. Total estimated cost: \$75,000.00. Funds are budgeted.)

ACTION: Res. 95-515 adopted approving specification and authorizing call for bids. (Finance to handle)

CONSENT

- 6. Consider approving specification and authorizing call for bids to be opened November 28, 1995, at 11:05 a.m. for furnishing five new cab and chassis with miscellaneous bodies.
(Resolution approving specifications and authorizing call for bids needed. Total estimated cost: \$345,772.00. Funds are budgeted.)

ACTION: Res. 95-516 adopted approving specification and authorizing call for bids. (Finance to handle)

CONSENT

- 7. Consider approving specifications and authorizing call for bids to be opened November 29, 1995, at 11:00 a.m. for furnishing six new pieces of heavy equipment.
(Resolution approving specifications and authorizing call for bids needed. Total estimated cost: \$319,170.00. Funds are budgeted.)

ACTION: Res. 95-517 adopted approving specification and authorizing call for bids. (Finance to handle)

CONSENT

- 8. Consider approving specifications and authorizing call for bids to be opened November 29, 1995, at 11:05 a.m. for furnishing two new pieces of lawn equipment.
(Resolution approving specifications and authorizing call for bids needed. Total estimated cost: \$128,252.00 Funds are budgeted.)

ACTION: Res. 95-518 adopted approving specification and authorizing call
for bids. (Finance to handle)

CONSENT

9. Consider approving specifications and authorizing call for bids to be opened November 29, 1995, at 11:00 a.m. for furnishing fifteen new utility vehicles.
(Resolution approving specifications and authorizing call for bids needed. Total estimated cost: \$442,649.28. Funds are budgeted.)

ACTION: Res. 95-519 adopted approving specification and authorizing call
for bids. (Finance to handle)

CONSENT

10. Consider declaring Master Meter, Inc., Precision Meters, Inc., Groeniger & Company, and ABB Kent Meters, Inc., low responsive and responsible bidders on and authorize the purchase of various size water meters
(Resolution declaring Master Meter, Inc., Precision Meters, Inc., Groeniger & Company, and ABB Kent Meters, Inc. low bidders and authorize the purchase. Total Estimated cost: Not to exceed \$67,000.00. Funds are budgeted.)

ACTION: Res. 95-520 adopted awarding bid for water meters to Master Meter, Inc., Precision Meters, Inc., Groeniger & Company, and ABB Kent Meters. (Finance to handle)

CONSENT

11. Consider rejecting all bids for the project titled "General Aviation Area Apron Seal Coat and Taxiway C & E Slurry Seal."
(Resolution rejecting bids needed.)

ACTION: Res. 95-521 adopted rejecting bids. (PW & T to handle)

CONSENT

12. Consider award of a \$101,140.00 contract to D & L Concrete Pumping, Inc., for a project titled "Sidewalk Repairs 1995" and consider amending the budget to create a new CIP Project titled "Sidewalk Repairs 1995."
(Resolution awarding contract to D & L Concrete Pumping, Inc.; and Resolution amending the 1995/96 Budget. Total estimated cost: \$119,000.00. Funds are available for transfer from General Fund.)

ACTION: Res. 95-522 adopted awarding contract.
Res. 95-523 adopted amending budget. (PW & T handle)

CONSENT

13. Consider declaring Rhone-Poulenc, Inc. low responsive and responsible bidder on and authorize the purchase of Liquid Sulphur Dioxide (SO₂) for up to three years for the first year estimated amount of \$38,745.00.
(Resolution declaring Rhone-Poulenc, Inc. low responsive and responsible bidder and authorizing purchase. Total estimated cost: \$38,745.00. Funds are budgeted.)

ACTION: Res. 95-524 adopted declaring Rhone-Poulenc, Inc. low bidder. (Finance to handle)

CONSENT

14. Consider acceptance of Rolfe Construction Company's contract titled, "Claratina Avenue Waterline" as complete and authorize City Clerk to file a Notice of Completion.
(Resolution accepting work as completed needed. Total final cost: \$950,146.77. Funds are budgeted.)

ACTION: Res. 95-525 adopted accepting contract as complete.
(Clerk to handle)

CONSENT

15. Consider authorizing the City Manager to execute an escrow agreement with Auburn Constructors in lieu of retention with regard to the Construction of Water Tank No. 4 and Well No. 54 installation.
(Resolution authorizing City Manager to execute the agreement needed.)

ACTION: Res. 95-526 adopted approving agreement with Auburn Constructors.
(P/W & T to handle)

CONSENT

16. Consider waiving formal bid procedures and authorizing the purchase of twelve replacement police vehicles off the State contract per Modesto Municipal Code 8-3.5(h) for a total of \$266,000.00.
(Resolution waiving formal bid procedures and authorizing the purchase of twelve replacement police vehicles needed. (Five affirmative votes needed.) Total estimated cost: \$266,000.00. Funds are budgeted.)

ACTION: Res. 95-527 adopted approving purchase of police vehicles.
(Finance to handle)

NEW BUSINESS

CONSENT

18. Consider excusing Mayor Lang and Councilmembers Friedman, McClanahan, and Muratore from the October 24, 1995, City Council meeting due to their attendance at the League of California Cities Conference October 21 to 24, 1995.
(Motion excusing needed.)

ACTION: By motion, absences excused.
(Clerk to handle)

CONSENT

19. Presentation of the First Quarter Status Report and Proposed Adjustments for the 1995-96 Budget, and consider amending the 1995-96 Budget and re-estimating revenue for 1995-96.
(Motion acknowledging receipt of report needed; and Resolution amending the 1995-96 Budget needed.)

ACTION: By motion, receipt of report acknowledged.
Res. 95-528 adopted amending budget. (Finance to handle)

CONSENT

20. Acknowledge receipt of Treasurer's Report for September 1995.
(Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

22. Consider authorizing the City Manager to execute financing agreements with property owner Patrick Riddle to rehab properties pursuant to the Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreements needed. Total estimated cost: \$9,828.00. Funds are budgeted.)

ACTION: Res. 95-529 adopted approving agreement. (Com. Dev. to handle)

CONSENT

23. Consider adopting Pay-for-Performance Salary Schedules and amending salary schedules for unrepresented Management and Confidential employees to incorporate a 9-step salary step plan.
(Resolution amending salary schedules needed.)

ACTION: Res. 95-530 adopted amending salary schedules.
(Personnel to handle)

CONSENT

24. Consider amending the budget to appropriate \$1,500 from the General Fund Reserve to Cultural Promotions, Fourth of July Celebration.
(Resolution amending the 1995-96 budget. Total estimated cost: \$1,500.)

ACTION: Res. 95-531 adopted amending the budget. (Finance to handle)

CONSENT

25. Consider authorizing the City Manager to execute an agreement for transfer of Lateral No. 2 pipeline, authorizing City Manager to execute a Quitclaim, and accepting real property from Modesto Irrigation District.
(Resolution authorizing the City Manager to execute an Agreement, authorizing execution of Quitclaim, and accepting real property from Modesto Irrigation District needed.)

ACTION: Res. 95-532 adopted approving agreement. (Com. Dev. to handle)

CONSENT

26. Consider authorizing the City Manager to execute a lease agreement with Catherine L. Banghart, dba Kay's Collectibles and Costume Rentals, for the lease of 1904 H Street, Modesto
(Resolution authorizing the City Manager to execute a Lease Agreement needed.)

ACTION: Res. 95-533 adopted approving agreement. (Com. Dev. to handle)

CONSENT

27. Consider authorizing the City Manager to execute an agreement with Dave Ribeiro for damage caused by the Lakewood Sewer Project.
(Resolution authorizing the City Manager to execute an agreement needed. Total estimated cost: \$2,000.00. Funds are budgeted.)

ACTION: Res. 95-534 adopted approving agreement. (Com. Dev. to handle)

CONSENT

28. Consider supporting Stanislaus Area Association of Governments Policy Board State Highway priorities and recommending that no project be deleted from the State Transportation Improvement Program.
(Resolution supporting the SAAG Policy Board's State highway priorities needed.)

ACTION: Res. 95-535 adopted supporting SAAG highway priorities
(P/W & T to handle)

CONSENT

29. Consider approving the final map of Symphony Place No. 1 Subdivision and consider accepting the improvements. Owners Sarjak Enterprises.
(Resolution approving the final map, accepting improvements, and authorizing City Manager to execute subdivision agreement needed.)

ACTION: Res. 95-536 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider renaming Mugho Pine Drive to Kirschen Drive.
(Resolution renaming Mugho Pine Drive to Kirschen Drive needed. Total estimated cost: \$225.00. Funds are budgeted.)

ACTION: Res. 95-537 adopted renaming street. (Com. Dev. to handle)

CONSENT

31. Consider setting a hearing at 7:00 p.m., November 21, 1995, to confirm the costs of demolishing a structure at 620 Benson Avenue.
(Resolution setting hearing at 7:00 p.m., November 21, 1995, needed.)

ACTION: Res. 95-538 adopted setting hearing. (Clerk to handle)

32.

ORAL COMMUNICATIONS

These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.

None.

WRITTEN COMMUNICATIONS

33. Letter from Bob Florsheim, V. O. Associates, requesting the City of Modesto approve an Agreement Regarding Bond Proceeds in regard to the refinancing of Valley Oak multi-family housing project located at 2300 Oakdale Road.

Mr. Florsheim requested that action on this item be delayed indefinitely.

34. Letter from Jeane Parker, 3121 Independence Way, about her concerns and solutions regarding graffiti, gangs, and police.

No action taken.

CONSENT

35. Letter of resignation from the Planning Commission from C. Lynne Gonzales.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-539 adopted accepting resignation. (Clerk to handle)

CONSENT

36. Letter of resignation from the Community Qualities Forum from Marian Martino.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 95-540 adopted accepting resignation. (Clerk to handle)

37. MATTERS TOO LATE FOR THE AGENDA

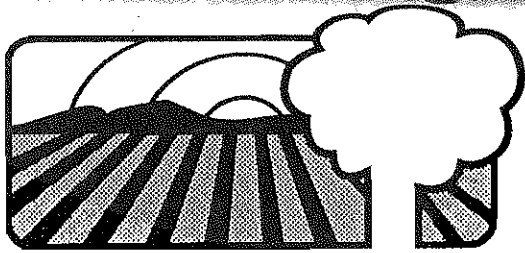
(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None.

ADJOURNMENT

The meeting adjourned at 8:12 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 14, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
Muratore, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Vice Mayor Frank Muratore

A. Certification of canvass of votes at the November 7, 1995, election.
(Resolution certifying canvass of votes needed.)

ACTION Res. 95-541 adopted (Friedman/McClanahan, unan.) certifying
canvass of votes. (Clerk to handle)

B. Oath of Office by newly-elected City Councilmembers and Modesto Board of
Education Members.

Oath of office was taken by Dick Lang, Stan Dobbs, Gerald McKinsey, Bob
Jackson, Odessa Johnson, and John Uhl.

C. Remarks

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 5, 7, 8, 9, 10, 11, 12,
13,

Dropped from Agenda: Item 6

ACTION (Friedman/Cogdill, unan.)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. P.A.L. presentation

Councilmember McClanahan presented a Certificate of Recognition to Gary Thompson, President of the P.A.L. Board, who has been chosen as the State CALPAL Volunteer of the year.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 7, 1995
(Motion approving needed.)

ACTION By motion, minutes approved.

(Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. 2959-C.S. rezoning Section 21-3-9 of the Zoning Map from R-1 to P-D(511), property located on the southwest corner of East Orangeburg and Collier Avenues (Sherman R. Glenn)
(Motion adopting needed.)

ACTION By motion, Ordinance 2959-C.S. adopted

(Clerk to handle)

HEARINGS

4. Hearing concerning designation of the Wissner Medical Office Building, 901 McHenry Avenue, as a Modesto Landmark Preservation Site. John Hertle, owner.
(Resolution designating the Wissner Medical Office Building as a Modesto Landmark Preservation Site needed.)

ACTION: Res. 95-542 adopted (Friedman/Dobbs, majority, McClanahan-no) designating Wissner Medical Office Building as Landmark Preservation site.

(Com. Dev. to handle)

BIDS

CONSENT

5. Consider waiving formal bid procedures and authorizing the purchase of a Quick Chem 8000 Automated Ion Analyzer from Lachat Instruments.
(Resolution waiving formal bid procedures and authorizing the purchase of a Quick Chem 8000 Automated Ion Analyzer from Lachat Instruments needed. [Five affirmative votes needed.] Total estimated cost: \$42,950.00. Funds are budgeted.)

ACTION: Res. 95-543 adopted waiving formal bid procedures and authorizing purchase.
(Finance to handle)

NEW BUSINESS

CONSENT

6. Consider authorizing the City Manager to approve requests by Contractors for reductions in the retention amount on Capital Improvement Construction Projects.
(Resolution authorizing the City Manager to approve requests for retention reduction for Capital Improvement Projects needed.)

Dropped from agenda.

CONSENT

7. Consider authorizing six Fire Department personnel to review and purchase surplus GSA (General Services Administration) equipment as outlined by the State of California Department of General Services.
(Resolution authorizing Fire Department personnel review of State of California Department of General Services equipment needed.)

ACTION: Res. 95-544 adopted authorizing Fire Department personnel to review and purchase surplus GSA equipment.
(Fire to handle)

CONSENT

8. Consider appointing Councilmembers McClanahan, Dobbs, and Friedman to the MID Drinking Water Project Committee.
(Resolution appointment Councilmembers McClanahan, Dobbs, and Friedman to the MID Drinking Water Project Policy Committee needed.)

ACTION: Res. 95-545 adopted appointing Councilmembers Dobbs, Friedman, and McClanahan to the MID Drinking Water Project Committee.
(P.W. & T. to handle)

CONSENT

9. Consider authorizing the City Manager to execute an agreement for services with STANCO to manage the City of Modesto's Transitional Housing Program for FY 1995-96.
(Resolution authorizing the City Manager to execute an agreement with STANCO needed. Total estimated cost: \$50,000.00. Funds are budgeted.)

ACTION: Res. 95-546 adopted approving agreement with STANCO.
(Com. Dev. to handle)

CONSENT

10. Consider authorizing the City Manager to execute an agreement for services with Catholic Charities to be funded with Community Development Block Grant Funds during Fiscal Year 1995-96.
(Resolution authorizing the City Manager to execute an agreement with Catholic Charities needed. Total estimated cost: \$24,500.00. Funds are budgeted.)

ACTION: Res. 95-547 adopted approving agreement with Catholic Charities
(Com. Dev. to handle)

CONSENT

11. Consider authorizing the City Manager to execute financing agreement with property owner (Jerry Garrett) to rehab property pursuant to the Housing Rehabilitation Program.
(Resolution authorizing the City Manager to execute financing agreement needed. Total estimated cost: \$84,259.00. Funds are budgeted.)

ACTION: Res. 95-548 adopted approving agreement with Jerry Garrett
(Com. Dev. to handle)

CONSENT

12. Consider approving salary adjustment for City Attorney.
(Resolution amending the Class Range Table for Executive Management to adjust the salary range for the position of City Attorney. Resolution authorizing a salary increase of 5% for the City Attorney, effective November 14, 1995. Total estimated cost: \$4,000. Funds are budgeted.)

ACTION: Res. 95-549 adopted amending Class Range Table
Res. 95-550 adopted increasing City Attorney salary
(Personnel to handle)

CONSENT

13. Consider authorizing the City Manager to sign a grant application to the Resources Agency of California for \$102,276 in funding under the Environmental Enhancement and Mitigation Program to provide matching funds for the acquisition of 47.9 acres of land east of Claus Road.
(Resolution authorizing the City Manager to sign a grant application.)

ACTION: Res. 95-551 adopted approving grant application
(P & R to handle)

15. Consider recommendations regarding maintenance services at City golf Courses.
(Motion directing staff needed.)

ACTION: By motion (Cogdill/McClanahan, majority, McKinsey-no) City Manager was directed to negotiate a three-year contract with Environmental Care, Inc., and return the contract to the Council on December 12 for consideration.
(Manager to handle)

Item 16 was considered before item 15.

16. Consider appointment of City Clerk and Auditor.
(Resolution appointing City Clerk and Auditor, effective December 11, 1995, and authorizing the City Manager to execute an employment agreement needed. Estimated cost for remainder of fiscal year: \$39,300. Funds are budgeted.)

ACTION: Res. 95-552 adopted (Dobbs/McClanahan, majority, McKinsey-no) Jean Adams was appointed City Clerk and Auditor.
(Personnel to handle)

ORAL COMMUNICATIONS

17. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - e) Finally, a Councilmember or the Council itself may take action to direct to place a matter of business on a future agenda.

Bill Newsom spoke about criminal activities at the golf courses.

MATTERS TOO LATE FOR THE AGENDA

18. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

CLOSED SESSION

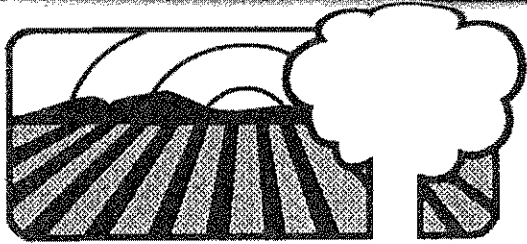
19. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One Case.

ADJOURNMENT

The meeting adjourned at 5:29 p.m.

ATTEST: 
NORRINE COYLE, City Clerk



AMENDED

MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto to met in a special session at 6:30 p.m. on Tuesday, November 21, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, McKinsey,
Mayor Lang

Absent: None

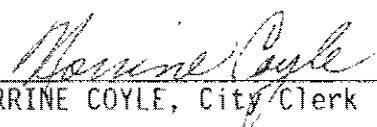
Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Community Development and Housing Committee
2. Human Services Committee/Public Safety Committee

Oral Communications: None

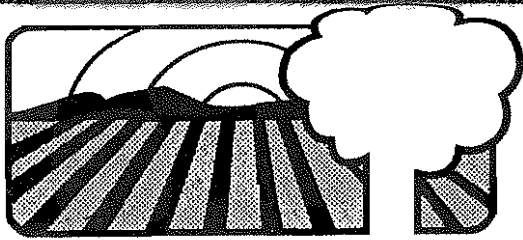
The meeting adjourned at 6:40 p.m.

ATTEST:



NORRINE COYLE, City Clerk

11-21-95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 21, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Ed Shakespeare, Community Hospice

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 10, 11

ACTION: (McClanahan/Dobbs, unan.)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Bill Seavy, Anti-Graffiti Citizens Steering Committee Member, will present rewards to citizens for their efforts in reporting graffiti.

Mayor Lang, Chief Jefferson, and Mr. Seavy presented checks to two citizens who wished to remain anonymous.

Mayor Lang introduced members of Boy Scout Troop 76.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 14, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

3. Consider (1) approving the development of bid specifications and authorizing a call for bids to clean out accumulated biosolids at the Secondary Wastewater Treatment Site; (2) amending the budget to appropriate \$1.4 million from the Sewer Fund Contingency Reserve to fund a new CIP project for the clean out; (3) authorizing staff to proceed with development of bid specifications for the Marketing Component of the program, to be released upon resolution of issues related to the long-term Dredging/Dewatering and Co-Composting components of the program; and (4) authorizing staff to continue discussions with the local refuse collection companies, with a recommendation for containerized green waste collection to be presented to the Council in January 1996.
(Resolution approving development of bid specifications and authorizing call for bids; authorizing staff to develop bid specifications for the Marketing Component of the program; and authorizing staff to continue discussions with local refuse collection companies needed. Resolution amending the budget needed. Total estimated cost: \$1.4 million.)

ACTION: Res. 95-553 adopted (Friedman/McClanahan, unan.) approving bid specifications and call for bid.
Res. 95-554 adopted (same vote) amending budget.
(PW & T/Finance to handle)

HEARINGS

4. a. Consider awarding a two-year extension of the bus bench franchise to Computer Pathways, Inc. The franchise extension would become effective January 1, 1996.
(Introduction of ordinance awarding the franchise extension needed.)

ACTION: By motion (Cogdill/McClanahan, unan.) the recommended elements of franchise extension were approved except for item 7, and the extension for one year was approved.
By motion (Dobbs/Cogdill, majority, McClanahan - no) item 7 concerning advertising in bus shelters was approved.
Ord. No. 2960-C.S. (Friedman/Cogdill, unan.) approving a one-year extension. (Clerk to handle)

4. b. Consider approving a two-year extension of lease agreement with Computer Pathways to place advertising in the interior of Modesto's transit buses. Consider approving the purchase of Computer Pathways bus bench inventory for \$24,159.38. Consider approving a budget amendment to provide funds for the bench purchase. The benches are for the bus bench franchise which is the subject of a public hearing scheduled for the same meeting. Federal funds are expected to cover 80% of the cost of the benches and local public transit funds the remaining 20%. (Resolution extending the lease agreement from January 1, 1996, through December 31, 1997, needed. Resolution waiving formal bidding procedures and authorizing the Purchasing Officer to purchase the benches from Computer Pathways needed. [Five affirmative votes needed]. Resolution amending the budget to estimate and appropriate additional funding in the amount of \$24,159.38 for the bench purchase needed. Total estimated cost: \$24,159.38. Funds are budgeted.)

ACTION: Res. 95-555 adopted (Friedman/Cogdill, unan.) extending lease for one year.
Res. 95-556 adopted (same vote) waiving formal bidding procedures.
Res. 95-557 adopted (same vote) amending the budget.
(PW & T/Finance to handle)

5. Hearing to consider accepting the Chief Building Official's report regarding the costs of demolition of a building at 620 Benson Avenue and to consider protests.
(Resolution confirming expenses incurred for demolition of a building located at 620 Benson Avenue needed.)

ACTION: Res. 95-558 adopted (Cogdill/Friedman, unan.) confirming cost of demolition of building.
Res. 95-559 adopted (same vote) stating costs incurred are accurate and complete.
(Com. Dev. to handle)

NEW BUSINESS

CONSENT

6. Consider authorizing the City Manager to execute an Amendment to Lease Agreement with Hein Hettinga and Amos De Groot for lease of approximately 2,565 acres of the secondary wastewater treatment facility.
(Resolution authorizing the City Manager to execute an amendment to Lease Agreement needed.)

ACTION: Res. 95-560 adopted approving amendment to agreement
(Com. Dev. to handle)

CONSENT

7. Consider authorizing the City Manager to execute escrow agreements for security deposits in lieu of retention, and consider authorizing City Manager to approve requests by Contractors for reduction in the retention amount on Capital Improvement Construction projects.
(Resolution authorizing the City Manager to execute escrow agreements and approve requests for reductions in retention needed.)

ACTION: Res. 95-561 adopted authorizing City Manager to execute escrow agreements and approve requests for reduction in retention amounts.

(PW & T to handle)

CONSENT

8. Consider authorizing the City Manager to execute an application and all grant related documents for a \$56,358 Used Motor Oil Recycling Block Grant.
(Resolution authorizing the City Manager to execute grant application needed.)

ACTION: Res. 95-562 adopted approving grant application.

(PW & T to handle)

CONSENT

9. Acknowledge receipt of Annual Monitoring Reports of Agencies Funded with Community Development Block Grant Funds during Fiscal Year 1994-95.
(Motion to acknowledge receipt and filing of report needed.)

ACTION: By motion, receipt of report acknowledged and filing of report approved.

(Com. Dev. to handle)

CONSENT

10. Consider adopting a Consolidated Plan - Annual Action Plan Application Process and Citizen Participation Calendar of Events for Fiscal Year 1996-97.
(Resolution adopting a Consolidated Plan needed.)

ACTION: Res. 95-563 adopted approving a Consolidated Plan.

(Com. Dev. to handle)

CONSENT

11. Consider amending the budget to appropriate \$7,500 from the Strategic Planning Fund to pay the costs associated with the application to LAFCO to amend the City's Sphere of Influence.
(Resolution amending the 1995-96 budget needed. Total estimated cost: \$7,500. Funds are budgeted.)

ACTION: Res. 95-564 adopted amending the budget.

(Com. Dev./Finance to handle)

12.

ORAL COMMUNICATIONS

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None

WRITTEN COMMUNICATIONS

13. Letter from Darlene Binion, 1917 College Avenue, regarding her proposal that the Modesto Board of Education add a moment of silence for positive thinking following the pledge to the flag.

No action taken.

14. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

CLOSED SESSION

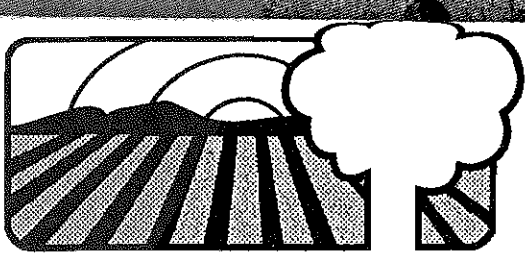
15. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

ADJOURNMENT

Meeting adjourned to closed session at 7:50 p.m. The City Attorney returned to open session at 9:05 p.m. and announced no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, NOVEMBER 28, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Friedman, McClanahan,
McKinsey

Absent: Councilmember Dobbs, Mayor Lang

DESIGNATION OF MAYOR PRO TEM

(Motion designating Mayor Pro Tem for November 28, 1995, meeting
needed.)

ACTION: By motion, (Friedman/McClanahan, unan., Dobbs and Lang absent)
Councilmember Cogdill was designated Mayor Pro Tem.

Pledge of Allegiance to the Flag

Invocation: Rev. Marcus Jones, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 12

ACTION: (Friedman/McClanahan, unan., Dobbs and Lang absent)

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ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. Presentation honoring winners of Family Activities and Children's Events Logo Contest

Mayor Pro Tem Cogdill presented awards to Lora Thompson and Woodrow Park, first place; Nathan Barstad, second place; and Janna Nelson and Keli Rogers, third place.
- b. Presentation by Mike Johnson, Assistant Principal of James Marshall School, of a pledge by the students to remain drug, alcohol, and tobacco free.

MINUTES

CONSENT

2. Approval of the minutes of two special City Council meetings of November 7, 1995, and minutes of the special and regular City Council meetings of November 21, 1995.
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

BIDS

CONSENT

3. Consider awarding a contract to Howell Construction, Inc., for the Handicap Restroom Remodel at Westside Park.
(Resolution awarding contract to Howell Construction, Inc., needed. Total estimated cost: \$47,972.50 (contract - \$38,378; misc. - \$9,594.50). Funds are budgeted.)

ACTION: Res. 95-565 adopted awarding contract to Howell Construction, Inc. (PW & T to handle)

CONSENT

4. Consider acceptance of project titled "Briggsmore Avenue Waterline from Well No. 21 to Coffee Road" and authorizing City Clerk to file a Notice of Completion. Original Contract \$150,000.00.
(Resolution accepting work as complete needed. Total Final Cost: \$156,826.39. Funds are budgeted.)

ACTION: Res. 95-566 adopted accepting work as completed. (Clerk to handle)

NEW BUSINESS

CONSENT

5. Consider authorizing the City Manager to execute an Agreement with Vail Engineering to revise the Village One Finance Plan and assist in the formation of the Financing Districts that will implement the Finance Plan; consider amending the budget to appropriate \$46,800 from the Strategic Planning Fund and \$12,500 from the Storm Drainage Fund to pay for the contract and related costs.
(Resolution authorizing the City Manager to execute Agreement and resolution amending the budget needed. Total Estimated Cost: \$59,300. Funds are budgeted.)

ACTION: Res. 95-567 adopted authorizing City Manager to execute Agreement with Vail Engineering.
Res. 95-568 adopted amending the budget.
(Com. Dev. and Finance to handle)

CONSENT

6. Consider recommending County approval of Rezone Application No. 95-08, Modesto Toyota, for a proposal to rezone from A-2-10 to P-I, Planned Industrial Zone, to allow a fenced and paved auto storage area as a 5.2-acre westerly expansion of the auto agency.
(Resolution recommending County approve Rezone Application No. 95-08 needed.)

ACTION: Res. 95-569 adopted recommending County approve Rezone Application No. 95-08.
(Com. Dev. to handle)

CONSENT

7. Consider authorizing the City Manager to execute new loan documents for consolidation and re-amortization of existing City loans for Uncle Charlie's Group Home
(Resolution authorizing the City Manager to execute new loan documents needed.)

ACTION: Res. 95-570 adopted authorizing the City Manager to execute new loan documents.
(Com. Dev. to handle)

CONSENT

8. Consider authorizing the City Manager to execute an agreement for services for the Stanislaus Literacy Center funded with Community Development Block Grant Funds during Fiscal Year 1995-96.
(Resolution authorizing the City Manager to execute agreement for services needed. Total Estimated Cost: \$20,000.00. Funds are budgeted.)

ACTION: Res. 95-571 adopted authorizing the City Manager to execute agreement for services for the Stanislaus Literacy Center
(Com. Dev. to handle)

CONSENT

9. Consider approving a refund to International Truck Rental and Leasing in the amount of \$5,949.40 for overpayment of Business Improvement Taxes. (Resolution authorizing a tax refund to International Truck Rental and Leasing needed. Total Estimated Cost: \$5,949.40. Funds are budgeted.)

ACTION: Res. 95-572 adopted authorizing a tax refund to International Truck Rental and Leasing. (Finance to handle)

CONSENT

10. Consider authorizing the City Manager to sign the Operations/Acceptance Agreement with Beard Land Improvement Company for the Codoni Lift Station, with associated maintenance easement and land dedication. (Resolution authorizing City Manager to sign the Codoni Road Operation/Acceptance Agreement needed.)

ACTION: Res. 95-573 adopted authorizing the City Manager to sign the Codoni Road Operation/Acceptance Agreement (PW & T to handle)

11. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct staff to place a matter of business on a future agenda.)

None

WRITTEN COMMUNICATION

CONSENT

12. Letter from Gary McCown requesting a rate increase to \$0.25 per collection plus postage for Utility Collection point at Paul's Drugs No. 2, Inc., 1005 W. Orangeburg Avenue. (Motion referring request to staff for recommendation needed.)

ACTION: By motion, request referred to staff for recommendation. (Finance to handle)

APPOINTMENTS

13. Consider appointments and reappointments to Community Qualities Forum.

ACTION: Res. 95-574 adopted (McClanahan/McKinsey, unan. Dobbs and Lang absent) appointing Betty Silva, Fred Hawkins, and Carole Richard to vacancies on the Community Qualities Forum, and reappointing Gerry Clendenin, Patricia Casey-Gillum, Mitch Gagos, Maria Hatch, Benno Heune, and Joe Simile to new four-year terms.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

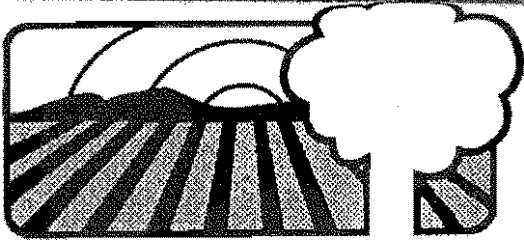
(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

None

ADJOURNMENT

Meeting adjourned at 4:09 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES

City Hall
801 11th Street
Modesto, California

The Council of the City of Modesto met in a special session at 6:30 p.m. on Tuesday, December 5, 1995, in the Third Floor Conference Room at City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan, McKinsey, Mayor Lang

Absent: None

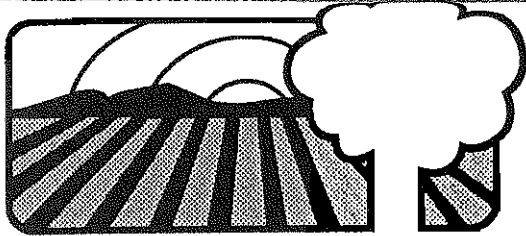
Reports of activities and studies were made by the Chairs and members of the following policy committees:

1. Utility Services and Franchises Committee

Oral Communications: None

The meeting adjourned at 6:38 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 5, 1995, AT 7:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Daren Pahl, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 8, 9

ACTION: (Friedman/McClanahan, unan.)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

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1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Fire Department representatives spoke about a new fire safety public awareness program and introduced students who painted signs concerning the program.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 28, 1995
(Motion approving needed.)

ACTION: By motion, minutes approved. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

3. Final adoption of Ord. 2960-C.S. extending the bus bench franchise for a period of up to one year.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2960-C.S. adopted (Clerk to handle)

BIDS

CONSENT

4. Consider declaring SEFAC Lift and Equipment low responsible bidder on and authorize the purchase of one Mobile Bus Hoist
(Resolution declaring SEFAC Lift and Equipment low bidder and authorize purchase. Total estimated cost: \$21,473.00. Funds are budgeted.)

ACTION: Res. 95-575 adopted awarding contract to SEFAC Lift and Equipment.
(Finance to handle)

CONSENT

5. Consider waiving formal bid procedures and authorizing the purchase of 140,000 lbs. of Recycled Granular Activated Carbon (GAC) through the City of Fresno Contract from Northwestern Carbon to be used at three well sites
(Resolution waiving formal bid procedures and authorizing the purchase of 140,000 lbs. of Recycled Granular Activated Carbon (GAC) through the City of Fresno Contract needed. [Five affirmative votes needed.] Total estimated cost: \$89,530.00. Funds are budgeted.)

ACTION: Res. 95-576 adopted authorizing purchase. (Finance to handle)

NEW BUSINESS

CONSENT

6. Consider excusing Mayor Lang and Councilmember Dobbs from the November 28, 1995, City Council meeting due to their attendance at the National League of Cities Conference.
(Motion excusing needed.)

ACTION: By motion, absences excused. (Clerk to handle)

7. Acknowledge receipt of Modesto's Affirmative Action Status Report for Fiscal Year 1994-95.
(Motion acknowledging receipt of report needed.)

ACTION: By motion (McClanahan/Dobbs, unan.) receipt of report acknowledged.

CONSENT

8. Consider approving a lease agreement with Atmospherics, Inc., for the use of a small parcel of land at the Airport for weather equipment.
(Resolution authorizing the City Manager to execute a lease agreement needed.)

ACTION: Res. 95-577 adopted approving lease agreement.
(Com. Dev. to handle)

CONSENT

9. Consider joinder in amicus briefs in: Bickel v. City of Piedmont; People v. Daniel W.; ISHKON of Potomac, Inc. v. Kennedy; City of San Jose v. Mission Trail Waste System, Inc.; Washington and Hicks v. City of Santa Monica, et al; Warren v. City of Carlsbad; Citizens Against New Local Taxes v. City of Agoura Hills, et al, and directing the City Attorney to execute and forward seven letters of support to respective counsel preparing amicus briefs
(Motion authorizing the City to Join in the seven, above-named amicus briefs needed and directing staff needed.)

ACTION: By motion, joining in the amicus briefs was authorized.
(Attorney to handle)

ORAL COMMUNICATIONS

10. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct to place a matter of business on a future agenda.

None.

APPOINTMENTS

11. Planning Commission
(Resolution appointing Planning Commission member needed.)

ACTION: Res. 95-578 adopted (Dobbs/McClanahan, unan.) appointing Rod De Cristofaro to the Planning Commission. (Clerk to handle)

12. MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

By motion (Friedman/Cogdill, unan.) it was determined that there was an immediate need to hold a closed session, and the need arose after the posting of the agenda.

The case considered during the closed session was United States National Bank of Oregon v City of Modesto, Stanislaus County Superior Court #319368.

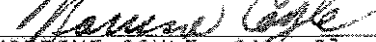
CLOSED SESSION

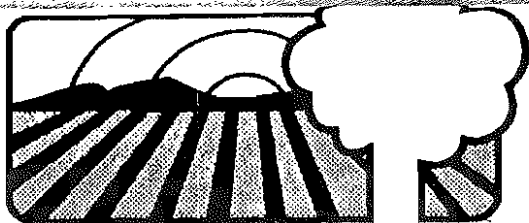
13. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: United States National Bank of Oregon vs. City of Modesto, Stanislaus County Superior Court, case No. 319368.

ADJOURNMENT

The meeting adjourned to closed session at 7:20 p.m. The City Attorney returned to open session at 8:08 p.m. and announced that no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 12, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang

Absent: None

Councilmember Dobbs excused at 7:15 p.m.

Pledge of Allegiance to the Flag

Invocation: Rev. Mike Atinsky, Dry Creek Evangelical Free Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24

Removed from Consent: Item 22

ACTION: Friedman/Dobbs, unan.)

(Information concerning the consent items listed above has been forwarded to each Councilmember prior to this meeting for study and is on file at the Modesto-Stanislaus Library Reference Room, 1500 I Street, Modesto, and in the City Clerk's Office in City Hall. Unless some member of the audience or Councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council. The action taken by the Council in approving consent items is set forth in the explanation of the individual items.

A copy of this agenda may be obtained in the City Clerk's Office.)

Any and all of the following agenda items are subject to action being taken by the Modesto City Council.

12/12/95

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (209) 577-5396. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang introduced Jean Adams, who will be replacing the retiring City Clerk-Auditor.

Mayor Lang also introduced members of Boy Scout Troop 177.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special City Council meetings of December 5, 1995
(Motion approving needed.)

ACTION: By motion, minutes approved.

(Clerk to handle)

HEARINGS

3. Hearing to consider approving and adopting the final Draft County-wide Siting Element and Integrated Waste Management (Summary) Plan for the County of Stanislaus.

ACTION: Res. 95-579 adopted (Friedman/Dobbs, unan.) approving and adopting County-wide Siting Element
Res. 95-580 adopted (same vote) approving and adopting Draft County-wide Integrated Waste Management (Summary) Plan
(PW & T to handle)

4. Hearing to consider a General Plan Amendment, a Specific Plan, rezoning of the Specific Plan area, initiating an annexation with the Stanislaus County Local Agency Formation Commission, and certifying the Final Focused Environmental Impact Report for the Snyder Comprehensive Planning District located between Pelandale Avenue, extended, and Snyder Avenue/M.I.D. Lateral No. 6, east of Dale Road.

ACTION: Res. 95-580-A adopted (Dobbs/McKinsey, majority, Friedman and McClanahan no) certifying the Environmental Impact Report (SCH No. 93042004), along with the adoption of overriding considerations

Res. 95-581 adopted (same vote) approving the General Plan Amendment

Res. 95-582 adopted (same vote) approving the Specific Plan

Ord. No. 2961-C.S. introduced (same vote) rezoning Pelandale/Snyder Specific Plan area to P-R-1, P-R-3, and P-P-0

12/12/95

Res. 95-583 adopted (same vote) to pursue Reorganization of Specific Plan area to the City of Modesto
(Clerk and Com. Dev. to handle)

5. Hearing to consider a General Plan Amendment, a Specific Plan, rezoning of the Specific Plan area, initiating an annexation with the Stanislaus County Local Agency Formation Commission, and certifying the Final Focused Environmental Impact Report, for the Fairview Village Specific Plan, located on the south side of Hatch Road, east of Carpenter Road, and north of Whitmore Avenue.

ACTION: Res. 95-584 adopted (Cogdill/McKinsey, majority, McClanahan no) approving General Plan Amendment

Res. 95-585 adopted (same vote) approving a Specific Plan

Ord. No. 2962-C.S. introduced (same vote) adopting rezoning of the Specific Plan Area to SP-0 and rezoning the lots north of Hatch Road to R-1

Res. 95-586 adopted (same vote) initiating an annexation with the Stanislaus County Local Agency Formation Commission

Res. 95-587 adopted (same vote) certifying the Final Focused Environmental Impact Report for Fairview Village

Councilmember Dobbs was excused at 7:15 p.m.

6. Hearing to consider an amendment to Planned Development Zone, P-D(363), to allow a two-story professional office in place of a three-story senior housing addition, property located on the west side of Nelson Avenue south of East Orangeburg Avenue (Terry Carson).

ACTION: Ord. No. 2963-C.S. introduced (McClanahan/Friedman, unan., Dobbs absent) approving amendment to Ord. No. 2799-C.S., amending P-D (363)

Res. 95-588 adopted (same vote) amending development plan of P-D (363)

Res. 95-589 adopted (same vote) making the findings to use of Master Environmental Impact Report
(Clerk and Com. Dev. to handle)

7. Hearing to consider rezoning the property south of California, east of Marshall Avenue, north of Briggs Avenue and west of Martin Luther King Drive, for the purpose of Reorganization to the City of Modesto (Alice Bettencourt), and consider recommending that LAFCO proceed with the reorganization to the City of Modesto and with detachment from the Woodland Avenue Fire District.

ACTION: Res. 95-590 adopted (Cogdill/McClanahan, unan., Dobbs absent) making the findings for use of master Environmental Impact Report

12/12/95

Ord. No. 2964-C.S. introduced (same vote) rezoning property south of California, east of Marshall Avenue, north of Briggs Avenue and west of Martin Luther King Drive to P-R-1

Res. 95-591 adopted (same vote) recommending the Local Agency Formation Commission proceed with detachment of property from the Woodland Avenue Fire District, and proceed with reorganization of property to the City of Modesto

(Clerk and Com. Dev. to handle)

8. Hearing to consider the proposed Precise Plan for Area No. 8, including concurrent rezoning, and provision for a development agreement in the Village One Area No. 8, located on the south side of Sylvan Avenue, east of Litt Road extended.

ACTION: Ord. No. 2965 introduced (Cogdill/Friedman, unan., Dobbs absent) approving Precise Plan for Area No. 8 of the Village One Specific Plan

Res. No. 95-592 adopted (same vote) certifying use of previous E.I.R. for Village One

Ord. No. 2966-C.S. introduced (same vote) granting R-1 and R-3 principal underlying zoning and the SP-0 Overlay Zone

(Clerk and Com. Dev. to handle)

9. Hearing to consider the proposed Precise Plan for Area No. 32, including concurrent rezoning, and provision for a development agreement, in the Village One Area No. 32, located on the south side of Merle Avenue, between Roselle Avenue and Claus Road.

ACTION: Ord. No. 2967 introduced (Friedman/Cogdill, unan., Dobbs absent) approving Precise Plan for Area No. 32 of the Village One Specific Plan

Res. 95-593 adopted (same vote) certifying use of previous E.I.R. for Village One

Ord. No. 2968-C.S. introduced (same vote) granting R-1 principal underlying zoning and the SP-0 Overlay Zone

(Clerk and Com. Dev. to handle)

BIDS

CONSENT

10. Consider awarding a contract to Conco-West, Inc., for the Evergreen Avenue Sewer Lift Station Rehabilitation.
(Resolution awarding contract to Conco-West, Inc. needed. Total estimated cost: \$108,600.00. [Contract amount \$90,500.00, other amount \$18,100.00.] Funds are budgeted.)

ACTION: Res. 95-594 adopted awarding contract to Conco-West, Inc.
(PW & T to handle)

12/12/95

CONSENT

11. Consider acceptance of the project titled "1995 Street Cape Seal and Slurry Seal Project" as complete and authorizing City Clerk to file a Notice of Completion. (Original cost: \$453,822)
(Resolution accepting work as completed needed. Total final cost: \$458,139.71. Funds are budgeted.)

ACTION: Res. 95-595 adopted accepting 1995 Street Cape Seal and Slurry Seal Project as complete (PW & T and Clerk to handle)

CONSENT

12. Consider acceptance of the project titled "Johansen Pool Support Building" as complete and authorizing City Clerk to file a Notice of Completion. (Original cost: \$421,916)
(Resolution accepting work as completed needed. Total final cost: \$433,765.00. Funds are budgeted.)

ACTION: Res. 95-596 adopted accepting Johansen Pool Support Building as complete (PW & T and Clerk to handle)

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of 277 Sig-Sauer Pistols and accessories from the San Diego Police Equipment Company for a not-to-exceed price of \$188,469.00, and consider approving an appropriation transfer of \$188,469.
(Resolution waiving formal bid procedures and awarding of Purchase Order to San Diego Police Equipment Company needed. [Five affirmative votes needed.] Resolution approving appropriation transfer needed. Total estimated cost: \$188,469.)

ACTION: Res. 95-597 adopted authorizing purchase of 277 Sig-Sauer Pistols
Res. 95-598 adopted approving appropriation transfer
(Finance to handle)

CONSENT

14. Consider approving specifications and authorizing call for bids for the furnishing of gas detectors and related accessories.
(Suggested bid opening: January 9, 1996, at 11:00 a.m. Resolution approving specifications and authorizing bid call needed. Total estimated cost: \$32,258.62. Funds are budgeted.)

ACTION: Res. 95-599 adopted calling for bid for gas detectors
(Finance to handle)

NEW BUSINESS

CONSENT

15. Consider approving an appropriation transfer to fund two new CIP projects for Del Este Water Company expenses.
(Resolution approving appropriation transfers needed. Total estimated cost: \$157,000.)

ACTION: Res. 95-600 adopted approving appropriation transfer
(PW & T to handle)

12/12/95

CONSENT

16. Consider revisions to Youth Financial Assistance Program in the areas of income limit, qualifying programs, and maximum age limit.
(Resolution amending Youth Financial Assistance Program needed.)

ACTION: Res. 95-601 adopted revising Youth Financial Assistance Program
(P & R to handle)

CONSENT

17. Consider amending Union Pacific Railroad Relocation Project Consultant Design Contract (DeLeuw, Cather and Company) to increase maximum payment from \$997,252 to \$1,484,287--an increase of \$487,035 (80% federally funded.)
(Resolution amending contract needed. Total estimated cost: \$487,035. Funds are budgeted.)

ACTION: Res. 95-602 adopted amending contract with DeLeuw, Cather and Company
(PW & T to handle)

CONSENT

18. Consider authorizing City Manager to sign a grant application with the Federal Transit Administration (FTA) to provide funds to partially offset the cost of FY 1995-96 transit operations and capital costs.
(Resolution authorizing the City Manager to sign a grant application needed.)

ACTION: Res. 95-603 adopted approving grant application with FTA
(PW & T to handle)

CONSENT

19. Consider amending the Position Classification Plan to adopt a class specification for Golf Services Manager and to delete the class specification for Golf Superintendent. Consider amending the Class Range Tables to establish a salary for Golf Services Manager and to delete Golf Superintendent.
(Resolution amending the Position Classification Plan and resolution amending the Class Range Tables needed.)

ACTION: Res. 95-604 adopted amending Position Classification Plan for Golf Manager
Res. 95-605 adopted amending Class Range Tables
(Personnel to handle)

CONSENT

20. Consider authorizing the City Manager to execute an agreement with Stanislaus County for the collection of City of Modesto Jail Booking Fees.
(Resolution authorizing City Manager to execute an agreement with Stanislaus County needed.)

ACTION: Res. 95-606 adopted approving an agreement with Stanislaus County
(Police to handle)

CONSENT

12/12/95

21. Consider authorizing the City Manager to execute an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.
(Resolution authorizing City Manager to execute an agreement with the Housing Authority needed.)

ACTION: Res. 95-607 adopted approving an agreement with Housing Authority to provide police services to Westview Gardens
(Police to handle)

22. County Planning Commission concerns with City's application to LAFCO for a Sphere of Influence expansion based on the newly-adopted General Plan.
(Motion directing staff to prepare a response for the Mayor needed.)

ACTION: By motion (Friedman/McClanahan, unan., Dobbs absent) staff directed to prepare response
(Com. Dev. to handle)

CONSENT

23. Consider approval of final maps of Parker Place No. 1 and Parker Place No. 2 Subdivisions, consider accepting the improvements and consider authorizing the City Manager to sign the agreements with the subdivider as required by Section 4-4.604(c) of the Municipal Code. (Owner: REDEV, Inc.)
(Two resolutions approving the final maps of Parker Place No. 1 and Parker Place No. 2 Subdivision and authorizing the City Manager to execute the subdivision agreements and accept the improvements for both subdivisions needed.)

ACTION: Res. 95-608 adopted approving final map of Parker Place No. 1
Res. 95-609 adopted approving final map of Parker Place No. 2
(Clerk to handle)

CONSENT

24. Consider approval of final map of Wyldewood Village Subdivision and consider authorizing the City Manager to sign the agreement with the subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owner: Valerie Wylie)

ACTION: Res. 95-610 adopted approving final map of Wyldewood Village
(Clerk to handle)

25. Consider authorizing the City Manager to execute an agreement with Environmental Care, Inc. for maintenance of City Golf Courses and consider transfers of resources consistent with agreement.
(Two resolution authorizing City Manager to execute agreement and authorizing City Manager to make appropriate transfers of resources needed.)

ACTION: Res. 95-611 adopted (McClanahan/Cogdill, unan., Dobbs absent) approving agreement with Environmental Care, Inc.
Res. 95-612 adopted (same vote) approving transfer of resources
(P & R to handle)

12/12/95

ORAL COMMUNICATIONS

26. These matters may be presented only by interested persons in the audience. Under State law, Councilmembers may respond to matters being presented under this item only as follows:
- (a) Briefly respond to statements made or questions raised.
 - (b) Ask a question for clarification.
 - (c) Provide a reference to staff or other resources for factual information.
 - (d) Request staff to report back at a subsequent meeting.
 - (e) Finally, a Councilmember or the Council itself may take action to direct to place a matter of business on a future agenda.

None.

MATTERS TOO LATE FOR THE AGENDA

27. (These may be presented by members of the City Council and staff upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that (1) there is a need to take immediate action, and (2) that the need for action came to the City's attention after the agenda was posted.)

By motion (McClanahan/Friedman, unan., Dobbs absent) it was determined that there is a need to hold a closed session and the need arose after the posting of the agenda.

The case considered during the closed session was Modesto Police Management Association vs. City of Modesto. case No. CV-F 94-6189 OWW DLB.

CLOSED SESSION

28. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

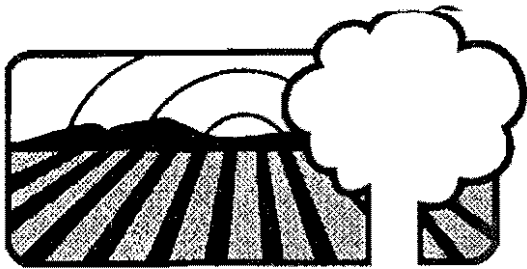
Name of Case: MPMA vs. City of Modesto, United States District Court, case No. CV-F 94-6189 OWW DLB

ADJOURNMENT

The meeting adjourned to closed session at 7:48 p.m. The City Attorney returned to open session at 8:20 p.m. and announced no action had been taken.

ATTEST: 
NORRINE COYLE, City Clerk

12/12/95



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

City Council Chambers, City Hall
801 11th Street
Modesto, California

AGENDA FOR SPECIAL COUNCIL MEETING OF TUESDAY, DECEMBER 19, 1995, AT 4:00 P.M.

Roll Call - Present: Councilmembers Cogdill, Dobbs, Friedman, McClanahan,
McKinsey, Mayor Lang

Absent: None

Pledge of allegiance to the flag

Invocation: Councilmember Dave Cogdill

A. Certification of canvass of votes at the December 12, 1995, election.
(Resolution certifying canvass of votes needed.)

ACTION: Res. 95-613 adopted (Friedman/McClanahan, unan.) certifying the
canvass of votes. (Clerk to handle)

B. Oath of Office by newly-elected City Councilmembers.

The City Clerk administered the oath of office to newly-elected
Councilmembers Timothy Fisher and Michael Serpa.

C. Remarks.

ORAL COMMUNICATIONS

These matters may be presented only by interested persons in the audience.
Under State law, Councilmembers may respond to matters being presented under
this item only as follows:

12/19/95

- (a) Briefly respond to statements made or questions raised.
- (b) Ask a question for clarification.
- (c) Provide a reference to staff or other resources for factual information.
- (d) Request staff to report back at a subsequent meeting.
- (e) Finally, a Councilmember or the Council itself may take action to direct to place a matter of business on a future agenda.

None

ADJOURNMENT

The meeting adjourned at 4:30 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

12/19/95