

MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 5, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember Muratore

Pledge of allegiance to the Flag

Invocation: Rev. Mike Coats, Campus Pastor, Modesto Christian High School

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 12, 13, 14,
15, 17, 18, 19, 20, 23

Removed from consent: 4, 16, 21, 22

ACTION: (Lang/Irizarry, unan., Muratore 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 Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

1987 Award of Merit for Park Shelters to Fred Allen, Parks and Recreation Department for Davis Park picnic shelter.

Mayor Whiteside presented the award to Fred Allen.

MINUTES

CONSENT

2. Approval of the minutes of the December 22, 1987, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Consider revision to Capital Facilities Fees based on a lower Average Daily Trips (ADT) for fast food restaurants.
(The Council, in Resolution 87-1245, directed staff to revise the Capital Facilities Fees for fast food restaurants and the fees have been recalculated. Memo with agenda. Resolution setting hearing January 19, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-1 adopted (Lang/McGrath, unan., Muratore absent) setting hearing. (Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to P-D(443) for a beauty salon and parking area, property located on the east corner of 15th and G Streets. (Reno)
(Continued from the 12-22-87 City Council meeting.)

ACTION: By motion (McGrath/Irizarry, unan., Muratore absent) Ord. No. 2568-C.S. introduced.
Res. 88-2 adopted (same vote) approving plan.
Res. 88-3 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

6. Hearing to consider plan for providing transportation services to handicapped persons in Modesto.

Hearing held, but it was announced that the City would continue taking public comments until January 20, 1988.

7. Hearing of necessity to acquire property of Steven W. Farmer, et al, consisting of 4,234+ square feet of Parcel No. 76-21-10 proposed to be acquired by the City of Modesto for the Sisk Road/Standiford-Dale intersection traffic signal project.
Councilmember Sutton excused due to a conflict of interest.

ACTION: Res. 88-4 adopted (Lang/McGrath, unan., Muratore and Sutton absent) (Eng to handle)

8. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Kinsey-Cone, Inc., to a Planning Commission decision concerning an application for an amendment of Section 9-3-9 of the Zoning Map to rezone from R-1 to P-D for a 2-story professional office complex, property located on the west side of Coffee Road south of Sylvan Avenue. Councilmember Irizarry excused due to his voting on this matter when it was considered by the Planning Commission.

ACTION: By motion (McGrath/Patterson, unan., Irizarry and Muratore absent)
Ord. No. 2569-C.S. adopted granting appeal and rezoning.
Res. 88-5 adopted (same vote) approving plan.
Res. 88-6 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the replacement of kitchen hood in Legion Hall.
(Suggested bid opening: January 26, 1988, at 11:05 a.m. The accomplishment of this project will bring the kitchen hood up to Fire Code. Fire Prevention requested changes in the hood system to provide a safer environment for people using the kitchen and to protect the building itself from fires. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$23,000 (contract \$21,000; eng. \$2,000). Funds are budgeted.)

ACTION: Res. 88-7 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened February 2, 1988, at 3:00 p.m. for furnishing annual tire recapping requirements.

(An annual requirement, tires will be recapped intermittently throughout the 1988 year, primarily for the Fire and Utility Services Departments on non-emergency vehicles such as buses, pool equipment, etc. Resolution approving specifications and call for bids needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 88-8 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider award of contract for the installation of street lights - East Morris, Lucern and 10th Street circuits to J. K. Hayes.

(Memo and bid tabulation with agenda. Resolution awarding contract to J. K. Hayes needed. Estimated cost: \$141,460.50. Funds are budgeted.)

ACTION: Res. 88-9 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider declaring Continental Landscaping low bidder and authorize the purchase of landscape maintenance services at pump stations, lift stations and the treatment plant at the price bid.

(Memorandum with agenda. Resolution declaring Continental Landscaping low bidder needed. Estimated cost: \$28,458.35. Funds are budgeted.)

ACTION: Res. 88-10 adopted awarding contract. (Finance to handle)

CONSENT

13. Consider acceptance of Bowers Company contract for the Boise water line extension from Standish to Dezzani. (Original contract: \$13,492.50)

(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting contract as complete needed. Final cost: \$12,840. Funds are budgeted.)

ACTION: Res. 88-11 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

14. Consider Planning Commission concerns regarding vision obstructions at major street intersections.

(Memo with agenda. The Traffic Engineer recommends, and the Planning Commission heartily endorses, a prohibition of on-street parking on major street frontages within 100 feet of other major and collector street intersections. Motion acknowledging receipt of report and supporting prohibition of on-street parking at intersections to enhance visibility needed.)

ACTION: By motion, receipt of report acknowledged and recommendation to prohibit on-street parking at intersections approved. (Planning and P/T to handle)

CONSENT

15. Consider request for water service to property outside City limits at 4325 McHenry Avenue, located on the west side of McHenry Avenue between W. Union Avenue and Hetch Hetchy aqueduct. (Owners: Frank and Kathleen Radich)
(Memo with agenda. The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City, but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-12 adopted approving agreement. (Utility Serv to handle)

16. Consider directing City Manager to submit a report on how a Public Facilities District would be implemented to finance the construction and maintenance of certain parks and street trees.
(Memo with agenda. Resolution stating Council intent to establish a Public Facilities District and directing City Manager to file said report with City Clerk needed.)

ACTION: Res. 88-13 adopted (Patterson/Lang, majority, McGrath and Whiteside-no, Muratore absent) initiating proceedings for the designation of an area of benefit. (Eng to handle)

CONSENT

17. Consider approving agreement with Velia E. Antila for the purchase of 1,287+ square feet of her property at 1445 Scenic Drive for the Scenic - Sunnyside to Rose project.
(Mrs. Antila has agreed to sell the required right of way for the appraised value of \$5,550. This is the third of eight properties needed for this project. Resolution approving agreement needed. Estimated cost: \$6,300 (cost \$5,550; est. escrow \$750); funds are budgeted.)

ACTION: Res. 88-14 adopted approving agreement. (Utility Serv to handle)

CONSENT

18. Consider approving agreement with Alvin E. Ohlson for the purchase of 1,898+ square feet of his property at 1451 Scenic Drive for the Scenic - Sunnyside to Rose project.
(Mr. Ohlson has agreed to sell the required right of way for the appraised value of \$10,200. This is the fourth of eight properties needed for this project. Resolution approving agreement needed. Estimated cost: \$11,200 (cost \$10,200; est. escrow \$1,000; funds are budgeted.)

ACTION: Res. 88-15 adopted approving agreement. (Utility Serv to handle)

CONSENT

19. Consider approving amendment to agreement with WestAir Airlines, Inc. for their operation at the airport.
(The purpose of the amendment is to modify their rental provisions and change thier name. Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 88-16 adopted approving amended agreement.
(Utility Services to handle)

CONSENT

20. Consider approving amendment to lease agreement with Modesto Air Charter, Inc.
(Modesto Air Charter would like to expand its use of Hangar Plot 5 at the airport. Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 88-17 adopted approving amended agreement.
(Utility Services to handle)

21. Consider acceptance of improvements in Dutchollow No. 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Zagaris Management Services)
(Dutchollow No. 4 subdivision is located south of Snyder Avenue and east of Dale Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 88-18 adopted (Lang/Patterson, unan., McGrath and Muratore absent) accepting improvements as complete. (Clerk to handle)

22. Consider acceptance of improvements in Dutch Faire subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Rule Enterprises)
(Dutch Faire subdivision is located at the southwest corner of Snyder Avenue and Veneman Avenue. It contains 19.756 acres. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)
Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 88-19 adopted (Patterson/Irizarry, unan., McGrath and Muratore absent) accepting improvements as complete.
(Clerk to handle)

CONSENT

23. Consider excusing Councilmembers Muratore, Patterson and Whiteside from the December 15, 1987, City Council meeting due to their attendance at the National League of Cities Conference.
(Motion excusing needed.)

By motion, absences excused.

(Clerk to handle)

MISCELLANEOUS

24. Appointments

Downtown Improvement District

ACTION: Res. 88-20 adopted appointing Ralph Lozano and Tom Slater to the
Downtown Improvement District Advisory Board. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

25. (These may be presented by members of the City Council and staff upon
determination that an emergency exists, as defined by State law, or
that the need to take action on the matter arose subsequent to the
publishing of this agenda.)

None

CLOSED SESSION

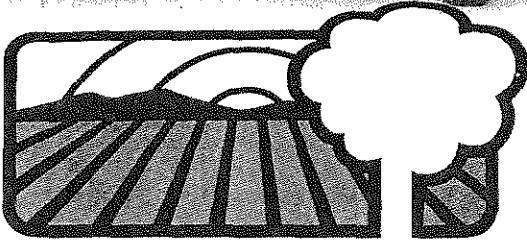
26. Closed session to consider pending litigation pursuant to Government
Code Section 54956.9(a)

Cancelled.

ADJOURNMENT

The meeting adjourned at 6:25 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 12, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Truman Northup, Church of the Brethren

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

ACTION: (Lang/McGrath, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 17
Councilmember McGrath to be excused
due to a conflict of interest

ACTION: (Lang/Sutton, unan., McGrath absent)

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1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Oral presentation regarding Inovation Exposition.

Harlen Westenberg spoke about the Inovation Exposition to be held on February 19 and 20, 1988.

MINUTES

CONSENT

2. Approval of the minutes of the January 5, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ed Melcher spoke about the possible federal grant for improvements at the Airport.

Rev. Truman Northup thanked the Council for their service and progress in Modesto.

UNFINISHED BUSINESS

4. Consider receiving report on the formation of Public Facilities District No. 3 for parks construction and maintenance.
Council requested this report in Resolution 88-13. Staff will present a briefing, highlighting features of report. Motion acknowledging receipt of report needed.)

ACTION: By motion (Lang/Sutton, unan.) receipt of report acknowledged.

CONSENT

5. Consider final adoption of:

- a. Ord. No. 2567-C.S. rezoning from R-1 to P-D(442), property located on the northwest corner of Claus Road and East Orangeburg Avenue. (Masellis)
- b. Ord. No. 2568-C.S. rezoning from C-1 to P-D(443), property located on the east corner of 15th and G Streets (Harold and Diane Reno)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider an amendment to Section 29-3-9 of the Zoning Map to repeal P-D(383), which allowed a church and private school as interim uses until June 30, 1987, and rezone to C-2, property located at 1013 10th Street. (Commission initiated)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2570-C.S. introduced. (Clerk to handle)

7. Hearing to consider an amendment to Section 4-4-9 of the Zoning Map to repeal an M-1 rezoning on property located between Flores Avenue and Hosmer Avenue west of South 9th Street. (Commission initiated)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2571-C.S. introduced. (Clerk to handle)

- 7A. Hearing to consider the cost of installation of curb and/or sidewalk at the locations listed below:
(Continued from December 8, 1987, City Council meeting.)

1. Curb and walk at 2347 E. Orangeburg Avenue, Portion of Block 1437 (Community Pacific Broadcasting - \$13,816.00)

ACTION: Res. 88-23 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

2. Curb and walk at 2405 E. Orangeburg Avenue, a portion of Block 1465 (Carl and Evelyn A. Christiansen - \$3,776.00)

ACTION: Res. 88-24 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

3. Curb and walk at 2405 Kansas Avenue, a portion of Block 5445 (Lawrence and Helen Welch - \$1,687.00)
ACTION: Res. 88-25 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
4. Curb at 620 El Camino, a portion of Block 1039 (Donald and Mary A. Bailey - \$1,053.00)
ACTION: Res. 88-26 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
5. Curb along El Camino Avenue at 602 El Camino Avenue, Lot 1 of Block 1039 (Brice M. and Dianne C. Gauldin - \$618.00)
ACTION: Res. 88-27 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
6. Curb at 626 E. Camino Avenue, a portion of Block 1039 (Warren Stone - \$1,505.00)
ACTION: Res. 88-28 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
7. Curb at 312 E. Roseburg Avenue, Lot 5 of Block 658 (James H. and Kathy M. Batey - \$726.00)
ACTION: Res. 88-29 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
8. Curb at 420 E. Roseburg Avenue, a portion of Block 662 (Letha Brasher - \$1,278.00)
ACTION: Res. 88-30 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
9. Curb at 318 E. Roseburg Avenue, Lot 6 of Block 658 (Damon and Eleanor Browning - \$874.00)
ACTION: Res. 88-31 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)

10. Curb along E. Roseburg Avenue and Nelson Avenue at 322 E. Roseburg Avenue, Lot 7 of Block 658 (Joe Frank and Frances Fielden - \$2,778.00)
- ACTION: Res. 88-32 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
11. Curb at 244 E. Roseburg Avenue, a portion of Block 658 (Joseph Ray and Evelyn Yvonne Keener - \$1,314.00)
- ACTION: Res. 88-33 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
12. Curb at 506 E. Roseburg Avenue, a portion of Block 662 (Robert J. and Jean Locondo - \$2,068.00)
- ACTION: Res. 88-34 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
13. Curb at 410 E. Roseburg Avenue, Lot 2 of Block 662 (June C. McElroy - \$1,172.00)
- ACTION: Res. 88-35 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
14. Curb along E. Roseburg Avenue and Nelson Avenue at 400 E. Roseburg Avenue, Lot 1 of Block 662 (Robert E. Miller - \$2,978.00)
- ACTION: Res. 88-36 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
15. Curb at 305 E. Roseburg Avenue, Portion of Block 1127 (Clifford G. and Vivian J. Mullins - \$1,638.00)
- ACTION: Res. 88-37 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)
16. Curb at 304 E. Roseburg Avenue, a portion of Block 658 (Doris I. Roberts - \$1,028.00)
- ACTION: Res. 88-38 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)

17. Curb along E. Roseburg Avenue and Nelson Avenue at 501 E. Roseburg Avenue, Lot 13 of Block 1125 (Robert A. and Mable E. Snow - \$2,978.00)

ACTION: Res. 88-39 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)

18. Curb at 509 E. Roseburg Avenue, Lot 12 of Block 1125 (Stanley E. and Maria T. Shaw - \$1,102.00)

ACTION: Res. 88-40 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)

19. Curb at 414 E. Roseburg Avenue, a portion Block 662 (Ronald G. and Katherine A. Wheat - \$1,172.00)

ACTION: Res. 88-41 adopted (Lang/Muratore, unan.) confirming report, assessing costs and directing method of collection.
(Finance to handle)

BIDS

CONSENT

8. Consider waiving formal bid procedures and authorize the purchase of one gas powered air compressor from ERBCO for the total price of \$11,058. (Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-21 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

9. Consider approval and authorization for the City Manager to sign an agreement with Uncle Charlie's Group Home to enable the purchase of a house to be used as a home for delinquent children. (Memo with agenda. Motion directing staff needed. Estimated Cost: \$50,000. Funds are budgeted.)

ACTION: By motion (Lang/Muratore, unan.) this matter was referred back to the Citizens Housing and Community Development Committee for further discussion with Rev. Crane.
(Planning to handle)

11. Consider revised policy on curbed medians on major streets. (Memo with agenda. On November 16, 1987, the Planning Commission recommended a draft policy on curbed medians on major streets. The City Council considered the policy on December 8, 1987, and made some suggestions which were considered by the Planning Commission on January 4, 1988. Revised policy recommended for approval. Resolution approving policy needed.)

ACTION: Res. 88-22 adopted (Muratore/Patterson, unan.) approving policy. (Planning to handle)

CONSENT

12. Consider setting a hearing regarding adoption of ordinance entitled, "Modesto Landmark Preservation Commission." (The Culture Commission was directed by Council to develop such an ordinance. Resolution setting hearing February 2, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-42 adopted setting hearing. (Clerk to handle)

CONSENT

13. Consider introduction of an ordinance adding Section 6-7.301 to Article 3 of Title VI of the Modesto Municipal Code relating to Intra-city Bus Transit Insurance. (Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2572-C.S. introduced. (Clerk to handle)

CONSENT

14. Consider request for water service to property outside City limits at 2001 Kansas Avenue, located on the north side of Kansas Avenue between Rosemore Avenue and Carpenter Road. Owners: Rose Marie Furtado and Lillian Ott, Executors of Estate of Gertrude Schmidig. (The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-43 adopted approving agreement. (Eng to handle)

CONSENT

15. Consider request for water service to property outside City limits at 1311 Woodland Avenue, located on the north side of Woodland Avenue between McWilliams Way and North Emerald Avenue. Owners: J.B./J.B.H. (The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-44 adopted approving agreement. (Eng to handle)

CONSENT

16. Consider authorizing the City Manager to sign an "Agreement Consenting to Common Use" for the Sea Gull Way crossing of MID Lateral No. 2. (Sea Gull Way crossing MID Lateral No. 2 at Encina Avenue will be constructed with the Park Oaks Subdivision. This agreement provides for the common use of the Sea Gull Way crossing, and requires City to repair culverts at City's expense and maintain the street. Resolution approving agreement needed.)

ACTION: Res. 88-45 adopted approving agreement. (Eng to handle)

CONSENT COUNCILMEMBER McGRATH WILL BE EXCUSED DUE TO A CONFLICT OF INTEREST

17. Consider approval of the final map of Wickford Place Unit No. 2 Subdivision of the City of Modesto and consider accepting improvements as complete. (Subdivider: Zagaris Management Services) (Wickford Place Unit No. 2 is located on the east side of Sisk Road, south of Pelandale Road. It contains 4.362 acres. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution approving final map and accepting improvements as complete needed.)

ACTION: Res. 88-46 adopted (Lang/Sutton, unan., McGrath absent) approving final map and accepting improvements as complete. (Clerk to handle)

CONSENT

18. Consider approval of the final map of Cedar Brook No. 4 subdivision of the City of Modesto. (Subdivider: Larry Dami, Cedar Brook Homes.) (The offsite improvements are existing, so no subdivision agreement is required. All fees are paid. Cedar Brook No. 4 is located north of Scenic Drive and west of Claus Road. It contains 4.344 acres. Resolution approving final map needed.)

ACTION: Res. 88-47 adopted approving final map. (Clerk to handle)

MISCELLANEOUS

CONSENT

19. Appointments

Interim appointment of Gordon Hart as Planning Commission Representative to the Board of Zoning Adjustment. (Memo with agenda. Resolution making interim appointment needed.)

ACTION: Res. 88-48 adopted making interim appointment. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

20. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

Meeting adjourned at 9:30 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
January 18, 1988

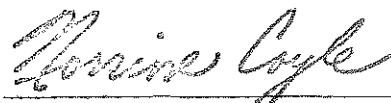
The Council of the City of Modesto met in special session at 7:30 p.m. in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers: Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: Councilmembers: None

The meeting adjourned to closed session to consider personnel matters pursuant to Government Code Section 54957.

ATTEST:



NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
January 19, 1988

The Council of the City of Modesto met in special session at 3:50 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember McGrath

The meeting adjourned to closed session at 3:55 p.m. to consider pending litigation pursuant to Government Code Section 54956.9(a).

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

1/19/88



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 19, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Barry Sappington, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 9, 19, 11, 12, 13, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29

ACTION: (Lang/Muratore, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 6
Councilmember Irizarry to be excused
due to a conflict of interest.

ACTION: (McGrath/Sutton, unan, Irizarry absent)

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

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the January 12, 1988, regular City Council meeting.
(Motion adopting needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Response to letter from King-Kennedy Board of Directors dated December 28, 1987, regarding a request to purchase several items for the King-Kennedy Memorial Center.
(Staff has reviewed the Board's request and a report has been prepared. Memo with agenda. Motion accepting report needed.)

ACTION: By motion (Muratore/Lang, unan.) report accepted.
Res. 88-49 adopted (same vote) approving an appropriation transfer from the General Fund Contingency Reserve for purchase of mini blinds for the King-Kennedy Center. (Finance/P & R to handle)

CONSENT

5. Final adoption of:
- a. Ord. No 2570-C.S. repealing P-D(383) and rezoning to C-2, property located at 1013 10th Street. (P.C. initiated)
 - b. Ord. No. 2571-C.S. repealing an M-1 rezoning on property located between Flores Avenue and Hosmer Avenue, west of South Ninth Street. (P..C. initiated)
 - c. Ord. No. 2572-C.S. amending Municipal Code relating to requirements for Intra-City Bus Transit Insurance.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

CONSENT COUNCILMEMBER IRIZARRY EXCUSED DUE TO A CONFLICT OF INTEREST

6. Final adoption of Ord. No. 2569-C.S. rezoning from R-1 to P-D(444), property located on the west side of Coffee Road south of Sylvan Avenue (Kinsey-Cone, Inc.)

ACTION: By motion, Ord. No. 2569-C.S. adopted (McGrath/Sutton, unan., Irizarry absent) (Clerk to handle)

HEARINGS

7. Hearing to consider request of Walden & Jensen, on behalf of Central Valley Investment Company, for a refund of building permit fees for Paradise Gardens, an apartment complex.
(Hearing continued from the December 1, 1987, City Council meeting.)

ACTION: Res. 88-50 adopted (Lang/Muratore, unan.) refunding the bedroom tax and 80% of the building permit fees, less the plan check fees.
(Eng to handle)

8. Hearing to consider a revision to Capital Facilities Fees based on a lower Average Daily Trips for fast food restaurants.

ACTION: Res. 88-51 adopted (McGrath/Sutton, unan.) revising the fee.
(Eng to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the installation of carpet at the Crocker Building.
(Suggested bid opening: February 2, 1988 at 11:00 a.m. Resolution approving plans and specifications and call for bids. Estimated cost: \$16,889.07 (contract \$15,353.70; contract \$1,535.37). Funds are budgeted.)

ACTION: Res. 88-52 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened February 9, 1988, at 3:10 p.m. for furnishing lighting and sound services at Modesto Centre Plaza.
(Requested by the Parks and Recreation Department, the lighting and sound services will be needed during performances and other events held at the Modesto Centre Plaza. The services will be contracted through January 31, 1989. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$6,000. Funds are budgeted.)

ACTION: Res. 88-53 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorize call for bids to be opened February 16, 1988, at 3:00 p.m. for furnishing one four wheel drive maintenance truck with utility body.
(Requested by the Service Division, the maintenance truck will be permanently assigned to the Sewerage Division, where it will be used to perform maintenance on ranch tail water pump stations. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 88-54 adopted calling for bids. (finance to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened February 9, 1988, at 3:00 p.m. for furnishing janitorial services at Modesto Centre Plaza.
(Requested by the Parks and Recreation Department, the janitorial services will be performed at the Modesto Centre Plaza to clean after events are held at the site. The service will be contracted through January 31, 1989. Resolution approving specifications and authorizing call for bids. Estimated cost: \$16,700. Funds are budgeted.)

ACTION: Res. 88-55 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider awarding the bid for Apple computer equipment to Computerware for \$8,059.07.
(Memo with agenda. Resolution awarding bid to Computerware needed. Funds are budgeted.)

ACTION: Res. 88-56 adopted awarding bid. (Finance to handle)

NEW BUSINESS

14. Continue discussion of report on the formation of Public Facilities District No. 3 and consider adoption of resolution of intention and setting public hearing on April 5, 1988, at 4:00 p.m.
(The purpose of the public facilities district is to establish assessments to finance the construction and maintenance of parks. Resolution of intention needed.)

No action taken.

15. Reconsideration of Bret Harte North and Bret Harte South Reorganizations. (Memo with agenda. The annual operating costs of these two annexations, should they be added to the City, would be significant. Options for action noted. Motion directing staff or resolution requesting LAFCO deferral needed.)

ACTION: Res. 88-57 adopted (Lang/Irizarry, unan.) requesting LAFCO to defer action on Bret Harte North Reorganization until the City Council can meet with the Board of Supervisors.

Res. 88-58 adopted (Lang/Irizarry, unan.) requesting LAFCO to defer action on Bret Harte South Reorganization until the City Council can meet with the Board of Supervisors.

CONSENT

16. Recommended changes to Environmental Review Procedures. (Memo with agenda that outlines staff suggestions regarding changes to the City's Environmental Review forms and procedures. Motion approving recommendations needed.)

ACTION: By motion, recommendations approved. (Planning to handle)

CONSENT

17. Consider setting public hearing February 9, 1988, at 7:30 p.m. to consider proposed amendment to the Land Use and Circulation Element of the Modesto Urban Area General Plan, College West Area. (On January 4, 1988, the Planning Commission adopted a resolution recommending to the City Council that it certify review of the Final EIR and approve the proposed General Plan Amendment converting the College West Area from Urban Reserve to an industrial designation for business park uses. Resolution setting hearing needed.)

ACTION: Res. 88-59 adopted setting hearing. (Clerk to handle)

CONSENT

18. Consider approving an appropriation transfer in the amount of \$28,000 from the Housing Program Office Direct Grants account to new accounts for Handicapped Barrier Removal Projects approved by City Council Res. 87-1154. (Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 88-60 adopted approving appropriation transfer. (Planning/Finance to handle)

CONSENT

19. Consider approving amendment to Stanislaus Drug Enforcement Agency's Joint Powers Agreement to include the cities of Ceres and Waterford, and authorizing the City Manager to execute the amended Joint Powers Agreement. (Memo with agenda. Resolution approving amendment needed.)

ACTION: Res. 88-61 adopted approving amendment. (Police to handle)

CONSENT

20. Monthly Treasurer's Report for December, 1987.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

21. Consider authorizing the City Manager to execute a Letter of Intent with Modesto Air Charter, Inc. for an option to lease corporate hangar plot No. 4 at the airport.
(Modesto Air Charter would like to eventually expand their operation and need additional space to do so. Memo with agenda. Resolution authorizing letter of intent needed.)

ACTION: Res. 88-62 adopted authorizing letter of intent.
(Utility Services to handle)

CONSENT

22. Consider recommendation to initiate proceedings to establish a Public Facilities project to be designated Public Facilities District 5.
(The purpose of the public facilities district is to acquire right of way and construct curb, gutter and sidewalk at 1316 and 1322 East Orangeburg Avenue. Resolution stating Council's intent to initiate proceedings to establish a public facilities project and directing City Manager to file report with City Clerk needed. Estimated cost: \$11,600. Funds are budgeted.)

ACTION: Res. 88-63 adopted initiating proceedings. (Eng to handle)

CONSENT

23. Consider approving agreement with Cleo B. Carlson for the purchase of 1,725+ square feet of her property at 1513 Scenic Drive for the Scenic-Sunnyside to Rose project.
(Mrs. Carlson has agreed to sell the required right of way for the appraised value of \$11,200. This is the fifth of eight properties needed for this project. Resolution approving agreement needed. Estimated total cost: \$12,200 (cost \$11,200; est. escrow \$1,000). Funds are budgeted.)

ACTION: Res. 88-64 adopted approving agreement. (Utility Serv to handle)

CONSENT

24. Consider amending the 1987-88 Budget to transfer \$68,200 from the contingency reserve to pay for the run-off election in December of 1987.
(The run-off election was not anticipated when the budget was being prepared a year ago. Resolution amending budget needed.)

ACTION: Res. 88-65 adopted amending budget. (Finance/Clerk to handle)

CONSENT

25. Consider amendment to Standard Specifications for Driveway Approach Standards.
(The proposed amendments were developed by Engineering Services working with the Construction Industry Liaison Committee. The amendments specify current practice: 41 feet for two-way driveways, pursuit of accessway policy, sparing use of driveways on major streets, and drop curb approaches at neighborhood shopping centers and equivalent-sized developments. Resolution approving amendments needed.)

ACTION: Res. 88-66 adopted amending Standard Specifications. (Eng to handle)

CONSENT

26. Consider approval of the final map of Westview Estates subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Owners: Marvin C. and Madelene Wallis and Westview Estates.
(The subdivision agreement has been signed and all fees paid. Westview Estates is located at the southeast corner of Rosemore Avenue and Cox Avenue. It contains 5,819.18 square feet. Resolution approving final map needed.)

ACTION: Res. 88-67 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Crown Ridge Condominiums subdivision of the City of Modesto and authorizing an agreement with the subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: CPC/LEW Venture)
(The subdivision agreement has been signed and all fees paid. Crown Ridge Condominiums subdivision is located on the northwest corner of Claus Road and Scenic Drive. It contains 9.870 acres. Resolution approving final map needed.)

ACTION: Res. 88-68 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider abandonment of the excess right of way for Salida Boulevard at Block 13902 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning excess right of way needed.)

ACTION: Res. 88-69 adopted abandoning excess right of way. (Eng to handle)

CONSENT

29. Consider County Referral of Open Space Contract Application No. 88-4171, Tom and Sherry Trombetta, 4123 Roselle Avenue, north of the Mable Avenue alignment.
(Memo with agenda. Resolution expressing recommendation of opposition needed.)

ACTION: Res. 88-70 adopted opposing application. (Planning to handle)

30. Consider approval of agreement with Mallard's Restaurant for Modesto Centre Plaza catering and concession.
(Staff has negotiated an agreement for this service at the Centre. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-71 adopted (Lang/Muratore, majority, McGrath-no) approving letter agreement. (P/R to handle)

31. Consider request to waive infrastructure fee for Modesto Centre Plaza Hotel.
(On January 12, 1988, this request was made by Allen Grant, and the Council place the request on this agenda. Resolution waiving or modifying the fee or resolution denying the request needed.)

ACTION: Res. 88-72 adopted (McGrath/Lang, unan) denying request but permitting negotiations as to when the fee must be paid.
(Manager to handle)

WRITTEN COMMUNICATIONS

CONSENT

32. Request of Modesto Camellia Society for Sweepstakes Trophy for 27th Annual Camellia Show on March 19 & 20, 1988.
(Motion approving request needed.)

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

CONSENT

33. Letter of resignation from the Local Programming Advisory Committee from Jim Montalbano.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-73 adopted accepting resignation. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

34. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)
Councilmember McGrath excused from discussion of the Dutch Faire matter due to a conflict of interest.

ACTION: By motion (Patterson/Lang, unan., McGrath absent) it was determined that the need to take action on the Dutch Faire matter arose after the agenda was posted.

Res. 88-74 adopted (Patterson/Irizarry, unan., McGrath absent) approving settlement agreement with RDR Properties.

By motion (McGrath/Sutton, unan.) it was determined that the need to take action concerning the Geer Road landfill arose after the agenda was posted.

Res. 88-75 adopted (Patterson/Lang, unan.) approving settlement agreement with Stanislaus County regarding the Geer Road landfill.

ADJOURNMENT

The meeting adjourned at 5:58 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
January 26, 1988

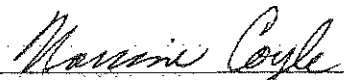
The Council of the City of Modesto met in special session at 5:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

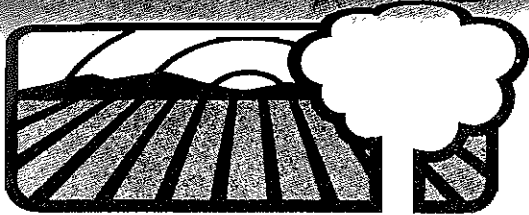
Absent: Councilmembers: None

The meeting adjourned at 5:10 p.m. to closed session to consider personnel matters regarding the evaluation of performance of employees, and the job audit-compensation study which includes, but is not limited to salary, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees pursuant to Government Code Section 54957.6(a).

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 26, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Lee Heim, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 12, 13, 16,

ACTION: (Lang/Muratore, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 9
Councilmember McGrath to be excused
due to a conflict of interest

ACTION: (Lang/Sutton, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the January 18, 1988, special City Council meeting and the January 19, 1988, special and regular City Council meetings.

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Staff report on Forward Modesto IV follow-up.
(Memorandum with agenda. Motion accepting staff report needed.)

ACTION: By motion (Patterson/Muratore, unan.) staff report accepted.

5. Progress report by Golf Course Advisory Committee.
(This report provides an update on the Committee's activities. Memo with agenda. Motion accepting report needed.)

ACTION: By motion (Muratore/McGrath, unan.) report accepted.

6. Consider amendment to the Modesto Municipal Code relating to curbstoning.
(Memo with agenda. Introduction of two ordinances needed, and resolution establishing parking restrictions needed.)

ACTION: By motion (Lang/McGrath, unan.) Ord. No. 2573-C.S. introduced repealing Code Section 3-2.1003(a) regarding displaying of vehicles for sale upon roadway.

By motion (same vote) Ord. No. 2574-C.S. introduced adding Code Section 10-2.1009 relating to outdoor display of personal property on vacant or unimproved land.

Res. 88-76 adopted (same vote) establishing specific parking restrictions. (Clerk/P & T to handle)

HEARINGS

7. Hearing to consider an amendment to the Zoning Code text pertaining to duplexes, triplexes, and fourplexes in regard to providing privacy adjacent to R-1 and consolidating driveways to collector and major streets.

ACTION: By motion (Patterson/Lang, unan.) Ord. No. 2575-C.S. introduced amending Zoning Code.
Res. 88-77 adopted (same vote) certifying review of Environmental Assessment. (Clerk to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of restrooms and wading pools for Lakewood Park and Sipherd Park.
(Suggested bid opening: February 23, 1988, at 11:00 a.m. This work consists of the installation of super secure pre-fabricated steel restroom building, sidewalks and shade structure slabs and wading pools at Lakewood and Sipherd Park. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$306,900 (contract \$279,000; eng. & cont. \$27,900). Funds are partially budgeted. Appropriation transfer to be requested later.)

ACTION: Res. 88-78 adopted calling for bids. (Eng to handle)

NEW BUSINESS

CONSENT COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST

9. Consider including Veneman Avenue from Viader Drive to Marsala Way in the Mandatory Sidewalk Program.
(Memo with agenda. Motion directing staff to proceed by including Veneman in the Mandatory Sidewalk Program needed.)

ACTION: By motion, staff directed to proceed by including Veneman in the Mandatory Sidewalk Program. (Engineering to handle)

CONSENT

10. Consider approving lease agreement with C.J. Rumble and Sons, Inc., for the lease of Chrysler 99 #2 Park site.
(This is a one-year renewal of an existing lease. The Rumbles pay us \$150/year rent. No one else can rent the property because of the irrigation set up. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-79 adopted approving agreement. (Utility Serv to handle)

CONSENT

11. Consider approval of the final map of Roselawn Court subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Jimmy V. and Anita S. Allen). (The subdivision agreement has been signed and all fees paid. Roselawn Court is located on the west side of Roselawn Avenue, north of Rouse Avenue. It contains 1.182 acres. Resolution approving final map needed.)

ACTION: Res. 88-80 adopted approving final map. (Clerk to handle)

CONSENT

12. Consider setting hearing February 23, 1988, at 7:30 p.m. regarding the vacation and abandonment of the south portion of a public alley in the block bounded by 10th, 11th, F, and G Streets. (On December 14, 1988, the Planning Commission adopted Res. No. 87-204 recommending to the Council the vacation and abandonment of the south portion of the alley in the block bounded by 10th, 11th, F and G Streets. Resolution of intent to vacate and abandon needed.)

ACTION: Res. 88-81 adopted setting hearing. (Clerk to handle)

CONSENT

13. Consider authorizing the City Manager to sign a contract purchasing a video training program from Zenger-Miller, Inc., for the purpose of teaching management and supervision skills to City employees. (Memo with agenda. Resolution authorizing the City Manager to sign purchase contract needed. Estimated cost: \$11,342. Funds are budgeted.)

ACTION: Res. 88-82 adopted approving purchase. (Manager to handle)

WRITTEN COMMUNICATIONS

14. Letter from Debi Kochel regarding transit system passenger service and working conditions.

ACTION: By motion (Lang/McGrath, unan.) the letter was referred to the Transportation Committee. (P/T to handle)

15. Letter from Charlie Crane, Director of Uncle Charlie's Group Home regarding HUD grant application.

ACTION: This matter was continued to the February 2, 1988 Council meeting.

MISCELLANEOUS

CONSENT

16. Legislation: Staff recommends opposing AB 2624 (Peace) Brown Act Amendments. (Memo and attachment with agenda. Motion accepting recommendation needed.)

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

17. Appointments

a. Board of Building Appeals

ACTION: Res. 88-83 adopted (McGrath/Sutton, unan.) reappointing Jay Pfarr to the Board of Building Appeals.

b. Culture Commission

ACTION: Res. 88-84 adopted (McGrath/Sutton, unan.) reappointing Matt Kehoe to the Culture Commission.

c. Human Relations Commission

ACTION: Res. 88-85 adopted (McGrath/Sutton, unan.) reappointing Ida Leal and Frank Muench to the Human Relations Commission.

d. Board of Personnel Appeals

ACTION: Res. 88-86 adopted (McGrath/Sutton, unan.) reappointing David Payne to the Board of Personnel Appeals.

e. Downtown Improvement District

ACTION: Res. 88-87 adopted (McGrath/Sutton, unan.) reappointing Frank Boots and Keith Vogt to the Downtown Improvement District.

f. Local Cable Programming Committee

ACTION: Res. 88-88 adopted (McGrath/Sutton, unan.) reappointing Frank Azevedo to the Local Cable Programming Committee.

MATTERS TOO LATE FOR THE AGENDA

18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

ACTION: By motion (Patterson/Irizxarry, unan.) it was determined that the need to take action on this matter arose after the posting of the agenda.

Res. 88-89 adopted (Sutton/Lang, unan.) amending agreement with J.H. Kleinfelder and Associates regarding solvent cleanup in Block 58.

Res. 88-90 adopted (same vote) approving an appropriation transfer.

ADJOURNMENT

The meeting adjourned at 9:08 p.m. and Council returned to the closed session which started at 5:00 p.m., and continued to consider personnel matters regarding the evaluation of performance of employees, and the job audit-compensation study which includes, but is not limited to salary, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees pursuant to Government Code Section 54957.6(a).

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerkx



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 2, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside
Councilmembers Lang and McGrath arrived at 4:05 p.m.
Councilmember Patterson arrived at 4:07 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Blakeley, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 4a & 4c, 7, 8, 9, 10,
12, 13, 14, 15, 16, 17, 18

Dropped from agenda: 4b

Removed from consent: 5, 19

ACTION: (Muratore/Sutton, unan., Lang, McGrath and Patterson absent)

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

ACTION: (Muratore/Sutton, unan., Lang, McGrath and 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of special recognition plaques and certificates for co-sponsors of the City's 1987 Recreation Program.

Mayor Whiteside introduced three members of Pack 13 Webelos Den.

Mayor Whiteside presented awards to American Legion Post #74, Delta Brands (Budweiser), Dino's Hair Stylist, Gianelli and Isreals, Heritage Ford, Modern Woodsmen of America, Modesto Banking Company, Modesto Men's Golf Club, Post Newsweek Cable, Red Lobster Restaurant, and Save Mart Stores.

MINUTES

CONSENT

2. Approval of the minutes of the January 26, 1988, special and regular City Council meetings.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ken Burns, Post-Newsweek, showed a video tape they had made about Modesto, and which will be entered in a national contest.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
- a. Ord. No. 2573-C.S. repealing Section 3-2.1003(a) of Article 10 of Chapter 2 of Title III of the Municipal Code relating to prohibition of parking for certain purposes.
 - b. Ord. No. 2574-C.S. amending Section 10-2.1009 of Article 10 of Chapter 2 of Title X of the Municipal Code relating to outdoor display of property for sale.

Dropped from agenda.

- c. Ord. No. 2575-C.S. amending Zoning Code text relating to zoning to insure privacy to R-1 development adjacent to R-2 and R-3 zones and to consolidate driveways to collector and major streets to reduce traffic conflicts.

(Motion adopting needed.)

ACTION: By motion, Ord. No. 2573-C.S. and 2375-C.S. adopted.

5. Consider approving agreement with Rev. Charles Crane for Uncle Charlie's Group Home.
(Continued from the Council meeting of January 26, 1988. The request was referred to the Citizens Housing and Community Development Committee who will be recommending terms at a meeting on January 29, 1988. Memo with agenda. Resolution approving agreement needed.)

ACTION: By motion (Patterson/Lang, unan.) intent was expressed to offer Reverend Crane a loan in a sum not to exceed \$87,000 at a fixed interest rate of 5% for a term of 30 years; staff was directed to negotiate and prepare a loan agreement with Reverend Crane consistent with the above terms, and this item was continued to February 9, 1988, for staff to receive final authorization to execute the loan agreement. (Planning to handle)

HEARINGS

6. Hearing to consider adoption of an ordinance to establish a City program of landmark preservation which would provide regulations for protecting historic sites.

ACTION: By motion (Muratore/McGrath, unan.) report accepted and referred to staff for study and recommendation. (Attorney to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the Roselle Avenue water line extension.
(Suggested bid opening: February 23, 1988, at 11:05 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$33,036 (contract \$27,530; eng. & cont. \$5,506). Funds are budgeted.)

ACTION: Res. 88-91 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the Roosevelt Park wading pool plumbing reconstruction.
(Suggested bid opening: February 23, 1988, at 11:10 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$15,100 (contract \$14,000; eng. & cont. \$1,400). Funds are budgeted.)

ACTION: Res. 88-92 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the installation of chain link fence at East La Loma Park.
(Suggested bid opening: February 23, 1988, at 11:15 a.m. Requestd by the Parks and Recreation Department, the chain link fence will enclose the south bank of the drainage channel at East La Loma Park. The cost of the project will be shared with the local homeowners association. Resolution approving plans and specifications and call for bids needed. \$19,800 (construction \$18,800; eng. & cont. \$1,800). Funds are budgeted.)

ACTION: Res. 88-93 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened February 23, 1988, at 3:00 p.m. for furnishing landscape maintenance services at the Modesto Centre Plaza.
(Requested by the Parks and Recreation Department, the landscape maintenance services will include the exterior grounds at the Modesto Centre Plaza and plants at the parking facility. The services will be contracted through January 31, 1989. Resolution approving plans and specifications and authorizing call for bids needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 88-94 adopted calling for bids. (Finance to handle)

CONSENT COUNCILMEMBER MC GRATH WILL BE EXCUSED DUE TO A CONFLICT OF INTEREST

11. Consider award of contract for the Legion Hall kitchen hood replacement.
(Bids were opened January 26, 1988. The low bid of \$24,207.35, submitted by Lang's Enterprises is 15% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Lang's Enterprises. Memo and bid tabulation with agenda. Resolution awarding contract to Lang's Enterprises needed. Funds are budgeted.)

ACTION: Res. 88-95 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider acceptance of Dyn Construction's contract for the construction of Wastewater treatment and disposal facilities Unit No. 1. (Original Contract: \$7,017,000)
(All work of construction on the project has been completed to the satisfaction of the State Division of Water Quality and the Utility Services Department. Therefore, it is in order to accept the work as complete and file a Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$7,153,235.81. Funds are budgeted.)

ACTION: Res. 88-96 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

13. Set hearing to review planning and zoning fees for plot plan reviews, conditional use permits and variances in conjunction with a single-family house.
(On November 17, 1987, the City Council adopted revised fees for planning and zoning and directed staff to present further information and recommendations regarding fees for applications involving a single-family house. A new State law provides that a hearing must be held when considering increasing any fees other than water, sewer or electrical. Resolution setting hearing February 23, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-97 adopted setting hearing. (Clerk to handle)

CONSENT

14. Consider authorizing City Manager and City Clerk to execute easement deed to M.I.D. for electrical facilities at Alberta Martone School site.
(Memo with agenda. Resolution authorizing City Manager and City Clerk to execute deed needed.)

ACTION: Res. 88-98 adopted approving easement deed. (Attorney to handle)

CONSENT

15. Consider City-County Joint Transportation Committee recommendations on transit.
(Memo with agenda. The Committee recommends extending through 6/30/89, Boyle/Kilpatrick & Associates' transit advertising contract, implementing five new programs in FY 1899/89 to promote Intracity Transit, and not opening Dial-A-Ride to the general public on Intracity Transit holidays. Resolution approving contract extension and motions accepting the reports on new Intracity Transit promotional programs and Dial-A-Ride needed. Estimated Cost: \$47,800. Funds to be budgeted in FY 1988-89.)

ACTION: Res. 88-99 adopted approving amended agreement.

By motion, receipt of reports acknowledged. (P/T to handle)

CONSENT

16. Consider approval of the final map and acceptance of improvements for Carpenter Villas No. 2 subdivision. (Developer: P & R Enterprises)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Carpenter Villas is located between California Avenue and Houser Lane, East of Carpenter Road. It contains 2.812 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-100 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

17. Consider acceptance of improvements in Live Oak Condominiums and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: L.O. Associates/Florsheim Bros.)
(Live Oak Condominiums is located at the Northeast corner of Oakdale Road and Floyd Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-101 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

18. Consider acceptance of improvements in Greensan Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Silas Green)
(Greensan Estates Subdivision is located South of Rouse Avenue and West of Kasmir Court. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-102 adopted accepting improvements as complete.
(Clerk to handle)

WRITTEN COMMUNICATIONS

19. Letter from "Yes You Can Touch" Children's Museum for direct City assistance for the "World at Third Street" Festival to be held on April 30, 1988.
(Resolution granting approval needed)

ACTION: By motion (Lang/Muratore, unan.) referred letter to staff for study.
(Police/P & R to handle)

MISCELLANEOUS

20. Appointments

Youth Commission

ACTION: Res. 88-103 adopted (McGrath/Irizarry, unan.) appointing Mara Cohn.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

22. (Pursuant to Government Code Sec. 54956.8) There will be a closed session to regarding the purchase, sale, exchange or lease of the Southern Pacific property bounded by the railroad tracks, I, 9th and K Streets.)

ADJOURNMENT

The meeting adjourned to closed session at 5:00 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, FEBRUARY 9, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember Lang

Pledge of allegiance to the Flag

Invocation: A moment of silence was observed

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26

ACTION: (Sutton/Irizarry, unan., Lang 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the February 2, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Consider approving agreement with Uncle Charlie's Group Home to extend a loan of \$87,000 at 5% interest for 30 years to purchase and establish a group home for delinquent children.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-104 adopted approving agreement. (Planning to handle)

CONSENT

5. Consider approval of Plan for Providing Transportation Services to Handicapped Persons in Modesto, and consider referring requests for reduced Dial-A-Ride passenger waiting time and added hours of service to the City-County Joint Transportation Committee.
(Resolution adopting final plan needed and motion referring requests for reduced Dial-A-Ride passenger waiting time and added hours of service to the City-County Joint Transportation Committee for review and recommendation.)

ACTION: Res. 88-105 adopted approving plan.
By motion requests referred to City-County Joint Transportation Committee. (P/T to handle)

HEARINGS

6. Hearing to consider the appeal of Warner M. Soelling, M.D. to a decision of the Environmental Assessment Committee concerning an application for a P-D with direct access to and from Briggsmore Avenue and with driveways onto Kendall Avenue and Santa Paula Drive.

ACTION: Res. 88-106 adopted (McGrath/Whiteside, unan., Lang absent) denying appeal. (Planning to handle)

7. Hearing to consider the proposed amendment to the Land Use and Circulation Element of the Modesto Urban Area General Plan - College West.

ACTION: By motion (McGrath/Sutton, unan., Lang absent) hearing continued to February 23, 1988, at 7:30 p.m. (Clerk to handle)

BIDS

CONSENT

8. Consider approving specifications and authorize call for bids to be opened March 1, 1988, at 3:00 p.m. for furnishing signal light poles. (Requested by the Engineering Services Department, the poles will be used to upgrade the signals at the expanded intersections on Dale Road, Sisk Road, and Standiford Avenue. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$40,810. Funds are budgeted.)

ACTION: Res. 88-107 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider award of contract for the removal of various underground tanks to SEMCO.
Bids were opened for the above project January 26, 1988. The low bid of \$13,225, submitted by SEMCO is below the Engineer's Estimate and considered acceptable. It is recommended that the contract be awarded to SEMCO. Memos and bid tabulation with agenda. Resolution awarding contract to SEMCO needed. Funds are budgeted.)

ACTION: Res. 88-108 adopted awarding contract. (Finance to handle)

CONSENT

10. Consider award of contract for carpet installation at the Crocker Building to Johnson Rug.
(Bids were opened on February 2, 1988. The low bid of \$16,828, submitted by Johnson Rug Co., is 9.6% above the engineer's estimate. It is recommended that the contract be awarded to Johnson Rug Co. Memo and bid tabulation with agenda. Funds are budgeted.)

ACTION: Res. 88-109 adopted awarding contract. (Finance to handle)

CONSENT

11. Consider acceptance of Don Hughes Construction's contract for the McHenry Mansion Restoration Phase II. (Original contract: \$270,457)
(All work on this project has been completed to the satisfaction of the Engineering and the Parks & Recreation Departments. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$275,221.02. Funds are budgeted.)

ACTION: Res. 88-110 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider approving purchase of Parks & Recreation software from Arthur Young & Co., and the IBM equipment related to the software.
(Memo with agenda. Resolution approving acquisition of the software and hardware needed. (Five affirmative votes waiving formal bid procedures and authorizing purchase from Arthur Young & Co., sole source of supply, needed.) Estimated cost: \$30,000. Funds are budgeted.)

ACTION: Res. 88-111 adopted approving purchase. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider Beard Land Improvement Company request for endorsement of their application to the State Public Utilities Commission to extend the geographic area adjacent to the City of Modesto within which transportation of property is exempt from rate regulation.
(Memo with agenda. Resolution supporting Beard Land Improvement Company's application needed.)

ACTION: Res. 88-112 adopted supporting application.
(Econ Develop Director to handle)

CONSENT

14. Consider amending Sections 3-10.21 and 3-10.22 of the Modesto Municipal Code relating to towing services.
(Memo with agenda. These amendments will allow the Chief of Police to revoke or suspend towing service operators from the Rotation List and to revoke or suspend the permit of a tow truck attendant under certain conditions. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2576-C.S. introduced. (Clerk to handle)

CONSENT

15. Consider authorizing reapplication to the State of California, Office of Criminal Justice Planning for the Modesto Gang Violence Suppression Program for a grant for second year funding for \$99,000.
(Memo with agenda. Resolution authorizing application needed. Estimated cost: \$11,456. Funds are budgeted.)

ACTION: Res. 88-113 adopted authorizing application. (Police to handle)

CONSENT

16. Consider authorizing Director of Finance to sign the sharing agreement with Ogden Martin Systems Equity.
(Memo with agenda. The City of Modesto and Stanislaus County will receive financial benefit derived from the investment of the issuance of the 1987 bonds. Resolution approving sharing agreement needed.)

ACTION: Res. 88-114 adopted approving agreement.
(Utility Services to handle)

CONSENT

17. Consider setting a hearing concerning an ordinance amending the Municipal Code to allow the Police Department to charge a fee for the release of an impounded vehicle and a resolution establishing the fee.
(Resolution setting hearing on March 1, 1988, at 4:00 p.m. needed.)
hearing to amend

ACTION: Res. 88-115 adopted setting/ Code and establishing fee.
(Clerk to handle)

CONSENT

18. Consider approving agreement with Aloma Lackey for the lease of 1343 Legion Park Drive.
(This is a one-year renewal of an existing lease. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-116 adopted approving agreement.
(Utility Services to handle)

CONSENT

19. Consider approving two lease agreements with Larry A. and Patricia L. Askew and David and Sandra Mesenhimer for the lease of a portion of Hangar No. 1, Office Building No. 1, Hangar No. 5 and tie downs at the airport.
(These are one-year renewals of existing leases. Memo with agenda. Two resolutions approving agreements.)

ACTION: Res. 88-117 adopted approving agreement for lease of portion of Hangar 1 and tiedowns.
Res. 88-118 adopted approving agreement for lease of Office Building No. 1, Hangar No. 5 and tiedowns. (Utility Serv to handle)

CONSENT

20. Consider approving agreement with JBH Real Estate and Development for the lease of a portion of well site No. 2.
(JBH would like to lease a portion of this site for parking for adjacent development. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-119 adopted approving agreement. (Utility Serv to handle)

CONSENT

21. Consider approving agreement with Robert D. and Catherine L. Banghart for the lease of the former Crosby Paint Store.
(This is a two-year renewal of an existing lease. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-120 adopted approving agreement. (Utility Serv to handle)

CONSENT

22. Consider approving lease agreement with George Frederickson and Phillip Bravard for the lease of a portion of Fire Station No. 5.
(Mr. Frederickson and Mr. Bravard have been leasing this area for a garden since 1977. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-121 adopted approving agreement. (Utility Serv to handle)
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CONSENT

23. Consider approving agreement with Union Pacific Railroad Company for the signalization of the Whitmore Avenue crossing.
(Union Pacific Railroad Company will reconstruct one-half of the crossing and install certain auto-highway warning devices at the expense of City, and City will have certain maintenance responsibilities after the crossing is complete. Resolution approving agreement needed. Estimated costs: \$123,725. Funds are budgeted.)

ACTION: Res. 88-122 adopted approving agreement. (Eng to handle)

CONSENT

24. Consider setting hearing concerning setting a fee for filing a notice of intent to circulate an initiative petition, as provided by a new State law.
(Resolution setting hearing February 23, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-123 adopted setting hearing. (Clerk to handle)

CONSENT

25. Consider approving agreement with Stanislaus County Economic Development Corporation to provide financial analysis for the Economic Development Revolving Loan Fund.
(Resolution approving agreement needed. Estimated cost: \$30,000. Funds are budgeted.)

ACTION: Res. 88-124 adopted approving agreement. (Planning to handle)

CONSENT

26. Consider approval of the final map of Park Oaks subdivision of the City of Modesto and consider accepting the improvements. (Owner: James W. Thayer, Inc., dba Oakwood Builders.)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees paid. Park Oaks is located north of Encina Avenue between Rosina and Covena Avenues. It contains 16.362 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-125 adopted approving final map and accepting improvements as complete. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

27. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:42 p.m.

ATTEST: 
MORRINE 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 16, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmembers Muratore and Sutton arrived at 4:02 p.m.
Councilmember Lang arrived at 4:27 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Joe D. Wright, Calvary Temple Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 14, 15, 16,
17, 18, 19, 20, 21, 24, 25

Dropped from agenda: 10

Removed from Consent: 11, 12

ACTION: (Muratore/Irizarry, unan., Lang 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the February 9, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2576-C.S. amending the Modesto Municipal Code relating to towing services.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2576-C.S. adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from R-3 to C-2, property located on the western side of 16th Street south of H Street. (Jensen)

ACTION: By motion (McGrath/Muratore, unan., Lang absent) Ord. No. 2577-C.S. introduced.
Res. 88-126 adopted certifying review of Environmental Assessment.
(Clerk/Planning to handle)

BIDS

CONSENT

6. Consider approving specifications and call for bids for reroofing the Maddux Youth Center and the Modesto Community Service Center (Suggested bid opening: March 8, 1988 at 11:00 a.m. The Parks and Recreation Department is requesting the reroofing of the Maddux Youth Center in Fourth Street Park and the Modesto Community Service Center on Morris Avenue. This project is a maintenance and repair operation to replace leaky roofing systems at both buildings. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$17,000. Funds are budgeted.)

ACTION: Res. 88-127 adopted calling for bids. (Eng to handle)

CONSENT

7. Consider approving specifications and authorize call for bids to be opened March 8, 1988, at 3:00 p.m. for furnishing Parking & Traffic computer equipment.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$12,200. Funds are budgeted.)

ACTION: Res. 88-128 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorize call for bids to be opened March 8, 1988, at 3:10 p.m. for furnishing Wang computer equipment.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$36,000. Funds are budgeted.)

ACTION: Res. 88-129 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approving specifications and authorize call for bids to be opened March 15, at 3:00 p.m. for furnishing panel systems for the Crocker Bank Building.
(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$43,000; funds are budgeted.)

ACTION: Res. 88-130 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened March 22, at 3:00 p.m. for furnishing one four door sedan.
(Requested by the Utility Services Division, the sedan will replace the Police vehicle used to transport prisoners to other cities. Estimated cost: 15,763. Funds are budgeted. Resolution approving specifications and authorizing call for bids needed.)

Dropped from agenda.

11. Consider rejecting all bids received for furnishing janitorial services at the Modesto Centre Plaza and authorize new bids to be opened March 22, 1988, at 3:20 p.m.
(Memorandum with agenda. Resolution rejecting all bids and authorizing new call for bids to be opened March 22, 1988, at 3:20 p.m. Estimated cost: \$16,700. Funds are budgeted.)

ACTION: Res. 88-131 adopted (Irizarry/Muratore, unan., Lang absent.)
rejecting all bids. (Finance to handle)

12. Consider declaring Brannon Tire Corp. overall low bidder for furnishing the City's annual tire recapping requirements.
(Memorandum with agenda. Resolution declaring Brannon Tire Corp. low bidder needed. Estimated cost: \$13,610. Funds are budgeted.)

ACTION: Res. 88-132 adopted (McGrath/Sutton, unan., Lang absent) awarding bid. (Finance to handle)

NEW BUSINESS

13. Discussion of City Council policy concerning appointments to boards, commissions and committees as requested by Councilmember Patterson.
(Current policy with agenda.)

No action taken .

CONSENT

14. Consider amending the North Ceres sewer service agreement to include areas 2 and 3 and additional area specified for sewer service.
(The City of Modesto has agreed to accept sewage, as needed, from the City of Ceres in specified areas stated in Res. No. 79-1301. The City of Ceres is requesting that the City of Modesto increase the current area served by the dimensions as specified in the City of Ceres Council Res. No. 87-216. Memo with agenda. Resolution authorizing the acceptance of sewage from areas 2 and 3 and amending the existing agreement to include the new areas needed.)

ACTION: Res. 88-133 adopted amending agreement. (Utility Serv to handle)

CONSENT

15. Consider approval of LAFCO Questionnaire indicating no opposition to the California-Panama No. 2 Reorganization to the City of Modesto.
(Property owners in the proposed annexation territory have petitioned for annexation. The proposed uninhabited reorganization consists of four parcels with five single-family dwellings totalling 2.905 acres. Memo with agenda. Resolution responding favorably to proposed reorganization needed.)

ACTION: Res. 88-134 adopted responding favorably to LAFCO Questionnaire. (Planning to handle)

CONSENT

16. Monthly Treasurer's Report for January, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

17. Consider approving hold harmless agreement for use of Modesto Junior College Stadium and swimming pool.
(The City sponsored Easter Track Meet, Superstars and All Comers Track Meet are scheduled at the Modesto Junior College. The College requires a hold harmless agreement be provided by the City. Memo with agenda. Resolution approving hold harmless agreement needed.)

ACTION: Res. 88-135 adopted approving agreement. (P/R to handle)

CONSENT

18. Consider authorizing appropriation transfer in the amount of \$5,650 to complete the Boy Scout Clubhouse restroom, Robertson Road Neighborhood Park and Woodland (Alberta Martone) Neighborhood Park projects.
(Additional funds to complete the above projects are required. Memo with agenda. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 88-136 adopted approving appropriation transfer.
(P/R and Finance to handle)

CONSENT

19. Consider approval of the final map of Orangeview Manor subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdivider: Rule Enterprises
(The subdivision agreement has been signed and all fees paid. Orangeview Manor is located between West Orangeburg Avenue and Evergreen Avenue west of Martin Avenue. It contains 5.992 acres. Resolution approving final map needed.)

ACTION: Res. 88-137 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider acceptance of improvements in Prescott Faire subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Brooks & Sons Construction
(Prescott Faire subdivision is located west of Prescott Road and south of the Hetch Hetchy right of way. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-138 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

21. Consider authorizing City Manager to sign agreement with ARE, Inc. to perform the deflection testing for this year's street maintenance.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$10,110. Funds are budgeted.)

ACTION: Res. 88-139 adopted approving agreement. (Eng to handle)

WRITTEN COMMUNICATIONS

22. Letter from Paul Doty, West Coast Sound & Light, appealing the rejection of his bid for sound and light services at Modesto Centre Plaza.

ACTION: By motion (Muratore/Sutton, unan.) letter referred to staff.
(Finance to handle)

23. Letter from Sylvan Union School District regarding a proposal to build an elementary school on the Orchard Neighborhood Park Site.
(Motion referring to Planning Commission needed.)

ACTION: By motion (Muratore/McGrath, unan.) request referred to Planning Commission.
(Planning to handle)

CONSENT

24. Application from the law offices of J.J. Machado, on behalf of Audrey J. and Ewell B. Davis, for leave to present late claim.
(Resolution denying request needed.)

ACTION: Res. 88-140 adopted denying request. (Clerk to handle)

MISCELLANEOUS

CONSENT

25. Legislation: Staff recommends:

- a. Oppose AB 1028 (Katz) - Hazardous Materials
- b. Support AB 2710 (Cortese) - Waiver of Development Fees for Earthquake Reconstruction
- c. Make contact with Legislators as indicated re Tax Reform - Internal Revenue Service Notice 87-13

(Memos and attachments with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

26. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 4:47 p.m. to Friday, February 19, 1988, at 12:00 noon at the Holiday Inn, 1612 Sisk Road for a meeting with Assemblyman Condit to discuss State legislation.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
February 19, 1988

The Council of the City of Modesto met pursuant to adjournment at 12:00 noon, at the Holiday Inn, Plaza Suite, 1612 Sisk Road, Modesto, California.

Present: Councilmembers Irizarry, Muratore, Patterson, Sutton,
Mayor Whiteside

Absent: Councilmembers Lang, McGrath

The Councilmembers met with Assemblyman Gary Condit to discuss various pieces of legislation of interest to the City of Modesto.

The meeting adjourned at 1:35 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, FEBRUARY 23, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Steve Elliott, Evangelical Free Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 9, 12, 13, 15,
16, 18

Removed from consent: 10, 14, 16A

ACTION: (Lang/Muratore, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the February 16, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Tom Maher commended the City Clerk for her assistance during the time he was a candidate for office.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2577-C.S. rezoning from R-3 to C-2, property located on the western side of 16th Street south of H Street. (J. Wilmar Jensen)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2577-C.S. adopted. (Clerk to handle)

HEARINGS

- 5a. Hearing to consider the vacation and abandonment of the southerly 150-foot portion of a 20-foot public alley in Block 71, bounded by 10th, 11th, F and G Streets.

ACTION: Res. 88-141 adopted (McGrath/Sutton, unan.) abandoning portion of alley. (Engineering to handle)

- 5b. Consider changing the alley in the block bounded by 10th, 11th, F and G Streets from two-way to one-way.
(Memorandum with agenda. Resolution establishing one-way traffic flow needed. Estimated cost: \$200. Funds are budgeted.)

ACTION: Res. 88-142 adopted (Sutton/McGrath, unan.) changing traffic to one-way. (P/T to handle)

6. Hearing to consider increasing planning and zoning fees for plot plan reviews, conditional use permits and variances for single-family home.

ACTION: Res. 88-143 adopted (Patterson/Muratore, unan.) increasing fees.
(Planning to handle)

7. Hearing to consider the proposed amendment to the Land Use and Circulation Element of the Modesto Urban Area General Plan - College West. (Continued from the February 9, 1988, City Council meeting.)

ACTION: Res. 88-144 adopted (Lang/Sutton, majority, Irizarry-no) certifying review of Environmental Assessment.
Res. 88-145 adopted (same vote) amending the General Plan.
(Planning to handle)

8. Hearing to consider setting a fee for filing a notice of intent to circulate an initiative, as provided by State law.

ACTION: Res. 88-146 adopted (Patterson/Lang, unan.) setting a fee of \$200.
(Clerk to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the construction of T. B. Scott Park restroom.
(Suggested bid opening: March 15, 1988, at 11:00 a.m. The exterior restrooms at the Community Service Center at T. B. Scott Park on E. Morris Avenue were shut down because of vandalism and fear that an arsonist would burn the whole building down. This project calls for the construction of a steel, one stall men's and one-stall women's restroom building to replace the abandoned restroom building. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$23,100 (contract: \$21,000; eng. & cont. \$2,100). Funds are budgeted.)

ACTION: Res. 88-147 adopted calling for bids. (Eng to handle)

10. Consider rejecting all bids received on February 9, 1988, for furnishing lighting and sound services at Modesto Centre Plaza and authorize new bids to be opened March 22, 1988, at 3:00 p.m.
(Memorandum with agenda. Resolution rejecting all bids and authorizing new call for bids needed. Estimated cost: \$6,000. Funds are budgeted.)

ACTION: Res. 88-148 adopted (Sutton/McGrath, unan.) rejecting bids.
(Finance to handle)

NEW BUSINESS

11. Consider the following actions with respect to Improvement District No. 26 - Standiford/Sisk/Dale.
Councilmember Sutton excused due to a conflict of interest.

a. Resolution of Intention to make acquisitions and improvements.

ACTION: Res. 88-149 adopted (Lang/Irizarry, unan., Sutton absent) adopting Resolution of Intention.

b. Resolution approving agreement with Jones, Hall, Hill & White for legal services and authorizing execution thereof.

ACTION: Res. 88-150 adopted (Lang/Irizarry, unan., Sutton absent) approving agreement.

c. Resolution preliminarily approving Engineer's Report, appointing time and place for hearing protests on April 12, 1988, 7:30 p.m. and directing notice thereof and describing proposed boundaries of Assessment District and directing filing of boundary map.

ACTION: Res. 88-151 adopted (Lang/Irizarry, unan., Sutton absent) setting hearing for protests on or about April 12, 1988, at 7:30 p.m.

d. Resolution approving plans and specifications and calling for bids March 29, 1988, at 11:00 a.m. needed.

ACTION: Res. 88-152 adopted (Lang/Irizarry, unan., Sutton absent) calling for bids.

(Memo with agenda. Four resolutions needed, (Eng/Clerk to handle)

CONSENT

12. Consider acquiring 0.131+ acres of right of way from Joe A. and Ada M. Fernandez to widen the corner at East Orangeburg and Lakewood Avenues. (Memo with agenda. The Fernandezes have agreed to sell the required right of way for the appraised value of \$19,150. Resolution approving agreement needed. Estimated total cost: \$21,650 (purchase \$19,150; est. escrow \$2,500). Funds are budgeted.)

ACTION: Res. 88-153 adopted approving agreement. (Attorney to handle)

CONSENT

13. Consider acceptance of improvements in Cape Cod Estates No. 7 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Arambel & Rose Development)
(Cape Cod Estates No. 7 subdivision is located east of Boise Avenue, south of Hatch Road. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-154 adopted accepting improvements as complete.

(Clerk to handle)

14. Consider transit liability insurance for the period of March 1, 1988, to March 1, 1989.
(Memo with agenda. Resolution approving the quote from Carolina Casualty Insurance for transit liability insurance needed. Estimated cost: \$211,214. Funds are budgeted.)

ACTION: Res. 88-155 adopted (Patterson/Sutton, unan.) approving quote.
(Attorney to handle)

CONSENT

15. Consider renewal of airport liability insurance for the period March 1, 1988, to March 1, 1989.
(Memo with agenda. Resolution approving renewal of the Airport Liability Insurance with Lloyds of London. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 88-156 adopted approving renewal of insurance.
(Attorney to handle)

CONSENT

16. Consider renewal of the public officials errors and omissions insurance policy for the period of March 1, 1988, to March 1, 1989.
(Memo with agenda. Resolution approving renewal of the errors and omissions policy with American Empire Surplus Lines needed. Estimated cost: \$31,676. Funds are budgeted.)

ACTION: Res. 88-157 adopted approving renewal of insurance.
(Attorney to handle)

- 15A. Consider authorizing City Manager to sign agreement with MID to engage consulting firms for the next phase of the Domestic Surface Water Supply System.
(The scope of work includes a selection of the water treatment plant site and the environmental impact report. Memo with agenda. Resolution authorizing City Manager to sign agreement with Modesto Irrigation District needed. Estimated cost: \$111,965.98. Funds are budgeted.)

ACTION: By motion (McGrath/Irizarry, unan.) this item was continued to March 8, 1988.
(Eng to handle)

WRITTEN COMMUNICATIONS

17. Letter from Beverly Jones regarding the use of equipment for the hearing impaired.

ACTION: By motion (McGrath/Sutton, unan.) the offer of use of the equipment was accepted as recommended by staff.
(P/R to handle)

CONSENT

18. Letter from Downtown Improvement District requesting the use of downtown sidewalks for a sale on February 26, 27 and 28.
(Motion approving request needed.)

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

MISCELLANEOUS

19. Legislation:

Support - AB 2079 (Baker) - State Fire Marshal - Training Appropriations

ACTION: By motion (Lang/McGrath, unan.) AB2079 supported.

Oppose - SB 1995 (Deddeh) - Highways: Federal Funds

ACTION: Res. 88-158 adopted opposing Senate Bill 1995.
(Memo with agenda. Motion accepting recommendations needed.) (Manager to handle)

20. Appointments

a. Planning Commission

ACTION: Res. 88-159 adopted (Lang/Muratore, majority, McGrath-no) appointing Jeff Grover and Robert Dunbar to the Planning Commission.

b. Board of Zoning Adjustment

ACTION: Res. 88-160 adopted (Lang/Irizarry, unan.) reappointing Charles Harding and appointing Leopold Prescott to the Board of Zoning Adjustment.

c. International Friendship Committee

ACTION: Res. 88-161 adopted (McGrath/Sutton, unan.) appointing Elwyn Johnson, Philip Pimentel, Duarte Silva and Maridale Smith to the International Friendship Committee. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting was adjourned at 10:45 p.m. to February 26, 1988, at 8:00 a.m. at the Sundial Restaurant, at 806 McHenry Ave., Modesto, California for a meeting with Senator McCorquodale to discuss State legislation.

ATTEST: *Norrine Coyle*
NORRINE COYLE City Clerk

Adjourned Regular Meeting
Modesto City Council
February 26, 1988

The Council of the City of Modesto met pursuant to adjournment at 8:00 a.m., at the Sundial, 806 McHenry Avenue, Modesto, California.

Present: Councilmembers Irizarry, Muratore, Sutton, Mayor Whiteside

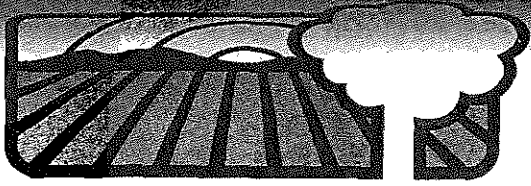
Absent: Councilmembers Lang, McGrath, Patterson

The Councilmembers met with Senator Dan McCorquodale to discuss various pieces of legislation of interest to the City of Modesto.

The meeting adjourned at 9:30 a.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

2/26/88



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 1, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Councilmember McGrath arrived at 4:02 p.m.
Councilmember Lang excused at 5:00 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Carlton Meents, Wesley United Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8 9, 10, 12, 13,
14, 15, 16, 17, 18, 20, 22

Removed from consent: 11
Dropped from agenda: 6

ACTION: Lang/Muratore, unan.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 19
(Councilmember McGrath to be excused
due to a conflict of interest)

ACTION: Lang/Muratore, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Consider approval of Modesto Irrigation District request to co-sponsor summer youth beginning swim program. (Director William Lyon, Jr. and Splasher, the Modesto Irrigation District canal safety frog, to make a presentation Memo with agenda.)

ACTION: Res. 88-162 adopted (Irizarry/McGrath, unan.) approving the swim program. (P & R to handle)

- b. Presentation of Outstanding Certificate awarded to the City of Modesto by the California Society of Municipal Finance Officers for financial reporting excellence - Fiscal Year 1986-87. (Memo with agenda.)

ACTION: The certificate was presented to Mayor Whiteside by Finance Director Pete Kolf.

MINUTES

CONSENT

2. Approval of the minutes of the February 19, 1988, adjourned regular City Council meeting, and the February 23, 1988, regular City Council meeting. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Report on the recommendations made by Touche Ross and Company in their report dated March 23, 1987, regarding Building Inspection, Sewer Service and Fund Accounting relating to the Redevelopment Agency. (Report with agenda. Motion accepting report needed.)

ACTION: By motion, (Sutton/McGrath, unan.), the report was accepted, and staff was directed to prepare some additional information on impacts of various interest rates and compounding. (Finance to handle)

Councilmember Lang excused at 5:00 p.m.

HEARINGS

5. Hearing to consider amending the Modesto Municipal Code to allow the Police Department to charge a fee for the release of an impounded vehicle and establishing the fee.

ACTION: By motion, (McGrath/Irizarry, unan., Lang absent), Ordinance No. 2578-C.S. introduced amending the Modesto Municipal Code to provide for a fee for release of an impounded vehicle.
Res. 88-163 adopted (McGrath/Irizarry, unan., Lang absent), establishing the fees for release of an impounded vehicle.
(Clerk/Police to handle)

BIDS

CONSENT

6. Consider approving specifications and authorize call for bids to be opened April 5, 1988, at 3:00 p.m. for furnishing one four door sedan. (Requested by the Utility Services Department Service Division, the sedan will replace the Police vehicle used to transport prisoners to other cities. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$15,763. Funds are budgeted.)

DROPPED FROM AGENDA.

CONSENT

7. Consider award of contract for the installation of chain link fencing in East La Loma Park.
(Memo and bid tabulation with agenda. Resolution awarding contract to Weaver's Woven Wire needed. Estimated cost: \$13,930.)

ACTION: Res. 88-164 adopted awarding contract. (Engineering to handle)

CONSENT

8. Consider award of contract for the Roselle Avenue water line extension.
(Memo and bid tabulation with agenda. Resolution awarding contract to Joe Martin needed. Estimated cost: \$26,730. Funds are budgeted.)

ACTION: Res. 88-165 adopted awarding contract. (Engineering to handle)

CONSENT

9. Consider award of contract for the Lakewood and Sipherd Park restrooms and wading pools to B & L Commercial Industrial Builders.
(Memo and bid tabulation with agenda. Resolution awarding contract to B & L Commercial industrial Builders needed. \$274,000. Funds are budgeted.)

ACTION: Res. 88-166 adopted awarding contract. (Engineering to handle)

CONSENT

10. Consider waiving formal bid procedures and authorize the purchase of traffic signal controllers from Signal Control Sales Company for the total price of \$50,168.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-167 adopted waiving formal bid procedures and authorizing purchase. (Finance to handle)

NEW BUSINESS

11. Consider setting Hearing of Necessity to acquire parcels from Nick Masellis, Charles Giannini and Gregory Stevenson needed for the Scenic/Sunnyside to Rose project.
(Memo with agenda. Resolution setting Hearing of Necessity of March 22, 1988, at 7:30 p.m. needed. Estimated cost: \$62,950. Funds are budgeted.)

ACTION: Res. 88-168 adopted (Irizarry/Sutton, unan., Lang absent) setting hearing April 5, 1988, at 4:00 p.m. (Clerk to handle)

CONSENT

12. Consider authorizing the City Manager to execute a joint powers agreement for participation in the CAL-ID Program, and consider approving appropriation transfer of \$45,500 from General Reserves to the Police Operating budget.
(Memo with agenda. Resolution approving agreement and resolution approving appropriation transfer needed.)

ACTION: Res. 88-169 adopted approving joint powers agreement.
Res. 88-170 adopted approving appropriation transfer.
(Police/Finance to handle)

CONSENT

13. Consider approving agreement with Wings West Airlines Inc. dba American Eagle for their operation at the airport.
(Memo with agenda. This is a one-year renewal of an existing lease. Resolution approving agreement needed.)

ACTION: Res. 88-171 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider authorizing extension of provisional appointments in the Finance Department.
(Because of recruiting delays, provisional appointments are recommended for extension to May 1, 1988, for the following: Laura Parker, Supervising Accountant, Lisa Forester, Accountant I, Debra Wright, Accountant I and Catherine Walker, Budget Analyst. Motion approving extensions needed.)

ACTION: By motion, extension of provisional appointments approved.
(Manager/Finance to handle)

CONSENT

15. Consider adopting a Resolution of Intention and designate an area of benefit for the purpose of acquiring right of way and constructing curb, gutter and sidewalk at 1316 and 1322 East Orangeburg Avenue.
(Resolution of Intention setting pubic hearing April 5, 1988, at 4:00 p.m. needed. Estimated cost: \$11,600. Funds are budgeted.)

ACTION: Res. of Intention 88-172 adopted setting hearing April 5, 1988, at 4:00 p.m. (Clerk to handle)

CONSENT

16. Consider approval of appropriation transfer in the amount of \$6,000 to provide for the master plan and preliminary survey of the McKinney Colony Neighborhood Park site.
(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 88-173 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

17. Consider approval of the final map of Dry Creek Bluff subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Continental Paragon Corp.)
(The subdivision agreement has been signed and all fees paid. Dry Creek Bluff is located on the west side of North McClure Road, south of Dry Creek Park. It contains 17.90 acres. Resolution approving final map needed.)

ACTION: Res. 88-174 adopted approving final map. (Clerk to handle)

CONSENT

18. Consider approval of the final map of Shawnee Meadows subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Sutco Construction)
(The subdivision agreement has been signed and all fees paid. Shawnee Meadows is located on the northeast corner of Standiford Avenue and Shawnee Drive. It contains 2.355 acres. Resolution approving final map needed.)

ACTION: Res. 88-175 adopted approving final map. (Clerk to handle)

CONSENT COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST

19. Consider approval of the final map of Westridge No. 5 subdivision of the City of Modesto and consider accepting improvements. Subdivider: Zagaris Management Services.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Westridge No. 5 is located at the southwest corner of Blue Gum Avenue and Rosemore Avenue. It contains 4.584 acres.)

ACTION: Res. 88-176 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

20. Letter of resignation from International Friendship Committee from Miguel Donoso.
(Resolution accepting resignation needed.)

ACTION: Res. 88-177 adopted accepting resignation. (Clerk to handle)

21. Letter from Carmen Sabatino, Chairperson, Democrats for the School Funding for Instructional Improvement and Accountability Initiative, requesting support of the class size initiative.

No action taken.

LEGISLATION

CONSENT

22. Legislation: Staff recommends:

Oppose:

AB 1163 (Floyd) - Assessment of Punitive Damages by the Fair Employment and Housing Commission (FEHC)

AB 1097 (Elder) - Double Death Benefits for Local Safety Employees

Support:

ACA 32 (Bradley) - General Obligation Bonds

SC 1692 and SB 1643 (Roberti) - Housing Bond Measures

Support - Seek Amendment:

SB 1694 (Campbell) - Repeal of Sales Tax Exemption for Fuel Used by Airlines

(Memos and attachments with agenda. Motion accepting staff recommendations needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

Meeting adjourned at 5:20 p.m. to 6:30 p.m., at the Sundial Restaurant at 806 McHenry Avenue, for a meeting with the MID Board of Directors to discuss water concerns in Modesto, then to Friday, March 4, 1988, at 8:30 a.m. for a goal-setting retreat at the Stanislaus Medical Society building at 2339 St. Paul's Way, Modesto, California.

ATTEST: 
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 6:30 p.m. at the Sundial Restaurant, 806 McHenry Avenue, Modesto, California.

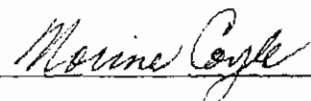
Present: Councilmembers Irizarry, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Absent: Councilmember Lang

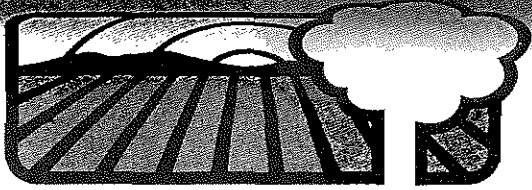
There was a discussion of water and electrical distribution and availability in the Modesto area.

The meeting adjourned at 9:20 p.m.

ATTEST:



MORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

PRELIMINARY

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 8, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Paul Miles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 11, 12, 13, 14, 15, 16,
17, 18, 22, 23, 24, 25, 26

ACTION: (Lang/Irizarry, 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 J 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the February 26, 1988, adjourned regular meeting, and the March 1, 1988, regular and adjourned regular meetings. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jourdenais spoke.

Rebecca Carrea asked about the status of the proposed Bret Harte Annexations.

UNFINISHED BUSINESS

4. Report on political campaign signs study. (Memo with agenda. Staff recommends there be no change in the Municipal Code regarding political signs within street rights-of-way, but recommends consideration of requiring a refundable cash deposit to cover staff time required to remedy campaign sign violations. Motion acknowledging receipt of report and directing staff needed.)

ACTION: By motion (McGrath/Lang, majority, Irizarry, Muratore, Patterson-no) staff recommendation to retain the present ordinance was approved.

CONSENT

5. Final adoption of Ord. No. 2578-C.S. relating to fees for impounded vehicles. (Motion adopting needed.)

ACTION: By motion, Ord. No. 2578-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider an appeal Loraine Mueller to a decision of the Chief of Police concerning an after-hours permit at High Chaparral, 1800 Prescott Road.

ACTION: Res. 88-178 adopted (McGrath/Lang, unan.) denying appeal. (Police to handle)

7. Hearing to consider the proposed Laurel Avenue No. 3 Reorganization to the City of Modesto, consisting of the annexation of the territory to the City and the Modesto Municipal Sewer District No. 1, and the detachment from the Woodland Avenue Fire Protection District.

ACTION: By motion (Lang/McGrath, unan.) hearing continued to April 26, 1988, at 7:30 p.m. (Clerk to handle)

8. Hearing to consider the appeal of Isadore Kurland to a Planning Commission decision denying an application for a rezoning from R-1 to P-D, property located on the west side of Carver Road, south of Standiford Avenue.

ACTION: Res. 88-179 adopted (Lang/McGrath, majority, Muratore-no) denying appeal and upholding the Planning Commission decision.

9. Hearing to consider rezoning from R-1, R-3 and P-0 to P-D(445) to allow an office building and parking area, located on the north side of Needham Street between Poplar Avenue and Park Avenue. (John B. Hinchey)

ACTION: By motion (Patterson/Muratore, unan.) Ord. No. 2579-C.S. introduced. Res. 88-180 adopted (same vote) approving plan. Res. 88-181 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider rezoning from P-D(277) and P-D(278) to R-2 property located south of Sylvan Avenue, east of Kingswood Drive, and south of Princewood Lane. (Stocker & Scoutriano)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2580-C.S. introduced. Res. 88-182 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

11. Consider approval of plans and specifications and call for bids for bank repair and erosion protection at East La Loma Park and Beard Brook Park. (Suggested bid opening: March 29, 1988, at 11:05 a.m. This project consists of installation of broken concrete and large boulder rocks along the bank of the river for erosion control at both East La Loma Park and Beard Brook Park. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$110,000 (contract \$100,000; eng. & cont. \$10,000. Funds are budgeted.)

ACTION: Res. 88-183 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for the Coleman Brown Park play apparatus replacement.
(Suggested bid opening: March 29, 1988, at 11:10 a.m. needed. City crews will removed the existing worn out play equipment and this project will consist of the furnishing and installation of new play equipment. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$14,000. (contract \$12,750; eng. & cont. \$1,250) Funds are budgeted.)

ACTION: Res. 88-184 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider approving specifications and authorize call for bids to be opened April 5, 1988, at 3:10 p.m. for furnishing heating, ventilation, and air conditioning service at Modesto Centre Plaza.
(Requested by the Parks and Recreation Department, the service will furnish maintenance to the heating ventilation, an air conditioning systems at Modesto Centre Plaza. Resolution approving specifications and authorizing bid call needed. Estimated cost: \$7,200. Funds are budgeted.)

ACTION: Res. 88-185 adopted calling for bids. (Finance to handle)

CONSENT

14. Consider approving specifications and authorize call for bids to be opened April 5, 1988, at 3:15 p.m. for furnishing one animal control truck.
(Requested by the Service Division, the truck with a mounted animal control utility body will replace a similar unit presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$20,437. Funds are budgeted.)

ACTION: Res. 88-186 adopted calling for bids. (Finance to handle)

CONSENT

15. Consider acceptance of Central Pump's contract for the reconstruction of Pump Station No. 7. (Original contract: \$62,892)
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$63,671. Funds are budgeted.)

ACTION: Res. 88-187 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of Ragsdale & Son's contract for the construction of Robertson Road Park Streets as complete. (Original contract: \$29,996)
(All work on this project has been completed to the satisfaction of the Engineering Services and Parks Departments. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$30,277.20. Funds are budgeted.)

ACTION: Res. 88-188 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider acceptance of Calaska Limited's contract for the Police shop building door modification. (Original contract: \$7,594)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the project as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$8,417.50. Funds are budgeted.)

ACTION: Res. 88-189 adopted accepting work as complete. (Clerk to handle)

CONSENT

18. Consider acceptance of Howell Construction's contract for remodeling and addition to the remote pond site control building. (Original contract: \$62,715)
(All work on this project has been completed to the satisfaction of the Utility Services Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as completed needed. Final cost: \$64,952. Funds are budgeted.)

ACTION: Res. 88-190 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

19. Report on the possibility of using Community Block Grant Funds for infrastructure, as requested by Councilmember Irizarry.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Lang/McGrath, unan.) receipt of report acknowledged.

20. Consider authorizing City Manager to sign agreement with MID to engage consulting firms for the next phase of the domestic surface water supply system.
(The scope of work includes a selection of the water treatment plant site and the Environmental Impact Report. This item was continued from the February 23, 1988, City Council meeting. Resolution authorizing the City Manager to sign agreement with Modesto Irrigation District needed. Estimated cost: \$111,965.98. Funds are budgeted.)

ACTION: Res. 88-191 adopted (Sutton/Muratore, majority, Patterson-no) approving agreement. (Eng to handle)

21. Consider an advisory vote for sanitary sewer service to the Modesto High School District's fifth high school, an adjoining city community park, and an Empire Union School District school.
(Memo with agenda. The Public Projects Committee recommends a Measure A advisory vote; timing dependent upon completion of environmental review. Motion directing staff needed.)

ACTION: Res. 88-192 adopted (McGrath/Patterson, unan.) calling a special election Nov. 8, 1988.
Res. 88-193 adopted (McGrath/Patterson, unan.) requesting consolidation. (Clerk to handle)

CONSENT

22. Consider request for water service to property outside City limits at 1339 Cascade Avenue, located on the west side of Cascade between Glacier and Crater Avenues. Owners: Terry D. & Sharon M. Hamilton, and Richard C. & Kathy Hamilton.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-194 adopted approving agreement. (Eng to handle)

CONSENT

23. Consider approval of final map of Summerview Place subdivision of the City of Modesto. (Owners: Summerview Associates and William Lyon Company)
(All fees have been paid and the improvements have been bonded for Regency Park No. 4 Subdivision, of which this is a resubdivision. Summerview Place is located on the west side of Prescott Road north of Standiford Avenue. It contains 5.03 acres. Resolution approving final map needed.)

ACTION: Res. 88-195 adopted approving final map. (Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Cape Cod Estates No. 6 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Kaufman Broad)
(Cape Code Estates No. 6 Subdivision is located south of Hatch Road between Ustick Road and Boise Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-196 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider approval of joint powers agreement with Modesto High School District for land acquisition of fifth high school/community park. (Memo with agenda. This agreement would allow the City and High School District to acquire land for the school and park site. Staff recommends approval. Resolution approving agreement needed.)

ACTION: Res. 88-197 adopted approving agreement. (P/R to handle)

WRITTEN COMMUNICATIONS

CONSENT

26. Letter from Hayward H. Hawke, United States Intermodal Services, requesting approval of the abandonment of the southerly portion of Sydney Street between Jennie and Grand Streets. (Motion referring to the Planning Commission for recommendation needed.)

ACTION: By motion, request referred to Planning Commission. (Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

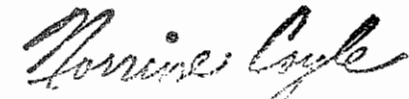
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 11:10 p.m.

ATTEST:



NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
March 4, 1988

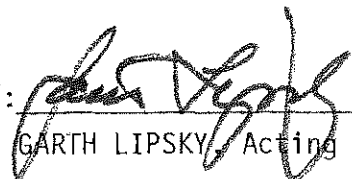
The Council of the City of Modesto met pursuant to adjournment at 8:30 a.m., at the Stanislaus Medical Society building at 2339 St. Paul's Way, Modesto, California.

Present: Councilmembers Irizarry, Muratore, Patterson, Sutton,
Mayor Whiteside
Councilmember Patterson arrived at 10:45a.m.

Absent: Councilmembers Lang, McGrath

There was a general discussion of Council goals and objectives.

The meeting adjourned at 5:35 p.m.

ATTEST: 
GARTH LIPSKY, Acting City Clerk

Adjourned Regular Meeting
Modesto City Council
March 11, 1988

The Council of the City of Modesto met pursuant to adjournment at 8:30 a.m., at the Stanislaus Medical Society building at 2339 St. Paul's Way. Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside
Councilmember Lang and Patterson were excused at 2:45 p.m.

Absent: Councilmember McGrath

There was a general discussion of Council goals and objectives.

The meeting adjourned at 5:11 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, MARCH 15, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Mel Turner, Christian Berets

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 8, 9, 10, 11, 12, 13,
13A, 14, 16, 17, 18, 19, 20,
21, 22, 23, 26, 27, 28

Removed from Consent: 15, 24, 25

ACTION: (Lang/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation by Stanislaus County regarding jail site selection.
(An oral presentation will be made by County representatives.)

Phil Rosenburg, Stanislaus County Chief Administrative Officer, and Patty Hill Thomas, County staff, discussed the plans for the jail.

MINUTES

CONSENT

2. Approval of the minutes of the March 8, 1988, regular City Council meeting.

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jordenais spoke.

UNFINISHED BUSINESS

CONSENT

Final adoption of:

- a. Ord. No. 2574-C.S. amending Section 10-2.1009 of Article 10 of Title X of the Modesto Municipal Code relating to outdoor display of property for sale.
- b. Ord.No. 2579-C.S. rezoning from R-1 and R-3 and P-0 to P-D(445) property located on the north side of Needham Street between Poplar Avenue and Park Avenue (Graceada Mansion Partnership - John B. Hinchey)
- c. Ord. No. 2580-C.S. rezoning from P-D(277) and P-D(278) to R-2, property located south of Sylvan Avenue, east of Kingswood Drive and south of Princewood Lane. (Stocker & Scoutriano)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

5. Report on equipment to aid the hearing impaired.
(Memo with agenda. Motion acknowledging receipt of report and directing staff needed.)

ACTION: By motion (McGrath/Lang, unan.) receipt of report acknowledged.

HEARINGS

6. Hearing to continue consideration of the appeal of Santina and Thompson, Inc. on behalf of Nora Noraghi, to denial by the Planning Commission of an application to amend Section 14-3-9 of the Zoning Map to rezone from R-1 to P-0, and a vesting tentative subdivision map of Noreen Park, property located on the east side of Oakdale Road and on the south side of Merle Avenue.

ACTION: By motion (McGrath/Lang, unan.) Ord. No. 2581-C.S. introduced.
Res. 88-198 adopted (same vote) certifying review of Environmental Assessment.
Res. 88-199 adopted (same vote) granting appeal and approving vesting tentative map. (Clerk/Planning/Parking & Traffic)

By order of the Chair, staff was directed to recommend inexpensive ways of alleviating traffic problems in this area, and to clarify the policy on median strips and how it applies or could be extended to the area.

7. Hearing to consider an amendment to Section 23-3-9 of the Zoning Map to rezone from C-1 to P-D(441) to allow C-2 land uses to occupy an existing shopping center, property located on the east side of Oakdale Road north of Scenic Drive. (Angelo)

ACTION: By motion (Muratore/Irizarry, unan.) Ord. No. 2582-C.S. introduced.
Res. 88-200 adopted (same vote) approving plan, allowing 2 years to do the landscaping.
Res. 88-201 adopted (same vote) certifying review of Environmental Assessment.

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for electrical modifications to the Crocker Building.
(Suggested bid opening: March 29, 1988, at 11:15 a.m. This project consists of the installation and modification to the electrical system at the Crocker Building for the ultimate move of the Finance Department. Estimated cost: \$37,194 (contract \$30,177; eng. & cont. \$7,017). Funds are budgeted.)

ACTION: Res. 88-202 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the replacement of the sand trap at City Water Well No. 13.
(Suggested bid opening: April 5, 1988, at 11:00 a.m. Well No. 13 is located at the corner of Roselawn and South Avenue. The pump station has below ground discharge which the State Health Department has requested correction to meet current standards. The installation of the new sand trap will bring this facility up to State standards. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$34,100 (contract \$31,000; eng. & cont. \$34,100). Funds are budgeted.)

ACTION: Res. 88-203 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the installation of traffic signals at Oakdale and Floyd.
(Suggested bid opening: April 12, 1988, at 11:00 a.m. Memo with agenda. A traffic-actuated signal with protected left-turn phases is proposed. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 88-204 adopted calling for bids. (P/T to handle)

CONSENT

11. Consider approving specifications and authorize call for bids to be opened May 3, 1988, at 3:00 p.m. for furnishing two fire pumper trucks.
(Memo with agenda. Resolution approving specifications and call for bids needed. Estimated cost: \$450,000. Funds are budgeted.)

ACTION: Res. 88-205 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider authorizing the purchase of one four-wheel drive tractor from Garton Ford Tractor for \$46,110, and consider authorizing the purchase of one four-wheel drive loader from Reed Equipment for \$49,423.07.
(Memorandum with agenda. Resolution authorizing the purchase of four-wheel drive tractor from Garton Ford and the purchase of four-wheel drive loader from Reed Equipment needed. Estimated cost: \$95,533. Funds are budgeted.)

ACTION: Res. 88-206 adopted awarding bid to Garton Ford Tractor for furnishing one four-wheel drive tractor and Reed Equipment for furnishing one four-wheel drive loader.
(Finance to handle)

CONSENT

13. Consider declaring Wang Laboratories sole bidder on Wang Computer equipment for the total cost of \$36,436.
(Memorandum with agenda. Resolution authorizing purchase from Wang Laboratories needed. Funds are budgeted.)

ACTION: Res. 88-207 adopted authorizing purchase. (Finance to handle)

CONSENT

13A. Consider waiving formal bid procedures and authorize the purchase of two half-ton pickup trucks and twelve Police patrol cars through the State of California Cooperative Purchasing Program for the total price of \$163,539. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase from State Cooperative Purchasing Program needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-208 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

14. Consider entering into an agreement with Hill International, Inc. for third party claims assessment services on the Wastewater Treatment Plant Expansion Project, Unit 1. (Memo with agenda. Resolution approving agreement needed. Estimated cost: \$72,633.77 (Federal \$54,475.33; State \$9,079.22; City \$9,079.22). Funds are budgeted.)

ACTION: Res. 88-209 adopted approving agreement. (Utility Serv to handle)

15. Consider approving amendment to agreement with Thornton, Marshall, Booker Lawlor, Architects, to complete the final plans and specifications for the terminal expansion project at the airport and approving appropriation transfer of \$8,918 from Contingency Reserve to the passenger terminal account to cover the increased cost. (The original cost for plans and specifications was \$85,000 three years ago. Since that time, the agreement was amended once to add \$23,000 (\$15,000 for interior design and \$8,000 for inflation) for a total cost of \$108,000. Memo with agenda. Resolution approving amendment to agreement needed, resolution approving appropriation transfer needed.) Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 88-210 adopted (Patterson/Lang, unan., McGrath absent) approving amended agreement.
Res. 88-211 adopted (same vote) approving appropriation transfer. (Utility Serv to handle)

CONSENT

16. Consider approving lease agreement with Dominic DePalma for the lease of a portion of the former McClure property (Dry Creek Park). (This is one-year renewal of an existing lease. All terms remain the same. Resolution approving agreement needed.)

ACTION: Res. 88-212 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider approving agreement with Modesto Reds Baseball Club, Inc. dba Modesto A's Baseball Club, for the lease of John Thurman Field.
(This is a one-year renewal of an existing lease. All terms remain the same. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-213 adopted approving agreement. (Attorney to handle)

CONSENT

18. Consider approval of agreement with Recreation Systems, Inc. to develop master plan for McKinney Colony Neighborhood Park.
(Staff is recommending contract with Recreation Systems, Inc. to develop master plan for McKinney Colony Neighborhood Park. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-214 adopted approving agreement. (P/R to handle)

CONSENT

19. Consider approval of the final map of Pinehurst I subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Kaufman and Broad of Northern California
(The subdivision agreement has been signed and all fees paid. Pinehurst I is located between Coralwood Drive and East Union Avenue, east of McHenry Avenue. Resolution approving final map needed. It contains 14.513 acres.)

ACTION: Res. 88-215 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider approval of the final map of Windom Heights subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Grant Construction Co.
(The subdivision agreement has been signed and all fees paid. Windom Heights is located south of Pelandale Avenue and west of Gagos Drive. Resolution approving final map needed. It contains 8.065 acres.)

ACTION: Res. 88-216 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider approval of the final map of Pheasant Valley subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Heartland Properties/Franco Construction.
(The subdivision agreement has been signed and all fees paid. Pheasant Valley is located on the north side of Kansas Avenue, west of Carpenter Road. It contains 12.3615 acres. Resolution approving final map needed.)

ACTION: Res. 88-217 adopted approving final map. (Clerk to handle)

CONSENT

22. Consider authorizing participation in Fair Housing Month activities. (Memo with agenda. Motion authorizing participation in Fair Housing Month activities. Estimated cost: \$1,000. Funds are budgeted.)

ACTION: By motion, participation authorized. (Planning to handle)

CONSENT

23. Consider reactivating the Community Housing Resource Board to further Fair Housing in Modesto, per the recommendation of the Citizens Housing and Community Development Committee. (Memo with agenda. Motion approving reactivating the Community Housing Resource Board to further fair housing in Modesto, per the recommendation of the Citizens Housing and Community Development Committee. Estimated cost: \$1,000)

ACTION: By motion, the Community Housing Resource Board was reactivated. (Planning to handle)

24. Consider approving Parks and Recreation Department's request for Handicapped Barrier Removal Funds, as recommended by the Citizen's Housing & Community Development Committee: (1) to purchase hearing augmentation equipment for City buildings; (2) to purchase and install automatic opening doors at King-Kennedy Memorial Center; (3) to provide a handicapped parking space for the McHenry Mansion. (Memo with agenda. Motion approving request for funds as recommended by Citizen's Housing & Community Development Committee needed.)

ACTION: By motion (Patterson/Lang, unan.) request for funds approved. (Planning to handle)

25. Consider Water Conservation Program for 1988. (Staff recommends adoption of a Water Conservation Program, which includes limitations on outside water use from 2-7 p.m., Monday through Friday, during the months of June, July, August and September. Resolution approving Water Conservation Program and establishing limitations on the use of water needed. Estimated cost: \$7,900. Funds are budgeted.)

ACTION: Res. 88-218 adopted (Lang/McGrath, unan.) approving Water Conservation Program. (Utility Serv to handle)

CONSENT

26. Consider setting public hearing to consider amendments to the Zoning Regulations of the Modesto Municipal Code pertaining to recycling facilities. (On February 22, 1988, the Planning Commission adopted Res. No. 88-22 recommending to the City Council amendments and additions to Chapter 2 of Title X of the Modesto Municipal Code pertaining to recycling facilities. Resolution setting hearing April 19, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-219 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

27. Appeal of Stone & Associates to a Planning Commission decision concerning tentative parcel map on the north side of Sylvan Avenue east and west of Claremont.
(Resolution setting hearing April 5, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-220 adopted setting hearing. (Clerk to handle)

LEGISLATION

CONSENT

28. Legislation: Staff recommends:

Oppose

- a. AB 2486 (Hauser) Local Requirements for Housing

Support

- b. SB 1795 (Roberti) and AB 2687 (Peace) Toy Guns
c. AB 2958 (Bader) Fines and Forfeitures - Limit on County Use of Unsupervised Summary Probation to Divert City Revenues to the County.

(Memos and attachments with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

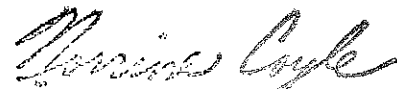
29. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 6:05 p.m.

ATTEST:



NORRINE COYLE, City Clerk

March 22, 1988

The meeting of the City Council was called to order at 7:30 p.m. in the City Council Chambers, City Hall, Modesto, California, by the City Clerk.

Present: Councilmember Lang

Absent: Councilmembers Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

There being a lack of a quorum, the meeting was adjourned.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

AGENDA FOR COUNCIL MEETING OF TUESDAY, MARCH 22, 1988, AT 4:00 P.M.

NOTICE

THERE WILL BE NO MEETING OF THE CITY COUNCIL
ON TUESDAY, MARCH 22, 1988,
DUE TO LACK OF A QUORUM

THE NEXT CITY COUNCIL MEETING WILL BE HELD ON
TUESDAY, APRIL 5, 1988,
AT 4:00 P.M.

Adjourned Special Meeting
Modesto City Council
April 5, 1988

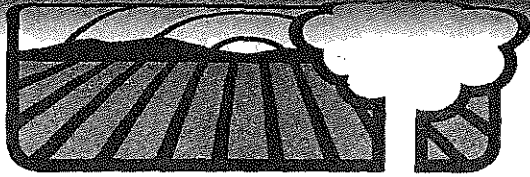
The Council of the City of Modesto met pursuant to adjournment at 3:30 p.m., in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside
Councilmember Irizarry arrived at 3:35 p.m.

Absent: Councilmember Sutton

The meeting adjourned to closed session at 3:31 p.m. to consider acquisition of real property pursuant to Government Code Section 54956.8.

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, APRIL 5, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Mayor Whiteside

Absent: Councilmember Sutton

Pledge of allegiance to the Flag

Invocation: Rev. Dwight Horton, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24,
25, 26, 27, 28, 29, 30, 33, 34,
35, 36, 37, 38, 39, 40, 41, 42, 43,
44, 45, 46, 47, 48, 49, 50, 51, 52,
53, 54, 55, 56,

Removed from consent: 11, 32, 57

ACTION: (Lang/Muratore, unan., Sutton absent)

By motion (Lang/Patterson, unan., Sutton absent) consent items were reconsidered after item 1c. Item 11 was removed from consent due to Councilmember Muratore's conflict of interest, and action taken on item 11.

(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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of visiting high school students from Iserlohn, Germany.

Mayor Whiteside introduced the visiting students.

- b. Presentation of Distinguished Service Plaques to Carole Davis and Balvino Irizarry, Planning Commission, and Henry Martin, Board of Zoning Adjustment.

Mayor Whiteside presented plaques to Carole Davis and Balvino Irizarry, and to Bill Nichols for Henry Martin.

- c. Proclamation recognizing the Week of the Young Child, April 10-16, 1988, and the activities of the Stanislaus Association for the Education of Young Children.
(The Modesto IV Task Force on Economic Development, Child Care and Affirmative Action recommended that the City do a proclamation to promote "The Week of the Young Child" this year.)

Mayor Whiteside presented the proclamation to Diane Williams of the Stanislaus Association for the Education of Young Children.

- d. Presentation from Modesto Lions Club regarding their community service project to rehabilitate Mancini Bowl in Graceada Park.

ACTION: By motion (Patterson/Muratore, unan., Sutton absent) proposed plan approved.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meetings of March 4 and March 11, 1988, and the regular meeting of March 15, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jourdainais spoke.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:

- a. Ordinance No. 2581-C.S. rezoning from R-1 to P-0 property located on Oakdale Road north of M.I.D. Lateral No. 3 (Nora Maraghi).
- b. Ordinance 2582-C.S. rezoning from C-1 to P-D(441), property located on the east side of Oakdale Road north of Scenic Drive (Steve Angelo).

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

CONSENT

5. Consider approving the Stanislaus County Arts Commission's request to conduct "World at Third Street" Festival at Third Street between I and J Streets.

(Memo with agenda. The event is scheduled for April 30, 1988. Resolution approving request needed.)

ACTION: Res. 88-221 adopted approving request. (P/R to handle)

HEARINGS

6. Hearing to consider Public Facilities District No. 5, construction of curb, gutter and sidewalk at 1316 and 1322 East Orangeburg Avenue.

No action needed.

7. Hearing of Necessity to acquire parcels from Nick Masellis, Charles Giannini and Gregory Stevenson for the Scenic/Sunnyside to Rose project.

ACTION: Res. 88-222 adopted (McGrath/Muratore, unan., Sutton absent) acquiring the Masellis property.
Res. 88-223 adopted (same vote) acquiring the Stevenson property.
(Atty/Eng to handle)

(It was announced the Charles Giannini parcel has been acquired.)

8. Hearing to consider appeal of Stone & Associates to a Planning Commission decision regarding a tentative parcel map of property located on the north side of Sylvan Avenue east and west of Claremont Avenue.

ACTION: By motion (McGrath/Patterson, unan., Sutton absent) the hearing was continued until after consideration of Item 9.
Res. 88-224 adopted (McGrath/Lang, unan., Sutton absent) acknowledging the withdrawal of the appeal, and changing the date in condition No. 4 to November 1, 1988. (Planning to handle)

9. Hearing to consider the appeal of Russell Newman, on behalf of Merrill L. Stone, to a Planning Commission decision regarding an application for an amendment to Section 9-3-9 of the Zoning Map to rezone from R-3 to P-0 property located at the northwest corner of Sylvan Avenue and proposed Claremont Avenue.

ACTION: By motion (Lang/McGrath, majority, Irizarry-no, Sutton absent) Ord. No. 2583-C.S. introduced.
Res. 88-225 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. Hearing to consider the appeal by residents of Lancey Drive to a decision of the Director of Parking & Traffic to deny requested installation of 3-way stop signs at the Lancey/Ellison intersection.

ACTION: By motion (Lang/McGrath, unan., Sutton absent) hearing continued to April 26, 1988, at 7:30 p.m. (Clerk to handle)

Mayor Whiteside introduced Boy Scout Troup 112.

BIDS

11. Consider approval of plans and specifications and call for bids for reconstruction of Coldwell Avenue from College Avenue to Tully Road. (Memo with agenda. Suggested bid opening: April 19, 1988, 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$328,922. (contract - \$299,020; engineering & cont. - \$29,902). Funds are budgeted.)
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 88-226 adopted (McGrath/Irizarry, unan., Muratore and Sutton absent) calling for bids. (Eng to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for the Floyd Avenue overlay and reconstruction. (Memo with agenda. Suggested bid opening: April 19, 1988, at 11:05 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$190,680.60. (contract - \$173,346; engineering & cont. - \$17,334.60) Funds are budgeted.)

ACTION: Res. 88-227 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the Carpenter/Torrid water line extension.
(This project will provide water service to the project located on the east side of Carpenter Road between Torrid and Kansas Avenues. Suggested bid opening: April 19, 1988, at 11:10 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$61,380 (contract - \$51,150; engineering & cont. - \$10,230). Funds are budgeted.)

ACTION: Res. 88-228 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider award of contract for reroofing Maddux Youth Center in Fourth Street Park and Modesto Community Service Center on E. Morris Avenue.
(Memo and bid tabulation with agenda. Bids were opened on March 8, 1988. The low bid of \$23,382, submitted by A & B Roofing, is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to A & B Roofing needed. Funds are budgeted.)

ACTION: Res. 88-229 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider award of contract for construction of T.B. Scott Park restroom.
(Memo and bid tabulation with agenda. Bids were opened March 15, 1988. The low bid of \$28,141, submitted by B & L Builders, is 34% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to B & L Builders needed. Funds are budgeted.)

ACTION: Res. 88-230 adopted awarding contract. (Eng to handle)

CONSENT

16. Consider award of contract for replacement of play apparatus in Coleman F. Brown Park.
(Bids were opened March 29, 1988. The low bid of \$13,250, submitted by B & L Builders, Inc., is 3.92% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to B & L Builders needed. Funds are budgeted.)

ACTION: Res. 88-231 adopted awarding contract. (Eng to handle)

CONSENT

17. Consider award of contract for bank repair and slope protection at E. La Loma and Beard Brook Parks.
(Bids were opened March 29, 1988. The low bid of \$81,650, submitted by George Reed, Inc., is 18.35% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-232 adopted awarding contract. (Eng to handle)

CONSENT

18. Consider award of contract for electrical modifications to the Crocker Building.

(Bids were opened March 29, 1988. The Low bid of \$24,462 submitted by Kirkes Electric, Inc., is \$18.94% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Kirkes Electric, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-233 adopted awarding contract. (Eng to handle)

CONSENT

19. Consider selecting Bibens Nursery to perform the landscape maintenance services and authorizing the City Manager to sign an agreement with Bibens Nursery for the landscape maintenance services at Modesto Centre Plaza and parking facility.

(Memorandum with agenda. Resolution awarding contract to Bibens Nursery needed. Estimated Cost: \$28,909. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-234 adopted awarding contract. (Finance to handle)

CONSENT

20. Consider waiving formal bid procedures and authorize the purchase of traffic line paint from April 6, 1988, to February 10, 1989, through the State of California Cooperative Purchasing Program.

(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing the purchase of traffic line paint through the State of California Cooperative Purchasing Program needed. (Five affirmative votes needed.) Estimated Cost: \$21,300. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-235 adopted waiving formal bid procedures and authorizing purchase. (Finance to handle)

CONSENT

21. Consider approving specifications and authorize call for bids to be opened May 3, 1988, at 3:30 p.m., for furnishing maugnet tree injecticide.

(Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$18,200. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-236 adopted calling for bids. (Finance to handle)

CONSENT

22. Consider approval of plans and specifications and call for bids for the McHenry Avenue water service strengthening from Standiford Avenue to north of MID Lateral No. 6.
(Suggested bid opening: April 19, 1988 at 11:15 a.m. Caltrans is planning to widen McHenry Avenue. This project will provide for a waterline on the west side and eliminate the need to bore and jack under McHenry Avenue to provide service to the west side of the highway. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$289,493 (\$263,175 Contr.; \$26,318 Eng. & Cont.). Funds are budgeted.)

ACTION: Res. 88-237 adopted calling for bids. (Eng to handle)

CONSENT

23. Consider approving specifications and authorize new call for bids to be opened on April 26, 1988, at 3:00 p.m., for furnishing signal light poles. (Memorandum with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$40,810. Funds are budgeted.)

ACTION: Res. 88-238 adopted calling for bids. (Finance to handle)

CONSENT

24. Consider approving the purchase of a free standing panel system from JHL Office Interiors for the total price of \$16,197; and waive formal bid procedures and authorize the purchase of a demountable wall panel system from JERI-CO of Modesto for \$24,600.
(Memorandum with agenda. Resolution awarding bid to JHL Office Interiors, and a resolution waiving formal bid procedures and authorizing purchase from JERI-CO of Modesto needed. (Five affirmative votes needed.) Estimated Cost: \$40,797. Funds are budgeted.)

ACTION: Res. 88-239 adopted approving purchase from JHL Office Interiors.
Res. 88-240 adopted approving purchase from JERI-CO of Modesto.
(Finance to handle)

CONSENT

25. Consider rejecting sole bid received for furnishing one four-wheel drive maintenance truck and authorize a new call for bids to be opened May 3, 1988, at 3:20 p.m.
(Memorandum with agenda. Resolution rejecting sole bid and authorizing new call for bids needed. Estimated Cost: \$25,000. Funds are budgeted.)

ACTION: Res. 88-241 adopted rejecting bids and authorizing new call for bids.
(Finance to handle)

CONSENT

26. Consider authorizing the purchase of Parking and Traffic computer equipment from Kalleen's, Inc.,.
(Memorandum with agenda. Resolution authorizing purchase of equipment from Kalleen's, Inc. needed. Estimated Cost: \$11,143. Funds are budgeted.)

ACTION: Res. 88-242 adopted authorizing purchase. (Finance to handle)

CONSENT

27. Consider approving specifications and authorize call for bids to be opened April 26, 1988, at 3:20 p.m., for furnishing digester cleaning services.
(Requested by the Utility Services Sewerage Division, the services will clean the digesters located at the Treatment Plant on Sutter Street. Periodically, the digesters must be cleaned of sludge and sand which adhere to the walls and roofs that cannot be removed with a water jet. Resolution approving specifications and authorizing the call for bids needed. Estimated Cost: \$58,901. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-243 adopted calling for bids. (Finance to handle)

CONSENT

28. Consider approving specifications and authorize call for bids to be opened May 10, 1988, at 3:00 p.m., for furnishing one microfilm reader/printer.
(Requested by the Microfilm and Records Division of Finance, the reader/printer will be used to view and print documents from roll and jacket-type microfilm. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$8,800. Funds are budgeted.)

ACTION: Res. 88-244 adopted calling for bids. (Finance to handle)

CONSENT

29. Consider approving specifications and authorize call for bids to be opened April 26, 1988, at 3:10 p.m., for furnishing three Police mini vans.
(Requested by the Utility Services Service Division, the vans will be permanently dispatched to the Police Department. Two of the vans will be used as patrol vehicles, while one will be designated as a canine unit. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$41,527. Funds are budgeted.)

ACTION: Res. 88-245 adopted calling for bids. (Finance to handle)

CONSENT

30. Consider accepting M & M Electric contract to modify traffic signals at Oakdale & Briggsmore and Briggsmore Time Base Coordination as complete. (Memo with agenda. Substantial completion occurred on February 19, 1988, when the signal resumed normal operation. Acceptance has been delayed awaiting completion of minor contract items. All work is now complete. Resolution accepting contract as complete and directing City Clerk to file Notice of Completion needed. Estimated Cost: \$84,488.48. Funds are budgeted.)

ACTION: Res. 88-246 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

31. Consider request from Gil Wymond of Burger King for a refund of \$10,545.60 in Capital Facilities Fees. The Capital Facilities Fees were reduced after Mr. Wymond paid his fees. He, therefore, requested a refund. (Memo with agenda. Resolution denying or authorizing refund needed.)

ACTION: Res. 88-247 adopted (Lang/Patterson, unan., Sutton absent) authorizing refund. (Eng/Finance to handle)

32. Consider authorizing City Manager to sign Program Supplement No. 27 to Local Agency Agreement No. 10-5059. (This supplement to State Agreement No. 10-5059 would provide for the funding of the preliminary engineering (environmental) for the Lakewood/Lincoln Bridge on Lincoln Avenue between Dry Creek Drive and Scenic Drive. Resolution approving Program Supplement No. 27 needed.)

ACTION: Res. 88-248 adopted (Lang/Muratore, majority, McGrath-no, Sutton absent) (Eng to handle)

CONSENT

33. Consider authorizing City Manager to sign Agreement 10Out1923 with the State of California Department of Transportation. (This agreement provides for the adjustment to final grade of four sanitary sewer covers and five water valve covers in conjunction with the highway construction on Route 132 from D Street to Santa Rosa Avenue. The work is to be done by the State's contractor and the City is to reimburse the State the actual costs for the work. Resolution approving agreement needed. Estimated cost: \$2,000. Funds are budgeted.)

ACTION: Res. 88-249 adopted approving agreement. (Eng to handle)

CONSENT

34. Consider authorizing City Manager to sign Utilities Agreement 10UT1906 with Caltrans. (This agreement provides for the adjustment of 45 water valve covers to final grade on Route 108 (McHenry Avenue between south of Wells Avenue and north of Route 219.) The work is to be done by the State Highway contractor as part of the Highway Contract and the City is to reimburse the State for the actual cost of the work. Resolution approving agreement needed. Estimated cost: \$11,250. Funds are budgeted.)

ACTION: Res. 88-250 adopted approving agreement. (Eng to handle)

CONSENT

35. Consider request for sewer service to property outside city limits at 700 Spencer Avenue, located on the east side of Spencer between California Avenue and Marni Way. (Grant E. Ball) (The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits, however, a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-251 adopted approving agreement. (Eng to handle)

CONSENT

36. Consider approving agreement with Caltrans to modify traffic signal installation at the intersection of McHenry Avenue and Rumble Road. (Memo with agenda. The project is estimated to cost \$90,420 with a 15% overrun allowed by the agreement (potential cost \$103,983.) Costs will be shared 50% City and 50% State. Resolution approving agreement needed. Estimated City cost: \$51,992. Funds are budgeted.)

ACTION: Res. 88-252 adopted approving agreement. (P/T to handle)

CONSENT

37. Consider authorizing City Manager to sign cooperative agreement with the State of California to construct a traffic signal at the intersection of Yosemite and Santa Rosa. (Memo with agenda. This signal is part of the Jennie-Grand bridge construction project. Resolution approving agreement needed. Estimated cost: \$71,122. Funds are budgeted.)

ACTION: Res. 88-253 adopted approving agreement. (P/T to handle)

CONSENT

38. Consider setting a public hearing concerning amendments to the Zoning Regulations of the Modesto Municipal Code pertaining to curbstoning. (On March 7, 1988, the Planning Commission adopted Resolution No. 88-23 recommending to the City Council amendments and additions to add subsection (g) to Chapter 2 of Title X of the Modesto Municipal Code pertaining to prohibition of use of private undeveloped property for sales including vehicles. Resolution setting hearing April 26, 1988, 7:30 p.m. needed.)

ACTION: Res. 88-254 adopted setting hearing. (Clerk to handle)

CONSENT

39. Consider setting hearing concerning the Zoning and Development Policy for the north side of Needham Street. (On March 7, 1988, the Planning Commission adopted Resolution No. 88-27 recommending to the City Council a zoning and development policy for the north side of Needham Street. Resolution setting hearing on April 26, 1988, 7:30 p.m. needed.)

ACTION: Res. 88-255 adopted setting hearing. (Clerk to handle)

CONSENT

40. Presentation of the monthly Treasurer's Report for February, 1988. (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

41. Consider waiving sign permit fees in the coming sign abatement.
(Memo with agenda. Signs at four upper McHenry businesses are to be abated this year based on 1978 rezoning. Staff recommends that fees for modification or replacement of signs to meet Code be waived. Resolution waiving sign permit fees needed. Estimated cost: \$1,000.)

ACTION: Res. 88-256 adopted waiving sign permit fees. (Planning to handle)

CONSENT

42. Consider excusing Councilmembers Irizarry, McGrath, Muratore, Patterson, Sutton, and Mayor Whiteside for being absent from the March 22, 1988, meeting due to their attendance at the annual Congressional-Cities Conference in Washington, D.C.
(Motion excusing absences needed.)

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

CONSENT

43. Consider contract amendment to extend the State grant for the Transportation Center through June 30, 1989.
(Memo with agenda. The State granted the City \$160,000 for the Transportation Center. The grant contract expires June 30, 1988 and the State has approved an extension through June 30, 1989. Resolution approving contract amendment needed.)

ACTION: Res. 88-259 adopted approving contract amendment. (P/T to handle)

CONSENT

44. Consider approval of a lease agreement between the City of Modesto and In-Sight Aviation, Inc. for the rental of Hangars #1 and #2 and three aircraft tie-down spaces at the Modesto City-County Airport.
(Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 88-258 adopted approving agreement. (Utility Serv to handle)

CONSENT

45. Consider request for water service to property outside City limits at 1341 Cascade Avenue, located on the west side of Cascade between Hatch Road and Crater Avenue. Owners: Ronald W. and Loretha Adams.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City limits, however, a waterline exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-259 adopted approving agreement. (Eng to handle)

CONSENT

46. Consider request for water and sewer service to property outside City limits at 204 Crater Avenue, located on the south side of Crater Avenue between Cascade Avenue and Crystal Avenue. Owners: Charles B. and Charlene M. Smith.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to the City, however water and sewer lines exist to serve the property. No City funds are involved. Two resolutions approving water and sewer service agreements needed.)

ACTION: Res. 88-260 adopted approving agreement for water service.
Res. 88-261 adopted approving agreement for sewer service.
(Eng to handle)

CONSENT

47. Consider approval of the final map of Westview Estates Unit No. 2 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Westview Estates, and Marvin C. and Madelene Wallis.
(The subdivision agreement has been signed and all fees paid. Westview Estates Unit No. 2 is located at the Southeast corner of Rosemore Avenue and Cox Avenue and contains 4.561 acres. Resolution approving final map needed.)

ACTION: Res. 88-262 adopted approving final map. (Clerk to handle)

CONSENT

48. Consider approval of the final map of Beacon Hill Subdivision of the City of Modesto. All improvements were installed and accepted for Quail Manor Subdivision. Subdividers: Stockton Service Corporation.
(All fees have been paid. Beacon Hill is located on the east side of Grouse Crossing Way, north of Belharbour Drive and contains 2.117 acres. Resolution approving final map needed.)

ACTION: Res. 88-263 adopted approving final map. (Clerk to handle)

49. Consider instructing City Property Agent on purchase, sale, exchange or lease of the vacant real property adjacent to the southwest corner of 10th and K Streets, commonly referred to as the Strand Theater property.
(Motion directing staff needed.)

ACTION: Res. 88-263A adopted (Muratore/Lang, McGrath and Patterson-no, Sutton absent) approving purchase of the property.
(Attorney to handle)

CONSENT

50. Consider adopting the ICMA deferred compensation plan, appointing the ICMA Retirement Corporation to serve as Administrator, and appointing the City's Benefits Technician as the Coordinator for this program. (Memo with agenda. Resolution adopting ICMA's deferred compensation plan, appointing ICMA Retirement Corporation as Administrator, and appointing the City's Benefits Technician as Coordinator for the Program needed.)

ACTION: Res. 88-264 adopted adopting plan, appointing Administrator, and appointing Coordinator for the Program. (Finance to handle)

CONSENT

51. Consider increasing the Petty Cash Revolving Fund by \$475 and authorizing the transfer of \$475 from the General Fund to the Petty Cash Revolving Fund; Consider increasing the Petty Cash Account in the Parking Fund from \$40 to \$80. (Memo with agenda. Resolution increasing the Petty Cash Revolving Fund by \$475 and the Petty Cash Account in the Parking Fund by \$40.)

ACTION: Res. 88-265 adopted increasing Petty Cash Revolving Fund. (Finance to handle)

CONSENT

52. Set hearing to consider abandonment and land disposition of certain excess rights-of-way on Brighton Avenue from Coffee Road to Scenic Drive. (On February 22, 1988, the Planning Commission adopted Resolution Nos. 88-21 and 88-21A recommending to the City Council the vacation and abandonment and land disposition of certain excess rights-of-way on Brighton Avenue between Coffee Road and Scenic Drive. Resolution setting public hearing for May 10, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-266 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

53. Letter from Fawn McLaughlin, Executive Director of Stanislaus County Economic Development Corporation (SCEDCO), transmitting a draft of the "Modesto Community Assessment." (Resolution accepting the "Modesto Community Assessment" needed.)

ACTION: Res. 88-267 adopted accepting the assessment. (Econ Develop Director to handle)

CONSENT

54. Letter from Cindi Lindsey, Sylvan Union School District, concerning restriping Coffee Road between Sylvan and Floyd Avenues. (Motion referring to staff for recommendation needed.)

ACTION: By motion, referred to staff for recommendation. (P/T to handle)

CONSENT

55. Letter from Carol Garlitz resigning from the Farm-City Advisory Committee and the Local Cable Programming Committee because of her move to Santa Barbara County.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-268 adopted accepting resignation. (Clerk to handle)

CONSENT

56. Letter from Randolph C. Cook, Fourth of July Celebration Committee, requesting assistance with the annual celebration.
(Motion referring to Staff for recommendations needed.)

ACTION: By motion, request referred to staff. (P/R to handle)

MISCELLANEOUS

57. Legislation:

Staff recommends support of:

- a. SB2149 (Beverly), Tort Reform
- b. AB4545 (Roos), Weapons
- c. AB4546 (Roos), Weapons
- d. SB263 (Rogers), Jet Fuel Sales Tax Revenues

Staff recommends opposition to:

- e. SCA36 and SB1713 (Greene), School Impact Fees
- f. SB275 (Russell), Increase in PERS Retirement Allowances
- g. AB2802 (Hill), Cities required to give Cable Operators Credit Against Franchise Fees for Possessory Interest Taxes Paid
- h. SB2740 (Kopp), Redevelopment Tax Increment Revenues
- i. HR4704 (Boehlert), Airport Landing Fees

(Motion approving recommendations needed.)

ACTION: By motion (Lang/Patterson, unan., Sutton absent) recommendations approved. (Manager to handle)

58.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 6:42 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
April 12, 1988

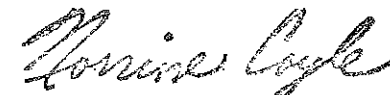
The Council of the City of Modesto met in special session at 7:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers: None

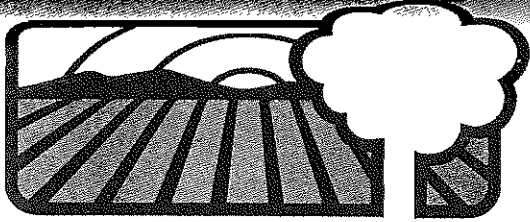
Absent: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

There being a lack of a quorum, the meeting was adjourned.

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, APRIL 12, 1988, AT 7:30 P.M.

Poll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember Lang arrived at 7:48 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Ray Langley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 10, 12,
13, 15, 17,

Removed from consent: 11, 14

ACTION: (Patterson/McGrath, Lang 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Mayor Whiteside introduced Wehelos from Pack 6.
- b. Presentation by Bill Seavy regarding a plaque to commemorate the opening of the Modesto Centre Plaza.

By motion (Muratore/Irizarry, unan., Lang absent) the offer of a plaque from the citizens was accented.

MINUTES

CONSENT

2. Approval of the minutes of the special April 5, 1988 and regular April 5, 1988, City Council meetings.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jourdenais spoke.

HEARINGS

4. Hearing to consider Improvement District No. 26, Standiford/Sisk/Dale. Councilmembers Irizarry and Sutton excused due to a conflict of interest.

ACTION: By motion (Lang/McGrath, unan., Irizarry and Sutton absent) hearing continued to May 31, 1988, at 7:30 p.m.

5. Hearing to consider a Planning Commission recommendation to deny a request by the Sylvan Union School District to use part of the City-owned park land in the Orchard Neighborhood for a school.

ACTION: Res. 88-269 adopted (McGrath/Sutton, unan.) denying request and upholding Planning Commission recommendation. (Planning to handle)

BIDS

CONSENT

6. Consider approving specifications and authorize call for bids to be opened May 10, 1988, at 3:20 p.m., for furnishing fire apparatus intercom systems.
(Requested by the Fire Department, the intercom systems will be installed on the fire trucks to furnish hearing protection for the fire fighters. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$51,498. Funds are budgeted.)

ACTION: Res. 88-270 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider acceptance of Floyd Johnston Construction's contract for the Tully Road canal crossing of Modesto Irrigation District Lateral No. 6. (Original contract: \$181,597)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$187,995.77. Funds are budgeted.)

ACTION: Res. 88-271 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Floyd Johnston Construction's contract for the bridge crossing of Modesto Irrigation District Lateral No. 5 at California Avenue. (Original contract: \$119,008.00)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$121,821.36. Funds are budgeted.)

ACTION: Res. 88-272 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of Weaver's Woven Wire's contract for the East La Loma Park fencing. (Original contract & final cost: \$13,930)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-273 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

11. Consider modifying speed limits on various streets.
(Memo with agenda. A total of 33 updated, revised, or new radar-enforceable speed limits are proposed. Introduction of ordinance amending Municipal Code needed. Estimated cost: \$690. Funds are budgeted.)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2584-C.S. introduced modifying speed limits and staff requested to provide extra police patrol and a resurvey of Roseburg between McHenry and Sunrise Avenues. (Clerk/Police/P & T to handle)

CONSENT

12. Monthly Treasurer's Report for March, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

13. Consider authorizing City Manager and City Clerk to execute easement deed to Turlock Irrigation District for irrigation facilities across a drainage basin located near the intersection of Whitmore Avenue and Crows Landing Road.
(Memo with agenda. Resolution authorizing City Manager and City Clerk to execute deed needed.)

ACTION: Res. 88-274 adopted authorizing execution of deed. (Atty to handle)

14. Consider approving special events - tenant/user insurance coverage by TransAmerica Insurance Company.
(Memo with agenda. Resolution approving participation in Special Events - Tenant/User Program needed. Estimated cost: \$2,250. Funds are budgeted.)

ACTION: Res. 88-275 adopted (Irizarry/Land, unan.) approving insurance coverage. (Attorney to handle)

CONSENT

15. Consider setting hearing May 3, 1988, at 4:00 p.m. to consider the City's Community Development Block Grant Application for Fiscal Year 1988-89.
(Memo with agenda. Resolution setting hearing needed.)

ACTION: Res. 88-276 adopted setting hearing. (Clerk to handle)

WRITTEN COMMUNICATIONS

16. Letter from Edward Ramirez, Hispanic Program Consultant, Memorial Hospitals Association, regarding Hispanic Chemical Dependency Program.

Continued to April 19, 1988, as requested by Mr. Ramirez.

(Clerk to handle)

MISCELLANEOUS

CONSENT

17. Legislation:

Staff recommends:

Oppose

- a. AB 3838 (Poos) Gann Limitations
- b. AB 4521 (Hannigan) Transient Occupancy Tax. Required Earmarking of any New or Increased Tax and Two-thirds Vote Requirement.
- c. SCA (Lockyer) Proposed Property Tax Exemption from Changes of Ownership Reappraisal fo Disabled Homeowners.

(Memos with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted.

(Manager to handle)

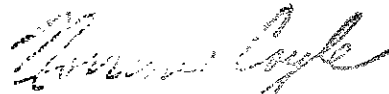
MATTERS TOO LATE FOR THE AGENDA

18. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

ADJOURNMENT

The meeting adjourned at 11:20 p.m. to 10:00 a.m. on Thursday, April 14, 1988, in the Board Room of the Stanislaus Medical Society building at 2339 St. Paul's Way, Modesto, for a study session.

ATTEST:



NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
April 14, 1988

The Council of the City of Modesto met pursuant to adjournment at 10:00 a.m. in the Board Room of the Stanislaus Medical Society building at 2339 St. Paul's Way, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Sutton, Mayor Whiteside
Councilmember Lang arrived at 10:15 a.m.; excused at 1:50 p.m.


Absent: Councilmembers McGrath and Patterson

The following matters were discussed:

- Sales Tax
- Property Tax (of areas annexed to the City)
- Library
- Tuolumne River Regional Park
- Parks and Recreation
- City-County Airport
- Cooperative Street Projects
- Drug Program
- Land Use and Annexation
- Infrastructure Fees

The meeting adjourned at 4:05 p.m.

ATTEST:



NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
April 16, 1988

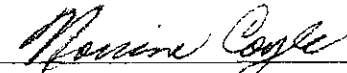
The Council of the City of Modesto met in special session at 3:30 p.m., Saturday, April 16, 1988, in the Mayor's Office, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Mayor Whiteside

Absent: Councilmembers McGrath, Muratore, Patterson, Sutton

There being a lack of a quorum, the meeting was adjourned.

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, APRIL 19, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember Lang excused at 6:00 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 9, 10, 11, 12, 13, 14,
20, 22, 23, 24, 25, 26, 29

Removed from consent: 19, 21

ACTION: (Muratore/Patterson, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of three Soviet visitors from Modesto's Sister City Khmel'nitsky, Ukraine, U.S.S.R.
(Pavel Surikov, Victor Onyshko and Georgiy Yaremchuk will be visiting Modesto for four weeks. They are part of an ongoing exchange between our two cities.)

Angie Wiinika introduced Pavel Surikov, Victor Onyshko and Georgiy Yaremchuk.

- b. Presentation of proclamation concerning Amnesty Day.

Mayor Whiteside presented the proclamation to Bob Logazino, U.S. Border Patrol.

- c. Presentation of award to winner of the Modesto Flag contest.

ACTION: By motion (Lang/McGrath, unan.) entry "A" was chosen as the flag. By motion (McGrath/Muratore, majority, Irizarry - no) entry "C" was named as second place. The entrants were Julian Lopez, first place; Dolores Longbotham, second place; and Daniel Majorca, third place. "Honorable Mention" entries were submitted by Jesus Vega, Lillian Biane, and Sherry Ollar.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of April 12, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Lance Thompson presented the Vernon, British Columbia, flag.

UNFINISHED BUSINESS

4. Consider acceptance of final report by the Golf Course Advisory Committee. (This report is a final report of the Golf Course Advisory Committee. Memo with agenda. Motion accepting report needed.)

ACTION: By motion (Patterson/McGrath, unan.) report accepted.

(P/R to handle)
4/19/88

CONSENT

5. Final adoption of Ord. No. 2584-C.S. relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. 2584-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider amending Environmental Application Filing Fees.

ACTION: Res. 88-277 adopted (Patterson/McGrath, unan.) amending fees.
(Planning to handle)

7. Hearing to consider amendments to the zoning regulations of the Modesto Municipal Code pertaining to recycling facilities.

ACTION: By motion (Lang/Sutton, unan.) Ord. No. 2585-C.S. introduced.
Res. 88-278 adopted (same vote) amending Zoning Regulations.
(Clerk/Planning to handle)

8. Hearing to consider an amendment to Sec. 25-3-9 of the Zoning Map to rezone from C-3 to P-D(446) to allow a 28-unit zero-lot line single-family project on the north portion of property located on the north side of Yosemite Boulevard at Mariposa Road. (Mid-Cal Land Development)

ACTION: By motion (Irizarry/Sutton, unan.) Ord. No. 2586-C.S. introduced.
Res. 88-279 adopted (same vote) approving plan.
Res. 88-280 adopted (same vote) certifying review of Environmental Assessment.
(Clerk/Planning to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the Scenic Drive and Lakewood Avenue waterline.
(Suggested bid opening: May 3, 1988, at 11:05 a.m. This project will provide better circulation, fire protection and reduce pressure fluctuations in the Lakewood/Scenic area. This project will also tie in two dead-end areas. Resolution approving specifications and call for bids needed. Estimated cost: \$138,600 (contract \$126,000; eng. & cont. \$12,600). Funds are budgeted.)

ACTION: Res. 88-281 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the Hatch Road/Pearson Avenue water strengthening.
(Suggested bid opening: May 3, 1988, at 11:00 a.m. This project will complete the 10" loops or partial 10" loops in the area of Crows Landing and Hatch Road and create and provide better fire flows and circulation of water pressure. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$145,438 (contract \$126,700; eng. & cont. \$18,738). Funds are budgeted.)

ACTION: Res. 88-282 adopted calling for bids. (Eng to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the Claus Road, Ardia Avenue and Parkway Drive water line extension.
(Suggested bid opening: May 3, 1988, at 11:10 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$183,600 (contract \$153,000; eng. & cont. \$30,600). Funds are budgeted.)

ACTION: Res. 88-283 adopted calling for bids. (Eng to handle)

CONSENT

12. Consider approval of plans and specifications and authorize call for bids to be opened May 17, 1988, at 3:00 p.m. for furnishing four pickup trucks and one van.
(Memo with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$61,825; funds are budgeted.)

ACTION: Res. 88-284 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider declaring Pope Chevrolet low bidder meeting specifications and authorize the purchase of one animal control truck for the total price of \$17,383.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-285 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider awarding contract for construction of traffic signals and street improvements on Oakdale Road and Floyd Avenue.
(Memo with agenda. Bids were opened on April 12, 1988. Six bids were received. Challenge Electric was the low bidder at \$90,986, which is 9.9% below the estimate and considered acceptable. Resolution awarding contract to Challenge Electric needed. Funds are budgeted.)

ACTION: Res. 88-286 adopted awarding contract. (P/T to handle)

NEW BUSINESS

15. Report on effect that proposed surface water treatment plant would have on City water rates.
(This will be a digest of the James M. Montgomery 1987 Report. Memo with agenda. Motion acknowledging receipt of report needed.)
Councilmember Lang excused at 6:00 p.m.

ACTION: By motion (Patterson/McGrath, unan., Lang absent) acknowledged receipt of report.
(Eng to handle)

16. Consideration of dates for review of the 1988-89 Proposed Operating Budget and Capital Improvement Program.
(Memo with agenda. Motion approving tentative schedule needed.)

ACTION: By motion (McGrath/Irizarry, unan., Lang absent) schedule established for budget review.
(Manager to handle)

17. Consider City-County Joint Transportation Committee recommendations on Dial-A-Ride and Intracity Transit.
(Memo with agenda. The Committee made several recommendations relative to dealing with increased demand for Dial-A-Ride service and Intracity Transit driver Debi Kochel's complaints about IT. Operating a seventh DAR van as recommended by the Committee will cost \$82,000 per year. Resolution approving amendment to DAR agreement to operate a seventh van needed, and motion approving recommendations needed. Funds are budgeted.)

ACTION: Res. 88-287 adopted (Muratore/Irizarry, unan., Lang absent) approving amended agreement.
By motion (same vote) recommendations approved. (P/T to handle)

18. Consider authorizing the City Manager to sign an Assignment and Modifications agreement with Computil Corporation to provide citation processing services for the period ending August 9, 1989.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-288 adopted (Sutton/Muratore, unan., Lang absent) approving agreement.
(Finance to handle)

19. Fiscal Year 1987-88 Annual Budget - Status Report and Proposed Adjustments.
(Report with agenda. Resolution amending the 1987-88 Budget needed.)

ACTION: Res. 88-289 adopted (Patterson/McGrath, unan., Lang absent) amending the 1987-88 Budget.
(Finance to handle)

CONSENT

20. Consider recommendation to adopt a Resolution to terminate the proceedings for Public Facilities District No. 5 - 1316 and 1322 East Orangeburg Avenue.
(Memo with agenda. Resolution terminating proceedings needed.)

ACTION: Res. 88-290 adopted terminating proceedings. (Eng to handle)

21. Consider recommendation to adopt a resolution of intent to initiate proceedings for Public Facilities District No. 6 - Widen Major Streets (Coffee between Rumble and Sylvan, Oakdale north of M.I.D. Lateral No. 3 to Merle and Prescott north of Rumble)..
(Memo with agenda. Resolution of intent to initiate proceedings for Public Facilities District No. 6 needed.)

ACTION: Res. 88-291 adopted (Irizarry/Sutton, unan., Lang absent) approving resolution of intent to initiate proceedings. (Eng to handle)

CONSENT

22. Consider adoption of a resolution authorizing the City Manager to sign an agreement with Oakridge Townhouse Association with regard to a fence at East La Loma Park.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$14,790 (City share \$7,395; Oakridge Townhouse Association share \$7,395). Funds are budgeted.)

ACTION: Res. 88-292 adopted approving agreement. (P/R to handle)

CONSENT

23. Set hearing to consider Planning Commission recommendation to the City Council for a zoning study of the area north of proposed new State Highway 132 from Dry Creek to Las Flores Avenue.
(On April 4, 1988, the Planning Commission adopted Resolution No. 88-36 recommending to the City Council to consider a zoning study of the area north of proposed new State Highway 132, from Dry Creek to Las Flores Avenue. Resolution setting hearing May 10, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-293 adopted setting hearing. (Clerk to handle)

CONSENT

24. Consider approving agreement with Ella Mae Giannini and Charles Poy Giannini for the purchase of 3526 + square feet of their property at 1419 Scenic Drive for the Scenic, Sunnyside to Rose project.
(Mrs. Giannini and her son have agreed to sell the required right-of-way for \$39,600. This is consistent with the appraisal. This is the sixth of eight properties needed for this project. Resolution approving agreement needed. Estimated cost: \$40,400 (Cost - \$39,600; Escrow - \$800. Funds are budgeted.)

ACTION: Res. 88-294 adopted approving agreement. (Utility Serv to handle)

CONSENT

25. Consider authorizing staff to proceed with a Request for Proposals from consulting firms to implement a Phase III Irrigation Study at the Secondary Wastewater Treatment Facility.
(Two studies have previously been done on our irrigation facilities at the secondary site. Results indicate a follow-up study is needed to optimize land use and irrigation practices. Memo with agenda. Resolution authorizing a Request for Proposals needed. Estimated cost: \$85,000. A more accurate cost estimate will be available when an agreement is presented to Council after negotiations are complete. Funds are budgeted.)

ACTION: Res. 88-295 adopted authorizing Request for Proposals.
(Utility Serv to handle)

CONSENT

26. Consider approving agreement with Bank of America N.T. & S.A. to use the Airport for conducting Courier Services.
(This is a month-to-month agreement which allows the Bank to bring their accounting information to the Airport, where it is put on a charter plane for delivery. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-296 adopted approving agreement. (Utility Serv to handle)

WRITTEN COMMUNICATIONS

27. Letter from Edward Ramirez concerning a Hispanic Chemical Dependency Program.

Mr. Ramirez asked the Council to let people know about the Hispanic Chemical Dependency Program at Memorial Hospital.

28. Letter from David Dolan concerning the draft of the "landmark preservation ordinance."

By order of the Chair, referred the matter to the Downtown Renaissance Committee.

MISCELLANEOUS

CONSENT

29. Legislation: Staff recommends:

Support

- a. S 2023 (D'Amato) Mass Transit Ridesharing Subsidy

Oppose

- b. AB 4429 (Ferguson) Rent Control - Limit on State Funds
- c. AB 3499 (Mountjoy) Building Code Enforcement. Separate Fund Accounts required
- d. AB 4082 (D. Brown) Gann Limit - Required Rebates
- e. HR 4012 (Vento) Housing and Community Development Labor Standards Act of 1988

(Motion accepting recommendations needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

- 30. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

- 31. (There will be a closed session to consider employee relations pursuant to Government Code Section 54957.6)

ADJOURNMENT

The meeting adjourned to closed session at 7:51 p.m. and then to Monday, April 25, 1988, 7:30 p.m. in the Ash/Magnolia Rooms of Modesto Centre Plaza, 1000 L Street, Modesto, for a joint City Council/Planning Commission study meeting.

ATTEST: Norrine Coyle
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL AND PLANNING COMMISSION
JOINT ADJOURNED REGULAR MEETING

Present: Councilmembers Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

Planning Commissioners Bavaro, Dunbar, Fleming, Grover, Hart, Shaffer, Chairman Gallagher

Councilmember Muratore arrived at 7:45 p.m.
Commissioner Bavaro was excused at 9:00 p.m.

Absent: Councilmember McGrath

The Council and Planning Commission of the City of Modesto met pursuant to adjournment on April 25, 1988, at 7:30 p.m. in the Ash/Magnolia Rooms of the Modesto Centre Plaza.

Mayor Whiteside and Chairman Gallagher made some opening remarks and agreed that the City Council and Planning Commission need to work closely together.

The following items were discussed:

A. Land Use Element, including a discussion of the urban reserve area, and the situation before and after the voters' approval of the Urban Growth Measure which requires advisory votes before extending trunk sewers. It was felt that it is necessary to plan the urban reserve area and work with the County on developing it according to the City's plan.

B. Infrastructure Financing. A consultant is needed at this point.

C. City-County joint planning issues. There should be representatives of the cities on the County Planning Commission. Common development standards are needed between the city and the county.

D. Councilmember Irizarry spoke about the differences and similarities of the Council and Commission.

E. Chairman Gallagher asked the Council to appoint new commissioners ahead of known vacancies so the new members can begin preparing before becoming an official member.

It was agreed that another joint Council/Planning Commission meeting would be held in September. The meeting adjourned at 10:35 p.m.

ATTEST: *Norpine Coyle*
NORPINE COYLE, City Clerk

Special Meeting
Modesto City Council
April 26, 1988

The Council of the City of Modesto met in special session at 7:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

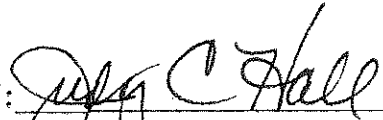
Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember Muratore

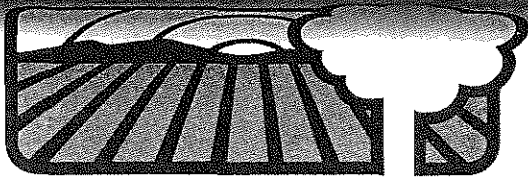
The Councilmembers met in closed session to consider personnel matters regarding the evaluation of performance of employees pursuant to Government Code Section 54957.6(a).

The meeting adjourned at 7:30 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, APRIL 26, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Hugo Williams, Northwest Assembly of God Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 12, 13, 14, 15, 16, 17,
19, 20, 21, 22, 23, 24, 25, 27,
28, 31, 32, 34

Dropped from agenda: 18

Removed from Consent: 30

ACTION: (Lang/Irizarry, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular April 14, 1988, the special April 16, 1988, and the April 19, 1988, regular City Council meetings.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

George P. Sanchez requested information regarding law effective January 8, 1988, regarding Police Department not issuing citations or writing reports on certain kinds of accidents which involve property damage but no injuries.

UNFINISHED BUSINESS

4. A report on the recommendations and comments made by Touche Pass & Co. in their report dated March 23, 1987, regarding the Sewer Fund.
(Continuation of a report made to Council March 1, 1988. Memo with agenda. Motion accepting report needed.)

ACTION: By motion (McGrath/Patterson, unan.) acknowledged receipt of report.

- 4A. Update on Improvement District No. 26.
Councilmembers Irizarry and Sutton excused due to conflicts of interest.

ACTION: By motion (Lang/McGrath, unan.) continued hearing of May 31, 1988, to unspecified later date.

CONSENT

5. Final adoption of Ord. No. 2585-C.S. amending the Municipal Code relating to recycling.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2585-C.S. adopted.

Reconsidered after Item 35.

6. Final adoption of Ord. No. 2583-C.S. amending Sec. Map 9-3-0 to rezone from R-3 to P-0, property located at the northwest corner of Sylvan Avenue and proposed Claremont Avenue. (Stone Brothers & Assoc.)
(Motion adopting needed.)

ACTION: By motion (McGrath/Lang, majority, Irizarry-no) Ord. No. 2583-C.S. adopted.

HEARINGS

7. Hearing to consider the Laurel Avenue No. 3 Reorganization, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment from the Woodland Avenue Fire Protection District.
(Continued from March 8, 1988, City Council meeting.)

ACTION: Res. 88-297 adopted (Muratore/Patterson, unan.) ordering annexation.
(Planning/Clerk to handle)

8. Hearing to consider the California-Panama No. 2 Reorganization, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment from the Burbank-Paradise Fire Protection District.

ACTION: Res. 88-298 adopted (Lang/Irizarry, unan.) ordering annexation.
(Planning/Clerk to handle)

9. Hearing to consider the Zoning and Development Plan for the north side of Needham Street.

ACTION: Res. 88-299 adopted (Lang/Muratore, unan.) approving zoning and development plan.
(Clerk to handle)

10. Hearing concerning amendments to the Zoning Regulations of the Modesto Municipal Code pertaining to prohibition of use of private undeveloped property for sales including vehicles (curbstoning).

No action taken.

11. Hearing to consider the appeal by residents of Lancey Drive to a decision of the Director of Parking & Traffic to deny requested installation of 3-way stop signs at the Lancey/Ellison intersection. (Continued from the April 5, 1988, meeting.)

ACTION: Res. 88-300 adopted (McGrath/Muratore, unan.) denying appeal for 3-way stop signs and requesting report on feasibility of centerline buttons.
(Parking & Traffic to handle)

BIDS

CONSENT

12. Consider approving plans and specifications and calling for bids for the installation of traffic signals at Prescott and Rumble.
(Suggested bid opening: May 24, 1988, at 11:00 a.m. Memo with agenda. A traffic-actuated signal with protected left-turn phases is proposed. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$90,000. Funds are budgeted.)

ACTION: Res. 88-301 adopted calling for bids. (P/T to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the overlay of Kearney Avenue.
(Suggested bid opening: May 17, 1988, at 11:00 a.m. Kearney Avenue is a busy collector street. The project limits are adjacent to the main post office and several industrial establishments. The pavement is starting to break up which portends increasing maintenance costs. This will prolong the life of the street. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$112,126.30 (contract \$101,933; eng. & cont. \$11,193.30). Funds are budgeted.)

ACTION: Res. 88-302 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider approving specifications and authorize call for bids to be opened May 24, 1988, at 3:00 p.m. for furnishing one copy machine.
(Memorandum with agenda. Resolution approving specifications and call for bids needed. Funds to be budgeted.)

ACTION: Res. 88-303 adopted calling for bids. (Finance to handle)

CONSENT

15. Consider approving specifications and authorize call for bids to be opened May 24, 1988, at 3:10 p.m. for one truck cab and chassis with aerial lift tower.
(Requested by the Service Division, the truck with aerial tower will be permanently assigned to the Utility Services Electrical Division for overhead electrical repairs throughout the City. The equipment will replace a similar unit presently in service. Resolution approving specifications and call for bids needed. Estimated cost: \$76,474. Funds are budgeted.)

ACTION: Res. 88-304 adopted calling for bids. (Finance to handle)

CONSENT

16. Consider approving specifications and authorize call for bids to be opened May 31, 1988, at 3:15 p.m. for furnishing janitorial services at American Legion Hall.
(Requested by the Tuolumne River Regional Parks Division of the Parks and Recreation Department, the janitorial services will be performed at American Legion Hall which the City rents out for public/private functions each week. Services will be contracted for the fiscal year beginning July 1, 1988, and ending June 30, 1989. Resolution approving specifications and call for bids needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 88-305 adopted calling for bids. (Finance to handle)

17. CONSENT

Consider approving specifications and authorize call for bids to be opened May 24, 1988, at 3:30 p.m. for furnishing hearing augmentation devices.

(Memorandum with agenda. Resolution approving specifications and bid call needed. Estimated cost: \$28,000. Funds are budgeted.)

ACTION: Res. 88-306 adopted calling for bids. (Finance to handle)

CONSENT

18. Consider rescinding City Council Resolution No. 88-109, awarding the contract for the carpet installation at the Crocker building and authorizing issuance of purchase order to Carvajal Enterprises, Inc. for the installation of the carpet.

(Memo with agenda. Resolution rescinding Resolution No. 88-109 and authorizing issuance of purchase order needed. Estimated cost: \$16,820. Funds are budgeted.)

Dropped from agenda.

CONSENT

19. Consider rejection of all bids for the replacement of the sand trap at water well No. 13.

(Bids were opened on April 5, 1988. One bid was received which was 43% above the engineer's estimate. Staff recommends that the bids be rejected and the project be rebid later in hopes of getting more competitive bids. The project will be rebid next fall so that the work can be completed by summer 1989 for the summer water use. Resolution rejecting all bids needed.)

ACTION: Res. 88-307 adopted rejecting bids. (Eng to handle)

CONSENT

20. Consider award of contract for water strengthening on McHenry Avenue from Standiford Avenue to Modesto Irrigation District Lateral No. 6 to Scheidt, Haydon & Hall, Inc.

(Bids were opened on April 19, 1988. The low bid of \$214,892.80, submitted by Scheidt, Haydon & Hall, Inc., is 18.35% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Scheidt, Haydon & Hall, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-308 adopted awarding contract. (Eng to handle)

CONSENT

21. Consider award of contract for the Carpenter/Torrid waterline extension to JSJ Construction.

(Bids were opened on April 19, 1988. The low bid of \$49,693.70, submitted by JSJ Construction, Inc., is 2.85% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to JSJ Construction, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-309 adopted awarding contract. (Eng to handle)

CONSENT

22. Consider award of contract for the Coldwell Avenue reconstruction from College Avenue to Tully Road to Granite Construction.
(Bids were opened on April 19, 1988. The low bid of \$261,789.50, submitted by Granite Construction, is 14.73% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Granite Construction needed. Funds are budgeted.)

ACTION: Res. 88-310 adopted awarding contract. (Eng to handle)

CONSENT

23. Consider award of contract for the Floyd Avenue overlay and reconstruction to George Reed, Inc.
(Bids were opened on April 19, 1988. The low bid of \$142,758.40, submitted by George Reed, Inc., is 17.65% below the engineer's estimate and consider acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-311 adopted awarding contract. (Eng to handle)

CONSENT

24. Consider declaring West Coast Sound and Light low bidder and authorize the purchase of lighting and sound services for Modesto Centre Plaza.
(Memorandum with agenda. Resolution awarding bid to West Coast Sound and Light needed. Estimated cost: \$32,950 (87-88 F.Y. \$5,492; 88-89 F.Y. \$27,458). Funds for 88-89 F.Y. to included with 1988-89 Budget.)

ACTION: Res. 88-312 adopted awarding bid. (Finance to handle)

CONSENT

25. Consider acceptance of Conco West's contract for removing the old fuel tanks and installing new fuel vaults at the remote pond site on Jennings Road. (Original contract and final cost: \$11,400)
(All work on this project has been completed to the satisfaction of the Utility Services Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-313 adopted accepting as complete. (Eng to handle)

NEW BUSINESS

26. Traffic impact analysis for the development proposed at the southwest corner of Briggsmore Avenue and Oakdale Road (Dr. Soelling). (Memo and information from the Environmental Assessment Committee with agenda indicating that a traffic study has been prepared and is acceptable to the E.A.C. for mitigating traffic concerns regarding this project. The E.A.C. recommends that the traffic study be accepted in lieu of a full Environmental Impact Report for the Soelling project. Resolution accepting the traffic study in lieu of an Environmental Impact Report needed.)

ACTION: Res. 88-314 adopted (McGrath/Muratore, unan.) accepting traffic study in lieu of E.I.R. (Planning to handle)

CONSENT

27. Annual approval of City's current investment policy required by State law. (Memo with agenda. Motion approving the City's current investment policy needed.)

ACTION: By motion, approved the City's current investment policy.

CONSENT

28. Consider authorizing the City Manager to execute a hold harmless agreement with the County of Stanislaus for the use of two transportation vans. (Memo with agenda. Resolution approving hold harmless agreement needed.)

ACTION: Res. 88-315 adopted approving hold harmless agreement. (Police to handle)

29. Consider requesting revision to LAFCO Sphere of Influence boundary for College West Area. (The LAFCO Sphere of Influence boundary for Modesto should be revised to accommodate the College West General Plan amendment adopted February 23, 1988 (Resolution No. 88-145). The amendment include a 20.6 acre expanded area and a Morse roadway extension which are outside our General Plan boundary. State annexation law requires that the request for revision to a Sphere of Influence be by resolution of the legislative body. Memo with agenda. Resolution requesting revision to LAFCO Sphere of Influence for the City of Modesto to include expanded College West Area needed.)

ACTION: Res. 88-316 adopted (Patterson/Sutton, unan.) requesting revision to LAFCO Sphere of Influence to include expanded College West area. (Planning to handle)

30. Consider Affirmative Action Commission report and recommendation on the size of the Affirmative Action Commission.
(Memo with agenda. Resolution amending City Council Resolution No. 87-237 as to the number of Commissioners by adopting recommendation on the size of the Commission and motion accepting report needed.)

ACTION: Res. 88-317 adopted (McGrath/Sutton, unan.) amending Res. No. 87-237 as to the number of Commissioners.
By motion (McGrath/Sutton, unan.) acknowledged receipt of report.

CONSENT

31. Consider approval of LAFCO questionnaire indicating no opposition to the California-Marshall Governmental Reorganization.
(Proponent proposes annexation of 9.5 acres location on the south side of California Avenue at Marshall Avenue. Memo, map and LAFCO questionnaire with agenda. Resolution approving LAFCO questionnaire indicating no opposition needed.)

ACTION: Res. 88-318 adopted responding favorably to LAFCO questionnaire.
(Planning to handle)

CONSENT

32. Consider approval of LAFCO questionnaire indicating no opposition to the Kansas Ave. No. 7 Governmental Reorganization.
(Proponents propose annexation of approximately 34.4 acres located on the north side of Kansas Avenue and east of Rosemore Avenue. Memo, map and LAFCO questionnaire with agenda. Resolution approving LAFCO questionnaire and indicating no opposition needed.)

ACTION: Res. 88-319 adopted responding favorably to LAFCO questionnaire.
(Planning to handle)

WRITTEN COMMUNICATIONS

33. Letter from Paula J. Byars, Marketing Director, Circus Vargas, requesting waiver of Zoning Regulations to allow performance of big top tent circus on Modesto Junior College West property.

Request withdrawn.

CONSENT

34. Letter of resignation from the Farm-City Committee from Kathy Menghetti.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-320 adopted accepting resignation with regret.

MATTERS TOO LATE FOR THE AGENDA

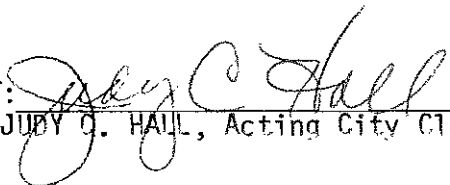
35. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

By motion (Patterson/Sutton, unan.) Councilmember Lang's request to reconsider Item 6 was approved.

ADJOURNMENT

The meeting adjourned at 10:10 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, MAY 3, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmembers Muratore

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 8, 9, 10, 11, 12,
13, 14, 15, 17, 18, 19, 21, 22,
23, 24, 25

Dropped from agenda: 6

Removed from consent: 20

ACTION: (Lang/Irizarry, unan., Muratore absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 16
(Councilmember McGrath to be excused
due to a conflict of interest)

ACTION: (Lang/Sutton, unan., McGrath and Muratore 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of proclamation regarding the City of Newman's 100th birthday celebration.

Mayor Janet Carlsen presented to Mayor Whiteside the key to the City of Newman and read a proclamation regarding Newman's 100th anniversary.

MINUTES

CONSENT

2. Approval of the minutes of the regular and special meetings of April 26, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Final adoption of Ord. No. 2586-C.S. rezoning from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(446), property located on the north side of Yosemite Boulevard at Mariposa Road (Mid-Cal Land Development)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2586-C.S. adopted. (Clerk to handle)

CONSENT

5. Consider report on status of widening of Coffee Road from Floyd to Sylvan as requested by Sylvan Union School District.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

6. Consider Classification portion of Job Audit conducted by Ralph Andersen and Associates.
(Memo with agenda. Resolution adopting revised Position Classification Plan and resolution adopting revised Salary Resolution. Estimated Cost: \$8,700. Funds are budgeted.)

Dropped from agenda.

HEARINGS

7. Hearing to consider approval of the Final Statement of Community Development Objectives and Budget for Fiscal Year 1988-89 and to authorize the City Manager to submit an application to the U.S. Department of Housing and Urban Development for \$1,056,000 Community Development Block Grant for the City's Housing Program Office.

ACTION: Res. 88-321 adopted (McGrath/Patterson, unan., Muratore absent) approving Final Statement. (Planning to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the East Levee Road reconstruction at the remote pond site. (Suggested bid opening: May 24, 1988 at 11:10 a.m. The last Environmental Protection Agency project required heavy equipment to use this levee road and it suffered damage. This project will reconstruct a portion of the perimeter roadway surrounding the remote ponds. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$40,350 (Contr. \$35,000; Eng. & Cont. \$5,350) Funds are budgeted.)

ACTION: Res. 88-322 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the resurfacing of the basketball court in Woodrow Park. (Suggested bid opening: May 24, 1988, at 11:05 a.m. Woodrow Park is located near the intersection of W. Rumble Road and Sherwood Avenue. This project will consist of resurfacing the existing basketball court located there, thus extending the useful life of the court surfacing. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$19,200 (Contr. \$16,000; Eng. & Cont. \$3,200). Funds are budgeted.)

ACTION: Res. 88-323 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened June 7, 1988, at 3:00 p.m., for furnishing annual compaction, aggregate, and concrete testing services. (The tests will be performed on various City streets, water, or construction projects; the services will be purchased intermittently throughout the 1988-89 Fiscal Year. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$19,055. Funds are budgeted.)

ACTION: Res. 88-324 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorize call for bids to be opened May 31, 1988, at 3:20 p.m., for furnishing annual requirements of street name signs.
(Requested by the Parking and Traffic Department, the street name signs will be used both in new developments and as replacements for missing or damaged signs for the 1988-89 Fiscal Year. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$22,500. Funds subject to Council approval of the proposed 88-89 Budget.)

ACTION: Res. 88-325 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened May 31, 1988, at 3:10 p.m., for furnishing annual dry cell battery requirements.
(An annual requirement, the bid is a cooperative venture with Stanislaus County, City of Oakdale, Yosemite Community College District, and Modesto City Schools. The batteries are purchased intermittently throughout the fiscal year by Central Stores and issued to using departments. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$2,900. Funds subject to Council approval of the proposed 88-89 Budget.)

ACTION: Res. 88-326 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider approving specifications and authorizing the call for bids for furnishing annual requirements of rock, sand, and gravel products.
Suggested bid opening May 24, 1988, at 3:40 p.m.
(These materials are used throughout the city for expansion, repair, and non-capital outlay projects. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$30,000. Funds subject to Council approval of the proposed 88-89 Budget.)

ACTION: Res. 88-327 adopted calling for bids. (Finance to handle)

CONSENT

14. Consider approving specifications and authorizing call for bids for furnishing annual requirements of swimming pool chlorine and muriatic acid. Bids to be opened on May 24, 1988, at 3:30 p.m.
(The swimming pool chlorine and muriatic acid will be used throughout the year by the Parks and Recreation Department for swimming and training pool maintenance. The swimming pool chlorine and muriatic acid will be purchased throughout the 1988-89 Fiscal Year. Resolution approving specifications and authorizing the call for bids needed. Estimated Cost: \$10,500. Funds subject to Council approval of the proposed 88-89 Budget.)

ACTION: Res. 88-328 adopted calling for bids. (Finance to handle)

CONSENT

15. Consider approving specifications and authorize call for bids to be opened May 31, 1988, at 3:25 p.m., for furnishing imprinted vinyl binders. (Memorandum with agenda. The Police Department is requesting the purchase for Drug Abuse Resistance Education educational literature, and the State has approved the use of D.A.R.E. grant funds for this purpose. Resolution approving specifications and authorizing the call for bids needed. Estimated Cost: \$21,000. Funds are budgeted.)

ACTION: Res. 88-329 adopted calling for bids. (Police to handle)

CONSENT COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST

16. Consider declaring Lang's Enterprises low bidder and authorizing the purchase of heating, ventilation, and air conditioning services at the Modesto Centre Plaza. (Memorandum with agenda. Resolution awarding bid to Lang's Enterprises.. Estimated Cost: \$10,323. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-330 adopted awarding bid. (Eng to handle)

CONSENT

17. Consider rescinding City Council Resolution No. 88-109, awarding the contract for the carpet installation at the Crocker Building to Johnson Rug Company, and consider awarding the contract to the second low bidder, House of Carpets. (The low bidder for the project has been unsuccessful in fulfilling his contract obligations in providing the City with a signed contract and bonds. Staff is recommending that the contract be awarded to the second low bidder, House of Carpets. Memo with agenda. Resolution rescinding Res. No. 88-109 and awarding contract to House of Carpets needed.)

ACTION: Res. 88-331 adopted rescinding Resolution No. 88-109 and awarding contract. (Eng to handle)

NEW BUSINESS

CONSENT

18. Consider authorizing certain named officers and employees of the City of Modesto to appear on the City's behalf in the Stanislaus County Municipal Court, Small Claims Division. (Memo with agenda. Resolution superseding Resolution No. 85-857 and authorizing certain officers and employees to appear in Small Claims Court needed.)

ACTION: Res. 88-332 adopted authorizing certain named officers and employees to appear in court. (Finance to handle)

CONSENT

19. Presentation of the 1988-89 Proposed Budget. (The proposed 1988-89 budget will be presented at the Council meeting. Resolution setting public hearing May 31, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-333 adopted setting hearing. (Clerk to handle)

20. Consider adoption of a resolution commending the Modesto Police Reserves for their contributions to the City of Modesto's community welfare and safety.
(This is an annual commendation to the Reserve Officers who volunteer their services without pay for the supplementary crime protection of the citizens of Modesto. Adoption of a resolution needed.)

ACTION: Res. 88-334 adopted (McGrath/Lang, unan., Muratore absent)
commending Modesto Police Reserves. (Police to handle)

CONSENT

21. Consider approval of the final map of Norwegian Estates Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdividers: Lyon-Horn Associates)
(The subdivision agreement has been signed and all fees paid. Norwegian Estates is located between East Briggsmore Avenue and Norwegian Avenue, east of Sunrise Avenue. It contains 18.45 acres. Resolution approving final map needed.)

ACTION: Res. 88-335 adopted approving final map. (Clerk to handle)

CONSENT

22. Request for refund of \$714.07 for overpayment of Business License Tax by Empire Gas Inc. of Modesto.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-336 adopted approving refund. (Finance to handle)

CONSENT

23. Request for refund of \$756.43 for overpayment of Business License Tax by Peter Piper Inc., #69.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-337 adopted approving refund. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

24. Request by Gilton Solid Waste Management Inc. to support their application with the Stanislaus County to locate a transfer station at the south-east corner of McClure and Finch Roads.
(Motion referring to staff needed.)

ACTION: By motion, request referred to staff. (Utility Services to handle)

MISCELLANEOUS

CONSENT

25. Legislation: Staff recommends:

Support

- a. June Ballot Proposition 71 - State and Local Appropriations Limit Adjustment.
- b. SB 2419 (Campbell) Gas Shut-off Valves Feasibility Study
(Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

26. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting was adjourned at 4:30 p.m. to Monday, May 9, 1988 at 3:00 p.m. in the City Council Chambers, 801 11th Street, Modesto, California for a 1988-89 Budget Review Session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
May 4, 1988

The Council of the City of Modesto met in special session at 2:00 p.m. in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Absent: Councilmembers: None

The meeting adjourned to closed session at 2:10 p.m. to consider personnel matters regarding the evaluation of performance of employees pursuant to Government Code Section 54957.6(a).

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
May 9, 1988

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Councilmember McGrath arrived at 3:05 p.m.
Councilmember Muratore arrived at 4:03 p.m.
Councilmember Lang arrived at 4:50 p.m.

Absent: Councilmembers: None

The following budgets were reviewed:

- City Council
- City Manager
 - Public Information
 - Training
 - Citizens Information Service
 - Personnel
 - Word Processing Center
- City Attorney
 - Property Management
 - Risk Management
- City Clerk
- Economic Development
- Chamber of Commerce Convention and Visitors Bureau (Tourism)
- Engineering Services
 - Administration
 - Engineering
 - Construction Administration
 - Building Inspection
- Parking and Traffic
 - Parking
 - Bus Service - Fixed Route
 - Bus Service - Dial-A-Ride

The meeting adjourned at 5:03 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, MAY 10, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John A. Petersen, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23,
24, 25, 26, 27, 28, 29

ACTION: (Patterson/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of April 25, regular meeting of May 3, and special meeting of May 4, 1988. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Consider classification portion of job audit conducted by Ralph Andersen & Associates. (Memorandum with agenda. Resolution adopting revised position classification plan, and resolution adopting revised salary resolution needed.)

ACTION: Res. 88-338 adopted (Lang/McGrath, unan.) revising position classification plan.
Res. 88-339 adopted (same vote) revising salary resolution. (Manager to handle)

HEARINGS

5. Hearing to consider abandonment and land disposition of certain excess rights-of-way on Brighton Avenue from Coffee Road to Scenic Drive. (To be continued to May 24, 1988, at 7:30 p.m.)

ACTION: By motion (McGrath/Irizarry, unan.) hearing continued to May 24, 1988, at 7:30 p.m. (Clerk to handle)

6. Hearing to consider the Planning Commission recommendation for a zoning study of the area north of the proposed new State Highway 132 from Dry Creek to Las Flores Avenue.

ACTION: Res. 88-340 adopted (Lang/McGrath, unan.) approving the Planning Commission Zoning Study.
Res. 88-341 adopted (Lang/McGrath, unan.) approving Alternative 4, redesignating area from C-2, General Commercial Zone, to P-0, Professional Office Zone. (Planning to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the 800 amp Water Quality Control Plant tie-in.
(Suggested bid opening: June 7, 1988, 11:00 a.m. This project consists of installation of an 800 amp looped power line to provide the City Water Quality Control Plant with a more reliable electrical system. In case of power failure of one source, the remaining power source will be capable of handling the critical electrical needs. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$31,022. (Contract - \$27,522; Eng. & Cont. - \$3,500) Funds are budgeted.)

ACTION: Res. 88-342 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approving specifications and authorizing call for bids to be opened May 31, 1988, at 3:00 p.m. for furnishing annual requirements of liquid chlorine.
(An annual requirement, the purchase of liquid chlorine is a cooperative venture with the cities of Oakdale and Turlock. The chlorine is used in treating residential and industrial waste and will be purchased intermittently throughout the 1988-89 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$337,000. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-343 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider approving specifications and authorize call for bids to be opened June 7, 1988, at 3:10 p.m. for furnishing eight automatic samplers.
(Requested by the Utility Services Sewerage Division, the samplers will be installed throughout the Treatment Plant to gather samples of water that will later be tested in the lab for contaminants. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$21,500. Funds are budgeted.)

ACTION: Res. 88-344 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened May 31, 1988, at 3:05 p.m. for furnishing the City's annual requirements of ready-mixed concrete.
(The ready-mixed concrete will be used by various City departments for new construction and repair projects. The concrete will be purchased intermittently throughout the 1988-89 fiscal year. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$18,000. Funds will be included in the 1988-89 budget.)

ACTION: Res. 88-345 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider award of contract for the Claus, Ardia and Parkway water line to Clyde Wheeler Pipeline, Inc.
(Bids were opened May 3, 1988. The low bid of \$113,737.50, submitted by Clyde Wheeler Pipeline, Inc., is 25.66% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Clyde Wheeler Pipeline, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Clyde Wheeler Pipeline, Inc., needed. Funds are budgeted.)

ACTION: Res. 88-346 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider declaring Northwest Industrial Scrub low bidder and authorize the purchase of digester cleaning services from the firm for the total price of \$21,500.
(Memo with agenda. Resolution declaring Northwest Industrial Scrub low bidder and authorizing purchase needed. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-347 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider declaring Pope Chevrolet low bidder and authorize the purchase of three Police mini-vans for the total price of \$35,035.
(Memo with agenda. Resolution declaring Pope Chevrolet low bidder and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-348 adopted awarding bid. (Finance to handle)

CONSENT

14. Consider award of contract for the Hatch Road/Pearson Avenue water line strengthening.
(Bids were opened May 3, 1988. The low bid of \$118,261, submitted by TDW Construction, is 6.66% below the engineer's estimate and considered acceptable. It is therefore, recommended that the contract be awarded to TDW Construction. Memo and bid tabulation with agenda. Resolution awarding contract to TDW Construction, Inc., needed. Funds are budgeted.)

ACTION: Res. 88-349 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider award of contract for the Scenic Drive and Lakewood Avenue water line to the low bidder, Scheidt, Haydon and Hall, Inc.
(Bids were opened May 3, 1988. The low bid of \$116,779, submitted by Scheidt, Haydon and Hall, Inc. is 7.32% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Scheidt, Haydon and Hall, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-350 adopted awarding contract. (Eng to handle)

CONSENT

16. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for the McClure Road water and sewer line extensions. Original contract: \$249,632.
(All work on this project has been completed to the satisfaction of the Engineering and Utility Services Departments. It is, therefore, recommended that the contract be accepted and the Notice of Completion filed. Resolution accepting project as complete needed. Final cost: \$254,272.50. Finds are budgeted.)

ACTION: Res. 88-351 adopted accepting project as complete. (Clerk to handle)

CONSENT

17. Consider waiving formal bid procedures and authorize the purchase of one van through the State of California Cooperative Purchasing Program for the total price of \$14,893.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-352 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

18. Consider the Planning Commission's recommendations concerning the Capital Facilities Fees.
(Memo with agenda. Motion referring the matter to a future Council agenda when Capital Facilities Fees and a Growth Management Plan will be discussed needed.)

ACTION: By motion, the matter was referred to a future Council agenda. (Planning to handle)

CONSENT

19. Consider excusing Councilmember Muratore for being absent from the May 3, 1988, Council meeting due to his attendance at a S.A.A.G. meeting in Stockton.
(Motion excusing absence needed.)

ACTION: By motion, absence excused.

CONSENT

20. Presentation of the 1988-89 through 1991-92 Capital Improvement Program.
(The document will be presented at the meeting. Resolution setting public hearing on May 31, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-353 adopted setting hearing. (Clerk to handle)

CONSENT

21. Consider authorizing City Manager to sign agreement with developers of Regency Park No. 4 Subdivision for street improvements in Prescott Road. Owners: Beuzekom Beheer, Joseph D. Trombetta and Marvin G. Dole. (Regency Park No. 4 Subdivision is located between Prescott Road and Veneman Avenue north of Standiford Avenue. The developer has requested permission to install street improvements on Prescott Road to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$8,796.05. Funds are budgeted.)

ACTION: Res. 88-354 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider cooperative Agreement No. 10-797 between City of Modesto and the State of California for design of a curb ramp project along Route 108 (McHenry Avenue) in the City of Modesto. (The State is willing to finance 100% of the design cost for 56 curb ramps needed to complete ramping McHenry from Needham to Orangeburg. This will be done as Handicapped Access (HAC) Ramp Project No. 6. A second agreement for the actual construction will be processed designating an equal sharing by City and State for construction costs. Resolution approving agreement needed.)

ACTION: Res. 88-355 adopted approving agreement. (Eng to handle)

CONSENT

23. Consider request for water service to property outside City limits at 4207 McHenry Avenue, located on the west side of McHenry Avenue between W. Union Avenue and Modesto Irrigation District Lateral No. 6. Owners: Mike and Victoria Masellis. (The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-356 adopted approving agreement. (Eng to handle)

CONSENT

24. Consider authorizing the City Manager to submit an application to the U.S. Department of Housing and Urban Development for \$101,000 for the Rental Rehabilitation Program for the City's Housing Program Office. (Memo with agenda. Resolution approving application needed.)

ACTION: Res. 88-357 adopted approving application. (Planning to handle)

CONSENT

25. Consider approval of the final map of Sundance Unit No. 3 Subdivision of the City of Modesto Subdivider: James W. Thayer, dba: Oakwood Builders. (Sundance No. 3 Subdivision is located between East Orangeburg Avenue and East Briggsmore Avenue, west of Claus Road. It contains 12.49 acres. Resolution approving final map needed.)

ACTION: Res. 88-358 adopted approving final map. (Clerk to handle)

CONSENT

26. Consider acceptance of improvements in Sundance No. 1, 2, and 3 Subdivisions and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: James W. Thayer, dba: Oakwood Builders.
(Sundance No. 1, 2, and 3 Subdivisions are located between East Orangeburg Avenue and East Briggsmore Avenue, west of Claus Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-359 adopted accepting improvements in Sundance No. 1 as complete.
Res. 88-360 adopted accepting improvements in Sundance No. 2 as complete.
Res. 88-361 adopted accepting improvements in Sundance No. 3 as complete. (Clerk to handle)

CONSENT

27. Consider approval of an amendment to the 1987-88 annual budget to transfer \$10,000 each from Senior Citizens Activity Center and Floyd Neighborhood Park #2 to continue Phase I development of Alberta Martone Neighborhood Park.
(Memo with agenda. Resolution approving \$20,000 amendment to the 1987-88 budget needed.)

ACTION: Res. 88-362 adopted approving amended budget. (Finance, P/R to handle)

CONSENT

28. Consider authorizing the City Manager to sign an application for \$31,000 in funding under the Land and Water Conservation Fund Program for the construction of a picnic structure at Mellis Park.
(Memo with agenda. Resolution approving application needed.)

ACTION: Res. 88-363 adopted approving application. (P/P to handle)

MISCELLANEOUS

CONSENT

29. Legislation:

Staff recommends:

Support

- a. Funding for the National Fire Academy and Fire Caucus
- b. AB 3012 (Katz) Solid Waste Landfill Expansions and Siting

Support in Concept

c. AB 3045 (Floyd) Public Works Contracts

Support; Seek Major Amendments

d. AB 3298 (Killea, Cortese) Recycling

Oppose

e. SB 2827 (L. Greene) Manufactured Housing -- City Ability to Designate Its Location Removed

(Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

ADJOURNMENT

The meeting adjourned at 8:10 p.m. to Wednesday, May 11, 1988, at 2:00 p.m. in the third floor conference room, City Hall, for a closed session to consider personnel matters regarding the evaluation of performance by employees pursuant to Government Code Section 54957.6(a); and then to Thursday, May 12, 1988, at 4:00 p.m. in the Council Chambers, City Hall, to review the proposed 1988-89 Budget.

ATTEST:



NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
May 11, 1988

The Council of the City of Modesto met pursuant to adjournment at 2:00 p.m. in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Patterson, Sutton, Mayor Whiteside

Absent: Councilmembers Lang, McGrath, Muratore

The meeting adjourned at 2:20 p.m. to closed session to consider Personnel matters regarding the evaluation of performance by employees pursuant to Government Code Section 54957.6(a); and then to Thursday, May 12, 1988, at 4:00 p.m. in the Council Chambers, City Hall, to review the proposed 1988-89 Budget.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

May 12, 1988

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton,
Mayor Whiteside

Councilmember Lang excused at 4:35 p.m.; returned at 5:40 p.m.
Councilmember McGrath arrived at 4:50 p.m.
Councilmember Patterson excused at 4:55 p.m.

Absent: Councilmembers: None

The following budgets were reviewed:

Planning and Community Development
Housing Program

Police

Administration
Administrative Services and Records Management
Stanislaus County Drug Enforcement Unit - City Share
Investigative Services
Field Operations
Animal Control
Stanislaus Drug Enforcement Agency

Parks and Recreation

Administration
Parks Service and Repair
Parks Grounds Maintenance
Trees Maintenance
Trees Planting and Preservation
Golf Courses General
Golf Courses Municipal
Golf Courses Dryden
Centre Plaza
Centre Plaza Parking Facility
Cultural Program and Facilities General
Cultural Program and Facilities Museum
Cultural Program and Facilities Mansion
Recreation
Misc. Facilities General
Misc. Facilities King-Kennedy Center
Misc. Facilities Senior Citizens Center
Misc. Facilities Community Service Center
Tuolumne River Regional Park

Downtown Improvement District

The meeting was adjourned at 5:57 p.m. to May 16, 1988, at 3:00 p.m. in the City Council Chambers.

ATTEST: 
NORRINE COYLE, City Clerk

5/12/88

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California. The meeting convened at 4:00 p.m.

Present: Councilmembers: Irizarry, Lang, McGrath, Muratore, Patterson,
Mayor Whiteside

Councilmember Lang arrived at 4:02 p.m.

Councilmember McGrath arrived at 4:20 p.m.

Absent: Councilmembers: Sutton

The following budgets were reviewed:

Fire

Administration
Emergency Preparedness
Training
Prevention
Suppression

Utility Services

Administration
Waste-to-Energy Project
Recycling Program
Electrical
Streets
City Hall
Water Division
Sewerage Wastewater Administration
Sewerage Wastewater Collection
Sewerage Wastewater Treatment Primary
Sewerage Wastewater Treatment Secondary
Sewerage Monitoring and Control
Sewerage Treatment Plant Improvements
Industrial Waste Planning and Monitoring
Airport
Bus Maintenance
Service Division - Main Shop
Service Division - Police Shop
Methane Gas Generation

The meeting adjourned at 5:06 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 5:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Muratore, Patterson, Mayor Whiteside
Councilmember Irizarry arrived at 5:07 p.m.

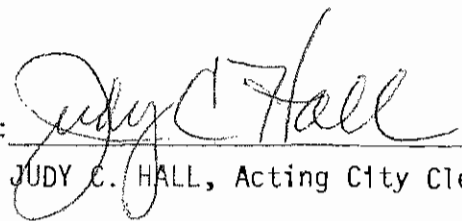
Absent: Councilmembers Lang, McGrath, Sutton

The following budgets were reviewed:

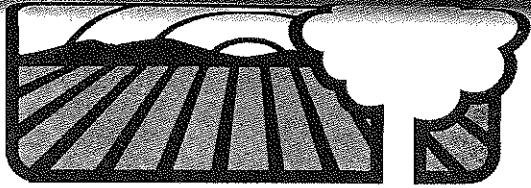
Modesto Symphony Orchestra
S & W Modesto Invitational
Hispanic Chamber of Commerce
Modesto Band of Stanislaus County
Stanislaus County 4th of July Celebration
American Legion Baseball
Modesto Performing Arts Association
Modesto Civic Theater
Modesto Babe Ruth Baseball
Eisenhut Baseball for Youth
Modesto Girls Softball Association
Modesto Basketball Association
"Yes You Can" Children's Museum
Senior Awareness Planning Council
King-Kennedy Board of Directors
Townsend Opera Players
Modesto Soccer Association MYSA
Grupo Folklorico de Esther
Modesto 49er Youth Football
Muncy Baseball

The meeting adjourned at 6:30 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, MAY 17, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 7, 8, 9, 10, 11, 12,
13, 15, 16, 17, 18, 19, 20, 21,
23, 24, 26, 27, 28

Dropped from agenda: 22

ACTION: (Lang/Irizarry, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Proclamation designating May 18, 1988, as National Transit Appreciation Day.
(Memo with agenda. Proclamation has been prepared designating May 18, 1988, as National Transit Appreciation Day and honoring local transit system personnel.)

Al Kaufman gave report on local City bus system and introduced Fred Cavanah, Al Hinkle, Geretha McNeilly, Irv Monk, Sam Taylor, and Marvin Ghan.

Mayor presented Mr. Irv Monk, who is retiring after 39 years of bus driving, with a commemorative proclamation.

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of May 9, 1988, the regular meeting of May 10, 1988, and the adjourned regular meeting of May 11, 1988.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jourdenais spoke.

UNFINISHED BUSINESS

CONSENT

4. Consider report from Director of Engineering on the feasibility of installing centerline traffic buttons along Lancey Drive.
(The Council requested a report on installation of raised traffic markers for the purpose of improving traffic control on this street. Memo with agenda. Motion approving report needed.)

ACTION: By motion, report approved.

(Eng to handle)

CONSENT

5. Consider approving the Fourth of July Picnic-in-the-Park and Parade as an annual event and authorizing assistance to the Fourth of July Committee. (Memo with agenda. Resolution approving needed.)

ACTION: Res. 88-364 adopted approving assistance. (P & R/Police/Fire to handle)

HEARINGS

6. Hearing to consider an amendment to Section 12-3-8 of the Zoning Map to rezone from P-0 and P-D(400) to P-D(447) to allow a 150-unit elderly housing project, property located on the east side of Dale Road north of Veneman Avenue. (Autumn Shelters)
Councilmembers McGrath and Sutton stepped down due to a conflict of interest.

ACTION: By motion (Muratore/Patterson, unan., McGrath and Sutton absent)
Ord. No. 2587-C.S. introduced.
Res. 88-365 adopted (same vote) approving plan.
Res. 88-366 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the 1988 street overlays.
(Suggested bid opening: June 7, 1988, at 11:05 a.m. This project is our annual overlay program. This preventive maintenance step will prolong the rebuilding of the various streets for approximately ten years. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$311,368.86. (Contract - \$283,062.60; Eng. & Cont. - \$28,306.26). Funds are budgeted.)

ACTION: Res. 88-367 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for the Dallas and Whitmore waterline.
(Suggested bid opening: May 31, 1988, at 11:00 a.m. The extension of this line is being performed to provide water service and fire flows to the newly developed Park Valley Homes subdivision. Developer: R. J. Hill Company. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$62,400 (contract \$52,000; eng. & cont. \$10,400). Funds are budgeted.)

ACTION: Res.88-368 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider approving specifications and authorizing call for bids to be opened June 14, 1988, at 3:00 p.m. for furnishing bare root trees. (Requested by the Parks and Recreation Tree Division, the trees will be nurtured at the Sutter Street nursery and eventually planted as new or replacement trees along City streets. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$20,000. Funds will be included in the 1988-89 budget.)

ACTION: Res. 88-369 adopted calling for bidd. (Finance to handle)

CONSENT

10. Consider approving specifications and authorizing call for bids to be opened on June 7, 1988, at 3:20 p.m. for furnishing fertilizer. (Requested by the Parks and Recreation Department, the fertilizer will be used on various parks throughout the City as well as the Dryden and Muni Golf Courses. Resolution approving specifications and authorizing call for bids needed. Funds will be included in the 1988-89 budget.)

ACTION: Res. 88-370 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider declaring Lingo Industrial Electric low bidder and authorize the purchase of signal light poles for the total price of \$15,397. (Memorandum with agenda. Resolution authorizing the purchase of signal light poles needed. Funds are budgeted.)

ACTION: Res. 88-371 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider declaring Dow-Hammond Company low bidder and authorize the purchase of one four-wheel drive maintenance truck for the total price of \$26,775. (Memorandum with agenda. Resolution declaring Dow-Hammond low bidder and authorizing the purchase needed. Funds are budgeted.)

ACTION: Res. 88-372 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider authorizing the purchase of tree injecticide from Target Specialty Products for the total price of \$13,802. (Memorandum with agenda. Resolution authorizing the purchase of tree injecticide from Target Specialty Products needed. Funds are budgeted.)

ACTION: Res. 88-373 adopted awarding bid. (Finance to handle)

NEW BUSINESS

14. Consider the appeal of Cal-West Pools on a decision to deny construction of swimming pool in public utilities easement at 921 Dyer Lane, Modesto. (Memo with agenda. Resolution denying appeal needed.)

ACTION: Res. 88-374 adopted (McGrath/Sutton, unan.) denying appeal.

CONSENT

15. Consider approving an agreement with Sanders Construction Co. and an agreement with Sanders Construction Co. and San Bar, a joint venture composed of Clyde L. Barbeau and Sanders Construction Co., to acquire 0.06+ acres of right of way needed for Improvement District No. 26. (Memo with agenda. Resolutions approving agreements needed. Estimated cost: \$39,500 (cost \$36,500; est. escrow \$3,000). Funds are budgeted.)

ACTION: Res. 88-375 adopted approving agreement with Sanders Construction Co.
Res. 88-376 adopted approving agreement with Sanders Construction Co. and San Bar. (Attorney to handle)

CONSENT

16. Consider approving agreement with Modesto Irrigation District to acquire 0.113+ acres of right of way needed for Improvement District No. 26. (Memo with agenda. Resolution approving agreement needed. Estimated cost: \$29,000 (cost \$27,000; est. escrow \$2,000). Funds are budgeted.)

ACTION: Res. 88-377 adopted approving agreement. (Attorney to handle)

CONSENT

17. Consider rescinding Res. No. 83-205 and approving an increase in the utility rate the City pays the Sylvan School District for the City's use of Somerset Multipurpose Facility. (Memo with agenda. Resolution rescinding Res. No. 83-205 and approving an increase in the rate needed.)

ACTION: Res. 88-378 adopted approving increase in rate. (P/R to handle)

CONSENT

18. Consider approving agreement with Claudia Hagen, dba Balloons Over the Valley Air Festival, to conduct a hot air balloon event at the Modesto Airport on September 17 and 18, 1988. (Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-379 adopted approving agreement. (Utility Serv to handle)

CONSENT

19. Consider approval of the final map of Songbird Meadows subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdivider: Donald Lawrie (The subdivision agreement has been signed and all fees paid. Songbird Meadows is located south of Parker Road between Claus Road and Held Drive. It contains 3.469 acres. Resolution approving final map needed.)

ACTION: Res. 88-380 adopted approving final map. (Eng to handle)

CONSENT

20. Consider acceptance of improvements in Scottsdale Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: General Synergies Development.

(Scottsdale Estates subdivision is located between Encina Avenue and Roble Avenue on both sides of Phoenix Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-381 adopted accepting improvements as complete.
(Clerk/Eng to handle)

CONSENT

21. Consider request for water service to property outside City limits at 4231 McHenry Avenue, located on the west side of McHenry Avenue, between Coralwood Drive and the Hetch Hetchy Aqueduct.

(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City, but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-382 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider approving agreement with the Stanislaus County Housing Authority to monitor a multiple family density bonus project on Roselawn Avenue. (The Stanislaus County Housing Authority will be monitoring the low and very low portions of a previously approved density bonus project. The Housing Authority presently monitors all outstanding density bonus and multiple family mortgage revenue bond projects. Memo with agenda. Resolution approving agreement needed.)

Dropped from agenda

CONSENT

23. Monthly Treasurer's Report for April, 1988.
(Copies of report with agenda. Motion acknowledging report needed.)

ACTION: By motion, acknowledged receipt of report.

CONSENT

24. Consider approval of the final map of Pine Tree Village Unit No. 2 subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: James Horn Construction Company)
(The subdivision agreement has been signed and all fees paid. Pine Tree Village Unit No. 2 is located north of Robertson Road, and east of Marlow Street. It contains 8.893 acres. Resolution approving final map needed.)

ACTION: Res. 88-383 adopted approving final map. (Clerk to handle)

WRITTEN COMMUNICATIONS

25. Letter from Peggy Mensinger on the proposed Stanislaus County Farm Land and Water Quality Preservation Act.

Peggy Mensinger and Gordon Hart, Jr. reviewed and explained the proposed initiative.

CONSENT

26. Letter of resignation from the Planning Commission from Richard N. Shaffer.
(Resolution accepting resignation needed.)

ACTION: Res. 88-384 adopted accepting resignation.

CONSENT

27. Letter from Downtown Improvement District requesting the use of Downtown sidewalks for the selling of merchandise on June 2, 3 and 4 for a Downtown Sidewalk Sale.
(Motion approving request needed.)

ACTION: By motion, request approved.

MISCELLANEOUS

CONSENT

28. Legislation: Staff recommends:

Oppose

- a. SB 2177 (McCorquodale) Dismissal of Public Safety Officers: Standard of Proof
- b. SB 2156 (Petris) and AB 2782 (Moore) Fair Employment and Housing Commission - Payment of Actual and Punitive Damages
- c. SB 2902 (Torres) Workers Compensation: Cancer Presumption for Peace Officers

(Memos with agenda. Motion accepting recommendation needed.)

ACTION: By motion, staff recommendations accepted.

MATTERS TOO LATE FOR THE AGENDA

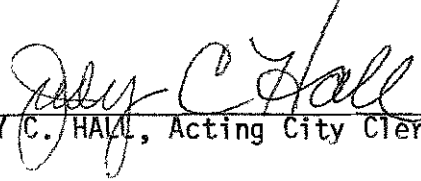
29. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

30. The meeting was adjourned at 5:28 p.m. to closed session to consider employee relations pursuant to Government Code Section 54957.6., and then to Wednesday, May 18, 1988, at 5:00 p.m. in the Council Chambers, City Hall, to review the proposed 1988-89 Budget.

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, MAY 24, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Sutton, Mayor Whiteside

Absent: Muratore

Pledge of allegiance to the Flag

Invocation: Rev. Ross Briles, Sherwood Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 10, 11, 12, 13, 14,
15, 16, 18, 19, 20, 21, 22, 24

Removed from consent - 17

ACTION: (Sutton/Lang, unan., Muratore absent)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 4
(Councilmembers McGrath and Sutton
will be excused due to a conflict of
interest.)

ACTION: (Lang/Irizarry, unan., McGrath, Muratore, Sutton 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside acknowledged the International Friendship Committee's Modesto flag, which was displayed and announced that Angie Wiinikka would be taking it to Khmel'nitsky, Russia.

MINUTES

CONSENT

2. Approval of the minutes of the May 17, 1988 regular City Council meeting and the adjourned regular meetings of May 12, May 16, and May 18, 1988.

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ron Jourdenais spoke.

UNFINISHED BUSINESS

CONSENT Councilmembers McGrath and Sutton will be excused due to conflict of interest

4. Final adoption of Ord. No. 2587-C.S. rezoning from Professional Office Zone, P-O, and Planned Development Zone, P-D(400), to Planned Development Zone, P-D(447), property located on the east side of Dale Road north of Veneman Avenue (Autumn Shelters, Inc.).
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2587-C.S. adopted. (Clerk to handle)

5. Consider report regarding Modesto Police Department handling of non-injury traffic accidents.
(At the Modesto City Council meeting of April 26, 1988, under "Matters for the Good of the Community", George P. Sanchez requested information regarding the Modesto Police Department's current policy in handling non-injury traffic accidents. Motion acknowledging receipt of staff report needed.)

ACTION: By motion (McGrath/Lang, unan., Muratore absent) acknowledged receipt of report.

HEARINGS

6. Hearing to consider the proposed abandonment and land disposition of excess right of way along Brighton Avenue between Coffee Road and Scenic Drive.

ACTION: Res. 88-385 through 88-393 adopted (Lang/Sutton, majority, Irizarry-no, Muratore absent) stating disposition and certifying review of Environmental Assessment of certain excess right of way parcels along Brighton Avenue. (Planning to handle)

7. Hearing to consider an appeal by Grant Construction Company to an Environmental Assessment Committee decision ordering a traffic study for P-D(437) at the northwest corner of Carpenter Road and Kansas Avenue.

ACTION: By motion (Lang/McGrath, unan., Muratore absent) continued to June 7, 1988 at 4:00 p.m. to allow appellant and staff time to mitigate cumulative impact. (P & T to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the reconstruction of Scenic Drive from Sunnyside to Rose Avenue. (Suggested bid opening: June 21, 1988 at 11:00 a.m. This project consists of the removal of existing pavement and reconstructing Scenic between Sunnyside and Rose Avenues. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$282,230.42 (Contract: \$245,417.75; Conting. \$36,812.67) Funds are budgeted.)

ACTION: Res. 88-394 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider declaring L.N. Curtis & Sons low bidder and authorize the purchase of fire apparatus intercom systems. (Memorandum with agenda. Resolution awarding bid needed. Estimated Cost: \$22,532. Funds are budgeted.)

ACTION: Res. 88-395 adopted awarding bid. (Finance to handle)

CONSENT

10. Consider acceptance of bid of Granite Construction and award of contract for the Kearney Avenue overlay. (Bids were opened on May 17, 1988. The low bid of \$89,950 is 11.75% below the Engineer's estimate and considered acceptable. It is therefore, recommended that the contract be awarded to Granite Construction. Memo and bid tabulation attached to agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-396 adopted awarding contract. (Eng to handle)

CONSENT

11. Consider authorizing the purchase of engine repair services from R & L Diesel Company for the total price of \$13,492.
(Memorandum with agenda. Resolution authorizing the purchase needed.
Funds are budgeted.)

ACTION: Res. 88-397 adopted authorizing purchase. (Finance to handle)

CONSENT

12. Consider waiving formal bid procedures and authorizing the purchase of one used sedan from Mike's Auto Sales for the total price of \$9,035.
(Memorandum with agenda. Resolution waiving formal bid procedures needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-398 adopted waiving formal bid. (Finance to handle)

NEW BUSINESS

CONSENT

13. Consider approval of the final map of Coffee Road Office Complex Condominiums Subdivision of the City of Modesto. (Owner/Developer: Phillip D. Overholtzer)
(The off-site improvements are existing and no subdivision agreement is required. All fees have been paid. Coffee Road Office Condominiums are located on the west side of Coffee Road between Floyd Avenue and Sylvan Avenue. It contains 1.014 acres. Resolution approving final map needed.)

ACTION: Res. 88-399 adopted approving final map. (Eng to handle)

CONSENT

14. Consider authorizing City Manager to sign agreement with the State of California, Department of Transportation for the reimbursement of relocation costs for lowering and encasing the 10" water main in Morton Boulevard to accommodate the State's construction on Route 132 from "D" to Santa Rosa Street.
(This agreement provides for the reimbursement to the City for the work on the Morton Boulevard water main, required to accommodate the State's work on Highway 132. The State will pay its share of the actual cost of said relocation within 90 days after receipt of an itemized bill. The work will be performed through the competitive bidding procedure. Resolution authorizing the City Manager to sign an agreement needed.)

ACTION: Res. 88-400 adopted approving agreement. (Eng to handle)

CONSENT

15. Consider acceptance of improvements in Vintage Faire Village Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Emerald Homes) (Vintage Faire Village Subdivision is located between Sisk Road and Dale Road and between Vintage Drive and Akeby Drive. It contains 29.684 acres. All improvements have been completed to the satisfaction of the Engineering Department and all fees paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 88-401 adopted accepting improvements as complete. (Eng to handle)

CONSENT

16. Consider extension of Certified Farmers' Market hours of operation. (The City Council has allowed the Modesto Certified Farmers' Market to operate a farmers' market subject to specific conditions. The Market board has requested an extension of Thursday's hours of operation from 7:00 a.m. - 11:00 a.m., to 7:00 a.m. - 1:00 p.m. Memorandum with agenda. Resolution rescinding Resolution No. 82-755 and establishing new hours needed.)

ACTION: Res. 88-402 adopted establishing new hours. (Planning to handle)

17. Consider authorizing the City Manager to execute an agreement with Downey, Brand, Seymour, and Rohwer, Attorneys at Law, to provide legal services on the Wastewater Treatment Plant Expansion Project. (Memorandum with agenda. Resolution authorizing City Manager to execute agreement needed.)

ACTION: Res. 88-403 adopted approving agreement. (Eng to handle)

CONSENT

18. Consider adoption of a resolution approving the request of the King-Kennedy Center Board of Directors for assistance with Juneteenth Day. (Memorandum with agenda. Resolution approving request needed. Funds are budgeted.)

ACTION: Res. 88-404 adopted approving request. (Parks and Rec to handle)

CONSENT

19. Consider amendments to the Standard Specifications of the City of Modesto. (On May 9, 1988, the Planning Commission adopted Resolution No. 88-48, recommending to the City Council amendments to the Standard Specifications of the City of Modesto. The recommendation includes several exceptions as outlined in the Planning Commission resolution. Exception number 1 regarding expressway standards is still being reviewed and is not ready for City Council consideration at this time. Resolution approving amendments needed.)

ACTION: Res. 88-405 adopted amending Standard Specifications. (Engineering to handle)

CONSENT

20. Consider authorizing the City Manager to sign a three year term lease agreement with HYE Investments, owner of the commercial office building at 401 "H" Street used by the Housing Program Office.
(Memorandum with agenda. The Housing Program Office has leased the building at 401 "H" Street for the administration of community development activities funded by an annual HUD Community Development Block Grant. Resolution approving three year lease agreement needed. Estimated three-year cost: \$54,853.56. Funds are budgeted.)

ACTION: Res. 88-406 adopted approving agreement. (Attorney to handle)

CONSENT

21. Consider approving an agreement with Touche, Ross & Co. to provide auditing and accounting services to the City of Modesto for five fiscal years beginning with the year ending June 30, 1988.
(Memorandum from the Council Ad Hoc Budget Committee with agenda. Resolution approving agreement needed. Estimated five-year cost: \$312,035. Funds are budgeted.)

ACTION: Res. 88-407 adopted approving agreement. (Finance to handle)

CONSENT

22. Set hearing to consider the abandonment of the south portion of Sydney Street.
(On May 9, 1988, the Planning Commission adopted Resolution No. 88-53 recommending to the City Council the vacation and abandonment of the south portion of Sydney Street. Resolution setting public hearing June 14, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-408 adopted setting hearing. (Planning/Clerk to handle)

WRITTEN COMMUNICATIONS

23. Appeal of Jack M. Phillips, owner of the Pavilion, to a Police Department decision to revoke the Pavilion's after hour's permit.

ACTION: Res. 88-409 adopted (McGrath/Lang, unan., Muratore absent) denying appeal. (Police to handle)

MISCELLANEOUS

CONSENT

24. Legislation: Staff recommends:

Support

- a. SB 2044 (Campbell) Arson Intelligence Management System
- b. June Ballot Proposition 67 - Second Degree Murder of a Peace Officer
- c. June Ballot Proposition 68 - Legislative Campaign Spending Reform
- d. June Ballot Proposition 70 - Wildlife, Coastal and Parks
- e. June Ballot Proposition 74 - Transportation
- f. June Ballot Proposition 77 - Earthquake safety and housing

Oppose

- g. June Ballot Proposition 69 - LaRouche AIDS

Oppose: Seek Amendments

- h. AB 3341 (Floyd) Discipline of Safety Officers - Complete Affirmative Defense

(Memos with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations accepted.

MATTERS TOO LATE FOR THE AGENDA

- 25. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

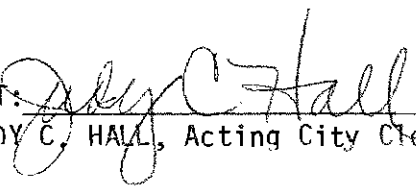
Mayor Whiteside commented that the MID Board discussed operating procedures for liaison committee on domestic water system and agreed to have open meetings.

ACTION: By motion (Patterson, McGrath, unan., Muratore) Councilmembers requested the matter be discussed.

Discussion followed. No action was taken.

ADJOURNMENT

This meeting adjourned at 10:12 p.m. to Wednesday, May 25, 1988, at 5:00 p.m. in the Council Chambers, City Hall, to review the proposed 1988-89 Budget and Capital Improvement Program and then to Thursday, May 26, 1988, at 3:00 p.m. in the Council Chambers, City Hall, for further review.

ATTEST: 
JUDY C. HALL, Acting City Clerk

Adjourned Regular Meeting
Modesto City Council
May 25, 1988

The Council of the City of Modesto met pursuant to adjournment at 5:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Councilmember McGrath arrived at 5:21 p.m.

Absent: Councilmembers: None

Councilmember Lang left at 6:15 p.m.

Councilmember Muratore left at 6:30 p.m.

The following budgets were reviewed:

Finance

Administration
Treasury
Finance Division
Purchasing
Microfilm and Records
Data Processing
Office Services
Insurance (General Fund)
Miscellaneous Unclassified
Central Stores

Parks and Recreation
Revised Centre Plaza

Capital Improvement Program

Planning
CIP Overview
Community Housing Improvement

Fire

Fire Facility Construction & Other Improvements
Equipment Acquisitions and Other Major Capital Outlays

Police

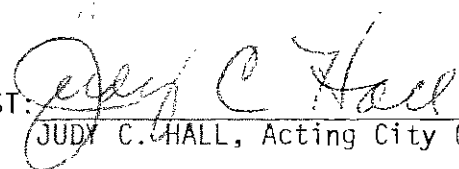
Police Facility Construction and Improvements
Equipment Acquisitions and Other Major Capital Outlays

Parks & Recreation

Parks & Recreation Land Acquisition, Development & Improvements - Part I

The meeting adjourned at 7:10 p.m.

ATTEST:


JUDY C. HALL, Acting City Clerk

The Council of the City of Modesto met pursuant to adjournment at 3:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Sutton,
Mayor Whiteside

Councilmember Lang arrived at 4:30 p.m.

Councilmember McGrath arrived at 4:45 p.m.

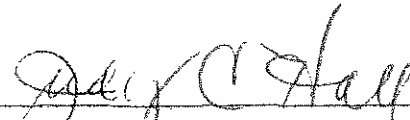
Absent: Councilmember Patterson

The following Capital Improvement Program budgets were discussed:

- Utility Services Department
 - Water Utility Development
 - Sewer Lines & Treatment Facilities
 - Storm Drains
 - Airport
 - Other Public Improvements
 - Equipment Acquisitions & Other Major Capital Outlays
 - Equipment Pool Replacements
 - Equipment Acquisitions & Other Major Capital Outlays
 - Equipment Pool Replacements
 - Streets - Repair and Construction

The meeting adjourned at 5:05 p.m.

ATTEST:



JUDY C. HALL, Acting City Clerk

Special Meeting
Modesto City Council
May 31, 1988

The Council of the City of Modesto met in special session at 6:30 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Mayor Whiteside

Councilmember McGrath arrived at 7:20 p.m.

Absent: Councilmembers Muratore, Sutton

The meeting adjourned to closed session at 6:33 p.m. to consider personnel matters regarding salary, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees pursuant to Government Code Section 54957.6(a).

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 SPECIAL COUNCIL MEETING OF TUESDAY, MAY 31, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, McGrath, Patterson, Sutton,
Mayor Whiteside

Absent: Councilmembers Lang, Muratore

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items ?

ACTION: (Sutton/McGrath, unan., Lang and Muratore 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 J 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the May 24, 1988 regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Bill Roberts, representing Pelagrino Scarpinati, spoke about allowing the hot dog carts adjacent to parks, disregarding the liquified petroleum gas tanks.

HEARINGS

4. Hearing to consider Improvement District No. 26 - Standiford/Dale/Sisk. (On April 26, 1988, the City Council continued this hearing to a later unspecified date and time.)
Councilmembers Irizarry, McGrath and Sutton excused due to a conflict of interest.

Mayor Whiteside announced that this hearing will be continued to an unspecified date and time. No action was taken.

5. Hearing to consider the proposed 1988-89 operating budget, the 1988-89 through 1991-92 Capital Improvement Program, and the Revenue Sharing Program.

ACTION: By motion (McGrath/Irizarry, majority, Patterson-no, Lang and Muratore absent) the intent was declared to continue the existing alley policy, with the City paying one-third of the cost for alleys for which petitions are on file or are filed by July 1, 1988, and staff was directed to continue assisting people who wish to pay the full cost of paving their alleys. (Engineering to handle)

NEW BUSINESS

6. Consider review of monthly sewer rates.
(Memo with agenda. Resolution updating monthly sewer charges needed.)

ACTION: By motion (Patterson/Irizarry, unan., Lang and Muratore absent) this item was continued to June 14, 1988, at 7:30 p.m. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

7. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
June 2, 1988

The Council of the City of Modesto met in special session at 4:00 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Patterson, Sutton, Mayor Whiteside
Councilmember Patterson arrived at 4:13 p.m.

Absent: Councilmembers Lang, McGrath, Muratore

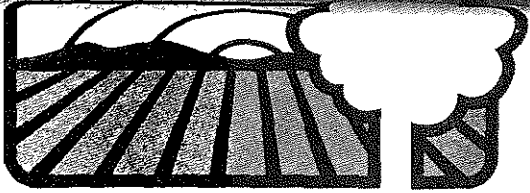
The Mayor and Councilmembers Irizarry and Sutton sat as a committee of the City Council and continued consideration of the budget and Capital Improvement Program until Councilmember Patterson arrived.

The following C.I.P. and budget items were discussed:

- Streets - lighting
- Traffic Signals
- Parking
- Bus Service
- Various pieces of equipment and furnishings
- Airport Passenger Terminal
- Community Organization Requests
- Planning Commission recommendation regarding traffic signals at collector/collector intersections

The meeting adjourned at 5:40 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, JUNE 7, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - RDLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19,
24, 25, 26, 27, 28, 30, 31, 32,
34, 35

Removed from Consent: 20, 21, 22, 23

Dropped from Agenda: 29

ACTION: (Lang/Sutton, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Suggestion Awards:

Laury Dowd (\$50.00), City Attorney's Office, for suggesting the door knob between the court floor and parking garage be changed to a lever or push bar. Recommended for adoption because of safety implications.

Cleo Luke (\$250.00), Parks & Recreation Dept. employee, for suggesting the City purchase a refuse bin and haul the materials by City vehicles. Annual savings to the City would be in excess of \$5,000.

Craig Saben (\$250.00), Utility Services employee, for developing an improved method for weed control at the Airport. This new method will save the City 595 man-hours of labor.

Mayor Whiteside and Vice Mayor McGrath presented the awards.

MINUTES

CONSENT

2. Approval of the minutes of the May 25 and May 26, adjourned regular City Council meetings and the May 31, 1988 special City Council meetings.
(Motion approving needed.)

ACTION: By motion, minutes approved.

(Clerk to handle)

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Ann Miller and Phillip Carrol spoke about the bus service and drivers strike.

UNFINISHED BUSINESS

4. Letter from Pelagrino Scarpinati, Pino's Hot Dogs to Go, requesting permission to set up hot dog cart with liquefied petroleum gas cooking power adjacent to Graceada Park during the Concert in the Park series this summer.

ACTION: By motion (Muratore/McGrath, unan.) staff report accepted.

HEARINGS

5. Hearing to consider the appeal of Ron West, on behalf of Grant Construction Company, to a decision of the Environmental Assessment Committee requiring a traffic analysis for a P-D to expand a neighborhood shopping center at the northwest corner of Carpenter Road and Kansas Avenue.
(Continued from May 24, 1988, City Council meeting.)

ACTION: By motion (McGrath/Sutton, unan.) hearing continued to June 28, 1988, at 7:30 p.m. Clerk to handle)

6. a. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue. (Resource Development)
- b. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision requiring that a median be provided as a condition of approval of the above rezoning.

ACTION: By motion (McGrath/Sutton, unan.) these hearings continued to June 28, 1988, 7:30 p.m. (Clerk to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the encasement of water lines on McHenry Avenue and Morton Boulevard. (Suggested bid opening: June 21, 1988, at 11:05 a.m. This work is being done in conjunction with State of California projects on both McHenry Avenue and Morton Boulevard. Memo with agenda. Estimated cost: \$27,504 (contract \$22,920; eng. & cont. \$4,584). Resolution approving plans and specifications and call for bids needed.)

ACTION: Res. 88-410 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approving plans and specifications and calling for bids for the modification of traffic signals at Oakdale and Orangeburg. (Suggested bid opening: July 5, 1988, at 11:00 a.m. Memo with agenda. Proposed is the addition of left-turn phases off Orangeburg. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$40,000. Funds are budgeted.)

ACTION: Res. 88-411 adopted calling for bids. (P/T to handle)

CONSENT

9. Consider acceptance of bid and award of contract for the resurfacing of the basketball court in Woodrow Park to Ragsdale & Son, Inc. (Bids were opened on May 24, 1988. The low bid of \$11,965, submitted by Ragsdale & Son, Inc. is 25.22% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Ragsdale & Sons, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Ragsdale & Son, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-412 adopted awarding bid. (Clerk to handle)

CONSENT

10. Consider awarding contract for construction of traffic signals and street improvements at Prescott and Rumble Roads. (Memo with agenda. Bids were opened May 24, 1988. Eight bids were received. Richard A. Heaps Electrical Contractor, Inc., was the low bidder at \$81,170. This is 4.5% below the estimate and is acceptable. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-413 adopted awarding contract. (P/T to handle)

CONSENT

11. Consider accepting the bid of Central California Maintenance for janitorial services at the Modesto Centre Plaza for the prices bid. (Memorandum with agenda. Resolution awarding contract needed. Estimated cost: \$16,700. Funds are budgeted.)

ACTION: Res. 88-414 adopted awarding contract. (Finance to handle)

CONSENT

12. Consider declaring All Pure Chemical low bidder for furnishing swimming pool chlorine and muriatic acid. (Memo with agenda. Resolution declaring All Pure Chemical low bidder and authorizing the purchase needed. Estimated cost: \$10,500. Funds are budgeted.)

ACTION: Res. 88-415 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider acceptance of the bid and award of contract for the East Levee Road reconstruction at the remote ponds on Jennings Road to Ragsdale & Son, Inc. (Bids were opened on May 24, 1988. The low bidder has requested that his bid be withdrawn due to an error in filling out his bid. Staff has reviewed the request and therefore recommends award of contract to the second low bidder, Ragsdale & Son, Inc. Memo, low bidder's letter requesting withdrawal of bid, and bid tabulation with agenda. Resolution awarding contract needed. Estimated cost: \$44,310.50. Funds are budgeted.)

ACTION: Res. 88-416 adopted awarding contract. (Clerk to handle)

CONSENT

14. Consider acceptance of bid and award of contract for the Dallas and Whitmore Avenue water line to Joe Martin Pipeline, Inc.
(Bids were opened on May 31, 1988. The low bid of \$47,725, submitted by Joe Martin Pipeline is 8.22% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to Joe Martin Pipeline, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Joe Martin Pipeline, Inc. needed. Funds are budgeted)

ACTION: Res. 88-417 adopted awarding contract. (Clerk to handle)

CONSENT

15. Consider awarding bid for hearing augmentation devices to B & J Enterprises for the total price of \$28,944.
(Memo with agenda. Resolution awarding bid to B & J Enterprises needed. Funds are budgeted.)

ACTION: Res. 88-418 adopted awarding bid. (Finance to handle)

CONSENT

16. Consider authorizing the City Manager to accept the written proposal of the Modesto Bee to print and publish the official legal advertising for one year beginning July 1, 1988 and ending June 30, 1989.
(Memo with agenda. Resolution accepting proposal needed. Estimated cost: \$10,000. Funds to be included in 1988-89 budget.)

ACTION: Res. 88-419 adopted accepting proposal. (Finance to handle)

CONSENT

17. Consider waiving formal bid procedures and authorize the purchase of gas and diesel from the source with the best available price, or from any stock source available in the event of restricted supplies during the 1988-89 fiscal year.
(Memo with agenda. Resolution authorizing purchase of gas and diesel from source with best available price needed. Estimated cost: \$863,265. Funds to be included in 1988-89 budget.)

ACTION: Res. 88-420 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

18. Consider approval of annual claim for Local Transportation Funds for \$3,149,811.
(Each year the City makes a claim to the Stanislaus Area Association of Governments (SAAG) for its apportionment of Transportation Development Funds. Resolution authorizing submission of Annual Transportation Claim needed.)

ACTION: Res. 88-421 adopted authorizing submission of Claim.
(Finance to handle)

CONSENT

19. Consider approving lease agreement with Charles Ray and Janice Wedge dba Luxury Limousine Service for conducting a limo service at the airport.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-422 adopted approving agreement. (Attorney to handle)

20. Consider changing the name of Isabel Lane to Kingswood Drive, and consider adopting procedures for street name changes.
(On April 18, 1988, the Planning Commission adopted Resolution 88-41 recommending to the City Council that Isabel Drive be changed to Kingswood Drive to establish a single street name for the continuous street alignment and to adopt procedures for street name changes. Resolution approving name change needed, and resolution approving street name change procedures needed. Estimated cost: \$120. Funds are budgeted.)

ACTION: Res. 88-423 adopted (Muratore/Sutton, unan.) approving name change. By motion (Whiteside/McGrath, unan.) street name change procedure referred to staff for further study. (Planning to handle)

21. Consider approving letter agreement with Cogdill and Giomi for the appraisal of 17 properties in Public Facilities District No. 6, widening of major streets (Coffee between Rumble and Sylvan, Oakdale north of M.I.D. Lateral No. 3 to Merle, and Prescott north of Rumble).
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$13,600. Funds are budgeted.)

ACTION: Res. 88-424 adopted (McGrath/Lang, unan.) approving agreement.
(Eng to handle)

22. Consider recommendation to initiate proceedings to establish a Public Facilities Project to be designated Public Facilities District No. 7. (The purpose of the Public Facilities District is to acquire right of way and construct curb, gutter and sidewalk at 802 Brighton Avenue. Resolution stating intention to initiate proceedings to establish a Public Facilities Project and directing the City Manager to file said report with the City Clerk needed. Estimated cost: \$23,882. Funds are budgeted.)

ACTION: Res. 88-425 adopted (McGrath/Lang, unan.) stating intention to initiate proceedings. (Eng to handle)

23. Consider recommendation to initiate proceedings to establish a Public Facilities Project to be designated Public Facilities District No. 8. (The purpose of the Public Facilities District is to acquire right of way and construct curb, gutter and sidewalk at 804 Brighton Avenue. Resolution stating intention to initiate proceedings to establish a Public Facilities Project and directing the City Manager to file said report with the City Clerk needed. Estimated cost: \$30,473. Funds are budgeted.)

ACTION: Res. 88-426 adopted (McGrath/Lang, unan.) stating intention to initiate proceedings. (Eng to handle)

CONSENT

24. Consider amending the 1987-88 budget to show additional revenue of \$7,395 in the Special Fund for Capital Outlay, transfer revenue to Park Fund, and to appropriate revenue for East La Loma Park fence project. (Memo with agenda. Resolution amending 1987-88 budget needed.)

ACTION: Res. 88-427 adopted amending budget. (Finance to handle)

CONSENT

25. Consider entering into an agreement with Bright Development to accept ownership maintenance and operation of the water system within Copper Creek subdivision. (Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-428 adopted approving agreement. (Utility Serv to handle)

CONSENT

26. Consider excusing Councilmember Muratore for being absent from the May 24, 1988, City Council meeting due to his attendance at a S.A.A.G. conference. (Motion excusing absence needed.)

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

CONSENT

27. Consider approving cooperative agreement with Stanislaus County to install traffic signals at Dale Road and Snyder Avenue.
(Memo with agenda. The agreement calls for City design and construction, with the County paying \$3,400 and the City paying approximately \$96,600. Resolution approving agreement needed.)

ACTION: Res. 88-429 adopted approving agreement. (P/T to handle)

CONSENT

28. Consider approving agreement with the Salida School District relating to the development and maintenance of Pelandale Park site.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-430 adopted approving agreement. (P/R to handle)

CONSENT

29. Consider approving agreement with ARE Consultants for the design of a computerized pavement management system.
(This agreement will provide for establishing a computerized pavement management system to determine the forms of maintenance that would be most cost effective for City streets. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$75,000. Funds are budgeted.)

Dropped from agenda.

CONSENT

30. Consider acceptance of improvements in Shawnee Meadows subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Sutco Construction)
(Shawnee Meadows subdivision is located at the northeast corner of Standiford Avenue and Shawnee Drive. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-431 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

31. Consider acceptance of improvements in Pioneer Village No. 3 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: James Horn Construction).
(Pioneer Village subdivision is located at the southeast corner of Carpenter Road and Elm Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-432 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

32. Consider approval of the final map of Cape Cod Estates No. 5 subdivision and consider accepting improvements. (Subdivider: Raymond N. and Jeannie E. Franco)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Cape Cod Estates No. 5 is located between Dezzani Lane and Turlock Irrigation District Lateral No. 1, west of Boise Avenue. It contains 5.551 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-433 adopted approving the final map.

(Clerk to handle)

WRITTEN COMMUNICATIONS

33. Letters from Fred Moreira applying for leave to present late claim, and regarding a claim filed on May 26, 1988.

By motion (Patterson/Muratore, unan.) staff directed to accept the two claims. (Clerk to handle)

CONSENT

34. Letter from Mid-Valley Engineering requesting temporary closure of Walnut Way.
(Motion referring to Planning Commission needed.)

ACTION: By motion, request referred to Planning Commission.

(Planning to handle)

MISCELLANEOUS

CONSENT

35. Legislation - Staff recommends:

Support

- a. AB 3979 (McClintock) State Mandated Costs - Improvement in the Claims Process
- b. ACA 53 (McClintock) Advance Payment for Mandated Local Costs

Oppose

- c. SB 2072 (Bergesen) Housing Element Guidelines
- d. AB 4431 (Ferguson) Limitation on Special Taxes
- e. ACA 1 (Elder) Expansion of Property Tax Exemption for Seniors
- f. SB 2158 (McCorquodale) Subdivision Maps

Oppose - Seek Amendments

- a. AB 3358 (Roos) Redevelopment - Child Care

(Memos with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations accepted. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

- 36. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:52 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
June 14, 1988

The Council of the City of Modesto met in special session at 7:15 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Patterson, Sutton,
Acting Mayor McGrath

Absent: Councilmembers Irizarry, Mayor Whiteside

The meeting adjourned to closed session at 7:15 p.m. to consider potential litigation pursuant to Government Code Section 54956.9(a).

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 14, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, Muratore, Patterson,
Sutton, Acting Mayor McGrath

Absent: Mayor Whiteside

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, Retired, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 21, 22,
23

ACTION: (Muratore/Sutton, unan., Whiteside 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of June 2 and the regular meeting of June 7, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Staff report concerning bus drivers' strike.

ACTION: By motion (Patterson/Lang, unan., Whiteside absent) staff directed to study the contract with T.R.I.P.S. to see if there is a way to facilitate solving the problems, see if there is a way to get the two sides together, and report to Council next week.
(Atty, P/T to handle)

HEARINGS

5. Hearing to consider the abandonment of the south portion of Sydney Street between Jennie Street and Grand Street.

ACTION: Res. 88-434 adopted (Muratore/Sutton, unan., Whiteside absent) abandoning south portion of Sydney Street. (Planning to handle)

Councilmember Patterson excused at 9:15 p.m.

6. Hearing to consider review of monthly sewer rates.
(Continued from the May 31, 1988, special City Council meeting.)

ACTION: Res. 88-435 adopted (Lang/Muratore, majority, McGrath - no, Patterson and Mayor Whiteside absent) adopting revised rates.

BIDS

CONSENT

7. Consider approving specifications and authorize call for bids to be opened July 19, 1988, at 3:00 p.m., for furnishing one hot water boiler. (Requested by the Sewerage Division, the hot water boilers at the Treatment Plant are utilized to maintain a predetermined temperature in the digesters. Resolution approving specifications and authorize call for bids needed. Estimated cost: \$33,000. Funds are budgeted.)

ACTION: Res. 88-436 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider acceptance of bids and award of contract for the 800 amp Water Quality Control Plant Tie-in. (bids were opened on June 7, 1988. The low bid of \$30,170, submitted by Tri-Technic, Inc. is 9.62% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to Tri-Technic, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-437 adopted awarding contract. (Eng to handle)

CONSENT

9. Consider authorizing the purchase of one microfilm reader/printer from Wytec Information Systems for the total price of \$3,683. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-438 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider declaring Turlock Ready Mix low bidder and authorize the purchase of concrete products from the firm at the prices bid. (Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$18,000. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-439 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider declaring All Pure Chemical low bidder and authorize the purchase of liquid chlorine from the firm for the bid price of \$325 per ton for a period of one year beginning July 1, 1988. (Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$337,000. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-440 adopted authorizing purchase. (Finance to handle)

CONSENT

12. Consider declaring Modesto Building Maintenance low bidder and authorize the City Manager to sign an agreement with the firm for janitorial services at American Legion Hall for the 1988-89 fiscal year.
(Memo with agenda. Resolution declaring Modesto Building Maintenance low bidder needed. Estimated cost: \$14,140. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-441 adopted awarding bid. (Finance to handle)

CONSENT

13. Consider authorizing the purchase of the City's annual requirements of street name signs from Safe-T-Lite at the prices bid.
(Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$19,267. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-442 adopted authorizing purchase. (Finance to handle)

CONSENT

14. Consider declaring Consolidated Electrical Distributors overall low bidder and authorize the purchase of dry cell batteries from the firm at the prices bid.
(Memo with agenda. Resolution awarding bid and authorizing purchase needed. Estimated cost: \$2,900. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-443 adopted awarding bid. (Finance to handle)

CONSENT

15. Consider declaring the following low bidders on rock, sand and gravel products and authorize the purchase of these products for the 1988-89 fiscal year at the prices bid:
- a. Glen Wilson Trucking -- plaster sand, fill sand
 - b. Turlock Rock Co. -- concrete mix aggregate, fine aggreg., aggreg. base material, drain rock, crushed rock screenings, concrete sand
 - c. M. J. Ruddy - hot plant dried sand

(Memo with agenda. Resolution declaring low bidders and authorizing purchase during the 1988-89 fiscal year needed. Estimated cost: \$30,000. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-444 adopted awarding bids. (Finance to handle)

CONSENT

16. Consider authorizing the purchase of imprinted vinyl binders from Boise Cascade for the total price of \$21,200.
(Memo with agenda. Binders are for the D.A.R.E. program. Resolution authorizing purchase needed. Estimated cost: \$21,200. Funds are budgeted.)

ACTION: Res. 88-445 adopted authorizing purchase. (Finance to handle)

CONSENT

17. Consider declaring Dow-Hammond low bidder and authorize the purchase of four pickup trucks and one van for the total price of \$67,563.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-446 adopted authorizing purchase. (Finance to handle)

CONSENT

18. Consider acceptance of TDW Construction's contract for the Downtown waterline strengthening. (Original contract: \$182,316.25)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$194,791.90. Funds are budgeted.)

ACTION: Res. 88-447 adopted accepting as complete. (Clerk to handle)

CONSENT

19. Consider waiving formal bid procedures and authorize the purchase of lobby master reader boards from Silent Sound Systems, Inc., for the total price of \$18,259.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-448 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

20. Consider revision Animal Waste Ordinance to add animal waste odor as a factor in determining a violation of this ordinance.
(Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2588-C.S introduced. (Clerk to handle)

CONSENT

21. Consider request for water service to property outside City limits at 903 Martin Luther King Drive, located on the west side of Martin Luther King Drive between California Avenue and Briggs Avenue. (Owners: Antonio T. and Mary Lou Andrade)
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-449 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider request for water service to property outside City limits at 1048 Lone Palm Avenue, located on the east side of Lone Palm between Emerald Avenue and Kansas Avenue. (Owners: Kenneth H. & Margareta Headrick, and Eugene A. and Kathleen Headrick)
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-450 adopted approving agreement. (Eng to handle)

CONSENT

23. Presentation of Fixed Assets and Revolving Fund Inventory Report.
(The City Charter requires that a physical inventory of all City property be taken. The inventory has been completed, and a report is included with the agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

(The meeting adjourned at 9:26 p.m. to Thursday, June 16, 1988, at 2:00 p.m. in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California, for a study session concerning the proposed Traffic Management Plan and the 9th Street train removal project.)

ATTEST: 
NORRINE COYLE, City Clerk

Adjourned Regular Meeting
Modesto City Council
June 16, 1988

The Council of the City of Modesto met pursuant to adjournment at 2:00 p.m. in the Third Floor Conference Room, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Sutton,
Mayor Whiteside

Councilmember Lang arrived at 3:40 p.m.
Councilmember Sutton excused at 4:45 p.m.

Absent: Councilmembers McGrath, Patterson

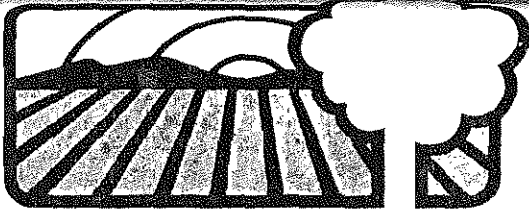
Staff Present: Al Kaufman, Bill Nichols, Doug Carmody, Jeff Barns, Firoz
Vohra, Garth Lipsky, Greg Showerman, Gerald McKinsey,
Ed Walker, Norrine Coyle

There was a review and discussion of the Traffic Management Plan prepared by the Parking and Traffic Department in April, 1988. Staff was requested to see what other cities are doing concerning truck parking.

The Ninth Street trucks and trains project was discussed. It was pointed out that a consultant will be needed to do a lot of the work with the railroad companies, do design work, environmental impact reports and other work on the project. Mr. Carmody will be meeting with DeLeuw-Cather regarding doing the consulting work.

The meeting adjourned at 4:52 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, JUNE 21, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Benjamin Meyer, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 7, 8, 9, 10, 11, 12, 13,
14, 15, 18, 19, 20, 21, 22, 24, 25,
26, 27, 28, 29, 30, 31, 32, 33a

Removed from consent: 33b

ACTION: (Lang/Irizarry, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 23
(Councilmember McGrath to be excused
due to a conflict of interest.)

ACTION: (Sutton/Patterson, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Introduction of Boy Scout Troop No. 143 members and leaders.

Introduction of Cub Scout Pack No. 11 Webelos members and leaders.

Mayor Whiteside introduced the Pack and Troop members and leaders.

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of June 14, and the adjourned regular meeting of June 16, 1988.
(Motion approving needed.)

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

3. ORAL COMMUNICATIONS

(These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Consider final adoption of Ord. No. 2588-C.S. amending the Modesto Municipal Code relating to animal wastes.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2588-C.S. adopted. (Clerk to handle)

- 4A. Staff report concerning bus drivers' strike.

ACTION: A motion that the City take over the service failed to carry (McGrath/Patterson, Irizarry, Lang, Muratore, Sutton, Whiteside-no)
By motion (Lang/Irizarry, majority, McGrath-no) receipt of report acknowledged.
By order of the Chair, staff directed to schedule a closed session to discuss this issue. (Attorney to handle)

HEARINGS

5. Hearing to consider an appeal on behalf of Berberian Trust Properties to a Board of Zoning Adjustment decision concerning requirement of an access agreement to the Stone parcel north of the Berberian property on Coffee and Sylvan.

This item taken up after item 16

ACTION: Res. 88-451 adopted (Lang/Muratore, majority, Irizarry, McGrath, Patterson-no) granting the appeal. (Clerk/Planning to handle)

6. Hearing to consider increase in the fee for receiving City Council agendas or minutes by mail to \$50 annually.

ACTION: Res. 88-452 adopted (McGrath/Lang, unan.) increasing fee. (Clerk to handle)

BIDS

CONSENT

7. Consider declaring American Engineering Laboratories, Inc., low bidder and authorize the purchase of compaction, aggregate and concrete testing services from the firm at the prices bid.

(Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$5,605. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-453 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider authorizing the purchase of one truck with aerial lift tower from Service Manufacturing Company for the total price of \$65,678.

(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-454 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider declaring American Sigma low bidder and authorize the purchase of eight automatic water samplers for the total price of \$19,782.

(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-455 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider authorizing the purchase of fertilizer from El Camino Crop Supply for the total price of \$11,103.

(Memo with agenda. Resolution authorizing purchase needed. Funds included in the 1988-89 budget.)

ACTION: Res. 88-456 adopted authorizing purchase. (Finance to handle)

HEARINGS

5. Hearing to consider an appeal on behalf of Berberian Trust Properties to a Board of Zoning Adjustment decision concerning requirement of an access agreement to the Stone parcel north of the Berberian property on Coffee and Sylvan.

This item taken up after item 16

ACTION: Res. 88-451 adopted (Lang/Muratore, majority, Irizarry, McGrath, Patterson-no) upholding Board of Zoning Adjustment decision.
(Clerk/Planning to handle)

6. Hearing to consider increase in the fee for receiving City Council agendas or minutes by mail to \$50 annually.

ACTION: Res. 88-452 adopted (McGrath/Lang, unan.) increasing fee.
(Clerk to handle)

BIDS

CONSENT

7. Consider declaring American Engineering Laboratories, Inc., low bidder and authorize the purchase of compaction, aggregate and concrete testing services from the firm at the prices bid.
(Memo with agenda. Resolution authorizing purchase needed. Estimated cost: \$5,605. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-453 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider authorizing the purchase of one truck with aerial lift tower from Service Manufacturing Company for the total price of \$65,678.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-454 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider declaring American Sigma low bidder and authorize the purchase of eight automatic water samplers for the total price of \$19,782.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-455 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider authorizing the purchase of fertilizer from El Camino Crop Supply for the total price of \$11,103.
(Memo with agenda. Resolution authorizing purchase needed. Funds included in the 1988-89 budget.)

ACTION: Res. 88-456 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider waiving formal bid procedures and authorize a purchase order to Conco West, Inc., for levee repair at Secondary Treatment and Disposal Facility.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase order to Conco West (five affirmative votes needed). Estimated cost: \$37,200. Funds are budgeted.)

ACTION: TRes. 88-457 adopted waiving formal bid procedure.
(Utility Serv to handle)

CONSENT

12. Consider approval of issuance of a purchase order to Capital Engineering Consultants, Inc., to provide plans and specifications for the installation of the replacement boiler for Digester No. 1 at the Water Quality Control Plant.
(Memo with agenda. Resolution approving issuance of purchase order needed. Estimated cost: \$6,000. Funds are budgeted.)

ACTION: Res. 88-458 adopted approving issuance of purchase order.
(Finance to handle)

CONSENT

13. Consider acceptance of Western Stone Product's contract for the Commercial Alley Paving Project No. 5 (Original contract: \$32,580)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$37,171. Funds are budgeted.)

ACTION: Res. 88-459 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of bid of George Reed, Inc. for the 1988 Street Overlays and award of contract.
(Bids were opened on June 7, 1988. The low bid of \$251,929.35, submitted by George Reed, Inc. is 11% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to George Reed, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to George Reed, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-460 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider acceptance of Tamraz Monnachie's contract for the Boy Scout Clubhouse restroom as complete. (Original contract and final cost: \$26,800)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-461 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

16. Consider 1987 Urban Growth Policy Review recommendations from the Public Projects Committee.
(A motion was made by the Public Projects Committee to accept the 1987 Urban Growth Policy Review. The Committee concluded that there is a need to initiate a sewer trunk extension at this time in the Empire West Neighborhood solely to serve proposed public schools and parks in that neighborhood. Memo with agenda. Motion adopting recommendations of the Public Projects Committee needed.)

ACTION: By motion (Lang/McGrath, unan.), receipt of the 1987 Urban Growth Policy Review acknowledged.

By motion (Lang/McGrath, majority, Irizarry - no), it was agreed that there is a need to schedule a Measure A advisory vote for the purpose of extending sanitary sewer to serve a proposed high school, community park and up to two additional elementary schools and a neighborhood park in the Empire West Neighborhood, to be placed on the ballot as one measure.

By motion (Lang/Sutton, unan.), staff was directed to proceed with the Sylvan School District to extend sanitary sewer to serve proposed public schools and parks in the Roselle and Merle Neighborhoods.

By motion (Lang/McGrath, unan.), it was agreed that the sole purpose for extending sanitary sewer to the Empire West, Roselle and Merle Neighborhoods is for public school and park sites only. No urbanization of adjacent lands will be permitted.

By motion (Lang/McGrath, unan.), the Public Projects Committee was directed to work with staff on a process for developing a Growth Management Plan that will significantly revise the current urban growth policy.

By motion (Lang/Irizarry, unan.), it was agreed that the Capital Facilities Fees Ordinance will be revised to include means of financing infrastructure needs in existing neighborhoods, not just new neighborhoods.

By motion (Lang/Sutton, unan.), staff was directed to research the possibility of borrowing from existing Capital Facilities Fees receipts to pay for present infrastructure needs in existing neighborhoods with repayment in the future.

By motion (Lang/Irizarry, majority, McGrath - no), the sewer trunk priority list was revised as proposed.

(Planning and Com. Develop. to handle)

17. Consider adoption of the Fiscal Year 1988-89 Annual Budget (including the first year of the Proposed Four-Year Capital Improvement Program. (Memo with agenda. Introduction and adoption of ordinance adopting budget needed.)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2589-C.S. adopted. (Clerk to handle)

CONSENT

18. Consider approving Grant Offer from Federal Aviation Administration for the update of the Airport Master Plan and authorize the City Manager to execute the Grant Offer on behalf of the City. (Memo with agenda. Resolution approving Grant Offer needed. Estimated cost: \$50,000 (Federal - \$45,000; City - \$5,000). Funds are budgeted.)

ACTION: Res. 88-462 adopted approving Grant Offer. (Utility Serv to handle)

CONSENT

19. Consider authorizing the City Manager to sign an agreement with Farrell Jenkins for the purpose of preparing, developing, and producing a completed fire/life safety master plan with associated administrative analytical documents. (Memo with agenda. Contractor will work part-time to manage and coordinate a fire/life safety master plan effort for the Fire Department. Resolution approving agreement needed. Estimated cost: not to exceed \$25,000 in twelve month period. Funds included in 1988-89 budget.)

ACTION: Res. 88-463 adopted approving agreement. (Fire to handle)

CONSENT

20. Consider excusing Mayor Whiteside for being absent from the June 14, 1988 regular meeting due to her attendance at the U. S. Conference of Mayors conference. (Motion excusing absence needed.)

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

CONSENT

21. Consider authorizing the City Manager to sign an agreement to retain the law firm of Sturgis, Ness, Brunsell and Sperry as Bond Counsel for Public Facilities District No. 6.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$10,600. Funds are included in the 1988-89 budget.)

ACTION: Res. 88-464 adopted approving agreement. (Eng to handle)

CONSENT

22. Presentation of monthly Treasurer's Report for May, 1988
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT -- COUNCILMEMBER McGRATH EXCUSED DUE TO A CONFLICT OF INTEREST

23. Consider approval of the final map of Westridge No. 6 Subdivision of the City of Modesto and consider accepting the improvements.
(Subdivider/Owner: Zagaris Management Services, Inc.)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Westridge No. 6 is located south of Blue Gum Avenue and west of Rosemore Avenue. It contains 7.46 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-465 adopted (Sutton/Patterson, McGrath absent) approving final map and accepting improvements. (Clerk to handle)

CONSENT

24. Consider approval of the final map of Cobblestone Subdivision of the City of Modesto (Owner: Central Bank. Developer: Grant Construction Co., Inc.)
(The subdivision agreement has been signed and all fees paid.
Cobblestone is located east of Temescal Drive, between Merle Avenue and Belharbour Drive. It contains 16.640 acres. Resolution approving final map needed.)

ACTION: Res. 88-466 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider approval of the final map of Parker Ranch Subdivision of the City of Modesto and consider accepting the improvements. (Owner: Guarantee Financial Services. Developer: Rule Development)
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Parker Ranch is located south of Parker Road and east of Claus Road. It contains 5.991 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-467 adopted approving final map and accepting improvements. (Clerk to handle)

CONSENT

26. Consider authorizing City Manager to sign agreement with Guarantee Financial Services, a California corporation, for street improvements on Parker Road. Said street improvements are adjacent to Parker Ranch Subdivision.
(Parker Ranch subdivision is located on Parker Ranch Way. The developer has requested permission to install street improvements on Parker Road to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution authorizing the City Manager to sign agreement needed. Estimated Cost: \$17,577.50. Funds are budgeted.)

ACTION: Res. 88-468 adopted approving agreement. (Eng to handle)

CONSENT

27. Consider authorizing City Manager to sign agreement with Donald Lawrie, for street improvements on Parker Road. Said street improvements are adjacent to Songbird Meadows Subdivision.
(Songbird Meadows Subdivision is located on Prospect Lane at Parker Road. The developer has requested permission to install street improvements on Parker Road to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution authorizing City Manager to sign agreement. Estimated Cost: \$12,669.80. Funds are budgeted.)

ACTION: Res. 88-469 adopted approving agreement. (Eng to handle)

CONSENT

28. Consider approval of lease agreement with Gus J. Papatone for the lease of the Roselle Neighborhood Park site.
(This is a one-year renewal of an existing lease. Mr. Papatone pays \$740 per year rent. Resolution approving agreement needed.)

ACTION: Res. 88-470 adopted approving agreement. (Attorney to handle)

CONSENT

29. Consider approving lease agreement with Donald H. and Margaret D. Scott for the lease of two properties in Dry Creek Park.
(This is a one-year renewal of an existing lease. The Scotts pay 20% of the gross derived from the sale of the walnuts grown on the properties. Resolution approving agreement needed.)

ACTION: Res. 88-471 adopted approving agreement. (Attorney to handle)

CONSENT

30. Consider approving new month-to-month agreement with Virginia Torres for the City-owned property at 117 Elm Street.
(Memorandum with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-472 adopted approving agreement. (Attorney to handle)

CONSENT

31. Consider setting September 19, 1988, as the effective date for the street name change of Isabel Drive to Kingswood Drive.
(On June 7, 1988, the City Council adopted Resolution No. 88-423 approving the street name change from Isabel Drive to Kingswood Drive, but without an effective date. The Planning Commission recommended the name change to be effective in 180 days. The owners of the one property affected by the name change desired an earlier effective date. Memo with agenda. Resolution amending Res. 88-423 setting effective date of name change needed.)

ACTION: Res. 88-473 adopted setting effective date of name change.
(Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

32. Letter from Scott Steffen, President, Sylvan Union School Board, concerning extension of the sewer trunk to serve Roselle Junior High/Middle school.
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Planning to handle)

MISCELLANEOUS

33. Legislation:

CONSENT

- a. Staff recommends support of Federal Interstate Sales Tax Collection - Mail Order Sales.
(Memo with agenda. Motion accepting recommendation needed.)

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

- b. Consider supporting introduction of legislation to enable Stanislaus County to place a half-cent sales tax measure on the ballot to finance public safety, library service, and other related public needs.
(Memo with agenda. Resolution supporting introduction of legislation needed.)

ACTION: Res. 88-474 adopted (McGrath/Muratore, majority, Patterson-no) supporting introduction of legislation (Manager to handle)

- c. Proposition 73 report.

No action taken.

CLOSED SESSION

34. Closed session to consider personnel matters regarding salary, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees pursuant to Government Code Section 54957.6(a).

ADJOURNMENT

The meeting adjourned to closed session at 7:32 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

June 27, 1988

The special closed session meeting of the City Council for June 27, 1988, at 5:00 p.m. in the City Hall Council Chambers, 801 11th Street, Modesto, California, was not convened as there was insufficient legal authority for said meeting.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

6/27/88

June 27, 1988

The special meeting of the City Council was called to order at 5:00 p.m. in the City Hall Council Chambers, 801 11th Street, Modesto, California, by the City Clerk.

Present: Councilmembers: None

Absent: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

There being a lack of a quorum, the meeting was adjourned.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
June 27, 1988

The Council of the City of Modesto met at 6:00 p.m. in the Council Chambers, City Hall, 801 eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Patterson, Sutton, Mayor Whiteside

Councilmember Muratore arrived at 6:01 p.m.

Absent: Councilmember McGrath

There was a discussion of a draft City Council Statement concerning the bus drivers' strike.

By motion (Patterson/Irizarry, unan., McGrath absent) the word "unconditionally" in the last paragraph was changed to read "with full amnesty."

By motion (Muratore/Lang, majority, Patterson - no, McGrath absent) the attached statement of neutrality was accepted.

The meeting adjourned at 6:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY COUNCIL STATEMENT

The City Council has carefully reviewed the current job action by bus drivers employed by TRIPS, Inc., and the effect of the action on the City's Intracity Transit (IT) system. This review included thoughtful consideration of the testimony by several bus drivers and Union representatives at previous public Council meetings.

Although not an easy position to take, the majority of the City Council wants the City to remain neutral in the labor dispute between TRIPS and its employees, to not intervene in the dispute on behalf of either party, and to continue the independent contractor status of TRIPS. The Council continues to recognize the employer-employee relationship that exists between TRIPS and the drivers and believes the solution to the dispute rests with those parties.

The City Council has also chosen not to exercise its option to assume control of the contractor's drivers and facilities during the current labor dispute. The majority of the Council believes that Modesto's 145,000 residents would gain very little from the City's assumption of such control. The City does not have the organizational structure in place to ensure full bus service immediately. Further disruption to the bus service could result were the City to assume such control at this time.

Continuing a high standard of safety on IT is of primary concern to the City Council. The City will be heavily utilizing

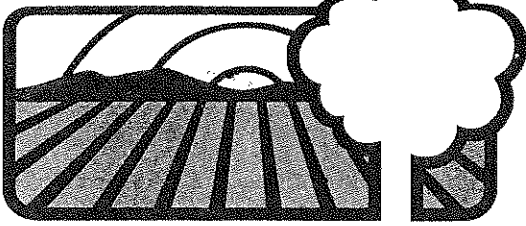
its paid and voluntary bus driver observers in this effort. Maintenance of the buses has always included safety inspections by City mechanics as well as the drivers. Continued emphasis will be placed on these efforts.

The City Council recognizes that many citizens are greatly inconvenienced by the reduction in IT service resulting from the strike and desires to have full service restored as soon as possible. TRIPS expects to return to full service in July. Toward that end, the City staff will be monitoring the system more closely than ever.

IT is currently operating 19 of its regularly scheduled 24 buses, placing service at 79% of normal. Half-hourly service is provided on 11 of 16 bus routes. The remaining five routes are operating on hourly schedules. The 19 buses in service generally carry 82% of the total ridership when all routes are operating on a normal schedule.

We encourage the management of TRIPS and the drivers to go back to the bargaining table to resolve their differences. The City of Modesto is working to see that full bus service is restored as quickly as possible for all citizens of Modesto.

The City Council encourages TRIPS to welcome back with full amnesty those drivers who have not worked during the strike, including those who might have engaged in activities on the picket line which might otherwise have resulted in disciplinary action under TRIPS' work rules.



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, JUNE 28, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember McGrath arrived at 7:32 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 8, 9, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23,
DROPPED FROM AGENDA: 7 24, 25, 26, 27, 28, 29, 31, 32
Removed from Consent: 11
ACTION: (Lang/Muratore, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of June 16, 1988, and the regular meeting of June 21, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Cliff Docktor announced that Joan Emberg, who works with endangered species at San Diego Zoo, will lecture at the Modesto Centre Plaza on July 13, 1988.

- 3a. Status report on the Stoddard solvent clean-up.

The Director of Utility Services reported that the State is going to certify that the site is clean.

HEARINGS

4. Hearing to consider the appeal of Ron West, on behalf of Grant Construction Company, to a decision of the Environmental Assessment Committee requiring a traffic analysis for a P-D to expand a neighborhood shopping center at the northwest corner of Carpenter Road and Kansas Avenue.

(Hearing continued from June 7, 1988.)

No action taken.

5. a. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue. (Resource Development)

ACTION: By motion (McGrath/Irizarry, unan.) hearing continued to July 12, 1988, at 7:30 p.m.

b. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision requiring that a median be provided as a condition of approval of the above rezoning.

ACTION: By motion (McGrath/Irizarry, unan.) hearing continued to July 12, 1988, at 7:30 p.m.

BIDS

CONSENT

6. Consider award of construction contract for the encasement of water lines on McHenry Avenue and Morton Boulevard.
(Bids were opened June 21, 1988. The low bid of \$32,235, submitted by Scheidt, Haydon & Hall, Inc., is 40.64% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-475 adopted awarding contract. (Eng to handle)

CONSENT

7. Consider award of contract for the reconstruction of Scenic Drive, Sunnyside Avenue to Rose Avenue.
(Bids were opened June 21, 1988. The low bid of \$205,843.75, submitted by Garcia Paving Co., Inc., is 19.56% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Garcia Paving Co. Resolution awarding contract needed. Funds are budgeted.)

Dropped from agenda.

CONSENT

8. Consider waiving formal bid procedures and authorize the lease of an aerial tower truck from Pac-Power, Inc., for the total amount of \$11,900.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing lease needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-476 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

10. Consider report from Council Solid Waste Committee regarding containerization of garden refuse.
(This matter was referred to the Council Solid Waste Committee for further study. Memo with agenda. Motion accepting Committee's report and motion of intent to containerize garden refuse with garbage utilizing the 60 gallon and 90 gallon automated containers needed. Funds are budgeted.)

ACTION: By motion (Lang/Sutton, majority, McGrath-no) accepted Committee's report.

By motion (Lang/Sutton, majority, McGrath-no) the intention was expressed to containerize garden refuse with garbage utilizing the 60 gallon and 90 gallon automated containers.
(Utility Serv to handle)

11. Consider approving the revised 1987-88 Airport Capital Improvement Program which will delay one project and add two additional projects.
(Memo with agenda. Resolution approving the revised C.I.P and resolution authorizing the City Manager to sign the preapplication for federal funding needed. Estimated cost: \$338,914 (Federal - \$291,456; City - \$47,458) Funds are budgeted.)

ACTION: Res. 88-477 adopted (McGrath/Irizarry, unan.) approving the revised C.I.P.
Res. 88-478 adopted (McGrath/Irizarry, unan.) authorizing Manager to sign preapplication.
(Utility Serv to handle)

12. Consider approval of contract for structural plan checking of Red Lion Inn.
(Structural plan checking is part of the building permit process. The permit applicant's fees will cover cost of contract. Memo with agenda. Resolution approving contract needed. Estimated cost: \$25,000. Funds budgeted.)

Continued to July 5, 1988. (Clerk to handle)

CONSENT

13. Consider approval of master plan for Mildred Perkins Neighborhood Park.
(The master plan for the above-mentioned park has been completed by Recreation Systems, Inc. A copy of the master plan is included with the agenda. Motion approving master plan and resolution certifying review of the Environmental Assessment Committee's Negative Declaration and filing Notice of Determination needed.)

ACTION: By motion, master plan approved.
Res. 88-479 adopted certifying review of Environmental Assessment Committee's Negative Declaration and filing Notice of Determination.
(P/R to handle)

CONSENT

14. Consider approval of master plan for McKinney Colony Neighborhood Park. (The master plan for the above-mentioned park has been completed by Recreation Systems, Inc. A copy of the master plan is included with the agenda. Motion approving master plan and resolution certifying review of the Environmental Assessment Committee's Negative Declaration and filing Notice of Determination needed.)

ACTION: By motion, master plan approved.
Res. 88-480 adopted certifying review of Environmental Assessment Committee's Negative Declaration and filing Notice of Determination.
(P/R to handle)

CONSENT

15. Consider authorizing City Manager to sign reimbursement agreement with Arambel and Rose for installation of storm drain trunk facilities at the Cape Cod Estates No. 7 Subdivision. (Cape Cod Estates No. 7 Subdivision is located on Boise Avenue at Dezzani Lane. The Developer has installed the storm drain facilities with the installation of all other improvements in order to eliminate conflicts and time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$29,502. Funds are budgeted.)

ACTION: Res. 88-481 adopted approving agreement. (Eng to handle)

CONSENT

16. Consider approval of the final map of Spencer Plaza Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604 of the Modesto Municipal Code. Subdivider: Jaed Enterprises. Owner: Azzie L. Turner. (The subdivision agreement has been signed and all fees paid. Spencer Plaza is located on the west side of Spencer Avenue, north of Marni Way. It contains 2.538 acres. Resolution approving final map needed.)

ACTION: Res. 88-482 adopted approving final map. (Clerk to handle)

CONSENT

17. Consider request for sewer service to property outside City limits at 712 Spencer, located on the east side of Spencer between California Avenue and Truman Avenue. Owners: Eddie and Mary Ann Bolden (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to the City limits and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-483 adopted approving agreement. (Eng to handle)

CONSENT

18. Consider acceptance of a Supplemental Federal Grant offer for the Water Quality Control Treatment Plant improvement project (Units 2 and 3). (The City has received a Supplemental Grant offer from the Environmental Protection Agency in the amount of \$285,787. Memo with agenda. Resolution accepting the Supplemental Grant offer and authorizing the City Manager to execute the offer on behalf of the City needed. Funds are budgeted.)

ACTION: Res. 88-484 adopted accepting Grant offer. (Utility Serv to handle)

CONSENT

19. Consider authorizing the City Manager to submit a grant application in the amount of \$110,000 to the State of California for the Suppression of Drug Abuse in Schools Program (Memo with agenda. Forward Modesto IV recommendation. Resolution approving grant application needed.)

ACTION: Res. 88-485 adopted approving grant application. (Police to handle)

CONSENT

20. Consider authorizing the Director of Utility Services to enter into negotiations with John Carollo Engineers for the Phase III Irrigation Study. (Staff received authorization from Council on April 19, 1988, to proceed with a Request for Proposal process for this study. After extensive review of proposals and qualifications, staff recommends the firm of John Carollo Engineers to perform the study. Memo with agenda. Resolution approving entering into negotiations needed. Estimated cost: \$85,000. Funds will be requested when a more accurate cost estimate is available.)

ACTION: Res. 88-486 adopted approving entering into negotiations. (Utility Serv to handle)

CONSENT

21. Consider amending the Modesto Municipal Code concerning flood damage prevention. (As a condition of continued eligibility for participation in the National Flood Insurance Program, the Federal Emergency Management Agency requires communities to revise their flood plain management regulations. Memo with agenda. Introduction of ordinance amending Chapter 4 of Title IX of the Modesto Municipal Code needed.)

ACTION: By motion, Ord. No. 2590-C.S. introduced.
Res. 88-500 adopted certifying review of Environmental Assessment. (Clerk to handle)

CONSENT

22. Consider abandonment of a portion of a 10 foot wide Public Utility Easement in Lot 5 of Block 12426, along the north property line of 921 Dyer Lane, Modesto.
(Memo with agenda. Resolution vacating and abandoning a portion of the Public Utility Easement needed.)

ACTION: Res. 88-487 adopted abandoning portion of Public Utility Easement.
(Eng to handle)

CONSENT

23. Consider authorizing the City Manager to sign reimbursement agreement with R. J. Hill Company for installation of storm drain trunk facilities at the Park Valley Homes Subdivision.
(Park Valley Homes Subdivision is located on Whitmore Avenue at Dallas Street. The Developer has requested permission to install City's storm drain facilities in order to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$89,398.30. Funds are budgeted.)

ACTION: Res. 88-488 adopted approving agreement. (Eng to handle)

CONSENT

24. Consider placement of City of Modesto's Excess Workers' Compensation policy through joint risk insurance pool (ACCEL).
(Memo with agenda. Resolution approving placement of insurance needed. Estimated cost: \$47,278. Funds are budgeted.)

ACTION: Res. 88-489 adopted approving placement of insurance. with National Union Insurance Company. (Atty to handle)

CONSENT

25. Consider proposed Memorandums of Understandings with employee organizations, salary benefits for management and confidential employees, and salary and benefits for non-represented employees.
(Memo with agenda. Budget amendments will be placed on the July 5, 1988, agenda. Resolutions approving M.O.U.'s and salary/benefits needed.)

ACTION: Res. 88-490 adopted establishing salary ranges, salary schedules and fixing compensation for positions in the City service.

Res. 88-490A adopted establishing procedure for payment of uniform allowance for Police Department personnel.

Res. 490B adopted amending/restating Mandatory Deferred Compensation Plan for certain employees and superseding Res.No. 86-628.

Res. 491 adopted approving Memorandum of Understanding with Modesto City Employees Asso. for fiscal years 1988-89, 1989-90, and 1990-91.

Res. 492 adopted approving an addendum to the Memorandum of Understanding with the Modesto Police Officers Association for fiscal year 1988-89.

Res. 493 adopted approving a Memorandum of Understanding with the Modesto City Fire Fighters Asso. for fiscal years 1988-89, 1989-90, and 1990-91.

Res. 88-494 adopted approving salary ranges, salary schedules, and benefits for Management/Confidential and Executive Management employees for fiscal years 1988-89, 1989-90 and 1990-91.

Res. 88-495 adopted authorizing payment of certain group health, dental and vision insurance premium rates or portions thereof.
(Manager to handle)

CONSENT

26. Consider amendment of the Final Budget of the City of Modesto for the 1987-88 fiscal year to provide for the establishment of various reserve appropriations prior to closing the City's books for the fiscal year ending June 30, 1988.
(This is an annual identification of reserves to comply with Article XIIIB of the State Constitution. Resolution authorizing establishment of Reserves needed.)

ACTION: Res. 88-496 adopted authorizing establishment of reserves.
(Finance to handle)

CONSENT

27. Consider amending of the Final Budget of the City of Modesto for the 1987-88 fiscal year to provide funds for a copy machine to be located in the City Clerk's Office.
(A copy machine is needed in the City Clerk's office because of the great demand for copies throughout the day. Resolution amending the 1987-88 Final Budget to transfer funds from the General Fund Contingency Reserve to Account 010-050-0501-5880 needed. Estimated cost: \$3,000.)

ACTION: Res. 88-497 adopted amending the 1987-88 Final Budget to provide funds for copy machine.
(Finance/Clerk to handle)

CONSENT

28. Consider proposed 1988-89 budget for the administration of the City-County Service Agreement of the Waste-to-Energy Project and to be administered by Stanislaus County.
(The agreement between the City and County requires that a budget be prepared for the administration of the service agreement for the proposed Waste-to-Energy Project. The budget must be submitted to the legislative bodies of the City and County for approval. Memo with agenda. Resolution approving proposed budget needed.)

ACTION: Res. 88-498 adopted approving proposed budget.
(Utility Services to handle)

CONSENT

29. Consider requesting the Stanislaus LAFCO to reconsider the review of the Modesto Sphere of Influence.
(The City Council adopted Res. 87-1271 on December 22, 1987, requesting the Stanislaus LAFCO to review the Modesto Sphere of Influence in 1988. The Stanislaus LAFCO considered this request on May 25, 1988, and decided not to review the Modesto Sphere of Influence. City staff did not receive the LAFCO staff report prior to the meeting and was not at the meeting the Stanislaus LAFCO made their decision. Staff recommends that the City Council request LAFCO to reconsider the review of the Modesto Sphere of Influence. Resolution requesting reconsideration of further study needed.)

ACTION: Res. 88-499 adopted requesting LAFCO to reconsider review of Modesto Sphere of Influence. (Planning to handle)

WRITTEN COMMUNICATIONS

30. Letter from Beverly J. Jones, Chairman of Picnic in the Park, concerning amplified music in Graceada Park on July 4th.

ACTION: By motion (Lang/Muratore, unan.) amplified music will be permitted on July 4th. (P/R to handle)

CONSENT

31. Letter from Michael W. Sibitz, Superintendent of Sylvan Union School District, concerning the possibility of forming a joint Mello-Ross Community Facilities District for future annexation areas.
(Motion referring letter to staff needed.)

ACTION: By motion, letter referred to staff. (Planning to handle)

MISCELLANEOUS

CONSENT

32. Legislation - Staff recommends:

OPPOSING:

SB956 (Seymour) Housing - Blank Check to State to Withhold Housing Funds from Cities.

SB 2017 (C. Green) Creation of Homeowner Associations to Fund Lawsuits Against Cities.

ACA 16 (McClintock) Local and State Indebtedness. Limitation on Purposes and Length of Debt Issues.

AB 1813 (Frizzelle) Economic and Fiscal Analysis.

AB 3049 (Zeltner) AIDS Presumption for Public Safety Officers.

(Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

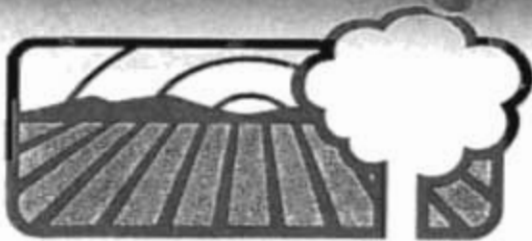
(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:48 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 5, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember Patterson arrived at 4:05 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 9, 11, 12, 13, 14,
15, 16, 17, 19, 20, 21, 22

ACTION: (Lang/Sutton, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Acceptance of Beyer Community Park Picnic Shelter constructed and donated by the Modesto Rotary Club and presentation of Certificate of Recognition. (Memo with agenda. Motion accepting picnic shelter and acknowledging donation needed.)

Mayor Whiteside presented the certificate to representatives of the Modesto Rotary Club.

ACTION: By motion (McGrath/Irizarry, unan.) the picnic shelter was accepted from the Modesto Rotary Club with thanks and appreciation.

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of June 27, 1988, and the June 28, 1988, regular City Council meeting. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

John Sousa, representing the Teamsters, requested the Council to take action concerning the bus drivers.

HEARINGS

4. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Summerview Associates, to a Planning Commission decision denying an application to rezone from R-1 to P-D, a vesting tentative parcel map, and a vesting tentative subdivision map, property located on the southeast corner of Standiford Avenue and Carver Road. (A request from Mid-Valley Engineering to continue this hearing to July 12, 1988, has been received.)

ACTION: By motion (Muratore/Patterson, unan.) hearing continued to July 12, 1988, at 7:30 p.m. (Clerk to handle)

5. Hearing to consider the appeal by John B. Hinchey to a Planning Commission decision denying an application to rezone from R-1 to P-0, property located on the northwest corner of Rumble and Coffee Roads.

ACTION: By motion (Muratore/McGrath, majority, Whiteside-no) Ord. No. 2591-C.S. introduced granting the appeal and overriding the Planning Commission decision.

Res. 88-501 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Westar Associates, to a Planning Commission decision denying an amendment to P-D(417), property located on the northeast corner of 17th and I Streets.

ACTION: A motion to deny the appeal failed to carry (McGrath/Patterson, Lang, Muratore, Sutton, Whiteside-no).

Res. 88-502 adopted (Lang/Muratore, majority, Irizarry, McGrath and Patterson-no) granting the appeal and overriding the Planning Commission decision. (Planning to handle)

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the asbestos abatement project at the Crocker Bank Building. (Suggested bid opening: July 26, 1988 at 11:00 a.m. This project consists of removing the friable asbestos from the boiler room on the second floor. This work is required by State law and mandated by Cal OSHA. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$13,200 (contract \$12,000; eng. & cont. \$1,200). Funds are budgeted.)

ACTION: Res. 88-503 adopted calling for bids. (Eng to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids to cape seal various City streets 1988 and Dryden Parking Lot. (Suggested bid opening: July 19, 1988 at 11:05 a.m. This project will provide a new technique for pavement maintenance consisting of a combination of oil and screenings and covered by a slurry seal. This process extends the life of the street, thereby providing a cost effective street maintenance plan. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$56,382.66 (contract \$49,028.40; eng. & cont. \$7,354.26 eng. & cont.). Funds are budgeted.)

ACTION: Res. 88-504 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider authorizing the purchase of two fire pumper trucks from Paramount Equipment Sales for the total price of \$404,893, and consider authorizing the City Manager to sign a lease-purchase agreement with Municipal Leasing Associates, Inc. for the financing of the vehicles. (Memo with agenda. Resolution authorizing purchase from Paramount Equipment Sales needed, and resolution authorizing City Manager sign lease-purchase agreement with Municipal Leasing Associates needed. Estimated cost FY 88-89: \$504,120 (lease purchase). Funds are budgeted.)

ACTION: Res. 88-505 adopted authorizing purchase.
Res. 88-506 adopted approving lease-purchase agreement.
(Finance to handle)

NEW BUSINESS

10. Consider approval of contract for structural plan checking of Red Lion Inn. (Structural plan checking is part of the building permit process. The permit applicant's fees will cover cost of contract. Memo with agenda. Resolution authorizing City Manager to sign contract needed. Estimated cost: \$25,000. Funds are budgeted.)

ACTION: Res. 88-507 adopted (Lang/Muratore, unan.) approving agreement.
(Eng to handle)

CONSENT

11. Consider adopting the revised City of Modesto Records Management and Retention Manual for records received after July 1, 1988. (Memorandum with agenda. Resolution adopting revised Records Management and Retention Manual needed.)

ACTION: Res. 88-508 adopted revising Records Management and Retention Manual.
(Finance)

CONSENT

12. Consider approval of the final map of Honey Creek West subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdivider: Douglas Highiet) (The subdivision agreement has been signed and all fees paid. Honey Creek West is located at the southeast corner of Snyder Avenue and Honey Creek Road. It contains 3.1957 acres. Resolution approving final map needed.)

ACTION: Res. 88-509 adopted approving final map. (Clerk to handle)

CONSENT

13. Consider acceptance of improvements in Orangeburg Gardens No. 2 subdivision and authorizing the City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Horn Enterprises)
(Orangeburg Gardens subdivision is located between East Briggsmore Avenue and East Orangeburg Avenue west of Claus Road. It contains 10.735 acres. All improvements have been accepted by the Engineering Department and fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-510 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

14. Consider request for sewer service to property outside City limits at 2030 Crows Landing Road, located on the east side of Crows Landing Road between Flamingo Drive and Imperial Avenue. (Owners: Herman Waters, Jr., and Mary K. Waters)
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-511 adopted approving agreement. (Eng to handle)

CONSENT

15. Consider request for water service to property outside City limits at 2030 Crows Landing Road, located on the east side of Crows Landing Road between Flamingo Drive and Imperial Avenue. (Owners: Herman Waters, Jr., and Mary K. Waters)
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-512 adopted approving agreement. (Eng to handle)

CONSENT

16. Consider amendment to Personnel Rule 3 to implement the placement in the new salary ranges at the closest step above current salary.
(Memorandum with agenda. Resolution approving amendment to Personnel Rule 3 needed.)

ACTION: Res. 88-513 adopted approving amendment to Personnel Rule 3.
(Manager to handle)

CONSENT

17. Consider authorizing City Manager to sign agreement with Mary Eriksen-Rattan, dba Eriksen-Rattan Associates, to perform fire safety plan checking for the Fire Department.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$5,000. Funds are budgeted.)

ACTION: Res. 88-514 adopted approving agreement. (Fire to handle)

18. Consider authorizing City Manager to sign an agreement with Bissel and Karn, Inc. for the preliminary design of the Lakewood/Lincoln Bridge (Phase 1).
(The agreement covers the complete design of the bridge. The project is broken down into four phases. Phase 1 covers only the preliminary design work. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$114,000. Funds are budgeted.)

ACTION: By motion (McGrath/Patterson, unan.) this item continued for two to four weeks. (Eng to handle)

CONSENT

19. Consider certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for the 1988-89 payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1.
(Memo with agenda. Resolution certifying amount needed for payment of principal and interest on bonds needed.)

ACTION: Res. 88-515 adopted certifying amount needed. (Finance to handle)

WRITTEN COMMUNICATIONS

CONSENT

20. Letter of resignation from the International Friendship Committee from Buddy T. Iwata.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-516 adopted accepting resignation. (Clerk to handle)

CONSENT

21. Letter of resignation from the Housing Maintenance and Counseling Subcommittee from Thomas A. Munoz.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-517 adopted accepting resignation. (Clerk to handle)

CONSENT

22. Letter from James C. Enochs, Superintendent of Modesto City Schools, concerning the possibility of forming a joint Mello-Roos Community Facilities District for future annexation areas.
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

24. The meeting adjourned to closed session at 6:18 p.m. to consider personnel matters regarding salary, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees pursuant to Government Code Section 54957.6(a).

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 12, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, Muratore, Patterson,
Sutton, Acting Mayor McGrath

Absent: Mayor Whiteside

Pledge of allegiance to the Flag

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

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

ACTION: (Lang/Sutton, unan., Whiteside 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Rick Lang, representing Post Newsweek, announced the video that Post Newsweek made about Modesto had just won first place in a nationwide contest with Nashville being second and Chicago third.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of July 5, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Report concerning meeting between City staff and TRIPS, as requested by Councilmember Patterson.

ACTION: By motion (Lang/Irizarry, majority, Whiteside absent) staff report accepted.

CONSENT

5. Final adoption of Ord. No. 2590-C.S. amending the Modesto Municipal Code relating to flood damage prevention.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2590-C.S. adopted. (Clerk to handle)

HEARINGS

6. a. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue. (Resource Development)

b. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision requiring that a median be provided as a condition of approval of the above rezoning.

(Hearings continued from June 7, 1988 and June 28, 1988 meetings. Letter with agenda requesting that these hearings be continued to July 19, 1988, at 4:00 p.m.)

ACTION: By motion (Lang/Patterson, unan., Whiteside absent) hearing continued to July 19, 1988, at 4:00 p.m. (Clerk to handle)

7. Hearing to consider an amendment to Section 8-4-9 of the Zoning Map to rezone from R-2 to R-1, property located on the north side of Whitmore Avenue east of Ustick Road. (Kaufman and Broad)

ACTION: By motion (Muratore/Patterson, unan., Whiteside absent) Ord. No. 2592-C.S. introduced.
Res. 88-518 adopted (same vote) certifying review of Environmental Assessment. (Planning/Clerk to handle)

8. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Summerview Associates, to a Planning Commission decision denying an application to rezone from R-1 to P-D, a Vesting Tentative Parcel Map, and a Vesting Tentative Subdivision Map, property located on the southeast corner of Standiford Avenue and Carver Road.
(Continued from the July 5, 1988 meeting.)

ACTION: By motion (Lang/Sutton, majority, Irizarry and McGrath-no, Whiteside absent) Council indicated its intention of granting the appeal and overriding the Planning Commission's denial of the rezoning, Vesting Tentative Parcel Map and Vesting Tentative Subdivision Map.
(Planning to handle)

Councilmember Lang excused at 8:49 p.m.

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids to be opened August 2, 1988, at 3:15 p.m. for furnishing sludge removal services.
(Requested by the Utility Services Sewerage Division, the services are required to remove dried digested sludge from the drying beds. The sludge will be transported to a disposal site where it will be discked into the soil. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$35,317. Funds are budgeted.)

ACTION: Res. 88-519 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider awarding contract to Richard A. Heaps, Inc., to modify the traffic signals at Oakdale Road and Orangeburg Avenue.
(Memo with agenda. The project would add fully traffic-actuated protected left-turn phasing off of Orangeburg. Resolution awarding contract needed. Estimated cost: \$38,300. Funds are budgeted.)

ACTION: Res. 88-520 adopted awarding contract. (P/T to handle)

CONSENT

11. Consider declaring California Copy low bidder meeting City specifications and authorize the City Manager to sign a lease agreement with the firm for a copier for the Police Department.
(Memo with agenda. Resolution approving lease agreement with California Copy needed. Estimated cost: \$14,890.60. Funds are budgeted.)

ACTION: Res. 88-521 adopted approving lease agreement. (Finance to handle)

CONSENT

12. Consider declaring low bidders on, and authorize the purchase of bare root trees as follows: 1. Orange County Nursery for the total price of \$23,886; and 2. Stribblings Nursery for the total price of \$520.
(Memo with agenda. Two resolutions authorizing purchase needed. Estimated cost: \$24,506. Funds are budgeted.)

ACTION: Res. 88-522 adopted authorizing purchase from Orange County Nursery.
Res. 88-523 adopted authorizing purchase from Stribblings Nursery. (Finance to handle)

CONSENT

13. Consider acceptance of House of Carpets' contract for the carpet installation at the Crocker Building. (Original contract and final cost: \$19,000.)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the notice of completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-524 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of JSJ Construction, Inc.'s, contract for the Carpenter/Torrid water line extension. Original contract: \$49,693.70.
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the notice of completion. Resolution accepting work as complete. Final cost: \$42,698.98. Funds are budgeted.)

ACTION: Res. 88-525 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

15. Consider authorizing the City Manager to sign an agreement with Modesto City Schools to allow temporary classrooms at Alberta Martone Neighborhood Park.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-526 adopted (Sutton/Patterson, unan., Lang and Whiteside absent) approving agreement. (P/R to handle)

16. Consider acceptance of improvements in Regency Park No. 4 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Joe Trombetta.
(Regency Park No. 4 Subdivision is located north of Standiford Avenue between Veneman Avenue and Prescott Road. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: By motion (Patterson/Irizarry, unan., Lang and Whiteside absent) Councilmember Muratore designated as Mayor pro tem.

Acting Mayor McGrath excused due to a conflict of interest.

Res. 88-527 adopted (Patterson/Irizarry, unan., Lang, McGrath, Whiteside absent) accepting improvements as complete.
(Clerk to handle)

CONSENT

17. Consider amending Section 4-1.801 and adding Section 4-1.802 to the Modesto Municipal Code in order to prohibit swimming, bathing, or aquatic sports or activities in any river, stream, or creek within the corporate limits of the City of Modesto.
(Memo with agenda. Introduction and adoption of an emergency ordinance needed.)

ACTION: By motion, Ord. No. 2593-C.S. introduced and adopted.
(Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

18. Appeal by Barghausen Consulting Engineers, Inc., to a decision of the Planning Commission concerning a Tentative Parcel Map at the northeast corner of Yosemite Boulevard and Lincoln Avenue, concerning the requirement to construct a median barrier in Lincoln Avenue.
(Resolution setting hearing July 26, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-528 adopted setting hearing. (Clerk to handle)

CONSENT

19. Letter from Ida L. Leal resigning from the Human Relations Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-529 adopted accepting resignation with regret.
(Clerk to handle)

MISCELLANEOUS

CONSENT

20. Legislation - Staff recommends:

Oppose:

- a. AB 4166 (Polanco) Fire and Burglar Alarms
b. AB 4536 (Polanco) Congregate Living Facilities for AIDS Patients.

(Memo with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

21. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:53 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
July 14, 1988

The Council of the City of Modesto met at 2:00 p.m. in the conference room, third floor, City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, Muratore, Patterson, Sutton, Mayor Whiteside

Councilmember Patterson arrived at 2:30 p.m.

Absent: Councilmembers Lang, McGrath

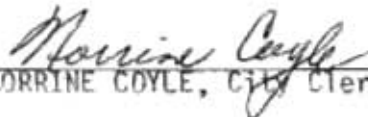
Harlan Westenberg, Director of Economic Development, reviewed information in a packet of materials, given to each member of the Council, concerning economic development in Modesto and Council priorities.

R. C. Smith, Airport Manager, spoke about the status of the terminal at the airport.

The Council asked the Economic Development Director to work with the Planning Commission to determine where industrial land should be located. Should the City be building in a direction other than toward the northeast on poor land? Identify three or four primary sites that should be emphasized in marketing. Contact the E.P.A. concerning extending the north sewer trunk to provide service to the car dealers on north McHenry and to the north industrial areas. The City should work with the County on the 4,000 acre industrial site. Compare employment and population figures with sales tax and population figures. At what point does Modesto need a business incubator? What three things changed in Modesto -- identify immediate and long-range goals.

The meeting adjourned at 4:55 p.m. to 2:00 p.m. on Friday, July 15, 1988, in the Pistache Room at Modesto Centre Plaza, 1000 L Street, Modesto, for a meeting with Assemblyman Gary Condit to discuss State legislation.

ATTEST:



NORRINE COYLE, City Clerk

7-14-88

227A-77

Adjourned Special Meeting
Modesto City Council
July 15, 1988

The Council of the City of Modesto met at 2:00 p.m. in the Pistache Room, Modesto Community Center, 1000 L Street, Modesto, California.

Present: Councilmembers Irizarry, Sutton, Mayor Whiteside

Absent: Councilmembers Lang, McGrath, Muratore, Patterson

The meeting was adjourned due to lack of a quorum.

Sitting as a committee, those present discussed various pieces of State legislation with Assemblyman Gary Condit.

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, JULY 19, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
(Councilmember Patterson arrived at 4:10 p.m.)

Absent: None

Pledge of allegiance to the Flag

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

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 9, 10, 11, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23,
24, 26, 27, 28, 29, 31, 32

ACTION: (Murature/Sutton, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside announced that Michael Dukakis and Lloyd Bentson will be at Graceada Park on Saturday, July 23, 1988.

MINUTES

CONSENT

2. Approval of the minutes of the July 12, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Consider action required for an advisory vote in the Empire West Neighborhood to provide sewer service for two elementary schools and a neighborhood park, in addition to the high school and park approved previously, and review ballot language for the advisory vote concerning the three schools and two parks.
(Memo with agenda. Resolution directing the City Clerk to place an advisory vote on the ballot to include sewer service in the Empire West Neighborhood for two elementary schools and a neighborhood park needed.)

ACTION: Res. 88-530 adopted (Lang/Muratore, majority, Irizarry - no, Patterson absent) directing City Clerk to place advisory vote on the ballot
(Clerk to handle)

CONSENT

5. Final adoption of Ord. No. 2592-C.S. amending Section Map R-4-9 of the Zoning Map to rezone from R-2, to R-1, property located on the north side of Whitmore Avenue east of Ustick Road. (Kaufman and Broad)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 2592-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider raising general aviation rates and charges on a yearly basis beginning July 1, 1989, using the Consumer Price Index.

ACTION: Res. 88-531 adopted (Lang/Muratore, majority, McGrath - no) approving fee increase with a cap as recommended by the Airport Advisory Committee.

(Utility/Finance to handle)

7. Hearing to consider providing a 25% discount on August monthly bus passes for purchasers of June monthly bus passes to compensate for the reduced bus service due to the strike.

ACTION: Res. 88-532 adopted (Muratore/Irizarry, unan.) approving.

(P & T/Finance to handle)

8. a. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue. (Resource Development)
- b. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision requiring that a median be provided as a condition of approval of the above rezoning.

(Hearings continued from June 7, June 28, and July 12, 1988, meetings.)

ACTION: By motion, (Muratore/Sutton, majority, Irizarry - no) Ord. No. 2594-C.S. introduced.

Res. 88-533 adopted (same vote) approving development plan.

Res. 88-534 adopted (same vote) certifying review of environmental assessment.

Res. 88-535 adopted (same vote) granting the appeal in part.

(Clerk/Plan & C D to handle)

HEARINGS

6. Hearing to consider raising general aviation rates and charges on a yearly basis beginning July 1, 1989, using the Consumer Price Index.

ACTION: Res. 88-531 adopted (Lang/Muratore, majority, McGrath - no) approving fee increase with a cap as recommended by the Airport Advisory Committee.

(Utility/Finance to handle)

7. Hearing to consider providing a 25% discount on August monthly bus passes for purchasers of June monthly bus passes to compensate for the reduced bus service due to the strike.

ACTION: Res. 88-532 adopted (Muratore/Irizarry, unan.) approving.

(P & T/Finance to handle)

8. a. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from a portion of P-D(343) to a new P-D(448), to allow two fast-food restaurants, property located on the southwest corner of Oakdale Road and Floyd Avenue. (Resource Development)
- b. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision requiring that a median be provided as a condition of approval of the above rezoning.

(Hearings continued from June 7, June 28, and July 12, 1988, meetings.)

ACTION: By motion, (Muratore/Sutton, majority, Irizarry, Mayor Whiteside-no) Ord. No. 2594-C.S. introduced.

Res. 88-533 adopted (same vote) approving development plan.

Res. 88-534 adopted (same vote) certifying review of environmental assessment.

Res. 88-535 adopted (same vote) granting the appeal in part.
(Clerk/Plan & C D to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the Residential Alley Paving Project No. 14.
(Suggested bid opening: August 2, 1988, at 6 11:00 a.m. This is our annual alley reconstruction project. Property owners who adjoin the alleys will reimburse the City for the costs of resurfacing and raising utility covers (approximately 2/3 of the total cost). Resolution approving plans and specifications and call for bids needed. Estimated cost: \$228,988 (\$199,120 contract; \$29,868 eng. & cont.). Funds are budgeted.)

ACTION: Res. 88-536 adopted calling for bids. (Eng to handle)

CONSENT

10. Consider award of contract for the reconstruction of Scenic Drive, Sunnyside Avenue to Rose Avenue.
(Bids were opened June 21, 1988. The low bid of \$205,843.75, submitted by Garcia Paving Co., Inc., is 19.56% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Garcia Paving Co., Inc. Funds are budgeted.)

ACTION: Res. 88-537 adopted awarding contract. (Eng to handle)

CONSENT

11. Consider acceptance of Western Stone Product's contract for Wesson Ranch Park site work, landscaping and irrigation. (Original contract: \$284,354.98)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the notice of completion. Resolution accepting the work as complete needed. Final cost: \$297,549.58. Funds are budgeted.)

ACTION: Res. 88-538 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

12. Consider approving the second amendment to the agreement with Brown and Caldwell Engineers to provide additional consultation services during the construction of the third fixed film reactor project at the remote pond site.
(Memo with agenda. Resolution approving amendment No. 2 needed. Estimated cost: \$3,727. Funds are budgeted.)

ACTION: Res. 88-539 adopted approving agreement. (Utility to handle)

CONSENT

13. Consider amending Section 5-5.02 of the Modesto Municipal Code and adding Section 5-5.41 pertaining to recycling solid waste.
(These sections pertain to prohibiting unauthorized removal of salvageable waste from designated collection locations, prohibiting theft of City-provided recycling containers, and defining related terms. Memo with agenda. Introduction of an ordinance needed.)

ACTION: Ord. No. 2595-C.S. introduced. (Clerk to handle)

CONSENT

14. Consider approving a written policy for the safe conduct of vehicular pursuits.
(Memo with agenda. Resolution approving policy needed.)

ACTION: Res. 88-540 adopted approving policy. (Police to handle)

CONSENT

15. Consider setting a hearing concerning the adoption of the Conflict of Interest Code for the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee.
(The Subcommittee has held a public hearing concerning the Conflict of Interest Code, and, as provided by law, the City Council must now hold a hearing before adopting the Code. Resolution setting hearing Tuesday, August 2, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-541 adopted setting hearing. (Clerk to handle)

CONSENT

16. Consider approving payment of the City of Modesto's share of the administrative expenses for participation in the ACCEL (Authority for California Cities Excess Liability) for fiscal year 1988-89.
(ACCEL is the Joint Powers Authority risk-sharing pool, of which the City of Modesto is a partner. Copy of invoice with agenda. Resolution authorizing payment needed. Estimated cost: \$10,450. Funds are budgeted.)

ACTION: Res. 88-542 adopted authorizing payment. (Attorney to handle)

CONSENT

17. Consider renewal of Boiler and Machinery Insurance for the July 15, 1988 to July 15, 1989 policy year with Kemper Insurance Company through Giddings, Corby, Hynes, Inc.
(This policy covers all City facilities except the Centre Plaza which is insured by a different carrier. This premium is \$31 more than last year. Copy of invoice with agenda. Resolution approving renewal of insurance needed. Estimated cost: \$4,050. Funds are budgeted.)

ACTION: Res. 88-543 adopted approving renewal. (Atty to handle)

CONSENT

18. Consider approving payment to ACCEL for General and Auto Liability Insurance for the City of Modesto.
(Memo with agenda. Resolution approving payment of premium deposit needed. Estimated cost: \$510,602. Funds are budgeted.)

ACTION: Res. 88-544 adopted approving payment. (Atty to handle)

CONSENT

19. Consider renewal of property insurance with Central Mutual Insurance Company for the year July 15, 1988, to July 15, 1989.
(Memo with agenda. Resolution authorizing renewal of property insurance needed. Estimated cost: \$34,919 + 1% surcharge. Funds are budgeted.)

ACTION: Res. 88-545 adopted approving renewal. (Atty to handle)

CONSENT

20. Consider amending Modesto Municipal Code Section 3-2.1401.1 to modify the speed limit on Oakdale Road between Floyd Avenue and Briggsmore Avenue and on Evergreen Avenue between Orangeburg Avenue and Carver Road.
(Memo with agenda. There are two revised and one updated radar-enforceable speed limits proposed. Introduction of ordinance needed. Estimated cost: \$240. Funds are budgeted.)

ACTION: Ord. No. 2596-C.S. introduced. (Clerk to handle)

CONSENT

21. Consider yearly update of school sewer and water rates.
(Annual review of these rates have been completed and an increase in sewer fees only is recommended. Memo with agenda. Resolution updating school sewer rates needed.)

ACTION: Res. 88-546 adopted updating rates. (Util/Finance to handle)

CONSENT

22. Consider authorizing City Manager to sign an agreement with Grothe & Smith Architects for architectural services, including structural, mechanical and electrical design of the expansion of the control building at City's sewer treatment plant. Resolution approving agreement needed. Estimated cost: \$19,500. Funds are budgeted.)

ACTION: Res. 88-547 adopted approving agreement. (Utility to handle)

CONSENT

23. Consider request for water service to property outside City limits at 201 Crater Avenue, located on the north side of Crater Avenue between Cascade Avenue and Crystal Avenue. (Owners: Charles B. and Charlene M. Smith) (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-548 adopted approving agreement. (Eng to handle)

CONSENT

24. Consider approval of the final map of Naraghi Lakes No. 5 subdivision of the City of Modesto and consider accepting the improvements. (Subdivider: U.S. By-Products, Inc., Sharon Naraghi Grcich and Hashem Naraghi.) (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Naraghi Lakes No. 5 is located north of Hashem Drive and east of Lakeshore Drive. It contains 5.912 acres. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-549 adopted approving final map. (Clerk to handle)

CONSENT

26. Consider authorizing City Manager to sign agreement with ARE Consultants for the design of a computerized pavement management system. (This agreement will provide for establishing a computerized pavement management system to determine the forms of maintenance that would be most cost effective for City streets. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$75,000. Funds are budgeted.)

ACTION: Res. 88-550 adopted approving agreement. (Clerk to handle)

CONSENT

27. Consider authorizing the City of Modesto to submit a preapplication for Request for Determination of Applicant Eligibility - Urban Development Action Grant.
(A UDAG determination of eligibility is required prior to actual project-specific grant application. Resolution authorizing the City of Modesto to submit preapplication needed.)

ACTION: Res. 88-551 adopted authorizing preapplication. (Mgr to handle)

CONSENT

28. Consider approval of the Stanislaus LAFCO questionnaire indicating no opposition to the Hatch Road No. 3 Reorganization.
(Proponent proposes annexation of 12.16 acres located on the south side of Hatch Road and West Chesapeake Avenue into the City of Modesto Sewer District No. 1, and simultaneously detach from the Industrial Fire District. Memo, maps and LAFCO questionnaire with agenda. Resolution supporting proposed Reorganization needed.)

ACTION: Res. 88-552 adopted supporting Reorganization. (Plan & C D to handle)

CONSENT

29. Monthly Treasurer's Report for June, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

WRITTEN COMMUNICATIONS

30. Letter from Modesto Chamber of Commerce requesting the Council to reconsider its position to charge the solvent clean up at the community center hotel site to the water fund.

By order of the Chair, this item was continued to August 16, 1988, at 4:00 p.m. (Clerk to handle)

CONSENT

31. Request of the Downtown Improvement District for permission to block off parking spaces, and for elimination of the time limit for on-street parking adjacent to the Courthouse on Friday, August 19, 1988, from 6:00 a.m. to 4:00 p.m. for Modesto's 118th Birthday Celebration. (Motion approving request needed.)

ACTION: By motion, request approved.

(Plan & C D to handle)

MISCELLANEOUS

CONSENT

32. Legislation: staff recommends:

Support

- a. AB 3371 (Royhall-Allard) Environmental Impacts Reports - Waste to Energy Facilities
- b. AB 2922 (McClintock) Local Government Funding

Oppose

- c. SB 2747 (Ellis) Improvement Districts - Restrictions on Formation and Implementation
- d. AB 3950 (Roos) Property Tax Revenue Allocations

(Memos with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved.

(Mgr to handle)

MATTERS TOO LATE FOR THE AGENDA

33. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

ACTION: By motion, (McGrath/Irizarry, unan.) it was agreed that an emergency exists and the County sales tax should be discussed.

Mayor Whiteside requested that this item be placed on each agenda for the next few weeks for further discussion.

ADJOURNMENT

The meeting adjourned at 5:50 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

The Council of the City of Modesto met at 11:00 a.m. in the Board of Supervisors Chambers, 1100 H Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, McGrath, Sutton, Mayor Whiteside

Absent: Councilmember Patterson

Members of the County Staff and the consultants reviewed the process of determining jail needs and the reasons for proposing the sites that have selected for consideration.

The meeting adjourned at 1:00 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 26, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Paul Whitaker, Retired, Orangeburg Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 9, 12, 13, 14, 25, 16,
17, 20, 21, 22, 23, 24, 25,
26, 27, 28, 29, 30, 32, 33, 34

Removed from Consent: 18,19

ACTION: (Lang/Patterson, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation of donation of \$40,000 by the McHenry Mansion Foundation for Phase I landscaping of the mansion grounds. (Memo with agenda. Motion acknowledging and accepting donation needed.)

ACTION: By motion (Muratore/McGrath, unan.) the donation by McHenry Mansion Foundation was acknowledged and accepted with appreciation.

- b. Recognition of Post-Newsweek Cable's First Place finish in the National City Video competition. (Resolution of appreciation for the efforts of Post-Newsweek Cable in bringing national prominence to the City of Modesto needed.)

ACTION: Res. 88-553 adopted (McGrath/Sutton, unan.) congratulating Post-Newsweek for winning the contest.

- c. Presentation of City of Modesto 1988 Report to the People video.
The video was shown.

MINUTES

CONSENT

2. Approval of the minutes of the special meeting of July 14, adjourned special meeting of July 15, and the regular meeting of July 19, 1988. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

John Sousa, Teamsters representative, requested a discussion of representation of bus drivers at the August 9, Council meeting.

Frank Cousineau spoke about bus drivers representation.

Leo Prescott asked that the City attempt to get a home owner to clean up garbage in his yard.

UNFINISHED BUSINESS

4. Discussion of proposed County sales tax measure as requested by Mayor Whiteside.

This item was continued to August 3.

5. Consider Planning Commission recommendation for the north and west alignments of the Modesto Urban Area expressway loop. (After review of a staff study directed by the City Council, the Planning Commission recommends that the loop alignment be revised as follows: Kiernan/Claribel on the north, and a Salida overcrossing/Salida Boulevard/Dakota/Glue Gum/Morse alignment on the west. Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Irizarry, majority, Lang-no) concept is to include Kiernan/Claus/Hatch/Dakota. (Planning to handle)

6. Final adoption of Ord. No. 2591-C.S. rezoning from R-1 to P-0 property located on the north side of Rumble Road west of Coffee Road. (John B. Hinchey)
(Motion adopting needed.)

ACTION: By motion (Patterson/McGrath, majority, Whiteside-no) Ord. No. 2591-C.S. adopted. (Clerk to handle)

7. Final adoption of Ord. No. 2594-C.S. rezoning from a portion of P-D(343) to P-D(448), property located on the southwest corner of Floyd Avenue and Oakdale Road. (Resource Development)
(Motion adopting needed.)

ACTION: By motion (McGrath/Patterson, majority, Irizarry and Whiteside-no) Ord. No. 2594-C.S. adopted. (Clerk to handle)

CONSENT

8. Final adoption of:

Ord. No. 2595-C.S. amending the Modesto Municipal Code section and adding a section relating to garbage disposal to prohibit unauthorized removal of salvageable waste from designated collection locations to prohibit theft of City-provided recycling containers, and to define certain terms and phrases.

Ord. No. 2596-C.S. amending the Modesto Municipal Code relating to speed limits.

(Motion adopting needed.)

ACTION: By motion, Ordinances 2595-C.S. and 2596-C.S. adopted. (Clerk to handle)

CONSENT

9. Consider directing the City Clerk to submit a copy of the proposed sewer trunk advisory measure to the City Attorney for presentation of an impartial analysis of the advisory measure.
(A sewer trunk extension measure is being submitted to the voters as an advisory measure at the November election. Memo with agenda. Resolution transmitting a copy of the advisory measure to the City Attorney for impartial analysis needed.)

ACTION: Res. 88-554 adopted transmitting copy of advisory measure to City Attorney. (Clerk to handle)

HEARINGS

10. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Ron E. Winter, to a Planning Commission decision concerning an application to rezone from R-1 to P-D, property on the east side of Oakdale Road south of Wylie Drive.
(A letter has been received from Mid-Valley Engineering requesting that this hearing be continued to August 9, 1988, at 7:30 p.m.)

ACTION: By motion (McGrath/Muratore, unan.) hearing continued to August 9, 1988, 7:30 p.m. (Clerk to handle)

11. Hearing to consider the appeal of Barghausen Consulting Engineers, Inc. to a Planning Commission decision requiring the construction of a median barrier in Lincoln Avenue as a condition of approval of a vesting tentative Parcel Map, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue.

ACTION: Res. 88-555 adopted (Irizarry/McGrath, majority, Patterson and Sutton-no) denying the appeal and upholding the Planning Commission and requiring the median.

Res. 88-555A adopted (McGrath/Muratore, majority, Patterson and Sutton-no) the Board of Zoning Adjustment condition concerning the median was corrected to require installation of the median prior to occupancy.

(Planning/Clerk to handle)

CONSENT

9. Consider directing the City Clerk to submit a copy of the proposed sewer trunk advisory measure to the City Attorney for presentation of an impartial analysis of the advisory measure.
(A sewer trunk extension measure is being submitted to the voters as an advisory measure at the November election. Memo with agenda. Resolution transmitting a copy of the advisory measure to the City Attorney for impartial analysis needed.)

ACTION: Res. 88-554 adopted transmitting copy of advisory measure to City Attorney. (Clerk to handle)

HEARINGS

10. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Ron E. Winter, to a Planning Commission decision concerning an application to rezone from R-1 to P-D, property on the east side of Dakdale Road south of Mylie Drive.
(A letter has been received from Mid-Valley Engineering requesting that this hearing be continued to August 9, 1988, at 7:30 p.m.)

ACTION: By motion (McGrath/Muratore, unan.) hearing continued to August 9, 1988, 7:30 p.m. (Clerk to handle)

11. Hearing to consider the appeal of Barghausen Consulting Engineers, Inc. to a Planning Commission decision requiring the construction of a median barrier in Lincoln Avenue as a condition of approval of a vesting tentative Parcel Map, property located at the northeast corner of Yosemite Boulevard and Lincoln Avenue.

ACTION: Res. 88-555 adopted (Irizarry/McGrath, majority, Patterson and Sutton-no) denying the appeal and upholding the Planning Commission and requiring the median.

By motion (McGrath/Muratore, majority, Patterson and Sutton-no) the Board of Zoning Adjustment condition concerning the median was corrected to require installation of the median prior to occupancy.
(Planning/Clerk to handle)

BIDS

CONSENT

12. Consider approval of plans and specifications and call for bids for the McHenry Mansion landscaping, Phase I.
(Suggested bid opening: August 16, 1988, at 11:05 a.m. Memo with agenda. This project will consist of the installation of the first phase of the landscaping to be done at the McHenry Mansion. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$40,000. Funds are budgeted.)

ACTION: Res. 88-556 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for Well No. 13 sand trap installation.
(Suggested bid opening: August 16, 1988, at 11:00 a.m. Well No. 13 is located at the corner of Roselawn and South Avenue. The pump station has below ground discharge which the State Health Department has requested correction to meet current standards. The installation of the new sand trap will bring this facility up to State standards. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$44,400 (contract - \$37,000; eng. & cont. - \$7,400). Funds are budgeted.)

ACTION: Res. 88-557 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider acceptance of bid and award of contract for the cape seal of various streets, 1988, to Graham Contractors, Inc.
(Bids were opened July 19, 1988. The low bid of \$45,754.80, submitted by Graham Contractors, Inc., is 6.68% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Graham Contractors, Inc. Memo and bid tabulation with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-558 adopted awarding contract. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Consider approving right-of-entry with Leonard W. and Barbara Miller and Jean Tarabek.
(This right-of-entry is needed for the Scenic/Sunnyside to Rose project. Memo with agenda. Resolution approving right-of-entry needed. Estimated cost: \$90 per month. Funds are budgeted.)

ACTION: Res. 88-559 adopted approving right-of-entry.
(Utility Services to handle)

CONSENT

16. Consider approving agreement with Modesto High School District of Stanislaus County for the lease of portions of the former Doidge and Anderson properties in Dry Creek Park.
(This is essentially a one-year renewal of an existing lease. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-560 adopted approving agreement. (Utility Serv to handle)

CONSENT

17. Consider authorizing the City Manager to sign a renewal lease agreement with United Way of Stanislaus Area.
(Memo with agenda. The lease agreement would be for the rent of office space at the Modesto Community Center. Staff recommends approval. Resolution approving lease agreement needed.)

ACTION: Res. 88-561 adopted approving agreement. (P/R to handle)

18. Consider excusing Mayor Whiteside from the July 12, 1988, City Council meeting due to her representing the City at the video contest in Washington, D. C.
(Motion excusing absence needed.)

ACTION: By motion (McGrath/Muratore, unan.) absence excused.
(Clerk to handle)

19. Consider contract with outside legal firm to advise the City on matters related to UMTA and particularly Section 13(c) (employee protection) and to assist in negotiating 13(c) agreements as may be necessary.
(Memo with agenda. The City Attorney suggests outside counsel experienced in 13(c) matters because the City has no previous experience in this area. Costs are not expected to exceed \$10,000. Funds are budgeted. Resolution approving contract needed.)

ACTION: Res. 88-562 adopted (Lang/Irizarry, majority, McGrath and Patterson-no) approving contract. (P/T to handle)

CONSENT

20. Consider amending Section 3-1.123 of the Modesto Municipal Code to allow the use of approved LPG devices in the City of Modesto.
(Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2597-C.S. introduced. (Clerk to handle)

CONSENT

21. Consider amending Article 5, Chapter 1, Title V of the Modesto Municipal Code relating to curbs, gutters, sidewalks, driveway approaches and alleys with building permits.
(Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2598-C.S. introduced. (Clerk to handle)

CONSENT

22. Consider approval of the final map of Park Valley Homes Unit 1 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdivider: R. J. Hill Co.
(The subdivision agreement has been signed and all fees paid. Park Valley Homes Unit 1 is located on the north side of Whitmore Avenue, west of Crows Landing Road. It contains 9.235 acres. Resolution approving final map needed.)

ACTION: Res. 88-563 adopted approving final map. (Clerk to handle)

CONSENT

23. Consider acceptance of improvements in Quail Meadows Subdivision and authorize the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Franco Construction.
(Quail Meadows Subdivision is located west of Orchard Park Way, south of Floyd Avenue and east of Oakdale Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-564 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Briggs Estates Subdivision and authorize the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: P & R Enterprises.
(Briggs Estates Subdivision is located on the north side of Briggs Avenue at Spencer Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-565 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider acceptance of improvements in Orchard Park Subdivision and authorize the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Franco Construction.
(Orchard Park Subdivision is located on the south side of Floyd Avenue, east of Oakdale Road. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-566 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

26. Consider acceptance of improvements in Orangeview Manor Subdivision and authorize the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Rule Development.
(Orangeview Manor Subdivision is located between W. Orangeburg Avenue and Evergreen Avenue, west of Martin Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-567 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

27. Consider authorizing the City Manager to sign an agreement with Modesto Irrigation District for Consent to Common Use.
(This agreement will allow the City to remove the existing bridge facility on Carver Road over MID Lateral No. 6 and replace it with a new and wider crossing facility. Resolution approving agreement needed.)

ACTION: Res. 88-568 adopted approving agreement. (Eng to handle)

CONSENT

28. Consider request for water service to property outside City limits at 1629 Woodland Avenue, located on the north side of Woodland Avenue between Watts Avenue and Carpenter Road. Owners: Alvin J. and Lois H. Lucas.
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-569 adopted approving agreement. (Eng to handle)

CONSENT

29. Consider authorizing City Manager to sign agreement with the State of California Department of Transportation, Utilities Agreement No. 10Ut1950. (This agreement provides for the adjustment of sanitary sewer manhole covers and lamphole covers on Route 132, Yosemite Boulevard, between Morton Boulevard and Riverside Drive. The covers are to be adjusted as part of a highway contract and the City is to reimburse the State the cost of the adjustments. Resolution approving agreement needed. Estimated cost: \$3,350. Funds are budgeted.)

ACTION: Res. 88-570 adopted approving agreement. (Eng to handle)

CONSENT

30. Consider authorizing City Manager to sign agreement with the State of California Department of Transportation, Utilities Agreement No. 10Ut1949. (This agreement provides for the adjustment of water valve covers and sanitary sewer manhole covers on Route 132 between Carpenter Road and 9th Street. The covers are to be adjusted as part of a highway contract and the City is to reimburse the State the cost of the adjustments. Resolution approving agreement needed. Estimated cost: \$6,250. Funds are budgeted.)

ACTION: Res. 88-571 adopted approving agreement. (Eng to handle)

CONSENT

31. Consider agreement with John Carollo Engineers for professional services on the Phase III irrigation study at the remote pond site. (Professional services are needed to analyze irrigation field data and prepare a final report of findings. Memo with agenda. Three resolutions approving agreement, appropriating funds, and approving new project in 1988-89 C.I.P. needed. Estimated cost: \$85,000.)

ACTION: Res. 88-572 adopted approving agreement.
Res. 88-573 adopted appropriating funds.
Res. 88-574 adopted approving new project in 1988-89 C.I.P.
(Eng/Finance to handle)

CONSENT

32. Consider authorizing the Utility Services Department to apply to the California Energy Commission for a technical assistance grant to perform an energy audit at the wastewater treatment plant. (Memo with agenda. Resolution authorizing Utility Services Department to apply for grant needed.)

ACTION: Res. 88-575 adopted authorizing submission of application.
(Utility Services to handle)

CONSENT

33. Consider an inducement resolution for up to \$6 million of Multiple-Family Mortgage Revenue Bonds (Saroyan Architectural Corporation)
(Saroyan Architectural Corporation has applied for multiple-family mortgage revenue bonds to finance the acquisition and construction of a multiple-family project totalling up to 196 units to be located on approximately 7.5 acres on the southeast corner of Manor Oak Drive and Oakdale Road. Memo with agenda. Resolution authorizing the issuance of bonds needed.)

ACTION: Res. 88-576 adopted authorizing issuance of bonds.
(Planning to handle)

MISCELLANEOUS

CONSENT

34. Legislation: Staff recommends opposing:
- a. SB 2356 (Ellis) Outdoor Advertising - On-Site Signs.
 - b. AB 3354 (Floyd) Alcoholic Beverage Warnings - State Preempts Local Ordinances.
- (Memos with agenda. Motion approving recommendations needed.)

ACTION; By motion, recommendations approved. (Manager to handle)

35. Appointments:

Consider an appointment to fill the vacancy on the Planning Commission.

ACTION: Res. 88-577 adopted (Muratore/McGrath, unan.) appointing Jan Smith to the Planning Commission, term to expire 1/1/89.
(Clerk to handle)

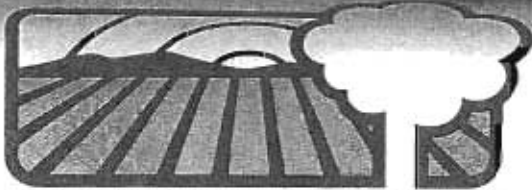
MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

ATTEST: Morrine Coyle
MORRINE 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 2, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, Muratore, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember McGrath

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 8, 12, 13, 14, 15, 16, 17,
20, 21, 23, 24, 25

ACTION: (Sutton/Muratore, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special and regular City Council meetings of July 26, 1988, and approval of corrected minutes of the regular City Council meeting of July 19, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Consider request to place a measure on the November, 1988, ballot concerning annexation of the Coffee/Claratina Neighborhood.
(Letter with agenda.)

ACTION: By motion (Sutton/Irizarry, unan., McGrath absent) withdrawal of this item was acknowledged and the matter referred to the Public Projects Committee at the appropriate time. (Planning to handle)

5. Consider report by Director of Engineering Services describing projects to be completed within the next four years which are designed to mitigate the City's traffic volume.
(Memo with agenda. Motion accepting the report.)

ACTION: By motion (Sutton/Lang, unan., McGrath absent) report accepted, and staff requested to present follow-up reports annually. (Eng to handle)

6. Discussion of proposed County sales tax measure.

ACTION: By motion (Lang/Muratore, unan., McGrath absent) the suggested list of projects totaling approximately \$111,000,000 was approved.

By motion (Muratore/Lang, unan., McGrath absent) the language in the proposed ordinance was approved with the following changes: matching funds for Cal Trans projects included, item #2 changed to "Public safety services and facilities", with County action on the ordinance to be taken by September 1.

7. Consider ordinance and resolutions for a development plan and certifying review of environmental assessment for an application to rezone from P-1 to P-D, and approval of resolutions for a vesting tentative parcel map and vesting tentative subdivision map for property located on the southeast corner of Standiford Avenue and Carver Road. (Summerview Associates)
(On July 12, 1988, the City Council considered an appeal to a Planning Commission decision denying these applications. The City Council indicated their intention to approve these applications and directed staff to provide reasons, findings, conditions, and implementation dates before final approval of these applications. Memo with agenda. Introduction of ordinance and approval of four resolutions needed.) Mayor Whiteside excused due to her absence from the hearing.

ACTION: By motion (Muratore/Patterson, unan., McGrath absent) Councilmember Lang designated Mayor pro tem.

By motion (Patterson/Sutton, majority, Irizarry-no, McGrath and Mayor Whiteside absent) Ord. No. 2599-C.S. introduced.

Res. 88-578 adopted (same vote) granting the appeal and approving the Planned Development Zone, P-D(450)

Res. 88-579 adopted (same vote) certifying review of Environmental Assessment.

Res. 88-580 adopted (same vote) granting the appeal and approving vesting tentative parcel map of property located at the southeast corner of Standiford Avenue and Carver Road.

Res. 88-581 adopted (same vote) granting the appeal and approving the vesting tentative Subdivision Map for the Commons Subdivision.
(Planning/Clerk to handle)

CONSENT

8. Consider final adoption of:

- a. Ord. No. 2597-C.S. amending the Modesto Municipal Code relating to the Fire Code to allow the use of approved LPG devices.
- b. Ord. No. 2598-C.S. amending the Modesto Municipal Code relating to curbs, gutters, sidewalks, driveway approaches and alleys with building permits.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

HEARINGS

9. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from R-1 to P-D(449), property located on the southeast corner of Oakdale Road and Manor Oak Drive to allow a two-story condominium complex. (Hashem Naraghi)

ACTION: By motion (Irizarry/Sutton, unan., McGrath absent) Ord. No. 2600-C.S. introduced.

Res. 88-582 adopted rezoning from R-1 to P-D(449)

Res. 88-583 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

10. a. Hearing to consider premium bus fares during the Modesto a la Carte Festival to be held August 27 and 28, 1988, at Tuolumne River Regional Park.

- b. Consider agreement with Modesto Chamber of Commerce for Intracity Transit to provide special Modesto a la Carte bus service.

(Memo with agenda. The service would shuttle Modesto a la Carte visitors between downtown Modesto and the Tuolumne River Regional Park where the festival will be held. The maximum cost to Intracity Transit would be \$1,000. Funds are budgeted. Proposed fares: senior citizens and handicapped - 35¢, children under 5 - free, all others - 75¢. Resolution approving special fares and resolution approving agreement with Chamber of Commerce needed.)

ACTION: Res. 88-584 adopted (Muratore/Sutton, unan., McGrath absent) approving special bus fares during the Modesto a la Carte Festival.

Res. 88-585 adopted (same vote) approving an agreement with the Chamber of Commerce to provide Intracity Transit service for the Modesto a la Carte Festival.

(P/T to handle)

11. Consider the Conflict of Interest Code of the Economic Development Loan Pool Subcommittee of the Citizens Housing and Community Development Committee.

ACTION: Res. 88-586 adopted (Lang/Sutton, unan., McGrath absent) listing agencies required to file and rescinding resolution No. 84-544.

Res. 88-587 adopted (same vote) adopting the Conflict of Interest Code. (Clerk to handle)

BIDS

CONSENT

12. Consider approval of plans and specifications and call for bids for Thurman Field grandstand renovation.
(Suggested bid opening: August 23, 1988, at 11:05 a.m. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$160,963 (contract - \$146,330; eng. & cont. - \$14,533). Funds are budgeted.)

ACTION: Res. 88-588 adopted calling for bids. (Eng to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for Highway Village street and storm drain improvements.
(Suggested bid opening: August 23, 1988, at 11:00 a.m. The street improvements involved in this project are part of the Community Development Block Grant Program. This project consists of street and storm drain improvements for Highway Village. Sidewalks will be installed to the triangular open space owned by the Highway Village Community Service District bounded by Crommelin, Budd and Garvey Streets. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$207,196 (contract - \$188,360; eng. & cont. - \$18,836). Funds are budgeted.)

ACTION: Res. 88-589 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider award of contract for the asbestos abatement project at the Crocker Bank Building.
(Bids were opened on July 26, 1988. The low bid of \$4,900, submitted by Asbestos Control Group, Inc., is 59.17% below the engineer's estimate and considered acceptable. Memo and bid tabulation with agenda. Resolution awarding contract to Asbestos Control Group, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-590 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider acceptance of the contract of Joe Martin Pipeline, Inc., for the Roselle Avenue water line extension. Original contract: \$26,730..
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete. Final cost: \$23,920.58. Funds are budgeted.)

ACTION: Res. 88-591 adopted accepting contract as complete. (Clerk to handle)

CONSENT

16. Consider waiving formal bid procedures and authorize the purchase of two-way radios and mobile data terminals from Motorola, Inc., for the total price of \$15,580.
(Memo with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-592 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

17. Consider waiving formal bid procedures and authorize the purchase of pump repair services from Johnson Pump Company for the total price of \$9,938.
(Memo with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-593 adopted waiving formal bid procedures. (Finance to handle)

NEW BUSINESS

18. Annual Report by the Culture Commission.
(Ken Savage, Chairperson of the Commission, will make the report. Copies of the report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Muratore/Irizarry, unan., McGrath absent) receipt of report acknowledged.

19. Consider designating the City of Modesto's voting delegate and voting alternate for the annual League of California Cities conference in San Diego October 16-19, 1988.
(Motion designating delegate and alternate needed.)

ACTION: By motion (Patterson/Sutton, unan., McGrath absent) Mayor Whiteside designated as delegate and Vice Mayor McGrath designated as alternate. (Clerk to handle)

CONSENT

20. Consider request for water service to property outside City limits at 1621 Shaddox Avenue, located on the north side of Shaddox Avenue between Watts Avenue and Carpenter Road. (Owners: Theodore D. & Elizabeth Vierra.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City, but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-594 adopted approving agreement. (Eng to handle)

CONSENT

21. Consider terminating Parking Lot #27 lease with Southern Pacific Transportation Company effective September 30, 1988.
(Memo with agenda. Due to a substantial monthly rent increase from \$44 to \$1,300, it is recommended that this lease not be renewed. This lot is scheduled to be purchased for the Transportation Center project by the end of this year. Motion authorizing City Manager to terminate lease needed.)

ACTION: By motion, City Manager authorized to terminate the lease.
(Eng to handle)

WRITTEN COMMUNICATIONS

22. Letter from Robert Walsh concerning discrimination.
Since Mr. Walsh was not present, no action was taken.

CONSENT

23. Consider request from the Chamber of Commerce for direct assistance by the Police Department at the first annual Modesto a la Carte festival.
(Memo with agenda. Motion approving request needed.)

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

CONSENT

24. Request by Claudia R. Hagen for permission to use sound amplification equipment at the "Balloons Over the Valley Air Festival" September 17 & 18, 1988.
(Memo with agenda. Motion approving request needed.)

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

- 24A. Initiate Improvement District proceedings for the Union Pacific Realty industrial property located within City's Enterprise Zone.
(Memorandum with agenda. Staff requesting a motion of intention to adopt a resolution to proceed with an improvement district needed.)

ACTION: By motion (Sutton/Lang, unan., McGrath absent) Council indicated its intention to adopt a resolution to proceed.
(Economic Development Dept. to handle)

MISCELLANEOUS

25. Legislation - Staff recommends:

Opposing:

- a. AB 3569 (Polanco) Redevelopment - County Bonding of Tax Allocation Revenue Derived from Pass-Through Agreements.

Supporting:

- b. November Ballot proposition 88 (ACA 63) - Deposit of Public Money
c. SB 2113 (Montoya) Mandatory Recycling

Supporting with amendment:

- d. AB 2595 (Sher) Air Pollution

(Memo with agenda. Motion approving recommendations needed.)

By motion, recommendations approved.

(Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

26. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:55 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, AUGUST 9, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Dave Ferguson, Grayson Southern Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 12, 13, 14, 15, 16, 17,
18, 19, 22, 23

Removed from consent: 7, 17
Dropped from agenda: 23c and d
ACTION: (Lang/Irizarry, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside announced tonight is "National Night Out" sponsored by the Neighborhood Watch organization.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting August 2, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Discussion of representation of bus drivers as requested by John Sousa, Teamsters representative.

No action taken.

5. Consider Modesto Golf Course report.
(Report with agenda. Motion acknowledging receipt of report and directing staff needed.)

ACTION: By motion (Sutton/Muratore, majority, McGrath-no) this item continued for up to four weeks. (P/R to handle)

There was a 10-minute recess at 11:10 p.m.

6. Final adoption of Ord. No. 2599-C.S. rezoning from R-1 to P-D9(450), property located at the southeast corner of Standiford Avenue and Carver Road. (Summerview Associates).
(Motion adopting needed.)
Councilmember McGrath excused due to his absence when the ordinance was introduced.

ACTION: By motion (Muratore/Sutton, majority, Irizarry-no, McGrath absent, Ordinance No. 2599-C.S. adopted. (Clerk to handle)

7. Final adoption of Ord. No. 2600-C.S. rezoning from R-1 to Planned Development Zone, P-D(449), property located on the southeast corner of Oakdale Road and Manor Oak Drive (Hashem Naraghi).
(Motion adopting needed.)

ACTION: By motion (Muratore/Irizarry, unan., McGrath absent) Ord. No. 2600-C.S. adopted. (Clerk to handle)

HEARINGS

8. Hearing to consider mandatory installation of curb and sidewalk at 1525 Scenic Drive. (Property owner: LaMont Pratt)

ACTION: By motion (Muratore/Sutton, unan.) the fees were waived. (Eng to handle)

9. Hearing to consider the appeal of Harold Haan to a Planning Commission decision concerning an application to rezone from R-1 to R-2 property located at 1535 Melrose Avenue.

ACTION: Res. 88-595 adopted (Lang/Patterson, majority, Muratore-no) denying the appeal. (Clerk to handle)

10. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Ron E. Winter, to a Planning Commission decision concerning an application to rezone from R-1 to P-D, property on the east side of Oakdale Road south of Wylie Drive. (Continued from the July 26, 1988, Council meeting.)

ACTION: Res. 88-596 adopted (Lang/Muratore, majority, McGrath, Patterson and Sutton-no) denying the appeal. (Clerk to handle)

Councilmember McGrath excused at 12:35 a.m.

11. Hearing to consider and receive protests to the proposed Red Pine Reorganization Modesto consisting of annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment from the Burbank-Paradise Fire Protection District.

ACTION: Res. 88-597 adopted (Patterson/Irizarry, unan., McGrath absent) (Clerk to handle)

BIDS

CONSENT

12. Consider award of contract for the Residential Alley Paving Project No. 14.
(Bids were opened on August 2, 1988. The low bid of \$178,000, submitted by Patch Master, is 10.61% below the engineer's estimate and considered acceptable. Memo and bid tabulation with the agenda. Resolution awarding contract to Patch Master needed. Funds are budgeted.)

ACTION: Res. 88-598 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider approval of plans and specifications and call for bids for the construction of a women's restroom at John Thurman Field.
(Suggested bid opening: August 30, 1988, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$103,411.15 (contract - \$94,010.14; eng. & cont. - \$9,401.01). Funds are budgeted.)

ACTION: Res. 88-599 adopted. (Eng to handle)

CONSENT

14. Consider acceptance of Joe Martin Pipeline, Inc.'s contract for the Dallas/Whitmore water line extension. Original contract: \$47,725.
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: \$47,453. Funds are budgeted.)

ACTION: Res. 88-600 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

15. Consider introduction of an ordinance amending Section 4-1.1303 of the Modesto Municipal Code relating to the regulation of picture arcades.
(Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion, Ord. No. 2601-C.S. introduced. (Clerk to handle)

CONSENT

16. Consider approval of the final map of Evergreen Park No. 3 Subdivision of the City of Modesto. This is a re-subdivision of a condominium, all improvements are existing, and no subdivision agreement is required.
(All fees have been paid. Evergreen Park No. 3 is located south of Evergreen Avenue between Grape Avenue and Randazzo Avenue. It contains 6.59 acres. Resolution approving final map needed.)

ACTION: Res. 88-601 adopted approving final map. (Clerk to handle)

17. Consider approving a loan of \$50,000 to Sierra Pacific Cutting Dies, Inc., under the Economic Development Revolving Loan Fund, pending annexation of their proposed location into the City of Modesto, with no disbursement of funds until the completion of the annexation into the City.
(Resolution approving the loan needed. Funds are budgeted.)

ACTION: Res. 88-602 adopted (Lang/Patterson, unan., McGrath absent) approving the loan and encouraging annexation as soon as possible.
(Planning to handle)

CONSENT

18. Consider request for refund of \$3,064.14 for overpayment of business license tax by Haines Steel Co.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-603 adopted approving refund. (Finance to handle)

CONSENT

19. Consider entering into a lease-purchase agreement with Municipal Leasing Associates to purchase computer equipment from Stanislaus County, IBM, and Cameo, Inc.
(Memo with agenda. Resolution approving lease-purchase of computer equipment. Estimated cost: \$400,000 plus interest. First payment not due until the 1989-90 fiscal year.)

ACTION: Res. 88-604 adopted approving lease-purchase agreement.
(Finance to handle)

WRITTEN COMMUNICATIONS

20. Letter from Geri Vizzusi concerning a problem with noise, lighting, diesel exhaust, vibration, dirt and garbage at 1573 Cummins Drive.

No action taken.

21. Letter from James Thrasher and Ronald Arrington, Westside Economic and Minority Alliance, Inc., requesting that fees and charges in connection with moving two buildings be waived.
(Memo with agenda. Resolution waiving fees needed.)

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

CONSENT

22. Letter from Duarte M. Silva resigning from the International Friendship Committee.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-605 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

CONSENT

23. Legislation: Staff recommends:

Oppose:

- a. AB 3851 (Duplissea) Traffic Fine Revenues - Requirement for Adoption of Uniform Traffic Bail Schedule
- b. SB 2181 (Campbell) Prohibition on Land Use Changes after Authorization of Assessment
- c. SB 2633 (McCorquodale) Limitation on Increase in Business Fees
Dropped from agenda

Make contact with National League of Cities as recommended:

- d. HR 4902 (Florio) Municipal Incinerator Act of 1988
Dropped from agenda

(Memos with agenda. Motion accepting recommendations needed.)

ACTION: By motion, recommendations concerning items "a" and "b" were approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

24. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 1:25 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, AUGUST 16, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Carlton Meents, Wesley United Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 10, 12, 13, 14,
15, 17, 19, 20, 20A, 20B, 20C, 20D,
22

Removed from consent: 6,9

ACTION: (Muratore/Sutton, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of Certificates of Appreciation to persons contributing to the Modesto Police Department's Drug Abuse Resistance Education Program. (List of contributors and example certificate with agenda. Forward Modesto IV follow-up: "The City Council should continue to fund DARE with the City's school districts.")

Mayor Whiteside and Chief McKinsey presented certificates to participants.

MINUTES

CONSENT

2. Approval of the minutes of the August 9, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Sherry Hogue presented a petition concerning the movie "The Last Temptation of Christ."

UNFINISHED BUSINESS

4. Consider letter from the Modesto Chamber of Commerce concerning cost of the Stoddard solvent clean-up.
(Continued from the July 19, 1988, meeting.)

ACTION: By motion (Lang/Muratore, majority, Irizarry, McGrath, and Patterson - no) the City's previous position concerning charging the cost of the clean-up to the Water Fund was reaffirmed.

5. Letter from James Thrasher and Ronald Arrington, Westside Economic and Minority Alliance, Inc., requesting that fees and charges in connection with moving two buildings be waived.
(Continued from the August 9, 1988 meeting.)

Request was withdrawn by Mr. Thrasher.

6. Follow through steps to shifting Expressway Loop.
(At the meeting of July 26, 1988, the City Council adopted a new route for the alignment of the north and west segments of the expressway loop. This is an explanation of future steps necessary to implement that decision. For information only. No action required.)

ACTION: By motion (McGrath/Sutton, unan.) the Modesto-Ceres Liaison Committee was re-instituted.

CONSENT

7. Final adoption of Ordinance No. 2601-C.S. amending the Modesto Municipal Code relating to the regulation of picture arcades.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2601-C.S. adopted. (Clerk to handle)

BIDS

CONSENT

8. Consider declaring James Scott Spreading Service low bidder and authorize the purchase of sludge removal services for \$1.50 per cubic yard.
(Memo with agenda. Resolution authorizing purchase of sludge removal services needed. Estimated cost: \$35,317. Funds are budgeted.)

ACTION: Res. 88-606 adopted awarding bid. (Finance to handle)

9. Consider acceptance of George Reed, Inc.,'s contract for the Floyd Avenue overlay and reconstruction. Original contract: \$142,758.40
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$164,552.57. Funds are budgeted.)

ACTION: Res. 88-607 adopted (Irizarry/McGrath, unan.) accepting as complete.
(Clerk to handle)

CONSENT

10. Consider acceptance of A & B Roofing, Inc.'s contract for the reroofing of Maddux Youth Center and Community Service Center. Original contract: \$23,382.
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, recommended that the project be accepted as complete and the Notice of Completion filed. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$26,683. Funds are budgeted.)

ACTION: Res. 88-608 adopted accepting as complete. (Clerk to handle)

NEW BUSINESS

11. Consider Public Projects Committee recommendations regarding Capital Facilities Fees.

(A consultant is needed to assist the City in reanalyzing the City's Capital Facilities Fees, given a need to provide for projects throughout the urban area; to meet the January 1, 1989, deadline for a nexus test; to consider changes in the costs of a few key projects; and to consider changes in assumptions for broad-based funding of a year ago. Memo with agenda. Motion accepting recommendation of the Public Projects Committee and directing staff to negotiate terms of a contract with a consultant needed.)

ACTION: By motion (Lang/Sutton, majority, McGrath and Patterson-no) recommendations 1 and 3 were approved.

Res. 88-609 adopted (Lang/Sutton, majority, McGrath and Patterson-no) the recommended policy concerning a condition of approval on future vesting tentative maps was adopted.

(Planning to handle)

CONSENT

12. Consider approval of the final map of California Sunrise No. 3 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Kaufman and Broad of Northern California. (The subdivision agreement has been signed and all fees paid. California Sunrise is located south of Coralwood Avenue east of McHenry Avenue. It contains 8.180 acres. Resolution approving final map needed.)

ACTION: Res. 88-610 adopted approving final map. (Clerk to handle)

CONSENT

13. Consider approval of the final map of Pinehurst II Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: Kaufman and Broad of Northern California. (The subdivision agreement has been signed and all fees paid. Pinehurst II is located at the southeast corner of Hatch Road and Ustick Road. It contains 9.980 acres. Resolution approving final map needed.)

ACTION: Res. 88-611 adopted approving final map. (Clerk to handle)

CONSENT

14. Consider approval of the final map of Naraghi Lakes No. 6 Subdivision of the City of Modesto and accepting improvements. Subdividers: U. S. By Products, Inc., Sharon Naraghi Grcich, and Hashem Naraghi. (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Naraghi Lakes No. 6 is located at the west side of Hashem Drive between East Rumble Road and Lakeshore Drive. It contains 5.482 acres. Memo with agenda. Resolution approving final map and accepting improvements needed.)

ACTION: Res. 88-612 adopted approving final map and accepting improvements. (Clerk to handle)

CONSENT

15. Consider acceptance of improvements in Norwegian Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Lyon-Horn Associates. (Norwegian Estates Subdivision is located between East Briggsmore Avenue and Norwegian Avenue, east of Sunrise Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-613 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

17. Consider authorizing Michael/Daniels and Associates to film commercials for Blue Diamond Almonds in Enslin Park on August 17, 18, or 19, 1988. (Memo with agenda. Resolution authorizing use of the park needed.)

ACTION: Res. 88-614 adopted authorizing use of park. (P/R to handle)

18. Consider amending the 1988-89 Budget to transfer \$5,000 from the Airport Contingency Fund for the development of an RFP for a restaurant/fuel farm facility. Consider directing staff to enter into negotiations with Hendley's Aviation/Sky Trek Aviation for development of a fuel farm facility. (Memo with agenda. Resolution amending budget, and resolution authorizing staff to proceed with negotiations for fuel farm facility needed. Estimated cost: \$5,000.)

ACTION: Res. 88-615 adopted (McGrath/Lang, unan.) amending budget in the amount of \$2,500. (Utility Serv/Finance to handle)

Res. 88-616 adopted (same vote) directing staff to proceed with a Request for Proposals for the development of a restaurant. (Utility Serv to handle)

CONSENT

19. Presentation of monthly Treasurer's Report for July, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

20. Renewal of Inland Marine Insurance Policy for policy year August 6, 1988 - August 6, 1989.
(Memo with agenda. Resolution approving renewal of the Inland Marine Insurance Policy with Great American Insurance. Estimated cost: \$4,962 Funds are budgeted.)

ACTION: Res. 88-617 adopted approving renewal. (Attorney to handle)

CONSENT

- 20A. Consider approving agreement with Gallo Glass Co. for the lease of Mark Twain Park site.
(This is a one-year renewal for an existing lease. All terms remain the same. Gallo Glass maintains the property for the City which cannot be farmed because of lack of water. In return for free rent, Gallo can use the property to harvest an adjoining grape vineyard. Resolution approving agreement needed.)

ACTION: Res. 88-618 adopted approving agreement. (Attorney to handle)

CONSENT

- 20B. Consider approving amendment to agreements with Logsdon, Snider & Foster Poultry Farms; and James C. Sorensen, Inc.
(Memo with agenda. The amendment adds a consumer price index rental increase on land rental at the airport. Three resolutions approving amendments to agreements needed.)

ACTION: Res. 88-619 adopted amending agreement with Logsdon.
Res. 88-620 adopted amending agreement with Snider & Foster Poultry Farms.
Res. 88-621 adopted amending agreement with James C. Sorensen, Inc.
(Attorney to handle)

CONSENT

- 20C. Consider certifying right-of-way for Carver Road/MID Lateral No. 6 Project.
(Memo with agenda. Resolution approving right-of-way certification needed.)

ACTION: Res. 88-622 adopted approving right-of-way certification.
(Attorney to handle)

CONSENT

20D. Consider approving agreement with Hailwood, Inc., for operation of the City's wastewater disposal irrigation system.
(Memo with Agenda. Resolution approving agreement needed.)

ACTION: Res. 88-623 adopted approving agreement. (Attorney to handle)

WRITTEN COMMUNICATIONS

21. Memo from Keith Gurn, Operations Manager for Arrow Graphics, requesting a discussion of the placing of weekend directional signs for the building industry.

ACTION: By motion (Lang/Muratore, unan.) the Council reaffirmed its position concerning temporary signs.

MISCELLANEOUS

CONSENT

22. Legislation: Staff recommends:

- a. Opposing SB 186 (Montoya) County Preemption of Subdivision and Parcel Map Approvals, Extension for Tentative Maps, and Amendments to Vesting Tentative Final and Parcel Maps.
- b. Neutral position on AB 4536 (Polanco) Congregate Living Health Facilities.

Memos with agenda. Motion approving recommendations needed.)

ACTION: By motion recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

ACTION: By motion (McGrath/Lang, unan.) it was determined that it was necessary to consider recent information concerning the sales tax issue.

A motion to support the Sales Tax Measure, Measure Y, was withdrawn.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
August 18, 1988

The Council of the City of Modesto met in special session at 2:00 p.m. in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

Councilmember Irizarry arrived at 3:05 p.m.

Absent: Councilmember McGrath

Also Present: David Cerruti and Pete Giambanco

Ed Walker reviewed information distributed to Councilmembers regarding water conservation.

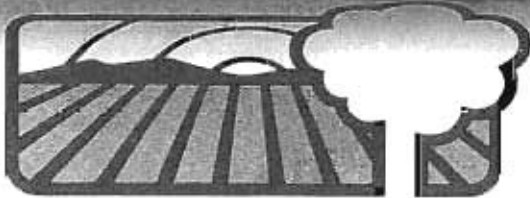
Dave Cerruti and Pete Giambanco spoke about ways car wash companies have/can cut water usage.

Al Kaufman discussed the plan to implement a surface water supply.

Ross Campbell discussed the feasibility of acquiring the Del Este Water Company. By order of the Chair, staff was directed to place this item on a future regular City Council meeting agenda for further consideration.

The meeting adjourned at 4:15 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, AUGUST 23, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Steve Elliott, Free Evangelical Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 13, 14, 15

Removed from consent: 12

ACTION: (Lang/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

NONE

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 16, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Mr. Millard, Gettysburg Way, said he had placed copies of a newspaper editorial concerning the Lincoln-Lakewood bridge at the Council desks.

UNFINISHED BUSINESS

4. Further consideration of Golf Course Report.
(Memos with agenda. Motion directing staff needed.)

ACTION: A motion (McGrath/Patterson, Irizarry, Lang, Sutton, Whiteside-no) to direct staff to look for a way for the City to develop and operate the third golf course failed to carry.

By motion (Irizarry/Lang, majority, McGrath and Patterson-no) staff was directed to negotiate with American Golf Corp. on the development and operation of the third golf course and operation of the City's two existing golf courses, and to recommend a consultant who would evaluate the City's development and operation of the third golf course and continued operation of the existing courses, and comparing the American Golf Corp. proposal with the City's estimated costs and revenues.

Res. 88-636 adopted (Irizarry/Lang, majority, McGrath and Patterson-no) accepting the proposal of American Golf Corp. and authorizing negotiations for the purpose of managing existing golf courses and construction, development and operation of the proposed 18-hole championship Dry Creek Golf Course.

(P/R to handle)

5. Consideration of County's sales tax measure, Measure Y.

ACTION: Res. 88-624 adopted (Lang/Sutton, unan.) supporting Measure Y, the sales tax measure. (Attorney to handle)

HEARINGS

6. Hearing to consider the appeal of Mid-Valley Engineering, on behalf of Big Valley Grace Community Church, to rezone from R-1 to P-D and vesting tentative subdivision map, property located at 605 Standiford Avenue.

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2602-C.S. was introduced.
Res. 88-625 adopted (same vote) approving plan.
Res. 88-626 adopted (same vote) certifying review of Environmental Assessment.
Res. 88-627 adopted (same vote) approving vesting tentative subdivision map. (Clerk/Planning to handle)

7. Hearing to consider an amendment to Section 7-3-9 of the Zoning Map to rezoning from a portion of P-D(351) to P-D(451) to allow a three-story office complex with freestanding restaurants, property located on the southwest corner of Standiford Avenue and Carver Road. (Ernest P. Graham)

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2603-C.S. introduced.
Res. 88-628 adopted (same vote) approving plan.
Res. 88-629 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider protests to orders of the Superintendent of Streets to construct improvements in alleys at the following locations:
By motion (Lang/Patterson, unan.) this item taken out of order, prior to considering the consent items.

<u>Block</u>	<u>Streets</u>
210	Lane Street - Walden Street/Burney Street - James Street
549	Magnolia Avenue - Elmwood Avenue/Needham Street - Alice Street
808	Princeton Avenue - Trinity Avenue/Notre Dame - College Avenue
809	Princeton Avenue - Trinity Avenue/Notre Dame - Tully Road
810	Tully Road - Notre Dame/Princeton Avenue - Fordham Avenue
816	Columbia Way - Mills Avenue/Carla Lane - Melinda Lane
934	Del Monte Avenue - Del Mar Avenue/Kearney Avenue - Del Rey Avenue

1006 Morris Avenue/Grantland Court

2028 Encina Avenue - Roble Avenue/Wilson Avenue - Santa Ana Avenue

2263 Miller Avenue - Glendale Avenue/Parry Avenue - El Vista Avenue

2282 Colfax Avenue - Cloverdale Avenue/ Roble Avenue - Haddon Avenue

6020 Maplewood Drive - Cherrywood Drive/Westland Drive - Del Vale Avenue

6041 Orangeburg Avenue - Oakwood Drive/Del Vale Avenue - Kearney Avenue

6140 Concord Avenue - Albany Avenue/Woodman Way - Granger Avenue

6622 Schulenburg Avenue - Theo Avenue/Hemminger Way - Uhlig Avenue

6629 Theo Avenue - Kingsbury Avenue/Hemminger Way - Uhlig Avenue

6824 Northgate Drive - Northwood Drive/Kirkwood Avenue - Sherwood Avenue

6829 Northgate Drive - Fleetwood Drive/Dorrington Court - Ridgewood Court

6922 Floyd Avenue - Bruce Avenue/Jasmin Avenue - Dana Lane

12952 Sheffield Lane - Winsor Lane/Sunrise Avenue - Rumble Road

ACTION: Res. 88-630 adopted (Lang/Irizarry, unan.) ordering construction.
(Engineering to handle)

466 College Avenue - Myrtle Avenue/Morris Avenue to Coldwell Avenue
Councilmember Muratore excused due to a conflict of interest.

ACTION: Res. 88-631 adopted (Irizarry/McGrath, unan., Muratore absent)
ordering construction. (Engineering to handle)

BIDS

CONSENT

9. Consider award of contract for Well No. 13 sand trap installation. (Bids were opened August 16, 1988. The low bid of \$35,820, submitted by Howk Systems, is 3.19% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Howk Systems, Inc. Resolution awarding contract to Howk Systems, Inc. Memo and bid tabulation with agenda. Estimated cost: \$35,820. Funds are budgeted.)

ACTION: Res. 88-632 adopted awarding contract. (Eng to handle)

CONSENT

10. Consider waiving formal bids for the removal of underground tanks at the City Service Yard and authorize issuance of a purchase order to Semco, Inc. to perform the work. (Memo with agenda. Resolution waiving formal bids and authorizing issuance of a purchase order to Semco, Inc. needed. (Five affirmative votes needed.) Estimated cost: \$22,000. Funds are budgeted.)

ACTION: Res. 88-633 adopted waiving formal bids. (Clerk to handle)

NEW BUSINESS

11. Consider City-County Joint Transportation Committee recommendations on transit. (Memo with agenda. The Committee recommends supplemental IT bus service to alleviate crowding during high school starting and ending times and recommends expansion of the Dial-a-Ride boundaries to include McHenry Avenue north to Kiernan Avenue. Motion approving Committee recommendations needed. Estimated cost: \$8,901. Funds are budgeted.)

ACTION: By motion (Lang/Irizarry, unan.) recommendations approved. (P/T to handle)

12. Consider agreement with Ralph Andersen and Associates for Executive Recruitment Services. (Memo with agenda. Resolution approving agreement needed. Estimated cost: \$14,000. Funds to be budgeted.)

ACTION: Res. 88-634 adopted (Patterson/Lang, unan.) approving agreement. (Manager to handle)

CONSENT

13. Consider acceptance of improvements in Woodland Gardens Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: P & R Enterprises. (Woodland Gardens Subdivision is located at the southeast corner of Woodland Avenue and Shasta Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-635 adopted accepting improvements as complete.
(Clerk to handle)

WRITTEN COMMUNICATIONS

CONSENT

14. Letter from the Downtown Improvement District requesting permission to hold a sidewalk sale on September 1, 2, and 3, 1988. (Motion approving request needed.)

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

CONSENT

15. Letter from the Modesto Chamber of Commerce requesting that the sign ordinance be amended to allow temporary posting of grand opening banners by newly opened businesses. (Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Planning to handle)

MATTERS TOO LATE FOR THE AGENDA

16. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 11:30 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, SEPTEMBER 6, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 13, 14, 15,
16, 18, 19, 20, 21, 22, 23, 26, 27,
28, 29, 30, 31, 32, 33, 34, 35, 36,
37, 40, 41, 42, 43, 44, 48,
49, 50

Removed from consent: 38

ACTION: (Lang/Sutton, unan.)

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Item 17
Councilmember McGrath to be excused
due to a conflict of interest

ACTION: (Patterson/Sutton, unan., McGrath 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the special August 18, 1988, and regular August 23, 1988, City Council meetings.
(Motion approving needed.)

ACTION: By motion, minutes approved.

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Request of Councilmember Muratore for further discussion of actions taken at August 23, 1988, City Council meeting concerning golf course report.

ACTION: By motion (Muratore/McGrath, majority, Irizarry, Sutton, Mayor Whiteside-no) staff directed to proceed with development of golf course, raise fees, retain consultant, reject all proposals and rescind actions of August 23rd meeting. (P/R to handle)

5. Staff response to a letter from the Modesto Chamber of Commerce requesting that the sign ordinance be amended to allow temporary posting of grand opening banners by newly opened businesses.
(On August 23, 1988, this request was referred to staff. Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Sutton/Patterson, unan.) staff directed to proceed with Option 4, permitting one temporary banner per street frontage for the opening of a new business and permitting a banner for any business during its permitted three-day promotion, and referring to Planning Commission for Code amendment.
(Planning to handle)

CONSENT

6. Final adoption of the following:

- a. Ord. No. 2602-C.S. amending the Zoning Map to rezone from R-1 to P-D, property located at 605 Standiford Avenue. (Big Valley Grace Community Church)
- b. Ord. No. 2603-C.S. amending the Zoning Map to rezone from a portion of P-D(351) to P-D(451), property located on the southwest corner of Standiford Avenue and Carver Road. (Ernest P. Graham Development Co.)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

HEARINGS

7. Hearing to consider the appeal of Kaufman and Broad to a decision of the Environmental Assessment Committee concerning a a vesting tentative subdivision map for Hillview Mobile Home Park at the northeast corner of Whitmore Avenue and Ustick Road.

ACTION: Res. 88-636 Adopted (Lang/Sutton, unan.) overruling decision of the Environmental Assessment Committee and not requiring an E.I.R. based on and including mitigating measures. (Planning to handle)

8. Hearing to consider the following annual fee adjustments to be effective January 1, 1989:

Building Inspection Fees
Documents
Encroachment Permits
Land Development
Streets
Water-Sewer Inspections
Capital Facilities Fees

ACTION: Res. 88-637 adopted (Irizarry/Sutton, unan.) adopting fee in connection with maintenance of rockwells and rescinding Res.No. 87-500.

Res.88-638 adopted (same vote) establishing filing fee for subdivision and parcel maps and rescinding Res.No. 87-1017.

Res. 88-639 adopted (same vote) establishing fees/charges for copies of various maps and prints and rescinding Res.No. 87-1018.

Res. 88-640 adopted (same vote) established investigation and permit fees relating to moving of buildings and rescinding Res.No. 87-1019.

Res. 88-641 adopted (same vote) establishing sewer bond redemption charge and water connection charge inspection fees and rescinding Res. No. 87-1020.

Res. 88-642 adopted (same vote) establishing sign permit fees and rescinding Res.No. 87-1021.

Res. 88-643 adopted (same vote) establishing fee for preparation of sewer line reimbursement agreements and rescinding Res.No. 87-1022.

Res. 88-644 adopted (same vote) establishing building compliance inspection fee and rescinding Res.No. 87-1023.

Res. 88-645 adopted (same vote) adopting schedule of fees in connection with encroachment permits and inspections required by City and rescinding Res.No. 87-1024.

Res. 88-646 adopted (same vote) establishing filing fees for special assessment district financing and rescinding Res.No. 87-1025.

Res. 88-647 adopted (same vote) establishing fees for issuance of annual permits for oversized or overloaded vehicles and for issuance of 1-trip permits for oversized or overloaded vehicles and rescinding Res.No. 87-1028.

Res. 88-648 adopted (same vote) establishing filing fees for special assessment benefit districts for landscaping and rescinding Res.No. 87-1026.

Res. 88-649 adopted (same vote) establishing Capital Facilities Fees and rescinding Res.No. 88-51.

Res. 88-650 adopted (same vote) allowing sale of electronic data and establishing fee to be charged by all City departments for sale of electronic data and rescinding Res.No. 87-1027.

(Eng/Finance to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications for rock well relocation at City Water Well No. 27 and No. 43.

(Suggested bid opening: September 20, 1988, at 11:00 a.m. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$13,200 (contract \$11,000; eng. & cont. \$2,200). Funds are budgeted.)

ACTION: Res. 88-651 adopted calling for bids.

(Eng to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened October 11, 1988, at 3:00 p.m. for furnishing discing services. (Requested by the Parks and Recreation Department, the discing services will be conducted at various park sites throughout the City. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$14,300. Funds are budgeted.)

ACTION: Res. 88-652 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider award of contract for the McHenry Mansion landscaping - Phase I to Grover Landscaping. (Bids were opened on August 16, 1988. The low bid of \$35,698 for the base bid, plus Alternate A, will provide for site preparation and the furnishing and installation of an irrigation system, complete in place. Grover Landscaping's bid is considered acceptable and it is recommended that the contract be awarded to them. Bid tabulation with agenda. Resolution awarding the contract to Grover Landscaping needed. Funds are budgeted.)

ACTION: Res. 88-653 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider award of contract for the John Thurman Field Women's restroom to B & L Builders, Inc. (Bids were opened on August 23, 1988. The low bid of \$104,265, submitted by B & L Builders, is 10.9% above the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to B & L Builders, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-654 adopted awarding contract. (Eng to handle)

CONSENT

13. Consider award of contract for the Highway Village street and storm drain improvements to Western Stone Products, Inc. (Bids were opened on August 23, 1988. The low bid of \$179,391, submitted by Western Stone Products, Inc., is 4.76% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding contract to Western Stone Products, Inc. needed. Memo and bid tabulation with agenda. Funds are budgeted.)

ACTION: Res. 88-655 adopted awarding contract. (Eng to handle)

CONSENT

14. Consider award of contract for the John Thurman Field grandstand renovation to B & L Builders, Inc.
(Bids were opened on August 23, 1988. The low bid of \$119,270, submitted by B & L Builders, is 18.49% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to B & L Builders, Inc. needed. Funds are budgeted.)

ACTION: Res. 88-656 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider awarding bid for furnishing one hot water boiler to R. F. MacDonald Co. and authorize the purchase for the total price of \$40,379.78.
(Memo with agenda. Resolution awarding bid to R. F. MacDonald Co. and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-657 adopted awarding contract. (Finance to handle)

CONSENT

16. Consider acceptance of Ragsdale & Son's contract for the Woodrow basketball court resurfacing. (Original contract and final cost: \$11,965)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-658 adopted accepting work as complete. (Eng to handle)

CONSENT COUNCILMEMBER McGRATH WILL BE EXCUSED DUE TO A CONFLICT OF INTEREST

17. Consider acceptance of Lang's Enterprises' contract for the Legion Hall kitchen hood replacement. (Original contract: \$24,207.35)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$24,606.03. Funds are budgeted.)

ACTION: Res. 88-659 adopted accepting work as complete. (Eng to handle)

CONSENT

18. Consider acceptance of B & L Builders, Inc.'s contract for the Coleman Brown Park play apparatus replacement. (Original contract & final cost: \$13,250)
(all work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-660 adopted accepting work as complete. (Eng to handle)

CONSENT

19. Consider acceptance of SEMCO'S contract for the removal of underground tanks at various locations. (Original contract: \$12,581.50)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$13,481.50. Funds are budgeted.)

ACTION: Res. 88-661 adopted accepting work as complete. (Eng to handle)

CONSENT

20. Consider acceptance of George Reed, Inc.'s contract for the Alberta Martone Park. (Original contract: \$228,000)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$230,185. Funds are budgeted.)

ACTION: Res. 88-662 adopted accepting work as complete. (Eng to handle)

CONSENT

21. Consider acceptance of Scheidt, Haydon and Hall, Inc.'s contract for Scenic/Lakewood water line extension. (Original contract: \$116,779)
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$108,978. Funds are budgeted.)

ACTION: Res. 88-663 adopted accepting work as complete. (Eng to handle)

CONSENT

22. Consider waiving formal bid procedures and authorize the Purchasing Officer or his designated agent to purchase eleven used cars from a wholesale dealers auction for use by detectives at the Police Department. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing the purchase of eleven used cars from a wholesale auto auction needed. (Five affirmative votes needed.) Estimated cost: \$105,000. Funds are budgeted.)

ACTION: Res. 88-664 adopted waiving formal bid procedure. (Finance to handle)

CONSENT

23. Consider waiving formal bid procedures and authorize the City Manager to sign an agreement with Advertising Communications (AdCom) for designing a print advertisement campaign for the Modesto Centre Plaza.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing the City Manager to sign a contract with AdCom needed. (Five affirmative votes needed.) Estimated cost: \$11,000. Funds are budgeted.)

ACTION: Res. 88-665 adopted waiving formal bid procedure. (Finance to handle)

NEW BUSINESS

24. Consider possible Municipal Code text amendments concerning traffic flow, as requested by Councilmember Irizarry.

ACTION: By motion (Irizarry/Sutton, unan.) referred to staff for Code amendment regarding curb cuts. (Eng to handle)

25. Consider formation of a Downtown Action Committee.
(The Downtown Renaissance Committee recommends the formation of a Downtown Action Committee to develop a future vision for downtown and a master plan for downtown to implement that vision. Memo with agenda. Motion approving the Downtown Renaissance Committee's recommendations. Estimated cost: \$2,500.)

ACTION: By motion (Sutton/Muratore, unan.) approved recommendations with addition of encouraging housing downtown. (Planning to handle)

CONSENT

26. Consider dedication of Fire Station No. 4.
(Memo with agenda. Motion authorizing dedication of Station No. 4 needed.)

ACTION: By motion, dedication authorized. (Fire to handle)

CONSENT

27. Consider approving agreement with Modesto Irrigation District consenting to common use for additional right of way needed at the corner of Sisk and Briggsmore.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-666 adopted approving agreement. (Attorney to handle)

CONSENT

28. Consider request from Uncle Charlie's Home for Children to permit payment for sidewalks over a period of ten years.
(Memo with agenda. Resolution denying request needed.)

ACTION: Res. 88-667 adopted denying request. (Eng to handle)

CONSENT

29. Consider approving agreement with Stanislaus Rape Task Force for program funding of \$6,000 under the Community Development Block Grant (CDBG) Program for Fiscal Year 1988-89.
(Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 88-668 adopted approving agreement. (Planning to handle)

CONSENT

30. Consider approval, along with Stanislaus County, for the construction of a temporary refuse transfer facility at the City/County Geer Road Landfill.
(Memo with agenda. Resolution approving construction of a temporary refuse transfer facility needed.)

ACTION: Res. 88-669 adopted approving construction. (Utility Serv to handle)

CONSENT

31. Requirement for construction of curbs and/or sidewalks at the locations listed below (86/05/03 - 87/05/09)
(Informal requests were sent to the property owners over 30 days ago. As the work has not been done, it is recommended that a resolution be adopted instructing the Superintendent of Streets to give notices. Resolution setting hearing September 27, 1988, at 7:30 p.m. needed.)

- a. Curb and sidewalk at 1320 California Avenue, a portion of Block 4055 (Laverne F. and Nadine Hager)
- b. Curb and sidewalk at 415 Kansas Avenue, a portion of Block 5061 (Kraft, Inc.)
- c. Curb and sidewalk at 519 Kansas Avenue, a portion of Block 5061 (Albert A. and Delores W. Silva)
- d. Curb and sidewalk at 837 Kansas Avenue, a portion of Block 5032 (U-Haul Co. of Fresno)
- e. Curb and sidewalk at 842-848 Kansas Avenue, a portion of Block 5027 (READ Investments)
- f. Curb and sidewalk at 619-625 Kansas Avenue, a portion of Block 5055 (Varni Bros.)

- g. Curb at 117 E. Fairmont Avenue, a portion of Block 651 (Jerry L. Hooper)
- h. Curb at 130 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- i. Curb at 128 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
- j. Curb at 125 E. Fairmont Avenue, a portion of Block 651 (Heirs of Merritt Alzada R.)
- k. Curb along E. Fairmont Avenue at 925 Ila Way, a portion of Block 651 (Naomi H. Tucker, Life Estate)

ACTION: Res. 88-670 adopted setting hearing. (Eng to handle)

CONSENT

32. Consider request for water service to property outside City limits at 1017-21 N. Emerald Avenue, located on the west side of N. Emerald Avenue between Kansas Avenue and Lone Palm Avenue. (Owners: George R. and Phyllis L. Sanders)
 (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to service it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-671 adopted approving agreement. (Eng to handle)

CONSENT

33. Consider request for water service to property outside City limits at 1037 S. Emerald Avenue, located on the west side of S. Carpenter Road and Houser Lane. (Owners: Richard C. and Jane L. Freed)
 (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to service it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-672 adopted approving agreement. (Eng to handle)

CONSENT

34. Consider request for water service to property outside City limits at 1612 California Avenue, located on the south side of California Avenue and Ohio Avenue. (Owner: Richard C. Freed)
 (The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City and a line exists to service it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-673 adopted approving agreement. (Eng to handle)

CONSENT

35. Consider approval of the final map of Park Valley Homes No. 2 subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers/Developers: Kaufman and Broad of Northern California) (The subdivision agreement has been signed and all fees paid. Park Valley Homes No. 2 is located north of Whitmore Avenue between Ustick Road and Crows Landing Road. It contains 18.321 acres. Resolution approving final map needed.)

ACTION: Res. 88-674 adopted approving final map. (Eng to handle)

CONSENT

36. Consider approval of the final map of Park Valley Homes No. 3 subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers/Developers: Kaufman and Broad of Northern California) (The subdivision agreement has been signed and all fees paid. Park Valley Homes No. 2 is located north of Whitmore Avenue between Ustick Road and Crows Landing Road. It contains 2.241 acres. Resolution approving final map needed.)

ACTION: Res. 88-675 adopted approving final map. (Eng to handle)

CONSENT

37. Consider acceptance of improvements in Windom Heights subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Grant Construction) (Windom Heights subdivision is located south of Pelandale Avenue and west of Gagos Drive. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-676 adopted accepting improvements as complete. (Eng/Clerk to handle)

Item 39 discussed out of order.

38. Annual Report from Human Relations Commission. (Letter with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Sutton/Irizarry, unan., Lang absent) receipt of report acknowledged.

This item discussed before Item 38

39. Consider approving Infrastructure Staff Task Force recommendations concerning preliminary approval of hiring a consultant, Recht Hausrath and Associates, to assist City in adjusting Capital Facilities Fees and directing staff to recommend a consultant for a Citywide traffic model. (Memo with agenda. Motion preliminarily approving the hiring of a consultant, and resolution directing staff to send out a request for proposals for a consultant for Citywide traffic model needed, and resolution approving appropriation transfer needed. Estimated initial cost: \$2,500.)

Motion approving hiring consultant to assist in adjusting fees.

ACTION: Res. 88-677 adopted approving Request for Proposals for a consultant.
Res. 88-678 adopted approving appropriation transfer.
(Planning to handle)

Councilmember Lang left at 6:15 p.m.

CONSENT

40. Consider City Transportation Committee recommendations to contract with Parsons, Brinckerhoff, Quade & Douglas to revise the Transportation Center design and to approve the project time schedule for completion of the Center.

(Memo with agenda. The revised design would include maintaining the depot in its present location and revising bus parking design. The design cost is a maximum of \$10,000. The project time schedule anticipates completion of the project in May 1990. Resolution approving agreement and motion approving project time schedule needed. Estimated cost: \$10,000. Funds are budgeted.)

ACTION: Res. 88-679 adopted approving agreement. (P/T to handle)

CONSENT

41. Consider adoption of a resolution to promote and participate in the "Modesto Says No., 1988" rally to be held on Saturday, October 17, 1988. (Memo with agenda. Forward Modesto IV Follow-up of the Security and Law Enforcement Task Force: Police Services category, recommendation No. 10: The City Council should take a major stance and support activities to reduce the problem of drugs within the City. Adoption of resolution needed. Estimated cost for provision of services: \$1,000. Funds are budgeted.)

ACTION: Res. 88-680 adopted supporting activities. (Police to handle)

CONSENT

42. Consider approving a joint powers agreement with the Empire Union School District for the acquisition of two elementary school/park sites in the Empire West Neighborhood. (Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-681 adopted approving agreement. (P/R to handle)

CONSENT

43. Consider approving agreement with Hodges & Shutt, a consulting firm, for the update of the Airport Master Plan.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$45,000 FAA; \$5,000 City. Funds are budgeted.)

ACTION: Res. 88-682 adopted approving agreement. (Utility Serv to handle)

CONSENT

44. Consider approval of the application for federal grant for Modesto City-County Airport for the expansion of the passenger terminal, installation of taxiway holding signs, construction of taxiway "E," installation of runway distance markers, and drainage for taxiway #2.
(Memo with agenda. Resolution approving application needed. Estimated cost: \$932,229 (\$697,613 FAA, \$234,616 City). Funds are budgeted.)

ACTION: Res. 88-683 adopted approving application. (Utility Serv to handle)

45. Consider the following:

- a. Consider approving a sublease agreement of the Turner Building with Borton, Petrini and Conron, Law Offices.
(Memo with agenda. Resolution approving sublease agreement needed.)

ACTION: Res. 88-684 adopted (Patterson/McGrath, majority, Mayor Whiteside-no, Lang absent) approving sublease agreement.

- b. Report on remodeling first floor of City Hall - former Finance Department area.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Muratore/Sutton, majority, McGrath-no, Lang absent) acknowledged receipt of report. (Manager to handle)

46. Designation of Voting and Alternate Voting Delegates, Annual Congress of Cities, December 3-7, 1988, in Boston, Massachusetts.

ACTION: By motion (Muratore/Irizarry, unan., Lang absent) Mayor and Vice Mayor designated. (Clerk to handle)

WRITTEN COMMUNICATIONS

47. Request for direct City assistance and City financial assistance from Carmen S. Martin, representing the National League of Families of American Prisoners POW/MIA for a parade to be held on Saturday, September 17, 1988.

ACTION: Res. 88-684A (McGrath/Patterson, unan., ^{Lang absent}) request for direct assistance approved.
By motion (same vote) request for financial assistance denied. (Police/P & R to handle)

CONSENT

48. Letter from Keith D. Vogt resigning from the Downtown Improvement District Board of Directors.
(Resolution accepting resignation with regret.)

ACTION: Res. 88-685 adopted accepting resignation. (Clerk to handle)

CONSENT

49. Letter from Dave Kilby, Chief Executive Officer of the Modesto Chamber of Commerce, requesting examination of the possibility of using a public works bidding system without requiring prevailing wages.
(Motion referring to staff needed.)

ACTION: By motion, referred to staff. (Attorney to handle)

CONSENT

50. Application of Ronald Burgess for leave to file late claim.
(Application with agenda. Resolution denying request to file late claim needed.)

ACTION: Res. 88-686 adopted denying request. (Attorney to handle)

MISCELLANEOUS

51. Appointments

Affirmative Action Commission

ACTION: Res. 88-687 adopted (Sutton/Patterson, unan., Lang absent)
reappointing Jerry Kunishige

Res. 88-688 adopted (Muratore/Patterson, unan., Lang absent)
reappointing Yvonne Hall.

Res. 88-689 adopted (Muratore/Sutton, majority, Irizarry-No, Lang absent) reappointing Anita Adams.

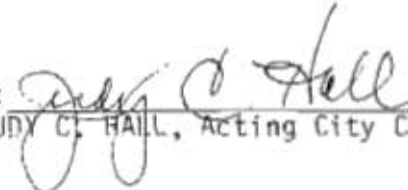
MATTERS TOO LATE FOR THE AGENDA

52. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 6:55 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, SEPTEMBER 13, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Jack Hewitt, Freewill Baptist Church

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

Removed from consent: 11
ACTION: (Lang/Sutton, 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.)

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. a. American Field Service student from Australia, Kellie Muller, will present Mayor Whiteside with a letter from the Mayor of her City.

Mayor Whiteside introduced Kellie Muller and acknowledged letter.
- b. United Way Pacesetters.

Councilmember Patterson, representing United Way Pacesetters, introduced Mary Tyler, United Way, and announced campaign kick-off on September 19, 1988, at Graceada Park. Councilmembers and Mayor pledged \$6.00 per pay period.

MINUTES

CONSENT

2. Approval of the minutes of the September 6, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None.

UNFINISHED BUSINESS

4. Consider adopting a policy for procedure after a street name change approval.
(Planning Commission Resolution No. 88-41 recommended specific City procedure after a street name change. The City Council considered this on June 6, 1988, and delayed action so that cost implications could be provided. Resolution adopting policy needed.)

ACTION: Res. 88-690 adopted (Irizarry/McGrath, unan.) adopting policy.

(Planning to handle)

5. Consider authorizing City Manager to sign an agreement with Bissell and Karn, Inc. for the preliminary design of the Lakewood/Lincoln Bridge (Phase I).
(The agreement covers the complete design of the bridge. The project is broken down into four phases. Phase I covers only the preliminary design work. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$114,000. Funds are budgeted.)

ACTION: Res. 88-691 adopted (Lang/Mayor Whiteside, maj., McGrath, no) approving agreement.

(Engineering to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the dike wave action protection project at the remote pond site.
(Suggested bid opening: October 18, 1988, at 2:00 p.m. This project will provide additional protection against wind and wave erosion of the storage pond levees at the remote pond site. Memo with agenda. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$2,000,000 (construction \$1,880,000; contingencies & engineering \$120,000. Funds are budgeted.)

ACTION: Res. 88-692 adopted approving plans and specifications and calling for bids.

(Utility Services to handle)

CONSENT

7. Consider approving specifications and authorizing call for bids to be opened October 11, 1988, at 3:10 p.m. for furnishing two police minivans. (Requested by the Utility Services Service Division, the vans will be permanently dispatched to the Police Department to be used as patrol vehicles. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$39,000. Funds are budgeted.)

ACTION: Res. 88-693 adopted approving specifications and authorizing call for bids.

(Finance to handle)

CONSENT

8. Consider acceptance of Granite Construction Company's contract for the reconstruction of Kearney Avenue. (Original contract: \$89,950)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the project as complete and file the Notice of Completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$89,835.18. Funds are budgeted.)

ACTION: Res. 88-694 adopted accepting work as complete.
(Engineering to handle)

CONSENT

9. Consider waiving formal bid procedures and authorize the City Manager to sign a lease agreement with A.B. Dick Company for a sorter.
(Memo with agenda. (Five affirmative votes needed.) Resolution waiving formal bid procedures and authorizing lease agreement needed. Estimated cost FY 88-89: \$4,660. Funds are budgeted.)

ACTION: Res. 88-695 adopted waiving formal bid procedures and authorizing lease agreement.
(Finance to handle)

CONSENT

10. Consider rescinding Res. No. 88-131 which authorized the purchase of janitorial services for the Centre Plaza from Central California Maintenance, and award the contract to guarantee Janitorial Service for the prices bid.
(Memo with agenda. Resolution awarding contract to Guarantee Janitorial Service and rescinding Res. No. 88-131 needed. Estimated cost: \$8,827. Funds are budgeted.)

ACTION: Res. 88-696 adopted awarding contract to Guarantee Janitorial Service and rescinding Res. No. 88-131.
(Finance to handle)

NEW BUSINESS

11. City Manager's Administrative Activities Report, 1987-88.
(The City Charter requires the City Manager to submit an annual report to the City Council on Administrative Activities at the completion of each fiscal year. The 1987-88 City Manager's Administrative Activities Report is with the agenda. Motion accepting report needed.)

ACTION: By motion (McGrath/Irizarry, unan.) report accepted.
(Manager to handle)

CONSENT

12. Consider approving agreement with Women's Center of Stanislaus for handicapped barrier removal funding of \$2,304.67 under the Community Development Block Grant Program for Fiscal Year 1988-89. (Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 88-697 adopted approving agreement.

(Planning/CD to handle)

CONSENT

13. Consider approving an agreement with Creative Alternatives for \$30,000 in funding of the Senior Aides Program under the Community Development Block Grant Program for Fiscal Year 1988-89. (memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 88-698 adopted approving agreement.

(Planning/CD to handle)

CONSENT

14. Consider adoption of a resolution proclaiming Thursday, September 15, 1988, as "Modesto DARE Day" in conjunction with "National DARE Day" as proclaimed by Congress. (Forward Modesto IV Follow-up: Security/Law Enforcement Task Force: Police Services Recommendation No. 10: The City Council should take a major stance and support activities to reduce the problem of drugs within the City. Resolution needed.)

ACTION: Res. 88-699 adopted proclaiming Thursday, September 15, 1988, as "Modesto DARE Day."

(Police to handle)

CONSENT

15. Consider approving agreement with Richard L. Marks for inspection services. (It is necessary to contract out subdivision inspection services. Memo with agenda. Resolution approving agreement. Estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 88-700 adopted approving agreement.

(Engineering to handle)

CONSENT

16. Consider approving agreement with Robert D. Mangum for inspection services.
(It is necessary to contract out subdivision inspection services. Memo with agenda. Resolution approving agreement. Estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 88-701 adopted approving agreement. (Engineering to handle)

CONSENT

17. Consider acceptance of improvements in Gibson Gardens subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Joaquin Construction) (Gibson Gardens subdivision is located at the northeast corner of Yosemite Boulevard and Lincoln Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-702 adopted accepting improvements. (Clerk to handle)

CONSENT

18. Consider acceptance of improvements in Songbird Meadows subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Lawrie Development) (Songbird Meadows subdivision is located south of Parker Road between Claus Road and Held Drive. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-703 adopted accepting improvements. (Engineering/Clerk to handle)

CONSENT

19. Consider request for water service to property outside City Limits at 1345 Watts Avenue, located on the west side of Watts Avenue between Woodland Avenue and Shaddox Avenue. (Owners: Burdette N. and Marion A. Davis)
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-704 adopted approving agreement. (Engineering to handle)

CONSENT

20. Consider request for refund of \$625.50 for overpayment of Business Improvement Area Tax by The Warden's Office, Inc.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-705 adopted approving refund.

(Finance to handle)

WRITTEN COMMUNICATIONS

21. Request of Ilona Sanjean to appear before the Council concerning damage to her car by a City tree.

ACTION: By motion (Lang/McGrath, maj., Mayor Whiteside, no) claim denied.

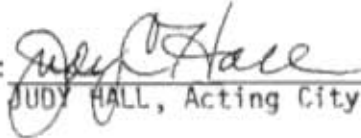
MATTERS TOO LATE FOR THE AGENDA

22. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None.

ADJOURNMENT

The meeting was adjourned to Tuesday, September 20, 1988, at 2:00 p.m. in the Magnolia Room, Modesto Centre Plaza, 1000 L Street, Modesto, California for a joint meeting with the Modesto Irrigation District Board of Directors concerning the domestic water study.

ATTEST: 
JUDY HALL, Acting City Clerk

Adjourned Regular Meeting
Modesto City Council
September 20, 1988

The Council of the City of Modesto met pursuant to adjournment at 2:00 p.m. in the Magnolia Room at the Modesto Centre Plaza, 1000 "L" Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Absent: None

Representatives of the consulting firms, Montgomery and URS, discussed the Domestic Water Project study status and the information and statistics on which the study is based.

The meeting adjourned at 3:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

9/20/88



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 20, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember Irizarry arrived at 4:10 p.m.

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: 2, 5, 6, 9, 11, 12, 13, 14,
15, 16, 17, 18, 19,

Removed from consent: 7,8,10,21

Dropped from agenda: 20

ACTION: (Lang/McGrath, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the September 13, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Richard Gates spoke about the Lincoln-Lakewood area.
Loretta Carhart spoke about an injury.

UNFINISHED BUSINESS

4. Consider opposing the selection of the Morgan/Whitmore site for a jail facility.
(The Morgan/Whitmore site is one of the primary sites under consideration by the Stanislaus County Board of Supervisors for a jail site. If selected, Union Pacific Realty's plans for an industrial park would not take place, eliminating the possibility of creating 1,000 new jobs. Secondly, the selection of the site could eliminate plans for expansion of the General Foods plant. Memo and sample resolution with agenda. Resolution opposing the selection of the Morgan/Whitmore site needed.)

ACTION: Res. 88-706 adopted (Muratore/McGrath, unan.) opposing the selection of the Morgan/Whitmore site. (Econ Develop to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for Project No. 17 - replacement of curb, drive aprons and sidewalks at various locations.
(Suggested bid opening: October 11, 1988, at 11:00 a.m. This project is required to restore proper drainage to curb, damaged by tree roots. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$114,170 (contract \$103,799; engineering & cont. \$10,380). Funds are budgeted.)

ACTION: Res. 88-707 adopted calling for bids. (Eng to handle)

CONSENT

6. Consider approving specifications and authorize call for bids to be opened October 11, 1988, at 3:15 p.m. for furnishing Police portable radios.
(Requested by the Police Department, the portable radios will supplement the current available radios. The radios are used primarily by Detective and Patrol personnel. Resolution approving specifications and call for bids needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 88-708 adopted calling for bids. (Finance to handle)

7. Consider acceptance of George Reed, Inc.'s contract for the 1988 overlay of various City streets. (Original contract: \$251,929.35)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is, therefore, in order to accept the project as complete and file the notice of completion. Memo with agenda. Resolution accepting work as complete needed. Final cost: \$260,930.30. Funds are budgeted.)

ACTION: Res. 88-709 adopted (Muratore/McGrath, unan., accepting as complete. (Clerk to handle)

8. Consider certifying the Environmental Assessment Committee's finding of a Negative Declaration on the dike wave protection project, Phase I, and authorize the filing of a Notice of Determination.
(The Environmental Assessment Committee gave a Negative Declaration to the project on August 17, 1988. It is in order for Council to certify the finding and authorize the filing of a Notice of Determination. Memo with agenda. Resolution certifying review and consideration of E.A. Committee's finding of a Negative Declaration and authorizing filing of Notice of Determination needed.)

ACTION: Res. 88-710 adopted (McGrath/Patterson, unan.) certifying review of Environmental Assessment. (Planning to handle)

NEW BUSINESS

9. Consider amending lease agreement between the City of Modesto and the Redevelopment Agency for the Community Center.
(Memo with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 88-711 adopted (Lang/Sutton, unan.) approving amendment to lease agreement. (Attorney to handle)

10. Consider amending various sections of the Modesto Municipal Code to reclassify certain misdemeanor violations to infractions.
(Memo with agenda. Motion introducing five ordinances needed.)

ACTION: By motion (McGrath/Patterson, majority, Whiteside-no) Ord.No. 2604-C.S. introduced amending Sections of Title IV to provide that violations thereof are unlawful and punishable as infractions.

By motion (same vote) Ord. No. 2605-C.S. introduced amending Sections of Title VII relating to encroachments in sidewalk planting strips.

By motion (same vote) Ord. No. 2606-C.S. introduced amending Sections in Title X to provide that violations thereof are unlawful and punishable as infractions.

By motion (same vote) Ord. No. 2607-C.S. introduced amending Section of Title XI relating to rules and regulations.

By motion (same vote) Ord. No. 2608-C.S. introduced amending Section of Title XII relating to general regulations governing use of parks.
(Clerk to handle)

CONSENT

11. Consider request for refund of \$771.39 for overpayment of Business License Tax by P.S.C. Company.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 88-712 adopted authorizing refund. (Finance to handle)

CONSENT

12. Consider request for refund of \$2,590.23 for overpayment of Business License Tax by Handy Andy.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 88-713 adopted authorizing refund. (Finance to handle)

CONSENT

13. Consider approval of the final map of Orangeburg Professional Plaza subdivision, formerly known as Orangeburg Dental Medical Office Complex subdivision of the City of Modesto, and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. (Subdividers: Scott Orangeburg Investors)
(The subdivision agreement has been signed and all fees paid. Orangeburg Medical Offices subdivision is located on the north side of East Orangeburg Avenue between Collier Avenue and Trombetta Avenue. It contains 1.499 acres. Resolution approving final map needed.)

ACTION: Res. 88-714 adopted approving final map. (Clerk to handle)

CONSENT

14. Consider acceptance of improvements in Pinehurst No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Kaufman & Broad of Northern California)
(Pinehurst No. 1 subdivision is located between Coralwood Drive and east of Union Avenue, east of McHenry Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-715 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

15. Consider acceptance of improvements in Pheasant Valley subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Franco Construction)
(Pheasant Valley subdivision is located on the north side of Kansas Avenue, west of Carpenter Road. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Memo with agenda. Resolution accepting improvements needed.)

ACTION: Res. 88-716 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

16. Consider request for water service to property outside City limits at 3120 Oakdale Road, located on the east side of Oakdale Road between Floyd Avenue and Sylvan Avenue. (Owners: R.D.R. Properties)
(The property owners have signed an agreement to annex when requested to do so by City. The property is contiguous to City, and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-717 adopted approving agreement. (Eng to handle)

CONSENT

17. Consider request for water service to property outside City limits at 1054 Lone Palm Avenue, located on the east side of Lone Palm Avenue between Kansas Avenue and N. Emerald Avenue. (Owner: Julia A. Wagner)
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City, but a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-718 adopted approving agreement. (Eng to handle)

CONSENT

18. Consider approval of LAFCO questionnaire indicating no opposition to the California-Marshall Revised Governmental Reorganization.
(proponent proposes annexation of 20.5 acres located on the west side of No. Martin Luther King Drive between California Avenue and Briggs Avenue. Memo, maps and LAFCO questionnaire with agenda. Resolution supporting proposed Governmental Reorganization needed.)

ACTION: Res. 88-719 adopted supporting proposed Governmental Reorganization.
(Planning to handle)

CONSENT

19. Consider approval of LAFCO questionnaire indicating no opposition to the Kansas Avenue No. 7A (Modified) Governmental Reorganization.
(Proponent proposes annexation of approximately 113 acres located on the north side of Kansas Avenue, east and west of Rosemore Avenue. Memo, maps and LAFCO questionnaire with agenda. Resolution supporting proposed Governmental Reorganization needed.)

ACTION: Res. 88-720 adopted supporting proposed Governmental Reorganization.
(Planning to handle)

CONSENT

20. Consider authorizing Fuel Efficient Traffic Signal Management Program Grant Application to coordinate and synchronize the signals on Coffee Road, Oakdale Road, Sylvan Road and Briggsmore Avenue.
(Memo with agenda. Resolution authorizing grant application needed. Estimated cost: \$144,444.)

Dropped from agenda

21. Consider approval of a grant offer for Modesto City-County Airport for the expansion of the passenger terminal, installation of taxiway holding signs, construction of taxiway "E," installation of runway distance markers, and drainage for taxiway #2.
(Memo with agenda. Resolution approving grant offer needed. Estimated cost: \$932,229 (FAA \$697,613; City \$234,616); funds are budgeted.)

ACTION: Res. 88-721 adopted (McGrath/Sutton, unan.) approving grant offer.
(Utility Serv to handle)

MISCELLANEOUS

22. Appointments

Human Relations Commission

ACTION: Res. 88-722 adopted (Lang/McGrath, unan.) appointing Robert Taniquchi and Quincy Hamilton, terms to expire 1/1/92.

Farm-City Committee

ACTION: Res. 88-723 adopted (Lang/McGrath, unan.) appointing Ed Perry and Keith Mahan, terms to expire 5/1/92 and 5/1/89 respectively.

Local Cable Programming Committee

ACTION: Res. 88-724 adopted (Lang/McGrath, unan.) appointing Kirk Coleman to the Local Cable Programming Committee, term to expire 1/1/91.

Board of Building Appeals

ACTION: Res. 88-725 adopted (Lang/McGrath, unan.) appointing Tim Ragsdale to the Board of Building Appeals, term to expire 1/1/92.
(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:25 p.m. to closed session to consider the evaluation of performance of public employees pursuant to Section 54957 of the Government Code, and then to Thursday, September 22, 1988, at 2:00 p.m., in the Personnel Testing Room, City Hall, 801 11th Street, Modesto, for a joint meeting with the Planning Commission for a presentation by a representative of the Urban Land Institute.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Adjourned Joint City Council/
Planning Commission Meeting
September 22, 1988

The joint City Council/Planning Commission met pursuant to adjournment at 2:00 p.m. in the Personnel Testing Room, First Floor of City Hall, 801 Eleventh Street, Modesto, California.

Present: Councilmembers Irizarry, McGrath, Patterson, Sutton,
Mayor Whiteside

Absent: Councilmembers Lang, Muratore

Present: Commissioners Hart, Smith, Grover, Dunbar,
Chairperson Gallagher

Absent: Commissioners Bavaro, Fleming

Bill Nichols, Director of Planning and Community Development, introduced Paul Reimer, representing the Urban Land Institute. Mr. Reimer explained how the U.L.I. Panel Advisory Service could assist the City of Modesto in planning for future urban growth and development.

The meeting adjourned at 4:10 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, SEPTEMBER 27, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Peterson, Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 13, 14, 15, 16, 17, 18, 20,
21, 22, 23, 24, 25, 26, 27, 28

ACTION: (Lang/Irizarry, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of September 20, 1988, and the regular meeting of September 20, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Michael Hook spoke about historical preservation.
Harold M. Johnson spoke about problems of the homeless.

UNFINISHED BUSINESS

4. Staff report on Dry Creek Golf Course calendar for development and request for proposals for golf course architect.
(Memo with agenda. Motion authorizing staff to send out Request for Proposals for golf course architect and resolution amending classification plan and resolution setting salary for Golf Course Superintendent needed.)

ACTION: By motion (McGrath/Sutton, unan.) staff authorized to send out Request for Proposals for golf course architect.
Res. 88-726 adopted (same vote) amending classification plan.
Res. 88-727 adopted (same vote) amending salary schedule.
(P/R to handle)

5. Consider report by Director of Engineering Services explaining the Scenic Drive reconstruction project and responding to a recent Modesto Bee editorial.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (McGrath/Lang, unan.) receipt of report acknowledged.

6. Response to the 1987-88 Stanislaus County Grand Jury Report.
(Memo and report with agenda. Motion approving staff report and recommending the report be forwarded to the 1988-89 Grand Jury Foreman needed.)

ACTION: By motion (Lang/Muratore, unan.) report approved, to be forwarded to the Grand Jury with a letter from the Mayor. (Mgr to handle)

7. Consider final adoption of Ordinance Nos. 2604-C.S., 2605-C.S., 2606-C.S., 2607-C.S., and 2608-C.S. reclassifying certain misdemeanor violations to infractions.
(Motion adopting needed.)

ACTION: By motion (McGrath/Irizarry, majority, Whiteside-no) ordinances adopted. (Clerk to handle)

HEARINGS

8. Consider orders to construct curb and/or sidewalk in the following locations:
- a. Curb and sidewalk at 1320 California Avenue, a portion of Block 4055 (Laverne F. and Nadine Hager)
 - b. Curb and sidewalk at 415 Kansas Avenue, a portion of Block 5061 (Kraft, Inc.)
 - c. Curb and sidewalk at 519 Kansas Avenue, a portion of Block 5061 (Albert A. and Delores W. Silva)

 - e. Curb and sidewalk at 842-848 Kansas Avenue, a portion of Block 5027 (READ Investments)
 - f. Curb and sidewalk at 619-625 Kansas Avenue, a portion of Block 5055 (Varni Bros.)
 - g. Curb at 117 E. Fairmont Avenue, a portion of Block 651 (Jerry L. Hooper)
 - h. Curb at 130 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
 - i. Curb at 128 E. Fairmont Avenue, a portion of Block 648 (Tangent Investment Co.)
 - j. Curb at 125 E. Fairmont Avenue, a portion of Block 651 (Heirs of Merritt Alzada R.)

ACTION: Res. 88-728 adopted (Lang/Muratore, unan.) ordering work of construction. (Eng to handle)

- k. Curb along E. Fairmont Avenue at 925 Ila Way, a portion of Block 651 (Naomi H. Tucker, Life Estate)

ACTION: Res. 88-729 adopted (Lang/Muratore, unan.) ordering work of construction and indicated payment to be at least \$50 per year for a maximum of 10 years. (Eng to handle)

9. Hearing to consider an amendment to Section 8-4-9 of the Zoning Map to rezone from P-D(336) to R-1, property located at the northeast corner of Ustick Road and Whitmore Avenue. (Kaufman & Broad)

ACTION: By motion (Patterson/McGrath, unan.) Ord. No. 2609-C.S. introduced.
Res. 88-730 adopted (same vote) certifying review of Environmental
Assessment. (Clerk/Planning to handle)

10. Hearing to consider an amendment to Sections 28-3-9 and 33-3-9 of the Zoning map to rezone from C-2 to P-0, property located north of new State Highway 132 from Dry Creek to Las Flores Avenue. (City Council initiated)

ACTION: By motion (Patterson/Muratore, unan.) Ord. No. 2610-C.S. introduced rezoning all except Barton Family property and Gallo Glass property to the south.

Res. 88-731 adopted (same vote) denying P-0 zoning on the Barton Family and Gallo Glass properties and referring these properties back to the Planning Commission to consider rezoning to C-3.

Res. 88-732 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

11. Hearing to consider establishing fees for Fire Prevention inspections to be effective January 1, 1989.

ACTION: By motion (Muratore/Lang, unan.) hearing continued to December 6, 1988, at 4:00 p.m. (Clerk to handle)

12. Hearing to consider amendments to the Modesto Municipal Code relating to garbage and garden refuse collection and to consider amendments to the garbage companies licenses for the implementation of automated garbage and garden refuse pickup.

ACTION: By motion (Lang/Muratore, unan.) Ord. No. 2611-C.S. introduced amending Municipal Code.
By motion (Lang/Muratore, unan.) Ord. No. 2612-C.S. introduced amending franchise. (Utility Serv to handle)

BIDS

CONSENT

13. Consider approval of plans and specifications and call for bids for Carver Road Bridge replacement at MID Lateral No. 6. (Suggested bid opening: October 18, 1988, at 11:00 a.m. This work consists of replacing the existing substandard bridge at Carver Road over MID Lateral No. 6 with an inverted pipeline. This project is a federally funded project of which 80% is reimbursable by the Federal Highway Administration under the bridge replacement fund. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$210,947 (contract \$191,770; eng. & cont. \$19,177). Funds are budgeted.)

ACTION: Res. 88-733 adopted calling for bids. (Eng to handle)

CONSENT

14. Consider approving specifications and authorize call for bids to be opened October 25, 1988, at 3:00 p.m. for furnishing one backhoe/loader and trailer. (Requested by the Utility Services Sewerage Division, the backhoe/loader and trailer will be used at the remote ponds and the ranch irrigation system for line repair and ditch cleaning. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$84,000. Funds are budgeted.)

ACTION: Res. 88-734 adopted calling for bids. (Finance to handle)

CONSENT

15. Consider approving specifications and authorizing call for bids to be opened October 18, 1988, at 3:00 p.m., for furnishing office furniture for the first floor remodeling of City Hall. (Requested by the City Manager's Office, the furniture will be used to furnish a conference room and three offices on the first floor of City Hall in the area vacated by the Finance Department. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 88-735 adopted calling for bids. (Finance to handle)

CONSENT

16. Consider award of contract for rockwell relocation at Wells No. 27 and 43. (Bids were opened on September 20, 1988. The low bid of \$9,750, submitted by Conco-West, Inc., is 11.36% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to Conco-West, Inc. Memo and bid tabulation with agenda. Resolution awarding contract to Conco-West, Inc., needed. Funds are budgeted.)

ACTION: Res. 88-736 adopted awarding contract. (Eng to handle)

CONSENT

17. Consider waiving for bid procedures and authorizing purchasing various services in connection with the 1988-89 Wastewater Discharge (Hyper Flooding) Program.
(Memo with agenda. Two resolutions waiving formal bid procedures and authorizing field preparation services and mosquito control services needed. (Five affirmative votes needed.) Estimated cost: \$161,051. Funds are budgeted.)

ACTION: Res. 88-737 adopted waiving formal bid procedures and authorizing purchase of services from Arsenio Land Leveling, Inc.

Res. 88-738 adopted waiving bid procedures and authorizing purchase of services from Turlock Mosquito Abatement District.
(Utility Serv to handle)

NEW BUSINESS

CONSENT

18. Consider Basic First Responder Emergency Medical Service Program policies.
(Memo with agenda. Resolution accepting the revised Basic First Responder Emergency Medical Service Program Policies for the City of Modesto needed.)

ACTION: Res. 88-739 adopted approving policy statement.
(Fire to handle)

19. Consider authorizing staff to proceed with a Request for Proposal from consulting firms to assess the merits of acquiring the parts of the Del Este Water Co. within City limits.
(Memo with agenda. Motion authorizing Request for Proposals for Phase I - Feasibility Study needed. Estimated cost: \$10,000. Appropriation transfer to be requested later. A more accurate cost estimated will be available when an agreement is presented to Council after consultant negotiations are complete.)

ACTION: By motion (Lang/Patterson, unan.) request for proposals authorized.
(Utility Serv to handle)

CONSENT

20. Consider approving Amendment No. 1 to the service agreement replace Stanislaus County, the City of Modesto, and Stanislaus Waste Energy Company.
(Memo with agenda. Resolution approving amendment to service agreement needed.)

ACTION: Res. 88-740 adopted approving amended agreement.
(Utility Serv to handle)

CONSENT

21. Consider authorizing Fuel Efficient Traffic Signal Management Program Grant Application to coordinate and synchronize the signals on Coffee Road, Oakdale Road, Sylvan Avenue and Briggsmore Avenue.
(Memo with agenda. Resolution authorizing grant application and resolution certifying review of environmental impact needed. Estimated cost: \$144,444. Funds are budgeted.)

ACTION: Res. 88-741 adopted authorizing grant application.
Res. 88-742 adopted certifying review of environmental impact.
(P/T to handle)

CONSENT

22. Consider amending sections of the Modesto Municipal Code relating to public dances.
(Memo with agenda. Introduction of ordinance amending Code sections needed.)

ACTION: By motion, Ord. No. 2613-C.S. was introduced. (Clerk to handle)

CONSENT

23. Consider amendments to the Standard Specifications of the City of Modesto. (On August 15, 1988, the Planning Commission adopted Resolution 88-94 recommending amendments to the Standard Specifications of the City of Modesto regarding specifications for expressways. Resolution approving amendments needed.)

ACTION: Res. 88-743 adopted approving amendments. (Eng to handle)

CONSENT

24. Consider request for water service to property outside City limits at 4418 McHenry Avenue, located on the west side of McHenry Avenue between Claratina Avenue and Bangs Avenue. Owner: Simpar Investments.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-744 adopted approving agreement. (Eng to handle)

CONSENT

25. Consider acceptance of improvements in Pinehurst No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Kaufman & Broad of Northern California)
(Pinehurst No. 2 subdivision is located between Coralwood Drive and East Union Avenue, east of McHenry Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-745 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

26. Monthly Treasurer's Report for August, 1988.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

WRITTEN COMMUNICATIONS

- 27A. Letter from Peter Davidson, PMA Productions, Inc., concerning current policy and operations at Modesto Centre Plaza.

This item withdrawn by Mr. Davidson.

CONSENT

27. Letter from Doug Smith, Sign Designs, requesting that Council amend the Sign Code to permit installation of signs above 35 feet.
(Motion referring to staff for study and recommendation needed.)

ACTION: By motion, referred to staff. (Planning to handle)

MISCELLANEOUS

CONSENT

28. Legislation: Staff recommends:

Support

- a. November Ballot Propositions 84, 85, 89

Oppose

- b. November Ballot Proposition 90

(Memos with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

29. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

30.


CLOSED SESSION

Closed session to consider the evaluation of performance of public employees pursuant to Section 54957 of the Government Code, and to consider pending litigation (Dyn Construction Corp. vs. City of Modesto) pursuant to Government Code Section 54956.9(a).

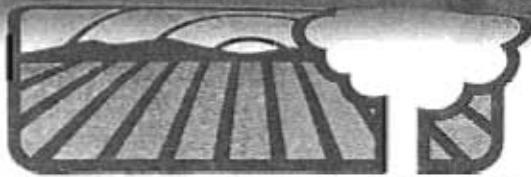
ADJOURNMENT

The meeting adjourned at 10:20 p.m. to closed session.

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 4, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Mayor Whiteside

Absent: Sutton

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 8, 9, 10, 11, 12, 14,
15, 18, 19, 20, 21, 22, 23, 25, 28

Removed from consent: 13

ACTION: (Muratore/Irizarry, unan., Sutton 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the adjourned regular meeting of September 22, 1988, and the regular meeting of September 27, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Review of Consultant findings on revised Capital Facilities Fees.
(A citizens' committee can be appointed or the Public Projects can serve as host for review sessions on the Capital Facilities Fees. The Public Projects Committee recommends that it host the review sessions. Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Lang/Irizarry, unan., Sutton absent) Public Projects Committee recommendation approved. (Planning to handle)

CONSENT

5. Consider final adoption of:
 - a. Ord. No. 2609-C.S. amending Section Maps 7-4-9 and 8-4-9 of the Zoning Map to rezone from Planned Development Zone, P-D(335), to Low Density Residential Zone, R-1, property located at the northeast corner of Ustick Road and Whitmore Avenue. (Kaufman & Broad)
 - b. Ord. No. 2611-C.S. adding Sections 5-5.02, 5-5.04, 5-5.07, 5-5.09, 5-5.10, and 5-5.34 of Chapter 5 of Title V of the Modesto Municipal Code; and repealing Sections 5-5.02, 5-5.07, 5-5.09, 5-5.10, and 5-5.34 relating to garbage regulations.
 - c. Ord. No. 2613-C.S. amending Sections 4-1.405, 4-1.410, 4-1.411, and 4-1.413 of Article 4 of Chapter 1 of Title IV of the Modesto Municipal Code and repealing Section 4-1.404 thereof relating to public dances.
(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider an amendment to Section 31-3-9 of the Zoning Map to rezone from R-1 to P-D(453) to allow a 44-unit, one-story elderly housing complex, property located on the north side of Houser Lane, east of Carpenter Road. (P & R Enterprises)

ACTION: By motion (Irizarry/McGrath, unan., Sutton absent) Ord. No. 2614-C.S. introduced.
Res. 88-746 adopted (same vote) approving plan.
Res. 88-747 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

7. Hearing to consider an amendment to Section 9-3-9 of the Zoning Map to rezone from R-2 to P-D(455) to allow a business/professional office building and parking area, property on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive. (Webb Cheney Investments)

ACTION: By motion (Muratore/Patterson, unan., Sutton absent) Ord. No. 2615-C.S. introduced.
Res. 88-748 adopted (same vote) approving plan.
Res. 88-749 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of Pump Station No. 47.
(Suggested bid opening: October 25, 1988 at 11:00 a.m. This pump station is located in the City of Modesto on Lincoln Avenue at Dry Creek Drive. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$135,738.00 (Contr. \$113,115; Eng. & Cont. \$22,623). Funds are budgeted.)

ACTION: Res. 88-750 adopted calling for bids. (Eng to handle)

CONSENT

9. Consider acceptance of J. K. Hayes, Inc.'s contract for the street lights - East Morris, Lucern, and 10th Street circuits. (Original Contract: \$161,882.50)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is therefore recommended that the work be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final Cost: \$174,094.25. Funds are budgeted.)

ACTION: Res. 88-751 adopted accepting as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of Clyde Wheeler's contract for the Claus, Ardia and Parkway waterline as complete. (Original contract: \$113,737.50)
(All work on this project has been completed to the satisfaction of the Engineering Department. It is therefore recommended that the work be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final Cost: \$113,230. Funds are budgeted.)

ACTION: Res. 88-752 adopted accepting as complete. (Clerk to handle)

CONSENT

11. Consider waiving formal bids and authorizing issuance of a purchase order to Best Painting for painting the exterior of Fire Station No. 2 and the interior of the apparatus bay.
(Fire Station No. 2 is located at 629 Second Street. Informal bids were requested for the painting needed at the Fire Station. Six bids were received and staff feels the low bid of \$6,650 is acceptable and recommends issuance of a purchase order. Memo and bid tabulation with agenda. Resolution waiving formal bids and authorizing issuance of a purchase order to Best Painting needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-753 adopted waiving formal bid procedure. (Eng to handle)

CONSENT

12. Consider waiving formal bid procedures and authorizing the purchase of one Police motorcycle from Two-Wheels, Inc. for the total price of \$5,697.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing the purchase of one motorcycle needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-754 adopted waiving formal bid procedure. (Finance to handle)

NEW BUSINESS

13. Presentation of Report reflecting the financial status of the City for the year ended June 30, 1988.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (McGrath/Muratore, unan., Sutton absent) receipt of report acknowledged.

CONSENT

14. Consider acceptance of amended Federal and State grants for design of Wastewater Treatment Plant Improvement Project (Units 1,2,3, and 4). (The Federal and State grants previously approved were based on estimated design costs. The amendments adjust the grants to the current estimated cost of design. Memo with agenda. Resolution accepting amended Federal and State grants and authorizing City Manager to execute the grants needed. Estimated Cost: \$434,223 (Federal \$325,6567; State \$54,278; City \$54,278).

ACTION: Res. 88-755 adopted accepting amended Federal grant.
Res. 88-756 adopted accepting amended State grant.
(Utility Services to handle)

CONSENT

15. Consider declaring as surplus and authorizing the sale of surplus, lost, stolen, unclaimed and/or seized property by public auction on October 29, 1988, and authorizing the City Manager to enter into an agreement with Roger Ernst and Associates for auctioneering services. (Memo with agenda. Resolution declaring as surplus and authorizing sale of property and resolution approving agreement with Roger Ernst and Associates for auctioneering services needed.)

ACTION: Res. 88-757 adopted declaring surplus and authorizing sale of property.
Res. 88-758 adopted approving agreement with Roger Ernst and Associates.
(Finance to handle)

16. Consider awarding engineering services contract for relocating the trains from 9th Street. (Memo with agenda. The DeLeuw, Cather Company is recommended to do this work. Resolution awarding contract needed. Estimated cost: \$153,500 - \$170,500. Funds are budgeted.)

ACTION: Res. 88-759 adopted (Muratore/Lang, unan., Sutton absent) awarding contract.
(P/T to handle)

17. Consider setting hearing for Union Pacific Railroad franchise renewal (Memo with agenda. The franchise covers the operation of trains on 9th Street and on Stoddard Avenue. Resolution setting hearing on October 25, 1988, at 7:30 p.m. needed)

ACTION: Res. 88-760 adopted (McGrath/Muratore, unan., Sutton absent) setting hearing.
(Clerk to handle)

CONSENT

18. Consider proposal from M.E. Grover to harvest olives from City-owned trees located on Mellis Park, N. Martin Luther King Drive.
(Mr. Grover will pay the City, no later than December 15, 1988, \$3.50 per 50-pound box of olives for right to harvest olives. Resolution approving agreement needed.)

ACTION: Res. 88-761 adopted approving agreement. (P/R to handle)

CONSENT

19. Consider request for water service to property outside City limits at 1405 N. Carpenter Road, located on the west side of N. Carpenter Road between Shaddox Avenue and Woodland Avenue. Owner: Michael P. Billington, Edward E. Billington, John D. Billington, Charles J. Billington, III, and Margaret M. Billington.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-762 adopted approving agreement. (Eng to handle)

CONSENT

20. Consider request for water service to property outside City limits at 1023 N. Emerald Avenue, located on the west side of Emerald Avenue between Kansas Avenue and Lone Palm Avenue. Owner: Gerald G. Wilkinson and Bonita A. Wilkinson, Co-Trustees of the Gerald G. Wilkinson and Bonita A. Wilkinson Trust.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is contiguous to the City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-763 adopted approving agreement. (Eng to handle)

CONSENT

21. Consider abandonment of a portion of a 10 foot wide Public Utility Easement in Lot 5 of Block 13056 of the City of Modesto.
(Memo with agenda. Resolution vacating and abandoning a portion of Public Utility Easement needed.)

ACTION: Res. 88-764 adopted abandoning portion of easement. (Eng to handle)

CONSENT

22. Request for refund of \$809.19 for overpayment of Business License Tax by Express Business Cards.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-765 adopted approving refund. (Finance to handle)

CONSENT

23. Recommendation to the City Council that Grand Street be changed to Yosemite Boulevard.
(On July 18, 1988, the Planning Commission adopted Resolution No. 88-87, recommending to the City Council that Grand Street be changed to Yosemite Boulevard to establish a single name for a continuous street alignment. Resolution changing street name needed.)

ACTION: Res. 88-766 adopted changing street name. (Planning to handle)

24. Consider accepting a status report on the City's Recycling Program and recommendations from the Citizens' Advisory Committee on recycling.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Lang/Whiteside, unan., Sutton absent) Council approved establishing a 90-day pilot program, hiring a person to implement the recycling program, finding the means of marketing the recycling program, and directing staff to recommend ways of making the program a success. (Utility Services to handle)

CONSENT

25. Consider authorizing the City Attorney to add the City of Modesto to a brief to be filed to be filed with the California Supreme Court in opposition to the Proposed Rule of Professional Conduct 2-400.
(Memo with agenda. Resolution opposing Proposed Rule of Professional Conduct 2-400 needed.)

ACTION: Res. 88-767 adopted opposing Proposed Rule of Professional Conduct 2-400. (attorney to handle)

WRITTEN COMMUNICATIONS

26. Letter from Victor Holanda, Stanislaus County Planning Director, concerning the right-of-way for the proposed expressway loop.
(Memo with agenda.)

ACTION: By motion (Patterson/McGrath, unan., Sutton absent) Council reaffirmed its position that Pelandale Avenue be a 100 foot wide major street. (Planning to handle)

Councilmember Lang excused at 6:00 p.m.

27. Letter from Norm Peters concerning the fee for a parcel map at Woodland and Yellowstone.

ACTION: Res. 88-768 adopted (Muratore/McGrath, unan., Lang and Sutton absent) waiving further fees on the parcel map. (Planning to handle)

CONSENT

28. Letter from Mid-Valley Engineering appealing the decision of the Planning Commission to deny Dry Creek Meadows No. 4 Tentative Subdivision Map. (Resolution setting hearing October 25, 1988, at 7:30 p.m. needed.)

ACTION: Res. 88-769 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

29. Appointments

- a. International Friendship Committee

ACTION: Res. 88-770 adopted (McGrath/Muratore, unan., Lang and Sutton absent) appointing Veronika Opinski and Margaret Snyder to the Committee.

- b. Local Cable Programming Committee

ACTION: Res. 88-771 adopted (McGrath/Muratore, unan., Lang and Sutton absent) appointing Douglas Hillblom to the Committee. (Clerk to handle)

- c. Planning Commission

No action taken.

MATTERS TOO LATE FOR THE AGENDA

30. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

31. Closed session to consider the evaluation of performance of public employees pursuant to Section 54957 of the Government Code.

ADJOURNMENT

The meeting adjourned to closed session at 6:01 p.m.

ATTEST: 
MORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
October 11, 1988

The Council of the City of Modesto met in special session at 6:00 p.m. in the Third Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Mayor Whiteside

Absent: Councilmember Sutton

The meeting adjourned at 6:05 p.m. to closed session to consider the evaluation of performance of public employees pursuant to Government Code Section 54957.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

10/11/88



MODESTO CITY COUNCIL

MINUTES AND ACTION AGENDA

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, OCTOBER 11, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Mayor Whiteside

Absent: Councilmember Sutton

Pledge of allegiance to the Flag

Invocation: Rev. John Randall, Calvary Temple

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 7, 8, 9, 11, 12, 13, 14,
15, 17, 18, 19, 21, 22,

ACTION: (Lang/Muratore, unan., Sutton 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Mayor Whiteside introduced members and leaders of Boy Scout Troop 199.

- b. Presentation by the Sweet Adelines Primary Edition quartet.

Mayor Whiteside presented a proclamation to members of the Primary Edition.

- c. Presentation of an Award of Merit by the California State Automobile Association.

The award was presented to the City Council and Chief McKinsey.

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 4, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Report by Council Cable Committee on the final review of rebuilt cable system and annual system test.
(Memo with agenda. It is recommended that a hearing be set on November 8, 1988, at 7:30 p.m. to consider an amendment to the franchise. Resolution finding Post-Newsweek in compliance with Municipal Code and franchise needed, and resolution setting hearing needed.)

ACTION: Res. 88-772 adopted (McGrath/Irizarry, unan., Sutton absent) accepting report.
Res. 88-773 adopted (same vote) setting hearing. (Clerk to handle)

5. Consider adopting an ordinance that would establish a landmark preservation commission and a procedure to protect landmarks in the City, and a resolution establishing incentives.
(Memo with agenda. Introduction of ordinance needed, and resolution establishing incentives needed.)

ACTION: By motion (Muratore/Irizarry, unan., Sutton absent) this item continued to November 8, 1988. (Clerk to handle)

CONSENT

6. Consider final adoption of:

- a. Ordinance No. 2612-C.S. providing for automated collection containers for household garbage and garden refuse.
- b. Ordinance No. 2614-C.S. rezoning from R-1 to P-D(453) property located at 1211 Houser Lane on the north side of Houser Lane east of Carpenter Road. (P & R Enterprises)
- c. Ordinance No. 2615-C.S. rezoning from R-2 to P-D(455) property located on the north side of Sylvan Avenue between Rexford Drive and Dragoo Park Drive. (Webb Cheney Investments)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted.

(Clerk to handle)

BIDS

CONSENT

7. Consider acceptance of Kirkes Electric's contract for the electrical modifications to the Crocker Building. Original contract: \$24,462. (All work on this project has been completed to the satisfaction of the Engineering Department. It is therefore recommended that the work be accepted as complete and the Notice of Completion filed. Resolution accepting work as complete needed. Final cost: \$38,694. Funds are budgeted.)

ACTION: Res. 88-774 adopted accepting as complete.

(Clerk to handle)

CONSENT

8. Consider acceptance of B & L Builders, Inc.'s contract for the construction of T. B. Scott Park restroom. Original and final cost: \$28,141. (All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work and to file the Notice of Completion. Resolution accepting work as complete needed. Funds are budgeted.)

ACTION: Res. 88-775 adopted accepting as complete.

(Clerk to handle)

CONSENT

9. Consider waiving formal bid procedures and authorizing the purchase of ladder repair services from Hi Tech Emergency Vehicle Service for the total price of \$6,505. (Memo with agenda. Resolution authorizing ladder repair services needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-776 adopted waiving formal bid.

(Finance to handle)

NEW BUSINESS

10. Discussion of the Criminal Justice Program in Fresno, as requested by Councilmember Patterson.

ACTION: By motion (Lang/Whiteside, majority, McGrath and Patterson-no, Sutton absent) it was decided to send a team of people from Modesto to the Criminal Justice Program. (Manager to handle)

CONSENT

11. Consider agreement to hire Recht Hausrath and Associates to assist in adjusting Capital Facilities Fees, and consider authorizing an appropriation transfer of \$60,000 to provide funds for services. (Memo with agenda. Resolution approving agreement, and resolution approving appropriation transfer from the General Fund Contingency Reserve. Estimated cost: Phase I - \$38,500; Phase II - \$21,500.)

ACTION: Res. 88-777 adopted approving agreement.
Res. 88-778 adopted approving appropriation transfer. (Planning to handle)

CONSENT

12. Consider request for water service to property outside City limits at 1418 Watts Avenue, located on the east side of Watts Avenue between Shaddox Avenue and Woodland Avenue. Owner: Barbara E. Nelson (The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-779 adopted approving agreement. (Eng to handle)

CONSENT

13. Consider acceptance of improvements in Westview Estates Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Westview Estates. (Westview Estates Subdivision is located at the southeast corner of Rosemore Avenue and Cox Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-780 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of improvements in Westview Estates No. 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Westview Estates. (Westview Estates No. 2 Subdivision is located at the southeast corner of Rosemore Avenue and Cox Avenue. All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-781 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

15. Consider increasing the Petty Cash revolving Fund by \$45 and authorizing the transfer of \$45 from the General Fund to the Petty Cash Revolving Fund.
(Memo with agenda. Resolution increasing the Petty Cash Revolving Fund needed.)

ACTION: Res. 88-782 adopted increasing Petty Cash Revolving Fund.
(Finance to handle)

16. Report on the General Fund Contingency Reserve and appropriation of supplemental requests for the General Fund and the other Funds for FY 1988-89.
(Report with agenda. Resolution appropriating supplemental request and adjusting the 1988-89 Annual Budget needed. Estimated cost: \$1,300,231.)

ACTION: Res. 88-783 adopted (Lang/Muratore, unan., Sutton absent) appropriating supplemental request and adjusting budget.
(Finance to handle)

- 16A. Consider job specifications and salary range for Transportation Planner.
(Memo with agenda. Resolution amending position classification plan and resolution amending salary schedule needed.)

ACTION: Res. 88-784 adopted (McGrath/Lang, unan., Sutton absent) amending position classification plan.
Res. 88-785 adopted (same vote) amending salary schedule.
(Manager to handle)

CONSENT

17. Consider amendments to Municipal Code Sections pertaining to vesting tentative maps to conform to the State Government Code to permit vesting tentative maps on nonresidential as well as residential subdivisions. (On September 19, 1988, the Planning Commission adopted Resolution 88-107 recommending to the City Council amendments to Sections 4-4.405(a) and 4-4.526 of the Modesto Municipal Code pertaining to vesting tentative maps. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 2616-C.S. introduced. (Clerk to handle)

CONSENT

18. Consider approving agreement with Visiting Nurse Association of Stanislaus County for \$10,000 in funding of the Respite Care Program under the Community Development Block Grant program for FY 1988-89. (Memo with agenda. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 88-786 adopted approving agreement. (Planning to handle)

WRITTEN COMMUNICATIONS

CONSENT

19. Letter from Michael C. Normoyle, on behalf of Bonzi Sanitary Landfill, Inc., notifying the City of the termination of its Garden Refuse contract. (Motion acknowledging receipt of letter needed.)

ACTION: By motion, acknowledged receipt of letter.

20. Letter from Stanislaus County Homeless Coalition.

ACTION: No action taken.

CONSENT

21. Letter of resignation of Dean Paulson from the Rehabilitation Loan Pool Subcommittee. (Resolution accepting resignation with regret needed.)

ACTION: Res. 88-787 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

CONSENT

22. Legislation: Staff recommends:

- a. Support - November Ballot Propositions 87 and 96
- b. Oppose - November Ballot Proposition 102

(Memos with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

22A Appointment to the Planning Commission.

ACTION: Res. 88-788 adopted (Lang/Muratore, unan., Sutton absent) appointing Jesse Alexander to the Planning Commission, effective November 1, 1988. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

23. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

CLOSED SESSION

24. Closed session to consider the evaluation of performance of public employees pursuant to Section 54957 of the Government Code.

Not held

ADJOURNMENT

The meeting adjourned at 9:34 p.m.

ATTEST: 
NORRINE COYLE, City Clerk


October 18, 1988

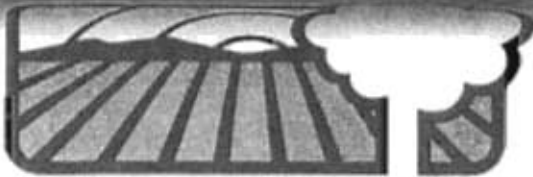
The meeting of the City Council was called to order at 4:00 p.m., in the City Council Chambers, City Hall, Modesto, California, by the Acting City Clerk.

Present: Councilmember Lang

Absent: Councilmembers Irizarry, McGrath, Muratore, Patterson,
Sutton, Mayor Whiteside

There being a lack of a quorum, the meeting was adjourned.

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, OCTOBER 25, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Eddie Evans, Oakdale General Baptist

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 12, 13, 14, 15, 16, 17,
18, 19, 20, 21, 22, 23, 24, 25, 26,
29, 30, 31, 32

Removed from consent: 27

ACTION: (Lang/McGrath, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside pointed out that the City Councilmembers were wearing red ribbons in support of "Say No to Drugs" Week.

MINUTES

CONSENT

2. Approval of the minutes of the October 11, 1988, special and regular City Council meetings.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Report regarding the Curbside Recycling Pilot Study and Marketing Strategies.
(Memo with agenda. At the October 4, 1988, City Council meeting, staff was requested to bring this matter back to Council for further review. Motion acknowledging receipt of report and directing staff to implement recommendations. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: By motion (Lang/Patterson, majority, McGrath-no) recommendations approved. (Utility Serv to handle)

CONSENT

5. Final adoption of:
 - a. Ord. No. 2610-C.S. amending Sections 28-3-9 and 33-3-9 of the Zoning Map to rezone from C-2 to P-0, property located north of new State Highway 132 from Dry Creek to Las Flores Avenue. (City Council Initiated)
 - b. Ord. 2616-C.S. amending Title IV of the Municipal Code relating to subdivision regulations, vesting tentative maps.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision denying a Dry Creek Meadows No. 4 vesting tentative subdivision map located northwest of Yosemite Boulevard and Claus Road. (A letter has been received requesting that this hearing be continued to November 15, 1988, at 4:00 p.m.)

ACTION: By motion (Muratore/Irizarry, unan.) hearing continued to November 15, 1988, at 4:00 p.m. (Clerk to handle)

7. Hearing to consider an amendment to Section 19-3-10 of the Zoning Map to rezone from R-1 and P-D(364) to P-D(456) to allow a neighborhood shopping center, property located on the southeast corner of Claus Road and Parker Road. (Donald Lawrie)

ACTION: By motion (Muratore/McGrath, unan.) Ord. No. 2617-C.S. introduced. Res. 88-789 adopted (same vote) approving plan. Res. 88-790 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

8. Hearing to consider the proposed Kansas Avenue No. 7A Reorganization, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Woodland Fire Protection District.

ACTION: Res. 88-791 adopted (Lang/Sutton, unan.) annexing to the City of Modesto. (Clerk to handle)

9. Hearing to consider increases in fees at Dryden and Muni Golf Courses.

ACTION: Res. 88-792 adopted (Lang/Muratore, unan.) increasing fees. (P/R to handle)

10. Hearing to consider the appeal of the Trinity Church of the Nazarene to a Board of Zoning Adjustment regarding an application for an amendment to a Conditional Use Permit to allow construction of a new Sunday school/daycare building and expansion of daycare services, property located at 2200 Sunrise Avenue.

ACTION: Res. 88-793 adopted (McGrath/Lang, unan.) granting the appeal, with the facility to be limited to 100 children. (Planning to handle)

11. Hearing to consider an application of Union Pacific Railroad Company for a franchise to operate, maintain, repair and renew a commercial railroad for the transportation of property as a common carrier, in, upon, over, under, along and across various public streets in the City of Modesto for a period of 20 years.

ACTION: By motion (Muratore/Sutton, unan.) Ord. No. 2618-C.S. introduced. (Clerk to handle)

BIDS

CONSENT

12. Consider approving specifications and authorizing call for bids to be opened November 22, 1988, at 3:15 p.m. for furnishing two baseball diamond dressers.
(Requested by Utility Services, the baseball diamond dressers will be permanently dispatched to the Parks and Recreation Department to maintain the various City baseball diamonds. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 88-794 adopted calling for bids. (Finance to handle)

CONSENT

13. Consider approving specifications and authorizing call for bids to be opened November 22, 1988, at 3:00 p.m. for furnishing one aerial lift tower.
(Requested by the Service Division, the aerial lift tower will be permanently assigned to the Parks and Recreation Tree Division for tree pruning. The equipment will replace a similar unit which has been taken out of service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$66,000. Funds are budgeted.)

ACTION: Res. 88-795 adopted calling for bids. (Finance to handle)

CONSENT

14. Consider approving specifications and authorizing call for bids to be opened November 29, 1988, at 3:00 p.m. for furnishing one high dump street sweeper.
(Requested by Utility Services, the sweeper will replace a bottom dump unit currently assigned to the Streets Division. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$107,000. Funds are budgeted.)

ACTION: Res. 88-796 adopted calling for bids. (Finance to handle)

CONSENT

15. Consider award of contract for Project No. 17 - replacement of curbs, drive aprons and sidewalks at various locations.
(Bids were opened October 11, 1988. The low bid of \$94,933.23, submitted by ACE Concrete Service is 8.9% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract to ACE Concrete Services needed. Estimated cost: \$104,426.55 (\$94,933.23 contract; \$9,493.32 engineering). Funds are budgeted.)

ACTION: Res. 88-797 adopted awarding contract. (Eng to handle)

CONSENT

16. Consider acceptance of Ragsdale and Son, Inc.'s contract for the East Levee Road reconstruction at the remote pond site on Jennings Road. (Original contract: \$44,310.50) (All work on this project has been completed to the satisfaction of the Utility Services Department. It is, therefore, recommended that the contract be accepted as complete and the Notice of Completion filed. Resolution accepting contract as complete needed. Final cost: \$45,366.38. Funds are budgeted.)

ACTION: Res. 88-798 adopted accepting as complete. (Clerk to handle)

CONSENT

17. Consider waiving formal bid procedures and authorize the purchase of four Police patrol cars through the State of California Cooperative Purchasing Program for the total price of \$46,138. (Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-799 adopted waiving formal bid procedure. (Finance to handle)

CONSENT

18. Consider authorizing the Purchasing Officer to dispose of street tree leaves and residential prunings for which there is no use for the remainder of the 1988-89 fiscal year. (Memo with agenda. The leaves and prunings will be disposed of by bid at the best available market price. Resolution authorizing the disposal of surplus tree leaves and residential prunings needed.)

ACTION: Res. 88-800 adopted authorizing disposal. (Finance to handle)

NEW BUSINESS

19. Discussion of South Modesto Fire Service as requested by Councilmember Patterson.

Dropped from the agenda at Councilmember Patterson's request.

CONSENT

20. Consider authorizing the City Manager to sign a waiver to relinquish all rights to receive water for the McKinney Colony Park site from the Modesto Irrigation District. (Memo with agenda. Resolution authorizing the City Manager to sign waiver needed.)

ACTION: Res. 88-801 adopted authorizing waiver. (P/R to handle)

CONSENT

21. Consider authorizing City Manager to sign amendment to agreement with Robert C. Arthur for drafting services.
(Memo with agenda. Due to an oversight, this agreement covers two fiscal budget years. Resolution approving amendment to agreement needed. Estimated cost: \$40,000 1987-88 budget; \$36,000 1988-89 budget. Funds are budgeted.)

ACTION: Res. 88-802 adopted approving amended agreement. (Eng to handle)

CONSENT

22. Consider setting a hearing to confirm costs of demolishing a building at 205 Oak Street.
(The City ordered demolition of a burned out building at 205 Oak Street. The total cost is \$2,997.16. Memo with agenda. Resolution setting hearing November 15, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-803 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider authorizing City Manager to sign an amended reimbursement agreement with R. J. Hill Company for installation of storm drain trunk facilities at the Park Valley Homes subdivision, Phase I.
(Park Valley Homes subdivision, Phase I is located on Whitmore Avenue at Dallas Street. The developer has requested permission to install City's storm drain facilities in order to reduce time delays. An agreement is needed to allow reimbursement for construction costs. Memo with agenda. Resolution approving amendment to agreement needed. Estimated cost: \$20,606.75. Funds are budgeted.)

ACTION: Res. 88-804 adopted approving amended agreement. (Eng to handle)

CONSENT

24. Consider authorizing City Manager to sign agreement with H.I.L. Technology, Inc. for the design of a storm water management control program on 9th Street.
(Memo with agenda. Resolution approving agreement needed. Estimated cost: \$38,500. Funds are budgeted.)

ACTION: Res. 88-805 adopted approving agreement. (Eng to handle)

CONSENT

25. Consider request for water service to property outside City limits at 4048 Tully Road, located on the east side of Tully Road between M.I.D. Lateral No. 6 and Bangs Avenue. (Owners: Medical Ambassadors International)
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-806 adopted approving agreement. (Eng to handle)

CONSENT

26. Consider approval of the final map of Emerald Terrace subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
(Subdivider: James Horn Construction)
(The subdivision agreement has been signed and all fees paid. Emerald Terrace is located on the east side of Emerald Avenue, between California Avenue and Maze Boulevard. It contains 5.737 acres. Resolution approving final map needed.)

ACTION: Res. 88-807 adopted approving final map. (Clerk to handle)

27. Monthly Treasurer's Report for September, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (McGrath/Muratore, unan.) receipt of report acknowledged.

By order of the Chair, staff requested to look into the process or methods of selecting banks for City money, and to give the Council a copy of the current policy. (Finance to handle)

WRITTEN COMMUNICATIONS

28. Letter from Linda Kovacs, Executive Director of Center for Human Services, requesting that building permit fees and sewer hook-up costs be waived for the new Hutton House, a temporary safe shelter for runaway youth.

ACTION: By motion (Lang/Muratore, unan.) request denied.

CONSENT

29. Consider request of Christian Berets, Inc. for Direct City Assistance for the Second Annual Christmas Parade on December 3, 1988.
(Request and memo from Police Chief with agenda. Resolution approving request needed.)

ACTION: Res. 88-808 adopted approving request. (Police to handle)

CONSENT

30. Consider request of Modesto JayCees and American Legion Post No. 74 for Direct City Assistance for Veterans Day Parade on November 11, 1988.
(Request and memo from Police Chief with agenda. Resolution approving request needed.)

ACTION: Res. 88-809 adopted approving request. (Police to handle)

CONSENT

31. Letter from Gilton Solid Waste Management, Inc. requesting a three-year extension of their franchise to collect garbage.
(Resolution setting hearing November 8, at 7:30 p.m. needed.)

ACTION: Res. 88-810 adopted setting hearing. (Clerk to handle)

MISCELLANEOUS

CONSENT

32. Legislation

Staff recommends supporting November Ballot Propositions 81, 82 and 83.
(Memo with agenda. Motion accepting recommendation needed.)

ACTION: By motion, recommendations approved. (Manager to handle)

33. Appointments

- a. Downtown Action Committee

ACTION: Res. 88-811 adopted (Sutton/Irizarry, unan.) appointing new members Victor Holanda, Frank Boots, Dirk Hoek, Gordon Hart, Ken Wolf, Ron Smith, Michael Silveira, Susan Hackett and John Sutton as Chairman.

- b. Youth Commission

ACTION: Res. 88-812 adopted (Patterson/Sutton, unan.) appointing members Susie Doxey, Shelli Pfeifle, Denise Shanahan, Stephanie Gallo, Jason Kimbrough, Tara Dixon, Kim Shanks, Susan Rowland, Don Jordan, Michell Driver, Chris Peterson, and Khai Tran.

- c. Rehabilitation Loan Pool Subcommittee

ACTION: Res. 88-813 adopted (Lang/Sutton, unan.) appointing Don Jordan to Seat #3.

- d. Economic Development Loan Pool Subcommittee

ACTION: Res. 88-814 adopted (Patterson/Irizarry, unan.) reappointing Doug Mathes to Seat #5.

(Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

34. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:17 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 1, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside
Councilmember Muratore arrived at 4:03 p.m.

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Ken Kline Smeltzer, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 6, 9, 10, 11, 12, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23,
24, 25, 26, 27, 28,

Removed from consent: 13, 29

Dropped from agenda: 4, 5

ACTION: (Lang/Sutton, 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the October 25, 1988 regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Reconsider leasing the 11th and K Garage.
(Memo with agenda. Motion directing staff needed.)

Dropped from agenda.

5. Consider sewer service request for the Claratina area.
(Property owners in the Claratina area, outside of the current sewer service area, have requested sewer service and have offered to pay all costs associated with extension of sewer lines into the area. Staff recommends against setting this precedent. Memo with agenda. Motion approving staff recommendation needed.)

Dropped from agenda.

- 5A. Consider staff report on meeting with County staff concerning the jail site.
(Memo with agenda. Motion accepting report needed.)

ACTION: By motion (McGrath/Sutton, unan.) staff directed to continue negotiating with a positive attitude, with the idea that the project should pay all project costs, and with the Council favoring either the Whitmore/Ustick or Crows Landing/Service sites.
(Manager to handle)

CONSENT

6. Final adoption of:

- a. Ordinance No. 2617-C.S. amending the Zoning Map to rezone from R-1 and P-D(364) to P-D(456), property located on the southeast corner of Claus and Parker Roads. (Donald Lawrie)

- b. Ordinance No. 2618-C.S. granting a franchise to Union Pacific Railroad Company.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

7. Hearing to consider the appeal of Normoyle & Newman, on behalf of Dennis McDonald, to a Planning Commission decision denying an amendment to Section 32-3-9 of the Zoning Map to rezone from C-2 to C-M property located at 630 Sixth Street.

ACTION: Mr. Normoyle withdrew the appeal.
Res. 88-815 adopted (Irizarry/McGrath, unan.) waiving fees for applying for a P-D for 90 days. (Planning to handle)

8. Hearing to consider establishment of new fees for garbage collection. (Staff has requested that this hearing be continued to November 15, 1988, at 4:00 p.m.)

ACTION: By motion (Sutton/Irizarry, unan.) hearing continued to November 15, 1988, at 4:00 p.m. (Clerk to handle)

BIDS

CONSENT

9. Consider approval of plans and specifications and call for bids for the repair and recoating of Digester No. 1 at the Water Quality Control Plant. (Suggested bid opening: November 19, 1988, at 11:00 a.m. This digester has been in operation 19 years. Some small leaks were patched from the outside in 1986. This project includes some repair and recoating the inside of this tank to protect the metal from corrosion which could result in the need for extensive repairs. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$325,000. Funds are budgeted.)

ACTION: Res. 88-816 adopted calling for bids. (Utility Serv to handle)

CONSENT

10. Consider declaring Dow Hammond Trucks low bidder meeting City specifications and authorize the purchase of two Police mini vans for the total price of \$36,649. (Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-817 adopted awarding bid. (Finance to handle)

CONSENT

11. Consider declaring Silveira Custom Farming sole bidder and authorize the purchase of discing services from the firm for \$6,705 per cycle.
(Memo with agenda. Resolution declaring Silveira Custom Farming sole bidder and authorizing the purchase of discing services. Estimated cost: \$14,300. Funds are budgeted.)

ACTION: Res. 88-818 adopted awarding bid. (Finance to handle)

CONSENT

12. Consider declaring Golden State Communications low bidder and authorizing the purchase of Police portable radios from the firm for the total price of \$36,583.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-819 adopted awarding bid. (Finance to handle)

13. Consider declaring low bidders on and authorize purchase of office furniture as follows: 1. Eastman, Inc., for the total price of \$8,025; and 2. Durst Office Furniture for the total price of \$1,111.
(Memo with agenda. Resolution authorizing the purchase of office furniture. Funds are budgeted.)

ACTION: Res. 88-820 adopted (Lang/Muratore, majority, McGrath-no) awarding bid. (Finance to handle)

CONSENT

14. Consider award of contract to Central Pump Company to construct Pump Station No. 47.
(Bids were opened October 25, 1988. The low bid of \$115,019, submitted by Central Pump Company is 1.68% above the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Memo and bid tabulation with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-821 adopted awarding contract. (Eng to handle)

CONSENT

15. Consider waiving formal bid procedures and authorize the purchase of computer equipment from Wang Laboratories for the total price of \$48,550.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative bids needed.) Funds are budgeted.)

ACTION: Res. 88-822 adopted waiving bid procedures. (Finance to handle)

NEW BUSINESS

CONSENT

16. Consider a no-cost amendment to agreement with Hill International, Inc., to correct a procedural deficiency regarding Federal Clean Water Grant Regulations.
(The Clean Water Grant Regulations require that all agreements conform to Federal Procurement regulations. An amendment to agreement is needed to insure the agreement with Hill International, Inc., conforms with Clean Water Grant Regulations. Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 88-823 adopted approving amended agreement.
(Utility Serv to handle)

CONSENT

17. Consider request for water service to property outside City limits at 1042 Lone Palm, located on the east side of Lone Palm Avenue between North Emerald Avenue and Kansas Avenue. Owners: Randy L. & Debbie K. Fong.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-824 adopted approving agreement. (Eng to handle)

CONSENT

18. Consider approval of the final map of Windy Manor Subdivision of the City of Modesto and consider accepting the improvements. Subdividers: Lightning Electric.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Windy Manor is located on the north side of Chicago Avenue, west of Paradise Road. It contains 3.180 acres. Resolution approving the final map and accepting improvements needed.)

ACTION: Res. 88-825 adopted approving final map. (Clerk to handle)

CONSENT

19. Consider acceptance of improvements in New England Square Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Bailey Enterprises.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. New England Square is located at the northwest corner of Merle Avenue and Roselle Avenue. It contains 6.884 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-826 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

20. Consider authorizing City Manager to sign agreement with the Union Pacific Railroad Company for a grade crossing at West Union Avenue. (This agreement provides for the railroad to install an automatic gate type warning device. Sidewalk, curb, gutter, and miscellaneous improvements will be done by City contract after the installation of the automatic gate. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$140,138. Funds are budgeted.)

ACTION: Res. 88-827 adopted approving agreement. (Eng to handle)

CONSENT

21. Consider approving an agreement with Center for Human Services for matching loan of \$50,000 under the City's Community Development Block Grant Program to build a residential house for runaway children. (Memo with agenda. Resolution approving agreement needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 88-828 adopted approving agreement. (Planning to handle)

CONSENT

22. Consider approval of Parks and Recreation Department's request for \$1,400 of Community Development Block Grant funds to purchase equipment under the Handicapped Barrier Removal Program. (Memo with agenda. Resolution approving request needed. Funds are budgeted.)

ACTION: Res. 88-829 adopted approving request. (Planning to handle)

CONSENT

23. Consider approving \$20,000 of Community Development Block Grant funds to build a handicapped-accessible restroom in the former Crocker Bank Building, now City offices. (Memo with agenda. Resolution approving funds needed. Funds are budgeted.)

ACTION: Res. 88-830 adopted approving funds. (Planning to handle)

CONSENT

24. Consider an agreement for services of two Housing Advisors with the Housing Authority of the County of Stanislaus to work for the Housing Program Office. (Memo with agenda. Resolution approving agreement needed. Estimated cost: \$42,404. Funds are budgeted.)

ACTION: Res. 88-831 adopted approving agreement. (Planning to handle)

CONSENT

25. Consider approving a Request for Proposals for a real estate broker/sales agent to list for sale property located at 101A, 101B, 101C, and 101D I Street, 107-109 "I" Street, and 905 Second Street.
(Memo with agenda. Resolution approving a Request for Proposals needed.)

ACTION: Res. 88-832 adopted approving Request for Proposals.
(Planning to handle)

CONSENT

26. Consider approving job descriptions and salary ranges to create the positions of Events Supervisor (Range 427) and Assistant to the Events Coordinator (Range 115), and approving revisions to various existing job descriptions.
(Memo with agenda. Resolution amending the Position Classification Plan to create two positions and adopt descriptions for Events Supervisor and Assistant to the Events Coordinator, and revising various existing descriptions, and resolution amending class range tables.)

ACTION: Res., 88-833 adopted amending Position Classification Plan.
Res. 88-834 adopted amending salary schedule.
(Manager to handle)

CONSENT

27. Consider approving the use of Community Development Block Grant funds for bonding minority contractors for public works/projects bids for the Housing Authority modernization project.
(Memo with agenda. Resolution approving needed. Estimated cost: \$35,000. Funds are budgeted.)

ACTION: Res. 88-835 adopted approving use of funds. (Planning to handle)

CONSENT

28. Consider approving the Westside Economic and Minority Alliance, Inc., request for bonding in moving buildings to the westside.
(Memo with agenda. Resolution approving paying bond premium needed. Estimated cost: \$6,000. Funds are budgeted.)

ACTION: Res. 88-836 adopted approving paying bond premium.
(Planning to handle)

29. Consider approving an agreement with Seidler-Fitzgerald as Financial Advisor, and Jones, Hall, Hill and White as Bond Counsel for the anticipated Dry Creek Golf Course financing to insure compliance with the provisions of the Tax Reform Act of 1986.
(Memo with agenda. Two resolutions approving agreements needed. Costs will be paid from the proceeds of the bond issue.)

ACTION: Res. 88-837 adopted (Sutton/McGrath, unan.) approving agreement with Seidler-Fitzgerald.
Res. 88-838 adopted (Sutton/McGrath, unan.) approving agreement with Jones, Hall, Hill and White. (Finance to handle)

MATTERS TOO LATE FOR THE AGENDA

30. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:02 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 8, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Dwight Horton, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 13, 14, 17,
18, 19, 20, 21, 23, 24, 25, 26,
28, 29, 30, 32

Dropped from agenda: 12, 22

Removed from consent: 27, 31

ACTION: (Lang/Sutton, 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-Stanislau 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.)

1.

ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Presentation by a representative of the Boy Scouts of America concerning the "Scouting for Food" project.

Lou Garcia, Boy Scouts of America spoke about the "Scouting for Food" project. Vice Mayor McGrath presented a proclamation concerning the project to Mr. Garcia.

- b. Presentation of the Helen Putnam Award for Excellence in Government Administration, awarded to the City of Modesto by the League of California Cities for Modesto's Citizen Information Services Program.

Bonnie Long displayed the award and introduced the Citizen Information Services staff.

MINUTES

CONSENT

2. Approval of the minutes of the regular Council meeting of November 1, 1988.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Report from Culture Commission regarding Landmark Preservation ordinance. (On October 11, 1988, the City Council referred a suggestion to the Culture Commission that the function of the Landmark Preservation Commission be administered by the Culture Commission instead of forming a new commission. The Culture Commissioners do not want to take on this responsibility and voted that the Council establish a new commission. Introduction of ordinance and resolution adopting incentives needed.)

ACTION: By motion (Lang/Muratore, majority, McGrath and Patterson-no) Ord. No. 2619-C.S. introduced establishing a commission of 5 to 7 members to include representatives of groups/professions recommended and the Culture Commission, with the Landmark Preservation Commission to recommend incentives. (P/R to handle)

5. Consider recommendation of Citizens' Advisory Committee on Recycling concerning hiring of a marketing agency for three-month promotional campaign.
(Report will be made at the meeting. Resolution approving agreement with a marketing agency needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: By motion (Lang/Muratore, unan.) staff directed to negotiate an agreement with Fisher Graphics. (Utility Serv to handle)

HEARINGS

6. Hearing to consider an amendment to the cable TV franchise to provide 30 days to make franchise fee payments after the end of each quarter.

ACTION: By motion (McGrath/Sutton, unan.) Ord. No. 2620-C.S. introduced.
(Clerk to handle)

7. Hearing to consider the California-Marshall Reorganization, consisting of the annexation of the territory located on the west side of N. Martin Luther King Drive between California Avenue and Briggs Avenue to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Burbank-Paradise Fire Protection District.

ACTION: By motion (McGrath/Sutton, unan.) this matter was continued to November 15, 1988, at 4:00 p.m. (Clerk to handle)

8. Hearing to consider a three-year extension of the franchise of Gilton Solid Waste Management, Inc. to collect garbage.

ACTION: By motion (Muratore/Lang, unan.) Ord. No. 2621-C.S. introduced.
(Clerk to handle)

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids to be opened December 6, 1988, at 3:00 p.m., for furnishing one loader/forklift. (Requested by the Parks and Recreation Trees Division, the loader/forklift will be used throughout the City for tree planting and removal. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$42,000. Funds are budgeted.)

ACTION: Res. 88-839 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened December 6, 1988, at 3:10 p.m., for furnishing one animal control truck.
(Requested by the Service Division, the truck, with a mounted animal control utility body, will replace a similar unit presently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$22,472. Funds are budgeted.)

ACTION: Res. 88-840 adopted calling for bids. (Finance to handle)

CONSENT

11. Consider approving specifications and authorize call for bids to be opened December 20, 1988, at 3:00 p.m., for furnishing one mini van.
(Requested by the Fire Department, the van will be used by the Training Captain to transport personnel to and from training sites and out of town locations. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$17,564. Funds are budgeted.)

ACTION: Res. 88-841 adopted calling for bids. (Finance to handle)

CONSENT

12. Consider approving specifications and authorize call for bids to be opened December 13, 1988, at 3:00 p.m., for furnishing landscape maintenance services.
(Memo with agenda. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$32,370. Funds are budgeted.)

Dropped from the agenda.

CONSENT

13. Consider acceptance of Scheidt, Haydon & Hall, Inc.'s contract for McHenry Avenue water strengthening from Standiford Avenue to MID Lateral No. 6. Original contract: \$214,892.80.
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$230,324.54. Funds are budgeted.)

ACTION: Res. 88-842 adopted accepting as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Scheidt, Haydon & Hall, Inc.'s contract for McHenry Avenue and Morton Boulevard water line encasement. Original contract: \$32,235.
(All work on this project has been completed to the satisfaction of the Engineering Department. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$33,789.15. Funds are budgeted.)

ACTION: Res. 88-843 adopted accepting work as complete. (Clerk to handle)

NEW BUSINESS

15. Discussion of providing bus service on Thanksgiving Day for transporting people to the Salvation Army dinner, as requested by Councilmember McGrath.

ACTION: Res. 88-844 adopted (McGrath/Sutton, unan.) providing bus service on Thanksgiving Day.

16. Report on San Joaquin Valleywide Air Quality Study.
(Memo with agenda. Resolution supporting the San Joaquin Valleywide Air Quality Study needed.)

ACTION: Res. 88-845 adopted (Lang/Sutton, unan.) supporting the Study.
(Manager to handle)

CONSENT

17. Consider request for water service to property outside City limits at 325 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6. Owner: Motor City.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-846 adopted approving agreement. (Eng to handle)

CONSENT

18. Consider request for water service to property outside City limits at 319 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6. Owner: Motor City.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-847 adopted approving agreement. (Eng to handle)

CONSENT

19. Consider request for water service to property outside City limits at 313 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6. Owner: Motor City.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-848 adopted approving agreement. (Eng to handle)

CONSENT

20. Consider request for water service to property outside City limits at 300 Motor City Court, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6. Owner: Motor City. (The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-849 adopted approving agreement. (Eng to handle)

CONSENT

21. Consider request for water service to property outside City limits at Laverty Industrial Park Subdivision, located on the west side of McHenry Avenue between Pelandale Avenue and MID Lateral No. 6. Owner: William N. & Cathy A. Zoslocki. (The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City and a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 88-850 adopted approving agreement. (Eng to handle)

CONSENT

22. Consider authorizing the City Manager to sign an agreement with Bench Craft Company for the provision of tee-markers at Dryden Golf Course. (Memo with Agenda. This agreement would permit Bench Craft Company to design and construct tee-markers for Dryden Golf Course. Resolution approving agreement needed.)

Dropped from agenda.

CONSENT

23. Consider supporting future State funding of the Firescope Program. (Memo with agenda. Motion approving recommendation needed.)

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

CONSENT

24. Consider acceptance of improvements in California Sunrise No. 3 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Kaufman and Broad of Northern California. (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. California Sunrise No. 3 Subdivision is located at the southeast corner of Hatch Road and Ustick Road. It contains 8.180 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-851 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider request for refund of \$525.55 for overpayment of Business Area Tax by Modesto Lumber Company.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-852 adopted approving refund. (Finance to handle)

CONSENT

26. Presentation of monthly Treasurer's Report for October, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

27. Recommendation that Capital Facility Fees for City Parks be waived for River Terrace Vesting Tentative Subdivision Map (Map C, Modified).
(Memo with agenda. On October 3, 1988, the Planning Commission adopted Resolution 88-109 recommending to the City Council that Capital Facility Fees for City Parks be waived for River Terrace Map C, Modified, because the developer has dedicated approximately 3.8 acres of parkland. Resolution waiving fees for City parks needed.)

ACTION: Res. 88-853 adopted (McGrath/Sutton, unan.) accepting the land as in-kind payment of the Parks Capital Facility Fees.
(Planning to handle)

CONSENT

28. Consider changing the Guidelines for Grants in the Housing Maintenance Program.
(Memo with agenda. This change in guidelines will make housing rehabilitation grants available only under special conditions and not as general policy. It will only affect the mandatory code enforcement program on the Westside. Resolution approving changes in the issuance of grants to special purpose grants only needed.)

ACTION: Res. 88-854 adopted approving changes in the issuance of grants.
(Planning to handle)

CONSENT

29. Consider approving the 1989-90 Citizen Participation Plan for the 1989-90 Community Development Block Grant application, per the recommendation of the Citizens Housing & Community Development Committee.
(Memo with agenda. The U. S. Department of Housing & Urban Development requires the City to involve citizens in the Community Development Block Grant application process. Resolution approving the 1989-90 Community Development Block Grant application process and calendar needed.)

ACTION: Res. 88-855 adopted approving the application process and calendar.
(Planning to handle)

CONSENT

30. Consider approving an agreement with the Disability Resources Agency for Independent Living for a matching grant of \$25,000 under the City's Community Development Block Grant Program to establish an agency to assist handicapped/disabled persons to live independently. (Memo with agenda. This grant under the City's Community Development Block Grant Program will provide the local seed money to establish a non-residential skills resource training center for handicapped persons that will be funded by a State grant. Resolution approving grant agreement needed. Funds are budgeted.)

ACTION: Res. 88-856 adopted approving grant agreement. (Planning to handle)

31. Consider the expansion of the Emergency Home Repair Program and the Home Emergency Loan Program to remove the present \$10,000 cap and allow full rehabilitation to the available equity in the home. (Memo with agenda. This policy change will allow a city-wide voluntary rehab program instead of emergency repairs allowed now. Resolution changing the policy guidelines established for the Emergency Home Repair Program and the Home Emergency Loan Program needed. Estimated cost: \$50,000. Funds are budgeted.)

ACTION: Res. 88-857 adopted (McGrath/Patterson, Majority, Irizarry - no) changing policy guidelines. (Planning to handle)

CONSENT

32. Consider approving job descriptions and salary ranges to create positions of Deputy Director Public Works--Engineering (Range 450), Deputy Director Public Works--Operations (Range 450), and Deputy Director Public Works--Transportation (Range 447) (Memo with agenda. Resolution amending Position classification plan to create three positions, and resolution amending class range tables needed.)

ACTION: Res. 88-858 adopted amending Position Classification Plan.
Res. 88-859 adopted amending Salary Plan. (Manager to handle)

MATTERS TOO LATE FOR THE AGENDA

33. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 9:06 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
November 15, 1988

The Council of the City of Modesto met in special session at 2:00 p.m. in the Fourth Floor Conference Room, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Patterson, Sutton,
Mayor Whiteside

Absent: Councilmember Muratore

The Mayor reviewed the purpose of the meeting - to discuss urban growth in Modesto - and then called on Bill Nichols to up-date the group on the status of the Capital Facilities Fees study.

There was a general discussion of the growth policies and the growth management initiative measure.

The meeting adjourned at 3:46 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 15, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Patterson,
Sutton, Mayor Whiteside

Absent: Councilmember Muratore

Pledge of Allegiance to the Flag

Invocation: Rev. Loyal Friesen, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 7, 8, 14, 15, 16, 17,
18, 19, 20, 21, 22, 24, 25, 26,
27, 28, 31

ACTION: (Sutton/Lang, unan., Muratore 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside introduced the members of the Christine Sipherd School Student Council.

MINUTES

CONSENT

2. Approval of the minutes of the November 8, 1988, regular City Council meeting.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Further consideration of the California-Marshall Reorganization, consisting of the annexation of the territory located on the west side of N. Martin Luther King Drive between California Avenue and Briggs Avenue to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Burbank-Paradise Fire Protection District.
(Continued from the November 8, 1988, City Council meeting. A report will be made at the meeting.)

ACTION: Res. 88-860 adopted (Sutton/Irizarry, unan., Muratore absent) calling the election on January 31, 1989, with the election to be conducted by mail. (Clerk to handle)

5. Consider recommendation of Citizens' Advisory Committee on recycling concerning hiring of marketing agency for three-month promotional campaign.
(At November 8, 1988, City Council meeting staff was directed to negotiate an agreement with Fisher Graphics. Resolution approving agreement needed. Estimated cost: \$15,000. Funds are budgeted.)

ACTION: Res. 88-861 adopted (Sutton/Lang, majority, McGrath-no, Muratore absent) approving agreement. (Utility Serv to handle)

6. Final adoption of Ord. No. 2619-C.S. adding Chapter 10 entitled "Modesto Landmark Preservation" to Title IX of the Modesto Municipal Code and adding Section 4-4.305 to Chapter 4 of Title IV of the Modesto Municipal Code relating to Landmark Preservation Approval.
(Motion adopting needed.)

ACTION: By motion (Lang/Irizarry, majority, McGrath and Patterson-no, Muratore absent) Ord. No. 2619-C.S. adopted. (Clerk to handle)

CONSENT

7. Final adoption of Ord. No. 2620-C.S. amending the cable TV franchise to extend the time period that franchise fee payments are due after the end of each quarter.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2620-C.S. adopted. (Clerk to handle)

CONSENT

8. Consider the findings of the Environmental Assessment Committee relating to an agreement with Union Pacific Railroad Company for a grade Crossing at West Union Avenue.
(This agreement was approved by City Council on November 1, 1988. On July 7, 1986, an Environmental Assessment was made and a Negative Declaration given. E. A. Committee Initial Study and Findings with agenda. Resolution certifying review of Environmental Assessment needed.)

ACTION: Res. 88-862 adopted certifying review of Environmental Assessment.
(Engineering to handle)

HEARINGS

9. Hearing to consider the establishment of new fees for garbage collection.
(Continued from November 1, 1988, City Council meeting.)

ACTION: By motion (Lang/Sutton, unan., Muratore absent) hearing continued to November 22, 1988, at 7:30 p.m. (Clerk to handle)

10. Hearing to consider an amendment to Section 8-4-9 of the Zoning Map to rezone from R-2 and C-3 to P-D(457) to allow a nine-lot single-family subdivision, property located on the south side of Algen Avenue west of Crows Landing Road. (Nightingale Development Company)

ACTION: By motion (McGrath/Irizarry, unan., Muratore absent) Ord. No. 2622-C.S. introduced.
Res. 88-863 adopted (same vote) approving plan.
Res. 88-864 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

11. Hearing to consider an amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to R-2, property located on the north side of East Orangeburg Avenue and west of Claus Road. (Ken Dowdy)

ACTION: By motion (McGrath/Irizarry, unan., Muratore absent) Ord. No. 2623-C.S. introduced.
Res. 88-865 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

12. Hearing to consider the Chief Building Official's report and any protests or objections concerning demolition of a building at 205 Oak Street.

ACTION: Res. 88-856 adopted (McGrath/Irizarry, unan., Muratore absent) approving demolition of building. (Engineering to handle)

13. Hearing to consider the appeal of Mid-Valley Engineering to a Planning Commission decision denying a Dry Creek Meadows No. 4 vesting tentative subdivision map located northwest of Yosemite Boulevard and Claus Road. (This hearing was continued from the October 25, 1988 meeting. A letter has been received from Mid-Valley Engineering withdrawing this appeal.)

ACTION: By motion (McGrath/Irizarry, unan., Muratore absent) receipt of letter withdrawing appeal acknowledged.

BIDS

CONSENT

14. Consider approval of plans and specifications and call for bids for the waterline extension at Floyd and Roselle.
(Suggested bid opening: December 6, 1988, at 11:00 a.m. This waterline is needed to serve a new subdivision, Beacon Hill No. 2, that is being constructed on the southwest corner of Floyd and Roselle. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$45,600 (contract \$38,000; eng. & cont. \$7,600). Funds are budgeted.)

ACTION: Res. 88-867 adopted calling for bids. (Eng to handle)

CONSENT

15. Consider approval of plans and specifications and call for bids for alterations to the Community Service Center at 800 E. Morris Avenue.
(Suggested bid opening: December 6, 1988, at 11:05 a.m. This project is to provide handicapped accessibility to the building and provide restrooms for the handicapped. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$51,175 (contract \$46,575; eng. & cont. \$4,600). Funds are budgeted.)

ACTION: Res. 88-868 adopted calling for bids. (Eng to handle)

CONSENT

16. Consider approval of specifications and authorizing call for bids to be opened December 6, 1988, at 3:15 p.m. for furnishing one microfilm processor.
(Requested by the Microfilm and Records Division of Finance, the processor, which processes film to archival standards will replace a unit currently in service. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$10,600. Funds are budgeted.)

ACTION: Res. 88-869 adopted calling for bids. (Finance to handle)

CONSENT

17. Consider approving plans and specifications and calling for bids for traffic signal at Dale and Snyder.
(Suggested bid opening: December 13, 1988, at 11:00 a.m. Memo with agenda. This is a joint City-County project to improve traffic flow on the City's northwest border. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$100,000. Funds are budgeted.)

ACTION: Res. 88-870 adopted calling for bids. (P/T to handle)

CONSENT

18. Consider approving plans and specifications and calling for bids for the installation of traffic signals at Oakdale and Merle.
(Suggested bid opening: December 13, 1988, at 11:05 a.m. Memo with agenda. A traffic-actuated signal with protected left-turn phases is proposed. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$80,000. Funds are budgeted.)

ACTION: Res. 88-871 adopted calling for bids. (P/T to handle)

CONSENT

19. Consider award of contract for the construction of the storage pond wave protection project at the City's Secondary Waste Treatment Plant.
(The low bid of \$1,865,805 was submitted by Alta Pacific Constructors, Inc. The staff and the design consultant have reviewed the low bid proposal and both recommend the contract be awarded to Alta Pacific Constructors, Inc. Memo with agenda. Resolution awarding contract to Alta Pacific Constructors, Inc. needed. Estimated cost: \$1,999,805 (contract \$1,856,805; contract admin. \$68,000; contingencies \$66,000). Funds are budgeted.)

ACTION: Res. 88-872 adopted awarding contract. (Utility Serv to handle)

CONSENT

20. Consider declaring Modesto Ford Tractor low bidder meeting City specifications and authorize the purchase of one backhoe/loader from the firm for the total price of \$30,347, and consider declaring Case Power and Equipment low bidder and authorizing the purchase of one trailer from the firm for the total price of \$8,167.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-873 adopted authorizing purchase. (Finance to handle)

CONSENT

21. Consider waiving formal bid procedures and authorize the purchase of a laser printer for the Police Department from Wang Laboratories for the total price of \$10,791.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-874 adopted waiving formal bid procedure. (Finance to handle)

CONSENT

22. Consider waiving formal bid procedures and authorize the purchase of repair services for a Vactor model sewer vacuum truck from GCS, Inc. for the total price of \$9,829.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase of services needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-875 adopted waiving formal bid procedure. (Finance to handle)

NEW BUSINESS

23. Revised criteria for Traffic Impact Studies.
(Memo with agenda. Resolution adopting revised criteria for Traffic Impact Studies needed.)

ACTION: Res. 88-876 adopted (McGrath/Lang, unan., Muratore absent) adopting revised criteria. (P/T to handle)

CONSENT

24. Consider excusing Councilmembers Irizarry, McGrath, Muratore, Patterson, Sutton, and Mayor Whiteside for being absent from the October 18, 1988, City Council meeting due to their attendance at the annual League of California Cities conference.
(Motion excusing absences needed.)

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

CONSENT

25. Consider approving agreement with the California Fire Fighter Joint Apprenticeship Committee to recruit and test for Fire Fighter Trainees.
(Memorandum with agenda. Resolution approving agreement needed. Estimated cost: \$16,500. Funds are budgeted.)

ACTION: Res. 88-877 adopted approving agreement. (Manager to handle)

CONSENT

26. Consider approving agreement with Avis Rent A Car System, Inc. for their operation at the Modesto Airport.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-878 adopted approving agreement. (Attorney to handle)

CONSENT

27. Consider approving amendment to lease agreement with James E. and Susann A. Coleman for the lease of property along Dry Creek.
(Memo with agenda. Resolution approving amendment to agreement needed.)

ACTION: Res. 88-879 adopted approving amended agreement. (Attorney to handle)

CONSENT

28. Consider approving agreement with Santiago and Ernestina Alvarez for lease of 308 Locust.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-880 adopted approving agreement. (Attorney to handle)

WRITTEN COMMUNICATIONS

30. Letter from Russell A. Newman concerning a contractual agreement between the City and Rule Enterprises, Inc., for City sewer services to the Fleur De Ville neighborhood.

ACTION: By motion (Lang/McGrath,unan., Muratore absent) this item was referred to staff to study and report to Council on December 13,1988.
(Attorney to handle)

CONSENT

31. Letter from the Downtown Improvement District requesting permission to hold a sidewalk sale on Saturday and Sunday, November 26 and 27.
(Motion approving request needed.)

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

MISCELLANEOUS

- 32 Appointments

Citizens Advisory Committee on Recycling

Dropped from agenda.

33.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:10 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 22, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. John Krueger, Grace Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 9, 10, 11, 12, 13,
15, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 30,
31, 33, 34

Removed from consent: 30

ACTION: (Lang/Sutton, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Whiteside introduced Chiara Longhi, an AFS student from La Spezia, Italy, who presented some mementos from her city to the Council.

MINUTES

CONSENT

2. Approval of the minutes of the November 15, 1988, special and regular City Council meetings.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

CONSENT

4. Consider certification of results of the November 8, 1988, special election.
(Measure B, extension of the trunk sewer to school and park sites, was approved by 62% of the voters. Resolution confirming canvass of votes needed.)

ACTION: Res. 88-881 adopted confirming canvass of votes. (Clerk to handle)

CONSENT

5. Final adoption of:
 - a. Ord. No. 2621-C.S. amending the garbage collection license for Gilton Solid Waste Management.
 - b. Ord. No. 2622-C.S. amending the Zoning Map to rezone from R-2 and C-3 to P-D(457) for a single-family residential development, property located on the south side of Algen Avenue west of Crows Landing Road (Nightingale Development Co.)
 - c. Ord. No. 2623-C.S. amending the Zoning Map to rezone from R-1 to R-2 property located on the north side of East Orangeburg Avenue west of Claus Road (Ken Dowdy)

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider the appeal of Paynter-Willsey Properties by Arnold Pacific Properties, to a Planning Commission decision regarding an application for an amendment to Section Map 9-3-9 of the Zoning Map to rezone from R-1 and C-3 and P-D(164) to a new P-D, property located at the southeast corner of McHenry Avenue and Sylvan Avenue.

ACTION: A motion (McGrath/Patterson) to deny the appeal pending submission of a down-scale project was withdrawn.

A motion (Muratore/Lang) to approve, with the condition that the applicant participate in upgrading signals was withdrawn.

By motion (Muratore/Lang, majority, Irizarry, McGrath, and Patterson-no) Ord. No. 2624-C.S. introduced, approving the appeal.

Res. 88-882 adopted (Muratore/Lang, majority, Irizarry, McGrath, and Patterson-no) plan with an additional condition that the applicant will restrip McHenry and Sylvan when requested by the City.

Res. 88-883 adopted (Muratore/Lang, majority, Irizarry, McGrath, and Patterson-no) certifying review of Environmental Assessment.
(Clerk/Planning to handle)

Councilmember Muratore excused for 5 minutes.

7. Hearing to consider proposed fees for Planning and Zoning applications and revenue bond applications.

ACTION: Res. 88-884A adopted (Lang/Sutton, unan., Muratore absent) establishing filing fees for applications for abandonment/vacation of public rights-of-way or easements.

Res. 88-884B adopted (same vote) establishing filing fees for Zone boundary changes, use permits, variances, environmental review, subdivisions, and other applications.

Res. 88-884C adopted (same vote) establishing criteria for issuance of health care facility bonds.

Res. 88-884D adopted (same vote) establishing criteria for issuance of Industrial Revenue Bonds. (Planning to handle)

8. Hearing to consider the establishment of new fees for garbage collection. (Continued from the November 15, 1988, City Council meeting.)

ACTION: Res. 88-885 adopted (Lang/Patterson, majority, McGrath and Whiteside-no) approving recommended fees with a \$2.00 subsidy.
Res. 88-886 adopted (same vote) approving an appropriation transfer of \$15,000 for recycling buckets. (Utility Serv./Finance to handle)

WPCLK320

BIDS

CONSENT

9. Consider rejecting low bid and issuing a purchase order to Acme Glass Company for construction and installation of automatic door system to King-Kennedy Center, under the Community Development Block Grant Funds for Handicapped Barrier Removal.
(Memo with agenda. Handicapped accessible doors were approved for King-Kennedy Center, and the Engineering staff specified a particular door. Resolution rejecting low bid and authorizing issuance of a purchase order for \$9,985 needed. Estimated total cost: \$14,000. Funds are budgeted.)

ACTION: Res. 88-887 adopted rejecting low bid and issuing purchase order.
(Planning/Finance to handle)

CONSENT

10. Consider waiving formal bid procedures and authorize the Purchase Officer or his designated agent to purchase four used detective cars from a wholesale dealers auction.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Estimated cost: \$39,630. Funds are budgeted.)

ACTION: Res. 88-888 adopted waiving formal bid procedures.
(Finance to handle)

CONSENT

11. Consider waiving bid procedures and authorizing the issuance of a purchase order to Delta Sound & Telephone, Inc., for improvements to the Council Chambers sound system.
(Memo with agenda. The work would include moving the controls into the Council Chambers, and provision of a wireless microphone. Resolution waiving bid procedures and authorizing issuance of a purchase order needed. (Five affirmative votes needed.) Estimated cost: \$10,961. Funds are budgeted.)

ACTION: Res. 88-889 adopted waiving bid procedures and issuing a purchase order.
(Clerk/Finance to handle)

CONSENT

12. Consider authorizing City Manager to sign Supplement No. 27 to Local Agency Agreement No. 10-5059 for the Carver Road Bridge; consider amending budget; and consider award of contract for the Carver Road bridge replacement at MID Lateral No. 6 to Gentz Construction. (The supplement to State Agreement No. 10-5059 would provide for the funding of the reconstruction of the Carver Road bridge at MID Lateral No. 6. Memo and bid tabulation with agenda. Resolution approving supplement to agreement, resolution amending budget, and resolution awarding contract to Gentz Construction needed. Estimated cost: \$162,767.)

ACTION: Res. 88-890 adopted approving supplement to agreement.
Res. 88-891 adopted amending budget.
Res. 88-892 awarding contract to Gentz Construction.
(Eng./Finance to handle)

CONSENT

13. Consider waiving formal bid procedures and authorizing the purchase of MinutP software from Comsis Corp., the sole distributor of this program, in conjunction with the Computerized Citywide Traffic Model project, and approving appropriation transfer from the Contingency Reserve Account in the Capital Facilities Fees Fund to a new project, Traffic Model Project. (Memo with agenda. Resolution waiving formal bid procedures and authorizing the purchase (Five affirmative votes needed.), and resolution approving appropriation transfer of \$6,000 needed.)

ACTION: Res. 88-893 adopted waiving formal bid procedures.
Res. 88-894 adopted approving appropriation transfer.
(P/T, Finance to handle)

NEW BUSINESS

14. Consider request for resolution in support of U.C. Campus Task Force efforts to locate a campus of the University of California within the greater Modesto area. (Memo and proposed resolution with agenda. Resolution of support needed.)

ACTION: Res. 88-895 adopted (Sutton/Muratore, unan.) supporting efforts to locate campus within greater Modesto area.
(Econ. Develop. Director to handle)

CONSENT

15. Designation of Councilmember Irizarry to serve as Vice Mayor for the ensuing year, pursuant to Section 603 of the Charter of the City of Modesto. (Resolution designating Balvino Irizarry as Vice Mayor needed.)

ACTION: Res. 88-896 adopted designating Balvino Irizarry as Vice Mayor.
(Clerk to handle)

CONSENT

16. Consider excusing Councilmember Muratore for being absent from the November 15, 1988 meeting due to his attendance at a meeting representing the Stanislaus Area Agency of Governments.
(Motion excusing absence needed.)

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

CONSENT

17. Consider setting a public hearing to consider amendments to the zoning regulations pertaining to the development of parking lots in the P-0 zone to serve commercial uses.
(On October 24, 1988, the Planning Commission adopted Resolution No. 88-112 recommending to the City Council a Zoning Code Text amending pertaining to development of parking lots in the P-0 zone to serve commercial uses. Resolution setting hearing December 20, 1988, at 4:00 p.m. needed.)

ACTION: Res. 88-897 adopted setting hearing. (Clerk to handle)

CONSENT

18. Consider exercising the City's option to not succeed to Open Space Contracts No. 78-3567 and 85-4063 in the Kansas Avenue No. 7A Reorganization.
(These contracts pertain to 10.87 acres in the Kansas Avenue No. 7A Reorganization. The City Council protested these contracts and the protests were upheld by LAFCO. It is recommended that the Council elect not to succeed to the contracts to allow urban development of the property. Memo with agenda. Resolution electing to not succeed to Open Space Contracts No. 78-3567 and 85-4063 needed.)

ACTION: Res. 88-898 adopted electing to not succeed to Open Space Contracts. (Planning to handle)

CONSENT

19. Consider renewal of agreement with Nancy M. Young, Executive Director of the Downtown Improvement District.
(This is the eighth renewal of an existing annual agreement. Memo with agenda. Resolution approving agreement needed. Estimated cost: \$45,000. Funds are budgeted.)

ACTION: Res. 88-899 adopted approving agreement. (Planning to handle)

CONSENT

20. Consider approving an amendment to the agreement with Brethren Community Services, dated October 20, 1987, to increase their grant by \$75,000 to repair and improve the heating, ventilating and air conditioning system, fire alarm system, and floor coverings, as recommended by the Citizens Housing and Community Development Committee.
(Memo with agenda. The heating, ventilating and air conditioning system failed this summer in the building used by seniors and handicapped persons, and Westcare has requested funds to repair the system. Resolution approving amended agreement needed. Funds are budgeted.)

ACTION: Res. 88-900 adopted amending agreement. (Planning to handle)

CONSENT

21. Consider authorizing the City Manager to sign the Housing Assistance Plan for the period of October 1, 1988, to September 30, 1991.
(Memo with agenda. HUD requires all Community Development Block Grant grantees to submit a three-year Housing Assistance Plan. Resolution authorizing the City Manager to sign the Housing Assistance Plan and forward it to HUD needed.)

ACTION: Res. 88-901 adopted approving Housing Assistance Plan.
(Planning to handle)

CONSENT

22. Consider approving a contract with Dowling Transportation Engineering to design and calibrate a computerized citywide traffic model, and approving an appropriation transfer from the Contingency Reserve Account to the Capital Facilities Fees Fund, Traffic Model Consulting Services Account.
(Memo with agenda. The contract is for 2 phases. Phase I is to calibrate the model to be used in Impact Fee analysis. Phase II is to further fine tune the model for Capacity Analysis. Resolution approving agreement and resolution approving appropriation transfer needed.
Estimated cost: \$56,680 (Phase I: \$35,360; Phase II: \$21,320).

ACTION: Res. 88-902 adopted approving agreement.
Res. 88-903 adopted approving appropriation transfer.
(P/T, Finance to handle)

CONSENT

23. Consider authorizing the City Manager to sign an application for \$300,000 in funding under the California Wildlife Coastal and Park Land Conservation Bond Act of 1988 for improvements to the McHenry Mansion.
(Memo with agenda. Resolution approving application needed.)

ACTION: Res. 88-904 adopted approving application. (P/R to handle)

CONSENT

24. Consider authorizing the City Manager to sign an application for \$103,700 in funding under the California Wildlife Coastal and Park Land Conservation Bond Act of 1988 for the construction of a hiking/bicycle trail in Dry Creek Park.
(Memo with agenda. Resolution approving application needed.)

ACTION: Res. 88-905 adopted approving application. (P/R to handle)

CONSENT

25. Consider acceptance of Federal Land and Water Conservation Fund Grant for construction of a group picnic shelter at Mellis Neighborhood Park.
(The National Park Service has approved the City's grant application under the Federal Land and Water Conservation Fund program. To receive these funds, City Council must accept the grant. Memo with agenda. Resolution accepting the grant and authorizing the City Manager to sign needed.)

ACTION: Res. 88-906 adopted accepting grant. (P/R to handle)

CONSENT

26. Consider acceptance of improvements in Cobblestone Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Grant Construction.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Cobblestone Subdivision is located east of Temescal Drive, between Merle Avenue and Belharbour Drive. It contains 16.640 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-907 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

27. Consider authorizing City Manager to sign a telephone maintenance contract with Evans Telecommunications, Inc., for the annual price of \$19,061.
(Memo with agenda. Resolution approving contract needed. Funds are budgeted.)

ACTION: Res. 88-908 adopted approving contract. (Finance to handle)

CONSENT

28. Consider authorizing staff to negotiate a consultant contract with Boyle Engineering to assess the merits of acquiring parts of the Del Este Water Company.

(Memo with agenda. Motion authorizing negotiation of a contract for Phase I Feasibility Study needed. Estimated cost: \$10,000. (A more accurate cost estimate will be available when an agreement is presented to Council after consultant negotiations are complete.) Funds are budgeted.)

ACTION: By motion, staff authorized to negotiate a contract.
(Utility Services to handle)

CONSENT

29. Consider approving an appropriation transfer from the Contingency Reserve of the Parks Capital Facilities Fees Fund to finance Johansen Community Park.

(Memo with agenda. Resolution approving appropriation transfer needed. Estimated cost: \$10,000.)

ACTION: Res. 88-909 adopted approving appropriation transfer.
(Finance to handle)

30. Consider initiating the Snyder-St. Nicholas Reorganization.
(The proposed annexation of 15.7 acres, located on the north side of Snyder Avenue at St. Nicholas Drive, includes annexation into the City of Modesto and the Modesto Sewer District No. 1, and simultaneous detachment from the Salida Fire District. Memo with agenda. Resolution initiating reorganization needed.)

Councilmember McGrath excused due to a conflict of interest.

ACTION: Res. 88-910 adopted (Muratore/Irizarry, unan., McGrath absent)
initiating reorganization. (Planning to handle)

CONSENT

31. Consider utility billing report.
(Report with agenda. Motion accepting report; resolution amending the budget to provide for two account clerks, the purchase of telephone equipment, and answering service; resolution setting hearing on December 13, 1988, at 7:30 p.m., to consider establishing late charges for delinquent customers and increase other late charges now in effect needed. Estimated cost: \$58,231.)

ACTION: By motion, report accepted.
Res. 88-911 adopted amending budget.
Res. 88-912 adopted setting hearing. (Finance/Clerk to handle)

32. Review and approval of Environmental Indemnity Agreement with U. S. Bancorp and Assignment of Catering and Concession Agreement for the Community Centre Plaza.
(These agreements are part of the necessary loan documents that must be approved for loan closure of the Red Lion Hotel. Memo and agreements to follow. Resolution authorizing City Manager to execute above agreements and all other necessary loan documents needed.)

ACTION: Res. 88-913 adopted (Lang/Patterson, majority, McGrath-no)
authorizing City Manager to execute agreements and other documents.
(Attorney to handle)

WRITTEN COMMUNICATIONS

CONSENT

33. Letter from Mid-Valley Engineering requesting that condition No. 14 in Council Resolution 88-628, which approved P-D(451), be amended to provide that a \$100,000 deposit shall be placed with the City until completion of the final design and approval by the City Traffic Engineer of upgrading the traffic signal at the Carver Road and Standiford Avenue intersection. (Memo with agenda recommending approval of request. Resolution amending Resolution 88-628 needed.)

ACTION: Res. 88-914 adopted approving request. (Eng./Clerk to handle)

CONSENT

34. Letter from Kenneth M. Savage, Jr., resigning from the Modesto Culture Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 88-915 adopted accepting resignation. (Clerk to handle)

MISCELLANEOUS

35. Appointments:

Citizens Advisory Committee on Recycling

ACTION: Res. 88-916 adopted appointing Randi Huff, Lynn Darpinian and Jean T. Smith to Committee. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

36. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 11:24 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
November 29, 1988

The Council of the City of Modesto met in special session at 3:00 p.m. in the City Hall Third Floor Conference Room, 801 11th Street, Modesto, California.

Present: Councilmembers Lang, Muratore, Patterson, Sutton,
Mayor Whiteside

Absent: Councilmembers Irizarry, McGrath

Al Kaufman discussed the status of the City/Modesto Irrigation District Water Study. He mentioned problems estimating population and determining the size of pipe needed. He urged that the Memorandum of Understanding process be started now.

Ed Walker said purification requirements are becoming massive and it is necessary to have water available other than groundwater.

It was agreed that the City/Modesto Irrigation District Water Committee meet to discuss the report and proposal presented by Al Kaufman and make recommendations to the two governing bodies by the middle of December.

The meeting adjourned at 4:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 6, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Lang, Sutton.

Absent: Councilmembers Irizarry, McGrath, Muratore, Patterson,
Mayor Whiteside

HEARINGS

Hearing to consider establishing fees for Fire Prevention inspections to
be effective January 1, 1989.

(Continued from the September 27, 1988, City Council meetings.)

ACTION: Hearing continued to December 13, 1988, at 7:30 p.m.

Meeting adjourned at 4:02 due to lack of a quorum.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

Special Meeting
Modesto City Council
December 13, 1988

The Council of the City of Modesto met in special session at 6:30 p.m. in the City Hall Council Chambers, City Hall, 801 11th Street, Modesto, California.

Present: Councilmembers Irizarry, Lang, McGrath, Muratore, Patterson, Sutton, Mayor Whiteside

Mayor Whiteside arrived at 6:45 p.m.

Councilmembers Muratore and Patterson arrived at 7:10 p.m.

Absent: None

The meeting adjourned at 6:36 p.m. to closed session to consider the appointment, employment, or evaluation of performance of an employee.

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 13, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 9, 10, 11, 12, 13, 14, 18,
19, 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31, 33, 34, 35,

Removed from consent: 32, 37

ACTION: (Lang/Patterson, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

MINUTES

CONSENT

2. Approval of the minutes of the November 22, 1988, regular City Council meeting and the November 29, 1988, special City Council meeting. (Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

John Sousa and Esther Jones spoke about T.R.I.P.S. and bus drivers. Tom Maher spoke about consent item 24.

UNFINISHED BUSINESS

4. Report on request for sewer service to Fleur de Ville Subdivision outside of the current and ultimate sewer service area. (Staff believes it is desirable to provide sewer service. Prior concurrence from EPA is necessary. Memo with agenda. Motion directing staff needed.)

ACTION: By motion (McGrath/Sutton, majority, Irizarry and Lang-no) request approved, staff directed to proceed with contacting the EPA, and staff and applicant requested to proceed with a General Plan amendment and annexation. (Eng/Planning to handle)

5. Final adoption of Ordinance No. 2624-C.S., amending the Zoning map to rezone from R-1, C-3, and P-D(164) to P-D(459), property at the southeast corner of McHenry Avenue and Sylvan Avenue (Arnold-Pacific Properties). (Motion adopting needed.)

ACTION: By motion (Lang/Muratore, majority, Irizarry, McGrath, and Patterson-no) Ordinance No. 2624-C.S. adopted. (Clerk to handle)

HEARINGS

6. Hearing to consider establishing fees for Fire Prevention inspections to be effective January 1, 1989.
(Continued from the September 27, 1988, and the December 6, 1988, City Council meetings.)

ACTION: Res. 88-917 adopted (Lang/Irizarry, majority, McGrath and Patterson-no) fees approved. (Fire to handle)

7. Hearing to consider establishing late charges for delinquent customers and increase other late charges now in effect. (Utility Billing)

ACTION: Res. 88-918 adopted (McGrath/Sutton, unan.) establishing charges. Staff requested to prepare a six-month status report. (Finance to handle)

8. Hearing to consider an amendment to Section 14-3-9 of the Zoning Map to rezone from P-D(406) allowing an elderly housing complex, to P-D(458) to allow a two- and three-story residential condominium project, property located on the northeast corner of Coffee Road and Princewood Lane, south of Sylvan Avenue. (Bob Weeks)

ACTION: By motion (Muratore/Sutton, unan.) Ord. No. 2625-C.S. introduced. Res. 88-919 adopted (same vote) approving plan. Res. 88-920 adopted (same vote) certifying review of Environmental Assessment. (Clerk/Planning to handle)

BIDS

CONSENT

9. Consider approving specifications and authorize call for bids to be opened January 17, 1989, at 3:10 p.m. for furnishing one truck cab and chassis with dump body.
(Requested by the Service Division, the truck will be permanently assigned to the Sewerage Division to haul a backhoe and trailer at the remote pond site. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$45,486. Funds are budgeted.)

ACTION: Res. 88-921 adopted calling for bids. (Finance to handle)

CONSENT

10. Consider approving specifications and authorize call for bids to be opened January 17, 1989, at 3:00 p.m., for furnishing three police traffic scooters.

(Requested by the Service Division, the traffic scooters will be permanently assigned to the Police Department and will be used primarily for downtown parking control. Two of the vehicles will replace similar units presently in service, with the third being additional. Resolution approving specifications and authorizing call for bids needed. Estimated cost: \$20,000. Funds are budgeted.)

ACTION: Res. 88-922 adopted calling for bids. (finance to handle)

CONSENT

11. Consider award of contract for the Floyd Avenue and Roselle Avenue water line extension to Clyde Wheeler Pipeline, Inc.

(Bids were opened on December 6, 1988. The low bid of \$36,357.50, submitted by Clyde Wheeler Pipeline, Inc., is 4.32% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to Clyde Wheeler Pipeline, Inc. Memo and bid tabulation with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-923 adopted awarding contract. (Eng to handle)

CONSENT

12. Consider acceptance of B & L Builders' contract for the Lakewood and Sipherd Parks wading pools and restrooms. Original contract: \$274,000.

(All work on this project has been completed to the satisfaction of the Engineering and Parks Departments. Therefore, it is in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$277,549.25. Funds are budgeted.)

ACTION: Res. 88-924 adopted accepting as complete. (Clerk to handle)

CONSENT

13. Consider waiving formal bid procedures and authorize the purchase of two-way radios and mobile data terminals from Motorola, Inc. for \$23,752.

(Memo with agenda. Resolution waiving formal bid procedures and approving purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-925 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

14. Consider waiving formal bid procedures and authorize the purchase of pump repair services from Johnston Pump Company for \$9,928.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-926 adopted waiving formal bid procedures.
(Finance to handle)

NEW BUSINESS

16. Consider approval of a contract with the California Environmental Trust to re-evaluate the City's Urban Growth Policy.
(The City needs an improved process that enables all concerned with urban growth, an ability to plan with some certainty, five years into the future. Joseph Bodovitz, President of California Environmental Trust, has had success in win-win solutions to urban growth conflict. Staff recommends a contract with the firm for a January through March, 1989, study, for a cost not to exceed \$10,000 to the City. Memo with agenda. Resolution approving contract and resolution approving an appropriation transfer from the General Fund Contingency Reserve needed.)

ACTION: Res. 88-927 adopted (McGrath/Sutton, unan.) approving contract.
Res. 88-928 adopted (same vote) approving appropriation transfer.
(Planning to handle)

17. Report regarding Peter Johansen High School and adjacent community park site.
(City staff has been working with Modesto High School District staff for plans for the school and adjacent park site. Some policy questions need to be reviewed and decided by City Council regarding tennis courts and swimming pool. Memo with agenda. Motion approving preliminary master plan, directing staff on follow up for swimming pool, and authorizing staff to negotiate an agreement for tennis courts needed.)

ACTION: By motion (Lang/McGrath, unan.) approved preliminary master plan, directed staff on follow up for swimming pool, and authorized staff to negotiate an agreement for tennis courts.
(Parks and Recreation to handle)

CONSENT

18. Consider report relating to request from Department of Health Services, Toxic Substances Control Division, for payment of expenses incurred during clean up of Centre Plaza site.
(Motion accepting report and authorizing payment to Department of Health Services; and resolution approving appropriation transfer. Estimated cost: \$47,052.20.)

ACTION: By motion, report accepted and payment authorized.
Res. 88-929 adopted approving appropriation transfer.
(Utility Serv/Finance to handle)

CONSENT

19. Consider acceptance of improvements in Spencer Plaza Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Jaed Enterprises (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Spencer Plaza Subdivision is located on the west side of Spencer Avenue, north of Marni Way. It contains 2.538 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-930 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

20. Consider acceptance of improvements in Cape Cod Estates No. 3 and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Pan Capital, Inc. (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Cape Code Estates No. 3 is located on the east side of Ustick Road, south of Hatch Road. It contains 2.568 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-931 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

21. Consider acceptance of improvements in Honey Creek West Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Douglas Highiet (All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Honey Creek West Subdivision is located at the southeast corner of Snyder Avenue and Honey Creek Road. It contains 3.1957 acres. Resolution accepting improvements needed.)

ACTION: Res. 88-932 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

22. Consider renewal of individual public officials bonds for September 10, 1988, to September 10, 1991, with Ohio Casualty Insurance Company through Giddings, Corby, Hynes, Inc. (Memo with agenda. Resolution approving renewal of bonds needed. Estimated cost: \$1,590. Funds are budgeted.)

ACTION: Res. 88-933 adopted approving renewal of bonds.
(Attorney to handle)

CONSENT

23. Consider renewal of public employees blanket bonds for September 10, 1988, to September 10, 1991, with Ohio Casualty Insurance Company through Giddings, Corby, Hynes, Inc.
(Memo with agenda. Resolution approving renewal of bonds needed.
Estimated cost: \$5,978. Funds are budgeted.)

ACTION: Res. 88-934 adopted approving renewal of bonds. (Attorney to handle)

CONSENT

24. Consider excusing Councilmembers Irizarry, McGrath, Muratore, Patterson, and Mayor Whiteside for being absent from the December 6, 1988, City Council meeting due to their attendance at the National League of Cities conference.
(Motion excusing absence needed.)

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

CONSENT

25. Consider taking all actions necessary to establish a Landscape Maintenance Assessment District for a portion of Dry Creek Meadows No. 2 and Dry Creek Meadows No. 3 Subdivisions.
(Memo with agenda. Resolution initiating proceedings for the formation of a Maintenance District, Assessment District No. 1; and resolution ordering improvements, Assessment District No. 1. needed.)

ACTION: Res. 88-935 adopted initiating proceedings for the formation of a Maintenance District, Assessment District No. 1.
Res. 88-936 adopted ordering improvements, Assessment District No. 1.
(Engineering to handle)

CONSENT

26. Consider approval of the final map of Dry Creek Meadows No. 1 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdividers: The William Lyon Company. Developers: Resource Development.
(The subdivision agreement has been signed and all fees paid. Dry Creek Meadows No. 1 is located west of Claus Road south of M.I.D. Lateral No. 2, and contains 21.683 acres. Resolution approving final map needed.)

ACTION: Res. 88-937 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Dry Creek Meadows No. 2 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: The William Lyon Company. Developers: Resource Development.
(The subdivision agreement has been signed and all fees paid. Dry Creek Meadows No. 2 is located east of North McClure Road and south of M.I.D. Lateral No. 2, and contains 25.778 acres. Resolution approving final map needed.)

ACTION: Res. 88-938 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider approval of the final map of Dry Creek Meadows No. 3 Subdivision of the City of Modesto and authorize an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code. Subdividers: The William Lyon Company. Developers: Resource Development.
(The subdivision agreement has been signed and all fees paid. Dry Creek Meadows No. 3 is located east of North McClure Road and north of Ardia Avenue, and contains 18.661 acres. Resolution approving final map needed.)

ACTION: Res. 88-939 adopted approving final map. (Clerk to handle)

CONSENT

29. Consider approval of a Grant Amendment from the U. S. Environmental Protection Agency to decrease the Step 1 Grant on the Wastewater Treatment Plant Expansion Project.
(The Grant Amendment is based on estimated final cost of Step 1 work. Memo with agenda. Resolution authorizing City Manager to execute the Federal Grant Amendment. Net savings to City of \$1,563.)

ACTION: Res. 88-940 adopted authorizing grant amendment.
(Utility Services to handle)

CONSENT

30. Consider modifying speed limits on various streets.
(Memo with agenda. A total of 24 updated, revised, or new radar-enforceable speed limits are proposed. Also, a non-radar limit is proposed to be changed. Introduction of ordinance amending Modesto Municipal Code needed. Estimated cost: \$840. Funds are budgeted.)

ACTION: By motion, Ord. No. 2626-C.S. introduced. (Clerk to handle)

CONSENT

31. Consider agreement accepting up to \$200,000 grant for preliminary engineering to relocate the Union Pacific Railroad from 9th Street. (Memo with agenda. The City's share will be 20% of the actual cost of the engineering, probably about \$40,000. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 88-941 adopted approving agreement. (P/T to handle)

32. Consider ordinance allowing the Council to set fees for any permit or license issued pursuant to the Modesto Municipal Code. (Memo with agenda. Introduction of an ordinance needed.)

Councilmember Muratore excused at 10:30 for five minutes.

ACTION: By motion (Sutton/Lang, unan., Muratore absent) Ord. No. 2627-C.S. introduced. (Clerk to handle)

CONSENT

33. Consider request for refund of \$690.55 for overpayment of Business License Tax by Spring Crest Drapery. (Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-942 adopted approving refund. (Finance to handle)

CONSENT

34. Consider request for refund of \$3,293.91 for overpayment of Business License Tax by Del Dotto Enterprise, Inc. (Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-943 adopted approving refund. (Finance to handle)

CONSENT

35. Consider resolution approving an appropriation transfer of \$462,500 from the Contingency Reserve of the Capital Facilities Fees to Merle Neighborhood Park. (Memo with agenda. Resolution approving an appropriation transfer needed.)

ACTION: Res. 88-944 adopted approving appropriation transfer. (P/R and Finance to handle)

WRITTEN COMMUNICATIONS

36. a. Letter from the Modesto Chamber of Commerce concerning the airport terminal project.

- b. Letter from William Bradford, Chairman Airport Advisory Committee concerning the airport terminal project.

ACTION: By order of the Chair, staff requested to report on funding methods, and requested to contact the County concerning sharing costs.
(Utility Services to handle)

37. Letter from James C. Enochs, Superintendent of Modesto City Schools, asking the City to proceed with extending sewer service to Peter Johansen High School.
(Staff recommends that the request to proceed with the sewer trunk extension be approved. Memo with agenda. Motion approving needed.)

ACTION: By order of the Chair, this matter was referred to staff.
(Engineering to handle)

MATTERS TOO LATE FOR THE AGENDA

38. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 11:09 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 20, 1988, AT 4:00 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. John Blakely, Neighborhood Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 6, 7, 8, 9, 10, 12, 13,
14, 15, 16, 19, 20, 21, 22, 23,
24, 25, 26, 27, 28

Removed from consent: 17

ACTION: (Lang/McGrath, 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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

- a. Introduction of Soviet teacher, Raisa Naugolnaya.
Angie Wiinikka introduced Raisa Naugolnavs
- b. Presentation of new City of Modesto flag.
By motion (McGrath/Irizarry, unan.) the flag was accepted.
- c. A Boy Scout from Troop 11, who is working on Citizenship badges, and Elwyn Johnson, former City Attorney were introduced.

MINUTES

CONSENT

2. Approval of the minutes of the December 6, 1988, regular City Council meeting, and the December 13, 1988, special and regular City Council meetings.
(Motion approving needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

Santa Claus presented gifts and candy canes to the Council.
Debbie Kochel spoke about T.R.I.P.S. and bus drivers.

UNFINISHED BUSINESS

CONSENT

4. Final adoption of:
 - a. Ord. No. 2625-C.S. amending the Zoning Map to rezone from P-D(406) to P-D(458), property located at the northeast corner of Coffee Road and Princewood Lane (Robert M. Weeks).
 - b. Ord. No. 2626-C.S. amending the Modesto Municipal Code relating to speed limits.

Amended

- c. Ord. No. 2627-C.S. amending the Modesto Municipal Code relating to permit and license fees.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider amendments to the Zoning Regulations pertaining to the development of parking lots in the P-0 zone to serve commercial uses.

ACTION: By motion (McGrath/Irizarry, unan.) Ord. No. 2628-C.S. introduced. (Clerk to handle)

BIDS

CONSENT

6. Consider award of contract for the alterations to the Community Service Center on Morris Avenue to the McDonald Glenn Co. (This project will provide handicapped accessibility to the building and provide restrooms for the handicapped. Bids were opened on December 6, 1988. The low bid of \$46,649, submitted by the McDonald Glenn Co., is 0.16% above the engineer's estimate and considered acceptable. It is therefore, recommended that the contract be awarded to The McDonald Glenn Co. Memo and bid tabulation with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-945 adopted awarding contract. (Eng to handle)

CONSENT

7. Consider awarding contract for construction of traffic signals and street improvements at Oakdale Road and Merle Avenue. (Memo with agenda. Bids were opened on December 13, 1988. Nine bids were received. Collins Electrical Co. was the low bidder at \$65,990. This is 17.5% below the estimate and is acceptable. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-946 adopted awarding contract. (P/T to handle)

AMENDED PAGE

- c. Ord. No. 2627-C.S. amending the Modesto Municipal Code relating to permit and license fees.

(Motion adopting needed.)

ACTION: By motion, ordinances adopted. (Clerk to handle)

HEARINGS

5. Hearing to consider amendments to the Zoning Regulations pertaining to the development of parking lots in the P-0 zone to serve commercial uses.

ACTION: By motion (McGrath/Irizarry, unan.) Ord. No. 2628-C.S. introduced.

Res. 88-944A adopted (McGrath/Irizarry, unan.) certifying review of environmental assessment. (Clerk to handle)

BIDS

CONSENT

6. Consider award of contract for the alterations to the Community Service Center on Morris Avenue to the McDonald Glenn Co. (This project will provide handicapped accessibility to the building and provide restrooms for the handicapped. Bids were opened on December 6, 1988. The low bid of \$46,649, submitted by the McDonald Glenn Co., is 0.16% above the engineer's estimate and considered acceptable. It is therefore, recommended that the contract be awarded to The McDonald Glenn Co. Memo and bid tabulation with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-945 adopted awarding contract. (Eng to handle)

CONSENT

7. Consider awarding contract for construction of traffic signals and street improvements at Oakdale Road and Merle Avenue. (Memo with agenda. Bids were opened on December 13, 1988. Nine bids were received. Collins Electrical Co. was the low bidder at \$65,990. This is 17.5% below the estimate and is acceptable. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 88-946 adopted awarding contract. (P/T to handle)

CONSENT

8. Consider awarding contract for construction of traffic signals and street improvements at Dale Road and Snyder Avenue.
(Memo with agenda. Bids were opened on December 13, 1988. Collins Electrical Co. was the low bidder at \$112,750. This is 12.75% above the engineer's estimate, but is considered acceptable. Resolution awarding contract needed, and resolution approving appropriation transfer needed. Funds are partially budgeted.)

ACTION: Res. 88-947 adopted awarding contract.
Res. 88-948 adopted approving appropriation transfer. (P/T to handle)

CONSENT

9. Consider waiving formal bid procedures and authorize the purchase of aerial lift repair services from Hy-Tec Co. for the total price of \$12,948.
(Memo with agenda. Resolution waiving formal bid procedures and authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-949 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

10. Consider waiving formal bid process for replacement of glass wall at the Centre Plaza and authorizing repairs to be performed by San Joaquin Glass for \$6,488.
(Memo with agenda. Resolution waiving formal bid process and authorizing repairs needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 88-950 adopted waiving formal bid process. (P/R to handle)

NEW BUSINESS

11. Annual report by International Friendship Committee for the year 1987-88. (The Committee will review activities of the past fiscal year and discuss current and future plans. Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Patterson/McGrath, unan.) receipt of report acknowledged.

CONSENT

12. Consider entering into an agreement with the California Department of Motor Vehicles relating to Certificates of Training.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-951 adopted approving agreement. (Fire to handle)

CONSENT

13. Consider approving an agreement with George Frederickson and Philip Bravard for the lease of a portion of Fire Station No. 5 property.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-952 adopted approving agreement. (Attorney to handle)

CONSENT

14. Consider authorizing the City Manager to sign an application for \$436,000 in funding under the California Wildlife Coastal and Park Land Conservation Bond Act of 1988 for the Phase I development of Floyd Neighborhood Park.
(Memo with agenda. Resolution approving application needed.)

ACTION: Res. 88-953 adopted approving application. (P/R to handle)

CONSENT

15. Consider authorizing City Manager to sign amended utilities agreements No. 10Ut1911 and 10Ut1911-1, covering the adjustment to grade of the City's sanitary sewer manhole covers and water valve covers on Route 132 (9th Street) in Modesto between D and L Streets.
(Resolution approving agreements needed. Estimated cost: \$8,922.88. Funds are budgeted.)

ACTION: Res. 88-954 adopted approving agreements. (Eng to handle)

CONSENT

16. Presentation of Monthly Treasurer's Report for November, 1988.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

17. Consider amending the 1988-89 Community Development Block Grant Final Statement by approving an agreement with the Center for Senior Employment for a grant of \$12,000 under the City's Community Development Block Grant program.
(Memo with agenda. Center for Senior Employment has requested funding to hire a staff counselor when other funds were stopped. Resolution approving agreement needed. Funds are budgeted.)
Councilmember Sutton excused due to a conflict of interest.

ACTION: Res. 88-955 adopted (Patterson/Muratore, unan., Sutton absent) approving agreement. (Planning to handle)

18. Consider rejecting a request for a waiver of policy and not allowing an immediate execution of the Economic Development Revolving Loan Fund to the Locker Room until they have selected a business location within the City limits.
(Memo with agenda. Applicant for a City business Revolving Loan Fund outside the City limits requests a waiver of policy. Resolution rejecting request for a waiver of policy and not allowing execution of a business loan until applicant's business is located within the City limits needed.)

ACTION: Res. 88-956 adopted (Lang/Muratore, majority, Irizarry, McGrath, and Patterson-no) rejecting request for waiver of policy.
(Planning to handle)

CONSENT

19. Consider re-issuing a request for proposals to list for sale property located at 101 A, B, C, and D I Street, 107-109 I Street, and 905 Second Street.
(Memo with agenda. Earlier Request for Proposals generated no bids, but staff believes extra advertising will produce bids. Resolution authorizing a re-issue of Request for Proposals to market property, with proposals due on January 20, 1988, needed.)

ACTION: Res. 88-957 adopted authorizing Request for Proposals.
(Planning to handle)

CONSENT

20. Consider approval of the final map of Azevedo Estates Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdividers: Summerplace Partners, a California Joint Venture comprised of Pleasant Pheasant, Inc., and Denero-Saberton Development, Inc.
(The subdivision agreement has been signed and all fees paid. Azevedo Estates is located south of Houser Lane between Wilma Drive and Panama Drive. It contains 3.499 acres. Resolution approving final map needed.)

ACTION: Res. 88-958 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider approval of the final map of New Brighton Circle Subdivision of the City of Modesto and consider accepting the improvements.
Subdivider: Rolland D. and Roberta L. Young.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. New Brighton Circle is located between Scenic Drive and Dry Creek, east of Brighton Avenue. It contains 3.721 acres. Resolution approving needed.)

ACTION: Res. 88-959 adopted approving final map. (Clerk to handle)

CONSENT

22. Consider acceptance of improvements in Dry Creek Meadows No. 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: The William Lyon Company.
(Dry Creek Meadows No. 2 is located east of McClure Road, south of MID Lateral No. 2. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-960 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

23. Consider acceptance of improvements in Dry Creek Meadows No. 3 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: The William Lyon Company.
(Dry Creek Meadows No. 3 is located east of McClure Road, north of Ardia Avenue. All improvements have been completed to the satisfaction of the Engineering Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 88-961 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

24. Consider entering into an agreement with Golden Fuel Company for the removal of stumps, tree trimmings, and large shrubbery from the Wastewater Treatment Plant on a monthly basis.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 88-962 adopted approving agreement.
(Utility Services to handle)

CONSENT

25. Consider approval of an amendment to the 1988-89 Annual Budget in order to shift the funding of two approved Capital Improvement Projects from the Gas Tax Fund to the Capital Facility Fee Fund--Traffic Signals.
(These two projects are eligible for Capital Facility Fee funding. This transfer provides the proper funding source. Memo with agenda. Resolution approving budget amending needed. Estimated cost: \$200,000.)

ACTION: Res. 88-963 adopted approving amended budget. (Finance to handle)

CONSENT

26. Consider approving request for refund of \$606.55 for overpayment of Business License and Business Improvement Area Tax by Auto Gallery.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 88-964 adopted approving refund. (Finance to handle)

CONSENT

27. Presentation of the City of Modesto's audited Comprehensive Annual Financial Report for the fiscal year ended June 30, 1988.
(Memo and copy of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

WRITTEN COMMUNICATIONS

CONSENT

28. Letter from David H. Paynter, Paynter-Willsey Properties, appealing a Planning Commission decision concerning a condition imposed on a tentative parcel map, property at the southeast corner of McHenry and Sylvan Avenues.
(Resolution setting hearing January 10, 1989, at 7:30 p.m. needed.)

ACTION: Res. 88-965 adopted setting hearing. (Clerk to handle)

MATTERS TOO LATE FOR THE AGENDA

29. (These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 5:06 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL

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

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 27, 1988, AT 7:30 P.M.

Roll Call - Present: Councilmembers Irizarry, Lang, McGrath, Muratore,
Patterson, Sutton, Mayor Whiteside

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. William C. Smith, Trinity Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 6, 8, 9, 10, 11, 13,
15, 16, 17, 19, 20, 21, 22, 23,
Removed from consent: 14, 18, 24 25

ACTION: Lang/Sutton, majority, McGrath-no

(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.)

1. ACKNOWLEDGEMENTS AND PRESENTATIONS

None

1

WPCC331

12-27-88

299-77

700-77

12-27-88

MINUTES

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 20, 1988.
(Motion adopting needed.)

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

ORAL COMMUNICATIONS

3. (These matters may be presented only by interested persons in the audience. Under State law, matters presented under this item cannot be discussed nor acted upon by the City Council at this meeting.)

None

UNFINISHED BUSINESS

4. Response to a request from Douglas Smith of Sign Designs that the sign code be amended to permit wall signs above the 35 foot height limit.
(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Patterson/Irizarry, unan.) staff directed to proceed on the basis of Option ? in report. (Planning to handle)

CONSENT

5. Consider ordinance amending the Modesto Municipal Code to require Traffic Impact Studies as a prerequisite to issuing building permits for developments which exceed the vehicle generation threshold.
(Memo with agenda. Motion introducing ordinance needed.)

ACTION: By motion, Ordinance No. 2629-C.S. introduced. (Clerk to handle)

CONSENT

6. Final adoption of Ordinance No. 2628-C.S. amending the Zoning Regulations of the Modesto Municipal Code relating to development of parking lots in the P-0 Zone to serve commercial uses.
(Motion adopting needed.)

ACTION: By motion, Ordinance No. 2628-C.S. adopted. (Clerk to handle)

HEARINGS

7. Hearing to consider adoption of a Program of Projects for which financial assistance for Fiscal Year 1988/89 is being sought from the United States Department of Transportation, under Section 9 of the Urban Mass Transportation Administration, of 1964, as amended.

ACTION: Res. 88-966 adopted (Muratore/Lang, majority, McGrath-no) adopting the Program of Projects. 2 Parking & Traffic to handle)

WPCC331

400-77

12-27-88

BIDS

CONSENT

8. Consider declaring Dow-Hammond Trucks Co. low bidder and authorize the purchase of one animal control truck from the firm for the total price of \$20,880.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-967 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider declaring Dow-Hammond Trucks Co. low bidder meeting City specifications and authorize the purchase of one aerial lift tower from the firm for the total price of \$74,084.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 88-968 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider acceptance of Western Stone Products, Inc.'s contract for Beyer Community Park. Original contract: \$451,644.
(All work on this project has been completed to the satisfaction of the Engineering and Parks Departments. It is, therefore, in order to accept the work as complete and file the notice of completion. Resolution accepting work as complete needed. Final cost: \$454,370.72. Funds are budgeted.)

ACTION: Res. 88-969 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider accepting Richard A. Heaps, Inc., contract to modify traffic signals at Oakdale and Orangeburg as complete.
(Memo with agenda. All work on this project has been completed by the contractor. Resolution accepting contract as complete and authorizing City Clerk to file Notice of Completion. Estimated cost: \$38,777.40. Funds are budgeted.)

ACTION: Res. 88-970 adopted accepting contract as complete and authorizing City Clerk to file Notice of Completion. (Clerk to handle)

NEW BUSINESS

12. Consider follow-through steps in connection with the contract approved with California Environmental Trust.
(The contract involves California Environmental Trust meetings with a study committee to reevaluate the City's Urban Growth Policy. Composition, selection process, and procedures for a study committee need to be established. A charge to the study committee is needed. Memo with staff suggestions with agenda. Motion approving the composition, selection process and procedures for committee; and motion approving the committee charge needed.)

ACTION: By motion (Lang/Irizarry, unan.) items A through E on the staff list of suggestions were approved. (Planning to handle)

CONSENT

13. Consider setting a public hearing to consider amendments, additions, and deletions to the zoning regulations pertaining to temporary banners for special occasions.
(On November 21, 1988, the Planning Commission adopted Resolution No. 88-128, recommending to the City Council Zoning Code Text amendments, additions and deletions pertaining to temporary banners for special occasions. Resolution setting hearing January 17, 1989, at 4:00 p.m. needed.)

ACTION: Res. 88-971 adopted setting hearing January 17, 1989, at 4:00 p.m. (Clerk to handle)

14. Consider retaining contractor for traffic signals synchronization under the Fuel Efficient Traffic Signal Management (FETSIM) program.
(The Selection Committee selected DKS Associates to help the City staff in retiming traffic signals at 23 intersections under the Fuel Efficient Traffic Signal Management program. Memo with agenda. Resolution approving agreement and Resolution approving appropriation transfer needed. Estimated cost: \$31,050.)

ACTION: Res. 88-972 adopted (Sutton/McGrath, unan.) approving agreement.
Res. 88-973 adopted (Sutton/McGrath, unan.) approving appropriation transfer. (P. & T./Finance to handle)

CONSENT

15. Consider agreement between the City of Modesto and California Specialized Training Institute to conduct a three-day seminar and exercise on emergency preparedness.
(Memo with agenda. Resolution approving agreement. Estimated cost: \$5,500. Funds are budgeted.)

ACTION: Res. 88-974 adopted approving agreement. (Fire to handle)

CONSENT

16. Consider approving an easement deed across McHenry Mansion property for M.I.D. electrical facilities.
(Memo with agenda. Resolution approving easement deed needed.)

ACTION: Res. 88-975 adopted approving easement deed. (Attorney to handle)

CONSENT

17. Consider request from staff to change the street name of a portion of East Roseburg Avenue to Dundee Lane.
(The portion of East Roseburg Avenue proposed to be changed is a short deadend street isolated from the rest of East Roseburg Avenue by M.I.D. Lateral No. 4 canal. The change is being proposed because of problems with mail delivery and emergency service response. Memo with agenda. Resolution changing street name needed. Estimated cost: \$60. Funds are budgeted.)

ACTION: Res. 88-976 adopted changing street name. (Planning to handle)

18. Consider resolution indefinitely extending the 6% of gross receipts "Use of Public Property Fee" for Sidewalk Food Vendors.
Memo with agenda. Resolution indefinitely extending fee needed.)

ACTION: Res. 88-977 adopted indefinitely extending fee. (Manager to handle)

CONSENT

19. Consider job description and salary range for Public Works and Transportation Director, and deletion of existing classes of Utility Services Director, Engineering Services Director, Parking, Traffic & Transportation Director, Assistant Utility Services Director, and Chief Electrician.
(Memo with agenda. Resolution amending Position Classification Plan to add Public Works and Transportation Director (Range 723) and delete five classes, and resolution amending the class range tables needed.)

ACTION: Res. 88-978 adopted amending Position Classification Plan.
Res. 88-979 adopted amending the class range tables.
(Manager to handle)

CONSENT

20. Consider payment of the balance of the premium, \$6,353.15, for general and auto liability insurance to Authority for California Cities Excess Liability (ACCEL) for 1987-88.
(Memo with agenda. Resolution authorizing payment needed. Funds are budgeted.)

ACTION: Res. 88-980 adopted authorizing payment. (Attorney to handle)

CONSENT

21. Consider acceptance of improvements in Dutch Faire II Phase I Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Sterling-Security Partnership.
(All improvements have been completed to the satisfaction of the Engineering Department and all fees have been paid. Dutch Faire II Phase I is located west of Carver Road and south of M.I.D. Lateral No. 6. It contains 8.367 acres. Resolution accepting final map and accepting improvements needed.)

ACTION: Res. 88-981 adopted accepting final map and improvements. (Clerk to handle)

CONSENT

22. Consider approval of the final map of Cape Cod Estates No. 8 Subdivision of the City of Modesto and authorizing an agreement with the subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.
Subdivider: Pan Capital.
(The subdivision agreement has been signed and all fees paid. Cape Cod Estates No. 8 is located at the southwest corner of Hatch Road and Ustick Road. It contains 3.544 acres. Resolution approving final map needed.)

ACTION: Res. 88-982 adopted approving final map. (Clerk to handle)

CONSENT

23. Consider an ordinance to authorize creation of the Public Works and Transportation Department.
(Memo with agenda. Motion introducing an ordinance needed.)

ACTION: By motion, Ord. No. 2630-C.S. introduced. (Clerk to handle)

24. Consider supporting the submission of a proposal for funding from the State Department of Conservation for the acquisition of additional recycling buckets and for a postcard mailer.
(Memo with agenda. Resolution supporting the submission of a proposal needed.)

ACTION: Res. 88-983 adopted (Muratore/Sutton, unan.) supporting submission of a proposal. (Attorney to handle)

CONSENT

25. Consider approval of a sublease with Community Center Hotel Associates, Hotel Developer, for lease of parking spaces within the Community Centre Parking Garage.
(Memo with agenda. Resolution approving sublease and authorizing City Manager to execute sublease needed.)

ACTION: Res. 88-984 adopted approving sublease. (Attorney to handle)

26.

MATTERS TOO LATE FOR THE AGENDA

(These may be presented by members of the City Council and staff upon determination that an emergency exists, as defined by State law, or that the need to take action on the matter arose subsequent to the publishing of this agenda.)

None

ADJOURNMENT

The meeting adjourned at 8:59 p.m.

ATTEST: 
NORRINE COYLE, City Clerk