

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, JANUARY 3, 1978, AT 4:00 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Mensing, Siefkin, Mayor Davies

Absent: none

(Councilmembers Elliott and Kullijian arrived at 4:05 p.m.)

Pledge of Allegiance to the Flag

Invocation: Reverend Jack Fix, United Brethren in Christ

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,
Item 21 removed from consent. 10, 13, 14, 15, 16, 17, 19,
(Dunlap/Siefkin, unan.) 20

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. Unless some member of the audience or councilmember has a question concerning an item and asks that it be withdrawn from the consent list, the items are approved at one time by the Council.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.)

MINUTES

CONSENT

1. Approval of minutes of December 27, 1977, meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Dr. Gaylord Boyer, Modesto City Schools, inviting representatives of the City Council to tour an agricultural laboratory in Southern California on January 19, 1978.

ACTION: By order of the Chair, Councilmember Elliott, along with one or two staff representatives, will go on the tour at City expense.
(Mgr. to handle)

By motion, (Lang/Elliott, unan.) Council declared its intention to continue the hearing about this matter to February 13, 1978, at 7:40 p.m. (Clerk to handle)

- 2A. Letter from Gerald Short, Modesto Bee, regarding a City of Modesto advertisement in the Bee's annual "Agriculture, Business and Industry Review Edition."

ACTION: By motion (Dunlap/Elliott, unan.) the City of Modesto will put a half-page advertisement in the Bee's special edition featuring the work of the commission, board and committee members. (Mgr. to handle)

CONSENT

3. Appeal by D. Gary West to decision by Planning Commission regarding proposed parcel map for property on Sisk Road,
(Resolution setting hearing January 23, 1978, at 7:45 P.M. needed.)

ACTION: Res. 78-1 adopted setting hearing January 23, 1978, at 7:45 p.m.
(Clerk to handle)

CONSENT

4. Appeal by Area VI Developmental Disabilities Board to a Board of Zoning Adjustment decision concerning a conditional use permit for a family care home at 1214 Nelson Avenue.
(Resolution setting hearing on January 23, 1978, at 7:50 P.M. needed.)

ACTION: Res. 78-2 adopted setting hearing January 23, 1978, at 7:50 p.m.
(Clerk to handle)

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of a sprinkler system and basement access door to the City Hall Annex.

(Suggested bid opening date: January 31, 1978 at 11:00 A.M. This project will provide for fire protection and an access door to the basement of the City Hall Annex. (Memo with agenda.) Resolution approving plans and specifications and call for bids needed. Estimated Cost: Construction \$15,032.40; Engineering \$751.62; Total \$15,784.02; funds are budgeted.)

ACTION: Res. 78-3 adopted approving plans and specifications and calling for bids. (P.W. to handle)

CONSENT

6. Consider waiving formal bid and authorize the Purchasing Officer to issue a purchase order to California Computer Center for key punch and tabulation services for the total amount of \$5,227.50.
(Memorandum with agenda. Resolution waiving bid and authorizing purchase needed. (Five affirmative votes needed,) Funds are budgeted.)

ACTION: Res. 78-4 adopted waiving formal bid procedure and approving issuance of purchase order. (Finance to handle)

CONSENT

7. Consider declaring H. V. Carter Company low bidder meeting specifications and authorizing the purchase of three putting green mowers for the total price of \$11,589.30. (\$14,739.30 less \$3,150.00 trade in.)
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-5 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider award of contract for construction of waterlines in Colonial Commons No. 1.
(Bids were opened on December 27, 1977. The low bid of \$39,997.90, submitted by W. Gale Fisher, Inc. is 4% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to W. Gale Fisher, Inc. needed. Funds are budgeted.)

ACTION: Res. 78-6 adopted accepting bid and awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Road and waterlines in Penny Lane from Capistrano Drive to Pirinen Lane.
(Bids were opened December 27, 1977. The low bid of \$54,480.14, submitted by W. Gale Fisher, Inc. is 2% below the Engineer's Estimate and is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to W. Gale Fisher, Inc. needed, and resolution approving County's environmental assessment needed. Funds are budgeted.)

ACTION: Res. 78-7 adopted awarding contract. (P.W. to handle)
Res. 78-8 adopted certifying review of Environmental Impact Report and directing the Director of Planning and Community Development to file the Notice of Approval. (Planning to handle)

CONSENT

10. Consider the rejection of the bid received for the construction of Unit 1 of Phase 1 of the Tuolumne River Regional Park and consider approval of the plans and specifications and recalling for bids for Unit 1 of Phase 1 of the Tuolumne River Regional Park.
(Bids were opened December 6, 1977. On December 15, 1977, the Tuolumne River Regional Park Committee recommended rejection of bid because they felt there was not sufficient competitive bidding for a project of this size. The plans and specifications have been altered to include some work by CETA personnel; various items the contractors had questions on have been cleared up. Five contractors have indicated that if the project is rebid they will submit bids. Staff concurs the rebidding will be to the best interest of the project. The suggested bid opening date: January 24, 1978 at 11:00 A.M. Resolution rejecting bids needed, and resolution approving plans and specifications and call for bids needed. Estimated Cost: Construction Cost: \$420,000; Engineering \$21,000; Total \$441,000; funds are budgeted.)

ACTION: Res. 78-9 adopted rejecting bid and approving plans and specifications and calling for new bids. (P.W. to handle)

11. Matters for the good of the community.
none

4:05 P.M.

UNFINISHED BUSINESS

12. Continued consideration of requirement for construction of sidewalk at 1314 Coffee Road, a portion of Block 1159. (Louis G. McArthur)
(By motion this item was held over from the December 19, 1977 meeting until there is a full Council present.)

ACTION: A motion to require the McArthur's to install the sidewalk with the City paying half the cost, and a motion to require the McArthur's to install the sidewalk at their own expense failed to carry. No further action will be taken at this time.

NEW BUSINESS

CONSENT

13. Consider setting quarterly in-lieu parking fee.
(The Municipal Code allows quarterly in-lieu parking fees downtown. Actual fee must be set by resolution of the Council. Memo with agenda. Resolution setting fee needed.)

ACTION: Res. 78-10 adopted setting fee. (Clerk to handle)

CONSENT

14. Recommendation from Airport Advisory Committee concerning location of new terminal facility.
(At the time the Master Plan was being considered by the Council earlier this year, a request was made that the Airport Advisory Committee review and make recommendation involving the location of the new airport terminal building shown in the C.I.P. for construction in 1979-80. During the 1978-79 budget year, plans for the new terminal facility are scheduled for preparation. Memo with agenda. Motion acknowledging receipt of the recommendation needed.)

ACTION: By motion, receipt of recommendation acknowledged.

CONSENT

15. Consider approval of agreement with Duane D. Stone, A.I.A. and Associates for architectural and engineering services pertaining to the design and construction of Fire Station No. 8 at the Modesto City-County Airport.
(Memo with agenda. Resolution approving agreement and authorizing City Manager to sign needed. Estimated Cost: \$13,000; funds are budgeted.)

ACTION: Res. 78-11 adopted approving agreement. (P.W. to handle)

CONSENT

16. Consider County referral of Open Space Contract, Application No. 78-3436, Anthony and Barbara Ciccarelli, north side of Shoemake Avenue, One-quarter mile west of Brink Avenue, 2513 Shoemake Avenue. (Memo and map with agenda. Resolution expressing recommendation of opposition needed.)

ACTION: Res. 78-12 adopted expressing recommendation of opposition. (Planning to handle)

CONSENT

17. Consider speed limit changes on five streets. (Memo with agenda. Reduction in speed limits on portions of Carver Road, E. Orangeburg Avenue, Whitmore Avenue, and Woodland Avenue is needed. Ordinance amending Sections 3-2.1401 and 3-2.1401.1 of the Municipal Code needed. Estimated Cost: \$150; funds are budgeted.)

ACTION: By motion, Ord. No. 1699-C.S. introduced amending Code sections. (Clerk to handle)

REPORTS

18. Further consideration of request for early morning parking prohibition. (Memo with agenda, DID requested a parking prohibition from 2:00 A.M. - 6:00 A.M. throughout their area except for residential streets. Enforcement of present regulations is recommended and planned. Motion approving staff recommendation and denying DID request needed.)

ACTION: By motion, (Dunlap/Elliott, unan.) Staff recommendation approved. (Police to handle)

CONSENT

19. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map. (Paul M. Zagaris)
(On December 20, 1977, the Planning Commission adopted Resolution 77-223 recommending to the Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3, property located at the northwest corner of Oakdale Road and East Orangeburg Avenue. Resolution setting public hearing, February 13, 1978, at 7:30 P.M. needed.)

ACTION: Res. 78-13 adopted setting hearing February 13, 1978, at 7:30 p.m. (Clerk to handle)

CONSENT

20. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map. (Harry G. and Hilda Russell)
(On December 20, 1977, the Planning Commission adopted Resolution 77-226 recommending to the Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0 property located on the west side of Coffee Road north of MID Cavil Drain. Resolution setting public hearing February 13, 1978, at 7:35 P.M. needed.)

ACTION: Res. 78-14 adopted setting hearing February 13, 1978, at 7:35 p.m. (Clerk to handle)

CONSENT

21. Recommend to Council an amendment to Section 25-3-9 of the Zoning Map. (Horn Construction Company)
(On December 20, 1977, the Planning Commission adopted Resolution 77-227 recommending to the Council an amendment to Section 25-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3, property located on the north side of Yosemite Boulevard on both sides of Mariposa Road. Resolution setting public hearing February 13, 1978, at 7:40 P.M. needed.

Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-15 adopted (Dunlap/Kullijian, unan., Mensinger absent) setting hearing February 27, 1978, at 7:30 p.m. (Clerk to handle)

MISCELLANEOUS

22. Legislation

none

23. Appointments

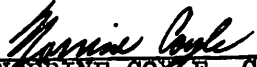
none

24. Matters too late for the agenda

- a. Lease of building at the Airport by Avis.

ACTION: Res. 78-16 adopted (Kullijian/Mensinger, unan.) approving agreement with George and Darlene Reed, dba Avis Rent-A-Car, for leasing office space in the Airport Service Building on a month-to-month basis. (P.W. to handle)

Adjourned at 5:05 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 9, 1978, AT 7:30 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Mensingger, Siefkin, Mayor Davies
Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 6, 7, 8, 9,
10, 11, 20, 21, 22, 23, 24
Item 3 dropped from Consent.
(Dunlap/Lang, unan.)

MINUTES

CONSENT

1. Approval of minutes of the January 3, 1978, meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from the Camellia Society of Modesto requesting that the City of Modesto contribute the Sweepstakes Trophy again this year for the Camellia Show.
(Resolution approving needed. Funds are budgeted.)

ACTION: Res. 78-17 adopted approving request. (Finance)

CONSENT

3. Letter from Horn Construction Co. appealing the decision of the Planning Commission regarding rezoning from R-1 to R-2 property located on Clogston Way in Scott Estates.
(Resolution setting hearing February 27, 1978, at 7:30 P.M. needed.)
Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-18 adopted (Dunlap/Kullijian, unan., Mensinger absent.)
setting hearing February 27, 1978, at 7:30 p.m.

CONSENT

4. Letter from Bill Aveny, Don J. Vierra, Marvin and Joyce Wolfswinkel requesting closure and abandonment of the alley between their properties at 1217 and 1221 Chehalem Drive.
(Motion referring to Planning Commission needed.)

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

5. Letter from Stan Cushway regarding the Community Center.

ACTION: Mr. Cushway made a statement regarding location of the community center. No action taken.

1-9-78

BIDS

CONSENT

6. Consider rejecting all bids for street improvements, Housing Target Area Stage 2, and readvertise for bids.
(New bid opening: January 24, 1978, at 11:10 A.M. This project is needed to bring the street surfacing up to match the existing curb and gutter in the Housing Target Area Stage 2. Memo with agenda. Resolution rejecting all bids and approving plans and specifications and call for bids needed. Estimated Cost: \$44,140 (Contract \$38,383; Engr. & Contgy. \$5,757); funds are budgeted.)

ACTION: Res. 78-19 adopted rejecting bids and approving plans and specifications and calling for bids. (P.W. to handle)

CONSENT

7. Consider award of contract for expansion of airport terminal parking facilities.
(Bids were opened January 3, 1978. The low bid of \$11,911.05, submitted by J. L. Pryor Construction Co. is 36% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to J.L. Pryor Construction Co. needed. Funds are budgeted.)

ACTION: Res. 78-20 adopted accepting bid and awarding contract. (P.W. to handle)

CONSENT

8. Consider declaring Bay Microfilm, Inc., lowest bidder meeting specifications and authorizing the purchase of nine readers and one reader-printer for the total price of \$4,113.72.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-21 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider acceptance of Western Pipeline Co. contract for the construction of waterlines in Continental Plaza, Hillsboro East and Lincoln Square No. 6. (Original: \$86,278.00)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$84,168.40 (\$75,568.40 Ext.; \$8,600 Services); funds are budgeted.)

ACTION: Res. 78-22 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of George Reed's contract for the raising of manholes and valve boxes in McHenry Avenue between Helen Avenue and Leveland Lane and between Warren Way and Union Avenue, (Original: \$14,852.00)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$15,882.00; funds are budgeted.)

ACTION: Res. 78-23 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of Bibens Nursery's contract for the Revard Park irrigation and landscaping. (Original: \$33,043.00)
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$33,043.00; funds are budgeted.)

ACTION: Res. 78-24 adopted accepting work as complete. (Clerk to handle)

HEARINGS

12. Hearing re Uninhabited annexation of Pelandale #1 Addition. 7:30 P.M.

ACTION: Res. 78-25 adopted (Lang/Dunlap, unan.) declaring no majority protest made.
By motion, Ord. No. 1700-C.S. adopted (Lang/Dunlap, unan.) annexing area.
Res. 78-26 adopted (Lang/Dunlap, unan.) Certifying Review of Environmental Assessment and directing the filing of a notice of annexation. (Planning & C. D. to handle)

13. Continued hearing to amend Sec. Map 22-3-9 of the Zoning Map to rezone from R-1 to P-O, property located on the east side of Coffee Road north of Coolidge Ave. 7:35 P.M.
(Marion L. and Helen Rampley)
(Continued from 12/27/77 meeting)

ACTION: By motion, Ord. 1701-C.S. introduced (Lang/Mensing, unan.) amending zoning map. (Clerk to handle)
Res. 78-27 adopted (Lang/Mensing, unan.) Certifying Review of Environmental Assessment and directing filing of notice (Planning & C. D. to handle)

BLOCK 553 - McHENRY AVENUE-ELMWOOD AVENUE/STODDARD AVENUE-ELMWOOD COURT

(a) Manuel M. Acosta, Lots 14 & 15, \$103.25

ACTION: Res. 78-28 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Glenn A. Shull, Lots 16 & 17, \$103.25

ACTION: Res. 78-29 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Dale Moon, Lots 18 & 19, \$103.25
(Paid - dropped from agenda)

DROPPED

(d) Anna M. Campbell, Lots 20 & 21, \$103.25
(Paid - dropped from agenda)

DROPPED

(e) Joseph J. Mingham, Jr., portion, \$196.19

ACTION: Res. 78-30 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Paul E. Aebersold, Lots 1 thru 6, \$289.98

ACTION: Res. 78-31 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Texaco, Inc., Lots 7 thru 12, \$309.77

ACTION: Res. 78-32 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6075 - PEARL STREET-ORANGEBURG AVENUE/TULLY ROAD-TEBBUTT

(a) William J. Brendemuehl, portion, \$153.51

ACTION: Res. 78-33 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Clarence Yohanan, portion, \$157.50
(Paid - dropped from agenda)

DROPPED

(c) Harry David Miller, portion, \$151.03

ACTION: Res. 78-34 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6075 - PEARL STREET-ORANGEBURG AVENUE/TULLY ROAD-TEBBUTT

(d) James Thomas Watson III, portion, \$151.03

ACTION: Res. 78-35 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Marion W. Click, portion, \$141.10
(Paid - dropped from agenda)

DROPPED

(f) Gayno W. Howard, portion, \$460.22

ACTION: Res. 78-36 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Glen A. Delaplane, portion, \$291.24

ACTION: Res. 78-37 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6628 - KINGSBURY AVENUE-MOUNT VERNON DRIVE/UHLIG AVENUE-HEMMINGER WAY

(a) William A. Auda, Lot 14, \$149.76

ACTION: Res. 78-38 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Anthony I. Seliski, Lot 15, \$125.06

ACTION: Res. 78-39 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) LaSalle Christensen, Lot 16, \$125.06

ACTION: Res. 78-40 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(d) Irvin P. Cox, Lot 17, \$125.06

ACTION: Res. 78-41 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Campos Gumaro Diaz, Lot 18, \$125.06

ACTION: Res. 78-42 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Fred R. Crane, Lot 19, \$125.06

ACTION: Res. 78-43 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6628 - KINGSBURY AVENUE-MOUNT VERNON DRIVE/UHLIG AVENUE-HEMMINGER WAY

(g) Axel F. Johnson, Lot 20, \$131.08

ACTION: Res. 78-44 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) Cleo U. Clark, Lot 21, \$123.01

ACTION: Res. 78-45 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(i) Audrey L. King, Lot 22, \$125.06

ACTION: Res. 78-46 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(j) Olen R. Gee, Lot 23, \$125.06

ACTION: Res. 78-47 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(k) Allan L. Bowlin, Lot 24, \$125.06

ACTION: Res. 78-48 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(l) Manuel A. Silva, Lot 25, \$125.06

ACTION: Res. 78-49 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(m) J. Warren Leether, Lot 26, \$155.40

ACTION: Res. 78-50 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(n) Frank E. Post, Lot 13, \$155.79
(Paid - dropped from agenda)

DROPPED

(o) Harold L. Gray, Lot 12, \$125.06
(Paid - dropped from the agenda)

DROPPED

(p) Aleeda E. Hayes, Lot 11, \$125.06

ACTION: Res. 78-51 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6628 - KINGSBURY AVENUE-MOUNT VERNON DRIVE/UNLIG AVENUE-HEMMINGER WAY

(q) Jeffrey S. Jumper, Lot 10, \$125.06

ACTION: Res. 78-52 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(r) Jerry C. Mattox, Lot 9, \$125.06
(Paid - dropped from the agenda)

DROPPED

(s) Harold B. Shaw, Lot 8, \$125.06

ACTION: Res. 78-53 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(t) Les L. Prasad, Lot 7, \$125.06
(Paid - dropped from the agenda)

DROPPED

(u) Paul R. Naber, Lot 6, \$129.03

ACTION: Res. 78-54 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(v) Bob G. Usrey, Lot 5, \$125.06

ACTION: Res. 78-55 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(w) Raymond V. Ereda, Lot 4, \$125.06

ACTION: Res. 78-56 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(x) Joe T. Guerrero, Lot 3, \$125.06
(Paid - dropped from the agenda)

DROPPED

(y) Richard Harrison, Lot 2, \$125.06

ACTION: Res. 78-57 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(z) Guy Benning, Lot 1, \$149.37

ACTION: Res. 78-58 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6701 - BISPO DRIVE-BRIGGSMORE AVENUE/WINNING AVENUE-TULLY ROAD

(a) Cleveland J. Stockton and Sanders Const. Co., portion, \$283.38

ACTION: Res. 78-59 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) David L. Graham, Lot 14, \$138.33

ACTION: Res. 78-60 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Ralph Rea, Lot 13, \$137.46
(Paid - dropped from the agenda)

DROPPED

(d) Carl Ross Costley, Lot 12, \$137.46

ACTION: Res. 78-61 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Dixie Tollander, Lot 11, \$137.46

ACTION: Res. 78-62 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(f) Glen R. Terryberry, Lot 10, \$137.46

ACTION: Res. 78-63 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) John Magaddino, Lot 9, \$137.46
(Paid - dropped from the agenda)

DROPPED

(h) Frank J. Azevedo, Lot 8, \$136.60

ACTION: Res. 78-64 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(i) John R. Dryden, Lot 7, \$138.27

ACTION: Res. 78-65 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(j) Ricardo A. Carranza, Lot 1, \$136.66

ACTION: Res. 78-66 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6701 - BISPO DRIVE-BRIGGSMORE AVENUE/WINNING AVENUE-TULLY ROAD

(k) Sody Veras, Lot 2, \$137.46

ACTION: Res. 78-67 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(l) Eliel V. DeSouza, Lot 3, \$137.46

ACTION: Res. 78-68 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(m) Rachel M. Zenard, Lot 4, \$137.46

ACTION: Res. 78-69 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(n) Gerald A. Landers, Lot 5, \$137.46

ACTION: Res. 78-70 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(o) Earl L. Bell, Lot 6, \$137.46

ACTION: Res. 78-71 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6805 - BOWEN AVENUE-NANCY COURT/LaVILLA ROSE COURT-ENSLER AVENUE

(a) Albert L. Nelson, portion, \$113.94

ACTION: Res. 78-72 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Gerald J. Marasovich, portion, \$123.20

ACTION: Res. 78-73 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Richard G. Waring, portion, \$114.10

ACTION: Res. 78-74 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(d) Lewis C. Rash, portion, \$123.20

ACTION: Res. 78-75 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Robert R. Hedgepeth, portion, \$123.20

ACTION: Res. 78-76 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6805 - BOWEN AVENUE-NANCY COURT/LaVILLA ROSE COURT-ENSLEN AVENUE

(f) Jeannette Westerink, portion, \$123.20

ACTION: Res. 78-77 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Merlin Duane Dengerink, portion, \$123.20

ACTION: Res. 78-78 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) William L. McSwain, Jr., portion, \$123.20

ACTION: Res. 78-79 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(i) Harold J. Finley, portion, \$123.20

ACTION: Res. 78-80 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(j) Helen Andritsis, portion, \$123.20

ACTION: Res. 78-81 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(k) Nora Naraghi, portion, \$123.40

ACTION: Res. 78-82 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(l) Paul E. Porter, portion, \$236.35
(Paid - dropped from agenda)

DROPPED

(m) Anne Welch, portion, \$128.13
(Paid - dropped from the agenda)

DROPPED

(n) Lloyd E. Raymond, Lot 31, \$146.91

ACTION: Res. 78-83 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(o) Kathryn L. Wahl, Lot 30, \$137.98

ACTION: Res. 78-84 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(p) Robert V. Grandstaff, Lot 29, \$137.98

ACTION: Res. 78-85 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6805 - BOWEN AVENUE-NANCY COURT/LaVILLA ROSE COURT-ENSLEN AVENUE

(q) Edward B. Liljeblad, Lot 28, \$137.98

ACTION: Res. 78-86 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(r) Stephen S. Locke, Lot 27, \$137.98

ACTION: Res. 78-87 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(s) Helen R. Foletta, Lot 26, \$137.98

ACTION: Res. 78-88 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(t) Donald L. Miller, Lot 25, \$210.58

ACTION: Res. 78-89 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(u) Clarence A. Tallent, Lot 24, \$159.67

ACTION: Res. 78-90 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6834 - LEVELAND AVENUE-FLEETWOOD DRIVE-SHERWOOD AVENUE

(a) Arthur G. Palme, Lot 17, \$201.47

ACTION: Res. 78-91 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(b) Charles K. Huston, Sr., Lot 18, \$183.94

ACTION: Res. 78-92 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(c) Rowland H. Gum, Lot 19, \$186.02

ACTION: Res. 78-93 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(d) Carl J. Schuetze, Jr., Lot 20, \$185.40

ACTION: Res. 78-94 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(e) Charles F. Hewitt, Lot 21, \$185.40

ACTION: Res. 78-95 adopted (Dunlap/Mensinger, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

BLOCK 6834 - LEVELAND AVENUE-FLEETWOOD DRIVE-SHERWOOD AVENUE

(f) Zoe E. Gross, Lot 22, \$185.40

ACTION: Res. 78-96 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(g) Ginnie T. Stocker, Lot 23, \$185.40

ACTION: Res. 78-97 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(h) Elmo Wilson, Sr., Lot 24, \$195.06

ACTION: Res. 78-98 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(i) William M. Schendel, Lot 16, \$181.94

ACTION: Res. 78-99 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(j) Raymond H. Benefield, Lot 15, \$176.95

ACTION: Res. 78-100 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(k) Frank H. Lowry, Lot 14, \$191.58

ACTION: Res. 78-101 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(l) John D. Anderson, Lot 13, \$207.65

ACTION: Res. 78-102 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(m) Ernest K. Gowdy, Lot 12, \$205.55

ACTION: Res. 78-103 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(n) A. E. Ghilotti, Lot 11, \$195.70

ACTION: Res. 78-104 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

(o) Wilson F. Bader, Lot 10, \$348.70

ACTION: Res. 78-105 adopted (Dunlap/Mensing, unan.) confirming report, assessing costs and directing method of collection. (Finance to handle)

hearing, appeal by V. Darpinian to Dangerous Buildings Code Appeals Board decision ordering the installation of second exit from basement at 1111 "J" Street.

7:40 P.M.

ACTION: Res. 78-106 adopted (Elliott/Dunlap, unan.) denying appeal and affirming action taken by the Board of Appeals. (P.W. to handle) By motion (Elliott/Kullijian, unan.) staff directed to set up special Council meetings to review the Dangerous Buildings Code. (Mgr. to handle)

16. Hearing on amendment to Sec. 2-3-8 of the Zoning Map to prezone to P-D to permit construction of a neighborhood shopping center and 122-unit family residential complex, property located at the southwest corner of Pelandale and Dale. (Milton David)

7:45 P.M.

ACTION: By motion, (Kullijian/Lang, majority, Mensinger, Siefkin, Mayor Davies-no) Ord. 1702-C.S. introduced amending zoning map. Res. 78-107 adopted (Kullijian/Lang, majority, Mensinger, Siefkin, Mayor Davies-no) approving development plan for P-PD(177) Res. 78-108 adopted (Kullijian/Lang/majority, Mensinger, Siefkin, Mayor Davies-no) Certifying Review of Environmental Assessment and directing filing of notice. (Planning & C. D. to handle)

Mayor Davies excused from the meeting at 9:35 p.m.

17. Hearing on amendment to Sec. 8-3-9 of the Zoning Map to rezone from R-1 to P-D to permit construction of a multiple family residential complex, property located on the north side of Standiford Avenue east of Columbine. (Norman Winsor)

7:50 P.M.

ACTION: By motion, Ord. No. 1703-C.S. introduced (Lang/Kullijian, unan., Mayor Davies absent) amending zoning map. (Clerk to handle) Res. 78-109 adopted (Lang/Kullijian, unan., Mayor Davies absent) approving development plan for P-D(177) . Res. 78-110 adopted (Lang/Kullijian, unan., Mayor Davies absent) Certifying Review of Environmental Assessment and directing filing of notice. (Planning & C. D. to handle)

18. Informal hearing regarding amendment to the Uniform Code for the Abatement of Dangerous Buildings.

7:55 P.M.

ACTION: By motion, (Siefkin/Lang, unan., Mayor Davies absent) intention indicated to permit smoke alarms in basements instead of sprinklers. (Atty. to handle)

19. Matters for the good of the community.

8:00 P.M.

None

ORDINANCES

CONSENT

20. Final adoption of Ord. No. 1698-C.S. amending Section Map 21-3-9 to rezone from R-1 to P-0 property located on Orangeburg Avenue and Allen Drive. (Paul M. Zagaris)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1698-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

21. Consider approving additional position of Typist Clerk II in the Water Quality Control division of Public Works.
(Memorandum with agenda. Motion approving additional position needed. Estimated Cost: \$4,248.00; funds are budgeted.)

ACTION: By motion, additional position approved. (Management Services to handle)

CONSENT

22. Consider approval of final map of Northwest Professional Center.
(All fees have been paid for approval of the final map of Northwest Professional Center. All public improvements were constructed as a condition of a previous parcel map. A standard subdivision agreement is not required to approve this subdivision. Northwest Professional Center is located at the northwest corner of Tully Road and Briggsmore Avenue. It contains 1.570 acres. Resolution approving final map needed.)

ACTION: Res. 78-111 adopted approving final map. (Clerk to handle)

CONSENT

23. Consider cooperative agreement with Stanislaus County to overlay Oakdale Road between Sylvan Avenue and Patterson Road.
(County is lead agency. Construction to start April 1, 1978. Total cost of project is \$70,000; City share is \$3,500.00. Resolution authorizing execution of agreement needed. Estimated Cost: \$3,500.00; funds are budgeted.)

ACTION: Res. 78-112 adopted authorizing execution of agreement. (Clerk to handle)

24. Proposed changes in Personnel Rules and Personnel Ordinance. (Memo with agenda. Resolution amending the Personnel Rules and a motion introducing an ordinance needed.)

ACTION: Res. 78-113 adopted amending Personnel Rules. By motion, Ord. No. 1704-C.S. introduced amending Modesto Municipal Code Sections relating to the Personnel System. (Management Services to handle)

REPORTS

25. Receipt of Community Center Citizens' Committee Report and Recommendations on the proposed community center. (On November 30, 1977, the City Council referred a report by consultant Robert Schoettler, "Modesto's Community Convention Center Project Feasibility Report" to the Citizens' Committee for thorough review and recommendation back to the Council by January 13, 1978. The Committee has met four times and also taken a field trip to Fresno. The Committee's report, final draft to be completed January 5, will be hand delivered to the City Council prior to meeting time. Motion acknowledging receipt of report and setting time (next week's meeting suggested) for deliberation of the recommendations and a decision on facilities to be located in the community center needed.)

ACTION: By motion, (Elliott/Kullijian, unan., Mayor Davies absent) receipt of report acknowledged with appreciation expressed to those who participated.

APPROPRIATION TRANSFERS

CONSENT

26. Consider request for transfer of \$13,386 from the General Reserve Fund to Management Services--Word Processing Center. Funds are needed for salaries of three additional positions (approved by City Council on 12/19/77). (Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-114 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

27. Legislation

ACTION: By motion, (Lang/Siefkin, unan., Mayor Davies absent) AB-1603 opposed. (Manager to handle)

28. Appointments

None

29. Matters too late for the agenda

- a. Argument in favor of annexation of Sutter-Colorado Addition.

ACTION: By motion, (Elliott/Lang, unan., Mayor Davies absent) recommended argument approved. (Planning & C. D. to handle)

Adjourned at 10:30 p.m.

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 16, 1978, AT 4:00 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Harold Little, First Nazarene Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21
(Dunlap/Siefkin, Unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the January 9, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Marlene Rios regarding a problem with a sewer line.

Dropped from agenda at Mrs. Rios' request.

CONSENT

3. Letter from First Baptist Church requesting installation of a midblock crosswalk on Twelfth Street between their main buildings.
(Motion referring to staff for report needed.)

ACTION: By motion, request referred to staff for report. (P & T and Police to handle)

CONSENT

4. Request by Carl Bays for permission to file a late claim for false arrest.
(Resolution denying request needed.)

ACTION: Res. 78-115 adopted denying request. (Clerk to handle)

5. Letter from Dennis E. Wilson, Mid Valley Engineering, requesting continuance of the Yellowstone-Temperate Annexation hearing scheduled for January 23, 1978.

ACTION: By motion, (Kullijian/Lang, unan.) Council declared its intention to continue hearing to February 13, 1978 at 7:45 p.m. (Clerk to handle.)

6. Letter from residents of Allen Drive and Allen Court regarding traffic problems.

ACTION: By motion, (Dunlap/Siefkin, unan.) Council agreed to close Allen Drive to through traffic. (P.W. to handle)

BIDS

CONSENT

7. Consider authorizing the following:
1. Purchasing \$125,698.43 worth of automotive equipment from G & W Ford.
 2. Purchasing \$13,124.74 worth of automotive equipment from Best Chevrolet.
 3. Purchasing \$14,378.37 worth of automotive equipment from Western Motors.
 4. Purchasing \$117,159.22 worth of automotive equipment from Dow Hammond.
 5. Reject Item 3a of the Automotive specifications and authorize new call for bids to be opened February 14, 1978, at 2:00 P.M. for furnishing two new Police station wagons.
 6. Cancellation of purchase orders to Pittsburg Ford and authorizing purchasing two additional trucks for \$8,990.69.
- (Memorandum with agenda. Six resolutions needed. Estimated Cost: \$279,351.45; funds are budgeted.)

ACTION: Res. 78-116 adopted approving purchase of \$125,698.43 worth of automotive equipment from G & W Ford.
Res. 78-117 adopted approving purchase of \$13,124.74 worth of automotive equipment from Best Chevrolet.
Res. 78-118 adopted approving purchase of \$14,378.37 worth of automotive equipment from Western Motors.
Res. 78-119 adopted approving purchase of \$117,159.22 worth of automotive equipment from Dow Hammond.
Res. 78-120 adopted rejecting Item 3a of the Automotive Specifications and calling for new bids to be opened February 14, 1978, at 2:00 p.m. for furnishing two new Police station wagons.
Res. 78-121 adopted canceling purchase orders to Pittsburg Ford and authorizing purchase of two additional trucks from G & W Ford for \$8,990.69. (Finance to handle)

CONSENT

8. Consider award of contract for construction of waterlines in Towery Plaza and waterline extension in Gayle Avenue.
(Bids were opened on January 10, 1978. The low bid of \$34,879.50 submitted by Joe Martin is 11% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 78-122 adopted awarding contract to Joe Martin. (P.W. to handle)

CONSENT

9. Consider award of contract for installation of additional aeration units at oxidation ponds.
(The low bid of \$994,200 was submitted by Fred J. Early, Jr. Co., Inc. The staff has reviewed the low bid and has requested and received approval from the State Water Resources Control Board to award the contract. It is recommended by the Public Works Department that the bid be awarded to Fred J. Early, Jr. Co., Inc. Resolution awarding contract to Fred J. Early, Jr. Co., Inc. needed. Estimated Cost: Contract \$994,200, Engr. & Cont. \$94,000, Total \$1,088,200; funds are budgeted.)

ACTION: Res. 78-123 adopted awarding contract to Fred J. Early, Jr., Co., Inc. (P.W. to handle)

CONSENT

10. Consider acceptance of B. J. Rommel's contract for the construction of restroom facilities at Chrysler Park. (Contract \$39,418.00) (All work on this project has been completed to the satisfaction of the Parks & Recreation Department and Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$39,510.00; funds are budgeted.)

ACTION: Res. 78-124 adopted accepting work as complete. (Clerk to handle)

10A. Matters for the good of the community. 4:00 p.m.
(These may be presented by interested persons in the audience.)

Ms. Sterling Fountain, President of the Ebonettes, presented a plaque to the Mayor and asked that it be placed in the King-Kennedy Memorial Center in memory of Martin Luther King. (P & R to handle)

ORDINANCES

CONSENT

11. Final adoption of the following:

a. Ord. No. 1697-C.S. amending Section 7-3-9 of the Zoning Map rezoning from R-1 to R-2 and P-D(176) property on the north side of Standiford west of Shawnee Drive. (Norman Winsor)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1697-C.S. adopted. (Clerk to handle)

b. Ord. No. 1699-C.S. amending Modesto Municipal Code Sections relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1699-C.S. adopted. (Clerk to handle)

c. Ord. No. 1701-C.S. amending Section 22-3-9 of the Zoning Map rezoning from R-1 to P-0 property on east side of Coffee Road north of Coolidge Avenue. (Marion L. and Helen Rampley)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1701-C.S. adopted. (Clerk to handle)

d. Ord. No. 1703-C.S. amending Section 8-3-9 of the Zoning Map rezoning from R-1 to P-D property on the north side of Standiford Avenue east of Columbine. (Norman Winsor)(Motion adopting needed.)

ACTION: By motion, Ord. No. 1703-C.S. adopted. (Clerk to handle)

e. Ord. No. 1704-C.S. amending the Personnel System provisions of the Modesto Municipal Code.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1704-C.S. adopted. (Clerk to handle)

12. Final adoption of Ord. No. 1702-C.S. amending Section 2-3-8 of the Zoning Map rezoning to P-D property at the southwest corner of Pelandale and Dale Roads. (Milton David)

ACTION: By motion, (Kullijian/Lang, majority, Mensinger, Siefkin, & Mayor Davies - no) Ord. No. 1702-C.S. adopted (Clerk to handle)

UNFINISHED BUSINESS

13. Further consideration of the report by the Community Center Citizens Committee and site for the Community Center.

ACTION: By motion, (Mensingher/Kullijian, unan.) Citizens Committee's report accepted.

Councilmembers Kullijian and Mensinger excused from discussion of sites due to conflicts of interest.

ACTION: By motion, (Siefkin/Dunlap, unan., Kullijian and Mensinger absent) the "Sears Site" was agreed upon for the Community Center.

The Mayor appointed Councilmembers Dunlap and Siefkin and himself as an ad hoc committee to make a recommendation to the Council concerning the architect for the Community Center with all members of the Council invited to go on any field trips concerning choosing an architect.

Councilmembers Elliott and Kullijian were excused at 6:00 p.m.

14. Further consideration of advertisement in Bee's Annual Agriculture, Business and Industry Review Edition.

ACTION: By motion, (Mensingher/Lang, unan., Elliott & Kullijian absent) proposed advertisement approved, with wording to kept as brief as possible. (Mgr. to handle)

NEW BUSINESS

CONSENT

15. Consider agreement with developers of carwash on Oakdale Road wherein developers pay City \$12,000 for constructing road on Oakdale Road frontage.
(Normally it is developers' responsibility to install public improvements. Developer will be relieved of his responsibility by paying City to include a portion of his developments in the forthcoming Oakdale Road reconstruction project. Resolution authorizing City Manager to execute agreement needed.)

ACTION: Res. 78-125 adopted approving agreement. (P.W. to handle)

CONSENT

16. Consider authorizing additional Construction Inspector position and purchase of vehicle, radio and miscellaneous supplies.
(An additional Construction Inspector will be needed to handle Wastewater Treatment projects. Memo with agenda. Motion authorizing additional position, and two resolutions approving appropriation transfers needed. Estimated Cost: \$6,435.)

ACTION: By motion, additional position approved.
Res. 78-126 adopted approving appropriation transfer of \$4,635 for a pickup truck.
Res. 78-127 adopted approving appropriation transfer of \$1,800 for radio and furniture. (Management Services and Finance to handle)

17. Consider approval to submit an application for State Aid from the California Aid to Airports Program.
(The 1978/79 proposed Airport Capital Improvement Program includes a project to expand the general aviation aircraft parking facilities which are needed to accommodate corporate and privately owned aircraft. By submitting a request for State Aid now it is anticipated that funds will be available after July 1, 1978. Memo with agenda. Resolution authorizing application for State Aid needed. Estimated Cost: \$140,000 (State \$126,000; City/County \$14,000). Funds to be requested later pending final approval of the C.I.P.)

ACTION: Res. 78-128 adopted authorizing application. (P.W. to handle)

CONSENT

18. Consider amended agreement between the Empire Fire District and City of Modesto covering fire protection at the Modesto City-County Airport/Harry Sham Field,
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-129 adopted approving agreement. (Fire to handle)

CONSENT

19. Adoption of a resolution requesting the County Assessor to provide an estimate of assessed values as provided by the Government Code,
(Memo with agenda. Resolution needed.)

ACTION: Res. 78-130 adopted requesting County Assessor to provide estimate of assessed values. (Finance to handle)

CONSENT

20. Consider request for sewer service to property outside City limits at 2801 Nathan Avenue, located on the northeast corner of Beard Avenue and Nathan Avenue. Owners: Don Wright and Barbara G. Wright and Vernie E. Butler.
(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. 78-131 adopted approving agreement. (P.W. to handle)

REPORTS

CONSENT

21. Presentation of Financial Statement for December, 1977.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

22. Legislation

None

23. Appointments

None

24. Matters too late for the agenda

By motion (Lang/Dunlap, unan., Elliott and Kullijian absent) City Manager was asked to develop a Code of Conduct for City employees and officials, with employees to be invited to be represented in the preparation of the Code. (Mgr. to handle)

Adjourned at 6:10 p.m.

ATTEST:

Norrine Coyle

NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JANUARY 23, 1978, AT 7:30 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend George Swift, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 7, 8, 9, 10, 17,
ACTION: (Lang/Elliott, Unan.) 18, 19, 20, 21, 22, 23, 24

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the January 16, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Peat, Marwick, Mitchell & Co. regarding transit performance audit.
(Letter and memo with agenda. The audit of our bus service performance is required by a new State law. The report commends and makes some suggestions for consideration. A representative of the firm will be available for comments, questions, etc. Motion acknowledging receipt of report needed.)

ACTION: By motion, (Siefkin/Kullijian, unan.) receipt of report acknowledged.

CONSENT

3. Letter from Mid-Valley Engineering, Inc., appealing a decision by the Planning Commission regarding location of the proposed Hart-Ransom School site.
(Resolution setting hearing February 13, 1978, at 7:50 P.M. needed.)

ACTION: Res. 78-132 adopted setting hearing February 13, 1978, at 7:50 p.m.
(Clerk to handle)

CONSENT

4. Letter from Jonathan S. Holman resigning from the City's Personnel Commission.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 78-133 accepting resignation with regret. (Clerk to handle)

5. Letter from the Elks Lodge requesting the Council to adopt a City ordinance permitting Bingo games for charitable purposes.

ACTION: By motion (Lang/Mensing, majority, Dunlap-no) staff instructed to prepare an ordinance to permit bingo games in Modesto for Council consideration. (Attorney to handle)

6. Letter from Douglas W. Dyrssen who wishes to talk to the Council regarding uninsured motorist problems.

ACTION: By motion, (Kullijian/Elliott, unan.) the Council endorsed the principle of a more enforceable law to solve the problem of the uninsured motorist.

6a. Letter from merchants of the Alpha Beta Shopping Center on Orangeburg and Coffee Road regarding closure of Allen Drive.

ACTION: No action taken.

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of waterlines in College West No. 2.
(Suggested bid opening: February 7, 1978 at 11:00 A.M. Costs and Revenue: Construction \$42,044; Connection Charges \$16,500; Net Revenue \$1,305. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$42,044, Contract \$35,494; Engineering & Materials \$6,550; funds are budgeted.)

ACTION: Res. 78-134 adopted approving plans and specifications and call for bids. (P.W. to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened February 21, 1978, at 2:15 P.M. for furnishing word processing centralized dictation equipment.
(Dictation equipment shall be centrally located in the Records Center and shall provide the capability of phone-in dictation services for all departments; procedures for its usage are currently under development by Management Services. Resolution authorizing call for bids needed. Estimated Cost: \$14,000.00; funds are budgeted.)

ACTION: Res. 78-135 adopted approving specifications and authorizing call for bids. (Finance to handle)

CONSENT

9. Consider declaring General Electric low bidder meeting City specifications and authorize the purchase of four police motorcycle radios for the total price of \$5,524.88 including installation.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-136 adopted authorizing purchase. (Finance to handle)

CONSENT

10. Consider award of contract for construction of waterlines in Beyerwood East No. 1.

(Bids were opened on January 17, 1978. The low bid of \$53,733.20, submitted by Mac's Backhoe Service is 12% below the Engineer's Estimate and is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 78-137 adopted awarding contract. (P.W. to handle)

HEARINGS

11. Hearing, appeal by Modesto City Schools to Board of Zoning Adjustment decision on a request for a Conditional Use Permit for an Agricultural Laboratory Facility on Davis High School campus. (By motion on January 3, the Council declared its intention to continue this hearing to February 13, 1978, at 7:40 P.M.) 7:30 P.M.

ACTION: By motion, (Kullijian/Siefkin, unan.) hearing continued to February 13 1978, at 7:40 p.m. (Clerk to handle)

12. Hearing, annexation of uninhabited territory, Scenic-Oakdale Addition. 7:35 P.M.

ACTION: Res. 78-138 adopted (Elliott/Dunlap, unan.) declaring a majority protest has not been made.
By motion, Ord. No. 1705-C.S. introduced (Elliott/Dunlap, unan.) annexing the area.
Res. 78-139 adopted (Elliott/Dunlap, unan.) certifying review of environmental assessment and directing filing of notice of approval. (Clerk and Planning to handle)

13. Hearing, annexation of uninhabited territory, Yellowstone-Temperate Addition. 7:40 P.M.
(By motion on January 16, the Council declared its intention to continue this hearing to February 13, 1978, at 7:45 P.M.)

ACTION: By motion, (Kullijian/Elliott, unan.) Council continued this hearing to February 13, 1978, at 7:45 p.m. (Clerk to handle)

14a. Hearing, appeal by Gary West to Planning Commission decision concerning request of West Ben, Inc., for rezoning from R-1 and H-1 to P-D on Sisk Road south of Rumble Road. 7:45 P.M.

b. Hearing, appeal by Gary West to Planning Commission decision concerning parcel map.

ACTION: By motion, (Lang/Kullijian, majority, Mensinger and Siefkin-no) intention indicated to approve rezoning and parcel map, and staff directed to prepare necessary documents. (Planning & Attorney to handle)

15. Hearing, appeal by Area VI Developmental Board to a Board of Zoning Adjustment decision concerning a family care home at 1214 Nelson Avenue.

7:50 p.m.

ACTION: Res. 78-140 adopted (Kullijian/Mensing, majority, Dunlap, Elliott, Mayor Davies-no) granting the appeal and overruling the Board of Zoning Adjustment on its conditions 1 and 5. (Attorney and Clerk to handle)
By motion (Kullijian/Mensing, majority, Dunlap, Elliott, Mayor Davies-no) staff directed to obtain a legal opinion on the interpretation of Section 5116 of the Welfare and Institutions Code. (Attorney to handle)

16. Matters for the good of the community. 7:55 p.m.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

17. Consider introduction of ordinance amending Dangerous Building Code to provide for an alternate to sprinklers in basements in existing buildings.
(This proposed ordinance, recommended by the Dangerous Building Code and Housing Advisory Board of Appeals, was considered by the Council at an informal hearing on January 9, 1978. At that time the Council by motion indicated its intention to adopt the proposed ordinance after January 18, 1978, when the 1976 edition of the Dangerous Building Code became effective. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1706-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider declaring a 1950 Van Pelt Pumper #85080 as surplus property and authorize the Purchasing Officer to sell two surplus City pumps to the Woodland Avenue Fire Department for \$3,000.00.
(Memorandum with agenda. Resolution declaring pumper surplus property and allowing the sale of the two pumps needed.)

ACTION: Res. 78-141 adopted declaring pumper surplus property and allowing the sale of the two pumps. (Finance to handle)

CONSENT

19. Uninhabited annexation to the City of Modesto - Carpenter-Houser Addition.
(The IAF Commission has authorized this annexation without notice of public hearing. Resolution annexing and resolution certifying review of environmental impact needed.)

ACTION: Res. 78-142 adopted annexing the area.
Res. 78-143 adopted certifying review of environmental impact.
(Clerk & Planning to handle)

CONSENT

20. Consider approval of agreement between the City of Modesto and West-Ben, Inc. for sanitary sewer on Rumble Road, (The developers have constructed a sanitary sewer line which runs easterly approximately 1,300 feet along Rumble Road from Sisk Road and southerly approximately 240 feet along Sisk Road from Rumble Road and serves adjacent properties except one large parcel on the north side of Rumble Road. The agreement provides that the City will act as agent for the developers in refunding a share of the cost when the parcel on the north side of Rumble Road desires service. No City funds are required. Resolution approving agreement needed.)

ACTION: Res. 78-144 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider approval of a purchase order for \$4,750 to John Cowger for construction of a waterline extension in Norwegian Avenue at Sunny Vista Avenue. (Informal letter bids were opened on January 16, 1978, for water service to an apartment complex on Norwegian Avenue. The low bid of \$4,750 by John Cowger is 8% below the Engineer's Estimate and is considered acceptable. It is recommended that a purchase order to him be approved. The Council must approve all purchase orders for amounts between \$3,500 and \$5,000. Resolution approving purchase order to John Cowger needed. Funds are budgeted.)

ACTION: Res. 78-145 adopted approving purchase order. (Finance to handle)

CONSENT

22. Consider amendment to agreement with J. B. Gilbert and Associates. (J. B. Gilbert and Associates are preparing a Supplemental EIR on our wastewater treatment facilities. Having processed the agreement through the State, it was our understanding that the agreement had been approved by the State. We find now that the State is requiring changes before they will approve the agreement for grant funding. The changes deal with legal requirements of State and Federal regulations and not with the substance of the work being done. Resolution approving amendment to agreement needed.)

ACTION: Res. 78-146 adopted approving amendment to agreement. (P.W. to handle)

CONSENT

23. Consider cooperative agreement with Stanislaus County to reconstruct a segment of Standiford Avenue, (Reconstruction extends from Tully intersection to 300' west of Carver intersection, with installation of traffic signals at these intersections. Estimated cost is \$500,600. This is a Federal Aid Project. Federal share \$410,492; City share \$82,080; County share \$8,028; funds are budgeted.)

ACTION: Res. 78-147 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider dial-a-ride program for handicapped.
(Memo with agenda. Service would begin late in 1978 after bidding process determined low bidder/operator. Motion approving program and authorizing preparation of necessary documents needed. Estimated Cost: \$200,000.)

ACTION: By motion, program approved. (P. & T. to handle)

MISCELLANEOUS

25. Legislation

None

26. Appointments

None

27. Matters too late for the agenda.

ACTION: Res. 78-148 (Lang/Kullijian, unan.) approving final map for Grandview Acres. (Clerk to handle)

Adjourned at 10:30 p.m. to Tuesday, January 31, 1978, at 6:30 p.m. at the Sundial Restaurant, 808 McHenry Avenue, Modesto, for a joint meeting with the Modesto Irrigation District Board of Directors.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
January 31, 1978

The Council of the City of Modesto met pursuant to adjournment at 6:30 p.m. at the Sundial Restaurant, 808 McHenry Avenue, Modesto, California, for a joint meeting with the Modesto Irrigation District Board of Directors to discuss topics of mutual interest.

Present: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

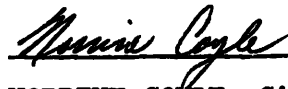
Absent: Councilmembers: Dunlap

There was a report by members of the Modesto Irrigation District staff on the status of the District's power supply, the water supply, and financial status.

The City staff reported on the City's conservation program and on a proposed drainage program.

The meeting was adjourned at 9:20 p.m.

ATTEST:



NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 6, 1978, AT 4:00 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Joe D. Wright, Calvary Temple Assembly of God Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
Removed from Consent: 12, 21, 35 10, 11, 13, 18, 19, 22,
23, 24, 25, 26, 27, 28, 29, 30,
ACTION: (Dunlap/Siefkin, Unan.) 31, 32, 33, 34, 36, 38a

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the regular meeting of January 23, 1978, and of the adjourned regular meeting of January 31, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Eldon R. Harrison appealing Planning Commission decision regarding rezoning from R-1 to R-3 property on Coffee Road north of Sylvan Meadows Drive.
(Resolution setting hearing February 27, 1978, at 7:35 P.M. needed.)

ACTION: Res. 78-149 adopted setting hearing February 27, 1978, at 7:35 p.m.
(Clerk to Handle)

CONSENT

3. Letter from Gaylord B. Boyer, Modesto City Schools, indicating the School District's intention to drop the application for a Conditional Use Permit for an Agricultural Lab next to the Davis Park and to re-apply to the Board of Zoning Adjustment for permission to establish the Ag Lab at another location on the Davis High School campus. (The hearing on this item was continued to the February 13, 1978 City Council meeting. Motion acknowledging receipt of letter needed.)

ACTION: By motion, (Dunlap/Siefkin, Unan.) receipt of letter acknowledged.

CONSENT

4. Letter from Downtown Improvement District Board of Directors acknowledging Community Center site and informing City Council of the Board's support of the project.
(Motion acknowledging receipt of letter needed.)

ACTION: By motion (Dunlap/Siefkin, Unan.) receipt of letter acknowledged.

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened March 9, 1978, at 2:00 P.M. for furnishing a general government radio communications system.
(Memorandum with agenda. Resolution authorizing call for bids needed, Estimated Cost: \$68,000.00; funds are budgeted.)

ACTION: Res. 78-150 adopted approving specifications and authorizing call for bids. (Finance to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for construction of Fire Station No. 6.
(Suggested bid opening date: February 21, 1978 at 11:00 A.M. This fire station has been designed with the solar heating. The expected costs for solar heating are higher than originally estimated, and it is recommended that the call for bids be for a conventional natural gas system with an alternate bid using the solar system. Memo with agenda. Resolution approving plans and specifications and call for bids needed, Estimated Cost: \$267,636 (\$228,752 Contract; \$13,736 Contingency; \$25,148 Engineering); funds are budgeted. Additional funds may be required later.)

ACTION: Res. 78-151 adopted approving plans and specifications and calling for bids. (P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of waterlines in Lincoln Square No. 5.
(Suggested bid opening: February 21, 1978 at 11:10 A.M. Cost and Revenue: Construction \$28,463; Connection Charges \$9,460; Net Revenue \$748. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$28,463 (\$24,108 Contract; \$4,355 Engineering and Materials); funds are budgeted.)

ACTION: Res. 78-152 adopted approving plans and specifications and calling for bids. (P.W. to handle)

CONSENT

8. Consider award of contract for construction of utility building at Revard Park.
(Bids were opened on January 24, 1978. The low bid submitted by Chet Cummins, which is 6% below the engineer's estimate is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to Chet Cummins needed, Estimated Cost: \$39,536; funds are budgeted.)

ACTION: Res. 78-153 adopted awarding contract to Chet Cummins. (P.W. to handle)

CONSENT

9. Consider award of contract for street improvements, Housing Target Area Stage 2.

(Bids were opened January 24, 1978. The low bid submitted by J. L. Pryor Construction Company is 4.21% above the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to J. L. Pryor Construction Company needed. Estimated Cost: \$44,000 (Contract \$40,000; Engr. & Conty. \$4,000); funds are budgeted.)

ACTION: Res. 78-154 adopted awarding contract to J.L. Pryor Construction Company. (P.W. to handle)

CONSENT

10. Consider awarding contract for left-turn signals at Coffee and Briggsmore. (Memo with agenda. The low bid of \$14,900 from Collins Electrical Co., Inc., is 6% higher than the \$14,000 estimate but is considered acceptable. Resolution awarding contract to Collins Electrical Company, Inc. needed. Estimated Cost: \$15,900 (\$14,900 Contract; \$1,000 Engineering & Contingencies); funds are budgeted.)

ACTION: Res. 78-155 adopted awarding contract to Collins Electrical Company, Inc. (P.T. to handle)

CONSENT

11. Consider award of contract for construction of wading pools at Coleman F. Brown Park and Chrysler Park. (Bids were opened on January 17, 1978. The low bid of \$78,200 submitted by William Mineni, which is 5.5% above the engineer's estimate, is considered acceptable. It is therefore recommended that the contract be awarded to him. Resolution awarding contract to Bill Mineni needed. Estimated Cost: Coleman Pool \$38,689; Chrysler Pool \$39,511; Total \$78,200; funds are budgeted.)

ACTION: Res. 78-156 adopted awarding contract to Bill Mineni. (P.W. to handle)

12. Consider award of contract for construction of a sprinkler system and basement access door to the City Hall Annex. (Bids were opened on January 31, 1978. The only acceptable bid was submitted by Acme Construction Company, which is 22% above the engineer's estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to Acme Construction Company needed. Estimated Cost: \$18,410.00; funds are budgeted.)

ACTION: By motion (Kullijian/Mensing, majority: Dunlap, Lang, Mayor Davies-no) staff directed to obtain comparative cost information on smoke detectors and sprinklers. (P.W./Finance to handle)

CONSENT

13. Consider acceptance of George Reed, Inc. contract for the construction of miscellaneous projects at Modesto City-County Airport/Harry Sham Field, FAA-ADAP No. 8-06-0153-05. (Original Contract: \$242,877.25) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Actual Cost: \$244,503.90; funds are budgeted.)

ACTION: Res. 78-157 adopted accepting work as complete. (Clerk to handle)

HEARINGS

14. Hearing, annexation of Carver-Sheldon Addition to Modesto Municipal Sewer District #1. 4:00 P.M.

ACTION: Res. 78-158 adopted (Dunlap/Elliott, Unan.) annexing Carver-Sheldon Addition. (Clerk to handle)

15. Hearing, annexation of Oakdale-Sylvan #2 Addition to Modesto Municipal Sewer District #1. 4:05 P.M.

ACTION: Res. 78-159 adopted (Kullijian/Lang, Unan.) annexing Oakdale-Sylvan #2 Addition. (Clerk to handle)

16. Hearing, annexation of Orangeburg-Claus Addition to Modesto Municipal Sewer District #1. 4:10 P.M.

ACTION: Res. 78-160 adopted (Lang/Kullijian, Unan.) annexing Orangeburg-Claus Addition. (Clerk to handle)

17. Matters for the good of the community. 4:15 P.M.
(These may be presented by interested persons in the audience.)

Hazel Buckingham discussed a problem of parking in front of her house on F Street. Staff directed to check on the problem and report back to Council. (Police and P.T. to handle)

David Dolan discussed the proposed Community Center.

ORDINANCES

CONSENT

18. Final adoption of Ord No. 1706-C,S. providing for an alternate to sprinklers in basements in existing buildings.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1706-C.S. adopted. (Clerk to handle)

111 of the Modesto Municipal Code relating to obedience to traffic officers.

(Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1707-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

20. Consideration of recommended conditions of approval, permitted uses, and development schedule for West Ben, Inc., P-D and parcel map, Sisk Road, south of Rumble Road.

(Introduction of Ordinance and adoption of three resolutions needed.)

ACTION: By motion (Elliott/Dunlap, Unan.) Conditions were approved with the exception that item 6 was changed to provide that street improvements shall be constructed when required by the City Engineer.

By motion, (Elliott/Dunlap; Unan.) Ord. No. 1708-C.S. introduced approving rezoning. (Clerk to handle)

Res. 78-161 adopted (Lang/Elliott, majority, Mensinger and Siefkin-no) granting the appeal of West Ben, Inc. approving plan, and setting conditions for P-D(179). (Clerk to handle)

Res. 78-162 adopted (Lang/Elliott, majority, Mensinger and Siefkin-no) certifying review of environmental assessment. (Planning to handle)

Res. 78-163 adopted (Lang/Elliott, majority, Mensinger and Siefkin-no) approving parcel map. (Clerk to handle)

21. Consider request from First Baptist Church for mid-block crosswalk on 12th Street between Needham and M.

(Memo with agenda. Mid-block crosswalk is recommended. Resolution authorizing installation of mid-block crosswalk needed. Estimated Cost: \$300.00; funds are budgeted.)

Councilmember Kullijian excused due to a conflict of interest.

ACTION: Res. 78-164 adopted (Dunlap/Siefkin, Unan., Kullijian absent) approving mid-block crosswalk. (P.T. to handle)

NEW BUSINESS

CONSENT

22. Consider agreement with Andrew E. Perry for the purchase of 0.05⁺ acres of right of way needed for the Prescott-Briggsmore to Peach project.

(Mr. Perry has agreed to sell the required right of way for the appraised value of \$1,375.00. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-165 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider agreement with Roe W. Derby, Jr., and Dorothy Derby for the purchase of 0.06⁺ acres of right of way needed for the Scenic-County Hospital to Sonoma project.

(Mr. and Mrs. Derby have agreed to sell the required right of way for the appraised value of \$8,334.00. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Resolution 78-166 adopted approving agreement. (P.W. to handle)

CONSENT

24. Amendment of contract with Robert Schoettler.
(Costs for service have exceeded contract maximum. Revision to contract needed to make final payment. Memo with agenda. Resolution amending contract needed. Estimated Cost: \$1,150.00; funds are budgeted.)

ACTION: Res. 78-167 adopted amending contract. (Planning to handle)

CONSENT

25. Consider a resolution authorizing certain named officers and employees of the City of Modesto to bring claims on behalf of the City, and to defend against claims brought against the City, in the Stanislaus County Municipal Court, Small Claims Division.
(Memorandum with agenda. Adoption of resolution needed.)

ACTION: Res. 78-168 adopted authorizing certain named officers and employees of the City of Modesto to bring claims on behalf of the City.
(Attorney to handle)

CONSENT

26. Consider waiving formal bid procedure and authorize the purchase of one Galion mini road planer from Horton Equipment Company for the total delivered price of \$38,981.50.
(Memorandum with agenda. Resolution waiving formal bid and authorizing purchase of equipment needed. Funds are budgeted.)

ACTION: Res. 78-169 adopted waiving formal bid and authorizing purchase of equipment. (Finance to handle)

CONSENT

27. Consider removing parking meters on west side of 11th Street between K and L Streets.
(Memo with agenda. Revenue from these meters falls below minimum standard. Removal recommended; An ordinance amending the parking meter zoning map of the Municipal Code needed. Estimated Cost: \$10; funds are budgeted.)

ACTION: By motion, Ord. No. 1709-C.S. was introduced. (P.T. to handle)

CONSENT

28. Consider request for sewer service to property outside City limits at 1404 California Avenue, located on the south side of California Avenue between Panama Avenue and Carpenter Road. Owners: Leslie E. Fosterman and Mary T. Fosterman.
(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. 78-170 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider request for sewer service to property outside City limits at 2849 Scenic Bend, located on the southwest corner of Scenic Drive and Scenic Bend. Owners: Norman J. Winsor and Lola Jean Winsor. (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. 78-171 adopted approving agreement. (P.W. to handle)

REPORTS

CONSENT

30. Report by Modesto Chamber of Commerce for the October-December, 1977 quarter. (Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

31. Recommend closure of Grove Avenue to vehicular and pedestrian traffic approximately 160 feet west of McHenry Avenue. (On January 17, 1978, the Planning Commission adopted Resolution No. 78-13 recommending the closure of Grove Avenue to vehicular and pedestrian traffic approximately 160 feet west of McHenry Avenue. Resolution setting public hearing February 27, 1978, at 7:40 P.M. needed.)

ACTION: Res. of S.P. 1365 and Res. of Intent 372 adopted setting public hearing February 27, 1978, at 7:40 p.m. (Clerk to handle)

CONSENT

32. Recommend to Council an amendment to Section 30-3-9 of the Zoning Map. (Jerry B. Holland) (On January 17, 1978, the Planning Commission adopted Resolution 78-15 recommending to the Council an amendment to Section 30-3-9 of the Zoning Map to rezone from R-1 to R-3, property located at the northwest corner of Emerald Avenue and Maze Boulevard. Resolution setting public hearing March 13, 1978 at 7:30 P.M. needed.)

ACTION: Res. 78-172 adopted setting public hearing for March 13, 1978 at 7:30 p.m. (Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Section 18-3-7 of the Zoning Map. (James A. Davidson) On January 17, 1978, the Planning Commission adopted Resolution 78-17 recommending to Council an amendment to Section 18-3-7 of the Zoning Map to rezone from R-1 to R-2 property located on the east side of Prescott Road, extending south from Rumble Road. Resolution setting public hearing March 6, 1978, at 4:05 P.M. needed.)

ACTION: Res. 78-173 adopted setting public hearing for Mar. 6, 1978, 4:05 p.m. (Clerk to handle)

CONSENT

34. Recommend to Council an amendment to Section 27-3-9 of the Zoning Map (Robert L. Breckenridge) (On January 17, 1978, the Planning Commission adopted Resolution 78-16 recommending to Council an amendment to Section 27-3-9 of the Zoning Map to rezone from C-1 to R-3, property located on east side of Santa Barbara, south of La Loma, south of Miller Avenue extension. Resolution setting public hearing March 13, 1978, at 7:35 P.M. needed.)

ACTION: Res. 78-174 adopted setting public hearing March 13, 1978, 7:35 p.m. (Clerk to handle)

35. Recommend an amendment to P-D(125), James C. Sorenson, Inc. (GEMCO) (On January 17, 1978, the Planning Commission adopted Resolution 78-18 recommending to the City Council an amendment to P-D(125) to permit an increase in the buildable space for commercial use and recommending approval of a revised plot plan. (John T. Blair for James C. Sorenson - GEMCO) Resolution setting public hearing March 6, 1978, at 4:10 P.M. needed.)

Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-175 adopted (Siefkin/Elliott, Unan., Mensinger absent) setting public hearing March 6, 1978, at 4:10 p.m. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

36. Request for appropriation transfer of \$4,450 from General Reserve to account 6312-270-321, Chrysler Neighborhood Park - Stage 3. (Training pool construction bids were opened and budgeted funds are inadequate because of materials and cost increases in pool equipment and because of increased construction costs to meet health standard requirements. Additional funds now required are currently budgeted for in the 1978-79 fiscal year CIP budget. Therefore, the 1978-79 CIP budget will be reduced accordingly. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-176 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

37. Legislation

ACTION: By motion (Lang/Siefkin, Unan.) AB2058 opposed. (Manager to handle)

CONSENT

38. Appointments

a. Recommendation from the Planning Commission for the appointment of Charles Jolitz to the Board of Zoning Adjustment as a representative of the Planning Commission.

(At its regular meeting of January 6, 1978, the Planning Commission adopted a resolution recommending to the City Council the reappointment of Charles Jolitz to the Board of Zoning Adjustment, as a representative of the Planning Commission for one year, his term to expire December 31, 1978. Resolution appointing Charles Jolitz needed.)

ACTION: Res. 78-177 adopted appointing Charles Jolitz to the Board of Zoning Adjustment as the Planning Commission representative for one year, term to expire 12/31/78. (Clerk to handle)

2-6-78

38. Appointments
b. Other

ACTION: Res. 78-178 adopted (Lang/Mensing, Unan.) appointing Don Bernard, replacing Louisiana Currey as Chairperson of User Com. No. 1 and to Seat No. 7 of the Citizen's Housing and Community Development Com., term expiring 6-30-81. (Clerk to handle)

Res. 78-179 adopted (Kulligian/Siefkin, Unan.) appointing Ellen Morales, Shanne Smith, Pam Ison, Ursula Spani, and Denise Alloway to Youth Commission, terms expiring 12-1-78. (Clerk to handle)

Res. 78-180 adopted (Kullijian/Lang, Unan.) reappointing Charles Plaster to the Board of Appeals, term expiring 1-1-82; Harold Schulenberg, Board of Zoning, term expiring 1-1-82; Richard Belt, Culture Commission, term expiring 1-1-82; Georganne Greene, Personnel Com. term expiring 1-1-82; and Lawrence B. Martin and David Ryan, Planning Commission, terms expiring 1-1-82. (Clerk to handle)

39. Matters too late for the agenda.
None

Adjourned at 4:43 p.m. to Executive session to discuss acquisition of property, and then to Friday, February 10, 1978, 7:30 a.m., at Hobo Joe's Restaurant, 1525 McHenry Avenue, Modesto, for a meeting with Senator Garamendi.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

2/6/78

Modesto City Council
Adjourned Regular Council Meeting
February 10, 1978

The Modesto City Council met pursuant to adjournment at 7:30 A.M. at Hobo Joe's Restaurant, 1525 McHenry Avenue, Modesto, California, to discuss legislation with State Senator John Garamendi.

Present: Councilmembers Elliott, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Dunlap, Kullijian

Various pieces of State legislation that would affect Modesto were discussed with Senator Garamendi.

The meeting adjourned at 9:10 A.M.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 13, 1978, AT 7:30 P.M.

Roll Call Present: Councilmembers Dunlap, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies

Absent: Councilmember Elliott

Pledge of allegiance to the Flag

Invocation: Reverend Robert Segerhamer, Emanuel Lutheran Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10,
11, 18, 19, 20, 21, 22, 24,
25, 27, 28, 29, 30.

Removed from Consent - 23, 31

ACTION: (Lang/Dunlap, Unan. Elliott absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the February 6, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

2. Petition by 648 employees in downtown Modesto regarding the lack of parking downtown.

ACTION: Michele Short discussed the petition and asked that fines for on-street parking be reduced. No action was taken.

CONSENT

3. Petition from residents of Modesto Verde Mobile Home subdivision requesting the part of Prescott Road north of their subdivision be barricaded.
(Motion referring petition to staff for recommendation needed.)

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

CONSENT

4. Letter from Youth Commission requesting the City of Modesto to sponsor monthly dances for teenagers.
(Motion referring to staff for recommendation needed.)

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

- 4A. Letter from residents of Maxine Drive regarding fence between their residences and West Plaza shopping center.
(Motion referring to staff for report needed.)

ACTION: By motion (Kullijian/Lang, Unan; Elliott absent) letter referred to staff for report. (Planning to handle)

CONSENT

BIDS

5. Consider approval of specifications and authorize call for bids to be opened February 28, 1978, at 2:00 P.M. for furnishing replacement fire hose.
(Fire hose to be used by the Modesto Fire Department to replace old and damaged hose. Resolution authorizing call for bids needed. Estimated Cost: \$15,000.00; funds are budgeted.)

ACTION: Res. 78-181 adopted approving specs. and authorizing call for bids.
(Finance to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for the paving of the southwest portion of the City of Modesto service yard.
(Suggested bid opening date: March 7, 1978 at 11:00 A.M. This project will provide for the paving of the final portion of the unpaved equipment parking area at the service yard. Resolution approving plans and specifications and call for bids needed. Estimated Cost: Const. \$18,370.40; Eng. \$918.52; Total \$19,288.92; funds are budgeted.)

ACTION: Res. 78-182 adopted approving specs. and authorizing call for bids.
(P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of waterlines in Prescott Homes.
(Suggested bid opening: February 28, 1978 at 11:00 A.M. Costs and Revenue: Construction \$32,479; Connection Charges \$21,340; Net Revenue \$1,688. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$32,479 (\$24,409 Contract; \$8,070 Engineering & Materials; funds are budgeted.)

ACTION: Res. 78-183 adopted approving specs. and authorizing call for bids.
(P.W. to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of waterlines in "E" Street, Burney Street, Walden Street, and James Street.
(Suggested bid opening: February 28, 1978 at 11:05 A.M. This is a revision of a strengthening project which was bid and rejected on June 21, 1977. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$69,619 Contract; \$15,000 Engineering & Materials; Total \$84,619; funds are budgeted.)

ACTION: Res. 78-184 adopted approving specs. and authorizing call for bids.
(P.W. to handle)

CONSENT

9. Consider award of contract for the construction of waterlines in College West No. 2.
(Bids were opened February 7, 1978. The low bid of \$30,919.30, submitted by Western Pipeline Co., is 13% below the engineer's estimate and considered acceptable. It is recommended that the contract be awarded to them. Resolution awarding the contract to Western Pipeline Co., Inc. needed. Funds are budgeted.)

ACTION: Res. 78-185 adopted awarding the contract to Western Pipeline Co., Inc. (P.W. to handle)

CONSENT

10. Consider acceptance of air conditioning and heating system at Fire Station No. 1 contract with Dwight Lang's Enterprises as completed.
(Original: \$64,938.00)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$62,523.00; funds are budgeted.)

ACTION: Res. 78-186 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider change in bid opening date for Fire Station No. 6 from February 21, 1978 at 11:00 A.M. to March 21, 1978 at 11:00 A.M.
(On February 6, 1978 the Council set a February 21, 1978 bid opening date for Fire Station No. 6. The February 21st bid opening date was listed in error. A March 21st bid opening date is desired to allow prospective bidders adequate time to review the plans and specifications. Resolution approving plans and specifications and call for bids and rescinding prior call for bids needed. Estimated Cost: \$267,636 (\$228,752 Contract; \$13,736 Contingency; \$25,148 Engineering); funds are budgeted. Additional funds may be required later.)

ACTION: Res. 78-187 adopted approving plans and specs. and calling for bids and rescinding prior call for bids. (P.W. to handle)

HEARINGS

12. Hearing on amendment to Section 22-3-9 of the Zoning Map from R-1 to R-2 and R-3 property located on the northwest corner of Oakdale Road and E. Orangeburg. 7:30 P.M.
(Paul Zagaris)

ACTION: By motion, Ord. No. 1710-C.S. introduced (Lang/Mensing, Unan.; Elliott absent). (Clerk to handle)

Res. 78-188 adopted (Lang/Mensing, Unan.; Elliott absent)
Certifying review of environmental assessment. (Clerk to handle)

13. Hearing on amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0 property located on the west side of Coffee Road north of M.I.D. Cavit Drain. (Harry G. and Hilda Russell) 7:35 P.M.

ACTION: By motion, Ord. No. 1711-C.S. introduced (Lang/Kulligian, Unan.; Elliott absent). (Clerk to handle)

Res. 78-189 adopted (Lang/Kulligian, Unan.; Elliott absent), Certifying environmental assessment. (Clerk to handle)

14. Continued hearing on appeal by Modesto City Schools to Board of Zoning Adjustment decision on a request for a Conditional Use Permit for an Agricultural Laboratory Facility on Davis High School campus. 7:40 P.M.
(This hearing was continued from the January 23, 1978, meeting. By letter the Modesto City Schools has indicated its intention to drop this appeal.)

ACTION: By motion (Dunlap/Kulligian, Unan.; Elliott absent), request to drop the appeal approved.

15. Continued hearing, annexation of uninhabited territory, Yellowstone-Temperate Addition. 7:45 P.M.
(This hearing was continued from the January 23, 1978, meeting.)

ACTION: Res. 78-190 adopted (Siefkin/Dunlap, Unan., Elliott absent) declaring a majority protest has not been made. (Clerk to handle)

By motion, Ord. No. 1712-C.S. introduced (Siefkin/Dunlap, Unan.; Elliott absent), annexing Yellowstone-Temperate Addition. (Clerk to handle.)

Res. 78-191 adopted (Siefkin/Dunlap, Unan.; Elliott absent), Certifying Review of Environm. Assess. (Clerk to handle)

16. Hearing on appeal by Mid-Valley Engineering, Inc., to a Planning Commission decision regarding location of the proposed Hart Ransom School site 7:50 P.M.

ACTION: Res. 78-192 adopted (Lang/Kullijian, Unan.; Elliott absent) granting appeal (Clerk to handle)

By motion (Lang/Kullijian, Unan.: Elliott absent) Planning staff and Commission requested to study the area further and select another site they feel would be appropriate. (Planning to handle)

17. Matters for the good of the community. 7:55 P.M.
(These may be presented by interested persons in the audience.)

ACTION: None

There was a 5-minute recess at 10:25 p.m.

18. Final adoption of the following:
a. Ord. No. 1707-C.S. repealing Modesto Municipal Code Section 3-2.203 relating to obedience to police officers.
ACTION: By motion, Ord. No. 1707-C.S. adopted. (Clerk to handle)
b. Ord. No. 1709-C.S. amending Parking Meter Zone map.
ACTION: By motion Ord. No. 1709-C.S. adopted (Clerk to handle)
(Motion adopting needed.)

CONSENT

19. Incorporate a one-time cost-of-living increase for retired City of Modesto employees into our P.E.R.S. contract.
(Memo with agenda. Ordinance authorizing amendment to P.E.R.S. contract needed.)

ACTION: By motion, Ord. No. 1713-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

20. Consider determining that the public interest and convenience require that the following additions be annexed to Modesto Municipal Sewer District No. 1.

- a. Palmilla Drive Addition
- b. California-Panama Addition
- c. Orangeburg-Fransen Addition
- d. Paradise-Rouse Addition

(These additions were annexed to the City of Modesto effective December 30, 1977. Four resolutions setting hearings needed. (5 affirmative votes needed.)

- a. March 27, 1978 at 7:30 P.M.
- b. March 27, 1978 at 7:35 P.M.
- c. March 27, 1978 at 7:40 P.M.
- d. March 27, 1978 at 7:45 P.M.

ACTION: Res. 78-193 adopted, setting hearing for Palmilla Drive Addition March 27, 1978 at 7:30 p.m. (Clerk to handle)

Res. 78-194 adopted, setting hearing for California-Panama Addition March 27, 1978 at 7:35 p.m. (Clerk to handle)

Res. 78-195 adopted, setting hearing for Orangeburg-Fransen Addition March 27, 1978 at 7:40 p.m. (Clerk to handle)

Res. 78-196 adopted, setting hearing for Paradise-Rouse Addition March 27, 1978 at 7:45 p.m. (Clerk to handle)

CONSENT

21. Consider the following:

- a. Withdrawal of Palmilla Drive Addition from the Salida Fire District.
- b. Withdrawal of California-Panama Addition from the Burbank-Paradise Fire District.
- c. Withdrawal of Orangeburg-Fransen Addition from the McHenry-Dry Creek Fire District.
- d. Withdrawal of Paradise-Rouse Addition from the Burbank-Paradise Fire District.

(These additions were annexed to the City of Modesto effective December 30, 1977. Four resolutions withdrawing additions from fire districts needed.)

CONSENT
Item 21 Continued

- ACTION: Res. 78-197 adopted withdrawing Palmilla Dr. Addition from the Salida Fire District. (Clerk to handle)
- Res. 78-198 adopted withdrawing California-Panama Addition from the Burbank-Paradise Fire District. (Clerk to handle)
- Res. 78-199 adopted withdrawing Orangeburg-Fransen Addition from the McHenry-Dry Creek Fire District. (Clerk to handle)
- Res. 78-200 adopted withdrawing Paradise-Rouse Addition from the Burbank-Paradise Fire District. (Clerk to handle)

CONSENT

22. Revised Class specification for Police Sergeant
(Memo with agenda. Resolution adopting new job specification needed.)

ACTION: Res. 78-201 adopted adopting new job specification. (Personnel to handle)

23. Consider approval of Modesto Police Department Policy Statement concerning police response to burglary and robbery alarms
(Memo with agenda. Resolution approving policy statement needed.)

ACTION: Res. 78-202 adopted (Kullijian/Siefkin, majority, Dunlap-no; Elliott absent) approving policy. (Police to handle)

CONSENT

24. Consider setting hearing to consider Resolution of Necessity to acquire property for Dry Creek Park
(Memo with agenda. Resolution setting hearing on March 6, 1978, at 4:00 P.M. needed.)

ACTION: Res. 78-203 adopted setting hearing, Mar. 6, 1978 at 4:00 p.m. (Thelma Moody) (Clerk to handle)

Res. 78-204 adopted setting hearing, Mar. 6, 1978 at 4:00 p.m. (Arnold C. Dickens) (Clerk to handle)

CONSENT

25. Consider agreement with Trans-World Financial Corporation to acquire sanitary sewer easement to serve Hillsboro North Subdivision.
(Sewer service is needed along Floyd Avenue. The agreement provides for the City to acquire sanitary sewer easement through undeveloped property, with all expenses to be borne by developer. Resolution approving agreement needed)

ACTION: Res. 78-205 adopted approving agreement. (P.W. to handle)

26. Consider proposal by Silvair Aviation to construct a restaurant/motel/office complex on terminal side of Airport
(The proposal by Silvair Aviation has been considered by both the Airport Advisory Committee and staff. The Airport Advisory Committee, by a vote of 4 to 1, is in support of the proposal. The staff is opposed to the proposal as submitted. Memo with agenda. Motion approving or disapproving proposed concept needed.)

ACTION: By motion (Lang/Dunlap, majority, Kullijian and Mensinger - no; Elliott absent) the proposed concept was not approved.

CONSENT

27. Consider agreement with Gayle W. Stowers and Irene A Stowers for the purchase of 0.06± acres of right of way needed for the Scenic-County Hospital to Sonoma project.
(Mr. and Mrs Stowers have agreed to sell the required right of way for the appraised value of \$8,000 00. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-206 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider agreement with Elwin Young, Jr., and Susan Young for the lease of Goldsworthy Park site. This site contains 2.4⁺ acres and is only a portion of what will eventually be in the Neighborhood Park. This land will not be needed for development for some years. (The Youngs have agreed to maintain the property for the City and pay any property taxes. Since the site is not an economic unit, only the Youngs who operate the adjoining property can utilize the site. The Youngs will be constructing a fence to keep people out, which is advantageous to the City for liability reasons. Resolution approving agreement needed.)

ACTION: Res. 78-207 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider increasing mileage reimbursement rate for City of Modesto employees who use their personal vehicle for official City business. (Memorandum with agenda. Resolution approving increase in mileage reimbursement rate needed.)

ACTION: Res. 78-208 adopted approving increase in mileage reimbursement rate. (Mgmt. Services to handle)

REPORTS

CONSENT

30. Presentation of Financial Statement for January, 1978. (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

31. Appropriation transfer to finance appraisals of Community Center Site. (Estimates of value of properties on the site are needed in order to estimate value of land and improvements prior to bond issue election. Resolution approving transfer of funds needed. Estimated Cost: \$20,000)

Councilmembers Kullijian and Mensinger excused due to a conflict of interest.

ACTION: Res. 78-209 adopted approving transfer of funds (Lang/Siefkin, Unan., Elliott, Kullijian and Mensinger absent). (Finance to handle)

MISCELLANEOUS

32. Legislation - None

33. Appointments

ACTION: Res. 78-210 adopted (Dunlap/Siefkin, Unan; Elliott and Kullijian absent), changing name of the H.C.D.A. Users Committee to Neighborhood Advisory Committee.

MISCELLANEOUS (Continued)

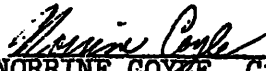
33. Appointments (Continued)

ACTION: Res. 78-211 adopted (Dunlap/Mensing, Unan, Elliott absent)
appointing Carole L. Hill to the Neighborhood Advisory Committee
#2. Term to expire 10-23-81. (Clerk to handle)

34. Matters too late for the agenda

None

Adjourned at 12:25 a.m.

ATTEST: 
NORRINE GOYZE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, FEBRUARY 21, 1978, 4:00 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 11, 12, 13,
ACTION: (Lang/Mensinger, Unan.) 14, 15, 16, 17, 18, 19, 20, 21

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATIONS

1. Presentation of Suggestion Awards:
 1. \$35 to John George, Fire Department, for suggestion on providing battery-operated smoke detectors to homes after a fire to check for possible rekindle.
 2. \$75 for Cecil Pavlacky, Parks and Recreation, for two suggestions, one for a depth gauge to be put on the root digger to determine the depth of the underground pipes and electrical cables and the other for wheel blocks to be made to prevent trailered vehicles from rolling after they have been disconnected from powered vehicles.
 3. \$100 to James Raley, Public Works, for steel brooms to be made for pushing leaves instead of the wooden brooms currently being used.

(Mayor to present awards. Estimated Cost: \$210; funds are budgeted.)

ACTION: Mayor Davies presented the awards.

MINUTES

CONSENT

2. Approval of minutes of the February 10, 1978 adjourned regular meeting and the February 13, 1978 regular meeting of the City Council.

(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from Carmen Sabatino regarding utility tax.

ACTION: By order of the Chair, staff is to study and report on the result of applying a 2% across-the-board utility users tax, setting a maximum as at present, for industries but not for retail stores, and determine whether there is any way this tax can be taken as a deduction for personal income tax purpose.

In addition, staff is to make recommendations, if any seem appropriate, after the 1978-79 Budget is completed. (Finance to handle)

4. Request by Clarence Dunker to present a report on a survey he conducted regarding the proposed Community Center.

ACTION: Clarence Dunker discussed his survey and presented a copy of his report to the City Council.

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened April 4, 1978, at 2:00 P.M. for furnishing one fire rescue truck.

(Rescue truck required by the Modesto Fire Department and will perform emergency fire and rescue tasks. Equipment will replace a like vehicle presently in service. Resolution authorizing call for bids needed, Estimated Cost: \$25,000.00; funds are budgeted.)

ACTION: Res. 78-212 adopted authorizing call for bids. (Finance to handle)

6. Consider award of contract for construction of a sprinkler system and basement access door to the City Hall Annex.

(Bids were opened on January 31, 1978. The only acceptable bid was submitted by Acme Construction Company, which is 22% above the Engineer's Estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Addition information concerning alternate smoke detector system in memo with agenda. Resolution awarding contract to Acme Construction Company needed. Estimated Cost: \$18,410.00; funds are budgeted.)

ACTION: Res. 78-213 adopted (Lang/Dunlap, Unan.) contract awarded for construction of sprinkler system and basement access door.
(P.W. to handle)

CONSENT

7. Consider acceptance of Collins Electrical Co., Inc., contract to upgrade tennis court lighting at Graceada Park as complete.

Original contract: \$14,704.30.

(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$14,451.10; funds are budgeted.)

ACTION: Res. 78-214 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Joe Martin's contract for construction of waterlines in Sylvan Meadows East #4 & #5, Vintage Faire #2, and Woodglen Park #2 as complete. (Original contract: \$146,437.75) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$147,334.29 Contract, including Services \$6,810.00; funds are budgeted.)

ACTION: Res. 78-215 adopted accepting work as complete. (Clerk to handle)

HEARINGS

9. Matters for the good of the community. 4:10 P.M.
These may be presented by interested persons in the audience.)

ACTION: Don L. Curtice, Daniel Sciabica, and Vic Christiansen spoke about a Barricade placed at the end of Encina. Staff to look into the situation and see if a solution can be found. (P.W. to handle)

Elwyn Johnson introduced George Eiser, the new Deputy City Attorney.

ORDINANCES

10. Adoption of Ord. No. 1708-C.S. rezoning from H-1 and R-1 to P-D(179), Sisk Rd. south of Rumble. (West-Ben, Inc.)
(Motion adopting needed.)

ACTION: By motion (Dunlap/Elliott, majority; Mensinger, Siefkin- no) Ord. No. 1708-C.S. adopted. (Clerk to handle)

CONSENT

11. Final adoption of the following:

a. Ord. No. 1710-C.S. rezoning from R-1 to R-2 and R-3, Oakdale Rd. and E. Orangeburg. (Paul Zagaris)

ACTION: By motion, Ord. No. 1710-C.S. adopted (Clerk to handle)

b. Ord. No. 1711-C.S. rezoning from R-1 to P-0, Coffee Rd. north of MID Cavil Drain. (Harry Russell)

ACTION: By motion, Ord. No. 1711-C.S. adopted (Clerk to handle)

c. Ord. No. 1713-C.S. amending the contract with Public Employees Retirement System.

ACTION: By motion, Ord. No. 1713-C.S. adopted (Clerk to handle)

NEW BUSINESS

CONSENT

12. Agreement renewal with Modesto Baseball Club, Inc. (The one year agreement with the Modesto Baseball Club, Inc., has terminated as of January 1, 1978. This will renew the agreement for a period of one year and continue thereafter on a year-to-year basis until terminated by either party. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-216 adopted approving agreement. (P.R. to handle)

CONSENT

13. Consider approving a contract with the State for an UMTA transit operating assistance grant.
(Memo with agenda. The contract is for a \$166,615 grant for reimbursement for part of the operating expenses for the 1976-77 fiscal year. Resolution approving the contract needed.)

ACTION: Res. 78-217 adopted approving the contract. (P.T. to handle)

CONSENT

- 14 Adoption of Columbia Lane as the official name for the north/south alley in Block 800.
(By Resolution No. 77-1252 adopted on November 28, 1977, the Council adopted a name for the short north/south alley in Block 800. It was intended that the alley be named Columbia Lane. Resolution No. 77-1252 erroneously designated Columbian Way as the official name. This conflicts with the existing street name and a new resolution should be adopted to correct the error. Resolution adopting Columbia Lane as name for alley and rescinding Resolution No. 77-1252 needed. Estimated Cost: \$35 (correct sign already purchased pursuant to Res. 77-1252); funds are budgeted.)

ACTION: Res. 78-218 adopted, adopting Columbia Lane as name for alley and rescinding Res. 77-1252. (Planning to handle)

CONSENT

15. Establishment of unemployment insurance funding and procedures.
(Report with agenda. Resolution authorizing the City Manager to file appropriate documents needed. Funds are budgeted.)

ACTION: Res. 78-219 adopted authorizing City Manager to file appropriate documents. (Finance to handle)

CONSENT

16. Consider setting hearing to consider Resolution of Necessity to acquire property adjacent to McHenry Mansion.
(Memo with agenda. Resolution setting hearing on March 20, 1978, at 4:00 P.M. needed.)

ACTION: Res. 78-220 adopted setting hearing on March 20, 1978 at 4:00 p.m. (Clerk to handle)

CONSENT

17. Consider approval of Federal Clean Water Grant Amendment for wastewater treatment aeration project.
(Bids received for the aeration project were below the original construction estimate on which the original grant offer was based. This amendment adjusts the grant offer to 75% of the actual project costs. Resolution authorizing City Manager to execute Grant Amendment needed.)

ACTION: Res. 78-221 adopted authorizing City Manager to execute Grant Amendment. (P.W. to handle)

2/21/78

CONSENT

18. Adoption of Resolution of Application for Annexation of the Scenic-Lakewood No. 2 Addition.
(An annexation petition has been submitted for property at the northwest corner of Scenic Drive and Lakewood Avenue. Adjacent properties should be included to create a desirable City boundary. A Resolution of Application is necessary to initiate annexation of the adjacent properties. Adoption of a Resolution of Application initiating annexation proceedings needed.)

ACTION: Res. 78-222 adopted initiating annexation of adjacent properties.
(Planning to handle)

CONSENT

19. Consider rescinding resolution setting hearing to consider Resolution of Necessity for Dry Creek Park acquisition - Dickens property,
(This acquisition may require use of a portion of the required property for an electrical substation and electrical transmission system. Arrangements must be made with M.I.D. before the eminent domain process is instituted. Resolution rescinding resolution setting hearing needed.)

ACTION: Res. 78-223 adopted rescinding resolution setting hearing.
(Clerk to handle)

REPORTS

CONSENT

20. Consider request by Downtown Improvement District to reconsider policy regarding assessment of costs for reconstruction of commercial alleys.
(The staff is recommending that the existing policy for reconstruction of commercial alleys be continued. The existing policy provides for the City to do the grading and compaction part of the reconstruction, with the property owner responsible for base rock, valley gutter, and paving. Memo with agenda. Motion confirming existing alley policy needed.)

ACTION: By motion, existing alley policy confirmed. (P.W. to handle)

CONSENT

21. Report on air services study of Modesto City-County Airport prepared by Hodges and Shutt for SAAG,
(The consultant will be present at the March 8, 1978, SAAG meeting to present the reports and answer questions. If the Council has any questions concerning the reports, it should pass them on to the Council SAAG representatives. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

22. Legislation

ACTION: By motion (Kullijian/Elliott, Unan.) AB2021 opposed.
(Management Services to handle)

23. Appointments

ACTION: Res. 78-224 (Dunlap/Lang, Unan.) adopted, appointing Mark Fenton to the Modesto Youth Commission, term to expire 12/1/78. (P.R. to handle)

24. Matters too late for the agenda

ACTION: a. Bus bids:
Res. 78-225 (Kullijian/Siefkin, Unan.) adopted delaying bus bid opening date to March 7, 1978, 2:00 p.m.

Adjourned at 5:05 p.m. to executive session to discuss an employee relations matter;
and then to Friday, February 24, 1978, 12:00 o'clock at Howard's Restaurant, 1312 McHenry Avenue, Modesto, for a meeting with Senator Zenovich.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
February 24, 1978

The Council of the City of Modesto met pursuant to adjournment at 12:00 o'clock at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California, for a joint meeting with Senator George Zenovich.

Present: Councilmembers: Elliott, Mensinger, Mayor Davies

Absent: Councilmembers: Dunlap, Kullijian, Lang, Siefkin

The meeting was adjourned due to lack of a quorum.

Councilmembers present discussed various pieces of legislation with Senator Zenovich.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

2/24/78

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, FEBRUARY 27, 1978, AT 7:30 P.M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Mensing, Siefkin, Mayor Davies
(Mayor Davies arrived at 8:00 p.m.)

Absent: Kullijian

Pledge of Allegiance to the Flag

Invocation: Reverend Frank Sparkman, Trinity Southern Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,
14, 15, 16, 17, 18, 19, 20

ACTION: (Dunlap/Elliott, Unan; Kullijian and Mayor Davies absent)
(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the February 21, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from James Curley, American Red Cross, inviting City Council participation in American Red Cross Activities.

ACTION: By motion (Lang/Elliott, Unan.; Kullijian and Mayor Davies absent) the Council agreed that Councilmember Kullijian and Mayor Davies would each bake a cake for the Red Cross Bazaar on March 11. Councilmembers present each agreed to attempt to bake a cake also.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the construction of Woodrow Park masonry wall.
(Suggested bid opening date: March 28, 1978 at 11:00 a.m. This project will provide a sound barrier wall between Woodrow Park and the adjacent residences. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$17,867 (\$17,017, Const.; \$850, Engr.); funds are budgeted.)

ACTION: Res. 78-226 adopted approving plans and specs. (P.W. to handle)

CONSENT

4. Consider award of contract for construction of waterlines in Lincoln Square No. 5.
(Bids were opened on February 21, 1978. The low bid of \$19,729.00, submitted by Joe Martin, is 18% below the Engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to him. Resolution awarding contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 78-227 adopted awarding contract to Joe Martin. (P.W. to handle)

CONSENT

5. Consider declaring M-B Company low bidder and authorizing the purchase of one street sweeper for the total price, including trade-ins, of \$35,137.03.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-228 adopted authorizing purchase. (Finance to handle)

CONSENT

6. Consider declaring Bill Hughes Dodge lowest responsible bidder and authorizing the purchase of two four-door police station wagons for the total price of \$12,595.84.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-229 adopted authorizing purchase. (Finance to handle)

CONSENT

7. Consider acceptance of William M. Mineni's contract to construct Pump Station No. 2 as complete. (Original contract \$70,158.00)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$70,334.00; Funds are budgeted.)

ACTION: Res. 78-230 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Teichert Construction's contract for the construction of the east extension of a box culvert at Dale Road and MID Lateral No. 7 as complete. (Original contract \$40,100.00) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$40,892.00; funds are budgeted.)

ACTION: Res. 78-231 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Ferrero Electric, Inc. contract to revise street light circuit on McHenry Avenue between Orangeburg Avenue and Briggsmore Avenue as complete. (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Original Contract and Final Cost: \$13,364.00; funds are budgeted,)

ACTION: Res. 78-232 adopted accepting work as complete. (Clerk to handle)

HEARINGS

10. a. Hearing on amendment to Section 25-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3, property located north of Yosemite Boulevard on both sides of Mariposa Road. (Horn Construction Co.) 7:30 P.M.

- b. Hearing on an appeal by Horn Construction Co. to a Planning Commission decision regarding rezoning from R-1 to R-2, property located on Clogston Way in Scott Estates.

Councilmember Mensinger excused due to a conflict of interest.

ACTION: By motion, Ord. 1714-C.S. adopted rezoning from R-1 to R-2 and R-3: (Lang/Siefkin, majority; Elliott - no; Kullijian and Mensinger absent)

Res. 78-233 adopted certifying review of environmental assessments. (same vote as Ord. 1714-C.S.)

Res. 78-234 adopted upholding the denial of the Planning Commission regarding rezoning from R-1 to R-2 on Clogston Way. (same vote as Ord. 1714-C.S.) (Clerk and Planning to handle)

11. Appeal by Eldon R. Harrison to Planning Commission decision regarding request to rezone from R-1 to R-3 property on Coffee Road north of Sylvan Meadows Drive. 7:35 P.M.

ACTION: By motion (Lang/Elliott, majority, Dunlap & Siefkin-no, Kullijian absent) this item held over for two weeks to allow Mr. Hamney to prepare a plan for further consideration. (Clerk to handle)
By motion (Dunlap/Mensinger, Unan; Kullijian absent) staff directed to study contract zoning and report back to Council with a recommendation. (Attorney to handle)

12. Hearing to close Grove Avenue to vehicular and pedestrian traffic.

7:40 P.M.

ACTION: By motion (Lang/Elliott, Unan; Kullijian and Mayor Davies absent). Council gave preliminary approval to the closure of Grove Avenue. (Planning to handle)

13. Matters for the good of the community.

7:45 P.M.

(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

14. Consider acceptance of improvements in College West No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Norman Winsor)

(College West No. 1 subdivision is located south of Blue Gum Avenue, east of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 78-235 adopted accepting improvements. (Clerk to handle)

CONSENT

15. Consider approval of the final map of Hollywood Park 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. Subdividers - Norman J. Winsor, Lola Jean Winsor, Fritz Hutcheson and Betty L. Hutcheson.

(The subdivision agreement has been signed and all fees paid. Hollywood Park No. 2 is located north of Standiford Avenue and east of Tully Road. It contains 14.910 acres. Resolution approving final map needed.)

ACTION: Res. 78-236 adopted approving final map. (Clerk to handle)

CONSENT

16. Consider submission of Final Application for Federal Aid to the Federal Aviation Administration for a Fire Crash Rescue Station at the Modesto City-County Airport/Harry Sham Field. (Final cost estimates have been determined and application for Federal Aid has been prepared. Based upon the estimated cost, the Federal Aviation Administration share is \$451,800 and the City of Modesto and County of Stanislaus share is \$50,200 - \$25,100 each. Memo with agenda. Resolution authorizing submission of an application for federal aid needed.)

ACTION: Res. 78-237 adopted authorizing submission of an application for federal aid. (P.W. to handle)

CONSENT

17. Consider approval of the cooperative agreement between the City of Modesto and United States Geological Survey for ground water study. (Funds for this project are included in the 1978-79 Capital Improvement Program. The cost to the City is \$32,000 plus City staff engineering. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-238 adopted approving agreement. (P.W. to handle)

CONSENT

18. Uninhabited annexation to the City of Modesto - Yvonne Addition. (On January 25, 1978 the LAF Commission authorized this annexation without notice of public hearing. Resolution annexing and resolution certifying review of environmental impact needed.)

ACTION: Res. 78-239 adopted annexing Yvonne Addition. (Clerk to handle)
Res. 78-240 adopted certifying review of environmental assessmt. (Planning to handle)

CONSENT

19. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map - Paul Zagaris. (On February 7, 1978, the Planning Commission adopted Resolution No. 78-24 recommending to the Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(180) property located on the north side of East Orangeburg Avenue. (Paul Zagaris) Resolution setting public hearing on March 27, 1978, at 7:50 P.M. needed.)

ACTION: Res. 78-241 adopted setting hearing on March 27, 7:50 p.m. (Clerk to handle)

CONSENT

20. Amendment to agreement between Modesto City Schools and City to add Lakewood Elementary School to the afterschool recreation program. (Adoption of resolution authorizing amendment to agreement needed.)

ACTION: Res. 78-242 adopted authorizing amendment to agreement.
(P.R. to handle)

MISCELLANEOUS

21. Legislation

None

22. Appointments

ACTION: Res. 78-243 adopted (Mensingher/Siefkin, Unan.; Kullijian absent) appointing Lee Ghilotti to the Personnel Commission to fill Jonathan Holman's unexpired term ending 1-1-79. (Clerk and Management Services to handle)

23. Matters too late for the agenda

None

Adjourned at 9:30 p.m. to Executive session to consider property acquisition with the announcement that the Council would not return to open session.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 6, 1978, AT 4:00 P M.

Roll Call Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,

Absent: Mayor Davies

Pledge of Allegiance to the Flag

Invocation: Reverend Thomas Foster, St Paul's Episcopal Church

Acting Mayor Mensinger expressed the Council's appreciation to the City employees for their work during the unprecedented storm on Saturday and to the public for their patience and understanding during the storm.

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 6, 7, 8, 9, 10, 11, 13, 17, 18, 19, 20, 21, 22, 23
Dropped from Agenda: Item 14
Removed from Consent: Item 4 (Dunlap/Kullijian, Unan.; Mayor Davies absent)
(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of adjourned regular meeting of February 24, 1978, and regular meeting of February 27, 1978.

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Vera Pack representing a Senior Citizen's group regarding Senior Activity Center.

ACTION: At Mrs. Pack's request, this item will be placed on the April 3, 1978 Council meeting. (Clerk to handle)

3. Letter from League of Women Voters regarding Air Quality Workshop, March 11, 1978.

ACTION: Eleanor Goldon and Carole Christiansen invited the Councilmembers to attend the workshop.

4. Letter from Bill Hughes regarding leasing a piece of property of Southern Pacific Railroad now being leased by City of Modesto. (Motion referring to staff needed.)

ACTION: By motion (Dunlap/Elliott, Unan.; Mayor Davies absent) this item was referred to staff for report back on March 27, 1978 (Parking and Traffic to handle)

5. Letter from Dan Onorato, Stanislaus Safe Energy Committee regarding "Sun Day", May 6, 1978, and requesting use of Enslin Park for a faire and Police Department assistance with their "Run for the Sun." (Motion referring to staff for recommendation needed.)

ACTION: By motion (Lang/Dunlap, Unan.; Mayor Davies absent) request referred to staff for a report at the March 20, 1978, meeting. (P.R., Police and Finance to handle)

CONSENT

6. Letter from Marvin Ray, President of City of Modesto Retired Employees Association, thanking the City Council for providing complimentary tickets for the retirement dinner to previously retired employees. (Motion acknowledging receipt of letter needed.)

ACTION: By motion, receipt of letter acknowledged.

BIDS

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of T-Hangar "H". (Suggested bid opening: March 21, 1978 at 11:15 a.m. T-Hangar "H" will provide storage space for 10 aircraft at the Modesto City-County Airport. Resolution approving plans and specifications and call for bids needed Estimated Cost: \$130,000 (\$127,000 Contract; \$3,000 Engineering); funds are budgeted.)

ACTION: Res. 78-244 adopted approving plans and specs. (P.W. to handle)

CONSENT

8. Consider award of contract for construction of waterlines in "E" Street, Burney Street, Walden Street and James Street. (Bids were opened on February 28, 1978. The low bid of \$58,845.50, submitted by Joe Martin is 16% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 78-245 adopted accepting bid and awarding contract to Joe Martin. (P.W. to handle)

CONSENT

9. Consider award of contract for the construction of Unit 1 of Phase 1, Tuolumne River Regional Park. (Bids were opened January 31, 1978. The low bid submitted by D.S.S. Company, which is 12% below the engineer's estimate is considered acceptable. The awarding of the contract has been approved by the Tuolumne River Regional Park Committee, the City of Ceres and Stanislaus County. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to D.S.S. Co. needed. Estimated Cost: \$367,578.55; funds are budgeted.)

ACTION: Res. 78-246 adopted awarding contract to D.S.S. Company. (P.W. to handle)

CONSENT

10. Consider declaring Western Traction Co. low bidder and authorize the purchase of one trailer-mounted brush chipper for the total price of \$8,013.60.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-247 adopted authorizing purchase. (Finance to handle)

CONSENT

- 11 Consider declaring Edward R. Bacon low bidder meeting City specifications and authorizing the purchase of one front-end claw loader for the total price of \$31,342.08.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-248 adopted authorizing purchase. (Finance to handle)

- 12 Consider acceptance of Delta Sound and Radio, Inc. contract to install City Hall sound system as complete (Original contract \$6,971.33)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$7,879.54; funds are budgeted.)

ACTION: Dropped from agenda.

CONSENT

13. Consider acceptance of the Flintkote Company's contract for improvement of Evergreen Avenue from Angela Lane to Carver Road as complete. (Original contract \$15,264.80)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$15,471.10; funds are budgeted.)

ACTION: Res. 78-249 adopted accepting work as complete. (Clerk to handle)

HEARINGS

14. Hearing, Dry Creek Park acquisition.

4:00 p.m.

ACTION: Res. 78-250 adopted (Dunlap/Siefkin, Unan.; Mayor Davies absent) to acquire the Moody property for Dry Creek Park (P.W. to handle)

15. Hearing on amendment to Section 18-3-9 of the Zoning Map to rezone from R-1 to R-2, property located on the east side of Prescott Road, south of Rumble (James A. Davidson).

4:05 p.m.

ACTION: By motion, Ord. 1715-C.S. adopted (Kullijian/Dunlap, Unan.; Mayor Davies absent) approving rezoning. (Clerk/Planning to handle)

Res. 78-251 adopted (Kullijian/Dunlap, Unan.; Mayor Davies absent) certifying Environmental Assessment. (Clerk/Plan. to handle)

16. Hearing on amendment to P-D(125), James C. Sorenson, Inc. (GEMCO) to permit an increase in the buildable space for commercial use.

4:10 p.m.

Acting Mayor Mensinger excused due to a conflict of interest. By motion, (Kullijian/Dunlap, Unan., Mayor absent), Councilmember Elliott elected temporary Chairman.

ACTION: By motion, Ord. 1716-C.S. adopted (Dunlap/Kullijian, Unan.; Mayor Davies and Mensinger absent) approving rezoning. (Clerk/Plan. to handle)

Res. 78-252 adopted (Dunlap/Kullijian, Unan.; Mensinger & Mayor Davies absent) approving rezoning. (Clerk/Planning to handle)

17. Matters for the good of the community.

4:15 p.m.

(These may be presented by interested persons in the audience.)

NEW BUSINESS

CONSENT

17. Consider withdrawing Rosemore-Woodland No. 2 Addition from the Woodland Fire District.
(This addition was annexed to the City of Modesto effective January 17, 1978. Resolution withdrawing Rosemore-Woodland No. 2 Addition from the Woodland Fire District needed.)

ACTION: Res. 78-253 adopted withdrawing Rosemore-Woodland No. 2 Addition from Woodland Fire District. (Clerk to handle)

CONSENT

18. Consider determining that the public interest and convenience require that Rosemore-Woodland No. 2 be annexed to Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective January 17, 1978. Resolution setting April 17, 1978 at 4:00 p.m. for public hearing needed.) (Five affirmative votes needed.)

ACTION: Res. 78-254 adopted setting Apr. 17, 1978, 4:00 p.m. for public hearing. (Clerk to handle)

CONSENT

19. Consider approval of the final map of Beyerwood East 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. Subdividers: Stonewood Development Company.
(The subdivision agreement has been signed and all fees paid. Beyerwood East No. 2 is located North of Sylvan Avenue and West of Oakdale Road. Resolution approving final map needed.)

ACTION: Res. 78-255 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider approval of California Clean Water Grant Amendment for wastewater treatment aeration project.
(Bids received for the aeration project were below the original construction estimate on which the original grant offer was based. This amendment adjusts the grant offer \$155,625 to \$133,414. Resolution authorizing City Manager to execute grant amendment needed.)

ACTION: Res. 78-256 adopted authorizing City Manager to execute grant amendment (P.W. to handle)

CONSENT

21. Consider approving agreement with Roger D. Smith and Beverly R. Smith for the lease of 2.82± acres of land being held for future Aqueduct Park.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-257 adopted approving agreement. (P.W. to handle)

CONSENT

22. Requests for waiver of penalty on Utility Users Tax remittance.
(Memo with agenda Two resolutions approving requests needed.)

ACTION: Res. 78-258 adopted approving request from M.I.D. (Finance to handle)
Res. 78-259 adopted approving request from T.I.D. (Finance to handle)

CONSENT

23. Consider approval of City of Modesto participation in amicus briefs in 3 cases:
1. San Luis Obispo County Employee's Assn. vs. Civil Service Commission
 2. City of La Mesa vs. Foster & Kleiser, et al
 3. Royer vs. Steinberg

(Memo of explanation with agenda Motion authorizing participation in amicus briefs needed.)

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

MISCELLANEOUS

24. Legislation.

ACTION: By motion (Elliott/Dunlap, Unan.; Mayor Davies absent) SJR 38, Deferred Compensation and concurrent House bill, supported.

By motion (Dunlap/Siefkin, Unan.; Mayor Davies absent) AB 2442 - Transportation, Speed Limits, Radar Enforcement, supported.

25. Appointments.

None

26. Matters too late for the agenda.

ACTION: The following items were discussed briefly:

- a. Need for a name for the golf course in Dry Creek Park
- b. Alternative Futures Meeting
- c. Petition regarding Edgebrook Drive
- d. Renaissance Committee meeting
- e. Accident at the airport (Ross Campbell is working on a report)

Adjourned at 5:35 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 13, 1978, AT 7:30 P.M.

Roll Call - Present: Councilmembers: Dunlap, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies

Absent: Councilmembers: Elliott

Pledge of Allegiance to the Flag

Invocation: Reverend Clifford Sexton, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 9, 13, 15,
16, 17, 18, 19, 20, 21, 22, 23,
ACTION: (Dunlap/Lang, unan ; Elliott 24, 25, 26
absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the March 6, 1978 meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Jack Fraser, President of Board of Directors of the Easter Seal Society requesting a Council resolution designating March 1 through March 26, 1978, as Easter Seal Month in Modesto.
(Due to another commitment, Mrs. Athena Moran will be unable to come to the Council meeting until 8:30 and asks that this item be held until she arrives.)

ACTION: Res. 78-259 adopted (Kullijian/Mensingher, majority; Mayor-no, Elliott absent) designating Easter Seal Month. (Clerk to handle)

3. Petition from residents in the vicinity of Edgebrook-Encina-Buena Vista regarding traffic problems.
(Motion directing staff needed.)

ACTION: By motion, (Dunlap/Mensingher, unan.; Elliott absent), staff directed to contact the residents and take the request of the residents to the Planning Commission. (Planning/P.T. to handle)

BIDS

CONSENT

4. Consider approval of specifications and authorize call for bids to be opened March 28, 1978, at 2:00 p.m. for furnishing office furniture. (Furniture is required to complete the final phase of the City Hall expansion furnishings and will also include furniture authorized for purchase in the various departments' Capital Outlay Accounts for FY 1977-78. Resolution authorizing call for bids needed. Estimated Cost: \$28,580.00; funds are budgeted.)

ACTION: Res. 78-260 adopted authorizing call for bids. (Finance to handle)

CONSENT

5. Consider approving plans and specifications for repairs and improvement to the 12th and I Street parking lot and authorizing call for bids. (Memo with agenda. The lot is to be repaired and resurfaced, sidewalk tripping hazards are to be removed, and concrete planter curbs are to be installed. Resolution approving plans and specifications and authorizing call for bids to be received on April 4, 1978 at 2:00 p.m. needed. Estimated Cost: \$17,000; funds are budgeted.)

ACTION: Res. 78-261 adopted approving plans and specs and authorizing call for bids. (P.T. to handle)

CONSENT

6. Consider approval of plans and specifications and call for bids for construction of site improvements at Pump Station No. 14 on Virginia Avenue. (Suggested bid opening: March 28, 1978 at 11:05 a.m. This project will install fences, pavement landscaping, pump equipment and miscellaneous improvements at Pump Station No. 14. Resolution approving plans and specification and call for bids needed. Estimated Cost: \$45,000 (\$41,000 Contract, \$4,000 Engineering & Materials; funds are budgeted.)

ACTION: Res. 78-262 adopted, approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

7. Consider award of contract for construction of waterlines in Prescott Homes. (Bids were opened February 28, 1978. The low bid of \$20,558.00, submitted by Crain Construction is 16% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Crain Construction needed. Funds are budgeted.)

ACTION: Res. 78-263 adopted, accepting bid and awarding contract to Crain Construction. (P.W. to handle)

CONSENT

8. Consider award of contract for the paving of the southwest portion of the City of Modesto Service Yard.
(Bids were opened on March 7, 1978. The low bid, submitted by the Flintkote Company, which is 11% below the engineer's estimate is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution awarding contract to the Flintkote Company is needed. Estimated Cost: \$16,350.00; funds are budgeted.)

ACTION: Res. 78-264 adopted awarding contract to Flintkote Co. (P.W. to handle)

CONSENT

9. Consider declaring Wood Systems, Inc. low bidder for Item I and authorize the purchase of one word processing central dictating system for the total price of \$6,966.43.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-265 adopted authorizing purchase. (Finance to handle)

HEARINGS

10. Hearing on amendment to Section 30-3-9 of the Zoning Map to rezone from R-1 to R-3, property on northwest corner of Maze and Emerald (Jerry B. Holland) 7:30 p.m.

ACTION: A motion to rezone from R-1 to R-2 failed to carry.

Res. 78-266 adopted (Lang/Dunlap, majority, Kullijian and Siefkin - no; Elliott absent) denying request to rezone to R-3.

11. Hearing on amendment to Section 27-3-9 of the Zoning Map to rezone from C-1 to R-3, property located on Santa Barbara and south side of Miller Avenue extension. (Robert L. Breckenridge) 7:35 p.m.

ACTION: By motion, Ord 1717-C.S. adopted (Lang/Kullijian, unan.; Elliott absent) rezoning from C-1 to R-3. (Clerk to handle)

Res. 78-267 adopted (Lang/Kullijian, unan.; Elliott absent) certifying review of environmental assessment. (Planning to handle)

12. Matters for the good of the community. (These may be presented by interested persons in the audience.) 7:40 p.m.

None

ORDINANCES

CONSENT

13. Final adoption of Ord. No. 1715-C.S. amending Sec. 18-3-9 of the Zoning Map from R-1 to R-2, property located on Prescott and Rumble. (James A. Davidson)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1715-C.S. adopted. (Clerk to handle)

14. Final adoption of Ord. No. 1716-C.S. amending uses in P-D(125).
(James C. Sorenson, Inc.; GEMCO)
(Motion adopting needed.)

ACTION: Councilmember Mensinger excused due to conflict of interest.

By motion, Ord. 1716-C.S. adopted (Kullijian/Lang, unan.; Elliott and Mensinger absent. (Clerk to handle)

CONSENT

15. Consider approval for payment of service awards for Retirement and Service Awards dinner.
(Memorandum with agenda. Resolution approving payment for service awards needed. Estimated Cost: \$4,104.22; Funds are budgeted.)

ACTION: Res. 78-268 adopted approving payment for service awards. (Finance to handle)

CONSENT

16. Request for refund of business license tax paid by A & K Cabinet Shop.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 78-269 adopted approving refund. (Finance to handle)

CONSENT

17. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map - American Development Corporation.
(On February 21, 1978, the Planning Commission adopted Res. 78-33 recommending to the Council an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-2 and P-D to permit construction of a 75-unit elderly housing project, property located on the south side of Standiford Avenue between Hahn Dr. and Conant Ave. Resolution setting public hearing April 3, 1978, at 4:05 p.m. needed.)

ACTION: Res. 78-270 adopted setting public hearing. (Clerk to handle)

CONSENT

18. Consider repairs to the outfall pump at the Water Quality Control Plant. (An outfall pump (pumping effluent from the Sutter Street plant to the remote ponds) is in need of repairs. This is a routine maintenance project and funds are budgeted. It is recommended the City Council authorize issuance of a purchase order to Stanislaus Pump Company for \$4,716.18 to repair the unit. Memo dated February 17, 1978 from Water Quality Control Superintendent with agenda. Resolution authorizing purchase order needed. Funds are budgeted.)

ACTION: Res. 78-271 adopted authorizing purchase order. (Finance to handle)

CONSENT

19. Consider approval of the final map of Colonial Commons 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. Subdividers: Robert P. Bomberger, Muriel F. Bomberger, Harley D. Brannan and Norma F. Brannan, (The subdivision agreement has been signed and all fees paid. Colonial Commons No. 2 is located at the northeast corner of Standiford Avenue and Tully Road. It contains 4.544 acres. Resolution approving final map needed.)

ACTION: Res. 78-272 adopted approving final map. (Clerk to handle)

CONSENT

20. Recommendation to Council that Paradise Road be continued in a straight alignment adjacent to Burbank School and that staff be directed to study purchase of a neighborhood park site north of Paradise Road in the Burbank School area, (On February 21, 1978, the Planning Commission adopted Res. 78-31A recommending to the City Council that Paradise Road be continued in a straight alignment adjacent to Burbank School and that the City staff be directed to study the purchase of a neighborhood park site north of Paradise Road in the Burbank School area, Motion approving recommendation to continue Paradise Road in a straight alignment and motion directing staff to study the purchase of park site north of Paradise Road in Burbank School area needed.)

ACTION: By motion, recommendation approved and staff directed to study purchase of park site north of Paradise Rd. in Burbank School area. (Plan./P.R./P.W. to handle)

CONSENT

21. Recommend vacation and abandonment of the 20-foot public alley in Block 1073 which extends north from Chehalem Drive 317 feet west of Coffee Road. (On February 7, 1978, the Planning Commission adopted Res. 78-25 recommending to the City Council the vacation and abandonment of the 20-foot public alley in Block 1073 which extends north from Chehalem Drive 317 feet west of Coffee Road. Resolution of intention to vacate and abandon and setting date for public hearing April 10, 1978, at 7:30 p.m. needed.)

ACTION: Res. of S.P. 1366, and Res. of Intent 373 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider approval of the final map of Whitmore Industrial Park No. 1 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 - Rule Enterprises.
(The subdivision agreement has been signed and all fees paid. Whitmore Industrial Park No. 1 is located north of Whitmore Avenue and east of Hatch Road. It contains 14,172 acres. Resolution approving final map needed.)

ACTION: Res. 78-273 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

23. Report on parking problem at home near main fire station.
(Memo with agenda. We recommend no action at this time. When the City parking lot on the north side of the Fire Department is completed this summer, the parking situation should improve. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

24. Presentation of Mid-Year Budget Report.
(Report with agenda. Resolution approving budget adjustments needed.)

ACTION: Res. 78-274 adopted approving budget adjustments. (Finance to handle)

CONSENT

25. Presentation of Financial Statement for February 1978.
(Copies of report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

26. Presentation of school site and facilities tax financial plan.
(Report with agenda. Resolution estimating tax revenue and appropriating money for acquisition during fiscal year 1977-78 needed.)

ACTION: Res. 78-275 adopted estimating tax revenue and appropriating money for acquisition during fiscal year 1977-78. (Finance)

27. Legislation

ACTION: By motion (Lang/Mensing, majority; Kullijian - no; Elliott absent) SB-1 and Proposition 8 supported.

By motion (Dunlap/Lang, majority; Kullijian - no; Elliott absent) Proposition 13 opposed.

28. Appointments - None

29. Matters too late for the agenda.

ACTION: Res. 78-276 adopted (Kullijian/Lang, unan., Elliott absent) confirming canvass of returns of the Sutter-Colorado Addition election on March 7, 1978. (Clerk to handle)

UNFINISHED BUSINESS

Further consideration of appeal of Eldon R. Harrison to Planning Commission decision regarding request to rezone from R-1 to R-3, property on Coffee Road north of Sylvan Meadows Drive. (Memo with agenda)

ACTION: Councilmember Kullijian excused since he was not present during the hearing.

By motion, Ord. 1718-C.S. adopted rezoning (Lang/Mensing, majority; Siefkin-no; Elliott absent). (Clerk to handle)

Res. 78-277 adopted (Lang/Mensing, majority; Siefkin-no; Elliott absent) certifying review of environmental review.
(Planning to handle)

The meeting adjourned at 9:50 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 20, 1978, AT 4:00 P.M.

Roll Call - Present: Dunlap, Elliott, Kullijian, Mensinger,
Siefkin, Mayor Davies

Absent: Lang

Pledge of Allegiance to the Flag

Invocation: Reverend George Telle, Trinity Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 7, 8, 10,
Removed from consent: 13 12, 14, 15, 16, 17, 19,
Dropped from agenda: 18 20, 21, 22, 23, 24, 25, 26,
(Dunlap/Mensinger, unan.; Lang absent) 27, 28

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATIONS

1. Presentation to Mayor and Councilmembers by Celeste Brown of Head Rest of a new Directory of Youth Activities in Stanislaus County compiled by Head Rest.

ACTION: Celeste Brown presented copies of the directory to the City Council. Head Rest was commended by the Council for its efforts in compiling the directory.

MINUTES

CONSENT

2. Approval of minutes of the February 13, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, the minutes approved.

3/20/78

BIDS

CONSENT

3. Consider approving plans and specifications for modifying traffic signals on Briggsmore at College and at Tully and authorizing a call for bids.
(Memo with agenda. The modification will consist of installing longer signal mast arms over Briggsmore to make signal indications more visible and prepare the intersection for future left turn signals. The project will be 90% federally funded. Resolution approving plans and specifications and authorizing a call for bids to be received on April 18, 1978 at 2:00 p.m. needed. Estimated Cost: \$30,000; funds are budgeted.)

ACTION: Res. 78-278 adopted approving plans and specs. and authorizing call for bids. (P.T. to handle)

CONSENT

4. Consider approving plans and specifications for installing guard rail on Tuolumne Boulevard at the Freeway 99 undercrossing and authorizing a call for bids.
(Memo with agenda. The guard rail will prevent out-of-control motorists from running into bridge pillars and from running over an embankment. The project will be 90% federally funded. Resolution approving plans and specifications and authorizing a call for bids to be received April 11, 1978 at 2:00 p.m. needed. Estimated Cost: \$17,500; funds are budgeted.)

ACTION: Res. 78-279 adopted approving plans and specs. and authorizing call for bids. (P.T. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of waterline extensions in 17th Street and in Sisk Road. (Suggested bid opening: April 4, 1978 at 11:00 a.m. The Sisk Road extension will provide water to the new Ethan Allen Gallery. The 17th Street extension will provide water to the new City Hospital Addition. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$11,090 (\$9,590 Contract; \$1,500 Engineering & Materials); funds are budgeted.)

ACTION: Res. 78-280 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

6. Consider declaring C & C Trailer & Body lowest bidder meeting specifications and authorizing the purchase of one garden refuse packer truck for the total price of \$53,773.22.
(Memo with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-281 adopted authorizing purchase. (Finance to handle)

CONSENT

7. Consider acceptance of Delta Sound and Radio, Inc. contract to install City Hall sound system as complete. (Original contract \$6,971.33) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$7,879.54; funds are budgeted.)

ACTION: Res. 78-283 adopted accepting work as complete. (Finance to handle)

HEARINGS

CONSENT

8. Hearing, McHenry Mansion site acquisition. 4:00 p.m.
(Because the owners of this property did not file a request to be heard within the time required, it is not necessary to hold the hearing.)
(Adoption of Resolution of Necessity needed.)

ACTION: Res. 78-284 adopting Resolution of Necessity. (P.W. to handle)

9. Matters for the good of the community. 4:05 p.m.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

10. Request to amend Ord. 1657-C.S. to correct published Section 7-3-9 map. (Memo with agenda. Motion introducing amendment to Ord. 1657-C.S. needed.)

ACTION: By motion, Ord. 1719-C.S. introduced amending Ord. 1657-C.S. (Clerk to handle)

11. Final adoption of Ord. No. 1714-C.S. rezoning property north of Yosemite on Mariposa Road from R-1 to R-2 and R-3. (Horn Construction)
(Motion adopting needed.)

ACTION: Councilmember Mensinger excused due to conflict of interest.
By motion (Kullijian/Siefkin, unan.; Land and Mensinger absent)
Ord. 1714-C.S. adopted. (Clerk to handle)

CONSENT

12. Final adoption of Ord. No. 1717-C.S. rezoning property on Santa Barbara from C-1 to R-3. (Robert L. Breckenridge)
(Motion adopting needed.)

ACTION: By motion, Ord. 1717 adopted. (Clerk to handle)

NEW BUSINESS

13. Consider approval of an Outstanding Citizen Award program sponsored by the City of Modesto Human Rights Commission.
(Memorandum with agenda. Resolution approving award program needed.)

ACTION: Res. 78-285 adopted (Mensingher/Siefkin, unan.; Lang absent)
(Management Services to handle)

CONSENT

14. Recommend informal public hearing be set to consider Woodland Neighborhood Planning Alternatives.
(See memo with agenda, staff report "Planning Alternatives for Woodland Neighborhood." Resolution setting public hearing April 10, 1978, at 7:40 p.m. needed.)

ACTION: Res. 78-286 adopted setting public hearing. (Clerk to handle)

CONSENT

15. Report of Superintendent of Streets on the cost of installation of curbs and/or sidewalks at the locations listed below.
(Resolution setting 7:35 P.M., April 10, 1978 for hearings needed. Funds are budgeted)

- (a) Curb and sidewalk at 1224 Floyd Avenue, a portion of Block 12930.
(Dale E. Bradley - \$870.00)
- (b) Curb and sidewalk at 336 and 334 W. Granger Avenue, a portion of Block 6129. (Erma Cauthon - \$715.00)
- (c) Sidewalk at 429 El Vista Avenue, lot 16 of Block 2258 (James Clark - \$225.00)
- (d) Curb and sidewalk at 133 Corson Avenue, lot 15 of Block 652. (Terry F. Gulmon - \$838.00)
- (e) Sidewalk at 1621 Teresa Street, lot 11 of Block 6081 (Merle Hart - \$166.00)
- (f) Curb and sidewalk at 1020 Franklin Street, a portion of Block 343 (Buschman and Castillo - \$959.00)
- (g) Sidewalk along Bermuda Way at 600 Bermuda Way, lot 6 of Block 6066. (Leslie L. Keim - \$244.00)
- (h) Sidewalk along Norwegian Avenue, at 1904 Lacienea Drive, a portion of Block 6905 (John C. Lewis - \$758.00)

CONSENT

15. Report of Superintendent of Streets on the cost of installation of curbs and/or sidewalks - Continued.

- (i) Curb and sidewalk at 1236 Floyd Avenue, a portion of Block 12930 (Rowena D. Philips - \$810.00)
- (j) Sidewalk at 500 El Vista Avenue, lot 1 of Block 2256 (John Joseph Ranson - \$248.00)
- (k) Sidewalk at 1628 Teresa Street, lot 24 of Block 6082. (Hazel J. Robertson - \$158.00)
- (l) Curb and sidewalk along Gordon Avenue and Norwegian Avenue, at 1001 Norwegian Avenue, a portion of Block 12904. (Vernon L. Rushing - \$2562.00)
- (m) Sidewalk along El Vista Avenue, and Roble Avenue at 2133 Roble Avenue, lot 10 of Block 2258. (Robert Seward - \$610.00)
- (n) Sidewalk at 1625 Teresa Street, lot 10 of Block 6081 (Virgil L. Trammell - \$188.00)

ACTION: Res. 78-287 adopted setting public hearing on installation of Curbs and/or sidewalks. (Clerk to handle)

CONSENT

16. Set date for public hearing: Approval of Fourth Year Community Development Block Grant Application to HUD.
(On March 14, 1978, the Citizens Housing and Community Development Committee held a public hearing on the proposed application and approved the application. Resolution setting public hearing for March 27, 1978, at 7:55 P.M. needed.)

ACTION: Res. 78-288 adopted setting public hearing. (Clerk to handle)

CONSENT

17. Consider acceptance of improvements in Springcreek No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Vince G. Lancey.)
(Springcreek No. 2 subdivision is located north of Scenic Drive west of Claus Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-289 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

18. Consider request for water service to property outside City limits at 545 Kansas Avenue, located on the north side of Kansas Avenue between 9th Street and Barium Road. Owners: E. D. Thompson and Elaine Thompson, Harvey H. Highiet and Debbe Highiet, Jeffrey Lawrence Highiet, and Barry Highiet and Joanne Highiet.
(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.)

Dropped from agenda.

CONSENT

19. Consider approval of the final map of Sunrise 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 - Security Pacific National Bank.
(The subdivision agreement has been signed and all fees paid. Sunrise No. 2 is located between East Briggsmore Avenue and Norwegian Avenue and west of Sunrise Avenue. It contains 3.658 acres, Resolution approving final map needed.)

ACTION: Res. 78-290 adopted approving final map. (Clerk to handle)

CONSENT

20. Consider leasing City owned house at 626 Brighton Avenue to Alvin C. Wagner.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-291 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider setting hearing to consider Resolution of Necessity to acquire avigation easements adjacent to the Modesto City-County Airport.
(Negotiations to date have not been successful in acquiring FAA required avigation easements. This is first step in condemnation proceedings. Memo with agenda. Resolution setting hearing on April 17, 1978, at 4:05 p.m. needed.)

ACTION: Res. 78-292 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider amendment to lease agreement with Dale C. Miner, Ellen Miner, Ben C. Turner and Joyce Turner. Lease agreement is for King's Bench Restaurant and Lounge.
(Memo with agenda. Resolution authorizing City Manager to execute amendment to lease agreement needed.)

ACTION: Res. 78-293 adopted authorizing City Manager to execute amendment to lease agreement. (P.W. to handle)

CONSENT

23. Consider City of Modesto participation in Captain Hydro Water Conservation Program.
(Staff is recommending participation in the Captain Hydro Water Conservation program for sixth grade students. The program teaches water awareness and conservation education. Memo with agenda. Motion authorizing participation in program needed. Estimated Cost: \$475.00; funds are budgeted.)

ACTION: By motion, authorized participation in program. (P.W. to handle)

CONSENT

24. Consider approval of the final map of Westridge 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: Paul M. Zagaris and Liberty Zagaris.
(The subdivision agreement has been signed and all fees paid. Westridge No. 2 is located north of Woodland Avenue and east of Rosemore Avenue. It contains 16.632 acres. Resolution approving final map needed.)

ACTION: Res. 78-295 adopted approving final map. (Clerk to handle)

CONSENT

25. Consider approval of the final map of Westridge No. 3 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: Paul M. Zagaris and Liberty Zagaris.
(The subdivision agreement has been signed and all fees paid. Westridge No. 3 is located north of Woodland Avenue and west of Rosemore Avenue. It contains 9.794 acres. Resolution approving final map needed.)

ACTION: Res. 78-296 adopted approving final map. (Clerk to handle)

REPORTS

CONSENT

26. Report on request from Dan Onorato, Stanislaus Safe Energy Committee regarding "Sun Day" May 6, 1978, and requesting use of Enslin Park for a faire and Police Department assistance with their "Run for the Sun."

(Memo with agenda, Motion approving recommendations needed.)

ACTION: By motion, recommendation approved. (P.R./Police/Finance to handle)

CONSENT

27. Modesto Youth Commission's request for the City to sponsor two trial Teen Dances.

(Memo with agenda. Motion approving staff recommendation needed.

Estimated Cost: \$770; funds are budgeted.)

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

APPROPRIATION TRANSFERS

CONSENT

28. Consider appropriation transfer in order to pay salaries for part-time employees. (\$1,750 from Account 120-180-101 to Account 235-110-101)

(Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-297 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

29. Legislation.

ACTION: By motion (Sicikin/Dunlap, unan.; Lang absent) AB 2432 supported.

30. Appointments.

None

31. Matters too late for the agenda.

None

Adjourned at 4:20 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MARCH 27, 1978, AT 7:30 P.M.

Roll Call - Present: Dunlap, Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies
Absent: None

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 7, 8, 9, 10,
Dropped from agenda: 22 11, 20, , 23, 24, 25, 26, 27
ACTION: (Dunlap/Lang, Unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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,)

MINUTES

CONSENT

1. Approval of the minutes of the March 20, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from six nurses at Modesto City Hospital and letter from Harlan Robinson, Administrator of Modesto City Hospital, regarding parking.
(Memo with agenda, including letters from Modesto City Hospital and Nurse Lee Michaels. This matter stems from citations issued for parking in spaces for disabled. Minor betterments are suggested pending a decision on the disposition of this property. Motion acknowledging receipt of report needed.)

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

CONSENT

3. Letter from Clarence W. Dunker requesting a four-way stop at Enslin and West Orangeburg.
(Motion referring to staff for report needed.)

ACTION: By motion, letter referred to staff for a report. (P.T. to handle)

CONSENT

4. Letter from W. B. Wetmore, D.V.M., regarding proposed "Spay-Neuter Clinic."
(Motion referring to Council Animal Control Study Committee needed.)

ACTION: By motion, referred to Animal Control Committee. (Management Services to handle)

CONSENT

5. Letters from Modesto Chamber of Commerce requesting that funds be included in the 1978-79 budget for advertising and promotion and for tourism development.
(Motion referring to proper budget session needed.)

ACTION: By motion, requests referred to proper budget session. (Finance to handle)

6. Letter from Horn Construction Co. requesting reconsideration of their application to rezone from R-1 to R-2 property on Clogston Way in Scott Estates.

Councilmember Mensinger excused due to conflict of interest.

ACTION: Res. 78-298 adopted (Elliott/Kullijian, unan.; Mensinger absent) waiving 1-year waiting period for reapplying for rezoning. (Clerk to handle)

CONSENT

7. Letter from David B. Ryan resigning from the Planning Commission, effective March 21, 1978.
(Resolution accepting resignation with regret needed.)

ACTION: Res. 78-299 adopted accepting resignation with regret. (Clerk to handle)

CONSENT

8. Letter from Muir Trail Girl Scout Council requesting use of Moose Park on June 19, 1978, and Beard Brook Park and T. B. Scott Park on June 19-23, 1978 for a day camp.
(Staff recommends approval and will work out details. Motion approving request needed.)

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

BIDS

CONSENT

9. Approve plans and specifications and call for bids for construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road.

(Bid opening April 18, 1978 at 11:00 a.m. This project includes the construction of curb and gutter only with curb depressions at many locations to provide for drainage. Resolution approving plans and specifications and calling for bids needed, Estimated Cost: \$84,975 (Constr. \$81,121; Engr. \$3,854); funds are budgeted.)

ACTION: Res. 78-300 adopted approving plans and specs. (P.W. to handle)

CONSENT

10. Approve plans and specifications and call for bids for construction of Scenic Drive - Rose Avenue intersection.

(Bid opening April 18, 1978 at 11:10 a.m. This project will include the installation of curb and gutter, street paving, street lighting and traffic signals at the intersection of Scenic Drive and Rose Avenue. Total contract Cost \$141,450 (Contract \$124,318; Engr. \$17,132). City share - \$102,617 (Contract \$90,439; Engr. \$12,178). County share \$38,833 (Contract \$33,879; Engr. \$4,954). Resolution approving plans and specifications and calling for bids needed. Funds are budgeted.)

ACTION: Res. 78-301 adopted approving plans and specs. (P.W. to handle)

CONSENT

11. Consider acceptance of American Engineer's contract for construction of waterlines in Carpenter Manor and Randy Park subdivisions.

(Original Contract: \$18,781.00)

(All work on this project has been completed to the satisfaction of the Public Works 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: Contract \$18,233.80 (Main: \$16,518.80; Services: \$1,715.00); funds are budgeted.)

ACTION: Res. 78-302 adopted accepting work as complete. (Clerk to handle)

HEARINGS

12. Hearing, annexation of Palmilla Drive Addition
to Modesto Municipal Sewer District No. 1.

7:30 p.m.

ACTION: Res. 78-303 adopted (Lang/Dunlap, unan.) annexing area to the Sewer District. (Clerk to handle)

3/27/78

13. Hearing: Annexation of California-Panama Drive Addition to Modesto Municipal Sewer District No. 1 7:35 p.m.

ACTION: Res. 78-304 adopted (Dunlap/Mensingler, unan.) annexing area to the Sewer District. (Clerk to handle)

14. Hearing: Annexation of Orangeburg-Fransen Addition to Modesto Municipal Sewer District No. 1 7:40 p.m.

ACTION: Res. 78-305 adopted (Lang/Dunlap, unan.) annexing area to the Sewer District. (Clerk to handle)

15. Hearing: Annexation of Paradise-Rouse Addition to Modesto Municipal Sewer District No. 1 7:45 p.m.

ACTION: Res. 78-306 adopted (Lang/Mensingler, unan.) annexing area to the Sewer District (Clerk to handle)

16. Hearing on amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(180) property located on the north side of East Orangeburg Ave. (Paul Zagaris) 7:50 p.m.

ACTION: By motion, Ord. No. 1720-C.S. adopted rezoning property. (Clerk/Planning to handle)
Res. 78-307 adopted (Dunlap/Siefkin, unan.) approving development plan. (Clerk/Planning to handle)
Res. 78-308 adopted (Dunlap/Siefkin, unan.) certifying environ. assess. (Clerk/Planning to handle)

17. Hearing: Approval of Fourth Year Community Development Block Grant Application to HUD. 7:55 p.m.

ACTION: Res. 78-309 adopted (Kullijian/Lang, unan.) approving application. (Planning to handle)

18. Matters for the good of the community. 8:00 p.m.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

19. Final adoption of Ord. No. 1718-C,S. rezoning from R-1 to R-3 property located on the east side of Coffee Road, north of Sylvan Meadows Drive. (Harrison)
(Motion adopting needed.)

ACTION: By motion (Dunlap/Lang, majority; Siefkin-no) Ord. No. 1718-C.S. adopted. (Clerk to handle)

CONSENT

20. Final adoption of Ord. No. 1719-C.S. amending Ord. No. 1657-C.S., to correct Section 7-3-9 of the Zoning Map.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1719-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

21. Further consideration of request by Bill Hughes to acquire parking at Southern Pacific Depot area.
(Memo with agenda, It is recommended the request be approved for the area requested or for a similar area on the west side of the tracks. Motion directing staff to notify S.P. that request is approved, modified, or denied.)

ACTION: By motion (Elliott/Dunlap, majority, Kullijian-no) staff authorized to work out an arrangement with Bill Hughes on parking on "Lot B", and staff requested to report on what could be done to make these parking lots as safe as possible. (P.T. to handle)

CONSENT

22. Consider request for water service to property outside City limits at 545 Kansas Avenue, located on the north side of Kansas Avenue between 9th Street and Barium Road. Owners: E.D. Thompson and Elaine Thompson, Harvey H. Highiet and Debbe Highiet, Jeffrey Lawrence Highiet, and Barry Highiet and Joanne Highiet.
(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.)

Dropped from agenda.

CONSENT

23. Consider approving agreement with Norman J. Winsor, Lola Jean Winsor, Fritz Hutcheson and Betty L. Hutcheson for the purchase of 5.8¹/₂ acres of land needed for the Northwest McHenry Park site, a proposed project in the 1978-79 C.I.P.
(The Winsors and Hutchesons have agreed to sell the required 5.8¹/₂ acres for \$200,000. This represents a combination of the appraised value of \$156,600 and the cost of improving the parcels with the required subdivision improvements. City will not gain possession of the property until improvements are completed. Grantors have

CONSENT

23. Consider approving agreement with Winsors and Hutchesons for purchase of property for Northwest McHenry Park site. (Continued) one year to complete improvements. In addition the the selling price, the City must pay up to \$2,000 in escrow fees. Resolution approving agreement and resolution amending budget needed. Estimated Cost: \$202,000. Funds are partially budgeted.)

ACTION: Res. 78-310 adopted approving agreement. (P.W. to handle)
Res. 78-311 adopted amending budget (Finance to handle)

CONSENT

24. Consider acceptance of improvements in Sylvan Meadows East No. 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Stone Bros. Real Estate.
(Sylvan Meadows East No. 4 subdivision is located south of Mable Avenue and east of Coffee Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-312 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

25. Consider acceptance of improvements in Sylvan Meadows East No. 5 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Stone Bros. Real Estate.
(Sylvan Meadows East No. 5 subdivision is located on the east side of Coffee Road north of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-313 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

26. Consider approval of the final map of Winsor Tract No. 1 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. Subdividers: Norman J. Winsor and Lola Jean Winsor, Fritz Hutcheson and Betty L. Hutcheson, and Robert A. Keller and Laura E. Keller.
(The subdivision agreement has been signed and all fees paid. Winsor Tract No. 1 is located north of Standiford Avenue and west of Carver Road. It contains 33.780 acres. Resolution approving final map needed.)

ACTION: Res. 78-314 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider request for sewer service to property outside City limits at 1433 Morene Avenue, located on the west side of Morene Avenue north on East Orangeburg. Owners: Wilburn Vernon Weeks (The property owner has 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. 78-315 adopted approving agreement. (P.W. to handle)

REPORTS

28. Report from Council Community Center Architect Selection Committee. (Report to be made at meeting)

ACTION: Res. 78-316 adopted (Siefkin/Dunlap, unan.) approving agreement with architects Hall, Goodhue and Haisley, Monterey. (Com. Cntr. Task Force/ Finance to handle)
Res. 78-317 adopted (Siefkin/Dunlap, unan.) approving appropriation transfer of \$82,500, \$82,00 for architectural fees, and \$500 for the Selection Committee's expenses. (Com. Ctr. Task Force/Finance to handle)

MISCELLANEOUS

29. Legislation
a. Health System Agency Membership:
By motion (Mensingher/Siefkin, unan.) Council supported policy proposal requiring that 1/3 of each Health Systems Agencies Governing Board be allocated to chief local elected officials. (Management Services to handle)

30. Election of Vice Mayor

ACTION: Res. 78-318 (Siefkin/Lang, unan.) adopted electing Clyde Dunlap Vice Mayor for the next year.

31. Appointments

None

32. Matters too late for the agenda
a. Approval of final map for Davidson Estates Suidivision.
ACTION: Res. 78-319 adopted (Lang/Kullijian, unan.) approving final map. (Clerk to handle)

Adjourned at 9:20 p.m.

ATTEST: 
NORRINE COYNE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 3, 1978, AT 4:00 P.M.

Roll Call Present. Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Reverend Louis Dykstra, College Avenue Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 7, 8, 11, 12,
13, 14, 15, 16, 17, 18, 19,
ACTION: (Dunlap/Mensinger, unan.) 20, 21, 23

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of March 27, 1978, regular meeting of the City Council.

(Motion approving needed)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Alice Beamish regarding the Central California Art League's Fine Art Auction on April 13, 1978.

Mrs. Beamish extended an invitation to the City Council to attend the Art League's annual auction. Mayor Davies appointed Councilmembers Dunlap and Mensinger as the Council Committee to select locations in City Hall to hang the paintings given to the City for a permanent art collection. (Manager to handle)

3. Letter from Vera Pack representing a Senior Citizens group regarding Senior Activity Center.

ACTION: A motion to approve the recommendations presented by the City-County Committee to proceed, failed to carry. By motion (Dunlap/Kullijian, unan.) staff directed to study the question of uses of the Lincoln School site, ways City may dispose of the property and the effect on the various budgets. (Attorney/Finance to handle)

CONSENT

4. Letter from Downtown Improvement District Advisory Board requesting permission to hold a sidewalk sale April 12 - 15, 1978. (Motion approving request needed.)

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

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened April 18, 1978, at 2:15 p.m. for furnishing one light utility pickup truck. (The truck is required to replace damaged equipment #30126 assigned to the Service Division and permanently dispatched to the Parks Department. Memo with agenda. Resolution authorizing call for bids needed. Estimated Cost: \$4,700.00; funds are budgeted.)

ACTION: Res. 78-320 adopted authorizing call for bids. (Finance to handle)

6. Consider award of bid for local government radio communications system to General Electric Corporation in the amount of \$66,850.00. (Three bids were received for the radio communications system. Low bid meeting the specifications was received from General Electric Corporation. A bid received from E. F. Johnson Company, while lower than the General Electric bid, did not meet specifications and therefore was rejected for noncompliance. Memorandums with agenda. Resolution awarding contract to the General Electric Corporation needed. Funds are budgeted.)

ACTION: Res. 78-321 adopted (Dunlap/Kullijian, unan.) awarding contract to General Electric Corporation. (Finance to handle)

CONSENT

7. Consider accepting Industrial Electrical Company's contract as complete for modifying the traffic signals on 9th Street at Coldwell/Woodland. (Memo with agenda. There were no change orders. Resolution accepting contract as complete and authorizing City Clerk to file Notice of Completion needed. Final Cost: \$7,880; funds are budgeted.)

ACTION: Res. 78-322 adopted accepting contract as complete. (Clerk to handle)

4/3/78

CONSENT

8. Consider acceptance of L. M. Roberts Construction Company's contract to construct Conant Avenue from Hetch Hetchy right of way to Standiford Avenue as complete. (Original contract \$13,246,35)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Final Cost: \$13,706.35; funds are budgeted. Resolution accepting work as complete needed.)

ACTION: Res. 78-323 adopted accepting work as complete. (Clerk to handle)

HEARINGS

9. Hearing on amendment to Section Map 12-3-8 to rezone from R-1 to R-2 and P-D to permit construction of a 75-unit elderly housing project on south side of Standiford Avenue between Hahn Drive and Conant. (American Development Corp.) 4:05 p.m.

ACTION: Ord. 1721-C.S. adopted (Elliott/Kullijian, unan.) rezoning Section 12-3-8. (Clerk and Planning to handle)

Res. 78-324 adopted (Elliott/Kullijian, unan.) approving development plan. (Clerk and Planning to handle)

Res. 78-325 adopted (Elliott/Kullijian, unan.) certifying environ. assessment. (Clerk and Planning to handle)

10. Matters for the good of the community, 4:10 p.m.
(These may be presented by interested persons in the audience.)

ACTION: In response to a request from George Smith, by motion (Mensingher/Siefkin, unan.) staff was asked to develop wording to revise the ordinance regarding application of the school site tax to houses being built to replace houses that have been destroyed by fire or other disaster. (City Attorney to handle)

ORDINANCES

CONSENT

11. Final adoption of Ord. No. 1720-C.S. rezoning property on East Orangeburg Avenue from R-1 to P-D(180). (Paul Zagaris)
(Motion adopting needed,)

ACTION: By motion, Ord. 1720-C.S. adopted rezoning. (Clerk to handle)

CONSENT

12. Consider speed limits on 20 streets for radar enforcement. (Memo with agenda. Speed surveys that expire in 1978 must be updated to continue the use of radar for speed limit enforcement. Introduction of an ordinance amending Section 3-2,1401.1 of the Municipal Code needed. Estimated Cost: \$100; funds are budgeted.)

ACTION: By motion, Ord. No. 1722-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

13. Consider agreement with Francisco Bautista and Kathleen S. Bautista for the purchase of 0.061 acres of right of way needed for the Prescott - Briggsmore to Peach Project.
(Mr. and Mrs. Bautista have agreed to sell the required right of way for the appraised value of \$2,250.00 and the right to salvage any landscaping, sprinklers or fencing in the right of way. This last item will save the City money since we won't have to pay to have the items removed. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-326 adopted approving agreement. (P.W. to handle)

CONSENT

14. Consider setting hearing regarding amendments to Conflict of Interest Codes for the Parks and Recreation Department and Public Works Department.
(The addition of the Administrative Analyst and Landscape Designer positions in the Parks & Recreation Department, and the Administrative Analyst and Assistant Property Agent positions in the Public Works Department make it necessary to amend the existing Conflict of Interest Codes for these departments. Resolution setting hearing at 4:10 p.m., April 17, 1978 needed.)

ACTION: Res. 78-327 adopted setting hearing. (Clerk to handle)

CONSENT

15. Recommend to Council an amendment to Section 30-3-9 of the Zoning Map - Carpenter-Reno Group,
(On March 21, 1978, the Planning Commission adopted Resolution No. 78-46 recommending to the Council an amendment to Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(182) to allow a mixture of industrial uses, property located between Carpenter Road and Reno Avenue, north of Kansas Avenue. Resolution setting public hearing April 24, 1978, at 7:30 p.m. needed.)

ACTION: Res. 78-328 adopted setting public hearing. (Clerk to handle)

CONSENT

16. Recommend to Council an amendment to Section 20-3-9 of the Zoning Map - Land Bank Financial Services.
(On March 21, 1978 the Planning Commission adopted Resolution No. 78-44 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of West Roseburg Avenue, east of Tully Road. Resolution setting public hearing April 24, 1978, at 7:35 p.m. needed.)

ACTION: Res. 78-329 adopted setting public hearing. (Clerk to handle)

CONSENT

17. Vacation and abandonment of realigned portion of Dale Road south of Standiford Avenue (C, J. Rumble and Sons, Inc.)
(On March 16, 1977, the Council considered the vacation and abandonment of the realigned portion of Dale Road as recommended by Planning Commission Res. No. 77-34, adopted of February 15, 1977. By motion, the Council declared its intention to abandon the right of way but withheld final action until arrangements were made for P. G. & E. gas lines. A letter has now been received from P. G. & E. consenting to abandonment. A summary abandonment would be in order. Resolution vacating and abandoning superseded right of way needed.)

ACTION: Res. 1367-S.P. adopted vacating and abandoning superseded right of way. (P.W. to handle)

CONSENT

18. Consider acceptance of improvements in Continental Plaza subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods.
(Continental Plaza subdivision is located on the south side of Union Avenue, west of McHenry Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-330 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

19. Consider approving agreement with Mark H. McFadden and Victoria E. McFadden for the lease of property being held for future Dry Creek Park.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-331 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider supplemental application for 1977-78 Local Transportation Fund money for non-motorized projects.
(It is proposed to submit a claim for \$4,000 of non-motorized money for painting of bike lanes. Resolution approving submission of supplemental claim needed.)

ACTION: Res. 78-332 adopted approving submission of supplemental claim. (Finance to handle)

CONSENT

21. Consider agreement with Robert Ford, M.A.I. for the valuation of properties located within the blocks involved in the proposed Community Center.
(Mr. Ford will provide the City with estimates of value required for the Bond election for the proposed Community Center. This estimate will be in sufficient detail and depth to value the properties but will not be appraisals of the properties. This first part of the agreement will cost \$9,500.00. The agreement also calls for Mr. Ford to do appraisals after the Bond election if needed for an additional \$4,000.00. Resolution approving agreement needed. Estimated Cost: \$9,500 - Phase I; \$4,000 - Phase II - Total \$13,500; funds are budgeted.)

ACTION: Res. 78-333 adopted approving agreement. (P.W. to handle)

REPORTS

22. Report on final Master Plan - Muncy Park.
(Approval of final Master Plan for Muncy Park for commencement of development. Motion approving final Master Plan for Muncy Park needed.)

ACTION: By motion (Elliott/Dunlap, unan.) Master Plan for Muncy Park approved. (P.R. to handle)

CONSENT

23. Land Use in the Modesto Urban Area: 1976.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

24. Report and recommendation on request for a four-way stop at Orangeburg and Enslin.
(Memo with agenda. Four-way stop not recommended. Motion approving recommendation needed.)

ACTION: By motion (Lang/Kullijian, unan.) recommendation approved.

MISCELLANEOUS

25. Legislation

ACTION: By motion (Elliott/Lang, unan.) AB 2757 opposed.
By motion (Kullijian/Elliott, unan.) SB1011 and AB2483 supported.

26. Appointments

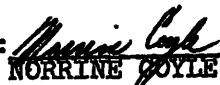
(Management Services to handle)

None

27. Matters too late for the agenda

None

Adjourned at 6:15 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 10, 1978, AT 7:30 P.M.

Roll Call Present: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Elliott

Pledge of allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9,
Removed from Consent: 10, 20, 30, 31 11, 12, 13, 14, 19, 21, 22,
23, 25, 26, 27, 28, 29,
ACTION: (Dunlap/Lang, unan., Elliott
absent) 32, 33, 34

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the April 3, 1978, meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from V. A. Beach.

ACTION: Mr. Beach asked that a reinvestigation be made of the situation in which he and his wife were arrested on November 8, 1976. No action taken.

CONSENT

3. Letter from Granada Park Homeowners Association regarding connection of El Pasado Drive and Penny Lane.
(Motion referring to Planning Commission for recommendation needed.)

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

CONSENT

4. Request by Attorney David G. Dunford for permission to file late claims on behalf of June Rogers and Patricia Marie Bodenhamer.
(Resolution rejecting request to file late claims needed.)

ACTION: Res. 78-334 adopted rejecting late claim. (Clerk to handle)

CONSENT

5. Letter from Bright Development appealing a decision of the Planning Commission regarding rezoning property between Standiford and Veneman to P-D for a 400-unit apartment complex.
(Resolution setting hearing May 8, 1978, at 7:30 p.m. needed.)

ACTION: Res. 78-335 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for remodeling lift station in Thousand Oaks Park and authorize an appropriation transfer.
(Suggested bid opening: May 9, 1978 at 11:00 a.m. This project will replace pumps, add odor control, paint and do miscellaneous modifications. An appropriation transfer is needed. Memo with agenda. A resolution approving plans and specifications and call for bids needed, and a resolution approving the appropriation transfer needed. Estimated cost: \$105,000 (\$96,000 Contract; \$9,000 Engineering); funds partially budgeted.)

ACTION: Res. 78-336 adopted approving plans and specs and calling for bids. (P.W. to handle)

Res 78-337 adopted approving appropriation transfer. (Finance to handle)

CONSENT

7. Consider declaring the American Rubber Company lowest bidder meeting specifications and authorizing the purchase of double-jacket fire hose for the total price of \$10,240.13.
(Memorandum with agenda. Resolution awarding bid needed. Funds are budgeted.)

ACTION: Res. 78-336 adopted awarding bid. (Finance to handle)

CONSENT

8. Consider award of contract for construction of T-Hangar "R" at the City-County Airport.
(Bids were opened March 21, 1978. The low bid of \$125,638, submitted by Tri County Builders, Inc. is 1% below the engineer's estimate and is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Tri County Builders, Inc. needed. Funds are budgeted.)

ACTION: Res. 78-339 adopted accepting bid and awarding contract.
(P.W. to handle)

CONSENT

9. Consider rejecting bid for the construction of Woodrow Park masonry wall.
(Bids were opened March 28, 1978. Only one bid was received, which was from William M. Mineni and was 91% above the engineer's estimate. After review of bids, it is felt that modifications should be made to the design and the project readvertised. Memo with agenda. Resolution rejecting bid needed.)

ACTION: Res. 78-340 adopted rejecting bid. (P.W. to handle)

10. Consider rejecting all bids for construction of Fire Station #6.
(Bids were opened on March 21, 1978. The low bid, submitted by C. S. Plumb Co., for \$364,700 is in excess of the funds budgeted. It is recommended that the bids be rejected and that the project be readvertised after modifications are made. Memo with agenda. Resolution rejecting all bids needed.)

ACTION: Res. 78-341 adopted (Lang/Kullijian, unan., Elliott absent) rejecting bids. (P.W. to handle)

CONSENT

11. Consider awarding contract for repairs and improvements at the 12th and I parking lot.
(Memo with agenda. Elrich Construction submitted the low bid of \$12,888, which is 14% lower than the estimate. Resolution awarding contract to Elrich Construction needed. Estimated Cost, including engineering \$13,500; funds are budgeted.)

ACTION: Res. 78-342 adopted awarding contract. (P.T. to handle)

CONSENT

12. Consider award of contract for construction of waterline extensions in 17th Street and Sisk Road.
(Bids were opened April 4, 1978. The low bid of \$9,790, submitted by Joe Martin is 2% above the engineer's estimate and is considered acceptable. It is therefore recommended that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 78-343 adopted accepting bid and awarding contract. (P.W. to handle)

CONSENT

13. Consider authorizing the purchase of office furniture from Office Industrial Furnishers for the total price of \$1,517.14. Consider authorizing the purchase of office furniture from L. M. Morris for the total price of \$20,232.22.
(Memorandum with agenda. Resolution awarding Groups O & S to Office Industrial Furnishers needed, and resolution awarding Groups A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, & R to L. M. Morris needed. Estimated Cost: Total all funds \$21,749.36; funds are budgeted.)

ACTION: Res. 78-344 adopted, Groups O & S to Office Industrial Furnishers. (Finance to handle)
Res. 78-345 adopted, Groups A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, & R to L. M. Morris. (Finance to handle)

CONSENT

14. Consider acceptance of Chas. I. Cunningham Company's contract for construction of site improvements of Pump Station B-9 as complete. (Original contract \$23,000.00)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$23,000.00; funds are budgeted.)

ACTION: Res. 78-346 adopted accepting work as complete. (Clerk to handle)

HEARINGS

15. Hearing - Abandon alley, Block 1073- Chehalem to Coffee 7:30 p.m.

ACTION: Res. 1368-S.P. adopted (Dunlap/Kullijian, unan., Elliott absent) abandoning alley. (Clerk to handle)

16. Hearings on cost of construction of curb, gutter and/or sidewalks at the following locations:

7:35 p.m.

- (a) Curb and sidewalk at 1224 Floyd Avenue, a portion of Block 12930.
(Dale E. Bradley - \$870.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-347 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (b) Curb and sidewalk at 336 and 334 W. Granger Avenue, a portion of Block 6129. (Erma Cauthon - \$715.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-348 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (c) Sidewalk at 429 El Vista Avenue, lot 16 of Block 2258 (James Clark - \$225.00)

Paid - Dropped from Agenda

- (d) Curb and sidewalk at 133 Corson Avenue, lot 15 of Block 652.
(Terry F. Gulmon - \$838.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-349 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (e) Sidewalk at 1621 Teresa Street, lot 11 of Block 6081 (Merle Hart - \$166.00)

Paid - Dropped from Agenda

- (f) Curb and sidewalk at 1020 Franklin Street, a portion of Block 343
(Buschman and Castillo - \$959.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-350 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (g) Sidewalk along Bermuda Way at 600 Bermuda Way, lot 6 of Block 6066.
(Leslie L. Keim - \$244.00)
(Staff recommends payment over a period of 4-years)

Paid - Dropped from Agenda

- (h) Sidewalk along Norwegian Avenue, at 1904 La Cienega Drive, a portion of Block 6905 (John C. Lewis - \$758.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-351 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (i) Curb and sidewalk at 1236 Floyd Avenue, a portion of Block 12930
(Rowena D. Philips - \$810.00)

ACTION: Res. 78-352 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (j) Sidewalk at 500 El Vista Avenue, lot 1 of Block 2256 (John Joseph Ranson - \$248.00)

Paid - Dropped from Agenda

- (k) Sidewalk at 1628 Teresa Street, lot 24 of Block 6082. (Hazel J. Robertson - \$158.00)
(Staff recommends payment over a period of 3-years)

ACTION: Res. 78-353 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (l) Curb and sidewalk along Gordon Avenue and Norwegian Avenue, at 1001 Norwegian Avenue, a portion of Block 12904. (Vernon L. Rushing - \$2562.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-354 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (m) Sidewalk along El Vista Avenue, and Roble Avenue at 2133 Roble Avenue, lot 10 of Block 2258. (Robert Seward - \$610.00)
(Staff recommends payment over a period of 10-years)

ACTION: Res. 78-355 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

- (n) Sidewalk at 1625 Teresa Street, lot 10 of Block 6081 (Virgil L. Trammell - \$188.00)
(Staff recommends payment over a period of 3-years)

ACTION: Res. 78-356 adopted (Lang/Siefkin, unan., Elliott absent)
(Clerk to handle)

17, Informal hearing to consider Woodland Neighborhood Planning Alternatives.

7:40 p.m.

ACTION: By motion (Kullijian/Dunlap, unan., Elliott absent) upholding Planning Commission recommendation and that a development plan be prepared for the neighborhood. (Planning to handle)

18, Matters for the good of the community.

7:45 p.m.

(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

19, Final adoption of the following:

- a. Ord. No. 1721-C.S. rezoning from R-1 to R-2 and P-D(181) property on Standiford Avenue between Conant Avenue and Hahn Drive (American Development Corp.)

ACTION: By motion, Ord. No. 1721-C.S. adopted. (Clerk to handle)

b. Ord. No. 1722-C.S. relating to speed limits.

ACTION: By motion, Ord. No. 1722-C.S. adopted. (Clerk to handle)
(Motion adopting needed.)

UNFINISHED BUSINESS

20. Set date for informal public hearing to consider adoption of Bingo Ordinance.

(Memorandum and proposed Ordinance with agenda. Resolution setting informal public hearing at 4:15 p.m. on April 17, 1978 needed.)

ACTION: Res. 78-357 adopted (Lang/Mensing, majority, Dunlap-no, Elliott absent) setting hearing on April 17, 1978 at 4:15 p.m. (Clerk to handle)

CONSENT

21. Consider approving agreement with Edward G. Wylie and Virginia Lee Wylie for the purchase of .326± acres of right of way needed for the Oakdale/Scenic to Briggsmore project. This is one of two parcels required for the project. The other parcel is not acquired yet. (The Wylies have agreed to settle for the appraised value of \$11,360, Resolution approving agreement needed, Funds are budgeted,)

ACTION: Res. 78-358 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider request for sewer service to property outside City limits at 2336 Morningside Drive, located on the south side of Morningside Drive between Patty Way and Randy Avenue, Owners: Robert G. Prather and Patricia S, Prather, (The property owners have signed an agreement to annex when requested to do so by the 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. 78-359 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider request for sewer service to property outside City limits at 1432 Lorry Avenue, located on the east side of Lorry Avenue, south of East Coolidge Avenue. Owners: W. R. Hensley and Susie M, Hensley. (The property owners have signed an agreement to annex when requested to do so by the 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. 78-360 adopted approving agreement. (P.W. to handle)

CONSENT

25. Permission to set up a reviewing stand for El Concilio for Cinco de Mayo on Saturday, May 6, 1978, and permission to approve their request to have a street sweeper following the horse entries in the parade. (Memo with agenda. Resolution approving request needed,)

ACTION: Res. 78-361 adopted approving request. (P.R. to handle)

CONSENT

26. Agreement between Sylvan School District and the City of Modesto for the use of the Somerset Junior High School Multipurpose Facility, (Memo with agenda. Resolution approving agreement needed,)

ACTION: Res. 78-362 adopted approving agreement. (P.R. to handle)

CONSENT

27. Consider acceptance of improvements in Grand Prix Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods and accept one bond for remaining improvements. (Developer: Grand Prix Group)
(Grand Prix Estates subdivision is located on the west side of Coffee Road north of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department or bonded for satisfactory completion, and fees have been paid. Copy of Letter of Agreement with agenda. Resolution accepting improvements and approving Letter of Agreement and bond to cover possible improvement failures needed.)

ACTION: Res. 78-363 adopted accepting improvements. (Clerk to handle)

CONSENT

28. Consider approval of the final map of Lincoln Square No. 7 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, (Subdividers: Bomberger Brothers, Inc.)
(The subdivision agreement has been signed and all fees paid. Lincoln Square No. 7 is located east of Lincoln Avenue and north of Yosemite Boulevard. It contains 21,138 acres. Resolution approving final map needed.)

ACTION: Res. 78-364 adopted approving final map. (Clerk to handle)

CONSENT

29. Consider approval of the final map of Laurel 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, (Subdividers: Rule Development)
(The subdivision agreement has been signed and all fees paid, Laurel Meadows is located at the southwestern corner of Coffee Road and Rumble Road. It contains 4,700 acres. Resolution approving final map needed.)

ACTION: Res. 78-365 adopted approving final map. (Clerk to handle)

30. Consider approving two safety projects for federal aid under Safer Off-Systems Roads Program.
(Memo with agenda. The projects recommended are (1) replace inadequate guard rail on Neece Drive, and (2) install traffic signals at College and Bowen. They will cost \$84,000 of which \$14,280 (17%) will be a City expense. Motion approving projects for federal aid needed. Funds will be budgeted later.)

ACTION: By motion (Kullijian/Dunlap, unan., Elliott absent) projects approved. (P.T. to handle)

31. Set date for informal public hearing on Public Project Committee recommendations regarding Alternative Futures. (Report with agenda, Resolution setting date for informal public hearing at 7:30 p.m., April 20, 1978 needed.)

ACTION: Res. 78-366 (Lang/Kullijian, unan., Elliott absent) setting hearing for Tuesday, May 16, 1978, at 7:30 p.m. (Clerk to handle)

CONSENT

32. Recommend to Council an amendment to Section 2-3-8 of the Zoning Map - Venequity Corporation. (On March 21, 1978, the Planning Commission adopted Resolution 78-45 recommending to the Council an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Pelandale Avenue, west of Dale Road. Resolution setting public hearing for 7:35 p.m. on May 8, 1978 needed,)

ACTION: Res. 78-367 adopted setting public hearing for 7:35 p.m., May 8, 1978; (Clerk to handle)

CONSENT

33. Consider authorizing City Manager to sign a letter agreement with the Modesto Bee to print and publish the official advertising for the City for a one year period ending June 30, 1979. (Memorandum with agenda. Resolution authorizing City Manager to sign agreement with the Modesto Bee needed. Estimated Cost: \$11,500.00; funds are budgeted.)

ACTION: Res. 78-363 adopted authorizing City Manager to sign agreement with the Modesto Bee. (Manager to handle)

REPORTS

CONSENT

34. Presentation of Financial Statement for March 1978. (Copies of report with agenda. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

35. Legislation

ACTION: By motion (Lang/Mensing, unan., Elliott absent) SB 1664 supported.
By motion (Dunlap/Siefkin, unan., Elliott absent) AB 2659 opposed.
By motion (Lang/Mensing, unan., Elliott absent) AB 2744 opposed.
(Management Services to handle)

36. Appointments

ACTION: Res. 78-369 adopted (Kullijian/Mensing, unan., Elliott absent)
appointing Virginia Bailey to Neighborhood Advisory Committee
#2 (Clerk to handle)

37. Matters too late for the agenda.

None

Adjourned at 9:00 p.m. to executive session to consider property acquisition
with the announcement that the Council would not return to open session.

ATTEST:


NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 17, 1978, AT 4:00 P.M.

Roll Call Present: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Elliott

Pledge of allegiance to the Flag

Invocation: Reverend Michael Kelly - Our Lady of Fatima Catholic Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 9, 10,
12, 16, 17, 18, 19, 20, 21, 22,
23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 35

ACTION: (Dunlap/Kullijian, unan., Elliott
absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the April 10, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from the Stanislaus County Fourth of July Committee requesting that Graceada and Enslin Parks and Del Webb Field be reserved, streets adjacent to the parks be closed to traffic, chemical toilets be moved into the park area, and the payment of the \$2,000 budgeted for Fourth of July activities.

ACTION: By motion (Dunlap/Kullijian, unan., Elliott absent) request approved in principle. (P. & R./Police/Fire/Finance to handle)

4/17/78

BIDS

CONSENT

3. Consider approval of specifications and authorize call for bids to be opened May 2, 1978, at 2:00 p.m. for furnishing annual requirements for traffic line paint from July 1, 1978, to June 30, 1979. (Paint used by Parking and Traffic Department for marking traffic lanes, crossings, and curb surfaces. Paint will be bought intermittently throughout Fiscal Year 1978-79. Resolution authorizing call for bids needed. Estimated Cost: \$31,300.)

ACTION: Res. 78-370 adopted authorizing call for bids. (Finance to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for the installation of playground equipment at Revard Park. (Suggested bid opening date: May 9, 1978 at 11:05 a.m. This project will provide for the installation of playground equipment as a furtherance of the implementation of the Revard Park master plan as approved by the City Council. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$27,780 Const.; \$1,263 Engr.; \$29,043 Total; funds are budgeted.)

ACTION: Res. 78-371 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

5. Consider rejection of bids and authorize new call for bids to be opened May 9, 1978, at 2:00 p.m. for furnishing one (1) fire rescue truck. (Memorandum with agenda. Resolution rejecting bids and authorizing new call for bids needed. Estimated Cost: \$18,000; funds are budgeted.)

ACTION: Res. 78-372 adopted rejecting bids and authorizing new call for bids. (Finance to handle)

CONSENT

6. Consider acceptance of J. L. Pryor Construction Company's contract to expand Airport Terminal parking facilities as complete. (Original contract \$11,911.05) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$11,939.90; funds are budgeted.)

ACTION: Res. 78-373 adopted accepting work as complete. (Clerk to handle)

CONSENT

7. Consider acceptance of William Mineni's contract for construction of Pump Station No. 16 relocation. (Original contract \$63,000) (All work on this project has been completed to the satisfaction of the Public Works 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: \$63,000; funds are budgeted.)

ACTION: Res. 78-374 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Joe Martin's contract for construction of waterlines in Tierra Plaza. (Original contract. \$17,892) (All work on this project has been completed to the satisfaction of the Public Works 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. \$17,942.47; funds are budgeted.)

ACTION: Res. 78-375 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Western Pipeline's contract for construction of waterlines in Bloomfield No. 2. (Original contract: \$42,129.60) (All work on this project has been completed to the satisfaction of the Public Works 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: \$40,338.72 Contract; \$36,838.72 Main; \$3,500.00 Services; funds are budgeted.)

ACTION: Res. 78-376 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of Alcal Roofing and Insulation's contract to do the reroofing of Maddux Youth Center as complete. (Original Contract \$5,966.00) (All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$5,966.00; funds are budgeted.)

ACTION: Res. 78-377 adopted accepting work as complete. (Clerk to handle)

4/17/78

HEARINGS

11. Hearing - Annex Rosemore-Woodland No. 2 to Modesto
Municipal Sewer District No. 1, 4:00 p.m.

ACTION: Res. 78-378 adopted (Dunlap/Siefkin, unan.; Elliott absent) annexing
Rosemore-Woodland No. 2 to Sewer District No. 1. (Clerk to handle)

CONSENT

12. Consider Resolution of Necessity to acquire
aviation easements adjacent to the Modesto
City-County Airport. (Modesto Fruit Exchange,
Eugene Boone, et al, Leland Milton, Inc,) 4:05 p.m.

ACTION: Res. 78-379 adopting Resolution of Necessity (Modesto Fruit Exchange)
Res. 78-380 adopting Resolution of Necessity (Eugene Boone, et al.)
Res. 78-381 adopting Resolution of Necessity (Leland Milton, Inc.)
(P.W. to handle all three)

13. Amendment of Conflict of Interest Codes for
Parks and Recreation Department and Public
Works Department. 4:10 p.m.

ACTION: Res. 78-382 adopted (Mensing/Dunlap, unan.; Elliott absent) amending
Code for Parks and Recreation Department. (Clerk to handle)

Res. 78-383 adopted (Mensing/Dunlap, unan.; Elliott absent) amending
Code for Public Works Department. (Clerk to handle)

14. Proposed Bingo Ordinance 4:15 p.m.

ACTION: By motion (Mensing/Siefkin, unan., Elliott absent) this matter was
referred to staff to check on the provisions of the County's Bingo
Ordinance and what the feelings are of the Police Dept. staff con-
cerning the County's Ordinance and the City's proposed Ordinance.
(Atty/Police to handle)

15. Matters for the good of the community. 4:20 p.m.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

16. Consider approval of agreement with John Paoluccio Consulting Engineers for preparation of plans and specifications for air conditioning systems at the Senior Citizens Building, 211 Bodem.
(On March 3, 1978 a staff committee consisting of Public Works personnel met to recommend a mechanical engineer to prepare plans and specifications for air conditioning systems at the Senior Citizens Building. Since John Paoluccio Consulting Engineers performed the air conditioning study for the Senior Citizens Building in October, 1976 and is most familiar with the building and its needs and since time is of the essence for this project, the staff recommends the City approve an agreement with John Paoluccio Consulting Engineers. Resolution approving agreement and authorizing the City Manager to sign needed. Estimated cost: \$6,300; funds are budgeted.)

ACTION: Res. 78-384 adopted approving agreement. (P.W. to handle)

CONSENT

17. Consider agreement with Paul H. Balsbaugh and Blanche I. Balsbaugh for the purchase of 0.272¹ acres of right of way needed for the Standiford-Tully to 300' west of Carver project.
(Mr. and Mrs. Balsbaugh have agreed to sell the required right of way for the appraised value of \$16,800 and the right to salvage any landscaping in the right of way. This last item will save the City money since we won't have to pay to have the items removed. Resolution approving agreement. Estimated Cost: \$16,800; \$400 Escrow Fees; \$17,200 Total; funds are budgeted.)

ACTION: Res. 78-385 adopted approving agreement. (P.W. to handle)

CONSENT

18. Consider the following:
1. Withdrawing Pelandale No. 1 Addition from the Salida Fire District.
ACTION: Res. 78-386 adopted withdrawing from Fire District. (Clerk to handle)
2. Withdrawing Yellowstone-Temperate Addition from the Woodland Fire District.
ACTION: Res. 78-387 adopted withdrawing from Fire District. (Clerk to handle)

(These additions were annexed to the City of Modesto effective March 29, 1978. Resolution withdrawing Pelandale No. 1 Addition from the Salida Fire District needed and resolution withdrawing Yellowstone-Temperate Addition from the Woodland Fire District needed.)

CONSENT

19. Consider determining that the public interest and convenience require that the following additions be annexed to Modesto Municipal Sewer District No. 1:

1. Pelandale No. 1 Addition

ACTION: Res. 78-388 adopted annexing to Sewer District. (Clerk to handle)

2. Yellowstone-Temperate Addition

ACTION: Res. 78-389 adopted annexing to Sewer District. (Clerk to handle)
(These additions were annexed to the City of Modesto effective March 29, 1978. Resolution setting May 22, 1978 at 7:30 p.m. for public hearing for Pelandale No. 1 Addition, and resolution setting May 22, 1978 at 7:35 p.m. for public hearing for Yellowstone-Temperate Addition needed.)
(Five affirmative votes needed.)

CONSENT

20. Consider approval of Water Conservation Program and adoption of resolution restricting landscape watering between 4:00 p.m. and 8:00 p.m. Monday through Saturday, the months of June through September, 1978.

(Modesto's entire supply of domestic water is from 45 deep well pumping stations. The groundwater is being drawn at a rate faster than it is being replenished. A water conservation program is necessary to ensure wise usage of our water supply. Memo with agenda. Motion approving Water Conservation Program, resolution approving appropriation transfer and resolution restricting landscape watering needed. Estimated Cost: \$4,236; funds are budgeted.)

ACTION: By motion, water conservation program approved. (P.W. to handle)
Res. 78-390 adopted approving appropriation transfer. (Finance to handle)
Res. 78-391 adopted restricting landscape watering. (P.W. to handle)

CONSENT

21. Set date for public hearing to consider annexation of inhabited territory (Sherwood Forest No. 2 Annexation).

(This annexation was approved by LAFCO on March 29, 1978. Resolution setting date for public hearing May 22, 1978 at 7:40 p.m. needed.)

ACTION: Res. 78-392 adopted setting date for public hearing. (Clerk to handle)

CONSENT

22. Set date for public hearing to consider annexation of uninhabited territory (Veneman No. 2 Annexation).

(This annexation was approved by LAFCO on March 29, 1978. Resolution setting date for public hearing May 22, 1978 at 7:45 p.m. needed.)

ACTION: Res. 78-393 adopted setting date for public hearing. (Clerk to handle)

CONSENT

23. Consider approving agreement granting revocable license for an access opening to Burchell Court from Foster Farms Jersey Dairy located at 1707 McHenry Avenue.
(Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-394 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider setting hearings to consider Resolutions of Necessity to acquire right of way for the Standiford - Tully to 300' west of Carver project.
(Memo with agenda. Negotiations to date have not been successful in acquiring the last 3 out of 6 parcels of right of way needed for this project. This is first step in condemnation proceedings. Three resolutions setting hearings on May 8, 1978 at 7:40 p.m. needed.)

ACTION: Res. 78-395 adopted setting hearing. (Alvin G. Wallis) (Clerk to handle)
Res. 78-396 adopted setting hearing. (Victor R. Wright) (Clerk to handle)
Res. 78-397 adopted setting hearing. (Glen E. Dorrity) (Clerk to handle)

CONSENT

25. Consider request for water service to property outside City limits at 519 Kansas Avenue, located on the north side of Kansas Avenue between Barium Road and Franklin Street. Owner: Clyda M. Ramos
(The property owner has signed an agreement to annex when requested to do so by the 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. 78-398 adopted approving agreement. (P.W. to handle)

CONSENT

26. Consider approval to make power application to Turlock Irrigation District for electrical service to additional aerators at the wastewater ponds.
(Recommend authorization to issue Purchase Order to T.I.D. and grant right of way for electrical service. Memo with agenda. Resolution authorizing issuance of Purchase Order needed and rescution approving agreement needed. Estimated Cost: \$19,600; funds are budgeted.)

ACTION: Res. 78-399 adopted authorizing issuance of purchase order. (Finance to handle)
Res. 78-400 adopted approving agreement and authorizing Mayor to sign Easement Deed. (P.W. to handle)

CONSENT

27. Consider an agreement with Stone and Youngberg, Municipal Financing Consultants, Inc., to provide financial consulting services to the City in connection with the Community Center bond measure. (Memo with agenda. Resolution approving agreement and resolution approving appropriation transfer to provide funds to cover consultant fees for pre-election services needed. Estimated Cost: \$1,500.)

ACTION: Res. 78-401 adopted approving agreement. (Finance to handle)
Res. 78-402 adopted approving appropriation transfer. (Finance to handle)

CONSENT

28. Consider an agreement relocating one of the City's water and sewer utility pay stations. (The proposed pay station is located at the Save Mart store, 1612 Crowslanding Road. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-403 adopted approving agreement. (Finance to handle)

CONSENT

29. Consider a resolution revising the Position Classification Plan for the City of Modesto. Consider a resolution amending Exhibit "F" of resolution entitled "A Resolution Establishing Salary Schedules and Fixing Compensation for Positions in the City Service." (Memorandum with agenda. Adoption of two resolutions needed. No additional cost this fiscal year. Increase of \$2,900 in fiscal year 1978-79.)

ACTION: Res. 78-404 adopted revising plan. (Management Services to handle)
Res. 78-405 adopted amending Exhibit "F". (Mgmt. Services to handle)

CONSENT

30. Consider revised class specification for Fire Fighter. (Memo with agenda. Resolution adopting new job specification needed.)

ACTION: Res. 78-406 adopting new job specifications. (Mgmt. Services to handle)

CONSENT

31. Consider acceptance of improvements in Woodglen Park No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdivider: Joaquin Construction Co. and Norman J. Winsor and Lola Jean Winsor. (Woodglen Park No. 2 subdivision is located west of Dale Road north of the Hahn development. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-407 adopted accepting improvements as complete. (Clerk to handle)

NEW BUSINESS

CONSENT

32. Consider acceptance of improvements in College Terrace Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Subdividers: Norman J. Winsor and Lola Jean Winsor and Fritz Hutcheson and Betty L. Hutcheson.
(College Terrace Estates subdivision is located at the southwest corner of College Avenue and Bowen Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-408 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

33. Set date for informal public hearing, Noise Report.
(Memo with agenda. Resolution setting informal public hearing on April 24, 1978 at 7:45 p.m., needed.)

ACTION: Res. 78-409 adopted setting informal public hearing. (Clerk to handle)

CONSENT

34. Consider approval of the final map of Country Classic 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. Subdividers - Allen R. Grant and Carolyn M. Grant.
(The subdivision agreement has been signed and all fees paid. Country Classic No. 2 is located south of Pelandale Avenue and west of Dale Road. It contains 19.821 acres. Resolution approving final map needed.)

ACTION: Res. 78-410 adopted approving final map. (Clerk to handle)

CONSENT

35. Set date for informal public hearing, recommendations of Downtown Renaissance Committee.
(The Downtown Renaissance Committee recommendations, dated April 13, 1978, are attached and urge City implementation of tax increment financing, Council designation of itself as a redevelopment agency, redevelopment attorney, and the active involvement of merchants and property owners in the downtown. Resolution setting date for informal public hearing at 7:40 p.m. on April 24, 1978 needed.)

ACTION: Res. 78-411 adopted setting date for informal public hearing. (Clerk to handle)

MISCELLANEOUS

36. Legislation

None

37. Appointments

None

38. Matters too late for the agenda.

None

Adjourned at 4:30 p.m.

ATTEST:


NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, APRIL 24, 1978, AT 7:30 P.M.

Roll Call Present: Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

Absent: Dunlap

Pledge of allegiance to the Flag

Invocation: Linda Gomez, Spiritual Assembly of the Bahais

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
Removed from consent: 35 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 25, 26, 27, 28, 29,
ACTION: (Lang/Mensinger, unan. Dunlap absent) 30, 31, 32, 33, 34

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the April 17, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Ed Boyle requesting Police assistance during the First Annual California Relays "Mo-Town Jog" on Saturday, May 20, 1978.
(Motion approving request and Police Chief's recommendation needed.)

ACTION: By motion, request and Police Chief's recommendation approved.
(Police to handle)

CONSENT

3. Letter from Richard Mowry, Executive Director of Head Rest, requesting that \$20,000 be included in the City's 1978-79 budget for the Youth Service Bureau.
(Motion referring to proper budget session needed.)

ACTION: By motion request referred to proper budget session. (Finance)

CONSENT

4. Letter from Saint Stanislaus Church requesting bus transportation on Sundays.
(Extended hours and service on Sundays are scheduled to start when the new buses on order arrive. They are due to arrive the end of this calendar year or early next year. (See memo from Director of Parking and Traffic dated 4-17-78, "Extended Hours of Bus Service.") Motion acknowledging receipt of letter needed.)

ACTION: By motion, receipt of letter acknowledged.

CONSENT

5. Letter from Fourth of July Committee requesting:
1. That I Street between 11th and 12th Streets be barricaded between 9:30 a.m. and 3:30 p.m.;
 2. That permission be granted for the use of the City's reviewing stand with canvas top, to be placed on I Street close to the cannon in the Courthouse Park by City personnel on Monday, July 3;
 3. That the Committee be granted permission to use a public address system at the reviewing stand (public address system to be furnished by said Committee);
 4. That an additional \$500 be allocated by the City to cover additional expenses: insurance postage, and other expenses which have increased over the years.
 5. That the following parade route used in 1977 be approved for use in 1978: starts at 10th & F Streets; north on 10th to J Street; east on J Street to 11th; south on 11th to I Street; east on I Street to 15th Street and disband;
 6. That the City supply a standby fire truck.
 7. That the City supply two street sweepers for the parade.
(Resolution approving request needed.)

ACTION: Res. 78-412 adopted approving request. (P/R, P/W, Police, Fire, Finance to handle)

CONSENT

6. Letter from James J. Clancy regarding an initiative measure concerning pornography and increased effectiveness of the State's public nuisance abatement laws.
(Motion acknowledging receipt of letter needed.)

ACTION: By motion, receipt of letter acknowledged.

CONSENT

7. Consider approval of specifications and authorize call for bids-to be opened May 23, 1978, at 2:00 p.m. for furnishing one tractor-loader-backhoe combination.
(The equipment will be assigned to the Service Division and permanently dispatched to the sidewalk crew in the Public Works Street Division. The equipment will be used to pull up curbs and gutters and does not replace any like equipment presently in service. Resolution authorizing call for bids needed. Estimated Cost: \$22,500; funds are budgeted.)

ACTION: Res. 78-413 adopted authorizing call for bids. (Finance to handle)

CONSENT

8. Consider approving specifications and authorize call for bids to be opened May 23, 1978, at 2:15 p.m. for furnishing one digger-derrick truck.
(The vehicle is required by the Service Division and will be permanently assigned to the Electrical Division. The truck will replace similar equipment that has seen 27 years of service. The vehicle will be equipped to dig holes, implant poles, and with the addition of a tip extension and man-lift bucket, will be capable of performing traffic and street light maintenance. Resolution authorizing call for bids needed. Estimated Cost: \$60,000; funds are budgeted.)

ACTION: Res. 78-414 adopted authorizing call for bids. (Finance to handle)

CONSENT

9. Consider approval of specifications and authorize call for bids to be opened May 9, 1978, at 2:15 p.m. for furnishing annual requirements of rock, sand, and gravel.
(Annual requirement: Material will be used by Public Works (Streets and Water Divisions) and Parks and Recreation (new parks, golf course repair, etc.). Purchases will be made intermittently throughout 1978-79 fiscal year. Resolution authorizing call for bids needed. Estimated Cost: \$20,000; funds will be included in 1978-79 budget.)

ACTION: Res. 78-415 adopted authorizing call for bids. (Finance to handle)

CONSENT

10. Consider approval of specifications and authorize call for bids to be opened May 9, 1978, at 2:20 p.m. for furnishing annual requirements for Ready-Mixed Concrete.
(Annual Requirements: Materials to be used for various Public Works and Parks and Recreation projects. Resolution authorizing call for bids needed. Estimated Cost: \$12,000; funds will be included in 1978-79 budget.)

ACTION: Res. 78-416 adopted authorizing call for bids. (Finance to handle)

CONSENT

11. Consider approval of plans and specifications and call for bids for the construction of waterlines in Lincoln Square No. 7.
(Suggested bid opening: May 9, 1978 at 11:10 a.m. Costs and Revenue: Construction \$44,999; Connection Charges \$22,660; Net Revenue \$1,792. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$47,999 (\$39,349 Contract; \$8,650 Engineering & Materials); funds are budgeted.)

ACTION: Res. 78-417 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

12. Consider approval of plans and specifications and call for bids for the construction of Revard Park pool.
(Suggested bid opening: May 16, 1978 at 11:00 a.m. This project will provide for the installation of Revard Park pool. This will further the implementation of the Revard Park Master Plan as approved by the City Council. Resolution approving plans and specifications and call for bids. Estimated Cost: Const. \$40,950; Engr. \$1,950; Total \$42,900; funds are budgeted.)

ACTION: Res. 78-418 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

13. Consider awarding contract for installation of metal guard rail on Tuolumne Boulevard at the 99 Freeway undercrossing.
(Memo with agenda. L. Ferdig & Co., Inc., submitted the low bid of \$7,953, which is 47% lower than the estimate. Resolution awarding contract needed. Estimated Cost: \$10,300 (including engineering); funds are budgeted.)

ACTION: Res. 78-419 adopted awarding contract. (P.T. to handle)

CONSENT

14. Consider award of contract for construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road.
(Bids were opened April 18, 1978. The low bid of \$53,401.68, submitted by M. J. Ruddy & Son is 34% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to them. Resolution accepting bid and awarding contract needed. Funds are budgeted.)

ACTION: Res. 78-420 adopted awarding contract. (P.W. to handle)

CONSENT

15. Consider award of contract for construction of Scenic Drive - Rose Avenue intersection to George Reed, Inc.
(Memo with agenda, Resolution awarding contract needed. Estimated Cost: \$126,161; funds are budgeted.)

ACTION: Res. 78-421 adopted awarding contract. (P.W. to handle)

CONSENT

16. Consider acceptance of Cornish Construction's contract for construction of waterline extension in Kansas Avenue from Franklin Street to Barium Road. (Original Contract: \$24,469.75)
(All work on this project has been completed to the satisfaction of the Public Works 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: \$26,558.89; funds are budgeted.)

ACTION: Res. 78-422 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider waiver of formal bid and authorize the purchase of one compound water meter from Hersey Products, Inc. for the total price of \$4,568.60.
(Memorandum with agenda. Resolution authorizing purchase needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 78-423 adopted authorizing purchase. (Finance to handle)

CONSENT

18. Consider waiving formal bid procedures and authorize Stanislaus Pump to recondition and upgrade two sludge thickener return pumps for the total price of \$5,200.80.
(Memorandum with agenda. Resolution authorizing purchase of materials and service needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 78-424 adopted authorizing purchase of materials and service. (Finance to handle)

HEARINGS

19. Hearing to amend Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(182) property located between Carpenter Road and Reno Avenue (Carpenter-Reno Group) 7:30 p.m.

ACTION: By motion (Kullijian/Lang, unan., Dunlap absent) Ord. 1723-C.S. introduced. (Clerk/Planning to handle)
Res. 78-425 adopted (Kullijian/Lang, unan., Dunlap absent) approving development plan. (Clerk/Planning to handle)
Res. 78-426 adopted (Kullijian/Lang, unan., Dunlap absent) certifying environmental review. (Clerk/Planning to handle)

20. Hearing to amend Section 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of West Roseburg Avenue, east of Tully Rd. (Land Bank Financial Services) 7:35 p.m.

ACTION: Res. 78-427 adopted (Elliott/Kullijian, unan., Dunlap absent) denying request for rezoning.

21. Informal hearing to consider report by Downtown Renaissance Committee, 7:40 p.m.

ACTION: By motion (Lang/Siefkin, majority; Kullijian-no; Dunlap absent) Downtown Renaissance Committee's recommendations accepted. (Planning to handle)

22. Informal hearing to consider Noise Report. 7:45 p.m.

ACTION: A report was made. No action taken by City Council. (Planning to handle)

23. Matters for the good of the community. (These may be presented by interested persons in the audience.) 7:50 p.m.

ACTION: Dave Dolan requested the Mayor to issue a proclamation concerning "Sun Day". Mayor Davies asked him for a sample proclamation.

UNFINISHED BUSINESS

24. Further consideration of the proposed Bingo ordinance.

ACTION: By motion (Elliott/Siefkin, unan., Dunlap absent) Ord. 1724-C.S. introduced to permit Bingo games in Modesto. (Clerk to handle)

NEW BUSINESS

CONSENT

25. Renewal of food concession at Beard Brook Park.
(Mr. Charles Wright has requested the renewal of a contract to operate a food concession at Beard Brook Park. The City's relationship with Mr. Wright regarding this concession has been most satisfactory, and it is recommended that the contract be renewed for one year (5-1-78 - 4-30-79). All the terms and conditions which applied under the last agreement will remain in force with the following exceptions in Appendix "A" requested by Mr. Wright:
#2 Candy: increase from 20¢ to 25¢ per bar or package; #4 Snow cones: increase from 20¢ and 25¢ to 25¢ and 30¢. Resolution approving agreement needed.)

ACTION: Res. 78-428 adopted approving agreement. (P.R. to handle)

CONSENT

26. Set date for public hearing - Annexation of uninhabited territory / (Scenic-Lakewood No. 2)
(Approved by LAFCO on March 29, 1978. Resolution setting date for public hearing on June 12, 1978, at 7:30 p.m. needed.)

ACTION: Res. 78-429 adopted setting public hearing date. (Clerk to handle)

CONSENT

27. Consider approving agreement with Paul M. Zagaris for the purchase of 0.003⁺ acres of right of way needed for the Oakdale/Scenic to Briggsmore project. This is the last parcel needed for project.
(Mr. Zagaris has agreed to settle for the appraisal value of \$100.00. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-430 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider approving agreement with Wendell L. Young and Anna Cherine Young for the purchase of 0.091 acres of right of way needed for Standiford/Tully to McHenry project. This is one of four parcels required for the project. The remaining three parcels have not yet been acquired.
(The Youngs have agreed to settle for the appraised value of \$6,550. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-431 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider lease agreement with Dennis Simms for lease of former Simms house, 645 North McClure Road, part of proposed Dry Creek Park.

(This is a new lease with the same tenant. The term is from May 1, 1978 to April 30, 1979. Rent raised from \$150.00/month to \$187.50/month. Tenant to pay taxes and maintain property along with minor repairs. Resolution approving lease agreement needed.)

ACTION: Res. 78-432 adopted approving lease agreement. (P.W. to handle)

CONSENT

30. Consider amendment to lease between the Great Valley Travel Club, Inc. and the City of Modesto.

(The amendment to the lease provides a 90-day extension for the construction of an aircraft parking apron and vehicle parking facilities by the Great Valley Travel Club. In addition, the amendment reduces the written advance notice requirement from 45 days to 30 days concerning Workers Compensation insurance. Memo with agenda. Resolution approving amendment to lease needed.)

ACTION: Res. 78-433 adopted approving amendment to lease. (P.W. to handle)

CONSENT

31. Consider approving agreement with Louis E. Tartini, LaTrelle Uhl, Robert N. Turner and Joseph H. Cartwright for the purchase of 0.17¹/₂ acres of right of way required for the Orangeburg-Collier to Coffee project.

(Louis Tartini is the holder of a life estate on the subject property. The other three are the remaindermen. All have agreed to settle for the appraised value of \$8,020. The new right of way line is only 9' from the existing house resulting in a damage payment which is included in the above appraised value. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-434 adopted approving agreement. (P.W. to handle)

CONSENT

32. Resolutions setting hearing to consider Resolutions of Necessity to acquire properties for Dry Creek Park.

(Memo with Agenda. Staff has been unable to reach agreement with Arnold C. Dickens, et ux, concerning value of property required for Dry Creek Park. Resolutions setting hearing for May 15, 1978, at 4:00 p.m., needed.)

ACTION: Res. 78-435 adopted setting hearing. (Arnold C. Dickens) Clerk to handle
Res. 78-435a adopted setting hearing. (Pacific States Growth) Clerk to handle

CONSENT

33. Consider motion approving City Manager's signing agreement with the Economic Development Administration, (re Affirmative Action) (Memo with agenda, Motion approving City Manager's signing agreement with EDA needed.)

ACTION: By motion, approval given to City Manager to sign agreement with EDA. (Manager to handle)

CONSENT

34. Consider changing parking charges. (Memo with agenda suggests modification of on-street and off-street parking charges. Motion referring matter to DMA and DID for recommendation needed.)

ACTION: By motion, referred to DMA and DID. (P.T. to handle)

REPORTS

35. Staff report on fence between Maxine Drive lots and Western Plaza shopping center. (Memo with agenda, Motion acknowledging receipt of staff report and directing staff to work with the developer of Western Plaza shopping center to construct storm water retention facility needed.)

ACTION: By motion (Kullijian/Mensing, unan., Dunlap absent) staff instructed to check on the feasibility of building a retaining wall with the 6' fence on top of the retaining wall. (P.W. to handle)

MISCELLANEOUS

36. Legislation

ACTION: By motion (Lang/Mensing, unan., Dunlap absent) AB3296 supported. (Management Services to handle)

37. Appointments

None

38. Matters too late for the agenda

Mayor Davies read a letter from Boyle, Kilpatrick & Associates requesting the Council to challenge the Board of Supervisors to an athletic contest to help publicize the Cal Relays.

Adjourned at 11:05 p.m. to executive session to consider property acquisition and employee relations with the announcement that the Council would not return to open session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 1, 1978 AT 4:00 P.M.

Roll call Present: Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Dunlap

Pledge of allegiance to the Flag

Invocation: Rev. Melvin Turner, Prescott Bible Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 13, 14, 15, 17, 18, 19,
(Lang/Kullijian, unan., Dunlap absent) 20, 21, 22, 23, 24, 25, 26, 27,
28, 29, 30, 31, 32, 33, 34, 35,
37, 38

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of Council minutes of April 24, 1978, regular meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letters from Modesto Band of Stanislaus County requesting that \$2,150.00 be budgeted for the summer band concerts and \$500 for performance at Cal-Expo.
(Motion referring to proper budget session needed.)

ACTION: By motion, requests referred to proper budget session. (Finance)

CONSENT

3. Letters from the Downtown Improvement District requesting permission to use the downtown sidewalks for selling merchandise on all Saturdays during May, 1978, and to use the sidewalks between 7th and 8th Streets on I Street for a May Day Celebration on Sunday, May 7, 1978.
(Motion approving requests needed.)

ACTION: By motion, requests approved. (D.I.D. to handle)

CONSENT

4. Petition from residents on Brady Avenue regarding street lighting, (Motion referring to staff for report needed,)

ACTION: By motion, petition referred to staff for report. (P.W. to handle)

CONSENT

5. Appeal by Larry P. Ward to a Planning Commission decision regarding rezoning property at the corner of Carver and Sheldon Avenue, (Resolution setting hearing for May 22, 1978, at 7:55 p.m. needed,)

ACTION: Res. 78-436 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened May 16, 1978, at 2:00 p.m. for furnishing liquid anhydrous ammonia. (Seasonal requirement, Material to be used in treating industrial and residential sewage. Resolution authorizing call for bids needed. Estimated Cost: \$26,000.00; funds will be included in 1978-79 budget.)

ACTION: Res. 78-437 adopted authorizing call for bids. (Finance to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of waterlines in "K" Street at 7th Street and Sunrise No. 2. (Suggested bid opening: May 16, 1978 at 11:05 a.m. This project will provide water for a gymnasium at the Friendly Tabernacle on "K" Street and will provide water for the Sunrise Phase II Townhouses on Norwegian at Sunrise. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$22,735, (Contract \$17,410, Engineering and Materials \$5,325); funds are budgeted,)

ACTION: Res. 78-438 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

8. Consider rejecting all bids for construction of site improvements at Pump Station 14 on Virginia Avenue and approve revised plans and specifications and authorize a call for bids, (Suggested bid opening: May 16, 1978 at 11:10 a.m. Bids were opened on March 28, 1978. The low bid of \$54,000, submitted by William Mineni is 32% above the engineer's estimate and therefore not acceptable. It is recommended that all bids be rejected and a new bid call approved. The plans and specifications have been revised. Main revisions are for a less expensive fence and deletion of asphalt paving. Resolution rejecting bids and approving revised plans and specifications and call for bids needed. Estimated Cost: \$45,000 (\$39,000 Contract, \$6,000 Eng. & Matls.; funds are budgeted.)

ACTION: Res. 78-439 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider waiving formal bid procedures and authorize the purchase of one front-end loader from Edward R. Bacon for the total price of \$24,620.94.
(Memorandum with agenda. Resolution waiving formal bid procedures and authorizing purchase needed (5 affirmative votes needed). Funds are budgeted.)

ACTION: Res. 78-440 adopted waiving formal bid procedures. (Finance to handle)

CONSENT

10. Consider awarding contract for modification of traffic signals on Briggsmore at College and at Tully.
(Memo with agenda. Ferrero Electric, Inc., submitted the low bid of \$15,282, which is 39% below our estimate. Resolution awarding contract needed. Estimated Cost: \$20,300 (including engineering); funds are budgeted,)

ACTION: Res. 78-441 adopted awarding contract. (P.T. to handle)

CONSENT

11. Consider declaring Best Chevrolet low bidder and authorize the purchase of one light utility pickup truck for the total amount of \$4,847.92,
(Memorandum with agenda. Resolution authorizing purchase needed, Funds are budgeted,)

ACTION: Res. 78-442 adopted authorizing purchase. (Finance to handle)

12. Matters for the good of the community, 4:00 p.m.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

13. Final adoption of Ord, No, 1723-C.S, rezoning from M-1 to P-D(182) between Carpenter and Reno north of Kansas Avenue (Carpenter-Reno Group)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1723-C.S. adopted. (Clerk to handle)

CONSENT

14. Consider an ordinance amending Section 1-3.13 of Chapter 3 of Title I of the Modesto Municipal Code relating to the definition of "calendar year."
(Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. 1725-C.S. introduced. (Clerk to handle)

CONSENT

15. Consider the following:

- (a) Revisions to the Modesto Municipal Code to provide that water mains and services be installed in new subdivisions by developers.
- (b) Adoption of revised Standard Specifications for water mains and services.

(Memo with agenda. Introduction of ordinance and adoption of resolution needed.)

ACTION: By motion, Ord. No. 1726-C.S. introduced. (Clerk to handle)

Res. 78-443 adopted revising Standard Specs. (P.W. to handle)

UNFINISHED BUSINESS

16. Further consideration of the closure of 12th Street between D and B Streets.

(On June 6, 1977, the Council denied the request of Stanislaus Food products Company to abandon the portion of 12th Street between D and B Streets which divides their plant. At that time the Council directed the staff to look into alternatives for satisfying Stanislaus Foods' concerns. A report has been prepared by the Planning staff and distributed to the Council and interested parties. Memo with agenda. Resolution setting hearing or motion referring the matter to the Planning Commission or motion terminating consideration needed.)
and Resolution of Intent 374

ACTION: Res. 1369-S.P./adopted (Lang/Elliott, unan, Dunlap absent) setting hearing on May 22, 1978, at 8:05 p.m. to consider abandonment of 12th Street between D and B Streets. (Clerk to handle)

NEW BUSINESS

CONSENT

17. Consider determining that the public interest and convenience require the following:

1. That Scenic-Oakdale Addition be annexed to Modesto Municipal Sewer District No. 1.
2. That Carpenter-Houser Addition be annexed to Modesto Municipal Sewer District No. 1.

(These additions were annexed to the City of Modesto effective April 5, 1978. Resolution setting June 19, 1978 at 4:00 p.m. for hearing for Scenic-Oakdale Addition and resolution setting June 19, 1978 at 4:05 p.m. for Carpenter-Houser Addition needed.)

ACTION: Res. 78-445 adopted annexing Scenic-Oakdale Addition. (Clerk to handle)

Res. 78-446 adopted annexing Carpenter-Houser Addition. (Clerk to handle)

CONSENT

18. Consider the following:

1. Withdrawal of Scenic-Oakdale Addition from the McHenry-Dry Creek Fire District.
2. Withdrawal of Carpenter-Houser Addition from the Burbank-Paradise Fire District.

(These additions were annexed to the City of Modesto effective April 5, 1978. Resolution withdrawing Scenic-Oakdale Addition from McHenry-Dry Creek Fire District and resolution withdrawing Carpenter-Houser Addition from the Burbank-Paradise Fire District needed.)

ACTION: Res. 78-447 adopted withdrawing Scenic-Oakdale Addition from the McHenry-Dry Creek Fire District. (Clerk to handle)

Res. 78-448 adopted withdrawing Carpenter-Houser Addition from Burbank-Paradise Fire District. (Clerk to handle)

CONSENT

19. Consider certifying right of way for Oakdale Road - Scenic to Briggsmore project.

(Memo with agenda. Certification of right of way required on a federally funded street project. Resolution approving certification needed.)

ACTION: Res. 78-449 adopted approving certification. (P.W. to handle)

CONSENT

20. Consider a resolution delegating to the City Manager authority to make determinations under Article 3 of Chapter 8 of Part 3 of Division 5 of Title II (commencing with Section 21020) of the Government Code of the State of California regarding disability of local safety members of the Public Employment Retirement System.
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 78-450 adopted delegating authority to City Manager. (Manager to handle)

CONSENT

21. Adjusting the 1977-78 Budget to provide funds for the engineering portion of the McHenry Mansion restoration,
(In order to begin the outside restoration of the McHenry Mansion, it is necessary to appropriate funds for the engineering work (plans and specifications). To date the following amounts have been collected by the City for the restoration: Misc. Revenue - \$5,660.95; Collected into the General Fund from the auction of certain fixtures, champagne reception, guided tours, etc. Donations - \$5,450.00; from various groups, being held in trust pending disposition. An appropriation transfer is needed transferring \$2,500 from the General Reserve (Fund 321) to Acct. 6276-270-321, McHenry Mansion Restoration. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-451 adopted approving appropriation transfer. (Finance to handle)

22. Requirement for construction of curbs and/or sidewalks at the locations listed below:

(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 7:50 P.M., May 22, 1978 for hearing needed.)

- (a) Curb and sidewalk at 2701 Brenner Way, Lot 1 of Block 7255.
(American Savings & Loan Association)
- (b) Curb and sidewalk at 153 South Santa Cruz Avenue, Lots 5 and 6 of Block 2053.
(Richard F. Bettencourt)
- (c) Sidewalk at 613 Bermuda Avenue, Lot 9 of Block: 6226-A. (John Borghello)
- (d) Sidewalk at 2617 Brenner Way, Lot 3 of Block 7255 (Joel Bulter)
- (e) Curb and sidewalk along Franklin Street at 325 Maze Blvd., Lots 1 and 2 of Block 421 (H. W. Garber)
- (f) Sidewalk at 2521 Brenner Way, Lot 12 of Block 7255 (Lyndell C. Halbert)
- (g) Curb and sidewalk at 181 South Santa Cruz Avenue, Lot 8 of Block 2053
(Mary E. Hunter)
- (h) Curb and sidewalk at 141 South Santa Cruz Avenue, a portion of Block 2053
(Don Lee)
- (i) Curb and sidewalk at 177 South Santa Cruz, Lot 7 of Block 2053.
- (j) Sidewalk along Leonard at 630 Kearney Avenue, a portion of Block 901.
(Elvan Overholzer)
- (k) Curb at 438 Leon Avenue, Lot 29 and 30 of Block 354 (Harold A. Parker)
- (l) Curb along Leon Avenue at 402 Leon Avenue, Lots 47 and 48 of Block 354
(Harry S. Paul)
- (m) Curb and sidewalk at 2621 Brenner Way, Lot 2 of Block 7255 (James B. Perry)
- (n) Sidewalk at 1422 Leonard Avenue, a portion of Block 901 (Alvin R. Ramsey)
- (o) Sidewalk at 2513 Brenner Way, Lot 14 of Block 7255 (Angie Starwood)
- (p) Curb and sidewalk along South Santa Cruz and along Yosemite Blvd. at 1234 Yosemite Blvd., Lots 1 and 2 of Block 2053. (Richard T. Vine)
- (q) Curb and sidewalk along Franklin Street at 523 Franklin Street, a portion of Block 4091 (Mary A. Webb)
- (r) Curb and sidewalk along Foy Street at 132 Maynell Avenue, Lots 36 and 37 of Block 558. (Theodore W. Werning)
- (s) Curb and sidewalk along Franklin Street at 327 Ruberto Street, Lots 13 and 14 of Block 344. (B.H. Wilcox)
- (t) Curb and sidewalk at 137 South Santa Cruz Avenue, a portion of Block 2053
(Benjamin L. Zakariar)

ACTION: Res. 78-452 adopted setting hearing. (Clerk to handle)

5/1/78

CONSENT

23. Consider approving agreement with Opal K. Wert for the purchase of her property located at 625 - 625- $\frac{1}{2}$ South Sunset Avenue, Property is needed for Del Webb Soccer Field. This is fifth property purchased out of a total of 12 parcels needed.
(Memo with agenda. Mrs. Wert has agreed to settle for the appraised value of \$17,750.00. Resolution approving agreement needed. Estimated Cost: \$17,750; \$7,200 Relocation; \$500 Escrow; Total \$25,450; funds are budgeted.)

ACTION: Res. 78-453 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider agreement with Robert L. Crisp, M.A.I., for the appraisal of the Dickens, Bomberger, and Hubert Scott properties which are needed for Dry Creek Park,
(Mr. Crisp will revise the Bomberger and Dickens appraisal and appraise the Scott property for \$4,300.00. The first two are in litigation and need to be updated. The Scott property is a new parcel. Also, the City will agree to pay consulting engineer and/or other experts or an additional fee for subdivision costs which are needed for the appraisal. Resolution approving agreement needed. Estimated Cost: \$4,300 Appraisal; \$500 Est. Other Fees; \$4,800 Total Approximate; funds are budgeted.)

ACTION: Res. 78-454 adopted approving agreement. (P.W. to handle)

CONSENT

25. Resolution setting hearing to consider Resolution of Necessity to acquire property for Dry Creek Park,
(Memo with agenda. Staff has been unable to reach agreement with Dr. and Mrs. William T. Doidge concerning value of property required for Dry Creek Park. Resolution setting hearing for Monday, June 5, 1978 at 4:05 p.m. needed.)

ACTION: Res. 78-455 adopted setting hearing. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Oakshire Terrace 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. Subdividers: Wolverine Building Service, Inc. and Charles B. Walters.
(The subdivision agreement has been signed and all fees paid. Oakshire Terrace is located west of El Vista Avenue and south of Edgebrook Drive. It contains 2.540 acres. Resolution approving final map needed.)

ACTION: Res. 78-456 adopted approving final map. (Clerk to handle)

CONSENT

27. Consider revised City Environmental Guidelines for compliance with CEQA, May 1, 1978.
(Memo with agenda. Resolution adopting Revised Environmental Guidelines needed.)

ACTION: Res. 78-457 adopted approving revised guidelines. (Planning to handle)

CONSENT

28. Recommendation to City Council that a street pattern alternative for the La Loma Area be adopted,
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-56 recommending to the City Council that a street pattern alternative for the La Loma Area be adopted. Resolution setting informal public hearing on June 12, 1978, at 7:35 p.m. needed.)

ACTION: Res. 78-458 adopted setting hearing. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to Section 6-4-9 of the Zoning Map - Mid-Cal Land Development.
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-57 recommending to the Council an amendment to Section 6-4-9 of the Zoning Map to rezone from R-1 to P-D(184), to allow construction of 436 single-family dwelling units on small lots, property located south of Paradise Road, north of Robertson, west of Wade. Resolution setting public hearing on June 12, 1978, at 7:45 p.m. needed.)

ACTION: Res. 78-459 adopted setting hearing. (Clerk to handle)

CONSENT

30. Recommend to Council an amendment to Section 7-3-9 of the zoning map - Stone Brothers and Associates.
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-58 recommending to the Council an amendment to Section 7-3-9 of the Zoning Map to rezone a portion of P-D(21) to Professional Office Zone, P-0, and to P-D(183), property located on the south side of Standiford Avenue west of Tully Road, to allow C-1 uses within P-D(183). Resolution setting public hearing on June 12, 1978, at 7:50 p.m. needed.)

ACTION: Res. 78-460 adopted setting hearing. (Clerk to handle)

5/1/78

CONSENT

31. Recommend to Council an amendment to Section 8-3-9 of the Zoning Map - Walter Watson.
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-59 recommending to the Council an amendment to Section 8-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the northeast corner of Standiford Avenue and the Tidewater Southern Railroad Company right of way, Resolution setting public hearing on June 12, 1978, at 7:40 p.m. needed.)

ACTION: Res. 78-461 adopted setting hearing. (Clerk to handle)

CONSENT

32. Recommend to Council an amendment to Section 2-3-8 of the Zoning Map - Grant Construction Company.
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-61 recommending to the Council an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Pelandale Avenue, west of Dale. Resolution setting public hearing on June 5, 1978, at 4:10 p.m. needed.)

ACTION: Res. 78-462 adopted setting hearing. (Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Section 15-3-9 of the Zoning Map - Irwin Steinpress.
(On April 18, 1978, the Planning Commission adopted Resolution No. 78-62 recommending to the Council an amendment to Section 15-3-9 of the Zoning Map to prezone to P-D(185) property located on the south side of Floyd Avenue, between Pridmore and Oakdale Road, to allow construction of 8 triplexes. Resolution setting public hearing on June 5, 1978, at 4:15 p.m. needed.)

ACTION: Res. 78-463 adopted setting hearing. (Clerk to handle)

CONSENT

34. Set date for informal public hearing, reconsideration of proposed amendments to the Standard Specifications and the Subdivision Regulations pertaining to the width of collector streets at their intersection with major streets.
(Memo with agenda. Staff recommends collector street taper from 60' to 70' right of way width at intersection with major streets. Resolution setting informal public hearing May 15, 1978, at 4:10 p.m. needed.)

ACTION: Res. 78-464 adopted setting hearing. (Clerk to handle)

5/1/78

CONSENT

35. Set date for public hearing - annexation of uninhabited territory - Orangeburg-Claus No. 2.
(Approved by LAFCO on March 29, 1978. Resolution setting date for public hearing on June 26, 1978, at 7:30 p.m. needed.)

ACTION: Res. 78-465 adopted setting hearing date. (Clerk to handle)

36. Consider participating in a pilot Multi-Purpose Senior Services Project,
(Memo with agenda. Motion authorizing filing of Notice of Intent needed.)

ACTION: By motion (Kullijian/Elliott, Majority, Mayor Davies - no, Dunlap absent) Council directed that a letter of intent be filed, jointly, with the County Board of Supervisors, all details concerning the application to be determined later with no commitment on the part of the City at this time. (Manager to handle)

CONSENT

REPORTS

37. Report by Modesto Chamber of Commerce for quarter from January through March, 1978.
(Motion acknowledging receipt of report needed,)

ACTION: By motion, receipt of report acknowledged.

CONSENT

38. Notice of application to raise Telex charges.
(Memo with agenda. Application is to P.U.C. and rates would be raised about 11.5%. It is recommended that the matter be left to P.U.C. Motion acknowledging receipt of report needed,)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

39. Legislation

ACTION: By motion (Lang/Siefkin, unan., Dunlap absent) HR-8729 supported.
(Management Services to handle)

40. Appointments

None

41. Matters too late for the agenda

Adjourned at 4:55 p.m.

ATTEST: 
NORRINE BOYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 8, 1978 AT 7:30 P.M.

Roll Call Present: Dunlap, Elliott, Lang, Mensinger,
Siefkin, Mayor Davies

Absent: Kullijian

Pledge of allegiance to the Flag

Invocation: Rev. George Swift, Free Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 5, 6, 7, 8, 9, 10,
11, 17, 18, 19, 20, 21, 22,
(Dunlap/Lang, unan., Kullijian Absent) 23, 24, 25, 26, 27, 29, 30, 31

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the regular meeting of the City Council of May 1, 1978,
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from California Neon Products on behalf of Taco Bell Corporation, appealing a Board of Zoning Adjustment decision concerning a sign,
(Resolution setting hearing on June 5, 1978, at 4:20 p.m. needed.)

ACTION: Res. 78-466 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from the King-Kennedy Memorial Center Board of Directors requesting permission to use Mellis Park and ball fields and assistance with the June Teen Day program on Saturday, June 17, 1978 from 8:00 a.m. to 10:00 p.m.
(Motion approving request needed.)

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

4. Letter from Production, Maintenance, and Public Employees Union Local No. 1276 regarding bus drivers' pay.

ACTION: By motion (Dunlap/Mensinger, unan., Kullijian absent) this item referred to the Council Transportation Committee to study and bring a recommendation back to Council within 30 days. (Mgr. to handle)

CONSENT

5. Consider approval of specifications and authorize call for bids to be opened May 30, 1978, at 2:00 p.m. for furnishing one 1500 GPM fire truck.

(Required by the Fire Department, the vehicle will not replace any equipment presently in service. Resolution authorizing call for bids needed. Estimated Cost: \$115,000; funds are budgeted.)

ACTION: Res. 78-467 adopted authorizing call for bids. (Finance to handle)

CONSENT

6. Approve plans and specifications and call for bids for street light modernization, Phase VIII 1977-78.

(Bid opening: June 6, 1978 at 2:00 p.m. This project will modernize the street lighting in several areas of the City. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$134,998 (Contract \$125,198; Engr. & Contg. \$9,800); funds are budgeted.)

ACTION: Res. 78-468 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for construction of the Dryden Trunk sewer - 1975, EDA Project No. 07-01-01753 and consider a resolution amending the 1977-78 Budget of the City of Modesto to provide financing of the Dryden Trunk sewer line.

(Suggested bid opening: June 13, 1978 at 11:00 a.m. This project will install 6,300' of 63" trunk sewer parallel to an existing trunk in the Dryden Golf Course and to adjacent lands. Also the 1977-78 Budget must be amended to provide financing for this project. A federal grant from the Economic Development Administration will pay approximately \$485,000 of the cost, Estimated Cost: \$1,065,000 (\$968,100 Contract; \$96,900 Engr. & Contg.); funds are partially budgeted. A resolution approving plans and specifications and call for bids needed, and a resolution approving amendment to the Budget needed.)

ACTION: Res. 78-469 adopted approving plans and specs. and calling for bids.
(P.W. to handle)
Res. 78-470 adopted approving amendment to Budget. (Finance to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of Fire Station No. 6.
(Suggested bid opening date: June 6, 1978 at 11:00 a.m. The original bids for construction of Fire Station No. 6 were rejected by the City Council on April 10, 1978, The plans and specifications have - now been revised. It is recommended that they be approved and re-advertised for bids. Resolution approving plans and call for bids needed, Estimated Cost: \$316,000; funds are budgeted.)

ACTION: Res. 78-471 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider declaring Pervo Paint Company low bidder and authorizing the purchase of traffic-line paint for the following prices:
- | | | |
|--------|-------------|-------------|
| Red | 721-80-97 | \$6.57/gal. |
| White | 8010-71F-04 | 3.71/gal. |
| Yellow | 8010-71F-05 | 3.88/gal. |
- (Memorandum with agenda, Resolution authorizing purchase of traffic line paint needed. Estimated Cost: \$27,253.00; funds to be budgeted in 1978-79 Budget.)

ACTION: Res. 78-472 adopted authorizing purchase of paint. (P.T./Finance to handle)

CONSENT

10. Consider acceptance of Western Pipeline's contract for construction of waterlines in Braden Avenue, east of Dale Road, Oakdale Road between E. Orangeburg and Nystrom Avenue and Sherwood Plaza.
Original Contract: \$24,903.50.
(All work on this project has been completed to the satisfaction of the Public Works 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: \$25,827.50 Contract; \$25,377.50 Main; \$450.00 Services; funds are budgeted.)

ACTION: Res. 78-473 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of J. L. Pryor Construction Company's contract for street improvements in Housing Target Area, Stage 2, as complete.
Original Contract: \$40,000.00,
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed.
Final Cost: \$44,792.38; funds are budgeted.)

ACTION: Res. 78-474 adopted accepting work as complete. (Clerk to handle)

HEARINGS

12. Hearing on appeal by Bright Development to a decision of the Planning Commission regarding P-D zoning for a 400 unit apartment development between Standiford and Veneman west of Hahn Drive, extended. 7:30 p.m.

ACTION: By motion (Dunlap/Elliott, unan., Kullijian absent) hearing continued to May 22, 1978 at 8:30 p.m. (Clerk to handle)

13. Hearing on amendment to Section Map 2-3-8 of the Zoning Map to rezone from R-1 to R-2 property on the south side of Pelandale Avenue west of Dale Road. (Venequity Corp.) 7:35 p.m.

ACTION: By motion (Lang/Elliott, unan., Kullijian absent) Ord. 1727-C.S. introduced rezoning. (Clerk to handle)

Res. 78-475 adopted rezoning property (Planning to handle)

14. Hearing, Resolution of Necessity, three parcels of property required for Standiford Avenue, Tully to 300' west of Carver project. (Property owners: Alvin G. Wallis, Victor R. Wright, and Glen E. Dorrity) 7:40 p.m.

ACTION: Res. 78-476 adopted (Dunlap/Siefkin, unan., Kullijian absent) acquiring property - Alvin G. Wallis. (P.W. to handle)
Res. 78-477 adopted (Dunlap/Siefkin, unan., Kullijian absent) acquiring property - Victor R. Wright. (P.W. to handle)
Res. 78-478 adopted (Dunlap/Siefkin, unan., Kullijian absent) acquiring property - Glen E. Dorrity. (P.W. to handle)

15. Matters for the good of the community. 7:45 p.m.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

16. Final adoption of Ord. No. 1724-C.S. relating to Bingo games. (Motion adopting needed.)

ACTION: By motion (Lang/Elliott, majority, Dunlap-no, Kullijian absent) Ord. 1724-C.S. adopted (Clerk to handle)

CONSENT

17. Final adoption of the following:
a. Ord. No. 1725-C.S. correcting definition of "Calendar year."
b. Ord. No. 1726-C.S. relating to water rates and regulations. (Motion adopting needed.)

ACTION: By motion, Ord. 1725-C.S. adopted (Clerk to handle)
By motion, Ord. 1726-C.S. adopted (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider approval of the distribution of federal funds for safety projects and authorize application for Modesto's share.
(Memo with agenda, Modesto's share is \$84,010 of \$388,817 for the entire County. Resolution approving County distribution of Safer Off-Systems Roads funds and indicating Modesto wishes to claim its \$84,010 share needed.)

ACTION: Res. 78-479 adopted approving County distribution of funds.
(P.T. to handle)

CONSENT

19. Consider approval of the annual recreation agreement between the County of Stanislaus and the City of Modesto.
(This agreement is similar to agreements entered into between the County and the City in previous years. The agreement provides that the County will allocate and transfer to the City \$35,778.20 for expenditures by the City on community recreation for the fiscal year 1977-78. This is an increase of \$3,826.59 from last year's allocation. Resolution approving agreement needed.)

ACTION: Res. 78-480 adopted approving agreement. (P.R. to handle)

CONSENT

20. Consider cooperative agreement with Stanislaus County to widen and pave Orangeburg Avenue between Collier Avenue and Coffee Road.
(Acquisition of right of way is covered in a previous agreement. This agreement covers cost sharing between City and County for the proposed construction, City share - \$151,900. County Share - \$25,900. Total - \$177,800. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-481 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider revised Federal Aid Urban-D Program for Modesto-Ceres Urbanized Area.
(The program had to be revised to conform to Federal funding limitations. Memo with agenda. Resolution approving revised FAU-D Program needed.)

ACTION: Res. 78-482 adopted approving revised FAU-D Program. (P.W. to handle)

CONSENT

22. Consider adopting resolution commending the Modesto Police Reserves for contributions to community welfare and safety,
(Adoption of resolution needed.)

ACTION: Res. 78-483 adopted commending the Modesto Police Reserves.
(Management Services to handle)

CONSENT resolution

23. Consider / authorizing City Manager to sign a three-year contract with Cooperative Personnel Services.
(Memorandum with agenda. Resolution authorizing City Manager to sign contract needed. Funds are budgeted.)

ACTION: Res. 78-484 adopted authorizing City Manager to sign contract.
(Manager to handle)

CONSENT

24. Consider agreement with T. Carlyle Green and Kate W. Green for the purchase of their real property located at 525 Sunset Avenue for use as an addition to Del Webb Soccer Field,
(Mr. and Mrs. Green have agreed to sell their property to the City for \$32,000 which is the appraised value of the property. The property contains 0.45⁺ acres and is improved with one 5 room rental unit. Memo with agenda. Resolution approving agreement needed. Estimated Cost: \$32,500 Total (\$32,000 Property; \$500 Est. Escrow Fees); funds are budgeted.)

ACTION: Res. 78-485 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider request for sewer service to property outside City limits at 1730 Eureka Street, located on the east side of Eureka Street between Colusa Avenue and Butte Avenue. Owners: Joe Foster and Rena Foster and David Jones and Betty Jones.
(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. 78-486 adopted approving agreement. (P.W. to handle)

CONSENT

26. Consider proposed switch in Garden Refuse days. Proposal is to switch Wednesday pick-up to Thursday, and vice versa.
(Memo with agenda. Switch will place most of area with alley pick-ups to latter-part of the week. Motion approving change in Garden Refuse pick-up days needed.)

ACTION: By motion, change approved. (P.W. to handle)

CONSENT

27. Set date for public hearing - Annexation of uninhabited territory (Irons Court Addition).
(Approved by LAFCO April 19, 1978, Resolution setting date for public hearing on June 26, 1978 at 7:35 p.m. needed.)

ACTION: Res. 78-487 adopted setting date for public hearing. (Clerk to handle)

28. Presentation of the 1978-79 Preliminary Budget and Four-Year Capital Improvement Program (1978-79 through 1981-82), including the proposed revenue sharing projects for 1978-79.
(Copies of the Preliminary Budget and Capital Improvement Program will be distributed at the Council meeting. A memo from the Planning Commission which includes its recommendations on the Capital Improvement Program is with agenda, Motion acknowledging receipt of the Planning Commission's recommendations on the C.I.P. needed, and resolution setting a public hearing for June 12, 1978 at 7:55 p.m. needed.)

ACTION: By motion (Dunlap/Lang, unan., Kullijian absent) setting study sessions starting Thurs., May 18, 7:30 p.m. and continuing on Thurs. afternoons from 4:00 to 5:30 p.m. (Finance to handle)

Res. 78-488 (Elliott/Siefkin, unan., Kullijian absent) adopted setting hearing. (Clerk to handle)

CONSENT

29. Consider approval of annual claim for Local Transportation Funds for transit,
(Each year the City makes a claim to SAAG for its apportionment of Local Transportation Funds. This is a claim for \$629,912 for fiscal year 1978-79. Resolution approving submission of Annual Transportation Claim needed.)

ACTION: Res. 78-489 adopted approving submission. (Finance to handle)

REPORTS

CONSENT

30. Notice of Greyhound application to increase fares and express rates.
(Memo with agenda. The fares and rates would be increased by 3%, which amounts to about \$1,117,000 per year, Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

31. Notice of P.G. & E. application to increase gas rates.
(Memo with agenda. The rates would be increased by 9.5%, or \$145.3 million per year. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

32. Legislation

ACTION: By motion (Dunlap/Lang, unan., Kullijian absent) AB3221 opposed.
By motion (Lang/Dunlap, unan., Kullijian absent) AB3501 supported.
By motion (Mensinger/Lang, unan., Kullijian absent) AB3624 supported.
By motion (Dunlap/Siefkin, unan., Kullijian absent) SB1874/AB3546
opposed.
By motion (Lang/Elliott, unan., Kullijian absent) SB1898 opposed.
By motion (Dunlap/Elliott, unan., Kullijian absent) SB2093/SB1012
opposed.
By motion (Lang/Mensinger, unan., Kullijian absent) AB2591 supported.

33. Appointments

None

34. Matters too late for the agenda

None

Adjourned at 8:40 p.m.

to executive session to discuss an employee relations matter with the announcement that Council would not return to open session.

ATTEST: *Norrine Cole*
NORRINE COLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 15, 1978, AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Lang, Mensinger,
Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Larry G. Hansmier, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 5, 7, 8, 9, 10, 11, 12,
13, 14, 15, 16, 20, 22, 23,
Removed from consent: 21 24, 25, 26, 27, 28, 29, 31, 32,
33, 34, 36, 37

ACTION: (Dunlap/Lang, unanimous)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATIONS

1. Presentation of Distinguished Services plaque to David B. Ryan for serving on the Planning Commission from March 24, 1970 to March 21, 1978.

Mr. Ryan was unable to be present due to illness.

MINUTES

CONSENT

2. Approval of minutes of the regular meeting of May 8, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from Jon S. Ploof, Land Bank Financial Services, requesting reconsideration of their request for rezoning of property at 1201 West Roseburg Avenue.

ACTION: Res. 78-490 adopted (Kullijian/Lang, unan.) waiving the one-year limitation for filing a new application.

4. Letter from Donald E. Risen on behalf of the Modesto Affiliated Church Housing Corporation regarding a proposed ballot measure regarding a low rent housing project.

ACTION: By motion (Kullijian/Siefkin, unan.) this matter referred to staff to work with the Stanislaus County Housing Authority and Modesto Affiliated Church Housing Corp. and propose wording for the ballot for the November election. (Atty/Planning to handle)

CONSENT

5. Letters from Downtown Improvement District Board of Directors and Downtown Modesto Association concerning proposals of the Downtown Renaissance Committee.
(Motion acknowledging receipt of letters needed.)

ACTION: By motion, receipt of letters acknowledged.

6. Request by Bomberger Bros. to repeal Resolution No. 78-250, adopted March 6, 1978, and reopen the hearing concerning the necessity of the Thelma Moody property for Dry Creek Park.

ACTION: By motion (Dunlap/Siefkin, majority, Elliott & Kullijian - no) request denied.

BIDS

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened June 6, 1978, at 2:15 p.m. for furnishing annual requirements of liquid chlorine.
(Annual requirement: Chlorine gas is used in treating industrial and residential sewage. Requirements for the cities of Turlock and Oakdale are included in the specification. Chlorine to be purchased intermittently throughout the 1978-79 fiscal year. Resolution authorizing call for bids needed. Estimated Cost: Modesto portion \$140,000.00; funds are budgeted.)

ACTION: Res. 78-491 adopted authorizing call for bids. (Finance to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of waterlines in North Hampton Park #4 and Walnut Park and approve appropriation transfer.
(Suggested bid opening: May 30, 1978 at 11:00 a.m. Developers will begin installing waterlines on June 9, 1978 under our new water policy. During this transition period it is difficult to determine which projects will be done by the City. More funds will be needed to cover waterline extensions to the end of the fiscal year. We, therefore, propose transferring funds for each project as it occurs. Resolution approving plans and specifications and call for bids needed, and resolution approving appropriation transfer needed. Estimated Cost: \$64,572 (\$52,222 Contract; \$12,350 Engr. & Mtls.); funds are partially budgeted.)

ACTION: Res. 78-492 adopted approving plans and calling for bids. (P.W./ Finance to handle)

Res. 78-493 adopted approving Appropriation Transfer. (P.W./Finance to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for the improvement of the McHenry Museum parking lot located at 1402 I Street.
(Suggested bid opening date: June 13, 1978 at 11:05 a.m. This project will provide for the paving of the parking lot, improvement of drainage and the installation of curbing for planters. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$11,732 Const.; \$586 Engr.; \$12,318 Total; funds are budgeted.)

ACTION: Res. 78-494 adopted approving plans and calling for bids.
(P.W. to handle)

CONSENT

10. Consider award of contract for construction of waterlines in Lincoln Square No. 7.
(Bids were opened May 9, 1978. The low bid of \$34,457.50, submitted by Mac's Backhoe Service is 12% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Mac's Backhoe Service needed. Estimated Cost: \$34,457.50; funds are budgeted.)

ACTION: Res. 78-495 adopted awarding contract to Mac's Backhoe Service.
(P.W. to handle)

CONSENT

11. Consider award of contract to remodel lift station in Thousand Oaks Park and consider approval of an appropriation transfer.
(Bids were opened May 9, 1978. The low bid of \$104,303, submitted by Brown Sheet Metal and Mechanical, Inc. is 8.6% above the engineer's estimate and is considered acceptable. It is requested that the contract be awarded to them. An appropriation transfer of \$10,000 is needed to cover the \$8,303 (8.6%) increase above the engineer's estimate, plus contingencies. Resolution awarding the contract to Brown Sheet Metal and Mechanical, Inc. needed, and a resolution approving an appropriation transfer needed. Estimated Cost: \$115,000 (\$104,303 Contract; \$10,697 Engr. & Contgy.); funds are partially budgeted.)

ACTION: Res. 78-496 adopted awarding contract to Brown Sheet Metal (P.W./ Finance to handle);
Res. 78-497 adopted approving appropriation transfer (P.W./Finance to handle)

CONSENT

12. Consider award of contract for the installation of playground equipment at Revard Park.
(Bids were opened on May 9, 1978. The low bid, submitted by Bibens Nursery Company, which is 6.7% above the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to Bibens Nursery Company needed. Estimated Cost: \$29,635; funds are budgeted.)

ACTION: Res. 78-498 adopted awarding contract to Bibens Nursery. (P.W. to handle)

CONSENT

13. Consider declaring Flintkote Co. low bidder and authorize the purchase of ready-mix concrete at the following prices:

4 sack mix - \$32.00 cu. yd.
5 sack mix - \$34.00 cu. yd.
6 sack mix - \$37.25 cu. yd.

(Memorandum with agenda. Resolution authorizing purchase of ready-mix concrete needed. Estimated Cost: \$12,600; funds included in 1978-79 budget.)

ACTION: Res. 78-499 adopted authorizing purchase of ready-mix concrete.
(Finance to handle)

CONSENT

14. Consider declaring Flintkote Co. low bidder on Items 1, 3, and 4, and declaring M. J. Ruddy & Son low bidder on Items 2, 5, 6, and 7, for the purchase of rock, sand, and gravel products.
(Memorandum with agenda. Two resolutions needed. Estimated Cost: \$27,300.00; funds included in 1978-79 budget.)

ACTION: Res. 78-500 adopted declaring Flintkote Co. low bidder on items 1, 3, and 4. (Finance to handle)

Res. 78-501 adopted declaring M.J. Ruddy & Son low bidder on Items

2, 5, 6, and 7. (Finance to handle)

CONSENT

15. Consider acceptance of W. Gale Fisher, Inc. contract to construct waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Rd.; and waterlines in Penny Lane from Capistrano Drive to Pirinen Lane as complete. (Original contract: \$54,480.14)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$54,326.80; funds are budgeted.)

ACTION: Res. 78-502 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of W. Gale Fisher, Inc. contract to construct waterlines in Colonial Commons No. 1 as complete. (Original contract: \$39,997.90)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$40,675.95; Main \$35,430.95; Services: \$5,245.00); funds are budgeted.)

ACTION: Res. 78-503 adopted accepting work as complete. (Clerk to handle)

HEARINGS

17. Consider Resolution of Necessity to acquire property for Dry Creek Park. (Arnold Dickens, Pacific States Growth) 4:00 p.m.
Item 21, Agreement with the M.I.D., was considered with this item.
ACTION: By motion (Dunlap/Siefkin, majority, Elliott & Kullijian-no) staff directed to prepare the Resolution of Necessity for the Dickens and Pacific States Growth properties and resolution approving agreement with the M.I.D. for Council action. (Atty. to handle)
18. Informal hearing on proposed amendments to Standard Specifications and Subdivision Regulations pertaining to width of collector streets at major street intersections. 4:10 p.m.
ACTION: By motion (Elliott/Dunlap, unan.) this hearing was continued to May 22, 1978, at 8:10 p.m. (Clerk to handle)

19. Matters for the good of the community. 4:15 p.m.
(These may be presented by interested persons in the audience,)

Mayor Davies announced Modesto High School Band, in competition in Vancouver, has taken 1st place in the first 6 categories. He urged local citizens to be on hand to welcome the band home on Wednesday afternoon.

ORDINANCES

CONSENT

20. Final adoption of Ord. No. 1727-C.S. rezoning from R-1 to R-2 property on the south side of Pelandale, west of Dale Road. (Venequity Corp.)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1727-C.S. adopted. (Clerk to handle)

NEW BUSINESS

21. Consider agreement between Modesto Irrigation District and City of Modesto for use by City of right of way of MID's Lateral No. 2 between McClure Road and Riverside Drive for a golf course (Dry Creek Park Project) and for City to sell to MID for a substation one acre of the Dickens property which is being acquired for the project. (The City is acquiring, through condemnation, property from various owners of land required for Dry Creek Park Phase Two. The Modesto Irrigation District owns certain right of way on said land which will be affected by the construction of said project. The agreement between MID and City will permit joint use and occupation of portions of MID's property for Dry Creek Park Phase Two and will permit MID to install a substation and power lines in a location which will not interfere with the golf course. Adoption of resolution approving agreement needed.)
This item was considered with Item No. 17. 152-67
Page 5 5/15/78

CONSENT

22. Consider request by Combined Health Agencies Drive to conduct a fund drive among City employees.
(Memo with agenda. Motion approving staff recommendation for Combined Health Agencies Drive (CHAD) to conduct a fund drive among City employees needed.)

ACTION: By motion, recommendation approved (Management Services to handle)

CONSENT

23. Consider cooperative agreement with Stanislaus County to widen and reconstruct Scenic Drive from Scenic General Hospital to Oakdale Road.
(Adoption of resolution approving agreement needed. Estimated Cost: \$480,000; funds to be budgeted in 1980-81 CIP.)

ACTION: Res. 78-504 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider withdrawing Yvonne Addition from the Burbank-Paradise Fire District.
(This addition was annexed to the City of Modesto effective April 19, 1978. Resolution withdrawing Yvonne Addition from the Burbank-Paradise Fire District needed.)

ACTION: Res. 78-505 adopted withdrawing from Fire District. (Clerk to handle)

CONSENT

25. Consider determining that the public interest and convenience require that Yvonne Addition be annexed to Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective April 19, 1978. Resolution setting July 3, 1978 at 4:00 p.m. for public hearing needed.) (Five affirmative votes needed.)

ACTION: Res. 78-506 adopted setting public hearing. (Clerk to handle)

CONSENT

26. Set date for public hearing - Annexation of uninhabited territory (Kansas Avenue Addition).
(Approved by LAFCO February 22, 1978. Resolution setting date for public hearing on July 10, 1978 at 7:30 p.m. needed.)

ACTION: Res. 78-507 adopted setting date for public hearing. (Clerk to handle)

CONSENT

27. Consider request for sewer service to property outside City limits at 1019 Emerald Avenue, located on the west side of Emerald Avenue between Woodland Avenue and Kansas Avenue. Owners: George R. Sanders and Phyllis L. Sanders.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. A main line exists to serve it. No City funds are involved, Resolution approving agreement needed.)

ACTION: Res. 78-508 adopted approving agreement. (P.W. to handle)

CONSENT

- 28, Consider substitution of Alcal Roofing as the roofing subcontractor for the Revard Park Utility Building project as requested by the prime contractor, Chet Cummins Construction Company, in lieu of David's Roofing as listed on the bid proposal.
(Memo with agenda. Resolution approving substitution of subcontractor needed.)

ACTION: Res. 78-509 adopted approving substitution. (P.W. to handle)

CONSENT

29. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Rodney Johnson.
(On May 2, 1978 the Planning Commission adopted Resolution 78-70 recommending to the Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D property located on the south side of Floyd Avenue, opposite MacDougal Street, to allow construction of a 20-dwelling multiple-family residential complex. Resolution setting public hearing on June 5, 1978, at 4:00 p.m. needed.)

ACTION: Res. 78-510 adopted setting public hearing. (Clerk to handle)

CONSENT

31. Consider extending free off-street parking on Saturdays.
(Memo with agenda. The present free parking authorization expires on July 5, 1978. An indefinite continuation is recommended. This would coincide with the free on-street parking authorization previously made. Motion directing Police not to enforce parking meters on Saturdays needed,)

ACTION: By motion, Police directed not to enforce parking meters on Saturday. (Police to handle)

CONSENT

32. Request by Zagaris Real Estate for refund of Business Improvement Area tax.
(Memo with agenda. Resolution authorizing refund needed.)

ACTION: Res. 78-511 adopted authorizing refund. (Finance to handle)

CONSENT

33. Consider authorizing a public auction to be held on June 3, 1978, at 1501 8th Street, for surplus automotive equipment and declare the equipment listed on the Surplus Property Listing Sheet surplus to City needs.
(Resolution authorizing auction and declaring equipment surplus property needed.)

ACTION: Res. 78-512 adopted authorizing auction. (Finance to handle)

CONSENT

34. Consider resolution approving lease for rental of office space in Beaty Building for Housing Program Office.
(Memorandum with agenda. Resolution approving lease needed. Estimated Cost: \$682.50 per month for 12 months. Funds are budgeted.)

ACTION: Res. 78-513 adopted approving lease agreement. (Planning to handle)

REPORTS

35. Consider report on Dangerous Buildings Code.
(A review of the Dangerous Buildings Code was requested by several downtown property owners. Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Elliott/Kullijian, unan.) receipt of report acknowledged and referred to Council Committee for further study and report to Council in 30 days. By order of the Chair, the Public Projects Committee is to undertake the study.

CONSENT

36. Presentation of Financial Statement for April, 1978.
(Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

37. Consider appropriation transfer from General Reserve to the McHenry Mansion Parking Lot budget account.
(\$71,000 needed immediately to deposit with the court to purchase the property north of the McHenry Mansion for parking for mansion users and visitors. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-514 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

38. Legislation

ACTION: By motion (Siefkin/Lang, unan.) SB1927 apposed
By motion (Dunlap/Kullijian, unan.) AB3543 supported
By motion (Mensingher/Siefkin, unan.) AB3544 apposed

39. Appointments

None

40. Matters too late for the agenda

ACTION: By motion (Siefkin/Elliott, unan.) a letter is to be sent to State legislators concerning the State Transportation Commission's refusal to permit the League of California Cities and C.S.A.C. a place on its meeting agenda and the lack of local government representation on the Commission. (Management Services to handle)

Adjourned at 7:20 p.m. to Tuesday, May 16, 1978 at 12:00 Noon on the Courthouse lawn, Eye Street, for the Council/Board Joust; then to Tuesday, May 16, 1978, at 7:30 p.m. in the Council Chambers to consider the Alternative Futures Report.

ATTEST: Norrine Coyte
Norrine Coyte, City Clerk

Modesto City Council
Adjourned Regular Council Meeting
May 16, 1978

The Modesto City Council met pursuant to adjournment at 12:00 noon on the lawn in front of the Eye Street side of the Courthouse, to promote the California Relays.

Present: Councilmembers Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: Councilmembers Dunlap

An athletic contest between the Councilmembers and County Board of Supervisors was held to publicize and promote the annual California Relays.

The meeting adjourned at 12:45 p.m. to 7:30 p.m. in the Council Chambers to consider the Alternative Futures Report.

Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

By motion, (Elliott/Kullijian, majority, Mensinger and Siefkin-no) Items 1 through 4 of the Public Projects Committee's recommendations (copy attached) were approved as presented.

A motion (Mensinger/Siefkin) to include an advisory vote on sewer trunk extensions as a part of the City's Urban Growth Policy failed to carry.

The meeting adjourned at 9:25 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

NC/jmh

CITY OF MODESTO
M E M O R A N D U M

April 4, 1978

TO: Mayor and City Council Members
FROM: Public Projects Committee
SUBJECT: Public Projects Committee Recommendations to the City Council Regarding Alternative Futures Study Review and the City's Urban Growth Policy Approved April 3, 1978

1. The Urban Growth Policy adequately provides for managed growth, public participation, is effective, and should be continued.
2. The Annual Urban Growth Policy should provide for the selection of neighborhood units of the General Plan required in the ensuing five year period to respond to managed growth needs of the community.
3. Consideration of managed growth needs should include the amount of land developed in the previous year and maintenance of an urban land inventory.
4. The Urban Reserve Areas as provided in the Modesto Urban Area General Plan should be retained until use of the reserve is required to meet the City's managed growth needs.
5. The request of G.O.A.L. for Council approval of an advisory vote of the people on each sanitary sewer trunk extension is more appropriately a matter for Council determination. No Committee recommendation is made.

Items 1-4 approved by Council 5-16-78. Item 5 not approved.

Robert T. Elliott
Robert T. Elliott, Chairman

Clyde B. Bunlap
Clyde B. Bunlap

Harry Kullijian
Harry Kullijian

The City Council will consider this recommendation, the Alternative Futures Report, and possible amendment to the urban growth policy at an informal public hearing set for 7:30 p.m., Tuesday, May 16, 1978, City Council Chambers

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, MAY 22, 1978, AT 7:30 P.M.

Roll Call Present: Dunlap, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies.

Absent: Elliott

Pledge of allegiance to the Flag

Invocation: Rev. Al Moore, Chaplain of Doctor's Hospital

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
Dropped from agenda: 43 10, 11, 12, 13, 14, 25, 26, 27,
Removed from consent: 32, 38 29, 30, 31, 33, 35, 36, 37,
ACTION: (Dunlap/Lang, unan., Elliott absent) 39, 41, 42

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the regular Council meeting of May 15, 1978, and of the adjourned Council meetings at 12:00 noon and 7:30 p.m. on May 16, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Paul Tischer, Director of Modesto Youth Theatre requesting \$5,000 for the summer program.
(Motion referring to the proper budget session needed.)

ACTION: By motion, request referred to proper budget session (Finance to handle)

CONSENT

3. Request by California Neon Products to continue the hearing on their appeal to a BZA decision concerning a Taco Bell sign, from June 5, 1978 to July.
(Motion indicating Council's intention to continue the hearing to July 3, 1978, at 4:05 p.m. needed.)

ACTION: By motion, Council indicated its intention to continue the hearing to July 3, 1978, at 4:05 p.m. (Clerk to handle)

CONSENT

4. Letter from District Attorney Don Stahl regarding proposed elimination of State's Blood Alcohol Testing Program and requesting the City Council's opposition to the elimination of the program. (Memo with agenda. Motion opposing elimination of the program needed.)

ACTION: By motion, Council opposed elimination of the State's Blood Alcohol Testing Program. (Management Services)

BIDS

CONSENT

5. Consider sale of buildings located at 617 and 621 S. Sunset Avenue. (Memo with agenda. Bid Opening: June 19, 1978 at 10:00 a.m. Resolution calling for bids and approving specifications and notice to bidders needed.)

ACTION: Res. 78-515 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider specifications and authorize call for bids to be opened June 6, 1978, at 2:30 p.m. for furnishing annual requirements for liquid and emulsified asphalts. (Annual requirements; materials will be purchased intermittently throughout 1978/79 fiscal year. Materials will be used for City street repair projects. Resolution authorizing call for bids needed. Estimated Cost: \$36,000; funds will be budgeted in 1978-79.)

ACTION: Res. 78-516 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider specification and authorize call for bids to be opened June 6, 1978, at 2:35 p.m. for furnishing annual requirements of dry cell batteries. (Annual requirements; batteries will be used by all departments. Batteries will be purchased intermittently through the fiscal year. While the specification is being prepared by our staff, all local governmental agencies will participate in this bid. Resolution authorizing call for bids needed. Estimated Cost: \$3,500; funds will be budgeted in 1978-79.)

ACTION: Res. 78-517 adopted calling for bids. (Finance to handle)

CONSENT

8. Consider approval of specifications and authorize call for bids to be opened June 13, 1978, at 2:00 p.m. for furnishing annual lamp requirements. (This is a cooperative venture which includes Modesto City Schools, City of Modesto, Stanislaus County, and Yosemite Junior College, representing a \$50,000 list price value. Lamps purchased intermittently throughout the 1978-79 fiscal year. Resolution authorizing call for bids needed. Estimated Cost for City of Modesto: \$10,000; funds will be budgeted in 1978-79.)

ACTION: Res. 78-518 adopted calling for bids. (Finance to handle)

CONSENT

9. Consider award of contract for construction of waterlines in "K" Street at Seventh Street and Sunrise No. 2.
(Bids were opened May 16, 1978. The low bid of \$17,007, submitted by Mac's Backhoe Service is 14% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to Mac's Backhoe Service. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 78-519 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider declaring Puregro Company low bidder and authorize the purchase of liquid anhydrous ammonia for \$169.50 per ton.
(Memorandum with agenda. Resolution authorizing purchase of liquid anhydrous ammonia needed. Estimated Cost: \$24,300; funds will be budgeted in 1978-79.)

ACTION: Res. 78-520 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider award of contract for construction of Revard Park Pool.
(Bids were opened May 16, 1978. The low bid submitted by William M. Mineni, which is 5% below the engineer's estimate, is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to William M. Mineni needed. Estimated Cost: \$39,080; funds are budgeted.)

ACTION: Res. 78-521 adopted awarding contract. (P.W. to handle)

CONSENT

12. Consider award of contract for construction of site improvements at Pump Station No. 14 on Virginia Avenue. Bids were opened on May 16, 1978. The low bid of \$42,000, submitted by Chas. I. Cunningham Company, is 5% above the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to Chas. I. Cunningham Company. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 78-522 adopted awarding contract. (P.W. to handle)

CONSENT

13. Consider acceptance of Joe Martin's contract for construction of waterlines in Towery Plaza and waterline extension in Gayle Avenue. (Original Contract: \$34,879.50)
(All work on this project has been completed to the satisfaction of the Public Works 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: \$33,973.60 Contract; \$31,993.60 Main; \$1,980 Services); funds are budgeted.)

ACTION: Res. 78-523 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of Joe Martin's contract for construction of water-lines in Persian Terrace #2 and Westridge #1. (Original Contract: \$131,585.00)
(All work on this project has been completed to the satisfaction of the Public Works 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: \$122,787 Contract; \$118,767 Main; \$4,020 Services); funds are budgeted.)

ACTION: Res. 78-524 adopted accepting work as complete. (Clerk to handle)

HEARINGS

15. Hearing - Annex Pelandale No. 1 Addition to Modesto Municipal Sewer District No. 1. 7:30 p.m.

ACTION: Res. 78-525 adopted (Lang/Siefkin, unan., Elliott absent) annexing. (Clerk to handle)

16. Hearing - Annex Yellowstone-Temperate Addition to Modesto Municipal Sewer District No. 1. 7:35 p.m.

ACTION: Res. 78-526 adopted (Lang/Siefkin, unan., Elliott absent) annexing. (Clerk to handle)

17. Hearing to consider annexation of inhabited territory - Sherwood Forest No. 2 Addition. 7:40 p.m.

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) matter referred to City Clerk to check the protest petitions and report back in two weeks. (Clerk to handle)

18. Hearing to consider annexation of uninhabited territory - Veneman No. 2 Addition. 7:45 p.m.

ACTION: Res. 78-527 adopted (Dunlap/Siefkin, unan., Elliott absent) annexing. (Clerk to handle)

- (a) Curb and sidewalk at 2701 Brenner Way, Lot 1 of Block 7255.
(American Savings & Loan Association)
- DROPPED FROM AGENDA
- (b) Curb and sidewalk at 153 South Santa Cruz Avenue, Lots 5 and 6 of Block 2053.
(Richard F. Bettencourt)
- (c) Sidewalk at 613 Bermuda Avenue, Lot 9 of Block 6226-A. (John Borghello)
- (d) Sidewalk at 2617 Brenner Way, Lot 3 of Block 7255 (Joel Bulter)
- (e) Curb and sidewalk along Franklin Street at 325 Maze Blvd., Lots 1 and 2
of Block 421 (H. W. Garber)
- (f) Sidewalk at 2521 Brenner Way, Lot 12 of Block 7255 (Lyndell C. Halbert)
- (g) Curb and sidewalk at 181 South Santa Cruz Avenue, Lot 8 of Block 2053

ACTION: (Mary E. Hunter) By motion (Lang/Kullijian, unan., Elliott absent) hearing
continued to June 5, 1978, 4:30 p.m. for staff to check trees. (P.W.)

- (h) Curb and sidewalk at 141 South Santa Cruz Avenue, a portion of Block 2053
(Don Lee)
- (i) Curb and sidewalk at 177 South Santa Cruz, Lot 7 of Block 2053.
- (j) Sidewalk along Leonard at 630 Kearney Avenue, a portion of Block 901.
(Elvan Overholtzer)
- (k) Curb at 438 Leon Avenue, Lot 29 and 30 of Block 354 (Harold A. Parker)
- (l) Curb along Leon Avenue at 402 Leon Avenue, Lots 47 and 48 of Block 354
(Harry S. Paul)
- (m) Curb and sidewalk at 2621 Brenner Way, Lot 2 of Block 7255 (James B. Perry)
- (n) Sidewalk at 1422 Leonard Avenue, a portion of Block 901 (Alvin R. Rumsey)
- (o) Sidewalk at 2513 Brenner Way, Lot 14 of Block 7255 (Angie Starwood)

DROPPED FROM AGENDA

- (p) Curb and sidewalk along South Santa Cruz and along Yosemite Blvd. at
1234 Yosemite Blvd., Lots 1 and 2 of Block 2053. (Richard T. Vine)

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) action held for 60 days.

- (q) Curb and sidewalk along Franklin Street at 523 Franklin Street, a portion
of Block 4091 (Mary A. Webb)
- (r) Curb and sidewalk along Foy Street at 132 Maynell Avenue, Lots 36 and 37 of
Block 558. (Theodore W. Werning)
- (s) Curb and sidewalk along Franklin Street at 327 Ruberto Street, Lots 13 and 14
of Block 344. (B.H. Wilcox)
- (t) Curb and sidewalk at 137 South Santa Cruz Avenue, a portion of Block 2053
(Benjamin L. Zakarian)

ACTION: Res. 78-528 adopted (Lang/Kullijian, unan., Elliott absent) requiring
construction on all except 181 S. Santa Cruz.

(P.W. to handle)

20. Hearing on appeal by Larry P. Ward to Planning Commission decision regarding re-zoning property at the corner of Carver Road and Sheldon Avenue. 7:55 p.m.

ACTION: Res. 78-529 adopted (Lang/Siefkin, majority, Kullijian-no, Elliott absent) denying appeal. (Atty to handle)

21. Hearing, abandonment of a portion of 12th Street between "D" and "B" Streets. Public Hearing closed. 8:05 p.m.

ACTION: Motion (Mensinger/Siefkin, unan., Elliott absent) to abandon street as requested, subject to conditions recommended by staff and referring to staff to prepare an agreement with the applicant and other necessary documents and to bring them back to Council for formal abandonment action. (Atty. to handle)

22. Continued informal hearing on proposed amendments to Standard Specifications and Subdivision Regulations pertaining to width of collector streets at major street intersections. 8:10 p.m.

ACTION: A motion approving the Construction Industry Liaison Committee's proposal failed to carry. By motion (Mensinger/Dunlap, unan., Elliott absent) staff directed to work out method by which lot size could be reduced by the amount of land needed for the wider street. (Planning to handle)

23. Continued hearing on appeal by Bright Development to Planning Commission decision regarding P-D zoning for a 400 unit apartment development between Standiford and Veneman, west of Hahn Drive extended. 8:30 p.m.

ACTION: By motion (Dunlap, Kullijian, unan., Elliott absent) request to rezone the property was approved and staff directed to prepare the necessary documents. (Attorney to handle)

24. Matters for the good of the community. 8:35 p.m.
(These may be presented by interested persons in the audience.)

ACTION: Mayor Davies introduced Henry Kamps, member of the Farm-City Advisory Committee.

ORDINANCES

CONSENT

25. An ordinance amending Section 2 of Ordinance No. 1080 relating to Planned Development Zone, P-D(45) (Modesto Swim and Racquet Club). (The amendment is needed to correct the wording of Use No. 7 to provide that activities for young adults/teenagers shall be terminated no later than 12:00 midnight instead of 12:00 p.m. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1728-C.S. introduced. (Clerk to handle)

CONSENT

26. Ordinance repealing Articles 2 and 4 of Chapter 1 of Title VIII of the Modesto Municipal Code relating to McHenry Public Library Capital Outlay fund and Library Cash-Basis fund. (Memo of explanation with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1729-C.S. introduced. (Clerk to handle)

CONSENT

27. Ordinance amending Section 2-3.601 of Article 6 of Chapter 3 of Title II of the Modesto Municipal Code relating to Health Department. (Memo of explanation with agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1730-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

28. Consideration of Resolutions of Necessity to acquire real property for Dry Creek Park (Arnold Dickens and Pacific States Growth) and resolution approving agreement with MID for City use of right of way of Lateral No. 2 for park purposes and to sell one acre of the Dickens property to the MID for a substation. (Adoption of three resolutions needed.)

ACTION: By motion (Mensingher/Siefkin, majority, Kullijian-no, Elliott absent) consideration of this item continued to June 26, 1978. (Clerk to handle)

CONSENT

29. Consider approval of the final map of Fransen Estates 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. Subdividers - Donald R. Zensen and Ellen J. Zensen.
(The subdivision agreement has been signed and all fees paid. Fransen Estates subdivision is located south of East Orangeburg Avenue and west of Claus Road. It contains 4.321 acres. Resolution approving final map needed.)

ACTION: Res. 78-530 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider approval of the final map of Hollandia Estates 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. Subdividers - Jan F. Rouw and Deane V. Rouw.
(The subdivision agreement has been signed and all fees paid. Hollandia Estates subdivision is located north of Standiford Avenue and west of Prescott Road. It contains 16.899 acres. Resolution approving final map needed.)

ACTION: Res. 78-531 adopted approving final map. (Clerk to handle)

CONSENT

31. Consider entering into a lease agreement with Donald M. Jack for a City-owned house at 608 Brighton.
(Memo with agenda. Tenant's references have been checked. Tenant will pay \$195 per month plus taxes, utilities and maintenance. Resolution approving agreement needed.)

ACTION: Res. 78-532 adopted approving agreement. (P.W. to handle)

32. Consider Resolution of Intention to approve an amendment to contract between the Public Employees' Retirement System and the City of Modesto.
(Memo with agenda. Adoption of Resolution of Intention needed.)

ACTION: Res. 78-533 adopted (Dunlap/Siefkin, unan., Elliott absent) approving amendment. (Clerk to handle)

CONSENT

33. Set date for public hearing on a cooperative agreement between the Housing Authority of the County of Stanislaus and the City of Modesto.
(Memo with agenda. The Housing Authority of the County of Stanislaus is now in the process of renewing its application with the Department of Housing and Urban Development for the construction of certain low income housing units, some of which will be constructed in the City of Modesto. The Housing Authority has been advised by HUD that it will be necessary to secure a cooperative agreement between the Housing Authority of the County of Stanislaus and the City of Modesto. The proposed agreement will be forwarded to the Council prior to the hearing. Resolution setting June 12, 1978 at 8:00 p.m. for public hearing needed.)

ACTION: Res. 78-534 adopted setting public hearing. (Clerk to handle)

34. Consider approval of agreement for railroad crossing gates on 12th Street. (Memo with agenda: Federal funds are available to pay 90% of the \$42,250 cost of the gates. If the Council decides that 12th Street will be closed at this meeting, then the agreement should not be approved. Resolution approving agreement needed. Estimated cost to City \$4,225.)

No action taken.

CONSENT

35. Set informal hearing on transfer of Modesto Cab Company taxi certificates. (Memo with agenda, An informal hearing on June 5, 1978, at 4:25 p.m. is suggested. Resolution setting informal hearing needed.)

ACTION: Res. 78-535 adopted setting informal hearing. (Clerk to handle)

CONSENT

36. Consider approval of agreement between the City of Modesto and Pacific Gas and Electric Company for standby natural gas service to Thousand Oaks Sewage Lift Station and authorizing City Manager to execute on behalf of the City.
(Thousand Oaks Sewage Lift Station is being remodeled and a larger natural gas generator is being installed for standby power. This agreement provides for gas service to the new generator. Resolution approving agreement needed. Estimated Cost: \$414.79 (P.G. & E.'s cost to install a new meter and regulator); funds are budgeted.)

ACTION: Res. 78-536 adopted approving agreement. (Clerk to handle)

CONSENT

37. Consider request for water service to property outside City limits - at 541 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Street and Barium Road. Owner: Southern Pacific Transportation Company.
(The property owner has 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. 78-537 adopted approving agreement. (P.W. to handle)

38. Consider agreement with William T. Doidge and R. Florence Doidge for the acquisition of their 5.36 $\frac{1}{2}$ acre residentially improved property. Property is required for Dry Creek Park.
(Memo with agenda. The Doidges have agreed to settle for the appraised value of \$162,500, plus two years possession of the property. Resolution approving agreement needed. Estimated Cost: \$162,500 plus \$1,000 escrow est.; \$163,500 total; funds are budgeted.)

ACTION: Res. 78-538 adopted (Siefkin/Dunlap, unan., Elliott absent) approving agreement. (P.W. to handle)

CONSENT

39. Consider issuance of purchase order for improvement of Prescott Road at Muncy Park.
(Memo with agenda. Resolution authorizing issuance of purchase order to L. M. Roberts Construction Company needed. Estimated Cost: \$4,281; (Constr. \$3,981; Engr. \$300); funds are budgeted.)

ACTION: Res. 78-539 adopted authorizing issuance of purchase order. (P.W. to handle)

40. Consider water service to proposed Pine Tree Village subdivision. (It is proposed the subdivision be served by the City of Modesto water system. The Del Este Water Company is appealing the decision. See letter from Del Este Water Company and memo with agenda. Resolution directing staff needed.) Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-540 adopted (Siefkin/Dunlap, unan., Elliott and Mensinger absent) upholding City water policy and requiring that the City water serve the Pine Tree Village Subdivision. (P.W. to handle)

CONSENT

41. Consider the following actions regarding CATV service in the City of Modesto:

(a) Adoption of a resolution declaring the City Council's intention to consider rate increases for providing cable television service by CableCom General of Modesto and setting June 19, 1978 at 4:30 p.m. for a public hearing.

ACTION: Res. 78-541 adopted setting public hearing. (Clerk to handle)

(b) Adoption of a resolution declaring the City Council's intention to consider amendments to Chapter 4 of Title XI of the Modesto Municipal Code relating to Community Antenna Television Franchises and setting June 19, 1978 at 4:30 p.m. for a public hearing thereon.

ACTION: Res. 78-542 adopted setting public hearing. (Clerk to handle)

(c) Approve letter agreement with Alta California Services, Inc. (ACSI) for the performance of testing and evaluation of CableCom General of Modesto's system to determine its compliance with the proposed new franchise documents.

ACTION: Res. 78-543 adopted approving letter agreement. (Clerk to handle)
(Memos with agenda Adoption of three resolutions needed.)

CONSENT

42. Consider adoption of resolution establishing fees for permits to conduct bingo games.

(Memo and proposed resolution with agenda. Adoption of resolution needed.)

ACTION: Res. 78-544 adopted establishing fees for permits. (Finance to handle)

CONSENT

43. Consider certifying right of way for Modesto Irrigation District pump/well relocation project on Sylvan Avenue near Clareront.
(Memo with agenda. Certification of right of way required on federally funded safety projects. Resolution approving certification needed.)

Dropped from agenda.

REPORTS

CONSENT

44. Progress report on bus driver compensation study.
(Memo with agenda. Study is not likely to be ready for City Council consideration until July, 1978. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

45. Legislation

None

46. Appointments

None

47. Matters too late for the agenda.

Consider acceptance of Grover Landscaping's contract for installation of irrigation and landscaping for Briggsmore Phase II as complete.
(Original contract: \$32,900. Final cost: \$32,900.)

ACTION: Res. 78-545 adopted (Lang/Siefkin, unan., Elliott absent) accepting as complete. (Clerk to handle)

48. Adjourned to executive session at 10:50 p.m. to consider property acquisition. Returned to open session at 11:25 p.m. for consideration of items 28 and 38.

Adjourned at 11:30 p.m. to Thursday, May 25, 1978, at 4:00 p.m. in the Council Chambers to consider the proposed 1978-79 budget.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to consider the preliminary budget for 1978-79.

Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mayor Davies

Absent: Councilmembers Mensinger and Siefkin

The Director of Finance talked briefly about the proposed budget. Lawrence Martin asked that an updated analysis of the Parks Program, following the format of the July 14, 1971 analysis, be prepared for consideration when the Parks and Recreation Department's budgets are discussed. By order of the Chair, the staff was requested to prepare the report.

The following budgets were considered:

PARKING AND TRAFFIC DEPARTMENT:

Parking and Traffic (pages 169-173)
Parking Fund (pages 183-186)
Bus Service (pages 212-213)

PUBLIC WORKS DEPARTMENT:

Engineering and Administration (pages 130-135)
Building Inspection (pages 136-139)
Electrical (pages 140-143)
Water (pages 144-148)
Streets (pages 150-153)
Sewers (pages 154-157)
Water Quality Control (pages 158-161)
Garden Refuse (pages 162-165)
City Hall (pages 166-167)
Airport (pages 201-206)
Service (pages 221-228)

Adjourned at 5:10 p.m. to Executive session to discuss an employee relations matter and then to Thursday, June 1, at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, for further consideration of the budget.

ATTEST: 
NORRINE COZLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 1, 1978, 4:00 p.m.

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to further consider the preliminary budget for 1978-79.

Present: Councilmembers Dunlap, Elliott, Lang, Mensinger, Siefkin

Absent: Councilmembers: Kullijian, Mayor Davies

The following budgets were discussed:

CITY ATTORNEY (pages 49-51)

CITY COUNCIL (pages 28-29)

CITY MANAGER (pages 30-31)

CITY CLERK AND AUDITOR (pages 53-57)

PLANNING AND COMMUNITY DEVELOPMENT (pages 65-69)

Downtown Improvement District (pages 187-190)
Housing and Community Development (pages 195-200)

MANAGEMENT SERVICES

Analysis (pages 33-37)
Personnel (pages 38-41)
Word Processing Center (pages 42-45)
Administrative Services (pages 46-47)

FINANCE (pages 59-63)

Central Stores (pages 217-219)

FIRE (pages 71-75)

Disaster and Civil Defense (pages 76-77)

POLICE (pages 79-88)

Neighborhood Youth Advisors (pages 90-91)
Stanislaus Drug Enforcement Agency (pages 92-93)
Animal Control (pages 94-95)

PARKS AND RECREATION

- Administration (pages 98-101)
- * McHenry Museum (pages 102-103)
- McHenry Mansion (pages 104-105)
- * Added \$7,545 for fire detection system.

PARKS AND RECREATION (continued)

King-Kennedy Memorial Center (pages 106-107)
Maddux Youth Center (pages 112-113)
Community Service Center (pages 114-115)
Street Trees (pages 120-123)
9-Hole Muni Golf Course (pages 124-125)
Dryden Golf Course (pages 126-127)
Senior Citizen Center (pages 128-129)

INSURANCE AND RETIREMENT (pages 176-177)

MISCELLANEOUS UNCLASSIFIED (pages 178-179)

Comprehensive Employment Training Act (pages 192-194)

BOND REDEMPTION AND INTEREST (pages 214-215)

SELF-INSURANCE (pages 230-231)

Adjourned at 5:30 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

6/1/78

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 5, 1978, AT 4:00 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. George Telle, Trinity United Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14, 15, 16, 17, 25,
Removed from consent: 19 27, 28, 29, 30, 31, 32, 33,
Dropped from Agenda: 26, 36, 54 34, 35, 37, 38, 39, 40, 41,
42, 43, 44, 45, 46, 47, 48, 49,
50, 51, 52, 53, 56

ACTION: (Siefkin/Mensinger, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATION

1. Presentation of Distinguished Service plaque to David B. Ryan for serving on the Planning Commission from March 24, 1970, to March 21, 1978.

Mayor Davies presented the plaque to David Ryan and commended and thanked him for his service.

MINUTES

CONSENT

2. Approval of minutes of the regular meeting of May 22, 1978, and the adjourned regular meeting of May 25, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

3. Letter from Robert Bibens, Chairman of Modesto Rotary Club Welcome Sign Committee requesting permission to install an information sign at the Maze and Carpenter Road intersection.

ACTION: By motion (Kullijian/Dunlap, unan.) the request was referred to the staff and make a recommendation to Council. (Planning to handle)

CONSENT

4. Letter from L. T. (Larry) Bailey resigning from the Modesto Human Rights Commission due to his being transferred from Modesto. (Resolution accepting resignation with regret needed.)

ACTION: Res. 78-546 adopted accepting resignation. (Clerk to handle)

CONSENT

5. Appeal by MidValley Engineering to a decision of the Planning Commission regarding rezoning to H-1 and R-3 property located at Rumble and Sisk Roads. (Resolution setting hearing June 26, 1978, at 7:35 p.m. needed.)

ACTION: Res. 78-547 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

6. Approval of specifications and call for bids for Project No. 8 - replacement of curbs and drive approaches at various locations. (This project is required to repair, for proper drainage, curbs and drive approaches damaged by City street trees. Resolution approving specifications and call for bids to be opened June 20, 1978 at 11:00 a.m. needed. Estimated Cost: \$18,150 (Contract \$16,500; Engr. \$1,650); funds are budgeted.)

ACTION: Res. 78-548 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider approval of specifications and authorize call for bids to be opened June 20, 1978, at 2:00 p.m. for furnishing automotive parts. (An annual requirement; parts are used to maintain the City's fleet of automobiles, trucks, and buses. A significant amount of parts purchased are brought into Central Stores and sold to the Service Division. Parts are purchased intermittently throughout the fiscal year. Resolution authorizing call for bids needed. Estimated Cost: \$100,000; funds are budgeted.)

ACTION: Res. 78-549 adopted calling for bids. (Finance to handle)

6/5/78

CONSENT

8. Consider approval of plans and specifications and call for bids for the construction of Sonoma Park Stage 1,
(Suggested bid opening: June 27, 1978 at 11:00 a.m. The project will implement the initial development of Sonoma Park as outlined in the Sonoma Park Master Plan as adopted by the City Council. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$96,391 (Const. \$91,801; Engr. \$4,590); funds are budgeted.)

ACTION: Res. 78-550 adopted calling for bids. (P.W. to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for construction of waterlines in Laurel Meadows.
(Suggested bid opening: June 20, 1978 at 11:05 a.m. Estimated Cost: \$8,164 (\$5,764 Contract; \$2,400 Engineering & Mat'ls.) Connection Charges \$2,640; Net Revenue \$208; funds are budgeted.) (Resolution approving plans and specifications and call for bids needed)

ACTION: Res. 78-551 adopted calling for bids. (P.W. to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for installation of draperies at the Modesto City Hall.
(Suggested bid opening: June 20, 1978 at 11:10 a.m. This project will install draperies on all floors of the Modesto City Hall. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$18,000 (\$17,000 Contract; \$1,000 Engineering); funds are budgeted.)

ACTION: Res. 78-552 adopted calling for bids. (P.W. to handle)

CONSENT

11. Consider award of contract for construction of waterlines in North Hampton Park No. 4 and Walnut Park,
(Bids were opened May 30, 1978. The low bid of \$45,427.14, submitted by Mac's Backhoe Service, is 13% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to him. Resolution accepting bid and awarding the contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 78-553 adopted awarding contract to Mac's Backhoe Service.
(P.W. to handle)

CONSENT

12. Consider declaring Reed Equipment Company low bidder and authorizing the purchase of one tractor-loader-backhoe combination for the total price of \$19,938.00.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-554 adopted authorizing purchase. (Finance to handle)

CONSENT

13. Consider acceptance of the Flintkote Company's contract for paving of the southwest portion of the City of Modesto Service Yard as complete. (Original Contract: \$16,350)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$17,197.56; funds are budgeted.)

ACTION: Res. 78-555 adopted accepting work as complete. (Clerk to handle)

CONSENT

14. Consider acceptance of ABC Underground's contract for the construction of sewer extension east of Poust Avenue in proposed Chapparral Place as complete. (Original Contract: \$20,188)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$20,166.40; funds are budgeted.)

ACTION: Res. 78-556 adopted accepting work as complete. (Clerk to handle)

CONSENT

15. Consider acceptance of George Reed, Inc.'s contract for the Graceada Park tennis court resurfacing as complete. (Original contract and final cost: \$14,985.00)
(All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be 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. 78-557 adopted accepting work as complete. (Clerk to handle)

CONSENT

16. Consider acceptance of E. P. Construction, Inc. (Pestana's) contract for the Scenic-Sonoma-Orangeburg Drainage System; McGuire Drive, Orangeburg Avenue, Scenic Drive as complete. (Original contract: \$108,255)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$106,165.00; funds are budgeted.)

ACTION: Res. 78-558 adopted accepting work as complete. (Clerk to handle)

CONSENT

17. Consider acceptance of ABC Underground's contract to construct subtrunk sewer in McHenry Avenue from Union Avenue to Coralwood Road as complete. (Original Contract: \$43,602.50)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$43,537.50; funds are budgeted.)

ACTION: Res. 78-559 adopted accepting work as complete. (Clerk to handle)

HEARINGS

18. Hearing, rezoning property on Floyd Ave. 4:00 p.m.
opposite MacDougal, from R-1 to P-D.
(Rodney R. Johnson)

ACTION: By motion (Elliott/Lang, unan.) Ord. 1731-C.S. introduced rezoning from R-1 to P-D. (Clerk to handle)
Res. 78-560 adopted (Elliott/Lang, unan.) rezoning from R-1 to P-D. (Clerk to handle)
Res. 78-561 adopted (Elliott/Lang, unan.) authorizing environmental assessment review. (Clerk to handle)

CONSENT

19. Hearing, for Resolution of Necessity 4:05 p.m.
(Doidge property).
(Agreement with Doidges approved May 22, 1978.)

Dropped from agenda

20. Hearing, rezoning from R-1 to R-2 property 4:10 p.m.
located on the south side of Pelandale, west
of Dale. (Grant Construction)

ACTION: By motion (Kullijian/Mensingler, unan.) Ord. 1732-C.S. introduced rezoning from R-1 to R-2. (Clerk to handle)
Res. 78-562 adopted (Kullijian/Mensingler, unan.) rezoning from R-1 to R-2. (Clerk to handle)

21. Hearing, prezone to P-D(185) property on 4:15 p.m.
south side of Floyd Avenue between Pridmore
and Oakdale Road. (Irwin Steinpress)

ACTION: By motion (Lang/Siefkin, unan.) Ord. 1733-C.S. introduced prezone to P-D(185) (Clerk to handle)
Res. 78-563 adopted (Lang/Siefkin, unan.) prezone to P-D(185) (Clerk to handle)
Res. 78-564 adopted (Lang/Siefkin, unan.) authorizing environmental assessment review. (Clerk to handle)

22. Hearing on appeal by California Neon Products on behalf of Taco Bell Corp. regarding a BZA decision regarding a free-standing sign. (By motion on May 22, 1978, Council indicated its intention to continue this hearing to July 3, 1978 at 4:05 p.m.)

4:20 p.m.

ACTION: By motion (Lang/Dunlap, unan.) hearing continued to July 3, 1978, at 4:05 p.m. (Clerk to handle)

23. Informal hearing on transfer of Modesto Cab Company's taxi certificate.

4:25 p.m.

ACTION: Res. 78-565 adopted (Mensing/Siefkin, unan.) approving transfer of business. (P.T. to handle)

Res. 78-566 adopted (Mensing/Siefkin, unan.) approving assignment of airport agreement. (P.T. to handle)

24. Continued hearing on curb & sidewalk at 181 S. Santa Cruz, Lot 8, of Block 2053. (Mary E. Hunter)
(Continued from May 22, 1978, meeting.)

4:30 p.m.

ACTION: By motion (Kullijian/Mensing, unan.) hearing continued one week to allow staff to contact Mrs. Hunter. (P.W. to handle)

24A MATTERS FOR THE GOOD OF THE COMMUNITY

4:35 p.m.

Mr. Busby requested that wheelchair ramps be installed in curbs on H Street between 5th and 10th Streets. By order of the Chair, staff to study and report back to Council. (Planning to handle)

ORDINANCES

CONSENT

25. Final adoption of:

- a. Ord. No. 1728-C.S. amending Ord. 916-C.S. relating to P-D(45), Modesto Swim and Racquet Club.
- b. Ord. No. 1729-C.S. repealing Code sections relating to McHenry Public Library Capital Outlay Fund and Library Cash-basis Fund.
- c. Ord. No. 1730-C.S. amending the Code relating to consolidating the City and County Health Departments.

(Motion adopting needed.)

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

CONSENT

26. Consider proposal to establish the Claus Road Drainage Area. (Ordinance would delineate boundaries and per acre fees to finance a positive storm drain area in the vicinity of Claus Road. Outfall would be on Dry Creek. Proposal with agenda. Introduction of ordinance needed. Estimated Cost: \$295,000; funds are budgeted.)

DROPPED FROM AGENDA

UNFINISHED BUSINESS

CONSENT

27. Further consideration of Sherwood Forest No. 2 Annexation.
(Memo with agenda. Resolution terminating proceedings needed.)

ACTION: Res. 78-567 adopted terminating annexation proceedings. (Clerk to handle)

NEW BUSINESS

CONSENT

28. Consider approval of agreement for railroad crossing gates on Leveland and Orangeburg at Tidewater Southern crossings.
(Memo with agenda. Federal funds are available to pay 90% of the \$90,500 cost of the gates. Remainder is budgeted. Resolution approving agreement needed. Estimated Cost to City: \$9,050.)

ACTION: Res. 78-568 adopted approving agreement. (P.T. to handle)

CONSENT

29. Consider abandonment of a Public Utility Easement in Block 12877; Amended Map of Coffee Terrace No. 4 subdivision, City of Modesto.
(Memo with agenda. Resolution vacating and abandoning Public Utility Easement in Block 12877, Coffee Terrace No. 4 needed.)

ACTION: Res. 1370-S.P. adopted vacating and abandoning. (Clerk to handle)

CONSENT

30. Consider Personnel Rule amendments concerning sick leave.
(Memo with agenda. A resolution amending Personnel Rule 13,5 needed.)

ACTION: Res. 78-569 adopted amending Personnel Rules. (Mgmt. Services to handle)

CONSENT

31. Recommendation of Citizens Housing and Community Development Committee to amend the fourth year (1978-79) Community Development Block Grant application to supplant Neighborhood Improvement Area #3.
(Memo with agenda. Resolution approving recommendation needed. Estimated Cost: \$1,029,000; funds are budgeted.)

ACTION: Res. 78-570 adopted approving recommendation. (Planning to handle)

CONSENT

32. Citizens Housing and Community Development Committee recommendation to approve renewal of agreement with Crocker Bank with modifications.
(Memo with agenda. Resolution approving agreement with Crocker Bank needed.)

ACTION: Res. 78-571 adopted approving agreement. (Planning to handle)

CONSENT

33. Dental health insurance - renewal of contract with California Dental Service.
(Memo with agenda. Resolution approving agreement needed. Estimated Cost: Preliminary Budget Amount \$66,849; Cost Increased Rate \$34,427; Estimated Total Cost \$101,276.)

ACTION: Res. 78-572 adopted approving agreement. (Mgmt. Services to handle)

CONSENT

34. Amendment to 1977-78 operating budget to provide money for Junior Golf Program.
(The S.O.S. Club conducts a Celebrity Golf Tournament on the Dryden Golf Course; the proceeds are placed in trust with the City to sponsor and promote a George Maroney Junior Golf Tournament and instructional program for youth. This is the fifth program for youth, and a transfer of \$375 for trophies and awards is needed from City Trust Fund to the General Fund Donations Account, and then appropriated to General Fund, Recreation Division of the Parks and Recreation Department in the Junior Golf Program Account. Resolution amending budget needed.)

ACTION: Res. 78-573 adopted amending budget. (Finance to handle)

CONSENT

35. Consider approval of the final map of Vintage Faire No. 3 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.
Subdividers: Vintage Faire Development Co., Inc.
(The subdivision agreement has been signed and all fees paid. Vintage Faire No. 3 subdivision is located south of Veneman Avenue east of Dale Road. It contains 16.118 acres. Resolution approving final map needed.)

ACTION: Res. 78-574 adopted approving final map. (Clerk to handle)

CONSENT

36. Consider three-year lease agreement between the City of Modesto and United Airlines for services at the Modesto City-County Airport/Harry Sham Field.
(The current three-year lease agreement between the City and United Airlines terminates on May 31, 1978. A new three-year lease agreement has been negotiated which raises the terminal rental from \$8.60 per square foot to \$10.50 per square foot and raises the landing fees from \$0.19 to \$0.24 per 1,000 pounds gross landing weight. Memo with agenda. Resolution approving three-year lease agreement needed.)

DROPPED FROM AGENDA

CONSENT

37. Consider agreement with Floyd D. Jones and Annie E. Jones for the purchase of their real property located at 521 Sunset Avenue for use as an addition to Del Webb Soccer Field.
(Memo with agenda. Resolution accepting the property and authorizing the City Manager to execute the agreement needed. Estimated Cost: \$31,000; Est. Escrow Fees \$500; Total \$31,500; funds are budgeted.)

ACTION: Res. 78-575 adopted approving agreement. (P.W. to handle)

CONSENT

38. Consider approval of the final map of the re-subdivision of Blocks 6190 and 6191 of Campos Verdes. Subdividers: Contek Associates, a limited partnership.
(All fees are paid. A subdivision agreement is not required since the reason for filing this map is to create a condominium development from the existing apartment complex. All public improvements are existing. Resolution approving final map needed.)

ACTION: Res. 78-576 adopted approving final map. (Clerk to handle)

CONSENT

39. Consider request for sewer service to property outside City limits at 304 Crater Avenue, located on the south side of Crater Avenue between Crystal Avenue and Cascade Avenue. Owners: Harvey Driscoll Jordan and Carol Bailey Jordan.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits; a line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-577 adopted approving agreement. (P.W. to handle)

CONSENT

40. Consider authorizing Billington Welding to reline the holding tank on the City's vector truck for the total price of \$4,759.40.
(Memorandum with agenda. Resolution authorizing relining of holding tank by Billington Welding needed. Funds are budgeted.)

ACTION: Res. 78-578 adopted authorizing relining. (Finance to handle)

CONSENT

41. Consider Citizens Housing and Community Development Committee recommendations to clarify responsibility and authority of the Rehabilitation Loan Pool Subcommittee.
(Memo with agenda. Two resolutions approving recommendations needed.)

ACTION: Res. 78-579 adopted delineating the authority of the Rehabilitation Loan Pool Subcom. to consider and approve loans and grants under the City of Modesto's Housing Maintenance Program. (Planning to handle)
Res. 78-580 adopted designating the Rehabilitation Loan Pool Subcom. of the Citizen's Housing and Community Develop. Com. as the City agency to consider and approve direct loans and grants under the City of Modesto handicap barrier removal program. (Planning to handle)

CONSENT

42. Uninhabited annexation to the City of Modesto - Laurel Street Addition.
(On May 17, 1978, the LAF Commission authorized this annexation without notice of public hearing. Resolution annexing needed.)

ACTION: Res. 78-581 adopted annexing. (Clerk to handle)

CONSENT

43. Uninhabited annexation to the City of Modesto - Oakdale-Floyd No. 2 Addition.

(On April 19, 1978, the LAF Commission authorized this annexation without notice of public hearing. Resolution annexing needed.)

ACTION: Res. 78-582 adopted annexing. (Clerk to handle)

CONSENT

44. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map (Land Improvement Services, Inc.)
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-82 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of E. Orangeburg Avenue, east of Yarmouth Drive. Resolution setting public hearing June 26, 1978, at 7:40 p.m. needed.)

ACTION: Res. 78-583 adopted setting public hearing. (Clerk to handle)

CONSENT

45. Recommend to Council an amendment to Section 18-3-9 of the Zoning Map (Anthony J. Cannizzaro).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-81 recommending to the City Council an amendment to Section 18-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the west side of Tully Road, south of Levon Avenue. Resolution setting public hearing July 3, 1978, at 4:10 p.m. needed.)

ACTION: Res. 78-584 adopted setting public hearing. (Clerk to handle)

CONSENT

46. Recommend to Council an amendment to Section 32-3-9 of the Zoning Map (Stan Cushway).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-88 recommending to the Council an amendment to Section 32-3-9 of the Zoning Map to rezone from C-2 to Planned Development Zone, P-D(190), property located at the easterly corner of 6th and H Streets. Resolution setting public hearing July 3, 1978, at 4:15 p.m. needed.)

ACTION: Res. 78-585 adopted setting public hearing. (Clerk to handle)

CONSENT

47. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map (Sanders Construction).
(On May 23, 1978, the Planning Commission of the City adopted Resolution No. 78-85 recommending to the City-Council an amendment to Section 12-3-8 of the Zoning Map to rezone from P-D(154) and P-D(157) to new P-D property located on the east side of Dale Road, north of Standiford to allow construction of a commercial complex. Resolution setting public hearing July 3, 1978, at 4:20 p.m. needed.)

ACTION: Res. 78-586 adopted setting public hearing. (Clerk to handle)

CONSENT

48. Recommend to Council an amendment to Section 31-3-9 of the Zoning Map (Norman J. Winsor).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-78 recommending to the Council-an amendment to Section 31-3-9 of the Zoning Map to rezone from R-1 to P-D(187) for a mobilehome park at the north-east corner of Carpenter and Chicago Avenue. Resolution setting public hearing June 26, 1978, at 7:45 p.m. needed.)

ACTION: Res. 78-587 adopted setting public hearing. (Clerk to handle)

CONSENT

49. Recommend to Council an amendment to Section 19-3-9 of the Zoning Map (Ben Cipponeri).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-79 recommending to the Council-an amendment to Section 19-3-9 of the Zoning Map to rezone from R-1 to P-D property located south of Evergreen Avenue east of W. Orangeburg to allow construction of a 60-unit elderly housing complex. Resolution setting public hearing June 26, 1978, at 7:50 p.m.. needed.)

ACTION: Res. 78-588 adopted setting public hearing. (Clerk to handle)

CONSENT

50. Recommend to Council an amendment to Section 2-3-8 of the Zoning Map (Invest West Financial Corp.).
(On May 23, 1978, the Planning Commission adopted Resolution-No. 78-83 recommending to the City Council an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to P-D property located on the west side of Dale Road, north of Snyder to allow construction of 278 dwelling multiple-family residential complex. Resolution setting public hearing July 3, 1978, at 4:25 p.m. needed.)

ACTION: Res. 78-589 adopted setting public hearing. (Clerk to handle)

CONSENT

51. Recommend to Council an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map (C. J. Rumble).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-86 recommending to the City Council an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map to rezone from R-1 to H-1 and R-2 property located east of Sisk Road both north and south of Rumble Road. Resolution setting public hearing July 26, 1978, at 7:35 p.m. needed.)

ACTION: Res. 78-590 adopted setting public hearing. (Clerk to handle)

CONSENT

52. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map (John and Marcella Hanson).
(On May 23, 1978, the Planning Commission adopted Resolution No. 78-87 recommending to the City Council an amendment to Section 22-3-9 of the Zoning Map to prezone to P-0 property located at the southeast corner of Coffee Road and Coolidge Avenue. Resolution setting public hearing June 26, 1978, at 7:55 p.m. needed.)

ACTION: Res. 78-591 adopted setting public hearing. (Clerk to handle)

CONSENT

53. Recommendation that Council initiate rezoning from C-2 to H-1, Commercial property along the McHenry Avenue, from Briggsmore Avenue to Bowen Avenue.
(Memo with agenda. Rezoning would remove inconsistencies in sign standards on Upper McHenry Avenue. Resolution initiating rezoning needed.)

ACTION: Res. 78-592 adopted initiating rezoning. (Planning to handle)

CONSENT

54. Consider resolution approving Memorandum of Understanding with the Modesto Police Association.
(Agreement was reached after meeting and conferring in good faith with the Modesto Police Association representatives. It is a one-year agreement covering fiscal year 1978/79. Resolution approving Memorandum of Understanding needed.)

DROPPED FROM AGENDA

REPORTS

55. Report on School Site and Facilities Tax Alternatives.
(Memo with agenda.)

ACTION: By motion (Elliott/Siefkin, unan.) alternate 3 referred to the School Site Tax Committee for consideration. (Atty. to handle)

APPROPRIATION TRANSFERS

CONSENT

56. Consider appropriation transfer in the amount of \$4,500 to cover security services at the Modesto City-County Airport/Harry Sham Field.

(Security services at times of boarding of airlines is provided by the Modesto Police Department and fully reimbursed by the airlines. The expenditures for the security services are exceeding that originally budgeted. It is estimated that \$4,500 additional is needed for this fiscal year. See memo from Airport Manager with agenda. Resolution approving appropriation transfer needed. Estimated Cost: \$4,500.)

ACTION: Res. 78-593 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

57, Legislation

ACTION: By motion (Lang/Elliott, unan.) AB3632 opposed.
By motion (Lang/Mensing, unan.) AB3236 opposed.
By motion (Mensing/Siefkin, unan.) AB3659 supported.
By motion (Mensing/Elliott, unan.) SB1782 supported.
By motion (Dunlap/Kullijian, unan.) AB2089 opposed.

58. Appointments

None

59. Matters too late for the agenda

None

Adjourned at 5:00 p.m. to Thursday, June 8, 1978, 4:00 p.m. to further consider the budget.

ATTEST: Norrine Coyle
Norrine Coyle, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 8, 1978, 4:00 p. m.

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to further consider the preliminary budget for 1978-79.

Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

The following was discussed:

Tuolumne River Regional Park Budget (pages 208-209).

"Jarvis/Gann Alternatives, Recommended Adjustments to FY 1978-79 Preliminary Budget, Exhibit E," City Manager through Parks and Recreation Department. (pages 1-14).

By motion (Siefkin/Mensinger, unan.) Council indicated its desire to keep the property together for the Tuolumne River Regional Park.

By motion (Dunlap/Mensinger, unan.) the Mayor only will attend the National League of Cities Conferences.

Adjourned at 5:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 12, 1978, AT 7:30 P.M.

(The Council meeting was called to order at 8:00 p.m., due to need to provide emergency aid to a citizen prior to that time)

Roll Call - Present: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: John Taylor, Jr., First United Methodist Church

CONSENT ITEMS -ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 18, 19, 20, 22, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36

Removed from consent: 28

ACTION: (Lang/Siefkin, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of adjourned regular meeting of June 1, 1978, and regular meeting of June 5, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Appeal by Jessie E. Bright to a decision of the Planning Commission regarding rezoning from R-1 to P-0 property located at 1702 Sunrise Avenue.
(Resolution setting hearing July 10, 1978, at 7:35 p.m. needed.)

ACTION: Res. 78-594 adopted setting hearing. (Clerk to handle)

CONSENT

3. Letter from Local Agency Formation Commission inviting comments on the sphere of influence boundary between Modesto and Ceres.
(Motion referring to staff to handle needed.)

ACTION: By motion, letter referred to staff to handle. (Planning to handle)

CONSENT

4. Letter from North Villas Homeowners Association, Inc. requesting additional Police surveillance in their area.
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Police to handle)

BIDS

CONSENT

5. Consider approving plans and specifications for repairs and improvements to the parking lot at the southwest corner of 10th and H.
(Memo with agenda. The lot surface is to be repaired and resurfaced and concrete planter curbs are to be installed. Resolution approving plans and specifications and authorizing call for bids to be received on July 11, 1978 at 2:00 p.m. needed. Estimated Cost: \$24,000; funds are budgeted.)

ACTION: Res. 78-595 adopted approving plans and specs. and calling for bids. (P/T to handle)

CONSENT

6. Consider approval of specifications and authorize call for bids to be opened June 27, 1978, at 2:00 p.m. for furnishing one 3/4 ton pickup.
(Truck to replace vehicle #40283 which was in an accident and damaged beyond repair. Memo with agenda. Resolution authorizing call for bids needed. Estimated Cost: \$6,000; funds are budgeted.)

ACTION: Res. 78-596 adopted calling for bids. (Finance to handle)

CONSENT

7. Consider declaring the proposal submitted by Dow Hammond acceptable and authorize the purchase of one fire rescue truck for the total price of \$17,554.03, including trade-in.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-597 adopted authorizing purchase. (Finance to handle)

CONSENT

8. Consider acceptance of Biben's Nursery Company's contract for installation of Downey Park play area equipment as complete. (Original Contract: \$39,397)
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$38,727.50; funds are budgeted.)

ACTION: Res. 78-598 adopted accepting work as complete. (Clerk to handle)

HEARINGS

9. Hearing to consider annexation of uninhabited territory - Scenic-Lakewood No. 2 Addition.

7:30 p.m.

ACTION: Res. 78-599 adopted (Dunlap/Siefkin, unan.) annexing Scenic-Lakewood No. 2 Addition. (Clerk to handle)
Res. 78-600 adopted (Dunlap/Siefkin, unan.) authorizing environmental assessment review. (Clerk to handle)

10. Hearing, Street pattern changes, La Loma area.

7:35 p.m.

ACTION: Councilmember Lang and City Attorney Elwyn Johnson were excused due to a conflict of interest.
By motion (Dunlap/Siefkin, unan., Lang absent) this item referred to staff to study alternatives presented and report back in Sept., 1978.
(Planning to handle)

11. Hearing on rezoning from R-1 to R-2 property at northeast corner of Standiford Avenue and Tidewater Southern Railroad Company right of way. (Walter Watson)

7:40 p.m.

ACTION: Ord. 1734-C.S. introduced (Elliott/Lang, unan.) rezoning. (Clerk/Planning to handle)
Res. 78-601 adopted (Elliott/Lang, unan.) authorizing environmental assessment review. (Clerk/Planning to handle)

12. Hearing on rezoning from R-1 to P-D(184) property south of Paradise Road, north of Robertson and west of Wade. (Mid-Cal Land Development)

7:45 p.m.

ACTION: Ord. 1735-C.S. introduced rezoning (Kullijian/Siefkin, majority, Elliott and Lang-no, Mensinger absent) (Clerk/Planning to handle)
Res. 78-602 adopted approving plan (Kullijian/Siefkin, majority, Elliott and Lang-no, Mensinger absent) (Clerk/Planning to handle)
Res. 78-603 adopted authorizing environmental assessment review. (Kullijian/Siefkin, majority, Elliott and Lang-no, Mensinger absent)
(Clerk/Planning to handle)
By motion (Siefkin/Kullijian, unan., Mensinger absent) staff directed to study and make a recommendation regarding traffic signals where traffic will be impacted by residential or commercial developments. (Planning to handle)

13. Hearing on rezoning a portion of P-D(21) to P-O and to P-D(183) property on south side of Standiford west of Tully Road to allow C-1 uses within P-D(183). (Stone Bros.)

7:50 p.m.

ACTION: Ord. 1736-C.S. introduced rezoning (Dunlap/Lang, unan.) (Clerk/Planning to handle)
Res. 78-604 adopted approving plan (same vote as Ord. 1736)
Res. 78-605 adopted authorizing environmental assessment review. (same vote as Ord. 1736)

14. Hearing to consider the proposed budget for the fiscal year and the Four-year Capital Improvement Program, including proposed revenue sharing projects for 1978-79.

7:55 p.m.

ACTION: By motion (Kullijian/Lang, unan.) hearing continued to June 22, 1978, 4:00 p.m. (Clerk to handle)

15. Hearing concerning a cooperative agreement between the City and Housing Authority regarding low-cost housing. 8:00 p.m.
ACTION: Res. 78-606 adopted (Elliott/Dunlap, unan.) rescheduling hearing for July 3, 1978, at 4:30 p.m. (Clerk to handle)
16. Continued hearing on curb and sidewalk at 181 S. Santa Cruz, Lot 8, Block 2053. 8:05 p.m.
 (Mary E. Hunter.)
 (Continued from May 22 and June 5, 1978 meetings)
ACTION: Res. 78-607 adopted (Dunlap/Kullijian, unan.) ordering work. (P.W. to handle)
17. Matters for the good of the community. 8:10 p.m.
 (These may be presented by interested persons in the audience.)
- None

ORDINANCES

CONSENT

18. Final adoption of the following:

- a. Ord. No. 1731-C.S. amending Section 16-3-9 of the Zoning Map to reclassify property on Floyd across from MacDougal from R-1 to P-D(186). (Rodney R. Johnson)
- b. Ord. No. 1732-C.S. amending Section 2-3-8 of the Zoning Map to reclassify property on the south side of Pelandale from R-1 to R-2. (Grant Construction)
- c. Ord. No. 1733-C.S. amending Section 15-3-9 of the Zoning Map to reclassify property on the south side of Floyd west of Oakdale Road from R-1 to P-D(185). (Irwin Steinpress)

(Motion adopting needed.)

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

CONSENT

19. Consider proposal to establish the Claus Road Drainage Area. (Ordinance would delineate boundaries and per acre fees to finance a positive storm drain area in the vicinity of Claus Road. Outfall would be on Dry Creek. Proposal distributed with June 5, 1978, agenda. Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1737-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

20. Further consideration of abandonment of 12th Street between "D" and "B" Streets.
(On May 22, 1978, the Council considered this street abandonment request and approved the abandonment in principle. Final abandonment action was delayed until the applicants, Stanislaus Canning Company, could execute an agreement which would provide for a clear easement over the abandoned right of way and for construction of traffic barriers and street improvements. The necessary agreement has been signed and final abandonment of the street would be in order. Adoption of resolution vacating and abandoning street needed.)

ACTION: Res. 1371-S.P. adopted abandoning 12th Street between "D" and "B" Sts.
(P.W. to handle)

21. Consider petition by residents of Brady Avenue regarding street lights.
(The staff has met with Mr. Clarence Dunker concerning the street lighting in the Brady area in response to the petition. We explained the City's street lighting program and the scheduling for the street light being requested. Mr. Dunker has requested that this matter be placed back on the Council agenda for consideration. Memos with agenda. Motion directing staff needed.)

ACTION: Councilmember Siefkin excused due to a conflict of interest.
No action taken.

CONSENT

22. Consider ordinance and resolutions approving Bright Development Company's request to rezone from R-1 to P-D property on Hahn Drive and Standiford Avenue.
(Memo with agenda. Ordinance and two resolutions needed.)

ACTION: Ord. 1738-C.S. introduced rezoning. (Clerk to handle)
Res. 78-608 adopted, rezoning. (Clerk to handle)
Res. 78-609 adopted authorizing environmental assess. review.
(Clerk to handle)

23. Continued consideration of proposed widening of collector streets to 70 feet at their intersection with major streets.
(Memo with agenda, including draft of a Code text amendment to credit property owner with property area dedicated in excess of a 60-foot standard collector street. Introduction of ordinance amending subdivision regulations, resolution amending the Standard Specifications for Subdivisions, and a resolution initiating a Code text amendment for referral to the Planning Commission needed.)

ACTION: Ord. 1739-C.S. introduced amending subdivision regulations (Siefkin/Mensingler, majority, Lang-no) (Clerk to handle)
Res. 78-610 adopted amending the Standard Specs. for Subdivisions.
(vote same as Ord. 1739)
Res. 78-611 adopted initiating a Code text amendment. (vote same as Ord. 1739)

NEW BUSINESS

24. Consider three-year lease agreement between the City of Modesto and United Airlines for services at the Modesto City-County Airport/Harry Sham Field. -
(The current three-year lease agreement between the City and United-Airlines terminated on May 31, 1978. A new three-year lease agreement has been negotiated which raises the terminal rental from \$8.60 per square foot to \$10.50 per square foot and raises the landing fees from \$0.19 to \$0.24 per 1,000 pounds gross landing weight. Memo with agenda. Resolution approving three-year lease agreement needed.)

ACTION: Res. 78-612 adopted (Lang/Kullijian, unan.) approving agreement.
(P.W. to handle)

CONSENT

25. Consider acceptance of improvements in Westridge No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Paul M. Zagaris)
(Westridge No. 1 subdivision is located on the north side of Woodland Avenue east of Rosemore Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-613 adopted accepting improvements as complete) (Clerk to handle)

CONSENT

26. Consider approving a change in the City of Modesto Position Classification Plan and a change in compensation for certain positions in the City service.
(Memo with agenda. Resolution revising the Position Classification Plan for the City of Modesto needed, and motion changing compensation for certain positions in City service. Changes in compensation will be incorporated in the new salary resolution to be adopted later. Estimated Cost: Salary \$7,086; Fringe Benefits \$1,484; Total \$8,570 (plus 6½% after 7-1-78); funds are budgeted.)

ACTION: Res. 78-614 adopted revising the Position Classification Plan.
(Mgmt. Services to handle)
By motion, compensation changes approved.

CONSENT

27. Consider Geer Road Landfill budget for fiscal year-1978-79.
(Staff has received and reviewed the proposed 1978-79 budget for the Geer Road Landfill. The recommended budget of \$549,666 is slightly less than actual and estimated expenditures for the current year. It's recommended that the Council approve the budget recommended by the Chief Administrative Officer, Stanislaus County. Copy of budget with agenda. Resolution approving proposed budget needed.)

ACTION: Res. 78-615 adopted approving proposed budget. (Finance to handle)

28. Consider plan for West Trunk Sewer.
(The report on alternatives for completing the West Trunk Sewer and the wastewater collection needs of the City has been completed by our consultants, Jenks & Harrison, along with an Environmental Impact Report on the project. It is recommended that the City Council authorize the staff to proceed with the design and construction of the 54-inch/60-inch trunk sewer for the West Trunk. Memo with agenda. Motion authorizing the staff to proceed with the engineering phase of the project needed, and resolution certifying the final E.I.R. needed.)

ACTION: By motion (Lang/Kullijian, majority, Mensinger and Siefkin-no) staff recommendation approved.
Res. 78-616 adopted (Lang/Kullijian, majority, Mensinger and Siefkin-no) certifying environmental assessment review. (P.W. to handle)

Motions to install a 48" line and to include in any statement about action on this line that the line would not be used as the basis for excluding any prime farm land that would otherwise be eligible for protection, failed to carry.

CONSENT

29. Consider authorizing additional pilot program at oxidation ponds.
(The staff has received from our consultants, Jenks & Harrison, and reviewed a proposal to operate a new type filtration unit at the oxidation ponds this summer. The estimated cost of operating the pilot program is \$12,000. The potential savings in capital and operating costs if this new system works is significant, and the staff recommends approval of the expenditure. Memo from consultant with agenda. Motion approving the implementation of the pilot program needed, and two resolutions approving issuance of purchase orders for filter rental and services of Jenks & Harrison needed. Funds are budgeted.)

ACTION: By motion, implementation approved.
Res. 78-617 adopted approving issuance of purchase orders for filter rental.
Res. 78-618 adopted approving services of Jenks & Harrison. (P.W. to handle)

CONSENT

30. Consider approval of revised contract with UMTA and the State for grant to purchase five buses.
(Memo with agenda. UMTA has approved a revised grant of \$351,292 to pay 80% of the cost of five new buses. It is recommended that the grant contract with UMTA and the State be approved. Resolution approving the grant contract and authorizing the City Manager to sign it needed. Estimated Cost to City: \$87,823; funds are budgeted.)

ACTION: Res. 78-619 adopted approving the contract. (P.T. to handle)

CONSENT

31. Conversion of alley-bounded by Timothy, June, Briggsmore and Judith from two-way to one-way.
(Memo with agenda. Recommend one-way alley southbound to eliminate shortcut to Briggsmore. Resolution amending Resolution No. 62-29 needed. Estimated Cost: \$100; funds are budgeted.)

ACTION: Res. 78-620 adopted amending Res. 62-29. (P.T. to handle)

CONSENT

32. Resolutions approving applications for funds under the Roberti-Z'berg Urban Open-Space and Recreation Program.
(Block and need basis grants to local governmental agencies are available under this act. The City of Modesto could be eligible for up to \$86,550 under the block grant program and up to \$100,000 under the need basis grant program. Encumbrance of these funds is now vital because the State Department of Parks and Recreation informs us that all unencumbered funds under this act may be repossessed by the Legislature. Staff recommends that Council pass two resolutions: (1) authorizing filing a grant application in the amount of \$86,550 for development of East La Loma Neighborhood Park, and (2) authorizing filing a grant application in the amount of \$100,000 for development of Muncy Neighborhood Park. Two resolutions authorizing applications for grant funds needed.)

ACTION: Res. 78-621 adopted authorizing application for grant funds
(E. LaLoma) (P.R. to handle)
Res. 78-622 adopted authorizing application for grant funds (Muncy)
(P.R. to handle)

CONSENT

33. Consider emergency ordinance adopting amendments to the agreement between Public Employees' Retirement System and the City of Modesto. (Memo with agenda. Adoption of emergency ordinance needed.)

ACTION: Ord. 1740-C.S. introduced adopting amendments. (Clerk to handle)

CONSENT

34. Consider approving an agreement with Gates, McDonald & Company for workers' compensation claims management services.
(Memo with agenda. Resolution approving agreement for workers' compensation claims management services needed. Approximate Cost: \$10,000; funds are budgeted.)

ACTION: Res. 78-623 adopted approving agreement. (Mgmt. Services to handle)

REPORTS

CONSENT

35. Report on energy conservation.
(The City has become actively involved in the area of energy conservation. Administrative Analyst Louis Myles has prepared a report on energy conservation. This is the City's initial effort to make the City operations more energy responsive/efficient by establishing the ground work so that energy conservation programs can be expanded in the City and community. Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

36. Presentation of Financial Statement for May, 1978.
(Report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

37. Legislation

ACTION: By motion (Elliott/Kullijian, unan.) SB3793 supported
By motion (Kullijian/Elliott, unan.) SB2212 supported.

38. Appointments

None

39. Matters too late for the agenda

By order of the Chair, the City Manager is to arrange a joint Council-Planning Commission meeting to discuss policy. (Mgr. to handle)

Adjourned at 11:35 p.m.

to executive session to discuss an employee relations matter and to consider property acquisition and then to Thursday, June 15, 1978, at 4:00 p.m. to discuss the budget.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 15, 1978, 4:00 p.m.

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to further consider the preliminary budget for 1978-79.

Present: Councilmembers Dunlap, Elliott, Kullijian (arrived at 4:05 p.m.), Mensinger, Siefkin, Mayor Davies

Absent: Councilmember Lang

Requests by the following organizations for financial assistance were considered:

California Relays
4th of July Committee
Modesto Band
Modesto Symphony
Chamber of Commerce
Modesto Youth Theater
Central Valley Dance Company
Head Rest
Stanislaus Girl's Softball League
Modesto Youth Soccer

By motion, (Elliott/Mensinger, unan.) it was agreed to hold any decision on the requests until the budget study has been completed.

By motion (Elliott/Kullijian, unan.) the next budget study meeting was scheduled for Tuesday, June 20, 1978, at 4:00 p.m. It was agreed to meet again at 1:00 p.m. on Thursday, June 22, 1978, to try and complete the budget study.

The meeting adjourned at 5:20 p.m.

ATTEST: 
NORRINE COYLE, City Clerk

MINUTE: AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 19, 1978, AT 4:00 P.M.

Roll Call Present: Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Pro Tempore Dunlap

Absent: Mayor Davies

Pledge of allegiance to the Flag

Invocation: Rev. John R. Mahon, Geneva Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
ACTION: (Elliott/Kullijian, unan., Mayor Davies absent) 10, 11, 17, 20, 21, 22, 24, 25,
26, 27, 28, 29, 30, 31, 32, 33

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of adjourned regular meeting of June 8, 1978, and regular meeting of June 12, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Appeal by Roller King to a decision by the Board of Zoning Adjustment regarding a free-standing sign.
(Resolution setting hearing July 17, 1978, at 4:00 p.m. needed.)

ACTION: Res. 78-624 adopted setting hearing. (Clerk to handle)

CONSENT

3. Request by Downtown Improvement District for permission to hold a sidewalk sale June 21, 22, 23, and 24, 1978.
(Motion approving request needed.)

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

CONSENT

4. Letter from Donald E. Risen, Administrator of Ralston Tower, suggesting setting up a "hotline" for people to use to give the Council ideas about budget cuts necessary due to passage of Proposition 13.
(Motion referring to staff needed.)

ACTION: By motion, letter referred to staff. (Mgr. to handle)

6/19/78

BIDS

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of Woodrow Park masonry wall.
(Suggested bid opening date: July 11, 1978 at 11:00 a.m. This project will provide a sound barrier wall between Woodrow Park and the adjacent residences. Resolution approving plans and specifications and call for bids needed. Estimated Cost: Const. \$21,104; Engr. \$1,055; Total \$22,159; funds are budgeted.)

ACTION: Res. 78-625 adopted approving plans and specs. and calling for bids.
(P.W. to handle)

CONSENT

6. Approve plans and specifications and call for bids for F.A.U. Project No. M-F219(1), construction on Oakdale Road from Scenic Drive to Briggsmore Avenue.
(Bid opening: July 18, 1978 at 11:00 a.m. This is an F.A.U. project and will be 80% federally funded. This project includes paving with asphalt concrete, storm drainage and traffic signals and buttons. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$618,270 (Contract \$537,625; Office & Constr. Engr. \$80,645); funds are budgeted.)

ACTION: Res. 78-626 adopted approving plans and specs. and calling for bids.
(P.W. to handle)

CONSENT

7. Approve plans and specifications and call for bids for asphalt concrete resurfacing various City streets, Spring 1978.
(Bid opening: July 5, 1978 at 11:00 a.m. This is our yearly program for street overlays. Memo with agenda. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$162,100 (Contract \$147,900; Engr. Contg. \$14,200); funds are budgeted.)

ACTION: Res. 78-627 adopted approving plans and specs. and calling for bids.
(P.W. to handle)

CONSENT

8. Consider rejecting all bids for street light modernization Phase VIII 1977-78.
(Bids were opened June 6, 1978. Consider rejecting all bids and authorize staff to modify the project and re-advertise for bids. Memo with agenda. Resolution rejecting all bids and ^{motion}authorizing staff to modify project and re-advertise for bids needed. Funds are budgeted.)

ACTION: Res. 78-628 adopted rejecting all bids. (P.W. to handle)
By motion, staff authorized to modify project and re-advertise for bids. (P.W. to handle)

6/19/78

CONSENT

9. Consider award of contract for construction of Fire Station #6. (Bids were opened on June 6, 1978. The low bid submitted by L. E. McGraw was 8% below the estimate and is considered acceptable. Alternate #1 was bid for \$5,195 to provide a solar hot water system. It is estimated that the solar system would result in a savings of approximately \$50 per year or 32 million BTU's. It is not recommended that the solar system be included because of the high cost. It is the recommendation of the Fire and Public Works Departments that the contract be awarded to L. E. McGraw. Resolution awarding contract needed. Estimated Cost: \$283,480; funds are budgeted.)

ACTION: Res. 78-629 adopted awarding contract to L.E. McGraw.
(P.W. to handle)

CONSENT

10. Consider accepting the sole bid offered by Randik Paper Company and authorize purchasing dry-cell batteries for 51.6% off the suggested retail price list.
(Memorandum with agenda. Resolution authorizing purchase needed. Estimated Cost (City portion): \$4,000; funds are budgeted.)

ACTION: Res. 78-630 adopted authorizing purchase. (Finance to handle)

CONSENT

11. Consider declaring the All Pure Chemical Company low bidder and authorize the purchase of liquid chlorine for \$185.00 per ton delivered.
(Memorandum with agenda. Resolution authorizing purchase needed. Estimated Cost: \$129,426; funds are budgeted.)

ACTION: Res. 78-631 adopted authorizing purchase. (Finance to handle)

HEARINGS

12. Hearing - Annexation of Scenic-Oakdale Addition to Modesto Municipal Sewer District No. 1 4:00 p.m.

ACTION: Res. 78-632 adopted annexing Scenic-Oakdale Addition to Modesto Sewer District No. 1. (Clerk to handle) (Elliott/Kullijian, unan. Mayor Davies absent)

13. Hearing - Annexation of Carpenter-Houser Addition to Modesto Municipal Sewer District No. 1 4:05 p.m.

ACTION: Res. 78-633 adopted annexing Carpenter-Houser Addition to Modesto Sewer District No. 1. (Clerk to handle) (Lang/Kullijian, unan. Mayor Davies absent)

14. Oral Bids - Sale of Houses at
617 South Sunset Avenue and
621 South Sunset Avenue

4:10 p.m.

ACTION: Res. 78-634 awarded bid to Lloyd Loeb for \$1,625.01. (P.W. to handle)
(Siefkin/Mensing, unan., Mayor Davies absent)

15. Hearing to consider rate increases for
providing cable television service by
CableCom General of Modesto and to con-
sider amendments to Chapter 4 of Title XI
of the Modesto Municipal Code relating to
Community Antenna Television Franchises

4:30 p.m.

ACTION: By motion (Siefkin/Mensing, unan., Mayor Davies absent) Ord. 1741-CS
introduced amending Code Section relating to C.A.T.V. (Clerk to handle)

Res. 78-635 adopted (Siefkin/Mensing, majority, Lang-no, Mayor
Davies absent) approving increased rates. (Clerk to handle)

16. Matters for the good of the community
(These may be presented by interested persons in the audience.)

4:35 p.m.

Several people commented about "Graffiti Night" problems on June 17,
1978. A report will be made about the problems of the event and on
provisions of the ordinance concerning parades and possible ways of
controlling "Graffiti Night" type activities. (Police/Mgr to handle)

ORDINANCES

CONSENT

17. Final adoption of the following:

- a. Ord. No. 1734-C.S. rezoning from R-1 to R-2 property on
Standiford east of Tidewater railroad tracks.
(Walter C. Watson)
- b. Ord. No. 1736-C.S. rezoning a portion of P-D(21) to P-0 and
P-D(183) property at Standiford and Tully.
(Stone Brothers and Associates)
- c. Ord. No. 1737-C.S. adopting Drainage Plan for Claus Road area.
- d. Ord. No. 1738-C.S. rezoning from R-1 to P-D(192) property on
Hahn Drive and Standiford Avenue.
(Bright Development)

(Motion adopting needed.)

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

18. Final adoption of Ord. No. 1735-C.S. rezoning from R-1 to P-D(184) property south of Paradise Road, west of Wade and north of Robertson. (Mid-Cal Land Development)
(Motion adopting needed.) Councilmember Mensinger excused due to a conflict of interest.

ACTION: By motion (Kullijian/Siefkin, majority, Lang-no, Mayor Davies absent) Ord. 1735-C.S. adopted. (Clerk to handle)

19. Final adoption of Ord. No. 1739-C.S. relating to width of collector streets at major street intersections.
(Motion adopting needed.)

ACTION: By motion (Siefkin/Kullijian, majority, Lang-no, Mayor Davies absent) Ord. 1739-C.S. adopted. (Clerk to handle)

CONSENT

20. Ordinance amending Section 5-1,102 of Article 1 of Chapter 1 of Title V of the Modesto Municipal Code relating to enforcement of health and sanitation regulations.
(Introduction of ordinance needed.)

ACTION: By motion, Ord. No. 1742-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

21. Consider J. C. Busby's request for ramps on H Street, 5th to 10th Street,
(Memo with agenda. Staff suggests Handicapped Dial-A-Ride service planned this winter as the answer to Mr. Busby's problems. Motion accepting staff report needed.)

ACTION: By motion, report accepted.

NEW BUSINESS

CONSENT

22. Consider amendment to lease agreement with Ben C. Turner and Joyce Turner, Dale C. Miner and Ellen S. Miner. Lease agreement is for King's Bench restaurant and lounge.
(Memo with agenda. Resolution approving amendment to lease agreement needed.)

ACTION: Res. 78-636 adopted approving amendment to agreement. (P.W. to handle)

CONSENT

24. Consider approval of purchase order to W. Gale Fisher, Inc. for paving adjacent to Southern Pacific Railroad tracks at 9th and Coldwell. (Southern Pacific Railroad has recently scheduled the replacement of its tracks across 9th Street at Coldwell. It is their policy to raise the tracks 1 inch above the existing street to provide for future overlays. The Railroad is responsible for an area 2 feet on each side of the tracks. The City in the past has provided an additional transition of 10 feet on each side of the tracks. Because of the problems with traffic control and joining the asphalt it is recommended that a purchase order be written to the contractor retained by the Railroad to complete the entire project at the same time. Resolution approving issuance of purchase order needed. Estimated Cost: \$4,360; funds are budgeted.)

ACTION: Res. 78-637 adopted approving issuance of purchase order.
(Finance/P.W. to handle)

CONSENT

25. Consider agreements with Stanislaus County for emergency dispatch services effective July 1, 1978.
(Memo with agenda. Two resolutions approving two agreements with Stanislaus County for emergency dispatch services needed. Estimated Cost: Fiscal Year 1978-79 \$159,000; Currently provided for in FY 78-79 Preliminary Budget requests \$140,000; Additional amount to be requested prior to adoption of FY 78-79 Final Budget (Addendum) \$19,000; funds to be budgeted.)

ACTION: Res. 78-638 adopted approving agreement with Stanislaus County.
(Mgmt. Serv. to handle)
Res. 78-639 adopted setting conditions for emergency dispatch services.
(Mgmt. Serv. to handle)

CONSENT

26. Consider request for sewer service to property outside City limits located at 1517 Paulette Avenue on the west side of Paulette Avenue between E. Coolidge Avenue and Briggsmore Avenue. Owners: Robert C. Volz and Evelyn D. Volz.
(The property owners have signed an agreement to annex when requested to do so by the City. The property is not contiguous to City limits. A line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-640 adopted approving agreement. (P.W. to handle)

CONSENT

27. Consider request for sewer service to property outside City limits at 1214 Garden Avenue, located on the south side of Garden Avenue between Sutter Avenue and Colorado Avenue. Owners: Frank Yrigoyen and Ruth Yrigoyen.
(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. 78-641 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider agreement with Masrop A. Ackers and Elsie J. Ackers for the purchase of 0.06¹/₂ acres of right of way needed for the Orangeburg-Collier to Coffee project.
(The Ackers have agreed to settle for the appraised value of \$4,000. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-642 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider staff recommendation regarding an increase in swim fees that will increase swim fee revenues by \$7,370. Memo with agenda.
(Resolution approving swim fees needed.)

ACTION: Res. 78-643 adopted approving swim fees. (P.R. to handle)

CONSENT

30. Consider procedure for purchasing relocatable classrooms with School Site and Facilities Tax.
(Memo with agenda. Resolution adopting procedure for purchasing relocatable classrooms needed.)

ACTION: Res. 78-644 adopting procedure for purchasing relocatable classrooms.
(Planning to handle)

CONSENT

31. Consider approving an agreement with Standard of Oregon for Long-Term Disability and Life Insurance policy for City employees.
(Memo with agenda.— Resolution approving an agreement with Standard of Oregon for Long-Term Disability and Life Insurance policy for City employees. Approximate Cost: \$121,665; funds are budgeted.)

ACTION: Res. 78-645 adopted approving agreement. (Mgmt. Serv. to handle)

CONSENT

32. Consider cancellation of agreement with County regarding the 5% CATV franchise fee designated for the development of Tuolumne River Regional Park.
(Memo with agenda. Resolution approving cancellation of agreement needed.)

ACTIC : Res. 78-646 adopted approving cancellation of agreement. (Finance to handle)

CONSENT

33. Consider resolution authorizing the retention of outside legal counsel for the defense of tort and other actions.
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 78-647 adopted authorizing retention of outside legal counsel.
(Atty to handle)

MISCELLANEOUS

34. Legislation

ACTION: By motion (Kullijian/Elliott, unan. Mayor Davies absent)
HRI2647 apposed (Mgmt. Svcs. to handle)

35. Appointments

None

36. Matters too late for the agenda

None

37. Adjourned to executive session at 5:40 p.m. to discuss an employee relations matter.

Returned to open session at 5:55 p.m.

ACTION: Res. 78-648 adopted (Lang/Siefkin, unan., Mayor Davies absent) approving Memorandum of Understanding between the City of Modesto and the Modesto Police Association. (Mgmt. Svcs. to handle)

Res. 78-649 adopted (Siefkin/Mensingler, unan., Mayor Davies absent) granting 5% pay increase to Communications Dispatchers and amending the salary resolution. (Mgmt. Svcs.)

Adjourned to Executive Session at 6:00 p.m. to discuss property acquisition and then to Tuesday, June 20, 1978, at 4:00 p.m. to further discuss the budget.

ATTEST: 
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
June 20, 1978, 4:00 p.m.

The Council of the City of Modesto met pursuant to adjournment at 4:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to further consider the preliminary budget for 1978-79.

Present: Councilmembers Elliott, Kullijian, Lang, Mensinger, Siefkin

Absent: Councilmember Dunlap, Mayor Davies

By motion (Mensinger/Siefkin, unan., Dunlap and Mayor Davies absent) Councilmember Elliott was elected Mayor Pro Tem.

The Council continued its study of the "Jarvis/Gann Alternatives, Recommended Adjustments to FY 1978-79 Preliminary Budget, Exhibit E", Public Works through Miscellaneous Unclassified. (Pages 14-18)

Adjourned at 4:50 p.m. to 1:00 p.m., Thursday, June 22, 1978, for further study of the budget to be followed by an executive session to discuss an employee relations matter.

ATTEST: 
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 1:00 p.m. in the Council Chambers, City Hall, 801 - 11th Street, Modesto, California, to further consider the preliminary budget for 1978-79.

Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

The operating budgets for the Recreation Division (pages 108-111) and the Parks Division (pages 116-119) were reviewed.

The Capital Improvement Program and recommended adjustments were reviewed.

At 2:05 p.m., Council adjourned to executive session to discuss an employee relations matter. Councilmember Siefkin left at the close of the executive session.

Council returned to the budget study session at 2:25 p.m.

The study of the Capital Improvement Program continued with a discussion of the park acquisition and development policy and especially the Dry Creek Park and Golf Course land acquisition.

Council recessed from 3:10 p.m. to 3:20 p.m. because of a fire alarm. Councilmember Siefkin returned at 3:20 p.m.

Councilmember Kullijian left at 3:45 p.m.

By motion, (Dunlap/Mensinger, unan., Kullijian absent) amounts recommended by the staff for the Stanislaus Girl's Softball League and Modesto Youth Soccer were approved.

By motion, (Elliott/Lang, majority, Kullijian absent) \$30,000 approved for the Chamber of Commerce for tourism to be paid out of the hotel-motel tax.

A motion to cut Misc. Promotions, California Relays, Band, Symphony, Chamber of Commerce and Youth Theatre by 10% failed to carry.

By motion (Lang/Elliott, majority, Mensinger and Siefkin-no, Kullijian absent) amounts requested for funds in the Music and Promotions budget, except Central Valley Dance, were approved.

By motion (Lang/Dunlap, majority, Elliott & Mensinger - no, Kullijian absent) request from Central Valley Dance denied.

By motion (Mensing/Siefkin, majority, Dunlap and Mayor Davies - no, Kullijian absent) 90% of the \$20,000 requested by Head Rest was approved.

Councilmember Lang left the meeting at 5:20 p.m.

The meeting adjourned at 5:23 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JUNE 26, 1978, AT 7:30 P.M.

Roll Call Present: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. George Telle, Trinity United Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
Drop from agenda: 35 10, 11, 12, 21, 23, 24, 25, 26,
Remove from Consent: 29, 32 27, 28, 30, 31, 33, 34
ACTION: (Lang/Dunlap, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the adjourned regular meeting of June 15, 1978, regular meeting of June 19, 1978, and adjourned regular meeting of June 20, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Walt Massera regarding a problem with development of his property on the east side of Tully north of the Hetch Hetchy right of way.
(Memo from Planning Department with agenda. Motion acknowledging receipt of letter and staff memo needed.)

ACTION: By motion, receipt of letter acknowledged.

- 2A, Letter from Norma Lengyel regarding the June 17, 1978 McHenry Avenue disturbance.

ACTION: Request that a Citizen's Committee be established to investigate Police actions taken under advisement.

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for construction of waterlines in Whitmore Industrial Park No. 1 and waterline extension in Scenic Drive to 700' east on Scenic Bend. (Suggested bid opening, July 11, 1978 at 11:05 a.m. These projects will provide water for an eleven lot Industrial Park on Whitmore Avenue and to a two lot minor subdivision on Scenic Bend. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$32,959 - (\$28,459 Contract; \$4,500 Engr. & Mtls.); funds are included in 1978-79 budget.)

ACTION: Res. 78-650 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

4. Consider awarding contract to purchase five buses. (Memo with agenda. Gillig Corporation is the low bidder at \$85,152 each for five 33-passenger transit buses. Additional funds will be needed which will be reimbursed by UMTA and the Local Transportation Fund. Resolution awarding contract to Gillig Corporation needed, and resolution amending 1977-78 budget to reestimate revenue and increase appropriations. Estimated Cost: \$439,115.)

ACTION: Res. 78-651 adopted awarding contract to Gillig Corp. (P.T. to handle)
Res. 78-652 adopted amending 1977-78 budget to reestimate revenue and increase appropriations. (P.T. to handle)

CONSENT

5. Consider award of contract for construction of the improvement of the McHenry Museum parking lot. (Bids were opened on June 13, 1978. The low bid submitted by Lee White Paving Co., which is 25% above the Engineer's Estimate, is considered acceptable. This project is broad in scope requiring work from various trades; yet too small, causing us to pay a premium on each phase of the project. The staff considered rebidding the project but decided against that because the expense of rebidding and the scope of the project could not be changed enough to expect lower bids. It is, therefore, recommended that the contract be awarded to Lee White Paving Co. Resolution awarding contract needed. Estimated Cost: \$14,700; funds are budgeted.)

ACTION: Res. 78-653 adopted awarding contract to Lee White Paving Co. (P.W. to handle)

CONSENT

6. Consider award of contract for Project No. 8 - replacement of curbs and drive approaches at various locations. (Bids were opened on June 20, 1978. The low bid of \$15,995, submitted by Cornish Construction, which is 3.1% below the Engineer's Estimate, is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated Cost: \$17,645.00 (Const. \$15,995.00; Engr. \$1,650.00); funds are budgeted.)

ACTION: Res. 78-654 adopted awarding contract to Cornish Construction. (P.W. to handle)

CONSENT

7. Consider award of contract for construction of waterlines in Laurel Meadows.
(Bids were opened on June 20, 1978. The low bid of \$5,510, submitted by Mac's Backhoe Service is 4% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to him. Resolution accepting bid and awarding contract needed. Funds are budgeted.)

ACTION: Res. 78-655 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider declaring George Reed, Inc. low bidder and authorize the purchase of liquid and emulsified asphalts at the following prices:

SC 800	- Tanker Load	- \$110/ton
SC 800	- Boot Load	- \$123/ton
RS 1	- Job Site	- \$115/ton
RS 1	- Plant Pick Up	- \$110/ton

(Memorandum with agenda. Resolution authorizing purchase of liquid and emulsified asphalts needed, Estimated Cost: \$31,000; funds are budgeted.)

ACTION: Res. 78-656 adopted authorizing purchase. (Finance to handle)

CONSENT

9. Consider declaring Brilliant Lighting and Walkerlite Company bidders offering the greatest discounts for large and audio-photo lamps and authorizing the purchase of materials for the following list price-discounts: Brilliant - Large lamps - at 72.1%; Walkerlite - Audio-Photo - at 55.9%.

(Memorandum with agenda. Resolution authorizing purchase of large lamps from Brilliant Lighting needed, and resolution authorizing purchase of audio-photo lamps from Walkerlite needed. Estimated Cost: \$10,000 City portion; funds are budgeted.)

ACTION: Res. 78-657 adopted authorizing purchase of large lamps from Brilliant Lighting. (Finance to handle)
Res. 78-658 adopted authorizing purchase of audio-photo lamps from Walkerlite. (Finance to handle)

CONSENT

10. Consider acceptance of Joe Martin's contract for construction of waterlines in Lincoln Square No. 5. (Original contract: \$19,729) (All work on this project has been completed to the satisfaction of the Public Works 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: Contract: \$19,585.50 (Main \$18,295.50; Services \$1,290.00); funds are budgeted.)

ACTION: Res. 78-659 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of the contract of Ferrero Electric, Inc. for the improvements at the intersection of Sylvan Avenue and Coffee Road. (Original contract and final cost: \$33,804)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be 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. 78-660 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of Mac's Backhoe Service's contract for the construction of waterlines in Beyerwood East No. 1. (Original Contract: \$53,733.20)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$56,200 Contract (Main \$53,560; Services \$2,640); funds are budgeted.)

ACTION: Res. 78-661 adopted accepting work as complete. (Clerk to handle)

HEARINGS

13. Hearing, annexation of uninhabited territory - 7:30 p.m.
Orangeburg-Claus No. 2 Addition.

ACTION: Res. 78-662 adopted annexing Orangeburg-Claus No. 2 Addition
(Clerk to handle)

Res. 78-663 adopted (Dunlap/Elliott, unan.) authorizing environmental review. (Clerk to handle)

14. Hearing, annexation of uninhabited territory - 7:35 p.m.
Irons Court Addition.

ACTION: Res. 78-664 adopted (Dunlap/Elliott, unan.) continuing hearing to Aug. 7, 1978, at 4:00 p.m. (Clerk to handle)

15. A. Hearing on appeal by Mid-Valley Engineering 7:35 p.m.
to a decision of the Planning Commission regarding rezoning to H-1 and R-3 property located at Rumble and Sisk Roads.

- B. Rezoning from R-1 to H-1 and R-2 property 7:35 p.m.
located east of Sisk Road both north and south of Rumble Road (C. J. Rumble)

ACTION: By motion (Siefkin/Mensing, majority; Elliott, Kullijian, Lang-no) Ord. 1743 introduced, rezoning. (Clerk to handle)
Res. 78-665 adopted (same vote as Ord. 1743) authorizing Environmental Assessment Review. (Clerk to handle)
Res. 78-666 adopted (same vote as Ord. 1743) denying appeal. (Clerk)

16. Hearing, rezone from R-1 to R-2 property ²¹⁻³⁻⁷ located on the north side of E, Orangeburg Avenue east of Yarmouth Drive (Land Improvement Services, Inc.) 7:40 p.m.

ACTION: By motion (Lang/Mensingler, unan.) Ord. 1744-C.S. introduced, rezoning. (Clerk to handle)
Res. 78-682 adopted (Lang/Mensingler, unan.) authorizing Environmental Assessment Review. (Clerk to handle)

17. Hearing, rezone from R-1 to P-D(187) for ¹¹⁻³⁻⁷ mobilehome park at the northeast corner of Carpenter and Chicago Avenue (Norman Winsor) 7:45 p.m.

ACTION: By motion (Lang/Elliott, unan.) Ord. 1745-C.S. introduced. (Clerk)
Res. 78-667 adopted (Lang/Elliott, unan.) approving plan. (Clerk)
Res. 78-668 adopted (Lang/Elliott, unan.) authorizing Environmental Assessment Review. (Clerk to handle)

18. Hearing, rezone from C-1 to P-D property located south ¹⁹⁻³⁻⁷ of Evergreen Avenue east of W. Orangeburg to allow construction of elderly housing (Ben Cipponeri) 7:50 p.m.

ACTION: By motion (Kullijian/Mensingler, unan.) Ord. 1746-C.S. introduced rezoning. (Clerk to handle)
Res. 78-669 adopted (Kullijian/Mensingler, unan.) approving plan. (Clerk to handle)
Res. 78-670 adopted (Kullijian/Mensingler, unan.) authorizing Environmental Assessment Review. (Clerk to handle)

19. Hearing, Prezone to P-0 property located at the ²²⁻³⁻⁷ corner of Coffee Road and Coolidge Avenue. (John Hanson) 7:55 p.m.

ACTION: By motion (Kullijian/Siefkin, unan.) Ord. 1747-C.S. introduced rezoning. (Clerk to handle)
Res. 78-671 adopted (Kullijian/Siefkin, unan.) authorizing Environmental Assessment Review. (Clerk to handle)

20. Matters for the good of the community. 8:00 p.m.
(These may be presented by interested persons in the audience.)

John Nelson, Minister of United Penecostal Church, requested permission to set up a fireworks stand on the property at the northwest corner of Carver and Standiford Avenue. By motion (Lang/Elliott, unan.) permission granted. (Fire to handle)

Margaret Wright asked that the western end of H and I Streets be resurfaced. Staff will report on the condition of the streets and when they could be resurfaced. (P.W. to handle)

ORDINANCES

CONSENT

21. Final adoption of the following:

- a. Ord. No. 1741-C.S. revising the Modesto Municipal Code in regard to Community Antenna Television Franchises.
- b. Ord. No. 1742-C.S. amending Code sections relating to enforcement of health and sanitation regulations.

(Motion adopting needed.)

ACTION: By motion, Ordinances adopted (Clerk to handle)

UNFINISHED BUSINESS

22. Continued consideration of Resolutions of Necessity to acquire real property for Dry Creek Park (Arnold Dickens and Pacific States Growth), and approving agreement with M.I.D. for City use of right of way of Lateral No. 2 for park purposes and to sell one acre of the Dickens property to the M.I.D. for a substation.

(Two resolutions approving Resolutions of Necessity needed,)

ACTION: By motion (Lang/Siefkin, unan.) staff directed not to proceed with the acquisition of the Dickens and Pacific States Growth property and not to proceed with the agreement with M.I.D.
By motion (Lang/Elliott, majority, Kullijian-no) staff directed to proceed with the balance of the project. (P.R. to handle)

NEW BUSINESS

CONSENT

23. Request of Certified Transportation, Inc. for refund of business license tax paid in the amount of \$2,629.21.
(Memo with agenda, Resolution approving refund needed,)

ACTION: Res. 78-672 adopted approving refund. (Finance to handle)

CONSENT

24. Set public hearing on application for federal transit operating assistance grant of \$343,665 for Fiscal Year 1978-79.
(Memo with agenda, Application for federal operating assistance funds has been completed. It is recommended that a public hearing be set. Resolution setting the public hearing for August 14, 1978, at 7:30 p.m. needed. Estimated Cost: \$836,027; funds are budgeted.)

ACTION: Res. 78-673 adopted setting hearing. (Clerk to handle)

CONSENT

25. Consider adoption of a resolution granting approvals to the Modesto Jaycees for 4th of July celebration events and rescinding Resolution No. 78-412.
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 78-674 adopted granting approval and rescinding Res. 78-412.
(Atty. to handle)

CONSENT

26. Consider request for sewer service to property outside City limits at 1530 Queens Avenue, located on the east side of Queens Avenue, north of East Coolidge Avenue. Owner: Florene Anne Thornton
(The property owner has signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits and a sewer line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-675 adopted approving agreement. (P.W. to handle)

CONSENT

27. Consider escalation of bond redemption charges for residential, commercial, and industrial properties for fiscal year 1978-79.
(Annually the City must take action concerning escalation of bond redemption charges for sewer service. It is recommended that the escalation of those charges not be waived for fiscal year 1978-79. Memo with agenda. Motion approving recommendation that escalation of bond redemption charges for fiscal year 1978-79 not be waived.)

ACTION: By motion, escalation of charges not waived. (Finance to handle)

CONSENT

28. Consider request by Del Este Water Company for two temporary service connections.
(The Del Este Water Company has requested two temporary service connections to provide supplemental water service to their west side service area until they can place a new permanent source in service. Memo with agenda. Motion approving proposed temporary service connections and authorizing staff to prepare an agreement needed.)

ACTION: By motion, staff authorized to prepare agreement. (P.W. to handle)

29. Adoption of 1978-79 Operating Budget and the first year of the Four-Year Capital Improvement Program.
(A report will be distributed at the meeting. It will include adjustments to the Preliminary Budget which have been reviewed and recommended by the City Council, including the first year of the Four-Year Capital Improvement Program, and other adjustments based on updated information. Ordinance adopting the budget for the fiscal year ending June 30, 1979 needed.)

ACTION: By motion (Lang/Dunlap, majority; Kullijian-no) Ord. No. 1748-C.S. introduced. (Clerk to handle)

CONSENT

30. Consider approval of Memorandum of Understanding with Modesto City Employees' Association covering alternatives to Social Security benefits,
(Copy of Memorandum of Understanding with agenda. Adoption of resolution approving Memorandum of Understanding needed.)

ACTION: Res. 78-676 adopted approving Memorandum of Understanding.
(Mgmt. Services to handle)

CONSENT

31. Consider authorizing obtaining Workers' Compensation Insurance from Employers' Reinsurance Corporation and Puritan Insurance Company as recommended in staff report.
(Memo with agenda. Resolution authorizing obtaining Workers' Compensation Insurance from Employers' Reinsurance Corp. and Puritan Insurance Company. Estimated Cost: \$36,625; funds are budgeted.)

ACTION: Res. 78-677 adopted authorizing obtaining Workers' Comp. Insurance from Employers' Reinsurance Corp. and Puritan Insurance Co.
(Mgmt. Services to handle)

32. Consider adoption of resolution establishing salary schedules and fixing compensation for positions in the City service and adoption of a resolution revising the Position Classification Plan to delete Communications Dispatcher classification at Salary Range 119.5 and add Senior Rehabilitation Specialist classification at Salary Range 428.0.
(Memorandum with agenda, Resolution establishing salary schedules and fixing compensation needed and resolution revising Position Classification Plan needed.)

ACTION: By motion (Lang/Siefkin, unan.) action was deferred on the salary schedules, but adjustments will be made retroactive to July 4, if possible to do so.

CONSENT

33. Consider adoption of resolution establishing procedure for payment of uniform allowance for sworn Police Department personnel.
(This resolution is needed to implement the section of the Memorandum of Understanding between the Modesto Police Officers' Association and City of Modesto relating to uniform allowance. The Memorandum of Understanding calls for a \$2.50 per month increase in the uniform allowance. Resolution establishing procedure for payment of uniform allowance for sworn Police Department personnel needed. Estimated Cost: \$3,390 annually; funds are budgeted.)

ACTION: Res. 78-680 adopted establishing procedure for payment. (Mgmt. Services to handle)

CONSENT

34. Consider approval of the final map of Scenic Court Estates 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. Owners: Robert Ford & Assoc., Inc. (The subdivision agreement has been signed and all fees paid. Scenic Court Estates is located north of Scenic Drive and west of Lakewood Avenue. It contains 4.225 acres. Resolution approving final map needed.)

ACTION: Res. 78-681 adopted approving final map. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

35. Transfer of funds from General Reserve to (1) Community Center Capital Improvement Account and (2) Downey Community Park, Stage 8 of the Park Fund, (\$1,656.00 is needed in the Community Center Account to cover appraisals, the Community Use Study, and the Public Opinion study. \$2,000 is needed in the Downey Community Park - Stage 8 Account due to inflated costs. Resolution approving transfer needed.)

DROPPED FROM AGENDA.

MISCELLANEOUS

36. Legislation

ACTION: By motion (Kullijian/Lang, unan.) AB3404 supported. (Mgmt. Serv.)
By motion (Mensing/Dunlap, unan.) SB1757 opposed. (Mgmt. Serv.)
By motion (Lang/Siefkin, unan.) points 2, 4, and 5 of the League's Special Bulletin dated June 20, 1978, regarding Proposition 13 endorsed. (Mgmt. Services to handle)

37. Appointments

None

38. Matters too late for the agenda

ACTION: By motion (Kullijian/Mensing, unan.) Council declared its intention to continue the hearing on the appeal of Calif. Neon Products, on behalf of Taco Bell Corp. regarding a Board of Zoning decision concerning a sign to 8/7/78 at 4:05 p.m. (Clerk to handle)

39. Executive session to discuss an employee relations matter.

Council adjourned to executive session at 9:35 p.m. and returned to open session at 10:05 p.m. to discuss items 32 and 29.

Adjourned at 10:35 p.m.

ATTEST: *Norrlene Coyle*
NORRLINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 3, 1978, AT 4:00 P.M.

Councilmembers:

Roll Call Present: /Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,
Mayor Davies (Councilmember Siefkin arrived at 4:05 p.m.)

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 2, 3, 4, 5, 6, 16, 17, 18,
Dropped from agenda: 19 20, 21, 22, 23, 24, 25, 26,

ACTION: (Dunlap/Lang, unan.)

27, 28, 29, 30

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATIONS

1. Suggestion Awards

(a) \$25 award to Ken Phillips, Public Works, for suggestion on having a sand chute made to adapt to the back of a dump truck gate so that it will be easier and more efficient to fill sand bags.

\$50 award to

(b) \$ 50 award to Clarence Nicholes and/Eldon Dunham, both in Parks and Recreation, for suggestion on utilizing the lift tailgate that CAL/OSHA failed to approve for the light duty trucks for loading ramps on the trailers that transport the triplex mowers.

(c) \$25 award to Auda Hall, Public Works, for suggestion on new tool to bend rods when re-threading the rodder.

(d) \$100 award to Steve Lumpkin, Parks and Recreation, for suggestion on the use of preform guy straps for cabling City trees.

(Mayor to present awards.)

Awards were presented by Mayor Davies

MINUTES

CONSENT

2. Approval of minutes of adjourned regular meeting of June 22, 1978, and regular meeting of June 26, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

3. Letter from Frank Cantele resigning from the Downtown Improvement District Advisory Board effective immediately.
(Resolution accepting resignation with regret needed,)

ACTION: Res. 78-683 adopted accepting resignation. (Clerk to handle)

BIDS

CONSENT

4. Consider declaring Pac Power lowest bidder meeting specifications and authorizing the purchase of one digger-derrick truck for the total price of \$63,081.30 including trade-in.
(Memorandum with agenda. Resolution authorizing purchase needed, Funds are budgeted.)

ACTION: Res. 78-684 adopted authorizing purchase. (Finance to handle)

CONSENT

5. Consider declaring G & W Ford low bidder and authorizing the purchase of one light-utility pickup truck for the total price of \$4,998.59. Consider amending the 1978-79 budget and transfer funds from the General Reserve Sewer Service Fund to the Sewer Services Capital Outlay Account for light-utility pickup.
(Memorandum with agenda. Resolution authorizing purchase needed and resolution approving appropriation transfer needed.)

ACTION: Res. 78-685 adopted authorizing purchase. (Finance to handle)
Res. 78-686 adopted approving appropriation transfer. (Finance to handle)

CONSENT

6. Consider acceptance of M. J. Ruddy & Son's contract for the construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road as complete. (Original Contract: \$53,401.68)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$53,775.90); funds are budgeted.)

ACTION: Res. 78-687 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7. Hearing - annexation of Yvonne Addition to Modesto Municipal Sewer District No. 1. 4:00 p.m.

ACTION: Res. 78-688 adopted annexing to Sewer District. (Mensingher/Elliott, unan.) (Clerk to handle)

8. Continued hearing on appeal by California Neon Products on behalf of Taco Bell Corp. regarding a BZA decision concerning a free-standing sign. (On June 26, Council indicated its intention to continue this hearing to August 7, 1978 at 4:05 p.m.) 4:05 p.m.

ACTION: By motion (Elliott/ Dunlap, unan.) hearing continued to August 7, 1978, at 4:05 p.m. (Clerk to handle)

9. Hearing - rezone from R-1 to R-2 property located on the west side of Tully Road, south of Levon Avenue. (Anthony Canizzaro) Sec. 18-3-9 4:10 p.m.

ACTION: By motion, (Dunlap/Lang, unan.) Ord. 1749-C.S. introduced. (Clerk/Planning)
Res. 78-689 adopted (Dunlap/Lang, unan.) certifying environmental review. (Clerk/Planning to handle)

10. Hearing - rezone from C-2 to P-D(190) property located at the easterly corner of 6th and H Streets. Sec. 32-3-9 (Stan Cushway) 4:15 p.m.

ACTION: By motion (Elliott/Mensingher, unan.) Ord. 1750-C.S. introduced. (Clerk/Planning to handle)
Res. 78-690 adopted (Elliott/Mensingher, unan.) approving plan. (Clerk/Planning to handle)
Res. 78-691 adopted (Elliott/Mensingher, unan.) certifying environmental review. (Clerk/Planning to handle)

11. Hearing - rezone from P-D(154) and P-D(157) to new P-D property located on the east side of Dale Road, north of Standiford to allow construction of commercial complex. (Sanders Sec. 12-38 Construction) 4:20 p.m.

ACTION: By motion (Kullijian/Dunlap, unan.) Ord. 1751-C.S. introduced. (Clerk/Planning to handle)
Res. 78-692 adopted (Kullijian/Dunlap, unan.) approving plan. (Clerk/Planning to handle)
Res. 78-693 adopted (Kullijian/Dunlap, unan.) certifying environmental review. (Clerk/Planning to handle)

12. Hearing - rezone from R-1 to P-D property located on the west side of Dale Road, north of Snyder to allow multiple-family residential complex. (Invest West Financial Corp.) 4:25 p.m. Sec. 2-3-8

ACTION: By motion (Lang/Siefkin, unan.) Ord. 1752-C.S. introduced. (Clerk/Planning)
Res. 78-694 adopted (Lang/Siefkin, unan.) approving plan. (Clerk/Planning to handle)
Res. 78-695 adopted (Lang/Siefkin, unan.) certifying environmental review. (Clerk/Planning to handle)

13. Hearing concerning a cooperative agreement between the City and Housing Authority regarding low-cost housing. 4:30 p.m.

ACTION: Res. 78-696 adopted approving agreement, (Siefkin/Mensing, unan.)
(Planning to handle)

14. Matters for the good of the community (These may be presented by interested persons in the audience.) 4:35 p.m.

None

ORDINANCES

15. Final adoption of Ord. No. 1743-C.S. rezoning from R-1 to R-2, R-3 and H-1 property on Rumble and Sisk Roads. (C. J. Rumble & Sons, Inc.) (Motion adopting needed.)

ACTION: By motion (Dunlap/Siefkin, majority; Elliott, Kullijian, Lang-no)
Ord. 1743-C.S. adopted. (Clerk to handle)

CONSENT

16. Final adoption of the following:

- a. Ord. No. 1744-C.S. rezoning from R-1 to R-2 property on East Orangeburg, east of Yarmouth Dr. (Land Improvement Services)
- b. Ord. No. 1745-C.S. rezoning from R-1 to P-D(187) property on Carpenter and Chicago Avenues. (Norman Winsor)
- c. Ord. No. 1746-C.S. rezoning from C-1 to P-D(189) property on Evergreen west of West Orangeburg. (Ben Cipponeri)
- d. Ord. No. 1747-C.S. rezoning to P-0 property on Coffee Road and Coolidge. (John and Marcella Hanson)
(Motion adopting needed.)

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

CONSENT

17. Amendment of Section 8-2.129 of the Municipal Code establishing a formula for distribution of the City's sales tax revenue.
(Memo with agenda. Introduction of ordinance amending Code needed.)

ACTION: By motion, Ord. No. 1753-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

18. Consider agreement with Nimolty C. MacDannald and Hazel I. MacDannald for the donation of right of way needed for the Orangeburg-Collier to Coffee project.
(Mr. and Mrs. MacDannald will receive curbs, gutters, and sidewalks in return for the donation. The MacDannalds are taking these improvements instead of the appraised value of \$1,780. This is a fair trade. Resolution approving agreement needed. Estimated Cost of Curbs and Gutters and Sidewalks: \$2,320; funds are budgeted.)

ACTION: Res. 78-697 adopted approving agreement. (P.W. to handle)

CONSENT

19. Consider approving agreement with James L. Hanson and Elouise Hanson for the purchase of 0.08 $\frac{1}{2}$ acres of right of way needed for Standiford-Tully to McHenry Project. This is one of four parcels required for the project. Two parcels remain to be acquired.
(The Hansons have agreed to settle for the appraised value of \$5,550. Resolution approving agreement needed. Funds are budgeted.)

DROPPED FROM AGENDA

CONSENT

20. Consider request for water service to property outside City limits at 531 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Avenue and Barium. Owners: Lucile Pethoud, Louise Triebel, Laverne Pethoud, Leonard Pethoud, Harold Pethoud and Lorraine Blum.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. A water line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-698 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider acceptance of improvements in Pioneer Village No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Horn Construction)
(Pioneer Village No. 1 subdivision is located at the southeast corner of Elm Avenue and Carpenter Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements needed.)

ACTION: Res. 78-699 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

22. Consider setting Hearing of Necessity to acquire Scott property for Dry Creek Park development.
(Staff has made offer to purchase the Hubert Scott property. Mr. Scott has declined the offer. Further negotiations are not expected to change the situation. Resolution setting hearing on July 24, 1978, at 7:30 p.m. (hearing No. 1) needed.)

ACTION: Res. 78-700 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend to Council an amendment to Section 27-3-9 of the Zoning Map. (Wolverine Building Service.)
(On June 20, 1978, the Planning Commission adopted Res. 78-108 recommending to the City Council an amendment to Section 27-3-9 of the Zoning Map to rezone from R-1 to R-2, property located at the northwest corner of El Vista Avenue and Ellis Street. Resolution setting public hearing for July 24, 1978, at 7:30 p.m. (hearing No. 2) needed.)

ACTION: Res. 78-701 adopted setting hearing. (Clerk to handle)

CONSENT

24. Recommend to Council an amendment to Section 20-3-9 of the Zoning Map. (Land Bank Financial Services)
(On June 20, 1978, the Planning Commission adopted Res. 78-105 recommending to the City Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of West Roseburg Avenue, east of Tully Road. Resolution setting public hearing on July 24, 1978, at 7:30 p.m. (hearing No. 3) needed.)

ACTION: Res. 78-702 adopted setting public hearing. (Clerk to handle)

CONSENT

25. Set date for informal public hearing concerning Incentives to Encourage Infilling.
(In a December, 1977 report staff outlined eight possible incentives. The Planning Commission has recommended four for City Council approval. Memo with agenda. Resolution setting informal public hearing on July 10, 1978, at 7:40 p.m. needed.)

ACTION: Res. 78-703 adopted setting informal hearing. (Clerk to handle)

CONSENT

26. Resolution certifying to the Board of Supervisors of the County of Stanislaus the amount of money needed by the City of Modesto for payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1.
(Memo with agenda. Resolution certifying needed.)

ACTION: Res. 78-704 adopted certifying. (Finance to handle)

CONSENT

27. Consider rescinding Resolution No. 78-643, establishing rates for the use of swimming pools, and adoption of new resolution eliminating the Susan Burris Pool.
(Memo with agenda. Adoption of resolution needed.)

ACTION: Res. 78-705 adopted establishing rates and eliminating Susan Burris Pool. (P.R. to handle)

CONSENT

28. Consider certifying right of way for Standiford-Tully to 300' west of Carver project.
(Memo with agenda. Certification of right of way is required on federally funded project. Resolution approving certification needed.)

ACTION: Res. 78-706 adopted approving certification. (P.W. to handle)

CONSENT

29. Consider approving agreement with Land Improvement Services, Inc., for the donation of needed right of way.
(This agreement has been proposed to make use of Sections 10-2.1622 of the Municipal Code which allows the Council the discretion of allowing a higher number of dwelling units in a development based on gross acreage before right of way donation when the City is widening an existing street. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-707 adopted approving agreement. (Planning to handle)

CONSENT

30. Consider request for water service to property outside City limits at 619 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Street and Barium Road. Owners: Louie Varni, John D. Varni and Fred A. Varni.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. A water line exists to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-708 adopted approving agreement. (P.W. to handle)

MISCELLANEOUS

31. Legislation

None

32. Appointments

None

33. Matters too late for the agenda
Councilmember Kullijian mentioned complaints about the Council Chamber's sound system. Councilmember Mensinger mentioned the 4th of July parade and asked about arrangements for riding.

34. Adjourned at 4:37 p.m.

221-67

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ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

7/3/78

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 10, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation: Rev. Greg Langley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8, 9,
DROPPED FROM AGENDA : 11 10, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26

ACTION: (Dunlap/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the regular meeting of July 3, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Downtown Improvement District Advisory Board recommending increasing the bail for parking on downtown streets between 3:00 a.m. and 5:00 a.m. to \$20.00.
(Motion referring to staff for recommendation needed.)

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

BIDS

CONSENT

3. Approve plans and specifications and call for bids for improvement of Prescott Road from Briggsmore Avenue to Peach Drive.
(Bid opening: July 25, 1978 at 11:00 a.m. This project includes the reconstruction of Prescott Road with asphalt concrete pavement and aggregate base on a compacted subgrade. The project provides for 4 traffic lanes, left turn lane, and bicycle lanes on the east and west side of the street. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$241,000 (Contr. \$224,132; Engr. & Contg. \$16,868); funds are budgeted.)

ACTION: Res. 78-709 adopted calling for bids. (P.W. to handle) 222-67 7/10/78

CONSENT

4. Consider approval of plans and specifications and call for bids for Fire Station No. 1 parking lot paving.
 (Suggested bid opening date: August 15, 1978 at 11:00 a.m. This project will provide for the construction of a parking lot on the north side of Fire Station No. 1. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$7,181 Const.; \$360 Engr.; \$7,541 Total; funds are budgeted.)

ACTION: Res. 78-710 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for construction of waterlines in Beyerwood East No. 2 and waterline extension to Fire Station No. 6 on Standiford Avenue.

(Suggested bid opening: July 25, 1978 at 11:05 a.m.)

<u>Costs and Revenue</u>	<u>Beyerwood East No. 2</u>	<u>Fire Station #6</u>
Construction	\$70,328	\$18,890
Connection Chgs.	21,780	
Net Revenue	1,723	

Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$101,668 (\$88,668 Construction; \$13,000 Engr. & Mat'ls.); funds are budgeted.)

ACTION: Res. 78-711 adopted calling for bids. (P.W. to handle)

CONSENT

6. Waive formal bid procedures and approve purchase order to Dual Fuel Systems, Inc. to convert five Sewer Division vehicles to operate on methane. Total cost for the conversion is \$8,700.
 (Our pilot project to strip CO₂ from the sewer gas to produce a relatively clean methane for use as a vehicle fuel has been successful and we now need to move into the next phase of the pilot project which is the actual use of the methane fuel in vehicles. In our judgement Dual Fuel Systems, Inc. is the only company that can provide the required equipment for this pilot project. Memos with agenda. Resolution waiving formal bid procedure and approving purchase order needed. (Five affirmative votes needed.) Funds are budgeted.)

ACTION: Res. 78-712 adopted waiving formal bid procedure and approving purchase order. (P.W./Finance to handle)

CONSENT

7. Consider award of contract for asphalt concrete resurfacing, various City streets, Spring 1978.
 (Bids were opened July 5, 1978. The low bid submitted by George Reed, Inc. is 4.79% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. Memo with agenda. Resolution awarding contract needed. Estimated Cost: \$154,872.19 (Contract \$140,672.19; Engr. Contg. \$14,200); funds are budgeted.)

ACTION: Res. 78-713 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider award of contract for construction of Sonoma Park Stage 1. (Bids were opened on June 27, 1978. The low bid submitted by George Reed, Inc., which is 25% below the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract needed. Estimated Cost: Const. \$69,800; Engr. \$3,490; Total \$73,290; funds are budgeted.)

ACTION: Res. 78-714 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider acceptance of Western Pipeline's contract for construction of waterlines in College West No. 2. (Original Contract: \$30,919.30). (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$30,664.75 Contract; (\$27,664.75 Main; \$3,000.00 Services); funds are budgeted.)

ACTION: Res. 78-715 adopted accepting work as complete. (Clerk to handle)

CONSENT

10. Consider acceptance of W. Gale Fisher's contract for construction of waterlines in Glenbrook, Lakewood Park and Pioneer Village No. 1. (Original Contract: \$59,717.75) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$60,132.75 Contract; (\$52,872.75 Main; \$7,260.00 Services); funds are budgeted.)

ACTION: Res. 78-716 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of R. G. Fisher's contract for construction of City Hall Expansion '77. (Original Contract: \$1,297,900.00) (Memo with agenda. Resolution accepting work as complete needed. Final Cost: \$1,373,423.95; funds are budgeted.)

DROPPED FROM AGENDA

HEARINGS

12. Hearing to consider annexation of uninhabited territory (Kansas Avenue Addition). 7:30 p.m.

Councilmember Mensinger excused due to a conflict of interest.
ACTION: Res. 78-717 adopted (Dunlap/Elliott, unan., Mensinger absent) declaring no majority protest made. (Clerk/Planning to handle)
By motion (Dunlap/Elliott, unan., Mensinger absent) Ord. 1754-C.S. introduced, annexing. (Clerk/Planning to handle)
Res. 78-718 adopted (Dunlap/Elliott, unan., Mensinger absent) approving LAFCO's Environmental Review. (Clerk/Planning to handle)

13. Appeal, Jessie E. Bright to Planning Commission decision regarding rezoning R-1 to P-0 on Sunrise Avenue and Briggsmore.

7:35 p.m.

ACTION: Res. 78-719 adopted (Lang/Siefkin, unanimous) denying appeal.
(Clerk to handle)

14. Informal hearing, Incentives to Encourage Infilling.

7:40 p.m.

ACTION: By motion (Mensingher/Kullijian, majority; Siefkin & Mayor Davies-no) Item 1 was approved to permit less than one acre P-D zones with Planning Commission to work out a simplified procedure for approval of plans. (Planning to handle)
By motion (Lang/Kullijian, unan.) Planning Commission recommendation on Item 2 to conduct a pilot project on density bonus in the area south of McHenry Village was approved. (Planning to handle)
By motion (Dunlap/Mensingher, unan.) Item 3 that single family attached houses be allowed on corner lots was approved. (Planning to handle).
By motion (Elliott/Dunlap, unan.) Item 7 regarding reduction of public improvements was not approved. (Planning to handle)
By motion (Lang/Dunlap, maj.; Kullijian, Mensinger, Siefkin-no) Item 8 to reduce lot size was not approved, with present policy on size to remain in effect. (Planning to handle)
No action was taken on items 4, 5, and 6.
By motion (Siefkin/Mensingher, majority; Lang-no) staff requested to explore the possibility of having a maximum lot size. (Atty./Planning)

15. Matters for the good of the community.

7:45 p.m.

(These may be presented by interested persons in the audience.)

ACTION: Albert G. Dunn spoke about expansion of the Senior Citizen's Center. The Public Works Director said a call for bids would be presented to Council for approval about August 14, 1978.

NEW BUSINESS

CONSENT

16. Consider resolution revising "Schedule of Encroachment Permit Fees" in connection with encroachment permits and inspections required by City of Modesto.
(Memo with agenda. Resolution approving new "Schedule of Encroachment Permit Fees" needed.)

ACTION: Res. 78-720 adopted approving new "Schedule of Encroachment Permit Fees". (Finance to handle)

CONSENT

17. Recommend to Council an amendment to Section 7-3-9 of the Zoning Map (Norman Winsor).
(On June 20, 1978, the Planning Commission adopted Res. 78-109 recommending to the City Council an amendment to Section 7-3-9 of the Zoning Map to rezone from R-1 to P-D(197) to allow a 134-unit, 2-story multiple family residential complex, property located on the north side of Standiford Avenue east of Prescott Road. Resolution setting public hearing on August 7, 1978, at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-721 adopted setting public hearing. (Clerk to handle)

CONSENT

18. Recommend to Council an amendment to Section 7-3-9 of the Zoning Map (J. F. Rouw).
(On June 20, 1978, the Planning Commission adopted Res. 78-110 recommending to the City Council an amendment to Section 7-3-9 of the Zoning Map to rezone from R-1 to R-3 and P-D to allow construction of a 203 dwelling small lot single-family residential complex, property located on the east side of Prescott Road, north of Standiford Avenue. Resolution setting public hearing on August 7, 1978, at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-722 adopted setting public hearing. (Clerk to handle)

CONSENT

19. Recommend to Council an amendment to P-D(133) (Gregory Development).
(On June 20, 1978, the Planning Commission adopted Res. 78-111 recommending to the City Council an amendment to P-D(133) to permit a two-story building expansion of the commercial portion of the P-D Zone, property located north of Standiford Avenue and west of Tully Road. Resolution setting public hearing on August 7, 1978, at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-723 adopted setting public hearing. (Clerk to handle)

CONSENT

20. Recommend to Council an amendment to Section 27-3-9 of the Zoning Map (Kenneth Graham).
(On June 20, 1978, the Planning Commission adopted Res. 78-107 recommending to the City Council an amendment to Section 27-3-9 of the Zoning Map to rezone from R-3 to P-D to allow construction of an 8-unit condominium residential complex property located on the north side of Scenic Drive east of Rose. Resolution setting public hearing on August 7, 1978 at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-724 adopted setting public hearing. (Clerk to handle)

CONSENT

21. Set hearing date to discuss project report supplement describing alternatives for land disposal of sewage effluent including supplemental Environmental Impact Report dealing with those alternatives. (The purpose of the hearing is to permit the Council and the public to comment on the project report and EIR. Following the hearing the consultants will respond to issues raised and will submit the completed project report and final EIR for Council consideration and action. Material with agenda. Resolution setting public hearing for Monday, August 7, 1978 at 4:00 p.m. (Hearing No. 7) needed.)

ACTION: Res. 78-725 adopted setting public hearing. (Clerk to handle)

CONSENT

22. Consider acceptance of improvements in Lincoln Square No. 6 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Bomberger Bros., Inc.)
(Lincoln Square No. 6 subdivision is located on the east side of Lincoln Avenue, north of Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-726 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

23. Consider agreement with Robert C. Sprague and Joyce C. Sprague for the donation of right of way needed for Sunrise-Lucern to Norwegian project.
(Mr. and Mrs. Sprague will receive curbs, gutters and sidewalks for the donation. Memo with agenda. Resolution approving the agreement needed. Estimated cost of curbs, gutters, and sidewalks \$1,190.00; funds are budgeted.)

ACTION: Res. 78-727 adopted approving the agreement. (P.W. to handle)

CONSENT

24. Consider agreement with Douglas M. Coalson and Donna R. Coalson for the donation of right of way needed for Sunrise-Lucern to Norwegian project.
(Mr. and Mrs. Coalson will receive curbs, gutters and sidewalks with curb cut for the donation. Memo with agenda. Resolution approving the agreement needed. Estimated cost of curbs, gutters, sidewalk, and curb cut \$2,287.50; funds are budgeted.)

ACTION: Res. 78-728 adopted approving the agreement. (P.W. to handle)

CONSENT

25. Consider proposed "Welcome to Downtown Modesto" signs (DID project). (Memo with agenda. Council authorization requested to install signs within street right of way and to utilize services of City (Parking and Traffic) crews. Motion approving proposal needed.)

ACTION: By motion, proposed signs approved. (Planning/P.T. to handle)

CONSENT

26. Consider authorizing obtaining Automobile and General Liability Insurance through Giddings, Corby, Hynes, Inc., as recommended in staff report.
(Memorandum with agenda. Resolution authorizing obtaining Automobile and General Liability Insurance through Giddings, Corby, Hynes, Inc. needed.)

ACTION: Res. 78-729 adopted authorizing obtaining auto. & gen. liability ins. (Mgmt. Services)

REPORTS

27. Public Projects Committee Report on Dangerous Building Code.
(Memo with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion (Elliott/Dunlap, majority; Kullijian-no) items 1,2,3, and 4 of the Committee's recommendation approved, and item 5 deleted.
(P.W. to handle)

MISCELLANEOUS

28. Legislation

None

29. Appointments

ACTION: Res. 78-730 adopted (Kullijian/Lang, unan.) appointing Cal Purviance to replace Dave Ryan on the Planning Commission. (Clerk to handle)

Res. 78-731 adopted (Kullijian/Lang, unan.) appointing Paul Green and Arthur O. Vasquez to the Citizens Housing and Community Development Committee, Neighborhood Advisory Committee No. 1. (Clerk to handle)

30. Matters too late for the agenda

None

Adjourned at 9:55 p.m.

to executive session to discuss an employee relations matter with the announcement that Council would not return to open session.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 17, 1978, AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Mensingher, Siefkin, Mayor Davies
(Councilmember Elliott arrived at 4:10 p.m.)
Absent: Councilmember Kullijian

Pledge of allegiance to the Flag

Invocation: Rev. John Taylor, Sr., First United Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 8, 9,
Removed from consent: 7, 18, 23 10, 13, 14, 15, 16, 17, 19,
(Dunlap/Siefkin, unan., Elliott & 20, 21, 22, 24, 25, 26, 27,
Kullijian absent) 28, 29, 30, 31

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the regular Council meeting of July 10, 1978, (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Frank Ruggieri, Attorney for Hubert Scott, requesting that the hearing on the Resolution of Necessity to acquire the Scott property for Dry Creek Park be continued from July 27, 1978, to an afternoon meeting in August. (Motion indicating intention to continue hearing to August 7, 1978, at 4:00 p.m. (Hearing No. 8) needed.)

ACTION: By motion, Council indicated its intention to continue the hearing to August 7, 1978, at 4:00 p.m. (Clerk to handle)

BIDS

CONSENT

3. Consider approval of specifications and authorize call for bids to be opened August 1, 1978, at 2:00 p.m. for furnishing one tractor-loader-backhoe combination. (The unit will serve the Streets Division of Public Works. It will be used primarily by the sidewalk, curb, and gutter repair crews. Also, it will be used by rock well maintenance crews. The unit is an addition to the Service Division Equipment Pool and does not replace any like equipment. Resolution authorizing call for bids needed, Estimate Cost: \$21,000; funds are budgeted.) 229-67

ACTION: Res. 72-732 adopted calling for bids. (Finance to handle) 7/17/78

CONSENT

4. Consider approval of plans and specifications and call for bids for the installation of irrigation system and landscaping at Sylvan Park. (Bid opening date: August 15, 1978 at 11:10. This project will provide for the installation of irrigation systems and landscaping at Sylvan Park. This project will further the implementation of the Sylvan Park Master Plan. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$51,750 Const; \$2,588 Engr; \$54,338 Total; funds are budgeted.)

ACTION: Res. 78-733 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the drilling, casing, testing, and development of Well No. 45 for the City of Modesto. (Suggested bid opening date: August 15, 1978 at 11:05 a.m. This project will provide for the construction of a water well at Mancini Park to be used for irrigation of the park and domestic water needs. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$11,025 Const.; \$551 Engr.; \$11,576 Total; funds are budgeted.)

ACTION: Res. 78-734 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider awarding contract for repairs and improvements to the parking lot at the southwest corner of 10th and H Streets. (Memo with agenda. Elich Construction submitted the low bid of \$14,470 which 37% below the estimate. There is \$24,000 budgeted for the project. Resolution awarding contract needed. Estimated Cost: \$16,000 (including engineering & work by City forces); funds are budgeted.)

ACTION: Res. 78-735 adopted awarding contract. (P.W. to handle)

7. Consider award of contract for Woodrow Park masonry wall construction. (Bids were opened on July 11, 1978. The low bid, submitted by Thomas Masonry, which is 8.8% below the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to Thomas Masonry needed. Estimated Cost: \$19,252 Const.; \$963 Engr. Insp.; \$20,215 Total; funds are budgeted.)

ACTION: By motion (Siefkin/Lang, unan., Kullijian absent) staff requested to look at the situation again and bring back a report with a diagram showing possible problems, and comment on whether walls might be

- CONSENT** requested at other parks. (P.R. to handle)
8. Consider award of contract for construction of waterlines in Whitmore Industrial Park and waterline extension in Scenic Drive to 700 feet east on Scenic Bend.

(Bids were opened on July 11, 1978. The low bid of \$25,703.50, submitted by Mac's Backhoe Service is 10% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 78-736 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for construction of Dryden Trunk Sewer - 1975 EDA Project #07-01-01753.
(Bids were opened on June 13, 1978. The low bid of \$911,664, submitted by W. M. Lyles is 5.8% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. The Economic Development Administration will provide \$485,000 of the cost and has approved the award. Resolution awarding contract to W. M. Lyles Co. needed. Funds are budgeted.)

ACTION: Res. 78-737 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider declaring Van Pelt, Inc., low bidder meeting specifications and authorize the purchase of two 1500 g.p.m. pumper trucks for \$118,712.58 each including State and local tax.
(Memo with agenda. Resolution authorizing purchase needed. Estimated Cost: \$237,425.16; funds are budgeted.)

ACTION: Res. 78-738 adopted authorizing purchase. (P.W. to handle)

HEARINGS

July 17, 1978 - 4:00 p.m.

11. Hearing on appeal by Roller King, Inc. to Board of Zoning Adjustment decision regarding a freestanding sign. No. 1

ACTION: By motion (Dunlap/Lang, unan., Kullijian absent) request by Robert Erickson to drop the appeal approved.

12. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

13. Final adoption of the following:

- a. Ord. No. 1749-C.S. rezoning from R-1 to R-2 property located on the west side of Tully Rd. south of Levon Ave. (Anthony Cannizzaro)
- b. Ord. No. 1750-C.S. rezoning from C-2 to P-D(190) property on the easterly corner of 6th and H Streets. (Stan Cushway)
- c. Ord. No. 1751-C.S. rezoning from P-D(154) and P-D(157) to P-D(191) property located on the east side of Dale Rd, north of Standiford. (Sanders Construction)

13. Continued - Final adoption of ordinances

- d. Ord. No. 1752-C.S. rezoning from R-1 to P-D(188) property located on the west side of Dale Rd., north of Snyder, (Invest West Financial Corp.)
- e. Ord. No. 1753-C.S. amending the Modesto Municipal Code concerning distribution of sales tax revenue.

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

14. Consider adopting a resolution authorizing the City Manager to submit a grant application for LEAA funds to institute a Community Service Officer Program in the Police Department.
(Memo with agenda, Resolution approving grant application needed.)

ACTION: Res. 78-739 adopted approving grant application. (Police to handle)

CONSENT

15. Approval of Citizens Housing and Community Development Committee recommendation regarding expiring contract with Stanislaus County Housing Authority for period August 1, 1978 through July 31, 1979.
(Letter from Housing Authority with agenda. Resolution approving extension of agreement needed. Estimated Cost: \$36,080; funds are budgeted.)

ACTION: Res. 78-740 adopted approving extension of agreement. (Planning to handle)

CONSENT

16. Consider withdrawing Scenic-Lakewood No. 2 Addition from McHenry-Dry Creek Fire Protection District.
(This addition was annexed to the City of Modesto effective June 23, 1978. Resolution withdrawing Scenic-Lakewood No. 2 Addition from McHenry-Dry Creek Fire Protection District needed.)

ACTION: Res. 78-741 adopted withdrawing with Fire District. (Clerk to handle)

CONSENT

17. Consider determining that the public interest and convenience require that Scenic-Lakewood No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective June 23, 1978. Resolution setting hearing on Tuesday, September 5, 1978 at 4:00 p.m. (Hearing No. 1) needed.) (Five affirmative votes needed.)

ACTION: Res. 78-742 adopted setting hearing. (Clerk to handle)

18. Recommend amendment to City of Modesto Standard Specifications pertaining to the widening of major streets adjacent to developments, (Drawing 3-J).
(On July 5, 1978, the Planning Commission adopted Resolution No. 78-124 recommending to the City Council an amendment to City of Modesto Standard Specifications pertaining to the widening of major streets adjacent to developments. Resolution amending Standard Specifications needed.)

ACTION: By motion (Lang/Mensing, unan., Kullijian absent) this item held over one week for a report from the Construction Industries Liaison Committee. (Planning to handle)

CONSENT

19. Consider approval of agreement between the Modesto Irrigation District and the City of Modesto.
(The agreement provides for the installation and maintenance of an eight-inch VCP sanitary sewer along the northwesterly side of M. I. D. Lateral No. 7 between Veneman Avenue and the extension of Prescott Road in Hollandia Estates subdivision. Resolution approving agreement needed.)

ACTION: Res. 78-743 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider approval and execution of City/County Dial-a-Ride subsidy agreement.
(Memo with agenda. City and County will jointly subsidize handicapped Dial-a-Ride service. Agreement provides mechanism and formula for subsidy payments. Resolution approving agreement needed.)

ACTION: Res. 78-744 adopted approving agreement. (P.T. to handle)

CONSENT

21. Consider agreement with Jack E. Taylor and Mary Julia Taylor for the donation of right of way needed for Sunrise-Lucern to Norwegian project. (Mr. and Mrs. Taylor will receive curbs, gutters, sidewalk, and curb cut for the donation. Memo with agenda. Resolution accepting the right of way and approving the agreement needed. Estimated Cost: \$2,468 (curbs, gutters, sidewalk, and curb cut); funds are budgeted.)

ACTION: Res. 78-745 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider agreement with Thomas K. Streckfus and Karen A. Streckfus for the donation of right of way needed for Sunrise-Lucern to Norwegian project.
(Mr. and Mrs. Streckfus will receive curbs, gutters, sidewalks and curb cuts for donation. Memo with agenda. Resolution accepting the right of way and approving the agreement needed. Estimated Cost: \$2,314 (Curbs, gutters, sidewalks, and curb cuts); funds are budgeted.)

ACTION: Res. 78-746 adopted approving agreement. (P.W. to handle)

23. Consider integrated pest management agreement.
(The Department of Parks and Recreation staff recommends that the third year of research be undertaken to control, with minimal use of chemical insecticides, insect pests on ornamental trees, The John Muir Institute for Environmental Studies, Inc., is recommended for continuation of this research for the City. Resolution approving agreement needed. Estimated Cost: \$10,000; funds are budgeted.)

ACTION: Res. 78-747 adopted (Siefkin/Mensingher, majority; Lang-no; Kullijian absent), approving agreement. (P.R. to handle)

CONSENT

24. Consideration of an agreement to employ H. Esmaili and Associates, Inc. to furnish necessary water quality investigation of the Tuolumne River in the vicinity of the proposed Phase III portion of Tuolumne River Regional Park.
(The Stanislaus County Department of Public Health Division suggested the advisability of this study and the company to do the consulting work. Resolution approving agreement needed. Estimated Cost: \$6,225; funds are budgeted.)

ACTION: Res. 78-748 adopted approving agreement. (P.R. to handle)

CONSENT

25. Consider request for sewer service to property outside City limits at 1512 Morene Way, located on the east side of Morene Way, north of Coolidge Avenue. Owners: Arthur Erich Wittrien and Anne Katherine Wettrien.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to the City limits and a line exists to serve it, No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-749 adopted approving agreement. (P.W. to handle)

CONSENT

26. Consider request for sewer service to property outside City limits at 2118 Woodland, located on the south side of Woodland Avenue between Rosemore Avenue and Yellowstone Avenue. Owners: Jerry Morris and Doris Morris.
(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. 78-750 adopted approving agreement. (P.W. to handle)

CONSENT

27. Amendment to 1978-79 operating budget to provide money for Junior Golf Program.

(The S.O.S. Club conducts a Celebrity Golf Tournament on the Dryden Golf Course; the proceeds are placed in trust with the City to sponsor and promote a George Maroney Junior Golf Tournament and instructional program for youth. This is the fifth program for youth. A transfer of \$275 to be paid to the golf professional to organize and conduct the George Maroney Junior Golf Tournament and clinics is needed from City Trust Fund to the General Fund, Donations Account and then appropriated to General Fund, Recreation Division of the Parks & Recreation Department in the Junior Golf Program account. Resolution amending budget needed.)

ACTION: Res. 78-751 adopted amending budget. (Finance/P.R. to handle)

CONSENT

28. Recommending to the Council an amendment to the Modesto Urban Area General Plan (Conservation Element).

(By Resolution No. 78-123, adopted July 5, 1978, the Planning Commission recommended an amendment to the Modesto Urban Area General Plan (Conservation Element). Resolution setting date and place for public hearing on August 14, 1978, at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-752 adopted setting public hearing. (Clerk to handle)

CONSENT

29. Recommending to the Council an amendment to the Modesto Urban Area General Plan (Noise Element).

(By Resolution No. 78-122, adopted July 5, 1978, the Planning Commission recommended an amendment to the Modesto Urban Area General Plan (Noise Element). Resolution setting date and time for public hearing on August 14, 1978, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-753 adopted setting public hearing. (Clerk to handle)

CONSENT

30. Consider request by Del Este Water Company for rate increase. (The Del Este Water Company has filed an application with the California Public Utilities Commission for an increase in rates of approximately 21.4% for 1978, 3.3% for 1979, and 4.7% for 1980 in its Modesto service area. As in the past, a review of the request will be handled by the P.U.C. There is no action required on the part of the City. Motion leaving determination to the P.U.C. needed.)

ACTION: By motion, determination left to P.U.C. (P.W. to handle)

CONSENT

31. Consider acceptance of grant offer of \$392,873 from the F.A.A. to construct a three-bay fire crash rescue facility at the Modesto City-County Airport.
(The City's agreement with the Empire Fire District to provide fire crash rescue service at the Airport is to be terminated, and it is necessary for the City to provide these facilities. The total estimated cost of the project is \$502,000. The annual operating cost of the facility, once in service, is estimated at \$128,000. This is an airport safety project, and it is anticipated that the County would participate in 50% of the local share. Memos with agenda. Resolution accepting the grant offer needed; and resolution amending the 1978-79 fiscal year budget to increase revenue estimates and appropriations by \$322,000. Estimated cost including engineering and contingencies \$502,000; funds are budgeted.) (\$45,564 City share to be appropriated from Special Fund for Capital Outlay, General Reserves.)

ACTION: Res. 78-754 adopted accepting grant offer. (P.W./Finance to handle)
Res. 78-755 adopted amending budget. (P.W./Finance to handle)

REPORTS

32. Consider report of Spay and Neuter Committee.
(Report with agenda. Resolution approving agreement with local veterinarians needed; and resolution approving an appropriation transfer needed. Estimated Cost: \$5,000.)

ACTION: Res. 78-756 adopted (Siefkin/Mensinger, majority; Elliott - no; Kullijian - absent) approving agreement form and approving City's entering into agreements with veterinarians wishing to participate in the program. (Management Services to handle)
RES. 78-757 adopted (Siefkin/Mensinger, majority; Elliott-no; Kullijian absent) approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

33. Legislation

None

34. Appointments

None

35. Matters too late for the agenda

ACTION: Res. 78-758 adopted (Lang/Mensinger, unan., Kullijian absent) accepting as complete Acme Construction's contract for construction of a sprinkler system and basement access door to the City Hall Annex. (Clerk)
Res. 78-759 adopted (Lang/Mensinger, unan., Kullijian absent) accepting as complete Mac's Backhoe Service's contract for construction of waterlines in Lincoln Square No. 7. (Clerk to handle)

Adjourned at 4:55 p.m.

Page 8

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

236-67

7/17/78

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, JULY 24, 1978, AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of allegiance to the Flag

Invocation - Rev. Ron Hurst, Maze Avenue Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 8, 13, 15,
DROPPED FROM AGENDA: 27, 28, 32A 16, 17, 18, 19, 20, 21, 22, 23, 24,
25, 26, 29, 30, 31, 32,
36

ACTION: (Dunlap/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of July 17, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved with item 32 corrected to show that Councilmember Elliott, rather than Councilmember Lang, voted no on Res. 78-757.

COMMUNICATIONS

2. Request by property owners to refer to the Public Projects Committee for consideration the return of the College West Neighborhood, or a portion thereof, to the City's General Plan and the inclusion of the same area in the current or ultimate sewer service area.
(Letter from Laurence H. Martin with agenda.)

ACTION: By motion (Lang/Kullijian, unan.) this item was referred to the Public Projects Committee.(Planning)

CONSENT

3. Appeal by Local 748, Teamsters, to a decision by the Board of Building Appeals regarding the building at 1222 J Street.
(Resolution setting hearing on August 21, 1978, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-760 adopted setting hearing. (Clerk to handle)

CONSENT

4. Letter from Jack E. George, Principal of Creekside Private School, regarding the future use of property on which their school is located. (Motion referring to staff needed.)

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

CONSENT

5. Letter from A. C. Rasmussen protesting golf rates for senior citizens living outside the City limits. (Motion referring to staff for appropriate action needed.)

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

BIDS

CONSENT

6. Consider declaring both Motor Parts Distributors and Modesto Auto Parts low bidders and authorizing the purchase of automotive parts for jobber discounts. (Memorandum with agenda. Resolution authorizing purchase from Motor Parts Distributors needed; and resolution authorizing purchase from Modesto Auto Parts needed. Estimated Cost: \$100,000; funds are budgeted.)

ACTION: Res. 78-761 adopted authorizing purchase from Modesto Parts Distributors. Res. 78-762 adopted authorizing purchase from Modesto Auto Parts. (Finance to handle)

CONSENT

7. Consider acceptance of The Flintkote Company's contract for the improvement of Orangeburg Avenue at Modesto Irrigation District Lateral No. 4 as complete. (Original contract: \$96,284.25) (Memo with agenda. Resolution accepting work as complete needed. Final Cost: \$113,555.54; funds are budgeted.)

ACTION: Res. 78-763 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of R. G. Fisher's contract for construction of City Hall Expansion '77. (Original Contract: \$1,297,900) (Memo with agenda. Resolution accepting work as complete needed. Final Cost: \$1,373,423.95; funds are budgeted.)

ACTION: Res. 78-764 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

9. Hearing - Resolution of Necessity (Hubert Scott) No. 1
(By motion, Council indicated its intention to continue this hearing to August 7, 1978 at 4:00 p.m. -
Hearing No. 8)

ACTION: By motion (Mensing/Siefkin, unan.) hearing continued to Aug. 7, 1978, 4:00 p.m. (Hearing No. 8) (Clerk to handle)

10. Hearing on amendment to Sec. 27-3-9 of the Zoning Map to rezone from R-1 to R-2 property on the northwest corner of El Vista Avenue and Ellis Street. (Wolverine Building Service) No. 2

ACTION: By motion (Elliott/Lang, unan.) Ord. 1755-C.S. introduced rezoning. (Clerk/Planning)
Res. 78-765 adopted (Elliott/Lang, unan.) certifying environmental assessment. (Clerk/Planning to handle)

11. Hearing on amendment to Sec. 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property on West Roseburg Avenue east of Tully Road. (Land Bank Financial Services) No. 3

ACTION: Res. 78-766 (Lang/Dunlap, unan.) denying rezoning and overruling Planning Commission recommendation.

12. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

- 12A. Consider an ordinance amending Section 5-4.201 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code relating to licensing of dogs. (Memo with agenda. Introduction of regular ordinance and adoption of an emergency ordinance needed.)

ACTION: By motion (Elliott/Dunlap, unan.) Ord. No. 1756-C.S. introduced. (Emergency) - (Clerk to handle)

By motion (Elliott/Dunlap, unan.) Ord. No. 1757-C.S. introduced. (Regular) (Clerk to handle)

CONSENT

13. Consider an ordinance adding Section 8-2.1004.1 of Article 10 of Chapter 2 of Title VIII of the Modesto Municipal Code relating to School Site and Facilities Tax. (Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion (Dunlap/Lang, unan.) Ord. No. 1758-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

14. Recommend amendment to City of Modesto Standard Specifications pertaining to the widening of major streets adjacent to developments. (Drawing 3-J)
(On July 5, 1978, the Planning Commission adopted Resolution No. 78-124 recommending to the City Council an amendment to City of Modesto Standard Specifications pertaining to the widening of major streets adjacent to developments. Continued from July 17, 1978 meeting at the request of the Construction Industries Liaison Committee.)

ACTION: Res. 78-767 adopted (Siefkin/Dunlap, majority; Kullijian, Lang, Mayor Davies - no) the existing policy as clarified in drawing 3-J approved. (P.W. to handle)

NEW BUSINESS

CONSENT

15. a) Consider withdrawing California-Panama Addition from Burbank-Paradise and Woodland Fire Protection Districts and rescinding Res. 78-198 withdrawing the California-Panama Addition from Burbank-Paradise Fire Protection District only.
- b) Consider withdrawing Carpenter-Houser Addition from Burbank-Paradise and Woodland Fire Protection Districts and rescinding Res. 78-448 withdrawing the Carpenter-Houser Addition from Burbank-Paradise Fire Protection District only,

(Memo with agenda. Four resolutions needed.)

- ACTION: Res. 78-768 adopted withdrawing California-Panama from Burbank-Paradise Fire District.
Res. 78-769 adopted withdrawing California-Panama from Woodland Fire District.
Res. 78-770 adopted withdrawing Carpenter-Houser from the Burbank-Paradise Fire District.
Res. 78-771 adopted withdrawing Carpenter-Houser from the Woodland Fire District. (Clerk to handle)

CONSENT

16. Consider the following:

1. Withdrawing Veneman No. 2 Addition from Salida Fire District.
2. Withdrawing Laurel Avenue Annexation from Woodland Fire District.

(Veneman No. 2 Addition was annexed to the City of Modesto effective June 27, 1978, and Laurel Avenue Annexation was annexed to the City of Modesto effective June 28, 1978. Resolutions withdrawing annexations from fire districts needed.)

- ACTION: Res. 78-772 adopted withdrawing Veneman No. 2 Addition from the Salida Fire District. (Clerk to handle)
Res. 78-773 adopted withdrawing Laurel Avenue Addition from the Woodland Fire District. (Clerk to handle)

CONSENT

17. Consider determining that the public interest and convenience require that Veneman No. 2 Addition and Laurel Avenue Annexation be annexed to the Modesto Municipal Sewer District No. 1.
(Veneman No. 2 Addition was annexed to the City of Modesto effective June 27, 1978, and Laurel Avenue Annexation was annexed to the City of Modesto effective June 28, 1978. Resolution setting hearing for Veneman No. 2 Addition on Monday, September 11, 1978 at 7:30 p.m. (Hearing No. 1) needed; and resolution setting hearing for Laurel Avenue Annexation on Monday, September 11, 1978, at 7:30 p.m. (Hearing No. 2) needed.) (Five affirmative votes needed.)

- ACTION: Res. 78-774 adopted setting hearing for annexation of Veneman No. 2 Addition. (Clerk to handle)
Res. 78-775 adopted setting hearing for annexation of Laurel Avenue Addition. (Clerk to handle)

CONSENT

18. Consider approving agreement with Maurice E. Boyd and Esther L. Boyd for the purchase of 0.061 acres right-of-way needed for Claus Road - Yosemite to Briggsmore project.
(The Boyds have agreed to settle for the appraised value of \$1,970. This project is a City-County endeavor with the County being the lead agency. This is the first of four parcels to be acquired by the City. Resolution approving agreement needed. Estimated Cost: \$1,970; funds are budgeted.)

ACTION: Res. 78-776 adopted approving agreement. (P.W. to handle)

CONSENT

19. Consider agreement with Roy Biedenweg and Mary Glynn Biedenweg for the donation of right of way needed for the Orangeburg-Collier to Coffee project.
(Mr. Biedenweg will receive curbs and gutter with curb cuts and sidewalks in return for the donation. The Biedenwegs are taking these improvements instead of the appraised value of \$1,255. This is a fair trade. Resolution approving agreement needed. Estimated cost of curbs, gutter, sidewalk and curb cuts: \$1,460; funds are budgeted.)

ACTION: Res. 78-777 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider agreement with Gary W. Cooper and Sandy K. Cooper for the donation of right of way needed for Sunrise - Lucern to Norwegian project.
(Mr. and Mrs. Cooper will receive curbs, gutters, and sidewalks, and curb cuts for the donation. Memo with agenda. Resolution approving agreement needed. Estimated cost of curbs, gutters, sidewalks and curb cuts: \$790.00; funds are budgeted.)

ACTION: Res. 78-778 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider request for water service to property outside City limits at 545 Kansas Avenue, located on the north side of Kansas Avenue between 9th Street and Barium Road. Owners: E. D. Thompson and Elaine Thompson, Harvey W. Highiet and Debbe Highiet, Jeffrey Lawrence Highiet, and Barry Highiet.
(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. 78-779 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider subleasing part of the 8th Street parking lot. (Memo with agenda. Property would be subleased to Bill Hughes Dodge for \$75 per month on a month-to-month basis. Property is south half of City parking lot. Lease will begin August 1, 1978. Resolution approving the lease agreement needed.)

ACTION: Res. 78-780 adopted approving the lease agreement. (P.T. to handle)

CONSENT

23. Consider installation of parking meters on 15th and 16th Streets at the main Library. (Memo with agenda. Meters are recommended to increase parking turnover in this parking-short area. Introduction of an ordinance revising the parking meter zoning map, Section 3-2.1501 of the Municipal Code needed. Estimated Cost: \$465; funds are budgeted.)

ACTION: By motion, Ord. 1759-C.S. introduced. (P.T. to handle)

CONSENT

24. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map (Charles Avery). (On July 5, 1978, the Planning Commission adopted Res.-78-120 recommending to the City Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D to permit 32 detached 2-bedroom single-story cottages, property located on the north side of Coolidge Avenue between McHenry and Melrose Avenues. Resolution setting public hearing on August 14, 1978, at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-781 adopted setting public hearing. (Clerk to handle)

CONSENT

25. Recommend to Council an amendment to Section 12-3-8 of the Zoning Map (Vintage Faire Development Company). (On July 5, 1978, the Planning Commission adopted Res.-78-119 recommending to the City Council an amendment to Section 12-3-8 of the Zoning Map to rezone from P-0 to P-D to allow professional office complex including a bank and savings and loan at northeast corner of Dale Road and Veneman Avenue. Resolution setting date for public hearing on August 21, 1978, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-782 adopted setting public hearing. (Clerk to handle)

CONSENT

26. Consider approval of the final map of Colonial Commons No. 3 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. Subdividers: Robert P. Bomberger, Muriel F. Bomberger, Harley D. Brannon and Norma F. Brannon.
(The subdivision agreement has been signed and all fees paid. Colonial Commons No. 3 subdivision is located north of Standiford Avenue between Tully Road and Colonial Drive. It contains 16.777 acres. Resolution approving final map needed.)

ACTION: Res. 78-783 adopted approving final map. (Clerk to handle)

CONSENT

27. Consideration of resolution approving application for funds under the Federal Land and Water Conservation Fund Program for the development of Muncy Neighborhood Park.
(Competitive grants are available through this funding program for neighborhood parks. As Muncy Neighborhood Parks meets the criteria most closely, staff recommends application for up to \$95,000. Resolution authorizing filing of application for grant needed. Estimated Cost: \$142,000 budgeted 1978-79; \$270,000 project total; funds are budgeted.)

DROPPED FROM AGENDA

CONSENT

28. Consider adoption of a resolution revising the Position Classification Plan to add Senior Rehabilitation Specialist classification.
(Memorandum with agenda. Estimated Cost: \$2,500; funds are budgeted. Resolution revising Position Classification Plan needed.)

DROPPED FROM AGENDA

CONSENT

29. Consider setting informal public hearing to consider Infill Zoning.
(On July 10, 1978, the Council expressed an interest in some type of infill zoning as a possible alternative to less than one acre P-D zoning. A staff report recommends that the R-1 Zone be made a density zone like the R-2 and R-3 Zones. Resolution setting date for informal hearing on August 14, 1978, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-784 adopted setting date for informal hearing. (Clerk to handle)

CONSENT

30. Consider setting informal public hearing on the impact of Proposition 13 on City's annexation policy.
(Staff report with agenda notes new realities of Proposition 13 and new State annexation legislation, possible processing fees for annexations, reaffirmation of minimum size for annexations, suggestion that island annexations proceed, reaffirmation of south of Tuolumne River policy, and options for traditional annexations on the City's growing fringes. Resolution setting date for informal public hearing on August 14, 1978, at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-785 adopted setting date for informal public hearing.
(Planning to handle)

CONSENT

31. Consider acceptance of improvements in Towery Plaza subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Rule Development (Towery Plaza subdivision is located east of McHenry Avenue at Union Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-786 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

32. Consider acceptance of improvements in Tierra Plaza subdivision and authorize the City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Tierra Development Company
(Tierra Plaza subdivision is located on the south side of Standiford Avenue east of Tully Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-787 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

- 32A. Consideration of resolution approving application for funds under the 1976 State Bond Act in the amount of \$333,920 for the development of Beyer Community Park and Muncy Neighborhood Park.
(Applications for the 1976 Bond Act monies are now being accepted for early consideration and early funding. Staff recommends \$293,920 for Beyer Community Park and \$40,000 for Muncy Neighborhood Park. Resolution authorizing filing of application for the grant needed. Estimated Cost: Beyer - \$323,920 budgeted (with bond funds); Muncy \$142,000 budgeted (with bond funds).)

DROPPED FROM AGENDA

REPORTS

33. Report on Community Center Project.
(Report with agenda. Motion directing staff needed.)

ACTION: By motion (Elliott/Lang, unan.) it was agreed that plans would not proceed on plans for the Community Center at this time.

34. Report on Urban Trails Plan.
(On July 5, 1978, the Planning Commission considered and recommended to the Council adoption of an Urban Trails Plan. Copy of plan with agenda, Resolution adopting an Urban Trails Plan needed.)

ACTION: Res. 78-788 adopted (Siefkin/Mensing, majority, Kullijian-no), Urban Trails Plan. (Planning to handle)

35. Report from Caltrans regarding extra traffic lane on McHenry near Orangeburg.
(Memo with agenda. Creating one more lane on McHenry would be at the loss of on-street parking for about 400 feet north and south of Orangeburg. Motion approving or disapproving no parking zones on McHenry near Orangeburg needed.)

ACTION: By motion (Dunlap/Kullijian, unan.) no parking zones not approved.

CONSENT

36. Report on analysis of P-O Zoning adjacent to Doctors' Hospital.
(Memo with agenda. Motion accepting report as guide for future rezoning needed.)

ACTION: By motion, report accepted. (Planning to handle)

MISCELLANEOUS

37. Legislation

None

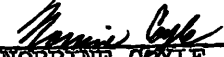
38. Appointments

None

39. Matters too late for the agenda

None

Adjourned at 10:30 p.m. to executive session to discuss a personnel relations matter with the announcement that Council would not return to open session.

ATTEST: 
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 7, 1978, AT 4:00 P.M.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang,
Mensinger, Siefkin, Mayor Davies

Absent: Councilmember Dunlap

Pledge of Allegiance to the Flag

Invocation: Dr. David Seifert, Big Valley Grace Community Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:	Items 1, 3, 5, 6, 8, 9, 10,
Removed from Consent: 4, 34, 42	11, 12, 22, 23, 24, 25, 26, 27,
Dropped from Agenda: 52, 56	28, 29, 30, 31, 32, 33, 35,
	36, 37, 38, 39, 40, 41, 43,
<u>ACTION:</u> (Lang/Elliott, unan., Dunlap absent)	44, 45, 46, 47, 48, 49, 50, 51, 53, 54,

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of July 24, 1978. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Merle Mensinger, Jr., Chairman of the Downtown Improvement District Advisory Board, requesting that courtesy parking passes be issued for vehicles making service calls.
Request withdrawn by D.I.D. Advisory Board
No action taken by the Council

CONSENT

3. Letter from Design Unlimited appealing a Planning Commission decision regarding rezoning property on Standiford west of Tully Road from P-D(133) to a new P-D.
(Resolution setting hearing August 28, 1978, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-789 adopted setting hearing. (Clerk to handle)

4. Letter from Mid-Cal Land Development appealing a decision by the Planning Commission regarding rezoning from R-1 to R-2 property on Clogston Way.
(Resolution setting hearing August 28, 1978, at 7:30 p.m. (Hearing No. 2) needed.) Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-790 adopted (Kullijian/Lang, unan., Dunlap & Mensinger absent) setting hearing. (Clerk to handle)

CONSENT

5. Letter from Cablecom-General, Inc. applying for a new CATV franchise in the City of Modesto.
(Memo with agenda. Resolution setting hearing August 28, 1978, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-791 adopted setting hearing. (Clerk to handle)

CONSENT

6. Letter from Daniel Costa appealing a Planning Commission decision concerning rezoning from R-1 to P-0 property located on Standiford Avenue. (Ralph E. Carpenter/Daniel Costa)
(Resolution setting hearing August 28, 1978, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-792 adopted setting hearing. (Clerk to handle)

BIDS

7. Consider award of contract for Woodrow Park masonry wall construction, (Bids were opened on July 11, 1978. The low bid, submitted by Thomas Masonry, which is 8.8% below the engineer's estimate is considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution awarding contract to Thomas Masonry needed. Estimated Cost: \$19,252 Const., \$963 Engr. Inspect., \$20,215 Total; funds are budgeted.)

ACTION: Res. 78-793 adopted (Lang/Kullijian, unan., Dunlap absent) awarding contract. (P.W. to handle)

CONSENT

8. Consider award of contract for improvement of Prescott Road from Briggsmore Avenue to Peach Drive.
(Bids were opened July 25, 1978. The low bid, submitted by McGaw Co., is 15.52% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the contract be awarded to them. Resolution awarding contract to McGaw Co. needed. Estimated Cost: \$206,220 (Contract \$189,352; Engr. & Contg. \$16,868); Funds are budgeted.)

ACTION: Res. 78-794 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award on contract for F.A.U. Project No. F219(1) construction on Oakdale Road from Scenic Drive to Briggsmore Avenue, (Bids were opened July 18, 1978. The low bid, submitted by McGaw Company is 3.88% above the engineer's estimate and is considered acceptable to the Public Works Department. It is recommended that the contract be awarded to them. Memo with agenda. Resolution awarding contract to the McGaw Company needed, and resolution approving appropriation transfers from reserve needed. Estimated Cost: \$721,851 (Contract \$641,206; Office & Const. Engr. \$80,645); funds are partially budgeted.)

ACTION: Res. 78-795 adopted awarding contract. (P.W. to handle)

Res. 78-796 adopted approving appropriation transfers. (P.W.)

CONSENT

10. Consider acceptance of Crain Construction's contract for construction of waterlines in Prescott Homes. (Original contract: \$20,558) (All work on this project has been completed to the satisfaction of the Public Works 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: \$20,237.75 Contract (Main \$17,327.75; Services \$2,910); funds are budgeted.)

ACTION: Res. 78-797 adopted accepting work as complete.

CONSENT

11. Consider acceptance of Mac's Backhoe Service's contract for construction of waterlines in North Hampton Park No. 4 and Walnut Park. (Original contract: \$45,427.14) (All work on this project has been completed to the satisfaction of the Public Works 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: \$44,226.39 Contract (Main \$41,556.39; Services \$2,670.00); funds are budgeted.)

ACTION: Res. 78-798 adopted accepting work as complete. (Clerk to handle)

CONSENT

12. Consider acceptance of Joe Martin's contract for construction of waterline extensions in 17th Street and Sisk Road. (Original contract: \$9,790) (All work on this project has been completed to the satisfaction of the Public Works 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: \$9,604; funds are budgeted.)

ACTION: Res. 78-799 adopted accepting work as complete. (Clerk to handle)

HEARINGS

13. Annexation of uninhabited territory - Irons Court No. 1 4:00 p.m.
(continued from 6/26/78)

ACTION: Res. 78-800 adopted (Mensingher/Siefkin, unan., Dunlap absent)
annexing. (Clerk to handle)

14. Continued hearing on appeal of California Neon No. 2 4:05 p.m.
Products, on behalf of Taco Bell Corp. regarding
a BZA decision concerning a sign.
(Continued from 7/3/78)

ACTION: Res. 78-801 adopted (Elliott/Siefkin, unan., Dunlap absent) denying
request for sign. (Clerk to handle)

15. Hearing, rezone R-1 to P-D(197) property located No. 3
on the north side of Standiford Avenue, east of
Prescott Road, extended.
(Winsor)

ACTION: By motion, Ord. 1760-C.S. introduced (Kullijian/Mensingher, unan.,
Dunlap absent) approving rezoning. (Clerk/Planning to handle)
Res. 78-802 adopted approving plan (same vote) (Clerk/Planning)
Res. 78-803 adopted approving environmental assessment. (same vote)
(Clerk/Planning)

16. Hearing, rezone from R-1 to R-3 and P-D to allow No. 4
construction of a 203 dwelling, small lot, single-
family residential complex, property located on
the east side of Prescott Road, north of Standiford
(J. F. Rouw)

ACTION: By motion, Ord. 1761-C.S. introduced (Lang/Elliott, unan., Dunlap
absent) approving rezoning. (Clerk/Planning to handle)
Res. 78-804 adopted approving plan (same vote) (Clerk/Planning)
Res. 78-805 adopted approving environmental assessment. (same vote)
(Clerk/Planning)

17. Hearing, amendment to P-D(133) to permit a 2- No. 5
story building expansion of the commercial
portion of the P-D zone, property located
north of Standiford Avenue, west of Tully Rd.
(Gregroy Development)

ACTION: Res. 78-806 adopted (Lang/Elliott, unan., Dunlap absent) amending
plan. (Clerk to handle)

18. Hearing, rezone from R-3 to P-D to allow construction of an 8-unit condominium residential complex, property located on the north side of Scenic Drive, east of Rose.
(Kenneth Graham)

No. 6

ACTION: By motion, Ord. 1762-C.S. introduced (Kullijian/Mensing, unan., Dunlap absent) approving rezoning. (Clerk/Planning to handle)
Res. 78-807 adopted approving plan. (same vote) (Clerk/Planning)
Res. 78-808 adopted approving environmental assessment. (same vote)
(Clerk/Planning)

19. Informal hearing to discuss project report supplement describing alternatives for land disposal of sewage effluent including supplemental Environmental Impact Report dealing with those alternatives.

No. 7

No Council action taken at this time.

20. Continued hearing on Resolution of Necessity (Hubert Scott) (Continued from July 24, 1978)

No. 8

ACTION: Res. 78-809 adopted (Lang/Siefkin, majority, Kullijian-no, Dunlap absent) approving resolution of necessity. (Clerk to handle)

21. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

22. Final adoption of the following:
- Ord. No. 1755-C.S. rezoning from R-1 to R-2 property on El Vista and Ellis Streets (Wolverine Building Service.)
 - Ord. No. 1757-C.S. amending the Modesto Municipal Code relating to licensing of dogs.
 - Ord. No. 1758-C.S. amending the Modesto Municipal Code relating to school site and facilities tax.
 - Ord. No. 1759-C.S. amending the Parking Meter Zoning Map.
(Motion adopting needed.)

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

CONSENT

23. Consider acceptance of improvements in Colonial Commons No. 1 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Bomberger Bros.) (Colonial Commons No. 1 subdivision is located on the north side of Standiford Avenue, east of Tully Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-810 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Colonial Commons No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Bomberger Bros. (Colonial Commons No. 2 subdivision is located at the northeast corner of Standiford Avenue and Tully Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-811 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

25. Consider acceptance of improvements in Persian Terrace No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: U. S. By-Products, Inc. (Persian Terrace No. 2 subdivision is located on the north side of Floyd Avenue east of Zarand drive. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-812 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

26. Consider acceptance of improvements in Hillsboro East subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. Developer: Steinpress Realty and Development Company. (Hillsboro East subdivision is located on the south side of East Orangeburg Avenue west of Claus Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-813 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

27. Consider approval of the final map of Luck Estates 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: Charles S. Solomon and Evelyn M. Solomon, husband and wife, and Kenneth E. Bohns and Mary L. Bohns, husband and wife.
(The subdivision agreement has been signed and all fees paid. Luck Estates subdivision is located on the north side of Rouse Avenue west of Mamilane. Resolution approving final map needed.)

ACTION: Res. 78-814 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider approval of final map of Oakridge No. 2 subdivision of the City of Modesto. Subdivider: FRIES AM Corporation, a California Corporation)
(All required fees have been paid. Oakridge No. 2 is located on the north side of Edgebrook Drive, west of Phoenix Avenue. It contains 5.496 acres. A subdivision agreement is not required since all public street improvements have previously been completed. Resolution approving final map needed.)

ACTION: Res. 78-815 adopted approving final map. (Clerk to handle)

CONSENT

29. Consider approval of final map of Wesson Estates No. 3 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: Lance E. Ellis and Carol L. Ellis, husband and wife.
(The subdivision agreement has been signed and all fees paid. Wesson Estates No. 3 subdivision is located east of Tully Road south of M.I.D. Lateral No. 6. It contains 20.652 acres. Resolution approving final map needed.)

ACTION: Res. 78-816 adopted approving final map. (Clerk to handle)

CONSENT

30. Consider withdrawing Orangeburg-Claus No. 2 Addition from the McHenry-Dry Creek Fire District.
(This addition was annexed to the City of Modesto effective July 23, 1978. Resolution withdrawing Orangeburg-Claus No. 2 Addition from the McHenry-Dry Creek Fire District needed.)

ACTION: Res. 78-817 adopted withdrawing from Fire District. (Clerk to handle)

CONSENT

31. Consider determining that the public interest and convenience require that Orangeburg-Claus No. 2 Addition be annexed to the Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective July 23, 1978. Resolution setting public hearing September 25, 1978 at 7:30 p.m. (Hearing No. 1) needed.) (Five affirmative votes needed.)

ACTION: Res. 78-818 adopted setting public hearing. (Clerk to handle)

CONSENT

32. Consider a resolution appointing Jan Holtzclaw Acting City Clerk in case of the absence or disability of the City Clerk and the Assistant City Clerk.
(Memo with agenda. Resolution appointing Acting City Clerk needed.)

ACTION: Res. 78-819 adopted appointing Acting City Clerk. (Clerk to handle)

CONSENT

33. Report of Superintendent of Streets on the cost of installation of curbs and/or sidewalks at the locations listed below.
(Resolution setting 4:00 P.M., August 21, 1978 (Hearing No. 3) for hearings needed. Funds are budgeted)

- (a) Sidewalk at 1619 Albany Avenue, a portion of Block 6141. (J.V. Ard - \$226.00)
- (b) Sidewalk at 417 El Vista Avenue, Lot 13 of Block 2258 (Albert E. Armstrong - \$227.80)
- (c) Curb and sidewalk along Locke Road and along Roselene Avenue at 1601 Locke Road, Lots 7 & 8 of Block 1026 (Ray Baudoin - \$4,553.00)
- (d) Sidewalk at 151 Norwegian Avenue, Lot 15 of Block 6901 (Frances M. Blevins - \$282.00)
- (e) Sidewalk along Tully Road. at 1229 Woodman Way, Lots 8 & 9 of Block 6118-A. (Florence D. Daniel and Aaron H. Brock - \$473.15)
- (f) Sidewalk at 1549 Pearl Street, Lot 2 of Block 6112 (Tony Canizzaro - \$162.46)
- (g) Sidewalk at 1520 Teresa Street, Lot 20 of Block 6079. (Daniel E. Cripe - \$187.46)
- (h) Sidewalk at 1530 Albany Avenue, Lot 18 of Block 6119 (Eva Humphrey - \$154.00)
- (i) Sidewalk along El Vista Avenue at 108 El Vista Avenue, Lot 9 of Block 2323 (Ronald D. Little - \$440.65)
- (j) Sidewalk at 515 Franklin Street, a portion of Block 4091 (Lester W. McCart - \$792.00)

CONSENT

33. Report of Superintendent of Streets on the cost of installation of curbs and/or sidewalks - Continued.

- (k) Sidewalk at 413 El Vista Avenue, Lot 12 of Block 2258 (Michael A. McGrath - \$227.80)
- (l) Sidewalk at 1613 Albany Avenue, a portion of Block 6141 (Paul L. Methvin - \$325.00)
- (m) Curb and sidewalk at 326 Granger, a portion of Block 6130. (Rhoda H. Robertson - \$580.00)
- (n) Curb and sidewalk along Grape Avenue at 1533 Grape Avenue, Lot 1 of Block 6107 (Sam Salsi - \$904.20)
- (o) Sidewalk along Albany Avenue at 1713 Albany Avenue, Lot 1 of Block 6141 (Harold Walter Schultz - \$241.00)
- (p) Sidewalk at 425 El Vista Avenue, Lot 15 of Block 2258. (Jerry D. Sigman - \$222.85)
- (q) Sidewalk along Teresa Street and Del Vale Avenue at 1416 Del Vale Avenue, Lot 28 of Block 6079. (Karen Smith - \$669.00)
- (r) Sidewalk at 1623 Albany Avenue, a portion of Block 6141 (James Turner - \$224.00)
- (s) Sidewalk at 1535 Teresa Street, Lot 6 of Block 6080. (Walter P. Wesson Sr. - \$156.52)
- (t) Sidewalk along Pearl Street at 1644 Pearl Street, Lots 1 and 2 of Block 6081 (Minnie Woo - \$528.76)
- (u) Curb and sidewalk at 127 Corson Avenue, Lot 14 of Block 652 (Rosalie McLeod - \$706.00)

ACTION: Res. 78-820 adopted setting public hearing. (Clerk to handle)

34. Consider agreement between the State of California, Department of Transportation, Division of Aeronautics and the City of Modesto for a fly-in aircraft parking apron at the Modesto City-County Airport/Harry Sham Field.
(The agreement provides that the State will pay up to \$89,000 for the construction of a fly-in aircraft parking apron from the State Airport Recreation Fund with the City being responsible for plans, specs and construction engineering. Additional City funding required is \$4,500. Memo with agenda. Resolution approving agreement needed; and resolution approving transfer of \$4,500 from the General Reserve of the Special Fund for Capital Outlays, estimating revenue from the State of \$89,000 and establishing a total project cost of \$93,500 in the Airport Fund needed.)

ACTION: A resolution to approve the agreement and transfer failed to carry.
(Elliott/Lang, Kullijian, Siefkin and Mayor Davies - no, Dunlap absent)

CONSENT

35. Consider amendment to the grant agreement between the City of Modesto and the Federal Aviation Administration (FAA) for clear zone acquisition at the Modesto City-County Airport/Harry Sham Field.
(The grant agreement is for the acquisition of clear zone areas at the airport. A waiver was requested for parcels in the flood plain. The FAA denied the request for the waiver. The amendment extends the period of time from 3 years to 7 years to acquire the parcels. Memo with agenda. Resolution approving amendment to grant agreement needed.)

ACTION: Res. 78-821 adopted approving amendment. (P.W. to handle)

CONSENT

36. Consider agreement with County for traffic signals and street improvements at Carpenter and Woodland.
(Memo with agenda. The City will be lead agency for this estimated \$71,000 project. The City's share is estimated at \$32,000 and is budgeted. The County's share is estimated at \$39,000 and will be deposited with City to make up project budget when a contract is awarded. Resolution approving agreement needed, and resolution estimating revenues from County and amending budget needed.)

ACTION: Res. 78-822 adopted approving agreement. (P.T. to handle)
Res. 78-823 adopted estimating revenues from County and amending budget. (Finance to handle)

CONSENT

37. Consider approving agreement with Bart Bartoni, Georgia L. Bartoni, and Mawco Development for the purchase of 0.006⁺ acres of right of way needed for Claus Road - Yosemite to Briggsmore project.
(The Bartonis and Mawco Development have agreed to settle for the appraised value of \$120. This project is a City-County endeavor with the County being the lead agency. This is the second of four parcels to be acquired. Resolution approving agreement needed.)

ACTION: Res. 78-824 adopted approving agreement. (P.W. to handle)

CONSENT

38. Consider agreement with Kwei O. Liu and Diana H. Liu for the donation of right of way needed for the Orangeburg - Collier to Coffee project. (Mr. and Mrs. Liu will receive curbs, gutters with curb cuts and sidewalk in return for donation. The Lius are taking these improvements instead of the appraised value of \$3,300. Resolution approving agreement needed. Estimated Cost: \$2,640 Curbs, Gutters, Curb Cuts and Sidewalk; Funds are budgeted.)

ACTION: Res. 78-825 adopted approving agreement. (P.W. to handle)

CONSENT

39. Consider resolution approving application for funds under the Federal Land and Water Conservation Fund Program for the development of Muncy Neighborhood Park. (Competitive grants are available through this funding program for neighborhood parks. As Muncy Neighborhood Park meets the criteria most closely, staff recommends application fo up to \$52,000. Receipt of this money will represent an offset to project expenditures from Fund 321. Resolution authorizing filing of application for grant needed. Estimated Cost: \$102,708; funds are budgeted.)

ACTION: Res. 78-826 adopted authorizing filing of application. (P.R. to handle)

CONSENT

40. Consider approving application for funds under the 1976 State Bond Act in the amount of \$333,920 for the development of Beyer Community Park and Muncy Neighborhood Park and consider amending the fiscal year 1978-79 City of Modesto final budget. (Applications for the 1976 Bond Act monies are now being accepted for early consideration and early funding. Staff recommends \$293,920 for Beyer Community Park and \$40,000 for Muncy Neighborhood Park. The amount applied for exceeds the revenue originally anticipated from this source by \$37,920. All monies from this source are collected into Fund 328. Resolution authorizing filing of application for the grant needed and resolution amending the fiscal year 1978-79 final budget needed. Estimated Cost: Beyer - \$324,554; Muncy - \$102,000; funds are budgeted.)

ACTION: Res. 78-827 adopted authorizing filing of application. (P.R. to handle)
Res. 78-828 adopted amending budget. (Finance to handle)

CONSENT

41. Consider adoption of a resolution revising the Position Classification Plan to add Senior Rehabilitation Specialist classification. (Memorandum with agenda. Resolution revising Position Classification Plan needed. Estimated Cost: \$2,500; funds are budgeted.)

ACTION: Res. 78-829 adopted revising position classification plan. (Mgmt. Serv. to handle)

42. Uninhabited annexation to the City of Modesto - Paradise-Wade Annexation. (On July 26, 1978, the LAF Commission authorized this annexation without notice of public hearing, Resolution approving annexation needed.) Councilmember Mensinger excused due to a conflict of interest.

ACTION: Res. 78-830 adopted (Kullijian/Lang, unan., Dunlap and Mensinger absent approving annexation.

CONSENT

43. Set date for public hearing - annexation of Maze-Emerald No. 2 Addition. (Approved by LAFCO July 26, 1978. Resolution setting date for public hearing September 25, 1978, at 7:30 p.m., (Hearing No. 2) needed.)

ACTION: Res. 78-831 adopted setting public hearing. (Clerk to handle)

CONSENT

44. Set date for public hearing - annexation of uninhabited territory - Vine No. 2 Addition. (Approved by LAFCO July 26, 1978. Resolution setting date for public hearing September 25, 1978, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-832 adopted setting public hearing. (Clerk to handle)

CONSENT

45. Recommend to Council an amendment to Section 21-3-9 of the Zoning Map (R. L. Sessions Development Company). (On July 18, 1978, the Planning Commission adopted Res. 78-135 recommending to the City Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of East Granger Avenue, east of Melrose Avenue. Resolution setting public hearing September 11, 1978, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-833 adopted setting public hearing. (Clerk to handle)

CONSENT

46. Recommend to Council an amendment to Section 19-3-9 of the Zoning Map (Rule Development). (On July 18, 1978, the Planning Commission adopted Res. 78-134 recommending to the City Council an amendment to Section 19-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Evergreen Avenue between Grape Avenue and Gay Drive. Resolution setting public hearing September 11, 1978, at 7:30 p.m. (Hearing No. 4) needed.

ACTION: Res. 78-834 adopted setting public hearing. (Clerk to handle)

CONSENT

47. Recommend to Council an amendment to Section 28-3-9 of the Zoning Map (Martin Optical Company).
(On July 18, 1978, the Planning Commission adopted Res. 78-140 recommending to the City Council an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 and P-D(121) to P-D(198) property located on the northeast side of 15th Street between G and H Streets. Resolution setting public hearing September 5, 1978, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-835 adopted setting public hearing. (Clerk to handle)

CONSENT

48. Recommend to Council amendments and additions to the Zoning Regulations-Omnibus No. 4.
(On July 18, 1978, the Planning Commission adopted Res. 78-133 recommending to the City Council certain amendments and additions to the Zoning Regulations of the Modesto Municipal Code (Omnibus No. 4). Resolution setting public hearing September 11, 1978, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-836 adopted setting public hearing. (Clerk to handle)

CONSENT

49. Code Text amendment to allow an area credit for right of way dedication for certain streets.
(On July 18, 1978, the Planning Commission adopted Resolution 78-139 recommending to the City Council an amendment to Section 10-2.1622 of the Municipal Code (Zoning Regulations) to allow area credit for dedication of street right of way for certain collector streets. Resolution setting public hearing September 5, 1978, at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-837 adopted setting public hearing. (Clerk to handle)

CONSENT

50. Recommend to Council an amendment to Sections 16-3-9 and 17-3-9 of the Zoning Map (City Council initiated) east and west side of McHenry Avenue, between Bowen and Briggsmore Avenues.
(On July 18, 1978, the Planning Commission adopted Res. 78-132 recommending to the City Council an amendment to Sections 16-3-9 and 17-3-9 of the Zoning Map to rezone from C-2 to H-1, property located on both the east and west sides of McHenry Avenue, between Bowen and Briggsmore Avenues. Resolution setting public hearing September 11, 1978, at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-838 adopted setting public hearing. (Clerk to handle)

CONSENT

51. Consider setting hearing of necessity to acquire Horn property for the Claus Road - Yosemite to Briggsmore project.
(The City, per cooperative agreement with the County, must acquire 4 parcels of right of way for the Claus Road project and must certify this right of way by October 1, 1978. Three parcels are taken care of. The fourth, owned by Horn, is not. In order to meet the 10-1-78 date the City must institute condemnation at this time. Negotiations will continue. Resolution setting hearing on August 28, 1978 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-839 adopted setting public hearing. (Clerk to handle)

CONSENT

52. Consider declaring the following material and equipment surplus to City needs and authorize the Purchasing Officer to take the following action: a) advertise and sell to the highest bidder over 100 bicycle parts, one hydra-dynamic sewer cleaner, and three garden refuse trucks; b) sell to general contractors 1,600 ball angle valves at \$26.73 each and 2,800 couplings at \$3.15 each.
(Memorandum with agenda. Resolution declaring property surplus and authorizing sale needed.)

DROPPED FROM AGENDA

CONSENT

53. Consider agreement with John and Geraldine Brynhi for the purchase of 360⁺ square feet of right of way needed for the Needham-Kansas to "P" Street project.
(Memo with agenda. The Brynhis have agreed to sell the required right of way for \$29,200. The majority of the purchase price is for the cut off and rebuilding of the Brynhis plumbing shop. Resolution approving agreement needed. Estimated Cost: \$29,200; \$800 Est. Escrow; \$30,000 Total; funds are budgeted.)

ACTION: Res. 78-840 adopted approving agreement. (P.W. to handle)

CONSENT

54. Consider project to repair 7th Street Bridge.
(Under a joint agreement the County prepared plans and specifications for repair of 7th Street Bridge. No bids were received for the project. Reconsideration of alternatives for repair or replacement of the bridge is desirable. Memo with agenda. Motion approving staff recommendation needed.)

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

55. Housing Referendum on November ballot.
(Staff report attached on a request to place a housing referendum on the November election ballot by the Modesto Affiliated Church Housing Corporation at the May 15, 1978 City Council meeting. Motion directing staff needed.)

ACTION: By motion (Kullijian/Lang, unan., Dunlap absent) staff directed to prepare necessary documents to place this item on the November ballot with the cost to be paid by the City. (Attorney to handle)

APPROPRIATION TRANSFERS

CONSENT

56. Appropriation transfer from General Reserve Downtown Improvement District Fund 218.

(Funds needed by D.I.D. to purchase a total of 50 signs to be displayed at the entrances and exits to downtown Modesto. 25 signs to say "Welcome to Downtown Modesto" and 25 signs to say "Thank you for coming to Downtown Modesto," Resolution approving appropriation transfer needed. Estimated Cost: \$535.)

DROPPED FROM AGENDA

MISCELLANEOUS

57. Legislation

ACTION: By motion (Elliott/Mensing, unan., Dunlap absent) AB1791 opposed.
By motion (Kullijian/Lang, maj., Mensinger-no, Dunlap absent) AB3250 opposed.
By motion (Lang/Mensing, unan., Dunlap absent) SB1400 supported.
By motion (Lang/Kullijian, unan., Dunlap absent) SB1490 supported.
By motion (Lang/Kullijian, unan., Dunlap absent) SB 2074 opposed
(Mgmt. Serv. to handle)

58. Appointments

ACTION: Res. 78-841 adopted (Mensing/Siefkin, unan., Dunlap absent) reappointing Georgia Ewing, Rollin Keller, and Gordon Nutson to the Human Rights Commission, terms to expire 5-1-82; and appointing Virginia A. Jackson to replace Larry Bailey on the Human Rights Commission, term to expire 5-1-79. (Clerk to handle)

Res. 78-842 adopted (Mensing/Siefkin, unan., Dunlap absent) appointing Spencer C. Woods to the Personnel Commission, replacing Leo Dugan, term expiring 1-1-82. (Clerk to handle)

59. Matters too late for the agenda.

None

Adjourned at 6:35 p.m.

ATTEST: Morris Coyle

NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 14, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

Absent: Councilmember Siefkin

Pledge of Allegiance to the Flag

Invocation: Rev. Gary Redfern, Unity Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED:	Items 1, 4, 7, 8, 9, 10, 11,
DROPPED FROM AGENDA: 36	12, 13, 14, 22, 23, 24, 25, 26,
REMOVED FROM CONSENT: 6	27, 28, 29, 30, 31, 32, 33, 34,
<u>ACTION:</u> (Dunlap/Lang, unan.; Siefkin absent)	35, 38, 39, 40, 42, 43, 44

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of August 7, 1978. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from J. T. Halley, S.O.S. Jogging Association, requesting permission to use City streets for a race.

ACTION: By motion (Dunlap/Mensinger, unan., Siefkin absent) this item was referred to staff. (Police)

3. Petitions from residents in the Sunrise Avenue area regarding installation of curbs and sidewalks.

ACTION: By motion (Mensinger/Lang, unan., Siefkin absent) petitions referred to staff for further study. (P.W.)

CONSENT

4. Letter from D. Gary West appealing a Board of Zoning Adjustment decision concerning placement of a statue and flag at West's Ethan Allen Gallery. (Resolution setting hearing September 5, 1978, at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-843 adopted setting hearing. (Clerk to handle)

8/14/78

5. Proposal from Gene Herron and Al Sarina for annexation of approximately 50 acres in the Crows Landing Road area.
(The gentlemen presenting the proposal have requested that it be discussed with the item regarding the City's Annexation Policy, Agenda item No. 20.)

ACTION: This item was considered with item No. 20.

BIDS

CONSENT

6. Consider approving plans and specifications for repairs and improvements to the City Hall parking deck and authorize a call for bids. (Memo with agenda. The repairs and improvements are being made to stop water leakage, facilitate maintenance, and improve the lot appearance. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$20,000; funds are budgeted.)

ACTION: Res. 78-844 adopted (Elliott/Dunlap, unan., Siefkin absent) approving plans and specifications and setting bid opening on September 12, 1978 at 2:00 p.m. (P. & T. to handle)

CONSENT

7. Approve plans and specifications and call for bids for Public Improvements Housing Target Area No. 2.
(Bid opening: August 29, 1978 at 11:00 a.m. Housing Target Area No. 2 is bounded by Lucern Avenue, Bodem Avenue, Kimble Street, Semple Street, Redwood Avenue and Scenic Drive. The improvement includes repairing curb and gutter, sidewalks, installing alley approaches and paving alleys and driveway approaches. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$110,998 (Contract \$96,520; Engrg. & Cont. \$14,478); funds are budgeted.)

ACTION: Res. 78-845 adopted approving plans and specifications and calling for bids. (P. W. to handle)

CONSENT

8. Consider approval of plans and specifications and call for bids for remodeling the Senior Citizen Center located at 211 Bodem Street.
(Bid opening date: September 5, 1978 at 11:00 a.m. This project will provide for replacement of the existing worn out air conditioning system, remodeling the kitchen and expansion and remodeling of the main auditorium. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$296,571 (Const. \$271,972; Engrg. \$24,599); funds are partially budgeted. Additional funds will be transferred later.)

ACTION: Res. 78-846 adopted approving plans and specifications and calling for bids. (P.W. to handle)

CONSENT

9. Consider approval of plans and specifications and call for bids for construction of waterline extension on Scenic Drive between Eastridge Drive and Fontana Court and on Riverside Drive and Yosemite Boulevard. (Bid opening: August 29, 1978 at 11:05 a.m. These projects will install 10" water mains to Fontana Plaza subdivision on Scenic Drive and to Wonder Bread Bakery on Yosemite Boulevard. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$41,524 (\$38,524 Contract; \$3,000 Engrg. & Mat'ls.); funds are budgeted.)

ACTION: Res. 78-847 adopted approving plans and specification and calling for bids. (P. W. to handle)

CONSENT

10. Consider award of contract for construction of waterlines in Beyerwood East No. 2 and waterline extension to Fire Station No. 6 on Standiford Avenue. (Bids were opened on August 1, 1978. The low bid of \$84,857.15, submitted by Mac's Backhoe Service is 16% below the engineer's estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 78-848 adopted accepting bid and awarding contract to Mac's Backhoe Service. (P. W. to handle)

CONSENT

11. Consider declaring Reed Equipment Company low bidder and authorizing the purchase of one tractor-loader-backhoe combination for the total price of \$14,133.80 including applicable taxes and trade-in. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-849 adopted authorizing the purchase of one tractor-loader-backhoe combination. (Finance to handle)

CONSENT

12. Consider acceptance of Tri-County Builders, Inc. contract to construct T-hangar "H" at the City-County Airport as complete. (Original contract and final cost: \$125,638.) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be 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. 78-850 adopted accepting the work as complete. (Clerk to handle)

CONSENT

13. Consider waiver of formal bid procedures by five affirmative votes and authorize the purchase of the Burroughs B1865 Central Processing Unit (including the Multi-line Control) at a total cost of \$125,345. (Memo with agenda. Resolution authorizing purchase and waiving formal bid procedures. Funds are budgeted.)

ACTION: Res. 78-851 adopted authorizing purchase and waiving formal bid procedure for purchase of Burroughs B1865 Central Processing Unit. (Finance to handle)

CONSENT

14. Consider waiving formal bid procedures by five affirmative votes, and authorize the purchase of fire hose from The American Rubber Company for the total price of \$10,240.13.
(Memorandum with agenda. Resolution waiving formal bid procedure and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-852 adopted waiving formal bid procedure and authorizing purchase of fire hose. (Finance to handle)

HEARINGS

7:30 p.m.

15. Hearing on transit operating assistance grant application. No. 1

ACTION: Res. 78-853 adopted (Mensinger/Dunlap, unan., Siefkin absent) authorizing filing of the application and signing the grant.
(P. & T. to handle)

16. Hearing on amendment to Modesto Urban Area General Plan (Conservation Element). No. 2

ACTION: Res. 78-854 (Dunlap/Elliott, unan., Siefkin absent) approving element. (Planning to handle)

17. Hearing on amendment to Modesto Urban Area General Plan (Noise Element). No. 3

ACTION: Res. 78-855 (Lang/Mensinger, unan., Siefkin absent) approving element. (Planning to handle)

18. Hearing on amendment to Sec. 21-3-9 of the Zoning Map to rezone from R-2 to P-D(196) property on north side of Coolidge between McHenry and Melrose. (Charles Avery) No. 4

ACTION: By motion (Lang/Kullijian, majority, Dunlap and Elliott-no, Siefkin absent) introduced rezoning. (Clerk/Planning to handle) Ord. 1763
Res. 78-856 adopted approving development plan. (same vote)
Res. 78-857 adopted certifying review of environmental assessment. (Clerk/Planning to handle) (same vote)

19. Informal hearing on Infill Zoning.

No. 5

ACTION: No action taken by the Council20. Informal hearing on impact of Proposition 13
on City's Annexation Policy.

No. 6

ACTION: By motion (Elliott/Mensinger majority, Kullijian and Lang-no, Siefkin absent) staff directed to proceed with study and recommend a policy requiring fees to pay annexation costs.
By motion (Dunlap/Elliott, unan; Siefkin absent) the three-acre annexation minimum dropped.
By motion (Elliott/Mensinger, unan; Siefkin absent) policy to annex island areas reaffirmed.
By motion (Kullijian/Dunlap, unan; Siefkin absent) a meeting is to be scheduled with the City of Ceres to further discuss the "sphere of influence" south of the Tuolumne River.
By motion (Kullijian/Lang, majority, Mensinger-no, Siefkin absent) staff to proceed with the fringe area annexation. (Planning to handle)

21. Matters for the good of the community.

(These may be presented by interested persons in the audience.)

Mayor Davies introduced Mrs. Davies

Kurt McAllister requested City barricades to block streets around Graceada Park during the Shakespearean performances. By motion (Kullijian/Elliott, unan., Siefkin absent) City Manager authorized to take whatever action is necessary. (Manager to handle)

ORDINANCESCONSENT

22. Final adoption of the following:

- a. Ord. No. 1760-C.S, rezoning from R-1 to P-D(197) property on Standiford east of Prescott, extended. (Norman Winsor)
- b. Ord. No. 1761-C.S, rezoning from R-1 to R-3 and P-D(193) property on Prescott north of Standiford. (J. F. Rouw)
- c. Ord. No. 1762-C.S. rezoning from R-3 to P-D(194) property on Scenic Drive east of Rose Ave. (Kenneth Graham)

(Motion adopting needed,)

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

23. Consider ordinance amending Section 4-2.07 of Chapter 2 of Title IV of the Modesto Municipal Code relating to firearms and fireworks. (Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion Ord. No. 1764-C.S. introduced. (Clerk to handle)

UNFINISHED BUSINESS

CONSENT

24. Consider adoption of resolutions providing for special municipal election on November 7, 1978 as follows:

- (a) A resolution proposing a low rent housing measure on motion of Council calling special municipal election to be held on Tuesday, November 7, 1978, and consolidating said special municipal election with the general election of the State of California to be held on said date.
- (b) A resolution of the Council of the City of Modesto requesting the Board of Supervisors of Stanislaus County to provide for the consolidation of a special municipal election with the State of California general election to be held on November 7, 1978.
- (c) A resolution transmitting copy of proposed low rent housing measure to the City Attorney for preparation of impartial analysis.

(Memo with agenda. Adoption of three resolutions needed.)

ACTION: Res. 78-858 adopted proposing low rent housing measure.
Res. 78-859 adopted to request special municipal election.
Res. 78-860 adopted requesting City Attorney to prepare impartial analysis of the measure. (Clerk/Attorney to handle)

NEW BUSINESS

CONSENT

25. Consider acceptance of improvements in Oakmont No. 3 and 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Price Enterprises)

(Oakmont No. 3 and 4 subdivision is located south of Edgebrook Drive west of Phoenix Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-861 adopted accepting improvements in Oakmont No. 3 as complete.
Res. 78-862 adopted accepting improvements in Oakmont No. 4 as complete.
(Clerk to handle)

CONSENT

26. Consider lease agreement between Donald P. La Tourette and the City of Modesto for Hangar No. 4 at the Modesto City-County Airport/Harry Sham Field.

(A new lease agreement has been negotiated and executed by Donald P. La Tourette for Hangar No. 4 on a fixed term basis. Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 78-863 adopted approving lease agreement. (P.W. to handle)

CONSENT

27. Consider agreement with R. W. Arnold, MAI, for the appraisal of the Bomberger and Scott properties which are needed for Dry Creek Park. (Mr. Arnold will appraise the Bomberger and Scott properties for \$3,700. These properties are of higher value so the staff feels a second opinion of value on each will be advantageous. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-864 adopted approving agreement. (P. W. to handle)

CONSENT

28. Consider resolution approving an agreement with Associated Aviation, Inc. for Airport Liability Insurance. (Memo with agenda. Resolution approving agreement needed. Estimated Cost: \$9,427; funds are budgeted.)

ACTION: Res. 78-865 adopted approving obtaining insurance. (Management Services to handle)

CONSENT

29. Consider agreement with Jerry L. Utke and Penney C. Utke for the purchase of 0.07 $\frac{1}{2}$ acres of right of way needed for the Orangeburg - Collier to Coffee project. (The Utkes have agreed to settle for the appraised value of \$4,000. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-866 adopted approving agreement. (P. W. to handle)

CONSENT

30. Consider approving a maintenance agreement with the Burroughs Corporation for the total amount of \$3,815.36. (Contract supersedes contract signed March 1, 1978 between Burroughs Corporation and City of Modesto. New contract is required as a result of the addition of new computer equipment to maintenance. Council action is required as the contracted amount now exceeds \$3,500. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-867 adopted approving agreement. (Finance to handle)

CONSENT

31. Consider setting hearing regarding amendments to Conflict of Interest Code for Management Services. (The Management Assistant/Personnel title is being changed to Personnel Manager, which makes it necessary to amend the existing Conflict of Interest Code for the Management Services department. Resolution setting hearing September 5, 1978 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-868 adopted setting hearing. (Clerk to handle)

CONSENT

32. Consider cancelling existing lease on Old Corporation Yard with Hillery Volkswagen Inc., and entering into new lease with Grissom Pontiac Inc.
(Memo with agenda. Resolution accepting termination of old agreement needed, and resolution approving new lease agreement needed.)

ACTION: Res. 78-869 adopted accepting termination of old agreement.
Res. 78-870 adopted approving new lease agreement. (P. W. to handle)

CONSENT

33. Consider accepting right of entry from Capital Construction Company concerning 0.261 acre right of way needed for Claus Road - Yosemite to Briggsmore project.
(Memo with agenda. Resolution approving right of entry agreement. Estimated cost for 3 month interest: \$120; funds are budgeted,)

ACTION: Res. 78-871 adopted approving right of entry agreement. (P.W. to handle)

CONSENT

34. Consider approving agreement with Ronald Malik for the donation of needed right of way.
(This agreement has been proposed to make use of Section 10-2,1622 of the Municipal Code which allows the Council the discretion of allowing a higher number of dwelling units in a development based on gross acreage before right of way donation when the City is widening an existing street. Memo with agenda. Resolution approving agreement needed,)

ACTION: Res. 78-872 adopted approving agreement. (P. W. to handle)

CONSENT

35. Consider amendment to lease agreement with Great Valley Travel Club. (The Great Valley Travel Club's agreement with the City requires that they construct an aircraft parking apron by October 31, 1978. Because of the recent curtailment of the Travel Club's operations, they are asking for a 90-day extension to January 31, 1979, to construct the parking apron. Resolution approving amended agreement needed.)

ACTION: Res. 78-873 adopted approving amended agreement. (P. W. to handle)

CONSENT

36. Consider transfer of Sanders Garbage Service franchise.
(The owners of Sanders Garbage Service are negotiating the sale of their firm and are requesting that the City consider the transfer of their license per Section 5-5.30 of Chapter 5 of Title V of the Municipal Code. Resolution setting public hearing August 28, 1978 at 7:30 p.m. (Hearing No. 6) to consider transfer of the garbage license needed.)

ACTION: Dropped from agenda

37. Dutchollow Subdivision Entrance Island Signs.
(Paul Zagaris seeks Council approval of two entrance signs, each within a collector street near its intersection with Snyder Avenue. Council approval would include acceptance of signs as municipally authorized information signs for ongoing City maintenance. Memo with agenda, Resolution authorizing signs and accepting City maintenance needed; or resolution denying Municipal authorization as directional or informational signs needed.)

ACTION: Res. 78-874 adopted (Dunlap/Mensing, majority, Kullijian and Lang-no, Siefkin absent) denying request. (Planning to handle)

CONSENT

38. Consider amendment to Spay-Neuter agreement, -
(Memo with agenda. Resolution amending spay-neuter agreement needed.)

ACTION: Res. 78-875 adopted amending spay-neuter agreement. (Management Services to handle)

CONSENT

39. Consider declaring the following items surplus to the City's needs and allowing the Purchasing Officer to take the following action:
a) advertise and sell to the highest bidder one hydra-dynamic sewer cleaner and three garden refuse trucks;
b) sell to general contractors doing work on City water service connections 1,600 ball angle valves at \$26.73 each and 2,800 SP3 couplings at \$3.15 each.
(Memorandum with agenda. Resolution declaring property surplus and authorizing disposition of material needed.)

ACTION: Res. 78-876 adopted declaring property surplus and authorizing disposition of material. (Finance to handle)

CONSENT

40. Consider City/S.O.S.P. elderly and handicapped Dial-a-Ride service agreement.
(Memo with agenda. New S.O.S.P. Dial-a-Ride service requires a City/S.O.S.P. contract. Proposed agreement establishes service features and states obligations of the parties. Resolution approving agreement needed. Estimated Cost: \$217,000; funds are budgeted.)

ACTION: Res. 78-877 adopted approving agreement. (P. & T. to handle)

REPORTS

41. Report on maximum lot size for residential uses.
(Memo with agenda. Motion accepting report or further directing staff needed,)

ACTION: By motion (Dunlap/Kullijian, unan., Siefkin absent) this item held until a meeting at which there is a full Council. (Clerk to handle)

CONSENT

42. Notice of Pacific Telephone application for general rate increase. (Memo with agenda. The increase would average 13.3%. It is recommended that the matter be left to the P.U.C. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

43. Submission of annual summary reports of activities of all City departments for fiscal year 1977-78, (Report with agenda. It is recommended by the City Manager that these reports be accepted as the City Manager's annual report on administrative activities of the City, as required by the City Charter. Motion accepting report needed.)

ACTION: By motion, report accepted.

APPROPRIATION TRANSFERS

CONSENT

44. Appropriation transfer from General Reserve Downtown Improvement District Fund 218. (Funds needed by D.I.D. to purchase a total of 50 signs to be displayed at the entrances and exits to downtown Modesto. 25 signs to say "Welcome to Downtown Modesto" and 25 signs to say "Thank You for Coming to Downtown Modesto." Resolution approving appropriation transfer needed. Estimated Cost: \$570.)

ACTION: Res. 78-878 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

45. Legislation

ACTION: By motion (Dunlap/Elliott, unan., Siefkin-absent) Legislature urged to include the City of Modesto in the provisions of SB1011.
By motion (Lang/Kullijian, unan., Siefkin-absent) AB 3226 opposed. (Management Services to handle)

46. Appointments
NONE

47. Matters too late for the agenda

Councilmember Dunlap agreed to hold a resolution concerning the fly-in apron until the August 28th meeting when there would be a full Council.

Adjourned at 11:20 p.m. to executive session to consider property acquisition with the announcement that Council would not return to open session.

ATTEST: Morrine Coyle
MORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 21, 1978 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,

Absent: Mayor Davies

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 12, 13,

REMOVED FROM CONSENT: 15, 21

16, 17, 18, 19, 20,
22, 23, 24, 25, 26, 27, 28, 29.

ACTION: (Lang/Siefkin, unan., Mayor Davies absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the August 14, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Consider award of contract for installation of irrigation system and landscaping at Sylvan Park.
(Bids were opened on August 15, 1978. The low bid submitted by Dale H. Nagel Landscaping, which is 3% below the Engineer's estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Dale H. Nagel Landscaping needed. Estimated Cost: \$57,225 (Const. \$54,500, Engr. \$2,725). Funds are budgeted.)

ACTION: Res. 78-879 adopted accepting bid and awarding contract to Dale H. Nagel Landscaping. (P. W. to handle)

CONSENT

3. Consider award of contract for drilling, casing, testing and development of Well No. 45 for the City of Modesto.
(Bids were opened on August 15, 1978, at 11:05 a.m. The low bid submitted by Osterberg & Stewart, which is 4% above the Engineer's estimate is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Osterberg & Stewart needed. Estimated Cost: \$12,041 (Const. \$11,467, Engr. \$574). Funds are budgeted.)

ACTION: Res. 78-880 adopted accepting bid and awarding contract to Osterberg & Stewart. (P. W. to handle)

CONSENT

4. Consider award of contract for Fire Station No. 1 parking lot paving. (Bids were opened on August 15, 1978. Three bids were received. The low bid submitted by Lee White Paving Company, which is 16% above the Engineer's estimate, is considered acceptable. It is therefore recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Lee White Paving Company needed. Estimated Cost: \$8,767 (Const. \$8,350, Engr. \$417). Funds are budgeted.)

ACTION: Res. 78-881 adopted accepting bid and awarding contract to Lee White Paving Co. (P. W. to handle)

CONSENT

5. Consider acceptance of L.E. McGraw Construction's contract for the construction of Fire Station No. 1 Annex as complete. (Final Cost; \$179,682.05/Original Contract; \$168,840.) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it would be 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. 78-882 adopted accepting work as complete. (Clerk to handle)

CONSENT

6. Consider waiver of formal bid procedures by five affirmative votes and authorize the purchase of a Hewlett-Packard 9845 computerized drafting system for the total cost of \$22,192.67, including State and local taxes. (Memo with agenda. Resolution authorizing purchase and waiving formal bid procedures needed. Funds are budgeted.)

ACTION: Res. 78-883 adopted authorizing purchase and waiving formal bid procedures. (Finance to handle)

HEARINGS

7:30 p.m.

7. Hearing on appeal by Local 748, Teamsters, to a decision of the Board of Building Appeals concerning the building at 1222 "I" Street, Modesto.

No. 1

ACTION: Appeal withdrawn by Local 748, Teamsters.

8. Hearing on amendment to Sec. 12-3-8 of the Zoning Map to rezone from P-0 to P-D(195) to allow construction of a professional office complex including a bank and savings and loan. Property at the northeast corner of Dale Road and Veneman. (Vintage Faire Development Co.)

No. 2

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) Ord. 1765-C.S. introduced rezoning. (Clerk/Planning to handle)
Res. 78-884 adopted approving development plan. (same vote)
Res. 78-885 adopted certifying review of environmental assessment. (same vote)

- ACTION: (a) Sidewalk at 1619 Albany Avenue, a portion of Block 6141. (J.V. Ard - \$226.00) Res. 78-886 adopted (Siefkin/Elliott, unan., Mayor Davies & Kullijian absent) Clerk & Finance to handle)
- (b) Sidewalk at 417 El Vista Avenue, Lot 13 of Block 2258 (Albert E. Armstrong - \$227.80)
- ACTION: Res. 78-887 adopted (same vote). Clerk/Finance to handle.
- (c) Curb and sidewalk along Locke Road and along Roselene Avenue at 1601 Locke Road, Lots 7 & 8 of Block 1026 (Ray Baudoin - \$4,303.00)
- ACTION: Res. 78-888 adopted (same vote). Clerk/Finance to handle.
- (d) Sidewalk at 151 Norwegian Avenue, Lot 15 of Block 6901 (Frances M. Blevins - \$282.00)
- ACTION: Res. 78-889 adopted (same vote). Clerk/Finance to handle.
- (e) Sidewalk along Tully Road. at 1229 Woodman Way, Lots 8 & 9 of Block 6118-A (Florence D. Daniel and Aaron H. Brock - \$473.15)
- ACTION: Res. 78-890 adopted (same vote). Clerk/Finance to handle.
- (f) Sidewalk at 1549 Pearl Street, Lot 2 of Block 6112 (Tony Canizzaro - \$162.46)
- ACTION: Res. 78-891 adopted (same vote). Clerk/Finance to handle.
- (g) Sidewalk at 1520 Teresa Street, Lot 20 of Block 6079. (Daniel E. Cripe - \$187.46)
- ACTION: Dropped from agenda.
- (h) Sidewalk at 1530 Albany Avenue, Lot 18 of Block 6119 (Eva Humphrey - \$154.00)
- ACTION: Res. 78-892 adopted (same vote). Clerk/Finance to handle.
- (i) Sidewalk along El Vista Avenue at 108 El Vista Avenue, Lot 9 of Block 2323 (Ronald D. Little - \$440.65)
- ACTION: Res. 78-893 adopted (same vote). Clerk/Finance to handle.
- (j) Sidewalk at 515 Franklin Street, a portion of Block 4091 (Lester W. McCart - \$792.00)
- ACTION: Res. 78-894 adopted (same vote). Clerk/Finance to handle.
- (k) Sidewalk at 413 El Vista Avenue, Lot 12 of Block 2258 (Michael A. McGrath - \$227.80)
- ACTION: Res. 78-895 adopted (same vote). Clerk/Finance to handle.
- (l) Sidewalk at 1613 Albany Avenue, a portion of Block 6141 (Paul L. Methwin - \$325.00)
- ACTION: Res. 78-896 adopted (same vote). Clerk/Finance to handle.
- (m) Curb and sidewalk at 326 Granger, a portion of Block 6130. (Rhoda H. Robertson - \$580.00)
- ACTION: Res. 78-897 adopted (same vote). Clerk/Finance to handle.
- (n) Curb and sidewalk along Grape Avenue at 1533 Grape Avenue, Lot 1 of Block 6107 (Sam Salsi - \$904.20)
- ACTION: Res. 78-898 adopted (same vote). Clerk/Finance to handle.
- (o) Sidewalk along Albany Avenue at 1713 Albany Avenue, Lot 1 of Block 6141 (Harold Walter Schultz - \$241.00)
- ACTION: Res. 78-899 adopted (same vote). Clerk/Finance to handle.
- (p) Sidewalk at 425 El Vista Avenue, Lot 15 of Block 2258. (Jerry D. Sigman - \$222.85)
- ACTION: Res. 78-900 adopted (same vote). Clerk/Finance to handle.
- (q) Sidewalk along Teresa Street and Del Vale Avenue at 1416 Del Vale Avenue, Lot 28 of Block 6079. (Karen Smith - \$669.00)
- ACTION: Res. 78-901 adopted (same vote). Clerk/Finance to handle.

9. Hearings on the cost of installation of curbs and/or sidewalks at the locations listed below: (Continued)

(r) Sidewalk at 1623 Albany Avenue, a portion of Block 6141 (James Turner - \$224.00)

ACTION: Res. 78-902 adopted (same vote). Clerk/Finance to handle.

(s) Sidewalk at 1535 Teresa Street, Lot 6 of Block 6080. (Walter P. Wesson Sr. - \$156.52)

ACTION: Res. 78-903 adopted (same vote). Clerk/Finance to handle.

(t) Sidewalk along Pearl Street at 1644 Pearl Street, Lots 1 and 2 of Block 6081 (Minnie Woo - \$528.76)

ACTION: Res. 78-904 adopted (same vote). Clerk/Finance to handle.

(u) Curb and sidewalk at 127 Corson Avenue, Lot 14 of Block 652 (Rosalie McLeod - \$706.00)

ACTION: Res. 78-905 adopted (same vote). Clerk/Finance to handle.

10. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

NONE

ORDINANCES

11. Final adoption of Ord. No. 1763-C.S. rezoning from R-2 to P-D(196) property on the north side of Coolidge between McHenry Avenue and Melrose Avenue. (Charles Avery) (Motion adopting needed)

ACTION: By motion (Lang/Kullijian, majority, Dunlap - no, Siefkin and Mayor Davies absent) Ord. 1763-C.S. adopted. Councilmember Siefkin excused due to not having been present at the meeting when this ordinance was introduced. (Clerk to handle)

CONSENT

12. Final adoption of Ord. 1764-C.S. amending the Modesto Municipal Code relating to firearms and fireworks. (Motion adopting needed.)

ACTION: By motion, Ord. 1764-C.S. adopted. (Clerk to handle)

CONSENT

13. Renewal of group medical insurance contract with California Blue Shield, through August 31, 1979.
(Memo with agenda. Resolution approving renewal of contract needed, and motion authorizing City Manager to implement applicable employee benefits needed.)

ACTION: Res. 78-906 adopted approving renewal of contract and authorizing City Manager to implement applicable employee benefits.
(Management Services to handle)

15. Review of fee structures.

(Memo with agenda recommending raised fees for agendas, minutes and reports to reflect actual costs. Resolution approving raised fees for agendas, minutes and reports for City Council, Planning Commission, and Board of Zoning Adjustment needed.)

ACTION: Res. 78-907 adopted (Lang/Kullijian, unan., Mayor Davies absent) approving raised fees for agendas, minutes and reports for City Council. (Clerk/Planning to handle)

CONSENT

16. Consider agreement with Bart Mervin Bartoni and Georgia L. Bartoni for the donation of right-of-way needed for the Orangeburg/Collier for Coffee project.

(Mr. and Mrs. Bartoni will receive curbs, gutters with curb cut, and sidewalk in return for donation of right-of-way. The Bartonis are taking these improvements instead of the appraised value of \$2,921. Resolution approving agreement accepting property needed. Estimated cost: curbs, gutters, curb cut and sidewalk, \$2,350. Funds are budgeted.)

ACTION: Res. 78-908 adopted approving agreement[&] accepting property.
(P.W. to handle)

CONSENT

17. Consider agreement with Leonard Lee Young and Elizabeth Hope Young for the donation of right-of-way needed for the Orangeburg/Collier to Coffee project.

(Mr. and Mrs. Young will receive curbs, gutters, curb cuts and sidewalk in return for donation. The Youngs are taking these improvements instead of the appraised value of \$1,550. Resolution approving agreement and accepting the property needed. Estimated Cost: curbs, gutters, curb cuts and sidewalk, \$1,600. Funds are budgeted.)

ACTION: Res. 78-909 adopted approving agreement and accepting the property.
(P. W. to handle)

CONSENT

18. Consider agreements with Maria Pappas and Robert H. Pappas for the donation of right-of-way needed for the Orangeburg/Collier to Coffee project.

(Mr. and Mrs. Pappas will receive curbs, gutters with curb cuts, and sidewalk in return for donation. The Pappas' are taking these improvements instead of the appraised value of \$4,900. Resolution approving agreement and accepting the property needed. Estimated Cost: curbs, gutters, sidewalks and four curb cuts, \$4,750. Funds are budgeted.)

ACTION: Res. 78-910 adopted approving agreement and accepting the property.
(P. W. to handle)

CONSENT

19. Consider agreement with Marguerite B. Carlson and Jack M. Carlson for the purchase of their real property located at 519 Sunset Avenue for use as an addition to Del Webb Soccer field.
(Memo with agenda. Resolution approving agreement and accepting the property needed. Estimated Cost: \$35,500.00. Funds are budgeted.)

ACTION: Res. 78-911 adopted approving agreement and accepting the property.
(P. W. to handle)

CONSENT

20. Consider setting hearing to consider Resolution of Necessity to acquire Tocalino Trust property for a bus passenger shelter and parking at the northeast corner of 9th and I Streets.
(Staff has made offer to purchase the Tocalino Trust property. This offer has been refused. Negotiations will continue. The staff is recommending condemnation at this time because of the planned use of property for shelter this winter. Resolution setting hearing on September 18, 1978, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-912 adopted setting hearing. (Clerk to handle)

21. Consider a change to the Uniform Plumbing Code which would abate the use of clean running potable water as a cooling medium.
(This is an energy and water conservation measure. Memo with agenda. Introduction of an ordinance needed.)

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) this item referred to staff to set a public hearing. (P.W. to handle)

CONSENT

22. Recommend to Council an amendment to Sections 4-3-9 and 9-3-9 of the Zoning Map. (Coralwood Mobilehome Community)
(On August 15, 1978, the Planning Commission adopted Res. 78-154 recommending to the City Council an amendment to Sections 4-3-9 and 9-3-9 of the of the Zoning Map to rezone from R-1 to P-D for a 196-space mobilehome park nearing completion on property located east of McHenry Avenue, north of Coralwood Road. Resolution setting public hearing for September 11, 1978, at 7:30 p.m. (Hearing No. 7) needed.)

ACTION: Res. 78-913 adopted setting public hearing. (Clerk to handle)

CONSENT

23. Set informal hearing to consider Orchard Neighborhood Zoning and Development Plan.
(The Planning Commission has made recommendations to City Council regarding higher densities and greater energy efficiencies in the Orchard Neighborhood. Memo with Agenda. Resolution setting date for informal public hearing on August 28, 1978, at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-914 adopted setting public hearing. (Clerk to handle)

CONSENT

24. Establish Mandatory Deferred Compensation Plan for regular City employees (except for safety members).
(Memo with agenda, Resolution establishing plan and resolution approving custodian agreement with Great Western Savings and Loan Association needed.)

ACTION: Res. 78-915 adopted establishing plan. (Management Services to handle)

Res. 78-916 adopted approving custodian agreement with Great Western Savings & Loan Association. (Management Services to handle)

25. Consider approval of purchase order to Victor Burton for installation of catch basin and storm drain line connection on East Orangeburg Avenue adjacent to Sonoma School Property.
(Storm drainage along the south side of East Orangeburg Avenue, west of Sonoma Avenue was intended to be connected to the Scenic-Sonoma Storm Drain System. The catch basin and storm drain line will complete this connection. Resolution authorizing purchase order in the amount of \$4,200 to Victor Burton needed. Funds are budgeted.)

ACTION: Res. 78-917 adopted authorizing purchase order. (Finance to handle)

CONSENT

26. Consider request for substitution of subcontractor by Chet Cummins Construction Company on the construction of the utility building at Revard Park.
(A substitution of the painting subcontractor, Houston Painting, with Modern Painting and Decorating is being requested. Memo with agenda. Resolution approving substitution of subcontractor needed.)

ACTION: Res. 78-918 adopted approving substitution of subcontractor.
(P. W. to handle)

CONSENT

27. Consider approval of the final map of Greenwich Village No. 1 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. Subdividers - Wolverine Building Service, Inc., a corporation.
(The subdivision agreement has been signed and all fees paid. Greenwich Village No. 1 subdivision is located north of Woodland Avenue, and west of Rosemore Avenue. It contains 8.437 acres. Resolution approving final map needed.)

ACTION: Res. 78-919 adopted approving final map. (Clerk to handle)

CONSENT

28. Consider approval of the final map of Greenwich Village No. 2 Subdivision of the City of Modesto and authorizing an agreement with subdividers as required by Sec. 4-4.604(c) of the Modesto Municipal Code. Subdividers - Wolverine Building Service, Inc., a corporation.
(The subdivision agreement has been signed and all fees paid. Greenwich Village No. 2 Subdivision is located north of Woodland Avenue, and west of Rosemore Avenue. It contains 7.928 acres. Resolution approving final map needed.)

ACTION: Res. 78-920 adopted approving final map. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

29. Transfer of \$2,242 from General Fund General Reserve to Management Services, Office Services Division, for postage used in mailing brochures to Modesto residents concerning Spay-Neuter Program and regulations dealing with pets.
(Resolution approving transfer needed,)

ACTION: Res. 78-921 adopted approving transfer. (Finance to handle)

MISCELLANEOUS

30. Legislation

NONE

31. Appointments

NONE

32. Matters too late for the agenda

NONE

33. Adjourned at 4:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, AUGUST 28, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Fledge of Allegiance to the Flag

Invocation: Rev. Mike Dillman, Vintage Faire Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 6, 7, 15, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 31

Removed from consent: 23, 24

Dropped from agenda: 21

ACTION: (Dunlap/Lang, unan.)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

- 1. Approval of minutes of the City Council meeting of August 21, 1978. (Motion approving needed.)**

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

- 2. Letter from Design Unlimited appealing a Planning Commission decision to a request by Gregory Development Co. to rezone from R-3 to P-D, property located on the southeast corner of Oakdale Road and Peppermint Drive. (Resolution setting hearing September 18, 1978, at 4:00 p.m. (Hearing No. 2) needed.)**

ACTION: Res. 78-922 adopted setting hearing. (Clerk to handle)

- 3. Letter from Norma C. Lengyel regarding investigation of Cinco de Mayo and Graffiti Night incidents.**

ACTION: Graffiti Night and Cinco de Mayo incidents were discussed. No Council action taken.

- 4. Letter from League of California Cities requesting names of the City of Modesto's delegate and alternate at the annual conference. (Motion designating voting delegate and voting alternate needed.)**

ACTION: By motion (Elliott/Dunlap, unan.) Mayor Davies was designated as Modesto's voting delegate, and Councilmember Siefkin designated as voting alternate. (Clerk to handle)

8/28/78

BIDS

CONSENT

- 5. Consider approval of plans and specifications and call for bids for heater remix slurry seal of "I" Street from First to Eighth. (Suggested bid opening date: September 19, 1978, at 11:00 a.m. This is the first phase of a program to rejuvenate downtown streets. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$36,000. (Contract \$32,000; Engr. \$4,000); funds are budgeted.)

ACTION: Res. 78-923 adopted calling for bids. (P.W. to handle)

CONSENT

- 6. Consider accepting Elrich Construction Company's contract as complete for repairs and improvements to 12th and I parking lot, (Memo with agenda. The work has been satisfactorily completed. There was one change order for \$250. Resolution accepting contract as complete and authorizing City Clerk to file Notice of Completion needed. Estimated Cost: \$13,138. Funds are budgeted.)

ACTION: Res. 78-924 adopted accepting work as complete. (Clerk to handle)

CONSENT

- 7. Consider accepting Collins Electrical Company's contract for modifying the Coffee and Briggsmore traffic signals. (Memo with agenda. Final contract amount is \$14,900. The work has been satisfactorily completed. Resolution accepting contract as completed and authorizing City Clerk to file Notice of Completion needed. Funds are budgeted.)

ACTION: Res. 78-925 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 P.M.

- 8. Hearing on appeal by Design Unlimited to a decision of the Planning Commission regarding application of Gregory Development Company to rezone property on Standiford Avenue west of Tully Road from P-D(133) to a new P-D,

No. 1

ACTION: Res. 78-926 adopted (Dunlap/Siefkin, unan.) denying appeal.

- 9. Hearing on appeal by Mid-Cal Land Development to a Planning Commission decision regarding rezoning from R-1 to R-2 property on Clogston Way. Councilmember Mensinger excused due to a conflict of interest.

No. 2

ACTION: Res. 78-927 adopted (Lang/Siefkin, majority, Elliott-no, Mensinger absent) denying appeal.

- 10. Hearing on application by Cablecom General, Inc. for a CATV franchise in the City of Mcdesto.

No. 3

ACTION: By motion (Dunlap/Siefkin, unan.) Ord. No. 1766-C.S. introduced granting Franchise. (Clerk to handle)

11. Hearing on acquisition of James Horn property (Resolution of Necessity) for the Claus Road, Yosemite to Briggsmore, project. Councilmember Mensinger excused due to a conflict of interest. No. 4

ACTION: Res. 78-928 adopted (Lang/Siefkin, unan., Mensinger absent) approving Resolution of Necessity to acquire the property. (Clerk to handle)

12. Hearing on appeal by Daniel Costa to Planning Commission decision regarding rezoning from R-1 to P-0 property on Standiford Avenue (Ralph Carpenter). No. 5

ACTION: Res. 78-929 adopted (Lang/Kullijian, unan.) denying appeal.

13. Informal hearing to consider Orchard Neighborhood Zoning and Development Plan. No. 6

Councilmember Siefkin left the meeting at 10:10 p.m.

ACTION: 1. Neighborhood Zoning and Development Plan:

- A. By motion (Lang/Elliott, majority, Dunlap & Kullijian-no; Siefkin absent) plan for schools, parks and 5 acre drainage basin approved.
- B. By motion (Elliott/Kullijian, unan.; Siefkin absent) multiple-family and other land uses approved as recommended.
2. By motion (Mensinger/Lang, unan.; Siefkin absent) east-west orientation with curvilinear streets approved.
3. and 4. By motion (Lang/Mensinger, unan.; Siefkin absent) the recommendations regarding bikeways and public transit approved.
- 5., 6. and 7. By motion (Lang/Elliott, unan.; Siefkin absent) recommendations concerning other development standards, energy conservation and aesthetics approved.
8. By order of the Chair, the staff is to present further information on requiring sprinklers in residential units.

(Planning to handle)

14. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

15. Final adoption of Ord. No. 1765-C.S. rezoning from P-0 to P-D(195) property on the northeast corner of Dale Road and Veneman. (Vintage Faire Development Company)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1765-C.S. adopted. (Clerk)

UNFINISHED BUSINESS

16. Consider agreement between the State of California, Department of Transportation, Division of Aeronautics and the City of Modesto for a fly-in aircraft parking apron at the Modesto City-County Airport/Harry Sham Field.
(The agreement provides that the State will pay up to \$89,000 for the construction of a fly-in aircraft parking apron from the State Airport Recreation Fund with the City being responsible for plans, specs and construction engineering. Additional City funding required is \$4,500. Memo with agenda. Resolution approving agreement; and resolution approving transfer of \$4,500 from the General Reserve of the Special Fund for Capital Outlays, estimating revenue from the State of \$89,000 and establishing a total project cost of \$93,500 in the Airport Fund needed.)

ACTION: A motion opposing the agreement and a motion to approve the agreement both failed to carry.

NEW BUSINESS

CONSENT

17. Request by Farm-City Advisory Committee that a resolution commending the Stanislaus County 4-H Club Program for its achievements be adopted. (Resolution needed. Letter with agenda.)

ACTION: Res. 78-930 adopted commending Stanislaus County 4-H Club. (Clerk to handle)

CONSENT

18. Consider transfer of Sanders Garbage Service license to Airport Garbage Service.
(The owners of Sanders Garbage Service are negotiating the sale of their firm and are requesting the City to consider the transfer of their license to Airport Garbage Service per Section 5-5.30 of Chapter 5 of Title V. of the Municipal Code. Prior to the public hearing, additional information will be transmitted for background on the request. Resolution setting public hearing September 11, 1978, at 7:30 p.m. (Hearing No. 8) needed.)

ACTION: Res. 78-931 adopted setting public hearing. (Clerk to handle)

CONSENT

19. Consider authorizing the City of Modesto joining in 3 amicus curiae briefs as follows:
1. Robertson vs. City of Inglewood
 2. Agins vs. City of Tiburon
 3. San Diego Gas & Electric Co. vs. City of San Diego
- (Memo of explanation with agenda. Motion authorizing joining in amicus curiae briefs needed.)

ACTION: By motion, joining in amicus curiae briefs authorized. (Attorney to handle)

CONSENT

20. Consider acceptance of improvements in College West No. 2 Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Ward H. Cramer)
(College West No. 2 Subdivision is located on the south side of Blue Gum, west of Poust Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-932 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

21. Authorize the City Manager to sign a no-fault agreement negotiated by the Fair Employment Practices Division of the State Department of Industrial Relations.
(Resolution approving agreement needed.)

DROPPED FROM AGENDA.

CONSENT

22. Consider declaring a 30 inch gate valve surplus to City needs and authorize the sale of the valve to the City of Turlock for the minimum used value of \$500.
(Memo with agenda. Resolution declaring property surplus and authorizing sale needed.)

ACTION: Res. 78-933 adopted declaring property surplus. (Finance to handle)

23. Consider applying for funds to build a Downtown Transportation Center.
(Memo with agenda. Center would cost about \$1,137,000 on the preferred site, including relocation of existing parking. Applications would be made for both State and Federal funds. Motion authorizing preparation and submission of applications needed. Estimated cost: \$600 for preliminary engineering. Funds are budgeted.)

ACTION: By motion (Mensingher/Lang, majority, Kullijian-no, Siefkin absent) preparation and submission of applications approved. (P.T. to handle)

24. Agreement with MID for use of MID Lateral No. 3 for discharge of storm drain water from Orchard Neighborhood.
(Memo with agenda. Resolution requesting MID to formulate an agreement needed.)

ACTION: Res. 78-934 adopted (Elliott/Lang, unan., Siefkin absent) requesting MID to formulate an agreement. (P.W. to handle)

CONSENT

25. Consider modification of the Medium Approach Light System at the Modesto City-County Airport/Harry Sham Field.
(The FAA is proposing to replace the Medium Approach Light System on the approach end of Runway 28R at the Airport. The FAA is requesting the City to dedicate the existing light system to them for a replacement at no cost to the City. Memo with agenda. Resolution authorizing dedication needed.)

ACTION: Res. 78-935 adopted authorizing dedication. (P.W. to handle)

CONSENT

26. Consider lease agreement with Harold Logsdon, Thornton Snider, and Bernell Snider for the construction of a 4 unit corporate T-Hangar at the Modesto City-County Airport/Harry Sham Field.
(A lease agreement has been negotiated for the construction of a 4 unit T-Hangar to house the larger cabin class multi-engine aircraft. The T-Hangar will be constructed at no cost to the City. Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 78-936 adopted approving lease agreement. (P.W. to handle)

CONSENT

27. Recommend to Council an amendment to Section 11-3-8 of the Zoning Map (Channel Investments, Inc.)
(On August 15, 1978, the Planning Commission adopted Resolution 78-156 recommending to the City Council an amendment to Section 11-3-8 of the Zoning Map to rezone a portion of P-D(166) to P-D(200) property located on the east side of Sisk, north of Standiford Avenue. Resolution setting public hearing September 18, 1978, at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-937 adopted setting public hearing. (Clerk to handle)

CONSENT

28. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map (Vance Davis)
(On August 15, 1978, the Planning Commission adopted Resolution 78-152 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D, property located on the south side of Floyd, east of MacDougal Street. Resolution setting public hearing October 9, 1978, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-938 adopted setting public hearing. (Clerk to handle)

CONSENT

29. Recommend to Council an amendment to Section 19-3-9 of the Zoning Map (Tim Lowe)
(On August 15, 1978, the Planning Commission adopted Resolution 78-151 recommending to the City Council an amendment to Section 19-3-9 of the Zoning Map to rezone from P-D(1) to a new P-D, property located at the southeast corner of Carver and W. Roseburg Avenue. Resolution setting public hearing October 9, 1978, at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-939 adopted setting public hearing. (Clerk to handle)

REPORTS

30. Report on maximum lot size for residential uses.
(Memo with agenda. Motion accepting report or further directing staff.)
No action taken.

CONSENT

31. Presentation of Financial Statement for July, 1978.
(Copies of the report will be distributed at the meeting. Motion
acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

32. Legislation
None
33. Appointments
None
34. Matters too late for the agenda
None

Adjourned to executive session at 11:45 p.m. to consider acquisition
of property, with the announcement that Council would not return to open
session.

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, SEPTEMBER 5, 1978, at 4:00 p.m.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

Absent: Mayor Davies

Pledge of Allegiance to the Flag

Invocation: Bob Lindsey, Superintendent, Modesto Gospel Mission

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 6, 7, 7A, 8, 10, 11, 18, 19, 20, 21, 22, 23, 24, 27, 30, 25, 26, 28, 29
Dropped from Agenda: 9
Removed from Consent: 23, 24, 27, 30.
ACTION: (Kullijian/Lang, unan.; Mayor Davies absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the City Council meeting of August 28, 1978. (Motion approving needed,)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Jon S. Ploof, Land Bank Financial Services requesting that the one-year limitation for re-submission of an application for rezoning from R-1 to R-2 property on Roseburg east of Tully Road be waived.

ACTION: A resolution to grant the waiver failed to carry, and a motion to request Mr. Ploof to talk to neighbors and get their agreement did not receive a second.
By motion (Lang/Dunlap, majority; Kullijian-no, Mayor Davies absent) this matter was continued to October 16, 1978.

CONSENT

3. Letter from Douglas L. Smith, Sign Designs, Inc., appealing a decision of the Board of Zoning Adjustment concerning a sign for the Rule-Dale Lincoln Mercury agency.
(Resolution setting hearing October 16, 1978, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-940 adopted setting hearing. (Clerk to handle)

CONSENT

4. Letter from Thomas R. Gillett, Western Pacific Railroad Company, appealing a Planning Commission decision concerning the subdivision plan and tentative map for the Lamatis Industrial Center. (Resolution setting hearing October 9, 1978, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-941 adopted setting hearing. (Clerk to handle)

CONSENT

5. Letter from Dennis E. Wilson, Mid-Valley Engineering, Inc., appealing a Planning Commission decision concerning rezoning the northeast corner of Rumble & Sisk (Paul Rumble/Sutherland Home Improvement Center). (Resolution setting hearing October 23, 1978, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-942 adopted setting hearing. (Clerk to handle)

CONSENT

6. Letter from Ernest V. Darpinian appealing a Board of Building Appeals decision concerning the installation of smoke detectors in his building. (Resolution setting hearing September 25, 1978, at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-943 adopted setting hearing. (Clerk to handle)

CONSENT

7. Letter from John Ward appealing a decision of the Board of Building Appeals concerning smoke or heat detectors. (Resolution setting hearing September 25, 1978, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-944 adopted setting hearing. (Clerk to handle)

CONSENT

- 7A. Letter from Mr. & Mrs. E.R. Lamney requesting abandonment of an alley on the west side of Lateral 1 in Block 3077. (Motion referring to Planning Commission needed.)

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

CONSENT

8. Consider approval of plans and specifications and call for bids for construction of canal crossings at M.I.D. Lateral No. 7 at Prescott Road and at Cheyenne Way. (Suggested bid opening: September 19, 1978 at 11:05 a.m. This project is to provide access over M.I.D. canal in newly developed area. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$111,000 (Const. \$96,000; Engr. \$15,000); funds are budgeted.)

ACTION: Res. 78-945 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

9. Consider award of contract for Public Improvements - Housing Target Area No. 2.
(Bids were opened on August 29, 1978, The low bid submitted by George Reed, Inc. is 3.3% above the engineer's estimate and is considered acceptable. Therefore, it is recommended by the Public Works Department that the contract be awarded to George Reed, Inc. Resolution accepting the bid and awarding contract to George Reed, Inc. needed. Estimated Cost: \$99,782.25; funds are budgeted.)

Dropped from Agenda

CONSENT

10. Consider award of contract for construction of waterline extension on Scenic Drive between Eastridge Drive and Fontana Court and on Riverside Drive and Yosemite Boulevard.
(Bids were opened on August 29, 1978. The low bid of \$35,366.50, submitted by Joe Martin, is 8% below the engineer's estimate and is considered acceptable. Resolution accepting bid and awarding the contract to Joe Martin needed. Funds are budgeted.)

ACTION: Res. 78-946 adopted accepting bid and awarding contract. (P.W. to handle)

CONSENT

11. Consider acceptance of George Reed, Inc.'s contract for the construction of Sylvan Park Stage I as complete. (Original Contract: \$62,300)
(All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$61,650; funds are budgeted.)

ACTION: Res. 78-947 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

12. Hearing on annexation of Scenic-Lakewood No. 2 No. 1
Addition to Modesto Municipal Sewer District
No. 1.

ACTION: Res. 78-948 adopted (Elliott/Siefkin, unan., Mayor Davies absent) annexing Scenic-Lakewood No. 2 Addition. (Clerk to handle)

13. Hearing on amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 and P-D(121) to P-D(198) property located on 15th Street between G and H Streets (Martin Optical) No. 2
(John Martin has informed us that he decided not to build in the downtown area and wishes to withdraw his request for the rezoning.)

No action taken.

14. Hearing on amendment to Section 10-2.1622 of the Municipal Code (Zoning Regulations) to allow area credit for dedication of street right of way for certain collector streets.

No. 3

ACTION: By motion (Kullijian/Elliott, unan., Mayor Davies absent)
Ord. 1767-C.S. introduced amending Modesto Municipal Code. (Clerk to handle)

15. Appeal by Ethan Allen Gallery to Board of Zoning Adjustment decision regarding placement of a statue and flag.
(D. Gary West)

No. 4

ACTION: A resolution that the statue not be considered a sign failed to carry.
By motion (Siefkin/Mensinger, unan., Mayor Davies absent) staff requested to undertake a study of the Code section in question and report back to Council on what changes, if any, should be made.
By motion (Lang/Kullijian, majority, Siefkin-no, Mayor Davies absent) flags are to be included in the study. (Planning to handle)
Res. 78-949 adopted (Siefkin/Mensinger, unan., Mayor Davies absent) denying appeal without prejudice.

16. Hearing to add the position of "Personnel Manager" to the Conflict of Interest Code for the City Manager's Office.

No. 5

ACTION: Res. 78-950 adopted (Kullijian/Elliott, unan., Mayor Davies absent) amending the Conflict of Interest Code of the Office of the City Manager (Clerk to handle)

17. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

18. Consider final adoption of Ordinance No. 1766-C.S., granting Cablecom General of Modesto a CATV franchise.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1766-C.S. adopted (Clerk to handle)

CONSENT

19. Ordinance repealing Sections 9-8.04.1, 9-8.04.2, 9-8.04.3, 9-8.04.4, 9-9.03.1, 9-9.03.2, 9-9.04.1 and 9-9.09.1 of Title IX of the Modesto Municipal Code in order to provide uniformity in appeals to the City Council from decisions of the Board of Appeals regardless of which of the Uniform Codes is involved.
(Memo with agenda. Intorduction of ordinance needed.)

ACTION: By motion Ord. No. 1768-C.S. introduced. (Clerk to handle)

NEW BUSINESS

CONSENT

20. Consider declaring materials listed on the Surplus Property Listing as surplus to the City's needs and authorize the material to be sold at public auction September 16, 1978, at the City's Corporation Yard, 501 N. Jefferson Street, 7:30 a.m.
(An annual event; items to be sold include stolen or unclaimed property held by the Police Department for over six months and surplus City property. Resolution declaring property surplus and authorizing auction needed.)

ACTION: Res. 78-952 adopted declaring property surplus and authorizing auction. (Finance to handle)

CONSENT

21. Consider withdrawing Oakdale-Floyd No. 2 Addition from the Riverbank Fire District,
(This addition was annexed to the City of Modesto effective August 3, 1978. Resolution withdrawing Oakdale-Floyd No. 2 Addition from the Riverbank Fire District needed.)

ACTION: Res. 78-953 adopted withdrawing from Fire District. (Clerk to handle)

CONSENT

22. Consider determining that the public interest and convenience require that Oakdale-Floyd No. 2 Addition be annexed to Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective August 3, 1978. Resolution setting hearing October 23, 1978 at 7:30 p.m. (Hearing No. 3) needed.) (Five affirmative votes needed.)

ACTION: Res. 78-954 adopted setting hearing. (Clerk to handle)

23. Consider withdrawing Kansas Avenue Addition from the Woodland Fire District.
(This addition was annexed to the City of Modesto effective July 24, 1978. Resolution withdrawing Kansas Avenue Addition from Woodland Fire District needed.)

ACTION: Councilmember Mensinger excused due to a conflict of interest. Res. 78-955 adopted (Elliott/Kullijian, unan., Mensinger and Mayor Davies absent) withdrawing from Fire District. (Clerk to handle)

24. Consider determining that the public interest and convenience require that a portion of the Kansas Avenue Addition be annexed to the Modesto Municipal Sewer District No. 1.
(This addition was annexed to the City of Modesto effective July 24, 1978. This is an industrial area and a majority of the properties are already in the sewer district. Resolution setting hearing October 23, 1978 at 7:30 p.m. (Hearing No. 4) needed.) (5 affirmative votes needed.)

ACTION: Councilmember Mensinger excused due to a conflict of interest. Res. 78-956 adopted (Elliott/Kullijian, unan., Mensinger and Mayor Davies absent) setting hearing. (Clerk to handle)

CONSENT

25. Requirement for construction of curbs and/or sidewalks at the following locations: (78/01/09 - 78/03/02)

(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 September 18, 1978 at 4:00 P.M. for hearings needed.)

- (a) Sidewalk at 1445 Del Vale Avenue, a portion of Block 6081. (John J. Brigham)
- (b) Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Donald D. Hamilton)
- (c) Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Arde11 M. Hill)
- (d) Sidewalk along Del Vale Avenue at 1541 Cherrywood Drive, Lot 22 of Block 6023. (Dilwyn B. Studebaker)
- (e) Sidewalk along Del Vale Avenue at 1542 Maplewood Drive, Lot 1 of Block 6023. (George E. Wallace)
- (f) Sidewalk along Brady Avenue at 1224 Brady Avenue Lot 12 of Block 6004. (Paul C. Favour)
- (g) Sidewalk along Brady Avenue at 1212 Brady Avenue, Lot 29 of Block 6003. (Alfred R. Pope, Jr.)
- (h) Sidewalk at 1415 "F" Street, a portion of Block 115 (Cordia Ritter)
- (i) Curb along Melrose Avenue at 500 Palm Avenue, a portion of Block 664. (Helen Rubino)

ACTION: Res. 78-957 adopted setting hearing. (Clerk to handle)

CONSENT

26. Consider acceptance of improvements in Montpelier Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Montpelier Development Company)
(Montpelier Estates subdivision is located on the north side of Orangeburg Avenue east of Brannon Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-958 adopted accepting improvements as complete.

Councilmember Elliott left the meeting at 5:17 p.m.

27. Consider agreement with John F. Gottschalk, dba: Gottschalk's Flight Center, to conduct a fixed base operation (FBO) at the Modesto City-County Airport/Harry Sham Field.
(A lease agreement has been executed by John F. Gottschalk for Office Building No. 1 and Hangar No. 5 and 30 aircraft tie-down spaces for a fixed base operation. The lease is for a 3-year period expiring September 30, 1981, and the lessee agrees to pay the City a sum equal to 2 $\frac{1}{2}$ % of the lessee's gross sales (excluding the sale of aircraft) each month based upon a minimum monthly payment. Memo with agenda. Resolution approving lease agreement needed.)

ACTION: By motion (Kullijian/Lang, unan., Elliott and Mayor Davies absent) staff requested to review the needs and uses for Hangar 5 and talk to people involved and interested and give the Council further information on October 16, 1978. (P.W. to handle)

CONSENT

28. Consider concession agreement for Avis Rent-A-Car at the Modesto City-County Airport/Harry Sham Field.
(Renewal of agreement due to expiration. Memo with agenda. Resolution approving concession agreement needed.)

ACTION: Res. 78-959 adopted approving concession agreement. (P.W. to handle)

CONSENT

29. Recommend to Council an amendment to Section 24-3-9 of the Zoning Map - Jan Row. (On August 15, 1978, the Planning Commission adopted Resolution 78-153 recommending to the City Council an amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to P-D(204) property located on the north side of E. Orangeburg Avenue; west of Claus. Resolution setting public hearing October 9, 1978, at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-960 adopted setting hearing. (Clerk to handle)

30. Consider request by United Air Lines to P.U.C. to increase intrastate passenger fares.
(United Air Lines is requesting a 7.4 per cent fare increase on intrastate fares which would have some effect on Modesto. The staff is recommending that the City petition the P.U.C. for hearing and authorize staff to protest the rate increase. Memo with agenda. Resolution authorizing staff to petition the P.U.C. for a hearing to protest rate increase needed.)

ACTION: Res. 78-961 adopted (Mensingher/Siefkin, unan., Elliott and Mayor Davies absent) authorizing staff to petition the P.U.C. for a hearing to protest a rate increase (P.W. to handle)

MISCELLANEOUS

31. Legislation

ACTION: By motion (Kullijian/Lang, unan., Elliott and Mayor Davies absent)
S. 3186/H.R. 12993 supported. (Mgmt. Services)

32. Appointments

None

33. Matters too late for the agenda

A petition was presented by Gary Brenner concerning R.C. Smith,
Airport Manager.

Adjourned at 6:25 p.m.
to executive session to consider property acquisition with announcement
that Council would not return to open session.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 11, 1978 AT 7:30 p.m.

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang,
Mensingher, Siefkin, Acting Mayor Dunlap

Absent: Mayor Davies

Pledge of Allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 15, 16, 17,
Dropped from agenda: 2 18, 19, 20, 21, 22, 23, 24

ACTION: (Lang/Kullijian, unan., Mayor Davies absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the September 5, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

BIDS

CONSENT

2. Consider approval of plans and specifications and call for bids for removal of obstructions in Airport Clear Zone on River Road - Parcels D-1, D-2 and D-3.
(Suggested bid opening: October 3, 1978 at 11:00 a.m. This project is to satisfy Federal Aviation Administration requirements in Airport Clear Zone area. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$19,000 (\$18,000 Contract; \$1,000 Eng. & Inspection); funds are budgeted.)

Dropped from agenda.

CONSENT

3. Consider approval of plans and specifications and call for bids for the construction of waterline extension on Palmilla Drive and Semallon Drive.
(Suggested bid opening: October 3, 1978 at 11:05 a.m. This project will install 10-inch water mains to Wesson Estates No. 3 subdivision. Resolution approving plans and specifications and call for bids, Estimated Cost: \$31,364 (\$29,364 Construction; \$2,000 Engineering & Materials); funds are budgeted.)

ACTION: Res. 78-962 adopted calling for bids. (P.W. to handle)

CONSENT

4. Consider accepting L. Ferdig and Company's contract for installing guard rail on Tuolumne at the 99 Freeway undercrossing.
(Memo with agenda. Final contract amount is \$7,953, of which \$7,157.70 will be reimbursed to the City by the Federal government. Resolution accepting contract and authorizing City Clerk to file Notice of Completion needed. Funds are budgeted.)

ACTION: Res. 78-963 adopted accepting as complete. (Clerk to handle)

CONSENT

5. Consider acceptance of William Mineni's contract for the construction of wading pools at Coleman F. Brown and Chrysler Parks as complete.
(Original contract and final cost: \$78,200)
(All work on this project has been completed to the satisfaction of the Parks and Recreation Department and the Public Works Department. Therefore, it would be 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. 78-964 adopted accepting as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

6. Hearing on annexation of Veneman No. 2 Addition to the Modesto Municipal Sewer District No. 1.

No. 1

ACTION: Res. 78-965 adopted (Elliott/Kullijian, unan., Mayor Davies absent) annexing to Sewer District No. 1. (Clerk to handle)

7. Hearing on annexation of Laurel Avenue Addition to Modesto Municipal Sewer District No. 1.

No. 2

ACTION: Res. 78-966 adopted (Kullijian/Mensingler, unan., Mayor Davies absent) annexing to Sewer District No. 1. (Clerk to handle)

8. Hearing on amendment to Section 21-3-9 of the Zoning Map to rezone R-1 to R-2 property located on the south side of E. Granger, east of Melrose. (R. L. Sessions Development Co.)

No. 3

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) Ord. 1769-C.S. introduced. (Clerk/Planning to handle) Res. 78-967 adopted (Lang/Kullijian, unan., Mayor Davies absent) certifying environmental assessment. (Clerk/Planning to handle)

9. Hearing on rezoning from R-1 to R-2 property on Evergreen Avenue, between Grape Avenue and Gay Drive. (Rule Development)

No. 4

ACTION: By motion (Lang/Mensingler, unan., Mayor Davies absent) Ord. 1770-C.S. introduced. (Clerk/Planning to handle) Res. 78-968 adopted (Lang/Mensingler, unan., Mayor Davies absent) certifying environmental assessment. (Clerk/Planning to handle)

10. Hearing on amendments and additions to the zoning regulations - Omnibus No. 4

No. 5

ACTION: By motion (Kullijian/Elliott, unan., Mayor Davies absent) all items except #4 approved. By motion (Kullijian/Elliott, majority, Dunlap-no, Mayor Davies absent) Item #4, larger signs approved for churches in residential zones. By motion (Kullijian/Siefkin, unan., Mayor Davies absent) Ord. 1771-C.S. introduced amending and adding the 8 recommended changes to the Modesto Municipal Code. (Clerk to handle)

11. Hearing on rezoning from C-2 to H-1 property located along the east side of McHenry Avenue, between Tokay Avenue and Bowen Avenue, and along the west side of McHenry Avenue between Briggsmore and Bowen Avenues.

No. 6

ACTION: By motion (Lang/Mensingler, majority, Kullijian-no, Mayor Davies absent) Ord. 1772-C.S. introduced. (Clerk/Planning to handle) Res. 78-969 adopted (Lang/Mensingler, majority, Kullijian-no, Mayor Davies absent) certifying environmental assessment. (Clerk/Planning) By motion (Lang/Mensingler, majority, Kullijian & Siefkin-no, Mayor Davies absent) a 10-year time period for abatement of signs made non-conforming by rezoning was approved. (Atty. to handle)

12. Hearing on amendment to Sections 4-3-9 and 9-3-9 of the Zoning Map to rezone from R-1 to P-D property located east of McHenry Avenue, north of Coralwood Road. (Coralwood Mobilehome Community)

No. 7

ACTION: By motion (Kullijian/Siefkin, unan., Mayor Davies absent) Ord. 1773-CS introduced rezoning. (Clerk/Planning to handle) Res. 78-970 adopted (same vote) approving development plan. Res. 78-971 adopted (same vote as Ord.) certifying review of environmental assessment. (Clerk/Planning to handle)

13. Hearing on transfer of Sanders Garbage Service license to Airport Garbage Service.

No. 8

ACTION: By motion (Mensing/Lang, unan., Mayor Davies absent) hearing continued to September 25, 1978, 7:30 p.m. (Hearing No. 6)
(Clerk to handle)

14. Matters for the good of the community.
(These may be presented by interested parties in the audience.)

None

CONSENT

NEW BUSINESS

15. Consider the following:

- a. Withdrawing Irons Court Addition from the McHenry-Dry Creek Fire District.
- b. Withdrawing Paradise-Wade Addition from the Burbank-Paradise Fire District.

(Irons Court Addition was annexed to the City of Modesto effective August 18, 1978, and Paradise-Wade Addition was annexed to the City of Modesto effective August 22, 1978. Two resolutions withdrawing additions from fire districts needed.)

ACTION: Res. 78-972 adopted withdrawing Irons Court from Fire District.
Res. 78-973 adopted withdrawing Paradise-Wade Addition from Fire District. (Clerk to handle)

CONSENT

16. Consider determining that the public interest and convenience require the following:

- a. That Irons Court Addition be annexed to Modesto Municipal Sewer District No. 1.
- b. That Paradise-Wade Addition be annexed to Modesto Municipal Sewer District No. 1.

(Irons Court Addition was annexed to the City of Modesto effective August 18, 1978, and Paradise-Wade Addition was annexed to the City of Modesto effective August 22, 1978. Resolution setting public hearing for Irons Court Addition on November 6, 1978 at 4:00 p.m. (Hearing No. 1) needed; and resolution setting public hearing for Paradise-Wade Addition on November 6, 1978 at 4:00 p.m. (Hearing No. 2) needed.) (Five affirmative votes needed.)

ACTION: Res. 78-974 adopted annexing Irons Court to Sewer District.
Res. 78-975 adopted annexing Paradise-Wade Addition to Sewer District.
(Clerk to handle)

CONSENT

17. Consider agreement with William A. Silveira and Marsha L. Silveira for the purchase of their real property located at 529 Sunset Avenue for use as an addition to Del Webb Soccer Field.
(The City is in the process of acquiring 12 parcels of land for the expansion of Del Webb Soccer Field. Eight parcels have been acquired. The subject Silveira parcel will be the ninth. Memo with agenda. Resolution approving agreement needed. Est. Cost: \$43,500 (including \$500 Est. Escrow fees); funds are budgeted.)

ACTION: Res. 78-976 adopted approving agreement. (P.W. to handle)

CONSENT

18. Consider approval of the final map of Shelli Estates subdivision of the City of Modesto. (All improvements have been constructed and all fees have been paid. Subdivision agreement is not required to approve the final map. Shelli Estates contains 1.233 acres. Resolution approving final map needed.)

ACTION: Res. 78-977 adopted approving final map. (Clerk to handle)

CONSENT

19. Consider acceptance of improvements in Shelli Estates subdivision and authorize City Clerk to file Notice of Completion. (Developers: Darrell and Jane Silvers)
(Shelli Estates subdivision is located on the east side of Conant Avenue north of Eicher Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-978 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

20. Consider approval of final map of Hartford Place 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. (Subdividers: Pomo Properties, a joint venture)
(The subdivision agreement has been signed and all fees paid. Hartford Place subdivision is located between Leveland Lane and Rumble Road and east of Sherwood Avenue. It contains 14.334 acres. Resolution approving final map needed.)

ACTION: Res. 78-979 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider Cooperative Agreement No. 10-639 between the City of Modesto and State of California for wheelchair ramps on Route 108 and Route 132 in the City of Modesto.
(The State will pay for the ramps needed to cross the state highway if the local agency will pay for the ramps needed to cross the local street. The State will pay for 50% of the cost of five ramps and 100% of the cost for two ramps. This will be done as a part of HCDA Removal of Architectural Barriers Phase II which involves 43 ramps. Resolution approving Cooperative Agreement No. 10-639 for wheelchair ramps needed. Estimated Cost: State \$4,200; City \$2,400; Total \$6,600; funds are budgeted.)

ACTION: Res. 78-980 adopted approving agreement. (P.W. to handle)

CONSENT

22. Recommend to Council an amendment to Section 13-3-8 of the Zoning Map - Richard Ciccarelli.
(On September 5, 1978, the Planning Commission adopted Res. 78-170 recommending to the City Council an amendment to Section 13-3-8 of the Zoning Map to rezone from R-1 to P-D to allow retail commercial development on property located at the northwest corner of Prescott and Rumble Roads. Resolution setting public hearing on October 16, 1978 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-981 adopted setting hearing. (Clerk to handle)

CONSENT

23. Recommend to Council an amendment to Section 13-3-8 of the Zoning Map - Paul Rumble.
(On September 5, 1978, the Planning Commission adopted Res. 78-171 recommending to the City Council an amendment to Section 13-3-8 of the Zoning Map to rezone from R-2 to P-D to allow a fruit and produce sales establishment, property located on the south side of Rumble Road, east of Sisk Road. Resolution setting public hearing on October 23, 1978 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-982 adopted setting hearing. (Clerk to handle)

CONSENT

24. Consider proposed pay station for collection of utility bills.
(The proposed pay station is located at the Williams Ace Hardware, 3430 Tully Road. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-983 adopted approving agreement. (Finance to handle)

MISCELLANEOUS

25. Legislation
None
26. Appointments
None
27. Matters too late for the agenda

Adjourned at 8:50 p.m. to
/ Executive session to consider an employee relations matter and property acquisition.
Council returned to open session at 9:40 p.m. and asked representatives to meet with the City Manager Tuesday morning.

Adjourned at 9:45 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 18, 1978 AT 4:00 p.m.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Siefkin, Mayor Davies
Absent: (Councilmember Kullijian arrived at 4:05 p.m.)
Councilmember Mensinger

Pledge of Allegiance to the Flag

Invocation: Rev. Don Nelson, Centenary Methodist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22,
23

ACTION: Dunlap/Elliott, unan., Kullijian and Mensinger absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of the minutes of the City Council meeting of September 11, 1978
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Petition by residents on Woodrow Avenue and Birchwood Court requesting abandonment of a walkway adjacent to or near their properties.
(Motion referring to Planning Commission needed.)

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

CONSENT

3. Letter from Harter R. Bruch, Director of the County Department of Planning and Community Development, concerning sewer service to the Butte-Glenn neighborhood.
(Motion referring to staff for recommendation needed.)

ACTION: By motion, letter referred to staff for recommendation. (P.W. to handle)

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of waterline extension on Blue Bird Drive and Pelandale Avenue.
(Suggested bid opening: October 3, 1978 at 11:00 a.m. This 10" main will provide water for Country Classics II. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$34,565 (Contract \$32,565; Eng. & Materials \$2,000); funds are budgeted.)

ACTION: Res. 78-984 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of subtrunk sewer extension in Blue Bird Drive.
(Suggested bid opening: October 3, 1978 at 11:10 a.m. The extension of the sewer main will serve Country Classics II subdivision. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$31,500 (Contract \$30,000; Eng. & Materials \$1,500); funds are budgeted.)

ACTION: Res. 78-985 adopted calling for bids. (P.W. to handle)

HEARINGS

4:00 p.m.
No. 1

6. Hearing to consider Resolution of Necessity to acquire property at the northeast corner of 9th and I Streets from Tocolino Trust for a bus stop.

ACTION: Res. 78-986 adopted (Lang/Kullijian, unan., Mensinger absent) approving Resolution of Necessity. (Atty to handle)

7. Hearing on appeal by Design Unlimited to Planning Commission decision on a request by Gregory Development Co. to rezone from R-3 to P-D property located on the southeast corner of Oakdale Road and Peppermint Drive. No. 2

ACTION: Res. 78-987 (Dunlap/Siefkin, unan., Mensinger absent) denying appeal. (Clerk to handle)

8. Hearing to consider amending Section 11-3-8 of the Zoning Map to rezone a portion of P-D(166) to P-D(200) property on Sisk north of Standiford (Channel Investments, Inc.) No. 3

ACTION: By motion (Lang/Kullijian, unan., Mensinger absent) Ord. 1774-C.S. introduced. (Clerk/Planning to handle)
Res. 78-988 adopted (same vote as Ord. 1774) approving plan.
Res. 78-989 adopted (same vote as Ord. 1774) certifying environmental assessment. (Clerk/Planning to handle)

9. Hearing on requirement for construction of sidewalk, curb and/or gutter at the following locations:
(Project No. 78/01/09 - 78/03/02)

No. 4

- (a) Sidewalk at 1445 Del Vale Avenue, a portion of Block 6081. (John J. Brigham)
- (b) Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Donald D. Hamilton)
- (c) Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Arde11 M. Hill)
- (d) Sidewalk along Del Vale Avenue at 1541 Cherrywood Drive, Lot 22 of Block 6023. (Dilwyn B. Studebaker)
- (e) Sidewalk along Del Vale Avenue at 1542 Maplewood Drive, Lot 1 of Block 6023. (George E. Wallace)
- (f) Sidewalk along Brady Avenue at 1224 Brady Avenue Lot 12 of Block 6004. (Paul C. Favour)
- (g) Sidewalk along Brady Avenue at 1212 Brady Avenue, Lot 29 of Block 6003. (Alfred R. Pope, Jr.)
- (h) Sidewalk at 1415 "F" Street, a portion of Block 115 (Cordia Ritter)
- (i) Curb along Melrose Avenue at 500 Palm Avenue, a portion of Block 664. (Helen Rubino)

ACTION: Res. 78-990 adopted (Siefkin/Dunlap, unan., Mensinger absent) ordering improvements. (P.W. to handle)

10. Matters for the good of the community
(These may be presented by interested persons in the audience.)

None

ORDINANCES

11. Final adoption of Ord. No. 1772-C.S. rezoning property on McHenry Avenue between Toka, Briggsmore and Bowen from C-2 to H-1 to revise sign provisions.
(Motion adopting needed.)

ACTION: By motion (Lang/Elliott, majority, Kullijian-no, Mensinger absent) Ord. No. 1772-C.S. adopted.(Clerk to handle)

CONSENT

12. Final adoption of the following:
- a, Ord. No. 1767-C.S. amending the Modesto Municipal Code to allow area credit for dedication of street right of way for certain collector streets.
 - b. Ord. No. 1768-C.S. amending the Municipal Code to provide uniformity in appeals to the City Council to decisions of the Board of Appeals.
 - c. Ord. No. 1769-C.S. rezoning from R-1 to R-2 property on E. Granger east of Melrose. (R. L. Sessions Development Co.)
 - d. Ord. No. 1770-C.S. rezoning from R-1 to R-2 property on Evergreen Avenue. (Rule Development)
 - e. Ord. No. 1773-C.S. rezoning from R-1 to P-D(203) property on Coralwood Road east of McHenry Avenue. (Coralwood Mobile-home Community)

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

13. Consider lease agreement with United Way for rental of rooms 101, 103, and 105 at the Modesto Community Service Center. (The five-year lease with the United Way for this space will lapse on September 15, 1978. The newly negotiated lease agreement doubles their rent from \$120 to \$240 monthly, because operational costs for the Modesto Community Service Center have doubled during the five years. Resolution approving lease agreement needed.)

ACTION: Res. 78-991 adopted approving agreement. (P.R. to handle)

CONSENT

14. Consider approving agreement with Southern Pacific Railroad. (Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-992 adopted approving agreement for relocation of signals at Ninth and Tully. (P.W. to handle)

CONSENT

15. Consider rescinding Modesto City Council Resolution No. 78-953, adopted September 5, 1978, and consider withdrawing Oakdale-Floyd No. 2 Addition from the McHenry-Dry Creek Fire Protection District. (Oakdale-Floyd No. 2 Addition was annexed to the City of Modesto effective August 3, 1978. The addition is in the McHenry-Dry Creek Fire District and was inadvertently withdrawn from the Riverbank Fire Protection District. Resolution rescinding Res. No. 78-953 and withdrawing Oakdale-Floyd No. 2 Addition from the McHenry-Dry Creek Fire Protection District.)

ACTION: Res. 78-993 adopted withdrawing from Fire Protection District.

CONSENT

16. Uninhabited annexation to the City of Modesto - Laurel Avenue No. 2 Annexation.

(On August 30, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 78-994 adopted annexing and certifying review of environmental impact. (Clerk to handle)

CONSENT

17. Uninhabited annexation to the City of Modesto - Coffee No. 3 Annexation.

(On July 26, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution approving annexation needed.)

ACTION: Res. 78-995 adopted approving annexation. (Clerk to handle)

CONSENT

18. Uninhabited annexation to the City of Modesto - Snyder Avenue Annexation.

(On August 30, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 78-996 adopted annexing and certifying review of environmental impact. (Clerk to handle)

CONSENT

19. Adoption of resolution of application for annexation of the East Coolidge No. 2 Addition.

(The proposed annexation is a developed 57.792 acre island location between Coffee Road and Rose Avenue, south of Briggsmore Avenue. Pursuant to new annexation legislation to the City may initiate annexation proceedings for islands of less than 100 acres and the annexation may be completed without a protest hearing or election if approved by LAFCO and the Board of Supervisors. Memo with agenda. Adoption of resolution of application initiating annexation proceedings needed.)

ACTION: Res. 78-997 adopted initiating annexation proceedings. (Clerk/Planning)

CONSENT

20. Consider approval of purchase order for materials testing on the Oakdale Road reconstruction project.

(It is necessary to have the materials tested in conjunction with the reconstruction project. Staff has negotiated with Western States Testing to perform this work. Memo with agenda. Resolution approving purchase order needed. Estimated Cost: \$9,500; funds are budgeted.)

ACTION: Res. 78-998 adopted approving purchase order. (Finance/P.W. to handle)

CONSENT

21. Consider request for sewer service to property outside City limits at 2228 Meta Court, located on the west side of Meta Court between Colfax Avenue and El Vista Avenue. Owners: Cloyce Leon Hunt and Elsie E. Hunt, husband and wife.
(The property owners have signed an agreement to annex when requested to do so by 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. 78-999 adopted approving agreement. (P.W. to handle)

CONSENT

22. Consider authorizing the City of Modesto joining an amicus curiae brief in Gibson v. City of Pasadena.
(Memo of explanation with agenda. Motion authorizing participation by City of Modesto needed.)

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

REPORTS

CONSENT

23. Presentation of Financial Statement for August, 1978.
(Copies of the report will be distributed at the meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

24. Legislation

ACTION: By motion (Kullijian/Dunlap, unan., Mensinger absent) Council supported legislation removing restrictions on uses of and formulas for determining Local Transportation (SB 325) Funds. (Mgmt. Servc.)

25. Appointments

None

26. Matters too late for the agenda

ACTION: Res. 78-1000 adopted (Elliott/Lang, unan., Mensinger absent) setting Hearing of Necessity concerning Hillsboro North Subdivision sewer easement on Oct. 9, 1978, 7:30 p.m. (Hearing No. 5)

Adjourned to executive session at 4:50 p.m. to consider an employee relations matter with the announcement that Council would not return to open session.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Regular Meeting
September 25, 1978
7:30 p.m.

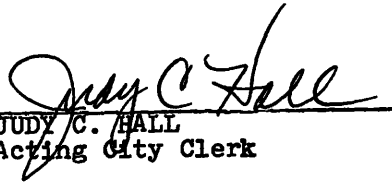
In the absence of the Mayor and Vice Mayor, the Acting City Clerk called the meeting to order. The roll call was as follows:

Present: Councilmembers: None

Absent: Councilmembers: Dunlap, Elliott, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies

Due to a lack of a quorum, the meeting was continued to Thursday, September 28, 1978, at 7:30 p.m.

ATTEST:


JUDY C. HALL
Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, SEPTEMBER 25, 1978, AT 7:30 P.M.
(TO BE ADJOURNED TO THURSDAY, SEPTEMBER 28, 1978, AT 7:30 P.M.)

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Siefkin, Mayor Davies

Absent: Kullijian, Mensinger

Pledge of allegiance to the Flag

Invocation: Father John Asimacopoulos, Annunciation Greek Orthodox Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 7, 15,
REMOVED FROM CONSENT- No. 6 16, 17, 18, 19, 20, 21, 22, 23,
24, 25, 27, 28, 29, 30, 31, 32, 33,
34

ACTION: (Dunlap/Lang, unan., Kullijian,
Mensinger, absent)
Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the September 18, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Steven A. and Jennie R. Zeff appealing a decision of the Planning Commission to approve the plot plan submitted by Howard Chenault for a townhouse apartment building on Douglas Avenue.
(Resolution setting October 23, 1978 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-1001 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

3. Consider approval of plans and specifications and call for bids for the construction of waterline extension in West Union Avenue, Prescott Road and Union Avenue.
(Suggested bid opening: October 10, 1978 at 11:00 a.m. The extension of these main lines will provide water service for Bloomfield No. 3 subdivision, Winsor Tract subdivision, and Hollywood Park No. 2 subdivision. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$21,296 (Contract \$18,276; Engineering & Materials \$3,020); funds are budgeted.)

ACTION: Res. 78-1002 adopted calling for bids. (P.W. to handle)

CONSENT

4. Consider approval of plans and specifications and call for bids for the construction of waterlines in Sisk Road.
(Suggested bid opening: October 10, 1978 at 11:05 a.m. The extension of this 10" main line will provide water service for the Orchard Supply Hardware Store. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$12,434 (Contract \$11,334; Engineering & Materials \$1,100); funds are budgeted.)

ACTION: Res. 78-1003 adopted calling for bids. (P.W. to handle)

6. Consider award of contract for remodeling of the Senior Citizens Center. (Bids were opened September 12, 1978. The low bid submitted by William M. Mineni is 15.3% below the engineer's estimate and is considered acceptable. It is recommended by the Parks and Recreation Department and the Public Works Department that the contract be awarded to him. Resolution awarding contract to William M. Mineni needed. Estimated Cost: \$273,650 (Contract \$230,297; Engr. & Contg. \$43,353); funds are budgeted.)

ACTION: Res. 78-1004 adopted (Siefkin, Lang, unan., Kullijian & Mensinger absent.) (P.W. to handle)

CONSENT

7. Consider award of contract for public improvements - Housing Target Area No. 2.
(Bids were opened on August 29, 1978. The low bid of \$99,782.25, submitted by George Reed, Inc., is 3.3% above the engineer's estimate and is considered acceptable. Therefore, it is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding contract to George Reed, Inc. needed. Estimated Cost: \$104,782.25 (Contract \$99,782.25; Engr. \$5,000); funds are budgeted.)

ACTION: Res. 78-1005 adopted awarding contract (P.W. to handle)

HEARINGS

7:30 p.m.

8. Hearing on annexation of Orangeburg-Claus No. 2
Addition to the Modesto Municipal Sewer District
No. 1

ACTION: Res. 78-1006 adopted (Siefkin /Lang, unan., Kullijian, Mensinger absent) annexing. (Clerk to handle)

9. Hearing on annexation of Maze-Emerald No. 2
Addition to the City of Modesto
No. 2

ACTION: Res. 78-1007 adopted (Lang/Siefkin, unan., Kullijian, Mensinger absent) annexing. (Clerk to handle)

10. Hearing on annexation of Vine No. 2 Addition to
the City of Modesto
No. 3

ACTION: Res. 78-1008 adopted (Dunlap/Lang, unan., Kullijian, Mensinger absent) annexing. (Clerk to handle)

11. Hearing on appeal by Ernest V. Darpinian to a
Board of Building Appeals decision concerning
the installation of smoke detectors in his
building. (Mr. Darpinian has requested that
this hearing be continued to November 6, 1978
at 4:00 p.m.)
No. 4

ACTION: ^{By} motion (Lang/Siefkin, unan., Kullijian, Mensinger. absent) the hearing continued. (Clerk to handle)

12. Hearing on appeal by John Ward to a decision
of the Board of Building Appeals concerning
smoke or heat detectors. (Mr. Ward has re-
quested that this hearing be continued to
November 6, 1978 at 4:00 p.m.)
No. 5

ACTION: By motion (Lang/Siefkin, unan., Kullijian, Mensinger absent) the hearing continued. (Clerk to handle)

13. Hearing on transfer of Sanders Garbage Service
license to Airport Garbage Service.
(Continued from September 11, 1978 meeting.)
No. 6

ACTION: Resolution consenting to sale and transfer by Sanders to Airport Garbage of Sanders' license for the collection of garbage, failed. (Lang/Elliott, majority; Dunlap, Siefkin-no; Kullijian, Mensinger absent)

Motion to continue hearing for further consideration on October 9, 1978, requesting more detailed information from Airport, failed. (Dunlap/Siefkin; Elliott, Lang-no; Kullijian, Mensinger, absent)

Res. 78-1024 adopted (Elliott/Lang, majority; Siefkin-no; Kullijian, Mensinger absent) approving sale and transfer of Sanders' license to Airport Garbage Company. (Finance to handle)

~~These are for the good of the community.~~
(These may be presented by interested persons in the audience.)

ACTION: Mayor Davies introduced Ugo Lea, of the Farm-City Advisory Committee.

ORDINANCES

CONSENT

15. Final adoption of the following:

- a. Ord. No. 1771-C.S. revising zoning regulations in the Modesto Municipal Code (Omnibus No. 4).
- b. Ord. No. 1774-C.S. rezoning a portion of P-D(166) to P-D(200) property on Sisk Road north of Standiford. (Channel Investments, Inc.)

(Motion adopting needed.)

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

NEW BUSINESS

CONSENT

16. Consider authorization of an open house for the dedication of the City of Modesto Wastewater Treatment Plant digester gas vehicle fuel system.
(The "methane project" which started in 1973 has culminated with five city vehicles operating on methane from the Wastewater Treatment Plant digesters. An open house is being planned on Thursday, October 12, 1978 for a media briefing and a dedication-demonstration. Memo with agenda. Motion authorizing an open house needed.)

ACTION: By motion, open house authorized. (P.W. to handle)

CONSENT

17. Consider acceptance of improvements in Lincoln Square No. 5 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: First California Mortgage Co.)
(Lincoln Square No. 5 subdivision is located east of Mark Todd Lane north of Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1009 adopted accepting improvements. (Clerk to handle)

CONSENT

18. Consider acceptance of improvements in Lincoln Square No. 7 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Bomberger Brothers, Inc.)
(Lincoln Square No. 7 subdivision is located east of Lincoln Avenue and north of Yosemite Boulevard. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1010 adopted accepting improvements. (Clerk to handle)

CONSENT

19. Proposal from M. E. Grover to harvest olives from City-owned trees located on Mellis Park, Franklin Avenue.
(M. E. Grover will pay the City, no later than December 15, 1978; \$2.00 per 50 pound box of olives, for right to harvest the trees. Resolution approving proposal needed.)

ACTION: Res. 78-1011 adopted approving proposal. (P/R to handle)

CONSENT

20. Consider supplemental agreement to master agreement with State of California for expenditure of Federal Aid Funds.
(Supplement 8 sets aside \$379,310 in Federal Aid Funds for the reconstruction of Standiford Avenue from Tully to 300' west of Carver. The project includes the installation of traffic signals at the Carver and Tully intersections. Matching City funds are \$77,690. The tentative schedule calls for bids in the winter of 1978-79 with construction in the spring of 1979. Resolution approving supplemental agreement needed. Estimated Cost: \$457,000; funds are budgeted.)

ACTION: Res. 78-1012 adopted approving supplemental agreement.(P/W to handle)

CONSENT

21. Consider approval of agreement with State for installation of crossing gates at Stoddard and Woodrow crossings of Tidewater Southern Railway.
(Memo with agenda. Federal funds will pay \$76,050 (90%) and the City will pay \$8,450 (10%). Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-1013 adopted approving agreement. (P/T to handle)

CONSENT

22. Consider approving lease agreement with Aloma Lackey for the Parkview Guesthome at 1343 Legion Park Drive.
(Memo with agenda. Resolution approving lease agreement needed.)

ACTION: Res. 78-1014 adopted approving lease agreement. (P.W. to handle)

CONSENT

23. Consider request for sewer service to property outside City limits at 1442 Queens, located on the east side of Queens Avenue between E. Coolidge Avenue and E. Orangeburg Avenue. Owners: Erland W. Johnson and Esther L. Johnson, husband and wife.
(The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. A line exists to serve it. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-1015 adopted approving agreement. (P.W. to handle)

CONSENT

24. Consider approving agreement with James Horn Construction Company for the purchase of 0.305¹/₂ acres of right of way needed for Claus Road-Yosemite to Briggsmore project and rescinding resolution of necessity on the same property.
(James Horn Construction Company has agreed to settle for the appraised value of \$9,000. This project is a City-County endeavor with the County being the lead agency. This is the third of four City parcels to be acquired. Since the property owner has agreed to settle, the resolution of necessity adopted by the City Council on 8-28-78 is no longer needed and should be rescinded. Resolution approving agreement and resolution rescinding resolution of necessity needed. Funds are budgeted.)

ACTION: Res. 78-1016 adopted rescinding Resolution of Necessity (P.W. to handle)
Res. 78-1017 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider agreement with Grace E. Silven and Ernest M. Trefren for the purchase of 0.085¹/₂ acres of right-of-way needed for the Orangeburg-Collier to Coffee project.
(Mr. Trefren and Ms. Silven have agreed to settle for the appraised value of \$2,666. Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-1018 adopted approving agreement. (P.W. to handle)

26. Consider application from United Pentecostal Church for variance on location of fence.
(Memo with agenda. Resolution granting or denying variance needed.)

ACTION: By motion (Dunlap/ELLIOTT, unan., Kullijian, Mensinger, absent) staff to develop conditions and bring back to Council in two weeks.
(P.W. to handle)

CONSENT

27. Consider amendment to Affirmative Action Program needed to increase committee membership from 7 to 9 members. (Memo with agenda. Resolution adopting revised Affirmative Action Program needed.)

ACTION: Res. 78-1019 adopted revising Program. (Mgmt. Svcs. to handle)

CONSENT

28. Consider Code amendment regarding upper McHenry sign abatement and others like it.
(Memo with agenda. Provides a 10-year abatement schedule for signs made nonconforming by City initiated rezoning. Motion approving and instructing staff to proceed with Code text amendment needed.)

ACTION: By motion, approved amendment and instructed staff to proceed with Code text amendment. (Planning to handle)

CONSENT

29. Consider approval of agreement with State for installation of flashing light signals at B and Beard Streets crossing of Modesto and Empire Traction Company.
(Memo with agenda. Federal funds will pay \$20,025 (90%) and the City will pay \$2,225 (10%). Resolution approving agreement needed. Funds are budgeted.)

ACTION: Res. 78-1020 adopted approving agreement. (P.T. to handle)

CONSENT

30. Consider approving agreement with James L. Hanson and Elouise Hanson for the purchase of 0.08⁺ acres of right of way needed for Standiford-Tully to McHenry project. This is one of four parcels required for the project. Two parcels remain to be acquired. Memo with agenda. Resolution approving agreement needed. Estimated Cost: \$6,374.77; funds are budgeted.)

ACTION: Res. 78-1021 adopted approving agreement. (P.W. to handle)

CONSENT

31. Recommend vacation and abandonment of 6 foot public walkway between Rockford Avenue and Kienitz Avenue.
(On August 15, 1978, the Planning Commission adopted Res. 78-149 recommending to the City Council the vacation and abandonment of the 6-foot public walkway between Rockford Avenue and Kienitz Avenue. Resolution of Intention to vacate and abandon and setting date for public hearing on October 23, 1978, at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. of Intention 375 adopted setting hearing. (Clerk to handle)
S.P. Resolution No. 1372 adopted. (Clerk to handle)

CONSENT

32. Consider reduced Afterschool Recreation Program.
(We have been notified that the Modesto and Sylvan School Districts have deleted funds for the afterschool recreation program. Staff recommends a reduced program. Memo with agenda. Motion approving recommendation needed. Estimated Cost: \$30,507; funds are budgeted.)

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

CONSENT

33. Authorize the City Manager to sign a no-fault agreement negotiated by the Fair Employment Practices Division of the State Department of Industrial Relations.
(Resolution approving agreement needed.)

ACTION: Res. 78-1022 adopted approving agreement. (Mgr. to handle)

REPORTS

CONSENT

34. Fixed assets and revolving fund annual inventory report.
(The City Charter requires that an annual 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 adknwledged.

MISCELLANEOUS

35. Legislation


None

36. Appointments

37. Matters too late for the agenda

ACTION: Res. 78-1023 adopted (Lang/Elliott, unan.; Kullijian, Mensinger, absent) approving joint use agreement with Modesto Irrigation District for widening of Claus Road project. (P.W. to handle)

Adjourned at 9:35 p.m.

ATTEST: 
JUDY C. HALL, Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF MONDAY, OCTOBER 2, 1978, AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Siefkin, Mayor Davies

Absent: Kullijian, Mensinger

Pledge of Allegiance to the Flag

Invocation: Rev. Thomas Kegley, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1a, 2, 3, 4, 7, 14,
REMOVED FROM CONSENT: 5, 6 15, 16, 17, 18, 19, 20, 23

ACTION: (Dunlap/Lang, unan., Kullijian, Mensinger absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

PRESENTATION

1. Distinguished Service Award to David Yabroff, Member and Chairman of the Airport Advisory Committee, January 1, 1973, to September, 1978.

ACTION: Award presented by Mayor Davies to David Yabroff.

COMMUNICATIONS

CONSENT

- 1a. Letter from Mid Valley Engineering on behalf of Ed Wylie, appealing a Planning Commission decision regarding request for rezoning on property on Orangeburg and Oakdale Road.
(Resolution setting hearing Monday, November 13, 1978, at 7:30 p.m., Hearing No. 3, needed.)

ACTION: Res. 78-1025 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

2. Consider authorizing City Manager to sign agreement with County Housing Authority for modernization of street lights in Robertson Road area and approving plans and specifications and call for bids for construction of the new lights.

(Memo with agenda. Bid opening date: October 17, 1978 at 11:00 a.m. County Housing Authority will pay for entire cost of construction. City will pay for Engineering from funds already budgeted. Resolution authorizing City Manager to sign agreement; Resolution approving plans and specifications and calling for bids; and Resolution approving Fund Transfer from General Reserve. Estimated Cost: \$35,000 (\$29,498.70 Contract; \$5,501.30 Engineering and Contg.)

ACTION: Res. 78-1026 adopted approving agreement. (P/W to handle)
Res. 78-1026A adopted approving plans and specs. (P.W. to handle)
Res. 78-1027 adopted approving appropriation transfer (Finance to handle)

CONSENT

3. Consider approval of plans and specifications and call for bids for construction of public improvements - Housing Target Area No. 1 Phase III.

(Bid opening: October 17, 1978 at 11:05 a.m. Resolution approving plans and specifications and calling for bids. Estimated Cost: \$36,000; Contract \$31,000; Engineering and Contg. \$5,000.)

ACTION: Res. 78-1028 adopted approving plans and specs. (P.W. to handle)

CONSENT

4. Consider awarding bid to repair City Hall parking deck. (Memo with agenda. Flintkote is low bidder. The cost including intended change orders will be \$16,429 to repair and waterproof top deck and add planters. Resolution awarding contract and resolution appropriating \$3,429 from the General Reserve - Parking Fund needed. Estimated Cost: \$23,429 includes associated work.)

ACTION: Res. 78-1029 adopted awarding contract. (P.W. to handle)
Res. 78-1030 adopted approving appropriation transfer. (Finance to handle)

5. Consider rejection of bid for construction of canal crossings - MID Lateral 7 at Prescott Road and Cheyenne Way. (Only one bid received; bid was for \$159,600 which is 66% above Engineer's estimate of \$96,000. Proposed to redesign project and to recommend a new call for bids in July 1979. Memo with agenda. Resolution rejecting bid needed.)

ACTION: By motion (Elliott/Dunlap, unan.; Kullijian, Mensinger absent) the matter delayed one week - to be brought back to Council. (P.W. to handle)

6. Consider rejecting all bids and setting new bid opening date for heater remix slurry seal - "I" Street from First to Eighth. (Memo with agenda. Suggested bid opening date: October 17, 1978, at 11:00 a.m. Two sheets were missing from the proposal, bidders therefore did not submit information necessary to comply with various statutes. Resolution rejecting all bids and authorizing new call for bids needed. Estimated cost: \$35,972.00.)

ACTION: Res. 78-1031 adopted (Elliott/Dunlap, unan., Kullijian, Mensinger absent) awarding bid to Valley Slurry Seal. (P.W. to handle)

CONSENT

7. Consider acceptance of Industrial Electric's contract for construction of Improvement District No. 23 (Street Lights on McHenry Avenue) as complete.
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore it would be in order to accept the work as complete and to file the Notice of Completion. City budget covers incidentals only; contract cost is paid by property assessments. Resolution accepting work as complete needed. Cost: Original contract, \$179,033.00; Final cost, \$183,955.00 for contract, \$29,064.99 for Incidentals.)

ACTION: Res. 1374-SP adopted accepting work as complete. (Clerk to handle)

8. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

UNFINISHED BUSINESS

9. Consider on and off-street parking charges and regulations. (Memo with agenda. Staff and DID/DMA recommendations included therein. Differences are primarily in parking charges. Motion directing staff needed.)

ACTION: By motion (Dunlap/Siefkin, unan., Kullijian, Mensinger absent) matter referred to Downtown Renaissance Committee.

10. Consider adoption of Resolution to close Grove Avenue approximately 160' west of McHenry Avenue.
(Memo with agenda. This closure was requested by the residents of the area who will pay for the entire cost of construction of a masonry barricade. Adoption of an S.P. Resolution needed.)

ACTION: S.P. Res. 1373 adopted (Dunlap/Siefkin, unan., Kullijian, Mensinger absent).

11. Approval of Orchard Neighborhood Zoning and Development Plan.
(Memo with agenda. Motion approving Zoning and Development Plan.)

ACTION: By motion (Elliott/Lang, unan., Kullijian, Mensinger absent) plan approved.

12. Consider request from County Board of Supervisors concerning the providing of sewer service to the Butte-Glenn Neighborhood in South Modesto.

(The Director of Planning and Community Development of the County was directed by the Board of Supervisors to determine under what circumstances the City of Modesto would agree to provide sewer service to the Butte-Glenn Neighborhood. The City's waste treatment facilities have reached treatment capacity and relief to this condition is not anticipated until new facilities are completed within the next 3 years. Until these new facilities are completed, existing service should be limited to areas within the City limits. It is therefore recommended that the Council notify the Board that service to the Butte-Glenn Neighborhood is not possible while it remains outside the City limits. Motion notifying Board of Supervisors that service is not possible at this time needed.)

ACTION: By motion (Siefkin/Elliott, unan., Kullijian, Mensinger absent) approved staff recommendation (P.W. to handle)

NEW BUSINESS

13. McKinney Colony Neighborhood Elementary School site selection.

(Memo with agenda. Motion directing staff needed.)

ACTION: By motion (Lang/Siefkin, majority, Mayor Davies-no, Kullijian, Mensinger absent) approved site selection south of Snyder. (Planning to handle)

CONSENT

14. Consider approving agreement with Walter C. Watson for the donation of needed right of way.

(This agreement has been proposed to make use of Section 10-2.1622 of the Municipal Code which allows the Council the discretion of allowing a higher number of dwelling units in a development based on gross acreage before right of way donation when the City is widening an existing street. Memo with agenda. Resolution approving the agreement and accepting right of way needed.)

ACTION: Res. 78-1033 adopted approving agreement. (P.W. to handle)

CONSENT

15. Consider rescinding Resolutions 78-380 and 78-381. These are two Resolutions of Necessity against Eugene Boone et al and Leland Milton Inc., et al.

(Memo with agenda. The property owners have agreed to settle so legal action is no longer necessary. Resolutions rescinding resolutions needed.)

ACTION: Res. 78-1034 adopted rescinding Res. 78-380. (Atty. to handle)
Res. 78-1035 adopted rescinding Res. 78-381. (Atty. to handle)

CONSENT

16. Consider acceptance of improvements in Glenbrook Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Developer: Sutco Construction, Inc.)

(Glenbrook Subdivision is located on the South side of East Orangeburg Avenue West of Claus Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1036 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

17. Recommend to Council an amendment to Section 5-4-9 of the Zoning Map - (Mike Fisher)
(On September 19, 1978, the Planning Commission adopted Res. 78-182 recommending to the Council an amendment to Section 5-4-9 of the Zoning Map to Prezone to Medium Density Residential Zone, R-2, property located on the west side of Roselawn Avenue, south of Rouse Avenue. Resolution setting public hearing on Monday, November 6, 1978 at 4:00 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-1037 adopted setting hearing. (Clerk to handle)

CONSENT

18. Recommend to Council an amendment to Section 32-3-9 of the Zoning Map - Setliff Brothers.
(On September 19, 1978, the Planning Commission adopted Res. 78-183 recommending to the Council an amendment to Section 32-3-9 of the Zoning Map to rezone from R-1 to H-1 property located on the southwest corner of Tuolumne Boulevard and 7th Street. Resolution setting public hearing Monday, November 6, 1978, at 4:00 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-1038 adopted setting hearing. (Clerk to handle)

CONSENT

19. Recommend to Council an amendment to Section 22-3-9 of the Zoning Map, Edward Wylie.
(On September 19, 1978, the Planning Commission adopted Res. 78-181 recommending to the City Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 and from R-2 to R-1 property located south of Orangeburg Avenue and west of Oakdale Road, and denying a portion of the application requesting rezoning from R-1 to P-D and R-2 to P-D located at the southwest corner of Orangeburg/Oakdale. Resolution setting public hearing on Monday, November 13, 1978 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-1039 adopted setting hearing. (Clerk to handle)

CONSENT

20. Consider request for sewer service to property outside City limits at 1704 Robertson Road, located on the south side of Robertson Road between Hays Street and Hammond Street. Owners: Melvin L. Myers and A. Elaine Myers.

(The property owners have signed an agreement to annex when requested to do so by 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. 78-1040 adopted approving agreement. (Clerk to handle)

REPORTS

21. Report on developer participation in traffic signal cost.
(On June 12, 1978, the Council directed staff to study and make recommendation regarding City policy on traffic signal installation where traffic will be impacted by residential or commercial development. Report with recommendation with agenda. Motion approving one of the options and directing staff to prepare policy statement for Council approval at a subsequent meeting, needed.)

ACTION: By motion (Dunlap/Elliott, unan., Kullijian, Mensinger absent) that residential construction not be charged a fee. (Planning)
By motion (Dunlap/Lang, unan., Kullijian, Mensinger absent) referred alternate 3 of staff report to the Planning Commission. (Planning)

22. Offstreet parking for bicycles.
(Memo with report outlining possible Code text amendments for bicycle parking if the Council wishes to proceed. Report prepared at the request of the City Council. Motion acknowledging receipt of report and directing further staff action if desired, needed.)

ACTION: By motion (Lang/Elliott, majority, Siefkin-no, Kullijian, Mensinger absent) approved Option #1. (No further action)

APPROPRIATION TRANSFER

CONSENT

23. Consider an appropriation transfer of \$3,000 from the Public Works, Service Division Appropriated Reserve to Account 235-480-512, Services Professional and Other for inspection and certification of six aerial buckets.

(CAL/OSHA requires that each aerial bucket be inspected and certified once per year. The \$3,000 was inadvertently dropped from the 1978-79 budget. Memo with agenda. Resolution approving transfer needed.)

ACTION: Res. 78-1041 adopted approving transfer. (Finance to handle)

MISCELLANEOUS

24. Legislation

25. Appointments

ACTION: Res. 78-1042 adopted (Elliott/Siefkin, unan., Kullijian, Mensinger absent) appointing Stan Cushway to Downtown Improvement District.

26. Matters too late for the agenda

None

27. Adjournment

Meeting adjourned at 5:55 p.m.

ATTEST:



JUDY C. HALL, Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO
AGENDA FOR THE COUNCIL MEETING OF MONDAY, OCTOBER 9, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Mensingher, Siefkin, Mayor Davies

Absent: Kullijian

Pledge of Allegiance to the Flag

Invocation: Rev. James McKaughan, Harvest Presbyterian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 5, 6, 7, 8, 9, 10,
11, 20, 21, 22, 23, 24, 25, 26,

ACTION: (Dunlap/Lang, unan., Kullijian 27, 29, 30
absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the City Council's adjourned regular meeting of September 28, 1978, and of the regular meeting of October 2, 1978.

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Request by United Nations Association/Stanislaus Chapter to fly U.N. Flag at McHenry Museum on United Nations Day, October 22, 1978.

ACTION: Discussion by Councilmembers and persons in the audience.
By motion (Mensingher/Siefkin, majority; Mayor Davies-no, Kullijian absent) request approved. (P.R. to handle)

CONSENT

3. Request from the Downtown Improvement District for use of downtown sidewalks for selling merchandise on October 18, 19, 20 and 21 for Fall Sidewalk Sale.
(Resolution approving request needed.)

ACTION: Res. 78-1043 adopted approving request.

4. Request of the Easter Seal Society for Crippled Children and Adults, to make a report on the Survey of the Handicapped in Stanislaus County.
ACTION: No action taken.

BIDS

CONSENT

5. Consider approval of specifications and authorize call for bids for furnishing two (2) garden refuse collection trucks.
(Bid opening: October 31, 1978, at 2:00 p.m. Budgeted in the 1978/79 FY Capital Improvement Program, the equipment will be used in conjunction with specialized claw loading equipment by garden refuse crews to pick up garden refuse placed in alleys and streets. Estimated Cost: \$112,000. Resolution authorizing call for bids needed. Funds are budgeted.)

ACTION: Res. 78-1044 adopted calling for bids. (Finance to handle)

CONSENT

6. Approve plans and specifications and call for bids for Street Light Modernization Phase VIII 1977-78.
(Bid opening: October 24, 1978, at 11:05 a.m. This project will modernize the street lighting in several areas of the City. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$98,140 (Contr. \$87,775.00, Eng. & Contg. \$10,365.00); funds are budgeted.)

ACTION: Res. 78-1045 adopted calling for bids. (P.W. to handle)

CONSENT

7. Consider approving the specifications for Radio Communications System for Fire Department and authorize call for bids.
(Bid opening: October 31, 1978, at 2:00 p.m. This project will provide for replacement of the existing outdated Fire Department radio equipment with a new and more versatile radio system. Resolution approving specifications and authorizing bid call needed. Estimated Cost: \$106,000. Funds are budgeted.)

ACTION: Res. 78-1046 adopted calling for bids. (P.W. to handle)

CONSENT

8. Consider award of contract for the construction of waterlines in Blue Bird Avenue and Pelandale Avenue.
(Bids were opened on October 3, 1978. The low bid of \$29,868.00, submitted by Joe Martin, is 8% below the engineer's estimate and is considered acceptable. Therefore, it is recommended that the contract be awarded to him. Resolution accepting bid and awarding contract to Joe Martin needed. Estimated Cost: \$29,868; funds are budgeted.)

ACTION: Res. 78-1047 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for the construction of waterline extension on Palmilla Drive and Semallon Drive.
(Bids were opened on October 3, 1978. The low bid of \$26,643.60, submitted by Joe Martin is 11% below the engineer's estimate and is considered acceptable. It is, therefore, recommended that the contract be awarded to him. Resolution awarding contract to Joe Martin needed. Estimated Cost: \$26,643.60; funds are budgeted.)

ACTION: Res. 78-1048 adopted awarding bid. (P.W. to handle)

CONSENT

10. Consider acceptance of Lee White Paving's contract for improvement of McHenry Museum parking lot as complete. (Original Contract: \$14,700)
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$14,700; funds are budgeted.)

ACTION: Res. 78-1049 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider acceptance of Cornish Construction's contract for Project No. 8 - replacement of curbs and drive approaches at various locations as complete. (Original Contract: \$15,995)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$15,995; funds are budgeted.)

ACTION: Res. 78-1050 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

12. Hearing on amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D property on the south side of Floyd, east of MacDougal.
(Vance Davis)

No. 1

Councilmember Lang excused due to conflict of interest.

ACTION: By motion (Elliott/Mensing, unan., Kullijian, Lang absent)
Ord. 1775 C.S. introduced.

Res. 78-1051 adopted (same vote) approving development plan.
Res. 78-1052 adopted certifying Environmental Assessment Review
(same vote as Ord. 1775-C.S.) (Clerk/Planning to handle)

13. Hearing on amendment to Section 19-3-9 of the Zoning Map to rezone from P-D(1) to a new P-D, property located at the southeast corner of Carver and W. Roseburg.
(Tim Lowe)

No. 2

ACTION: By motion (Siefkin/Elliott, unan., Kullijian absent) Ord. 1776-C.S. introduced.

Res. 78-1053 adopted (same vote as Ord. 1776-C.S.) approving development plan with conditions regarding limited delivery hours, control of air conditioning unit noise; and 6-foot masonry wall approved with exception of area behind grocery market, where 8-foot masonry wall will be required. (Clerk/Planning to handle)

Res. 78-1054 adopted certifying Environmental Assessment Review.

(Clerk/Planning to handle)

14. Appeal by Western Pacific Railroad Company to a Planning Commission decision concerning the tentative map for Lamatis Industrial Center.

No. 3

ACTION: Res. 78-1055 adopted (Lang/Elliott, unan., Kullijian absent) denying appeal and sustaining action of Planning Commission.

(Planning to handle)

15. Hearing on amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to P-D(204) property located on the north side of E. Orangeburg Avenue, west of Claus.
(Jan Rouw)

No. 4

ACTION: By motion (Dunlap/Siefkin, unan., Kullijian absent) hearing continued to November 6, 1978 at 4:00 p.m.

16. Hearing of Necessity to acquire a 20' wide sewer easement and a 40' wide temporary construction easement across 2208 Rose Avenue.
(Nick Lionudakis)

No. 5

ACTION: By motion (Mensingher/Elliott, majority, Siefkin-no, Kullijian absent) hearing continued to November 6, 1978 at 4:00 p.m.

A 5-minute recess was taken, and on reconvening Vice Mayor Dunlap presided in the absence of Mayor Davies.

17. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

UNFINISHED BUSINESS

18. Consider application from United Pentecostal Church for variance on location of fence.
(The application was heard and considered by the Council on September 28, 1978. Staff was directed to prepare a resolution granting variance. The draft of the resolution is with the agenda. Resolution granting variance needed.)

ACTION: Res. 78-1056 adopted (Lang/Elliott, unan., Kullijian, Mayor Davies absent) approving variance. (P.W. to handle)

19. Consider alternatives to rejection of bid for construction of canal crossings - MID Lateral 7 at Prescott Road and Cheyenne Way.

(Continued from October 2, 1978 Council meeting. Memo with agenda. Resolution rejecting bid or resolution awarding bid needed.)

ACTION: Res. 78-1057 adopted (Lang/Elliott, unan., Kullijian, Mayor Davies absent) awarding bid to The Flintkote Company)

By motion (same vote as Res. 78-1057) Ord. 1777-C.S. introduced.
(P.W. to handle)

NEW BUSINESS

CONSENT

20. Consider a resolution objecting to the tax sale by Stanislaus County of two parcels of land needed by the City for drainage basins.

(Memo with agenda. Resolution objecting to the sale of certain real property by the tax collector needed.)

ACTION: Res. 78-1058 adopted objecting to sale of certain real property by the tax collector. (P.W. to handle)

CONSENT

21. Consider approval of the final map of Eastridge Plaza 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: Paul M. Zagaris.

(The subdivision agreement has been signed and all fees paid. Eastridge Plaza subdivision is located west of Oakdale Road between East Orangeburg Avenue and East Briggsmore Avenue. It contains 24.893 acres. Resolution approving final map needed.)

ACTION: Res. 78-1059 adopted approving final map. (P.W. to handle)

CONSENT

22. Consider approval of the final map of Bloomfield No. 3 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: Altamont Builders, Inc.

(The subdivision agreement has been signed and all fees paid. Bloomfield No. 3 subdivision is located at the north end of Poinsetta Drive, east of Tidewater Southern Railroad. It contains 8.352 acres. Resolution approving final map needed.)

ACTION: Res. 78-1060 adopted approving final map. (P.W. to handle)

CONSENT

23. Consider approving agreement with Johanna M. Kenney for the purchase of 17.97¹/₂ acres of her property needed for the Pelandale School/Park Site.

(Memo with agenda. Mrs. Kenney has agreed to sell the required property for \$534,140.00. She also will be leasing the property for the next crop year with the City receiving 25% of the gross proceeds of the crop. Resolutions approving agreement and lease agreement needed. Estimated cost: \$534,140 land; \$1,200 escrow; \$535,340 total; funds are budgeted.)

ACTION: Res. 78-1061 adopted approving right-of-way agreement.
Res. 78-1062 adopted approving lease agreement. (P.W. to handle)

CONSENT

24. Consider agreement with Bomberger Brothers, Inc., a California Corporation for the purchase of 30¹/₂ acres of land needed for Dry Creek Park.

(Memo with agenda. Bomberger Brothers have agreed to sell the required property for \$750,000. This is based on \$5,000/acre for bottom/slope land and \$29,000/acre for upland. The property is appraised for \$735,000 with a June 5, 1978 valuation date. The City will also be assuming an existing deed of trust. Resolution approving agreement needed. Estimated Cost: \$750,000 property value; \$99,004 interest, \$2,500 escrow; \$851,504 total; funds are budgeted.)

ACTION: Res. 78-1063 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider certifying right of way for Claus Road - Yosemite to Briggsmore project.

(Memo with agenda. Certification of right of way is required on Federally funded projects. Resolution authorizing certification of right of way needed.)

ACTION: Res. 78-1064 adopted authorizing certification of right of way.
(P.W. to handle)

CONSENT

26. Consider request for sewer service to property outside City limits at 1432 Morene Way, located on the east side of Morene Way between E. Coolidge Avenue and E. Orangeburg Avenue. Owners: Robert E. Meyers and Lois E. Meyers.

(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. 78-1065 adopted approving agreement. (P.W. to handle)

27. ~~Consider amendment to lease agreement to allow the construction of an 8-unit T-hanger rather than a 4-unit T-hanger at the Modesto City-County Airport/Harry Sham Field.~~
(On August 28, 1978 an agreement was entered into for the construction of 4 corporate T-hangers, Bernell Snider is requesting an amendment to the agreement to allow for the construction of an 8-unit facility. See memo with agenda. Resolution authorizing execution of amendment to agreement needed.)

ACTION: Res. 78-1066 adopted authorizing execution of amendment to agreement. (P.W. to handle)

28. Consider the proposal of Touche Ross & Company to prepare an indirect cost distribution plan for the City of Modesto.
(Report with agenda. Resolution approving agreement needed and resolution approving appropriation transfer of \$25,000 for the consulting service needed.)

ACTION: Res. 78-1067 adopted (Mensing/Siefkin, unan., Kullijian and Mayor Davies absent) approving agreement. (Finance to handle)
Res. 78-1068 adopted (same vote) approving appropriation transfer. (Finance)

REPORTS

CONSENT

29. Report on Greyhound Lines application to increase fares and express rates.
(Memo with agenda. The increase requested is 15%. It is recommended that the matter be left to the P.U.C. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

30. Presentation of Financial Statement for September, 1978.
(Copies of the report will be presented at the meeting. Motion accepting report needed.)

ACTION: By motion, receipt of report acknowledged.

MISCELLANEOUS

31. Legislation

None

32. Appointments


None

33. Matters too late for the agenda

None

Adjourned to Executive Session at 11:22 p.m. to discuss litigation in progress, with a statement that they would not return to regular session. Councilmembers were rejoined by Mayor Davies.

ATTEST:


JUDY C. HALL, Acting City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR THE COUNCIL MEETING OF MONDAY, OCTOBER 16, 1978 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Mensingher, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 5, 9, 13, 14,
Removed from Consent: 12 15, 16, 17, 18, 19, 20, 21, 22,
ACTION: (Dunlap/Lang, unan.) 23, 24, 25.

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the October 9, 1978 regular meeting of the City Council.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Request from Thomas Keiley, 516 Perry Avenue for the removal of a street tree in the middle of his driveway.

Dropped from agenda at Mr. Keiley's request.

BIDS

CONSENT

3. Consider award of contract for the construction of waterlines extension in West Union Avenue for Bloomfield No. 3, Prescott Road, and Union Avenue for Hollywood Park No. 2.
(Bids were opened on October 10, 1978. The low bid of \$16,514.23, submitted by Stanislaus Paving, Inc. is 10% below the Engineer's Estimate and is considered acceptable. It is recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Stanislaus Paving, Inc. needed.)

ACTION: Res. 78-1069 adopted accepting bid and awarding contract.
(P.W. to handle)

CONSENT

4. Consider acceptance of Thomas Masonry's contract to construct Woodrow Park Masonry Wall as complete,
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed, Original Contract - \$19,252.00; Final Cost - \$19,273.82; Funds are budgeted.)

ACTION: Res. 78-1070 adopted accepting work as complete. (Clerk to handle)

CONSENT

5. Consider acceptance of DSS Company's contract for Tuolumne River Regional Park, Phase I, Unit I as complete.
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Original Contract - \$367,578.55; Final Cost - \$384,366.52; Funds are budgeted.)

ACTION: Res. 78-1071 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

6. Hearing on amendment to Section 13-3-8 of the Zoning Map to rezone from R-1 to P-D, property located at the north-west corner of Prescott Road and Rumble Road (Richard Ciccarelli). No. 1

ACTION: By motion (Lang/Elliott, majority; Dunlap, Siefkin-no) Ord. 1778-C.S. introduced amending Zoning Map.
Res. 78-1072 adopted (Lang/Elliott, majority; Dunlap, Siefkin-no) approving development plan.
Res. 78-1073 adopted (Lang/Elliott, majority; Dunlap, Siefkin-no) certifying review of environmental assessment. (Clerk/Planning)

7. Hearing on appeal by Sign Designs to a Board of Zoning Adjustment decision concerning a free-standing sign for the Rule-Dale Lincoln Mercury car dealership, at McHenry and Union. No. 2

ACTION: A motion to uphold Board of Zoning decision failed to carry.
Res. 78-1074 adopted (Kullijian/Elliott, majority; Dunlap, Mensinger, Siefkin - no) approving sign, to be removed in 1982. (Planning/P.W.)

8. Matters for the good of the community.
(These may be presented by interested persons in the audience)

None

CONSENT

9. Consider the final adoption of the following ordinances:
- a. Ord. 1775-C.S. amending Section 16-3-9 of the Zoning Map, rezoning from R-1 to P-D(201) property located on the south side of Floyd, east of MacDougal. (Vance Davis)
 - b. Ord. 1776-C.S. amending Section 19-3-9 of the Zoning Map, rezoning from P-D(1) to a new P-D(199) property located at the southeast corner of Carver and W. Roseburg. (Tim Lowe)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1775-C.S. and Ord. No. 1776-C.S. adopted.
(Clerk to handle)

UNFINISHED BUSINESS

10. Request from Jon S. Floop of Land Bank Financial Services to waive the one year limitation for resubmission of a rezoning application.
(Continued from meeting of September 5, 1978.)

ACTION: Res. 78-1075 adopted (Kullijian/Lang, majority; Dunlap, Siefkin-no) waiving the one-year limitation. (Planning to handle)

11. Needs and uses for Hangar #5 at City-County Airport.
(Continued from meeting of September 5, 1978.)

Mayor Davies left the meeting at 5:15 p.m.

ACTION: By motion (Kullijian/Lang, majority; Mensinger-no, Mayor Davies absent) this item continued one week for further information. (P.W. to handle)

12. Service Club Signboard, Welcome to Modesto, Rotary Club.
(Memo attached, Staff recommends Council resolution of approval for a signboard at the southeast corner of Maze and Carpenter Roads.
Resolution approving needed.)

ACTION: Res. 78-1076 adopted (Lang/Kullijian, unan., Mayor Davies absent) sign approved. (Planning to handle)

NEW BUSINESS

CONSENT

13. Consider eliminating shared ride taxi rates and revising section on fare disputes.
(Memo with agenda. Shared taxi rates have not been used for years. Fare dispute change is to bring Code into modern legal practice. None of the taxi companies object to the changes. Motion introducing ordinance making the changes needed.)

ACTION: By motion, Ord. No. 1779-C.S. introduced.

CONSENT

14. Consider renewing agreement with Elwin Young, Jr., and Susan Young for the lease of Goldsworthy Park site. This site contains 2.4+ acres and is only a portion of what will eventually be the Neighborhood Park. This land will not be needed for development for some years. (The Youngs have agreed to maintain the property for the City and pay any property taxes. Since the site is not an economic unit, only the Youngs who operate the adjoining property can utilize the site. The Youngs have constructed a fence to keep people out, which is advantageous to the City for liability reasons. Resolution approving agreement needed.)

ACTION: Res. 78-1077 adopted approving agreement. (P.W. to handle)

CONSENT

15. Consider approving interfund loan to Fund 300, School Site Facilities Tax, from Fund 321, Special Fund for Capital Outlay. (Memo with agenda. Resolution authorizing loans to the School Site Facilities Tax Fund and establishing terms for repayment needed.)

ACTION: Res. 78-1078 adopted authorizing loans to the School Site Facilities Tax Fund and establishing terms for repayment. (Finance to handle)

CONSENT

16. Consider revision in Position Classification Plan to add positions of Lead Coach Mechanic and Coach Mechanic and consider adoption of a resolution establishing salary schedules and fixing compensation for positions in City Service. (Memo with agenda. Resolution revising Position Classification Plan to add 2 new Classifications, and resolution revising the specifications for existing classifications, and resolution establishing salary schedules and fixing compensation for positions needed. Estimated Cost, \$1,862; Funds are budgeted.)

ACTION: Res. 78-1079 adopted revising Position Classification Plan.
Res. 78-1080 adopted revising specifications for existing classifications.
Res. 78-1081 adopted establishing salary schedules and fixing compensation. (Management Services to handle)

CONSENT

17. Uninhabited annexation to the City of Modesto - Briggs No. 1 Annexation. (On September 27, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 78-1082 adopted annexing. (Clerk to handle)

CONSENT

18. Proposal to harvest English Walnuts from City trees at Dryden Municipal Golf Course, Roosevelt Park, City Pump Station #14, City Pump Station, the Mancini Park property, south side of Tuolumne River near Ninth Street Bridge approach, and at the 3+ acres at the northeast corner of Legion Park Drive and Santa Cruz Avenue, by Linda Greek. The City's share of the proceeds from sale will be 35% by December 15, 1978. (Resolution approving needed.)

ACTION: Res. 78-1083 adopted approving agreement. (P.R. to handle)

CONSENT

19. Consider declaring a 1972 two-ton Dodge dump truck (City #40242) and a 1976 Dodge patrol car (City #85011) surplus property and authorizing the Purchasing Officer to advertise and sell to the highest bidder. (Memo with agenda. Resolution declaring property surplus and authorizing sale needed.)

ACTION: Res. 78-1084 adopted declaring property surplus and authorizing sale. (Finance to handle)

CONSENT

20. Consider approval of the final map of Wycliffe Heights 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 - Arthur J. Wylie)
(The subdivision agreement has been signed and all fees paid. Wycliffe Heights No. 2 Subdivision is located north of Scenic Drive between Lakewood Avenue and Claus Road. It contains 7.408 acres. Resolution approving final map needed.)

ACTION: Res. 78-1085 adopted approving final map. (Clerk to handle)

CONSENT

21. Consider request for sewer service to property outside City limits at 301 Hosmer Avenue, located on the north side of Hosmer Avenue between South 7th Street and South 9th Street. (Owners: Abel R. Pulido and Lupe L. Pulido)
(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 no City Funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-1086 adopted approving agreement. (P.W. to handle)

CONSENT

22. Request for Refund of Business License Tax - J.M. Keckler Company. (Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 78-1087 adopted approving refund. (Finance to handle)

REPORTS

CONSENT

23. Report on Water Conservation Program - Summer 1978.
(The City of Modesto's water conservation program has included a Council Resolution which restricted landscape irrigation between 4:00 p.m. and 8:00 p.m., every day except Sunday, the months of June through September. A report on the program has been prepared by staff. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

24. Presentation of combined Annual Financial Report and Audit Report for the 1977-78 Fiscal year.
(In accordance with the City Charter, Sections 801(c) and 1306, the Annual Financial Report has been prepared by the Finance Department and it has been audited by the firm Kemper, Fisher, Faust, Lawrence and Co., CPA's. Copies of the report will be presented at the meeting. Motion acknowledging receipt of the report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

25. Consider Appropriation Transfer for adult recreational basketball program.
(Adult recreational basketball team registration has doubled this fiscal year. We budgeted funds for this program based upon last year's registration, and therefore, do not have enough money to cover program expenses. We need \$2,300.00 to cover the program from the General Reserve. The amount will be totally offset by fees charged. Resolution authorizing appropriation transfer needed.)

ACTION: Res. 78-1088 adopted authorizing appropriation transfer.
(Finance to handle)

MISCELLANEOUS

26. Legislation

None

27. Appointments

ACTION: Res. 78-1089 adopted (Mensing/Siefkin, unan., Mayor Davies absent) appointing Eric Robbins from Davis High School, Steve Recca from Downey High School, and Ross Lee from Modesto High School to the Modesto Youth Commission, terms to expire June 30, 1979.
(P.R. to handle)

28. Matters too late for the agenda.

None

Adjourned at 5:55 p.m. to the Sundial Restaurant at 6:30 p.m. for a joint City Council - Planning Commission meeting.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Meeting
October 16, 1978, 6:30 p.m.

The Council of the City of Modesto met pursuant to adjournment at 6:30 p.m., Sundial Restaurant, 806 McHenry Avenue, Modesto, California, in a joint City Council - Planning Commission meeting.

Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

The following topics were discussed:

Increasing density and retaining the amenities
Alternatives to fences behind back-up lots
Zero lot line developments
Revision of outdated City ordinances
Future of downtown Modesto in light of Proposition 13
Special training sessions for Planning Commissioners
Growth and Orchard Neighborhood
Pollution in the San Joaquin Valley

Adjourned at 9:00 p.m.

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO

AGENDA FOR THE COUNCIL MEETING OF MONDAY, OCTOBER 23, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
Siefkin, Mayor Davies

Absent: Councilmember Mensinger

Pledge of Allegiance to the Flag

Invocation: Rev. Tom Deal, Church of the Brethren

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 5, 6, 7, 8, 9, 10, 11,
21, 24, 25, 26, 27, 28, 29,
Removed from Consent: 30 31, 32, 33, 34, 35

ACTION: (Lang/Siefkin, unan., Mensinger absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of regular City Council meeting of October 16, 1978 and the adjourned regular City Council meeting of October 16, 1978.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Frank Brown regarding the delinquent fee on his water bill.

ACTION: Since Mr. Brown was not present, no action was taken.

3. Letter from Thomas R. Sutter regarding Snyder Avenue School site.
ACTION: By motion (Elliott/Kullijian, majority, Siefkin-no; Mensinger absent) the alternate site north of Snyder Ave. was selected and staff to investigate acquisition. (P.W. to handle)
4. Letter from Stanislaus County Humane Society and S.P.C.A. requesting permission to hold a pet show at Enslin Park on October 28, 1978.
(Motion approving request needed.)

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

10/23/78

BIDS

CONSENT

5. Consider approving plans and specifications and calling for bids for construction of Standiford Avenue from west of Carver Road to Tully Road.

(Suggested bid opening: November 14, 1978 at 11:00 a.m. The work includes reconstruction of existing deteriorating pavement, widening of the street and installation of traffic signals at the Carver and Tully intersections. This is a Federal Aid project in which the Federal government pays for 82% of the cost. Work is expected to start in mid-January 1979. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$435,822.75 (Contract \$396,222.75; Engr. & Cont. \$39,600.00); funds are budgeted.)

ACTION: Res. 78-1090 adopted approving plans and calling for bids.
(P.W. to handle)

CONSENT

6. Approve plans and specifications and call for bids for construction of East LaLoma Park.

(Suggested bid opening: November 14, 1978 at 2:00 p.m. The work included in this project is site preparation and grading, parking lot, drainage, lighting, lift station, sewer, utility building, walks and walls, play apparatus and slabs. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$273,330 (Contract \$261,830; Engr. & Mat'ls. \$11,500); funds are budgeted.)

ACTION: Res. 78-1091 adopted approving plans and calling for bids.
(P.W. to handle)

CONSENT

7. Consider approval of plans and specifications and call for bids for the construction of Pump Station No. 43.

(Suggested bid opening: November 7, 1978 at 11:00 a.m. This well will be located in Aqueduct Park on Carver Road north of Cheyenne Way and will provide additional water to the area. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$82,243.50 (Contract \$77,470; Engr. & Mat'ls. \$4,773.50); funds are budgeted.)

ACTION: Res. 78-1092 adopted approving plans and calling for bids.
(P.W. to handle)

CONSENT

8. Consider award of contract for the construction of subtrunk sewer in Blue Bird Drive.

(Bids were opened on October 3, 1978. The apparent low bid, which is 63% below the engineer's estimate was submitted by Western Pipeline Co. It is recommended that the contract be awarded to them. Resolution awarding contract to Western Pipeline Co. needed. Estimated Cost: \$11,225; funds are budgeted.)

ACTION: Res. 78-1093 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for the construction of waterlines in Sisk Road.
(Memo with agenda. It is recommended that the contract be awarded to Joe Martin who is the second low bidder for the project. Joe Martin's bid is 3% below the engineer's estimate. Resolution awarding contract to Joe Martin needed, Estimated Cost \$10,951.20; funds are budgeted.)

ACTION: Res. 78-1094 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider acceptance of George Reed, Inc.'s contract for the construction of Sonoma Park Stage I as complete. (Original contract: \$69,800)
(All work on this project has been completed to the satisfaction of the Parks and Recreation and Public Works Departments. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: \$72,974.78; funds are budgeted.)

ACTION: Res. 78-1095 adopted accepting work as complete. (Clerk to handle)

CONSENT

11. Consider accepting Elrich Construction Company's contract as complete for repairs and improvements to 10th and H parking lot.
(Resolution accepting contract as complete and authorizing City Clerk to file Notice of Completion needed. Estimated Cost: \$14,470; funds are budgeted. Memo with agenda.)

ACTION: Res. 78-1096 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

12. Hearing on appeal by Mid-Valley Engineering to a Planning Commission decision concerning rezoning from R-2, R-1, and H-1 to P-D, property located south of Rumble, east of Sisk Road.
(Paul Rumble/Sutherland Home Improvement Center)
ACTION: By motion (Lang/Kullijian, majority, Dunlap and Siefkin-no, Mensinger absent), Council indicated intention to grant the appeal and directed staff to prepare the necessary documents. (Atty./Plan.)

No. 1

13. Hearing on amendment to Section 13-3-8 of the Zoning Map to rezone from R-2 to P-D, property located south of Rumble, east of Sisk Road.
(Paul Rumble)
ACTION: By motion (Dunlap/Siefkin, unan., Mensinger absent), Ord. No. 1780-C.S. introduced.

No. 2

Res. 78-1097 adopted approving development plan (same vote as Ord.)
Res. 78-1098 adopted certifying review of environmental assessment
(same vote as Ord.) (Clerk/Plan.)

14. Hearing on annexation of Oakdale-Floyd No. 2 Addition to Modesto Municipal Sewer District No. 1. No. 3

ACTION: Res. 78-1099 adopted (Lang/Kullijian, unan., Mensinger absent) annexing Oakdale-Floyd No. 2 Addition to Modesto Sewer District. (Clerk to handle)

15. Hearing on annexation of portion of Kansas Avenue Addition to Modesto Municipal Sewer District No. 1. No. 4

ACTION: Res. 78-1100 adopted (Kullijian/Lang, unan., Mensinger absent) annexing portion of Kansas Ave. to Modesto Sewer District. (Clerk)

16. Hearing on appeal by Steven A. and Jennie R. Zeff to a decision of the Planning Commission to approve the plot plan submitted by Howard Chenault for a townhouse apartment building on Douglas Avenue. No. 5

ACTION: By motion (Siefkin/Lang, unan., Mensinger absent) hearing continued to November 6, 1978, 4:00 p.m. (Hearing No. 8) (Clerk to handle)

17. Hearing on vacation and abandonment of 6-foot public walkway between Rockford Avenue and Kienitz Avenue in Blocks 1340 and 1341. No. 6

ACTION: Res. 1375-S.P. adopted (Lang/Kullijian, unan., Mensinger absent) approving abandonment of walkway. (Planning to handle)

19. Matters for the good of the community. (These may be presented by interested persons in the audience.)

Mayor Davies introduced Bob Schmidt of the Farm-City Advisory Committee.

ORDINANCES

20. Final adoption of Ord, No. 1778-C.S. rezoning from R-1 to P-D(205) property on Prescott and Rumble Roads (Richard Ciccarelli). (Motion adopting needed.)

ACTION: By motion (Kullijian/Lang, majority, Dunlap, Siefkin-no, Mensinger absent), Ord. No. 1778-C.S. adopted. (Clerk to handle)

CONSENT

21. Final adoption of Ord. No. 1779-C.S. relating to taxicab fares. (Motion adopting needed.)

ACTION: By motion, Ord. No. 1779-C.S. adopted. (Clerk to handle)

22. Further consideration of need for and uses of Hangar No. 5 at the City-County Airport.

ACTION: Res. 78-1102 adopted (Dunlap/Siefkin, majority, Kullijian-no, Mensinger absent) approving agreement with Gottschalk. (P.W. to handle)

NEW BUSINESS

23. Consider designating voting delegates to Annual Congress of Cities in St. Louis, Missouri, November 25 - 29, 1978.
(Motion designating delegates needed.)

ACTION: By motion (Lang/Elliott, unan., Mensinger absent) Mayor Davies designated as voting delegate to Congress of Cities. (Clerk to handle)

CONSENT

24. Consider the following:

- a. Withdrawing Laurel Avenue No. 2 Annexation from Woodland Avenue Fire District
- b. Withdrawing Coffee No. 3 Annexation from McHenry-Dry Creek Fire District
- c. Withdrawing Snyder Avenue Annexation from Salida Fire District
(These additions were annexed to the City of Modesto effective October 2, 1978. Three resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 78-1103 adopted withdrawing Laurel Ave. No. 2 from Fire Dist.
Res. 78-1104 adopted withdrawing Coffee No. 3 from Fire Dist.
Res. 78-1105 adopted withdrawing Snyder Ave. from Fire Dist.
(Clerk to handle)

CONSENT

25. Consider determining that the public interest and convenience require the following additions be annexed to Modesto Municipal Sewer District No. 1:

- a. Laurel Avenue No. 2
- b. Coffee No. 3
- c. Snyder Avenue

(These additions were annexed to the City of Modesto effective October 2, 1978. Resolution setting hearing for Laurel Avenue No. 2 on December 11, 1978 at 7:30 p.m. (Hearing No. 1) needed; and resolution setting hearing for Coffee No. 3 on December 11, 1978 at 7:30 p.m. (Hearing No. 2) needed; and resolution setting hearing for Snyder Avenue on December 11, 1978 at 7:30 p.m. (Hearing No. 3) needed. Five affirmative votes needed.)

ACTION: Res. 78-1106 adopted annexing Laurel Ave. No. 2 to Sewer Dist.
Res. 78-1107 adopted annexing Coffee No. 3 to Sewer District.
Res. 78-1108 adopted annexing Snyder Avenue to Sewer District.
(Clerk to handle)

CONSENT

26. Consider approving lease agreement with Joseph DeAnna for the lease of the former Dr. Anderson property (19 acres). (Part of future Dry Creek Park.)

(This is a renewal of an existing lease. All terms remain the same except the rent which has been raised to \$440 per year (from \$400). Taxes are to be paid by lessee. Lease will expire 10-31-81. Resolution approving agreement needed.)

ACTION: Res. 78-1109 adopted approving agreement. (P.W. to handle)

CONSENT

27. Consider approving lease agreement with Joseph DeAnna for the lease of a portion of the former Maxwell property (8 acres). (Part of future Dry Creek Park.) (Lease is for \$200 per year with the lessees paying taxes and utilities. Lease will expire 10-31-81. Resolution approving agreement needed.)

ACTION: Res. 78-1110 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider authorizing City Manager to sign a Revocable Permit for the City of Modesto from Hetch Hetchy Water and Power for an 8-inch water line and 16-inch casing, crossing the Hetch Hetch right of way at Wesson Ranch Road. (This revocable permit is required in order to make the final connections to Wesson Estates subdivision from the south on Wesson Ranch Road at Hollywood Park No. 2 subdivision. This connection will further strengthen the water system in the northern part of the City. Resolution authorizing the City Manager to sign the Revocable Permit for crossing the Hetch Hetch Water & Power right of way needed.)

ACTION: Res. 78-1111 adopted approving permit. (P.W. to handle)

CONSENT

29. Consider authorizing the City of Modesto joining amicus curiae briefs in Socialist Labor Party v. City of Glendale and Ducey v. Argo Sales Co. & State of California. (Memo of explanation with agenda. Motion authorizing participation by City of Modesto needed.)

ACTION: By motion, authorization given to participate. (Atty. to handle)

30. Consider approval of agreement with MacKay and Soms Civil Engineers, Inc. for the design and plans and specifications for the construction of the West Trunk Sewer Extension project. (On June 12, 1978, the City Council authorized the staff to proceed with the engineering phase of the project. On July 13, 1978, a selection committee consisting of staff members interviewed five qualified engineering firms. Based on the selection committee's screening criteria it was decided that MacKay and Soms Civil Engineers, Inc. are best qualified at this time to do the work. It is, therefore, recommended that the City enter into agreement with them for the required services. Resolution approving agreement with MacKay and Soms Civil Engineers, Inc. needed. Estimated Cost: \$125,000; funds are budgeted.)

ACTION: By motion (Siefkin/ Kullijian, majority, Elliott, Mayor Davies-no, Mensinger absent) this item continued to November 13, with staff to provide further information regarding the reasons for recommending MacKay and Soms. (P.W. to handle)

10/23/78

31. Consider acceptance of improvements in Carpenter Manor subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Developer: Ralph E. Carpenter and La Frances Carpenter, R.S. Thomas and Karen Louise Thomas and Raymond P. Stuck)
(Carpenter Manor subdivision is located on the south side of Standiford Avenue, west of Sherwood Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1112 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

32. Consider acceptance of improvements in Bloomfield No. 2 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Developer: Altamont Builders)
(Bloomfield No. 2 subdivision is located north of Standiford Avenue east of Tidewater Southern Railroad. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed,)

ACTION: Res. 78-1113 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

33. Consider acceptance of UMTA grant award and authorize City Manager to execute grant contracts.
(Memo with agenda. UMTA has offered a reimbursement grant of \$123,150 for bus operating expenses incurred during FY 1977-78. Resolution accepting grant and authorizing City Manager to execute associated contracts needed.)

ACTION: Res. 78-1114 adopted accepting grant. (P.T. to handle)

CONSENT

34. Set date for informal public hearing to consider air quality strategies for Stanislaus County and in particular the City of Modesto.
(The Air Quality Task Force has unanimously recommended adoption of the draft Report IV: Recommended Air Quality Strategy for Stanislaus County. It's necessary that the various agencies in the County consider this report and adopt those strategies specifically relating to their areas. Letter of transmittal along with copies of Reports III and IV on the subject of the Air Quality Maintenance Plan with agenda. Resolution setting informal public hearing on Monday, November 6, 1978, at 4:00 p.m. (Hearing No. 7) needed.)

ACTION: Res. 78-1115 adopted setting informal public hearing. (Clerk to handle)

CONSENT

35. Consider adoption of resolution providing for notice of filing of assessment by City Clerk for Improvement District No. 23, street lights on McHenry Avenue.
(All work on the Improvement District has been completed and accepted by the City Council. It is now in order to approve filing of the assessment. Resolution providing for notice of filing of assessment by City Clerk needed.)

ACTION: Res. 1376-S.P. adopted providing for notice of filing of assessment for Improvement District No. 23. (Clerk to handle)

REPORTS

36. Report on flag and statue amendments to the Sign Regulations.
(On September 5, 1978, the Council directed staff to prepare an amendment to the sign regulations to permit flags and statues. Report with agenda. Staff will proceed with public hearing for code text amendment before the Planning Commission once the Council is satisfied with the proposed standards. Motion providing direction to staff needed.)

ACTION: By motion (Lang/Kullijian, majority, Siefkin-no, Mensinger absent) staff recommendation regarding flags approved.
A motion to approve the recommendation concerning statues failed to carry.
By motion (Dunlap/Kullijian, unan., Mensinger absent), Council agreed to do nothing concerning church crosses.

MISCELLANEOUS

37. Legislation

None

38. Appointments

None

39. Matters too late for the agenda

None

Adjourned at 11:10 p.m.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

BIDS

CONSENT

4. Consider approval of plans and specifications and call for bids for Lakewood Avenue sewer trunk trench repair.
(This project was budgeted to repair the street in the sewer trench area that continues to sink because of improper compaction when the trunk was constructed 10 years ago. Suggested bid opening: November 28, 1978 at 11:00 a.m. Resolution approving plans and specifications and calling for bids needed. Estimated Cost: \$20,000(Contract \$17,850; Engr & Contg. \$2,150); funds are budgeted.)

ACTION: Res. 78-1116 adopted approving plans and calling for bids. (P.W. to handle)

CONSENT

5. Consider rejecting bids for Street Light Modernization Phase VIII 1978-79.
(Memo with agenda. Apparent low bidder was 28% above engineer's estimate. M.I.D. recently stated series street light circuits could be billed flat rate rather than metered rate. Increases in electrical construction costs and M.I.D. billing charges make it appropriate that bids be rejected and City restudy the entire street light modernization program. Resolution rejecting all bids and motion directing staff to review street light modernization program needed.)

ACTION: Res. 78-1117 adopted rejecting all bids. (P.W. to handle)

By motion, staff directed to review street light modernization program. (P.W. to handle)

CONSENT

6. Consider award of contract to George Reed, Inc. for construction of public improvements - Housing Target Area No. 1 Phase III.
(Bids were opened on October 17, 1978 and the only bid received was the bid of George Reed, Inc., which is 28% above the engineer's estimate. The bids have been reviewed with the Housing Program Office and because the project is small and there is urgency in getting the work done, the Public Works Department recommends that the work be awarded to George Reed, Inc. Reason for disparity between bids and estimate: Engineer's cost data escalations have lagged behind industry's. The bid itemizations have been compared to current costs and are considered reasonable; the rejection of this bid and another call for bids is not recommended. This is a small project and the disparity in bids and estimates is in better perspective when comparing items rather than overall percentage differences. The tempo of the construction industry makes it improbable that additional firms would respond to a second call for bids. The residents of the area are anxious that the project be kept on its current schedule. Resolution awarding contract needed. Estimated Cost: \$41,876.50 (Contract \$39,876.50; Engr \$2,000); funds are budgeted.)

ACTION: Res. 78-1118 adopted awarding contract. (P.W. to handle)

CONSENT

7. Consider acceptance of Lee White Paving's contract for Fire Station No. 1 parking lot paving as complete. (Original Contract: \$8,350) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion, Resolution accepting work as complete needed. Final Cost: \$8,840; funds are budgeted.)

ACTION: Res. 78-1119 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Joe Martin's contract for construction of waterlines in "E" Street, Burney Street, Walden Street, and James Street, (Original Contract: \$58,845) (All work on this project has been completed to the satisfaction of the Public Works 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: \$57,441.80; funds are budgeted.)

ACTION: Res. 78-1120 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Mac's Backhoe Service's contract for the construction of waterlines in Laurel Meadows. (Original Contract: \$5,510) (All work on this project has been completed to the satisfaction of the Public Works 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: Contract \$5,676 (Main \$5,316; Services \$360); funds are budgeted.)

ACTION: Res. 78-1121 adopted accepting work as complete. (Clerk to handle)

HEARINGS

4:00 p.m.

10. Annex Irons Court Addition to the Modesto Municipal Sewer District No. 1 No. 1

ACTION: Res. 78-1122 adopted (Leng/Mensing, unan.) annexing. (Clerk to handle)

11. Annex Paradise-Wade Addition to the Modesto Municipal Sewer District No. 1 No. 2

ACTION: Res. 78-1123 adopted (Dunlap/Kullijian, unan.) annexing. (Clerk to handle)

12. Hearing on appeal by Ernest V. Darpinian to a Board of Building Appeals decision concerning the installation of smoke detectors in his building. (Continued from September 28, 1978 meeting)

No. 3

ACTION: Res. 78-1124/(Dunlap/Siefkin, majority, Kullijian, Lang, Mensinger-no) denying the appeal. (P.W. to handle)

13. Hearing on appeal by John Ward to a decision of the Board of Building Appeals concerning smoke or heat detectors. (Continued from September 28, 1978 meeting)

No. 4

ACTION: Res. 78-1125 adopted (Dunlap/Siefkin, majority, Kullijian, Lang, Mensinger-no) denying the appeal. (P.W. to handle)

14. Hearing on amendment to Zoning Map (Sec. 5-4-9) to rezone to R-2 property on the west side of Roselawn south of Rouse (Fisher)

No. 5

ACTION: By motion, Ord. 1781-C.S. / introduced rezoning (Dunlap/Elliott, unan.) Res. 78-1126 adopted (Dunlap/Elliott, unan.) certifying review of environmental impact. (Clerk/Planning to handle)

15. Hearing on amendment to Zoning Map (Sec. 32-3-9) to rezone from R-1 to H-1 property on the southwest corner of Tuolumne and 7th (Setliff Bros.)

No. 6

ACTION: By motion, Ord. 1782-C.S. introduced rezoning (Kullijian/Lang, unan.) Res. 78-1127 adopted (Kullijian/Lang, unan.) certifying review of environmental impact. (Clerk/Planning to handle)

16. Informal hearing to consider air quality strategies for Stanislaus County and, in particular, the City of Modesto.

No. 7

ACTION: Res. 78-1128 adopted (Mensinger/Lang, unan.) Modesto's portion of the Air Quality Maintenance Plan. (P.W. to handle)

17. Continued hearing on appeal by Stephen A. and Jennie R. Zeff to a decision of the Planning Commission to approve the plot plan submitted by Howard Chenault for a townhouse apartment building on Douglas Avenue. (Continued from October 23, 1978.)

No. 8

ACTION: Res. 78-1129 adopted (Kullijian/Lang, unan.) denying appeal and sustaining Planning Commission action.

18. Continued hearing on amendment to Section 24-3-9 of the Zoning Map to rezone from R-1 to P-D(204) property located on the north side of E. Orangeburg Avenue, west of Claus. (Jan Rouw) (Continued from October 9, 1978) No. 9

ACTION: By motion, (Siefkin/Mensing, unan.) Ord. No. 1783-C.S. introduced. approving rezoning. (Clerk/Planning to handle)
Res. 78-1130 adopted (Siefkin/Mensing, unan.) approving plan.
Res. 78-1131 adopted (Siefkin/Mensing, unan.) certifying review of environmental assessment. (Clerk/Planning to handle)

19. Continued hearing of necessity to acquire a 20' wide sewer easement and a 40' wide temporary construction easement across 2208 Rose Avenue (Nick Lionudakis). (Continued from October 9, 1978) No. 10

ACTION: By motion (Dunlap/Kullijian, unan.) this item was withdrawn from consideration.

20. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

Corene Naron invited the Mayor and Councilmembers to the Bacon Bowl kick-off dinner on November 8, 1978.

ORDINANCES

CONSENT

21. Final adoption of Ord. No. 1780-C.S. rezoning from R-2 to P-D(202) south of Rumble, east of Sisk Road for a fruit and produce sales and storage building. (Paul Rumble)
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1780-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

22. Consider Revision 1 to Program Supplement 7 to Local Agency-State Agreement No. 10-5059.
(Program Supplement 7 sets aside \$535,433 in Federal funds and \$109,667 in City funds for the project to reconstruct Oakdale Road from Scenic Drive to Briggsmore Avenue. Revision 1 would reduce the City participation to \$94,187 and increase the State participation by \$15,480. Resolution approving revised agreement needed. Estimated Cost: \$645,100; funds are budgeted.)

ACTION: Res. 78-1132 adopted approving revised agreement. (P.W. to handle)

(Program Supplement No. 8 sets aside \$379,310 in Federal funds and \$77,690 in City funds for the project to reconstruct Standiford Avenue from Tully to 300' west of Carver. Revision 1 would reduce the City participation to \$66,836 and increase State participation by \$10,854. Resolution approving revised agreement needed. Estimated Cost: \$435,822.75; funds are budgeted.)

ACTION: Res. 78-1133 adopted approving revised agreement. (P.W. to handle)

CONSENT

24. Consider approving lease agreement with George Frederickson and Phillip Bravard for the lease of a portion of Fire Station No. 5. (This is a renewal of an existing lease. All terms remain the same. This lease will expire October 31, 1979. The City will receive \$108 to pay for water and a \$25 rental charge. This is a small triangular shaped area that will eventually be landscaped and used for parking when funds are available. The lessees will use the area as a garden and save the City the cost of maintaining it. Resolution approving agreement needed.)

ACTION: Res. 78-1134 adopted approving agreement. (P.W. to handle)

CONSENT

25. Consider the following:

- a. Withdrawing Briggs No. 1 Addition from Burbank-Paradise Fire District
- b. Withdrawing Vine Street No. 2 Addition from Woodland Avenue Fire District
- c. Withdrawing Maze-Emerald No. 2 Addition from Woodland Avenue Fire District

(These additions were annexed to the City of Modesto effective October 30, 1978. Three resolutions withdrawing annexations from fire districts needed.)

ACTION: Res. 78-1135 adopted withdrawing Briggs No. 1.
Res. 78-1136 adopted withdrawing Vine Street No. 2.
Res. 78-1137 adopted withdrawing Maze-Emerald No. 2. (Clerk to handle)

CONSENT

26. Consider determining that the public interest and convenience require the following additions be annexed to Modesto Municipal Sewer District No. 1:

- a. Briggs No. 1 Addition
- b. Vine Street No. 2 Addition
- c. Maze-Emerald No. 2 Addition

(These additions were annexed to the City of Modesto effective October 30, 1978. Resolution setting hearing for Briggs No. 1 on December 26, 1978 at 7:30 p.m. (Hearing No. 1); resolution setting hearing for Vine Street No. 2 on December 26, 1978 at 7:30 p.m. (Hearing No. 2); and resolution setting hearing for Maze-Emerald No. 2 on December 26, 1978 at 7.30 p.m. (Hearing No. 3) needed.

ACTION: Res. 78-1138 adopted annexing Briggs No. 1 to sewer district.
Res. 78-1139 adopted annexing Vine Street No. 2 to sewer district.
Res. 78-1140 adopted annexing Maze-Emerald No. 2 to sewer district.

(Clerk to handle)

CONSENT

27. Consider approving lease agreement with Donald H. Scott and Margaret D. Scott for the lease of the former Eula Scott property (9.84 acres - part of future Dry Creek Park Area).
(This is a renewal of an existing lease. Lessee farmed the property the last two years in exchange for pulling peach trees. The City paid taxes. New lease calls for 20% of crop with lessee paying all taxes and utilities. Lease is for two years. Resolution approving agreement needed.)

ACTION: Res. 78-1141 adopted approving agreement. (P.W. to handle)

CONSENT

28. Consider approving lease agreement with Donald H. Scott and Margaret D. Scott for the lease of the former Simms property (13.07 acres - part of future Dry Creek Park Area).
(This is a renewal of an existing lease. Lessee farmed the property last two years in exchange for pulling trees with the City paying taxes. New lease calls for 20% of crop with lessee paying all taxes and utilities. Resolution approving agreement needed.)

ACTION: Res. 78-1142 adopted approving agreement. (P.W. to handle)

CONSENT

29. Consider approving lease agreement with Donald H. Scott and Margaret D. Scott for the lease of the future Riverside Park site (20.78 acres).
(This is a renewal of an existing lease. Lessee farmed the property the last two years in exchange for pulling peach trees. The City paid taxes. New lease calls for 20% of crop with lessee paying all taxes and utilities. Lease is for three years. Resolution approving agreement needed.)

ACTION: Res. 78-1143 adopted approving agreement. (P.W. to handle)

CONSENT

30. Consider approval of two agreements with Modesto Irrigation District for Cheyenne Way and Prescott Road crossings of Lateral #7.
(The City has awarded construction of these two crossings and the agreements provide for joint use of the M.I.D. right of way at the crossings. Two resolutions approving agreements needed.)

ACTION: Res. 78-1144 adopted approving agreement for Cheyenne Way.
Res. 78-1145 adopted approving agreement for Prescott Road.
(P.W. to handle)

CONSENT

31. Consider summary vacation and abandonment of 5' public utility easement in Block 13540, (north of M.I.D. Lateral 7, Standiford Avenue near Dale) City of Modesto.
(Memo with agenda. Resolution vacating and abandoning 5' public utility easement in Block 13540 needed.)

ACTION: Res. 1377-S.P. adopted abandoning 5' public utility easement in Block 13540. (P.W. to handle)

CONSENT

32. Recommend vacation and abandonment of the 10-foot public alley in Block 3077 which extends north from Victor Way west of Mary Lane. (On October 3, 1978, the Planning Commission adopted Resolution 78-191 recommending to the Council the vacation and abandonment of the 10-foot public alley in Block 3077 which extends north from Victor Way west of Mary Lane. Resolution of intention to vacate and abandon and setting date for public hearing on November 27, 1978 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 1378-S.P. adopted abandoning 10-ft. public alley in Block 3077.
Res. of Intent 376 adopted abandoning public alley in Block 3077.
(Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Section 10-3-9 of the Zoning Map - Stone Bros. & Associates. (On October 17, 1978, the Planning Commission adopted Res. No. 78-198 recommending to the City Council an amendment to Section 10-3-9 of the Zoning Map to rezone from R-1 to R-2 property located along the east side of Coffee Road south of Mable Avenue. Resolution setting public hearing November 27, 1978 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-1146 adopted setting hearing. (Clerk to handle)

CONSENT

34. Recommend to Council an amendment to Section 10-3-9 of the Zoning Map - Stone Bros. & Associates. (On October 17, 1978, the Planning Commission adopted Res. No. 78-199 recommending to the City Council an amendment to Section 10-3-9 of the Zoning Map to rezone from R-1 to P-D(206) for a 30-unit two-story townhouse apartment development, property located at the southeast corner of Coffee Road and Mable Avenue. Resolution setting public hearing on November 27, 1978 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-1147 adopted setting hearing. (Clerk to handle)

CONSENT

35. Consider adoption of resolution electing not to succeed to California Land Conservation Act Contracts pertaining to the Snyder Avenue Addition to the City of Modesto. (These contracts were previously protested by the City and the protests have been upheld by the Local Agency Formation Commission. The City should now exercise its option not to succeed to the contracts. Resolution electing not to succeed to the Land Conservation Act Contracts needed.)

ACTION: Res. 78-1148 adopted electing not to succeed to the Land Conservation Act Contracts. (Planning to handle)

CONSENT

36. Uninhabited annexation to the City of Modesto - Woodland-Mercy Addition. This annexation includes land subject to California Land Conservation Act Contracts. The contracts have previously been protested by the City and the protests have been upheld by LAFCO. (On September 27, 1978 the LAFCO authorized this annexation without notice and public hearing. Resolution electing not to succeed to California Land Conservation Act and resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 78-1149 adopted not to succeed to C.L.C. Act.

Res. 78-1150 adopted annexing and certifying review of environmental impact. (Clerk/Planning to handle)

CONSENT

37. Uninhabited annexation to the City of Modesto - Winmoore Way Annexation. (On September 27, 1978, the LAFCO authorized this annexation without notice and public hearing. Resolution annexing and certifying review of environmental impact needed.)

ACTION: Res. 78-1151 adopted annexing and certifying review of environmental impact. (Clerk/Planning to handle)

CONSENT

38. Woodland Neighborhood Zoning and Development Plan. (On October 17, 1978, the Planning Commission adopted Res. No. 78-203 recommending a Neighborhood Zoning and Development Plan for the Woodland Neighborhood to the City Council. Resolution setting date for informal public hearing on November 27, 1978 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-1152 adopted setting hearing date. (Clerk to handle)

39. Certification of initiative petition regarding holding advisory elections prior to extending sewer trunks. (Memo and certification with agenda. Motion introducing ordinance or resolution ordering that the ordinance petitioned for be submitted to the voters at the General Municipal Election to be held March 6, 1979 needed.)

ACTION: A motion introducing the ordinance failed to carry. Res. 78-1153 adopted (Dunlap/Kullijian, unan.) ordering that the ordinance be submitted to the voters. (Clerk to handle)

Res. 78-1154 adopted (Elliott/Kullijian, unan.) that rebuttals be permitted to any initiative measures. (Clerk to handle)

CONSENT

40. Consider acceptance of improvements in North Hampton Park No. 4 subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Developer: Joe H. Tidwell & Lois Tidwell, James B. Johnston & Shirley L. Johnston.) (North Hampton Park No. 4 subdivision is located on the east side of Rexford Drive, north of Sylvan Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1155 adopted accepting improvements as complete. (Clerk)

CONSENT

41. Consider acceptance of improvements in Walnut Park subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods, (Developer: C.A. Tallent) (Walnut Park subdivision is located north of Sylvan Avenue and west of Coffee Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1156 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

42. Consider approval of final map of Hillsboro North 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. Subdividers: Transworld Financial Corporation, Inc., a California corporation. (The subdivision agreement has been signed and all fees paid. Hillsboro North subdivision is located south of Floyd Avenue and west of Oakdale Road. It contains 11.085 acres. Resolution approving final map needed.)

ACTION: Res. 78-1157 adopted approving final map. (Clerk to handle)

CONSENT

43. Consider approval of the final map of Shasta Estates No. 1 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. Subdividers - Joaquin Construction Co., Inc., a California corporation. (The subdivision agreement has been signed and all fees paid. Shasta Estates No. 1 subdivision is located between Yellowstone Avenue and Shasta Avenue, south of Woodland Avenue. It contains 6.923 acres. Resolution approving final map needed.)

ACTION: Res. 78-1158 adopted approving final map. (Clerk to handle)

CONSENT

44. Consider request for sewer service to property outside City limits at 621 Anthony Street, located on the west side of Anthony Street between Sonora Avenue and Lombardo Avenue, Owners: William G. Lopachuk and Mary C. Lopachuk and Newton L. Hansen and Alice B. Hansen. (The property owners have signed an agreement to annex when requested to do so by the 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. 78-1159 adopted approving agreement. (P.W. to handle)

CONSENT

45. Request for refund of Business License Tax - Mountain Paraphernalia.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 78-1160 adopted approving refund. (Finance to handle)

Mayor Davies and Councilmember Kullijian were excused at 6:50 p.m.

46. Set November 13, 1978 as date for informal public hearing on Public Projects Committee recommendations regarding annual urban growth review.
(Resolution setting November 13, 1978 at 7:30 p.m. (Hearing No. 4) for informal public hearing needed,)

ACTION: Res. 78-1161 adopted (Lang/Siefkin, unan., Kullijian and Mayor Davies absent) (Clerk to handle)

REPORTS

CONSENT

47. Further consideration of early morning parking violations.
(Memo with agenda. Increasing the bail for such violations was requested by the D.I.D. The Municipal Court does not want to increase the bail. It is recommended that the matter be dropped or left to the D.I.D. to pursue with the Court. Motion authorizing staff to notify D.I.D. of the Court's answer and the City's lack of jurisdiction needed.)

ACTION: By motion, staff directed to notify D.I.D. of Court's answer and City's lack of jurisdiction. (P.T. to handle)

CONSENT

48. Report by Modesto Chamber of Commerce for the July - September quarter.
(Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

49. Adjustments to 1978-79 budget.
(Further consideration of the 1978-79 City budget is needed now that the amounts of State surplus and property tax revenue have been determined. Report with agenda. Resolution amending the budget needed.)

ACTION: Res. 78-1162 adopted amending budget. (Finance to handle)

APPROPRIATION TRANSFERS

CONSENT

50. Consider establishing accounts for animal control enforcement and education in the Animal Control budget.
(Memo with agenda. Resolution approving appropriation transfer needed. Estimated Cost: \$16,000.)

ACTION: Res. 78-1163 adopted approving appropriation transfer. (Finance)

MISCELLANEOUS

51. Legislation

None

52. Appointments

None

53. Matters too late for the agenda

None

Adjourned at 7:00 p.m. to
/ Executive session to consider an employee relations matter
with the announcement that Council would not return to open session.

ATTEST:

Norrine Coyne
NORRINE COYNE, City Clerk

AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 13, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: Councilmember Dunlap

Pledge of Allegiance to the Flag

Invocation: Rev. Dan Dixon, First Christian Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 7, 9, 10, 12, 13, 19, 22, 23, 24, 25, 26

ACTION: (Lang/Siefkin, unan., Dunlap absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.) Mayor Davies introduced Harry Drabkin and his Cub Scout Webelos, Den 237.

MINUTES

CONSENT

1. Approval of minutes of the November 6, 1978 City Council meeting. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Letter from Alex Andreason regarding an order from the Parks and Recreation Department to remove a fence.

ACTION: A motion that the fence be allowed to remain failed to get a second.

By motion (Elliott/Siefkin, majority, Kullijian, Lang-no, Dunlap absent) Mr. Andreassen was required to remove or relocate his fence. (P.R. to handle)

3. Letter from John Ward requesting Council reconsideration of his appeal to the Board of Appeals decision.

No action taken.

4. Letter from Ernest Darpinian requesting Council reconsideration of his appeal to the Board of Appeals decision.

No action taken.

5. Request from Carolyn Crawford requesting waiver of the one-year waiting period for reapplying for rezoning of her property at Maze Boulevard and Emerald Avenue.

ACTION: Res. 78-1164 (Lang/Kullijian, unan., Dunlap absent) one-year waiting period waived. (Planning to handle)

6. Letter from Donald R. Swatman, D.D.S., regarding Modesto's storm drainage problem.

ACTION: By motion (Mensingher/Siefkin, unan., Dunlap absent) staff directed to proceed with a joint program of installing Turlock-type rockwells in Northampton Park No. 3. (P.W. to handle)

CONSENT

7. Request from Downtown Improvement District to place a popcorn cart on the sidewalk on Sunday, November 26, 1978, during "Old Town's" Christmas open house.
(Motion approving needed.)

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

8. Letter from Modesto Youth Soccer Association requesting City assistance with a promotion program.

ACTION: By motion (Elliott/Kullijian, unan., Dunlap absent) present policy of providing equipment, awards, and officials for youth sports was upheld. (P.R. to handle)

BIDS

CONSENT

9. Approval of plans and specifications and call for bids for installation of draperies at the Modesto City Hall.
(Suggested bid opening: December 12, 1978 at 11:05 a.m. This project will install draperies throughout the Modesto City Hall. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$28,000 (\$27,500 Contract; \$500 Engrg. & Mat'ls); funds are budgeted.)

ACTION: Res. 78-1165 adopted calling for bids. (P.W. to handle)

CONSENT

10. Consider approval of plans and specifications and call for bids for the construction of waterline extensions in Conant Avenue and Standiford Avenue.
(Suggested bid opening: November 28, 1978 at 11:05 a.m. These extensions will provide for water for Vintage Faire No. 3 subdivision and strengthen the water system on Standiford and enable us to install the waterline while the street is under construction. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$42,049 (\$37,649 Contract; \$4,400 Engrg. & Mat'ls); funds are budgeted.)

ACTION: Res. 78-1166 adopted calling for bids. (P.W. to handle)

No. 43.

(Bids were opened on November 7, 1978. The low bid of \$72,106, submitted by Hawk Well and Equipment Company is 7% below the engineer's estimate and considered acceptable. It is, therefore, recommended that the contract be awarded to them. Resolution accepting bid and awarding contract to Hawk Well and Equipment Company needed. Estimated Cost: \$72,106.00; funds are budgeted.)

ACTION: Res. 78-1167 (Elliott/Mayor Davies, majority, Mensinger-no, Dunlap absent) contract awarded to Hawk Well and Equipment Co. (P.W. to handle)

CONSENT

12. Consider acceptance of the contract of Mac's Backhoe Service for construction of waterlines in "K" Street at 7th Street and Sunrise No. 2. (Original Contract: \$17,007)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final Cost: Contract \$16,623 (Main \$15,573; Services \$1,050); funds are budgeted.)

ACTION: Res. 78-1168 adopted accepting work as complete. (Clerk to handle)

CONSENT

13. Consider bidding on two buses to be auctioned by Santa Clara County Transit District.
(Memo with agenda. Proposal is to authorize bidding for two buses to act as spares for next year or so. Bids of up to \$4,000 per bus would be made at the auction. Resolution authorizing bidding needed and resolution approving \$8,000 appropriation transfer needed.)

ACTION: Res. 78-1169 adopted authorizing bidding. (P.T. to handle)
Res. 78-1170 adopted approving appropriation transfer. (Finance to handle)

HEARINGS

7:30 P.M.

14. Hearing on Street Pattern Alternatives for the La Loma Area.

No. 1

ACTION: Councilmember Lang excused due to a conflict of interest. City Attorney, Elwyn Johnson was also excused because he owns property on one of the streets being discussed and Deputy City Attorney Mike Dean acted as City Attorney. Motions to approve variations of Alternates B and C failed to carry.
By motion (Siefkin/Elliott, unan., Dunlap and Lang absent) hearing continued to December 11, 1978, 7:30 p.m. (Hearing No. 5) (Clerk)

15. Hearing on amendment to Sec. 22-3-9 of the Zoning Map rezoning from R-1 to R-2 and from R-2 to R-1 property located south of Orangeburg and west of Oakdale and denying a portion of requested rezoning from R-1 to P-D and R-2 to P-D property on southeast corner of Orangeburg/Oakdale (Ed Wylie).

No. 2

ACTION: By motion, Ord. No. 1784-C.S. (Lang/Siefkin, majority, Kullijian-no, Dunlap absent) introduced rezoning. (Clerk/Planning to handle)
Res. 78-1171 adopted (same vote) certifying review of environmental impact. (Clerk/Planning to handle)

16. Appeal of Mid Valley Engineering on behalf of Ed Wylie to a Planning Commission decision denying a portion of application to above rezoning.

No. 3

ACTION: Res. 78-1172 adopted (Lang/Siefkin, majority, Kullijian-no, Dunlap absent), denying appeal. (Clerk to handle)

17. Informal hearing on annual growth policy.

No. 4

Councilmember Siefkin was excused at 12:30 a.m.

- ACTION:**
1. By motion (Lang/Kullijian, unan., Dunlap and Siefkin absent) receipt of the "Growth Policy Review, 1978" was acknowledged.
 2. By motion (Lang/Mensingger, unan., Dunlap and Siefkin absent) item "2c" is the first choice and "2b" is second choice as Modesto's sphere of influence south of the Tuolumne.
 3. By motion (Elliott/Kullijian, unan., Dunlap, Siefkin absent) recommendation "No. 3" approved.
 4. By motion (Elliott/Kullijian, majority, Mensinger-no, Dunlap, Siefkin, absent) recommendation "No. 4" approved.
 5. By motion (Elliott/Kullijian, majority, Mensinger-no, Dunlap, Siefkin absent) recommendation "No. 5" approved.
 6. By motion, (Kullijian/Elliott, majority, Mensinger-no, Dunlap, Siefkin absent) recommendation "No. 6" approved. (Planning

18. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

Ordinances

CONSENT

19. Final adoption of the following:

- a. Ord. No. 1781-C.S. rezoning to R-2 property west of Roselawn and south of Rouse. (Mike Fisher-Good Karma Estates)
- b. Ord. No. 1782-C.S. rezoning from R-1 to H-1 property on the southwest corner of Tuolumne and 7th Streets. (Setliff Bros.)
- c. Ord. No. 1783-C.S. rezoning from R-1 to P-D(204) property on the north side of E. Orangeburg west of Claus Road. (Jan Row)

(Motion adopting needed.)

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

UNFINISHED BUSINESS

20. Further consideration of requested rezoning of Section 12-3-8 of the Zoning Map. (Paul Rumble-Sutherland Lumber Company) (Memo with agenda. Ordinance and two resolutions needed.)

Councilmember Mensinger was excused due to a conflict of interest.

ACTION: By motion, (Elliott/Kullijian, unan., Dunlap, Mensinger, Siefkin absent) Ord. No. 1785-C.S. introduced.
Res. No. 78-1173 adopted (same vote) approving rezoning.
Res. No. 78-1174 adopted (same vote) certifying review of environmental impact. (Clerk/Planning to handle)

11/13/78

21. Further consideration of agreement with MacKay and Soms Civil Engineers, Inc. for the design and plans and specifications for the construction of the West Trunk Sewer Extension project. (On June 12, 1978, the City Council authorized the staff to proceed with the engineering phase of the project. On July 13, 1978, a selection committee consisting of staff members interviewed five qualified engineering firms. Based on the selection committee's screening criteria it was decided that MacKay and Soms Civil Engineers, Inc. are best qualified at this time to do the work. This item was carried over from the October 23, 1978, Council meeting.)

ACTION: Res. 78-1175 adopted (Lang/Elliott, majority, Kullijian-no, Dunlap, Siefkin absent) approving. (P.W. to handle)

NEW BUSINESS

CONSENT

22. Consider acceptance of improvements in Davidson Estates subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Developer: Hilda Investments, Inc.) (Davidson Estates subdivision is located at the southeastern corner of West Rumble Road and Prescott Road. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1176 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

23. Consider setting a hearing of necessity to acquire six remaining parcels on the Orangeburg-Collier to Coffee project. Recommended hearing date is December 4, 1978 at 4:00 p.m. (Hearing No. 1) (The City is in the process of acquiring 18 parcels of right of way for the widening of a portion of Orangeburg Avenue. Twelve have been acquired with six remaining to be acquired. Right of way certification is set for January 1, 1979. Resolution setting hearing on December 4, 1978 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-1177 adopted setting hearing. (Clerk to handle)

CONSENT

24. Consider setting informal hearing on Rider Promotion Plan. (This report on bus ridership has been distributed. The hearing is to allow a report presentation to the Council and to provide an opportunity for questions and comments. Resolution setting hearing for November 27, 1978 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-1178 adopted setting hearing. (Clerk to handle)

25. Recommend vacation and abandonment of 6-foot public walkway between Woodrow Avenue and Birchwood Court in Blocks 13008 and 13010. (On October 17, 1978, the Planning Commission adopted Resolution No. 78-201 recommending to the City Council the vacation and abandonment of the 6-foot public walkway between Woodrow Avenue and Birchwood Court in Blocks 13008 and 13010. Resolution of Intention to vacate and abandon, and setting date for public hearing on December 11, 1978 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 1379-S.P., and Res. of Intent 377, to vacate and abandon and setting hearing. (Clerk to handle)

CONSENT

26. Consider revisions in the Position Classification Plan to revise specifications for Battalion Chief, and delete Assistant Fire Chief classification, and amend the resolution establishing salary schedules and fixing compensation for positions in City service. (Memorandum with agenda. Resolution revising Position Classification Plan and resolution amending the salary schedule needed.)

ACTION: Res. 78-1180 adopted revising Position Classification Plan.
Res. 78-1181 adopted amending the salary schedule. (Management Services to handle)

MISCELLANEOUS

27. Legislation

None

28. Appointments

ACTION: Res. 78-1182 adopted (Lang/Mensinger, unan., Dunlap, Siefkin absent) appointing Julie Crawford to Youth Commission, term to expire 5/31/79.
Res. 78-1183 adopted (same vote) reappointing Ruth Smith & Robert H. Stuart to the Culture Commission, terms to expire 1/1/83.
Res. 78-1184 adopted (same vote) reappointing Charles Jolitz to the Planning Commission, term to expire 1/1/82.
Res. 78-1185 adopted (same vote) reappointing Blaine Pack to the Board of Zoning Adjustment, term to expire 1/1/83.
Res. 78-1186 adopted (same vote) reappointing Larry Carter, John Funnell, Gerald Oberkamper, Frank Van Konynenburg to the Farm-City Advisory Committee, terms to expire 5/1/82.
Res. 78-1187 adopted (same vote) reappointing Laurence B. Martin to Citizen's Housing & Community Development Committee; reappointing Walter Thompson and Bart Bennett to the Housing Maintenance & Counseling Sub-Committee; and reappointing Eusebio Ramirez to the Rehabilitation Loan Pool Sub-Committee. Terms to expire 6/30/82.

29. Matters too late for the agenda

None

Adjourned at 2:10 a.m. to Tuesday, November 14, 1978, at 5:00 p.m., in Room 310 of the Beaty Building, 1029 J Street, Modesto, for a meeting with the D.I.D. and D.M.A. Boards of Directors.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

The Council of the City of Modesto met pursuant to adjournment at 5:00 p.m., in Room 3104 of the Beaty Building, 1029 J Street, Modesto, California, in a joint City Council - Downtown Improvement District Advisory Board - Downtown Modesto Association meeting.

Present: Councilmembers Elliott, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Dunlap and Kullifjian

There was a general discussion of topics of common interest.

Adjourned at 6:00 p.m.

ATTEST:


NORRINE COYLE, City Clerk

Roll Call - Present: Councilmembers Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: Dunlap

Pledge of Allegiance to the Flag

Invocation: Rev. Louis Dykstra, College Avenue Christian Reformed Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 4, 5, 6, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28

Removed from consent: 7

ACTION: (Siefkin/Lang, unan., Dunlap absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

- 1. Approval of minutes of regular City Council meeting of November 13, 1978, and adjourned regular City Council meeting of November 14, 1978. (Motion approving needed,)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

- 2. Letter from Harvey T. Boyd, former Manager of Cablecom-General, regarding the high quality of Modesto's Cable TV system. (Motion acknowledging receipt needed.)

ACTION: By motion, receipt of letter acknowledged.

- 3. Letter from Tri-Vest requesting that a measure concerning housing be placed on the ballot for the March, 1979, election.

ACTION: By motion (Lang/Mensinger, unan., Dunlap absent) this item referred to staff for further information and report back in two weeks. (Planning to handle)

11/20/78

BIDS

CONSENT

4. Consider approval of specifications and authorize call for bids to be opened December 12, 1978, at 2:00 p.m. for furnishing one combination tractor-loader.
(This unit will serve as a replacement for Equipment 50319, a 1966 Ford 3400 gas-powered tractor and 730 loader, presently in pool service and used by all departments. Resolution authorizing call for bids needed. Estimated Cost: \$18,417; funds are budgeted.)

ACTION: Res. 78-1188 adopted authorizing call for bids. (Finance to handle)

CONSENT

5. Consider award of contract to E & S Electrical for construction of street light modernization, County Housing Authority - Block 3010. (Bids were opened on October 24, 1978 and the low bid of E & S Electrical from Fresno is 7% under the engineer's estimate. It is recommended that the contract be awarded to them. Resolution awarding contract to E & S Electrical needed. Estimated Cost: \$32,845.50 (Contr. \$28,845.50; Engr. \$4,000); funds are budgeted.)

ACTION: Res. 78-1189 adopted awarding contract to E & S Electrical. (P.W. to handle)

CONSENT

6. Consider award of contract for construction of East La Loma Park. (Bids were opened November 14, 1978. The low bid of \$288,071.00, submitted by George Reed, Inc. is 9.9% above the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department and the Parks and Recreation Department that the contract be awarded to George Reed, Inc. Resolution awarding contract to George Reed, Inc. needed. Estimated Cost: \$288,071; funds are budgeted.)

ACTION: Res. 78-1190 adopted awarding contract to George Reed, Inc. (P.W. to handle)

7. Consider award of contract for Fire Department radio/dispatch system to Motorola, Inc
(This system will replace the obsolete base radio, mobile, and portable Fire Department radios and will replace present hard-wire dispatch system with radio dispatch units. Memo with agenda. Resolution awarding contract to Motorola Corporation needed. Estimated Cost: \$136,000; funds are budgeted.)

ACTION: Res. 78-1191 adopted (Kullijian/Siefkin, unan., Dunlap absent) awarding contract to Motorola, Inc. (Fire to handle)

CONSENT

8. Consider the annulment of the contract with Western Pipeline Co., Inc. for the construction of subtrunk sewer in Blue Bird Drive and consider award of contract to RACO, Inc. for said construction. (Memo with agenda. The low bidder has failed to execute his contract and has forfeited his bond. Therefore, we are recommending that the contract be awarded to the next qualified bidder. Resolution annulling award of contract to Western Pipeline Co., Inc. needed and resolution awarding contract to RACO, Inc. Estimated Cost: \$29,457.25; funds are budgeted.)

ACTION: Res. 78-1192 adopted annulling contract. (P.W. to handle)
Res. 78-1193 adopted awarding contract to RACO, Inc. (P.W. to handle)

- 8A Matters for the Good of the Community.

None

ORDINANCES

CONSENT

9. An ordinance amending Section 2-1.01 of Chapter 1 of Title II of the Modesto Municipal Code relating to regular Council meetings. (This Code amendment provides for changing the regular meeting day of the Council from Monday to Tuesday, effective the first meeting in January, 1979, and eliminates some unnecessary wording regarding the hour at which meetings to canvass election results are held. Introduction of ordinance needed.)

ACTION: By motion, Crd. No. 1786-C.S. introduced relating to regular Council meetings. (Clerk to handle)

10. Final adoption of Ord. No. 1784-C.S. rezoning from R-1 to R-2 and from R-2 to R-1 property on the southwest corner of Orangeburg and Oakdale Road. (Edward G. Wylie)
(Motion adopting needed.)

ACTION: By motion (Lang/Siefkin, unan., Dunlap absent) Ord. 1784-C.S. adopted. (Clerk to handle)

11. Final adoption of Ord. No. 1785-C.S. rezoning from R-1, R-2 and H-1 to P-D(207) property located on the northeast corner of Sisk and Rumble Roads. (Paul Rumble/Sutherland Lumber Co.)
(Motion adopting needed.)

ACTION: By motion (Kullijian/Lang, unan., Dunlap, Mensinger absent) Ord. 1785-C.S. adopted. (Clerk to handle)

UNFINISHED BUSINESS

12. Consider a change in the Modesto Plumbing Code which would abate the use of clean running potable water as a cooling medium. (This is an energy and water conservation measure. Memo with agenda. Introduction of ordinance needed.)

ACTION: By motion (Lang/Kullijian, unan., Dunlap absent) this item referred back to staff for discussion with affected groups, such as C.I.L.C., D.I.D., and D.M.A., for reaction and report back on January 2, 1979. (P.W. to handle)

NEW BUSINESS

13. Consider elimination of fire alarm box system.
(Memo with agenda. Motion approving recommendation needed.)

ACTION: Ey motion (Mensingher/Siefkin, unan., Dunlap absent) recommendation approved. (Fire to handle)

14. Consider employing architect/engineer for 11th Street Garage.
(Memo with agenda. It is recommended that Conrad and Associates be employed. Contract is in two phases. The first phase would cost \$20,000. If the project is built, the cost would be \$60,000 (including the \$20,000 for the first phase.) Resolution certifying review of environmental assessment and resolution approving the agreement needed. Estimated Cost: \$20,000 - \$60,000; funds are budgeted.)

ACTION: Res. 78-1194 adopted (Mensingher/Siefkin, majority, Kullijian-no, Dunlap absent) certifying Environmental Assessment Review.
Res. 78-1195 adopted (same vote) approving agreement. (P.T. to handle)

Mayor Davies appointed Councilmembers Siefkin, Chairperson, Elliott and Lang as a Committee to meet with the City Manager to explore the procedure by which contracts are to be let.

CONSENT

15. Consider proposal from Mr. Alvie Stephens to harvest the pecans from City-owned trees in a portion of Tuolumne River Regional Park, located north of Legion Park Drive, west of Conejo Avenue and east of Santa Cruz Avenue. The City will be paid 50% of harvest proceeds by March 1, 1979
(Letter with agenda. Resolution approving proposal needed.)

ACTION: Res. 78-1196 adopted approving proposal. (P.R. to handle)

CONSENT

16. Consider revised resolution establishing rules and regulations for the use of Del Webb Field.
(Memo with agenda. Resolution approving revised rules and regulations needed.)

ACTION: Res. 78-1197 adopted approving revised rules and regulations. (P.R. to handle)

CONSENT

17. Consider approval of Citizens Housing and Community Development Committee recommendation regarding renewal of agreement with Crocker Bank.
(New monies are available from our 4th Year Community Development Block Grant funds and from previous year's carryover for deposit with Crocker Bank calling for an amendment of our existing agreement. Resolution approving agreement needed.)

ACTION: Res. 78-1198 adopted approving agreement. (Planning to handle)

CONSENT

18. Consider approval of Citizens Housing and Community Development Committee recommendation regarding expiring contract with Self-Help Enterprises (SHE).
(Our present contract with SHE is due to expire November 30, 1978. Citizens Housing and Community Development Committee is recommending an extension for 1 year in the amount of \$66,150 (budget attached). Resolution approving agreement needed.)

ACTION: Res. 78-1199 adopted approving agreement. (Planning to handle)

CONSENT

19. Consider request for sewer service to property outside City limits.
Owner: Horn Construction
(A request for sewer service has been made for property on River Road, east of Herndon. A standard agreement for sewer service outside of City has been prepared and signed by applicant. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-1200 adopted approving agreement. (P.W. to handle)

CONSENT

20. Request for refund of business license tax - Raburn's Delivery Service.
(Memo with agenda. Resolution approving refund needed.)

ACTION: Res. 78-1201 adopted approving refund. (Finance to handle)

CONSENT

21. Authorize staff to contact C.P.A. firms to determine which ones might be interested in conducting the City's audit.
(The last contract was for a three-year period, and it is recommended that negotiations for the new contract be conducted on that basis. Memo with agenda. Motion authorizing staff to proceed needed.)

ACTION: By motion, staff authorized to proceed. (Manager to handle)

CONSENT

22. Adoption of Resolution of Application for Annexation of the Standiford No. 2 Annexation.
(The proposed annexation is a developed 18.495-acre island located on the north side of Standiford Ave., west of Tully Rd. Pursuant to the new annexation legislation, the City Council may initiate annexation proceedings for islands of less than 100 acres and the annexation may be completed without a protest hearing or election if approved by LAFCO and the Board of Supervisors. Memo and map with agenda. Adoption of a resolution of application initiating annexation proceedings needed.)

ACTION: Res. 78-1202 adopted initiating annexation proceedings. (Clerk to handle)

CONSENT

23. Consider acceptance of Grandview Acres Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Developer, Ernest R. Threet). (Grandview Acres Subdivision is located east of Dale Road and north of Veneman Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1203 adopted accepting improvements as complete. (Clerk to handle)

CONSENT

24. Consider acceptance of improvements in Prescott Homes Subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods (Subdivider: Danjim, a partnership). (Prescott Homes Subdivision is located West of Prescott Road and East of Conant Avenue and South of Eicher Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1204 adopted accepting improvements as complete. (Clerk to handle)

REPORTS

25. Report on letter from Jack E. George, Principal of Creekside Private School, regarding the future use of property on which their school is located. (Memo with agenda Motion approving staff recommendations for reply to Jack E. George needed.)

ACTION: By motion (Kullijian/Lang, unan., Dunlap absent) this item held over to December 4, 1978. (Clerk to handle)

CONSENT

26. Presentation of Financial Statement for October 1978. (Copies of report with agenda. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

27. Consider an appropriation transfer of \$7,661 from the General Reserve for removal of power poles and electrical transmission lines in conjunction with the Clear Zone project at the Modesto City-County Airport/Harry Sham Field. (Work has been completed by the MID in removing poles and electrical transmission lines. The original cost estimate prepared by the MID has been exceeded. The net cost to the City will be \$383.03. See memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1205 adopted approving appropriation transfer. (Finance to handle)

CONSENT

28. Consider appropriation transfer of \$1,350 from the General Reserve of the General Fund for rental of barricades on certain streets adjoining McHenry Avenue,
(Memo with agenda, Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1206 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

29. Legislation

None

30. Appointments

None

31. Matters too late for the agenda

- ACTION: Res. 78-1207 (Kullijian/Elliott, unan., Dunlap absent) setting hearing on December 4, 1978, 4:00 p.m. (Hearing No. 2)
- a. to consider the transfer of the bus bench franchise from The Transadttise Company to Frank Imburg.
 - b. Mayor Davies asked that the City Manager check on whether the hour for all Council meetings should be set at 7:30 p.m.

Adjourned at 5:25 p.m.

ATTEST:

Norrine Coyle
NORRINE COYLE, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, NOVEMBER 27, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, ..

Absent: Mayor Davies

Pledge of Allegiance to the Flag

Invocation: Rev. Stan Wright - Vintage Faire Christian Center

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 4, 6, 15, 16, 17,
Dropped from agenda: 14 18, 19

ACTION: (Siefkin/Lang, unan., Mayor Davies absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the November 20, 1978, City Council meeting.
(Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

2. Petition from residents in the Modesto Swim and Racquet Club area regarding noise in their neighborhood.

ACTION: By motion (Siefkin/Elliott, unan., Mayor Davies absent) this matter was referred to staff to meet with Mr. Earle to discuss the problem and recommend a solution to the problem. (Planning to handle)

3. Letter from Richard Vermeulen requesting reconsideration of the Council decision regarding College West Neighborhood.

ACTION: By motion (Elliott/Kullijian, majority, Mensinger, Siefkin-no, Mayor Davies absent) no further action taken on this matter.

CONSENT

4. Letter from H. L. Richardson, State Senator, regarding the Air Quality Maintenance Plan.
(Motion acknowledging receipt needed.)

ACTION: By motion, receipt of letter acknowledged.

5. Letter from Modesto City Schools District requesting that a measure be placed on the March, 1979, ballot concerning changing the election date from March to November of each odd-numbered year.
(Motion directing staff needed.)

ACTION: By motion (Elliott/Siefkin, majority, Kullijian, Leng-no, Mayor Davies absent) request was denied and staff directed to include this matter in items to be considered during the 1980 Charter review. BIDS (Clerk/Atty. to handle)

CONSENT

6. Consider declaring C & C Trailer and Body Company lowest bidder meeting City of Modesto specifications and authorize the purchase of two garden refuse collection trucks for the total price of \$118,482.56, including state and local tax.
(Memorandum with agenda. Resolution authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-1208 adopted authorizing purchase. (Finance to handle)

HEARINGS

7:30 p.m.

8. Hearing to consider abandonment of the 10-foot public alley in Block 3077 which extends north from Victor Way west of Mary Lane. No. 2

ACTION: Res. 1380-S.P. adopted (Lang/Kullijian, unan., Mayor Davies absent) abandoning alley. (Planning to handle)

9. Hearing on amendment to Section 10-3-9 of the Zoning Map to rezone from R-1 to R-2 property on Coffee Road south of Mable Avenue (Stone Bros. & Associates) No. 3

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) Ord. No. 1787-C.S. introduced, rezoning. (Clerk/Planning to handle)

Res. 78-1209 adopted (Lang/Kullijian, unan., Mayor Davies absent) certifying review of environmental impact. (Clerk/Planning)

10. Hearing on amendment to Section 10-3-9 of the Zoning Map to rezone from R-1 to P-D property on the southeast corner of Mable Avenue and Coffee Road (Stone Bros. & Associates) No. 4

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) Ord. No. 1788-C.S. introduced, rezoning.

Res. 78-1210 adopted (Lang/Kullijian, unan., Mayor Davies absent) approving plan.

Res. 78-1211 adopted (Lang/Kullijian, unan., Mayor Davies absent) certifying review of environmental impact. (Clerk/Planning)

11. Informal hearing to consider Woodland Neighborhood
Zoning and Development Plan

No. 5

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent)
plan approved. (Planning to handle)

12, Informal hearing to discuss bus rider promotion plan

No, 6

ACTION: By motion (Lang/Kullijian, unan., Mayor Davies absent) plan
referred to City-County Transportation Committee for study
and recommendation by March 1, 1979. (P.T. to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

14. Consider declaring over 500 used parking meters surplus to City needs and authorize the Purchasing Officer to hold a public sale for parking meters and bicentennial supplies December 15, 1978, starting at 8:00 a.m. at the City Hall underground parking lot. (Memorandum with agenda. Resolution declaring property surplus, authorizing public sale and setting prices needed.)

DROPPED FROM AGENDA

CONSENT

15. Consider approving agreement with Roger L. Gish and Mary A. Gish for the lease of 2 $\frac{1}{2}$ acres of almond trees and 2 $\frac{1}{2}$ acres bare land (Aqueduct Park Site). (Memo with agenda. Lease is for period of two years with lessee paying City 25% of all crops and pay all taxes and utilities. Resolution approving agreement needed.)

ACTION: Res. 78-1212 adopted approving agreement. (P.W. to handle)

CONSENT

16. Consider approving lease agreement with Joseph DeAnna for the lease of the former Sommerfield almond orchard (2.4¹ acres - Part of future Dry Creek Park area).
(Lease is for \$100 per year for two years. Lessee pays all taxes and utilities. Lease will expire October 31, 1980. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-1213 adopted approving agreement. (P.W. to handle)

CONSENT

17. Consider renewing lease with Don L. Thiel for a month-to-month tenancy. Lease is for a portion of old Police building lot on Tenth Street.
(The original lease expired July 31, 1978. It was not renewed in anticipation of improving the site for use in conjunction with the Police station. Plans have not yet been finalized so the lot is again being leased to Mr. Thiel with a 10-day termination clause at \$55 per month. Resolution approving agreement needed.)

ACTION: Res. 78-1214 adopted approving agreement. (P.W. to handle)

CONSENT

18. Consider acceptance of Lakewood Park subdivision and authorize City Clerk to file Notice of Completion and release bonds upon expiration of statutory periods. (Subdivider: J. C. Bearden and Dorothy Bearden)
(Lakewood Park subdivision is located at the northeast corner of Lakewood Avenue and E. Orangeburg Avenue. All improvements have been completed to the satisfaction of the Public Works Department and fees have been paid. Resolution accepting improvements as complete needed.)

ACTION: Res. 78-1215 adopted accepting improvements as complete.
(Clerk to handle)

CONSENT

19. County Referral of Open Space Contracts.
(Memo and map with agenda. No. 73-1414 (2 parcels), Bruce and Mabel Lynch, south side of North Avenue, $\frac{1}{4}$ mile west on Highway 99, 2824 North Avenue; 11.24 acres; 3118 North Avenue, 19.7 acres. No. 74-1673 (2 parcels), Joe and Diane Venturini, northeast corner Gomer and Claus Roads, 4205 Gomes Road, 12.2 acres; East side of Claus, $\frac{1}{4}$ mile north of Yosemite, no address, 22.16 acres. Resolution supporting Williamson Act Contract for property at 3118 North Avenue needed; and three resolutions in opposition of the other three parcels needed.)

ACTION: Res. 78-1216 adopted supporting Williamson Act Contract for ppty. at 3118 North Avenue. (Bruce Lynch)
Res. 78-1217 adopted opposing ppty. at 2824 North Avenue. (Lynch)
Res. 78-1218 adopted opposing ppty. at 4205 Gomes Rd. (Joe Venturini)
Res. 78-1219 adopted opposing ppty on east side of Claus, $\frac{1}{4}$ mile north of Yosemite (Venturini) (Clerk to handle)

20. Acceptance of \$5,000 donation from the Modesto Rotary Club to be used to help restore the McHenry Mansion.
(Resolution accepting donation needed.)

ACTION: Res. 78-1220 adopted (Lang/Elliott, unan., Mayor Davies absent) accepting donation with appreciation. (Finance to handle)

MISCELLANEOUS

21. Legislation

None

22. Appointments

None

23. Matters too late for the agenda

None

Adjourned at 10:06 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

~~MINUTES AND ACTION AGENDA~~

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 4, 1978 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Mensinger, Siefkin, Mayor Davies, Kullijian, Lang.

Absent: Councilmember Elliott

Pledge of Allegiance to the Flag

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 6, 7, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27

ACTION: (Dunlap/Kullijian, unan., Elliott absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of the November 27, 1978, City Council meeting. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from William A. Huckaby, P.E., Jorgensen-Tolladay Engineers requesting amendment of Resolution 78-324, approving P-D(181), (Resolution amending Res. 78-324 as recommended needed.)

ACTION: Res. 78-1221 adopted amending Res. 78-324. (Planning to handle)

CONSENT

3. Letter from Oakridge Townhouses Association requesting information regarding development plans for Dry Creek Park. (Motion referring to staff to handle needed.)

ACTION: By motion, letter referred to staff. (P.E. to handle)

CONSENT

4. Request to present a late claim on behalf of Bonnie Jack Heffington against the City of Modesto for false arrest and prosecution for possession of illegal tapes. (Resolution denying request to file claim needed.)

ACTION: Res. 78-1222 adopted denying request to file. (Clerk to handle)

5. Letter from Andrea Stephens concerning rent on City-owned house at 626 Brighton Avenue.

ACTION: By motion (Kullijian/Mensing, unan., Elliott absent) City Manager's plan to accept \$100 for the rent on the house, payable in three installments, approved. (P.W. & Finance)

BIDS

CONSENT

6. Consider approval of plans and specifications and call for bids for the construction of storm flow bypass at the City of Modesto Water Quality Control Plant.
(Suggested bid opening: December 19, 1978 at 11:00 a.m. The installation of this system will allow bypass of storm water directly to the ponding system during excessive rainfall. This will alleviate accumulation of sand at the primary plant. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$16,143.44 (\$15,374.70 Contract; \$768.74 Engineering); funds are budgeted.)

ACTION: Res. 78-1223 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

7. Consider award of contract for construction of City streets, Standiford Avenue from west of Carver Road to Tully Road - F.A.U. Project No. F201(1).
(Bids were opened on November 14, 1978. The low bid of \$330,408.55 submitted by Lee White Paving Company is 16.6% below the engineer's estimate and is considered acceptable. It is recommended by Caltrans, by Stanislaus County, and by the Public Works Department that the bid be awarded to them. Resolution awarding contract to Lee White Paving Co. needed. Estimated Cost: \$370,008.55 (Contract \$330,408.55; Engr. & Contg. \$39,600); funds are budgeted.)

ACTION: Res. 78-1224 adopted awarding contract. (P.W. to handle)

CONSENT

8. Consider award of contract for the construction of waterline extensions in Conant Avenue and Standiford.
(Bids were opened on November 28, 1978. The low bid of \$31,413.85, submitted by Mac's Backhoe Service is 17% below the engineer's estimate and is considered acceptable. It is, therefore, recommended by the Public Works Department that the contract be awarded to Mac's Backhoe Service. Resolution awarding contract to Mac's Backhoe Service needed. Funds are budgeted.)

ACTION: Res. 78-1225 adopted awarding contract. (P.W. to handle)

CONSENT

9. Consider award of contract for construction of Lakewood Avenue sewer trunk trench repair.
(Bids were opened on November 28, 1978. The low bid of Lee White Paving is 38% below the engineer's estimate and is considered acceptable. It is recommended by the Public Works Department that the bid be awarded to them. Resolution awarding contract to Lee White Paving needed. Estimated Cost: \$12,000 (Contract \$10,965; Engr. \$1,035); funds are budgeted.)

ACTION: Res. 78-1226 adopted awarding contract. (P.W. to handle)

CONSENT

10. Consider waiving formal bid by five affirmative votes and authorize the purchase of one compound water meter from Hersey Products, Inc., for the total price of \$4,568.60.
(Memorandum with agenda. Resolution waiving formal bid and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-1227 adopted waiving formal bid & authorizing purchase.
(Finance to handle)

HEARINGS

4:00 P.M.

11. Hearing of Necessity to acquire six remaining parcels on the Orangeburg-Collier to Coffee project. No. 1

ACTION: Res. 78-1228 adopted (Dunlap/Siefkin, unan., Elliott absent) acquiring Morgan property for Orangeburg-Collier to Coffee project.
Res. 78-1229 adopted (same vote) acquiring Krum property for Orangeburg-Collier to Coffee project.
Res. 78-1230 adopted (same vote) acquiring Black property for Orangeburg-Collier to Coffee project.
Res. 78-1231 adopted (same vote) acquiring Shurtz property for Orangeburg-Collier to Coffee project.
Res. 78-1232 adopted (same vote) acquiring Cipponeri property for Orangeburg-Collier to Coffee project.
Res. 78-1233 adopted (same vote) acquiring Church property for Orangeburg-Collier to Coffee project. (P.W. to handle)

12. Transfer of bus bench franchise business from The Transaditise Company to Frank Imburg. No. 2

ACTION: By motion (Leng/Mensinger, unan., Elliott absent) Ord. No. 1789-C.S. introduced. (P.T. to handle)

13. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

CONSENT

14. Final adoption of the following ordinances:

- a. Ord. No. 1786-C.S. changing City Council meetings from Mondays to Tuesdays.
- b. Ord. No. 1787-C.S. amending Section 10-3-9 of the Zoning Map to rezone from R-1 to R-2 property on Coffee Road south of Mable. (Stone Bros. & Associates)
- c. Ord. No. 1788-C.S. amending Section 10-3-9 of the Zoning Map to rezone from R-1 to P-D property on the southeast corner of Mable Avenue and Coffee Road. (Stone Bros. & Associates)

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

NEW BUSINESS

15. Consider Modesto City Hospital lease proposal for part of Lincoln School site,
(Memo with agenda. The proposal is to lease a 300' x 160' area at 17th and H Streets. They would like a 3 or 5 year lease and would pay \$300 or \$500/month respectively. If the Council has no plans for the property, either of the leases is recommended. Motion directing staff needed.)

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) staff directed to prepare a 5-year lease for Council approval. (P.T. to handle)

CONSENT

16. Consider approval of sewer agreement with developers of Hillsboro North subdivision.
(Transworld Financial Corporation is developing Hillsboro North subdivision in the City of Modesto and a portion of the sewer facility will serve an adjacent area. The agreement provides for Transworld to be reimbursed a portion of their sewer costs as provided by the Modesto Municipal Code. Resolution approving agreement needed.)

ACTION: Res. 78-1234 adopted approving agreement. (P.W. to handle)

CONSENT

17. Consider approval of the final map of Martin Manor No. 1 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. Subdividers: Rule Enterprises, a corporation. (The subdivision agreement has been signed and all fees paid. Martin Manor No. 1 is located between Laurel Avenue and the Modesto Irrigation District Lateral No. 4, east of Emerald Avenue. It contains 9.944 acres. Resolution approving final map needed.)

ACTION: Res. 78-1235 adopted approving final map. (Clerk to handle)

CONSENT

18. Consider agreement with Mary A. Adams for the purchase of her real property located at 613 Sunset Avenue for use as an addition to Del Webb Soccer Field.
(The City is in the process of acquiring 12 parcels of land for the expansion of Del Webb Soccer Field. The Adams property will be the 10th. Mrs. Adams agreed to settle for the appraised value of \$30,000, plus relocation benefits she is entitled to. Memo with agenda. Resolution approving agreement needed. Estimated Cost: \$30,000 plus \$500 Est. Escrow-\$30,500 Total; funds are budgeted.)

ACTION: Res. 78-1236 adopted approving agreement. (P.W. to handle)

CONSENT

19. Consider approving agreement with Roger D. Smith and Beverly R. Smith for the lease of 0.6⁺ acres of land being held for future Aqueduct Park,
(Lease is for three years at \$600 per year with lessee paying property taxes. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-1237 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider declaring over 500 used parking meters surplus to City needs and authorize the Purchasing Officer to hold a public sale for parking meters and centennial supplies December 15, 1978, starting at 8:00 a.m. at the City Hall underground parking lot.
(Memorandum with agenda. Resolution declaring property surplus, authorizing public sale and setting prices needed.)

ACTION: Res. 78-1238 adopted declaring property surplus, authorizing public sale & setting prices. (Finance to handle)

CONSENT

21. Set informal hearing to consider revised sewer service charges for residential, commercial and industrial customers.
(Federal grant conditions require that we review our sewer service charges on a regular basis to assure that the charge made for service reasonably reflects the cost of providing each class of service. It is recommended an informal hearing to consider sewer service charges be set for Monday, December 18, 1978 at 4:00 p.m. Resolution setting hearing on December 18, 1978 at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-1239 adopted setting hearing. (Clerk to handle)

CONSENT

22. Consider lease agreement between Phillip Hendley and the City of Modesto to construct an Aircraft Refueling Facility at the Modesto City-County Airport/Harry Sham Field, (The Shell facility at the Airport was amortized and became City-owned about January 1, 1978. The original agreement provided a 5-year option to be negotiated in good faith. Mr. Hendley is requesting permission to construct a jet refueling facility, exercise the 5-year option, and request an additional 5-year option to amortize the new construction. An agreement has been prepared to accomplish this. Memo with agenda. Resolution approving agreement needed.)

ACTION: Res. 78-1240 adopted approving agreement. (P.W. to handle)

CONSENT

23. Consider approving agreement with Reuel C. Barnes and Wanda J. Barnes for the lease of the former Sommerfeld property being held for future Dry Creek Park. (The lease is basically the same as the old, i.e. same rent, tax arrangement, etc. It will terminate November 30, 1979. Memo with agenda. Resolution approving agreement and resolution terminating existing agreement needed.)

ACTION: Res. 78-1241 adopted approving agreement. (P.W. to handle)
Res. 78-1242 adopted terminating existing agreement. (P.W. to handle)

CONSENT

24. Consider approving lease agreement with Virgil Van Schoonhoven and Joyce Van Schoonhoven for lease of the former Crismon house located on future Dry Creek Park area. (This is an existing lease which has expired and is being renewed. The rent has been raised from \$175 per month to \$375 per month with lessee paying taxes. Lease is for one year and expires November 30, 1979. Memo with agenda. Resolution approving lease agreement needed,)

ACTION: Res. 78-1243 adopted approving lease agreement. (P.W. to handle)

REPORTS

25. Report on letter from Jack E. George, Principal of Creekside Private School, regarding the future use of property on which their school is located. (Memo with agenda. Motion approving staff recommendations for reply to Jack E. George needed.)

ACTION: By motion (Dunlap/Siefkin, majority, Kullijian-no, Elliott absent) staff directed to study and report on the condition of the building, extended lease, and rental rates. (P.R. to handle)

26. Report concerning March, 1979 Housing Referendum, as requested by Tri-Vest.
(Report with agenda. Motion to put housing referendum on March ballot and directing staff to develop referendum wording needed.)

ACTION: By motion (Lang/Kullijian, unan., Elliott absent) intention indicated to put housing measure on March ballot, and staff directed to develop wording. (Planning to handle)

APPROPRIATION TRANSFERS

CONSENT

27. Appropriation transfer of \$2,954 from General Reserve to Dryden Golf Course budget, Maintenance and Repair, Automotive Equipment account.

(It has been necessary to purchase new batteries for the 20 golf carts at Dryden Golf Course during the past calendar year. Each cart takes six batteries at a cost of \$55 each. This has run the maintenance account for golf carts down to nothing. In order to do the necessary maintenance on the golf carts for the remainder of this fiscal year, an additional \$2,954 is needed. Income expenditure summaries to date on golf cart operations show a net gain in the order of \$18,000 which provides funding sufficient to cover transfer. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1244 adopted approving appropriation transfer. (Finance to handle)

MISCELLANEOUS

28. Legislation

None

29. Appointments

None

30. Matters too late for the agenda

- a. Cost of Candidates Statement of Qualifications
Res. 78-1245 adopted (Lang/Kullijian, unan., Elliott absent) determining that for the March, 1979, election, Candidates Statements of Qualifications will be limited to 200 words and that candidates will not be charged for the cost of translating, printing and mailing the statements. (Clerk to handle)
- b. Mr. Buzbee commended the Council on the dial-a-ride program.
(Clerk to handle)

Adjourned at 5:40 p.m. to executive session to consider an employee relations matter and then to December 11, 1978, 12:00 noon, at the Big Yellow House, 3105 McHenry Avenue, Modesto, for a meeting with Congressman-elect Tony Coelho.

ATTEST: Normie Coyle
NORMIE COYLE, City Clerk

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12/4/78

Modesto City Council
Adjourned Regular Council Meeting
December 11, 1978

The Modesto City Council met pursuant to adjournment at 12:00 noon at the Big Yellow House, 3105 McHenry Avenue, Modesto, California, to meet with Congressman-elect Tony Coelho.

Present: Councilmembers Dunlap, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Elliott, Kullijian

Various pieces of federal legislation that would affect Modesto were discussed with Congressman-elect Coelho.

The meeting adjourned at 1:30 p.m.

ATTEST: *Norrine Coyne*
NORRINE COYNE, City Clerk

CITY OF MODESTO
AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 11, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. George Cripe, Memorial Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, 9,
Removed from Consent: 5, 18 10, 17, 20, 21, 22, 23,
ACTION: (Siefkin/Lang, unan.) 24, 25, 26, 27, 28, 30, 31,
32, 33, 34, 35, 36, 37, 38, 39

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

- 1. Approval of minutes of the regular meeting of the City Council held on December 4, 1978. (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

- 2. Letter from Bert C. Corona, Superintendent of Modesto City Schools, requesting that Council reconsider its decision regarding placing a Charter amendment concerning the election date on the March 1979 ballot.

ACTION: A motion to approve the request failed to carry.

CONSENT

- 3. Letter from Barbara Brazil requesting abandonment of a portion of the block at the intersection of Washington and M Streets adjacent to Lots 14, 15, and 16. (Motion referring to Planning Commission needed.)

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

CONSENT

- 4. Letter from Rule Development appealing a decision of the Planning Commission regarding rezoning property on the northwest corner of Oakdale Road and Lancey Drive from P-O to P-D. (Resolution setting hearing January 9, 1979, at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-1246 adopted setting hearing. (Clerk to handle) 12/11/78

BIDS

5. Consider approval of specifications and authorize call for bids to be opened January 2, 1979, at 2:00 p.m. for furnishing one data processing line printer.
(The line printer will interface with the Burroughs B1700 computer presently on hand and will not replace any like equipment. Equipment will allow Data Processing to increase printing productivity from 300 lines per minute to 1200 lines per minute. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$35,000; funds are budgeted.)

ACTION: Councilmember Dunlap excused due to a conflict of interest. Res. 78-1247 adopted (Elliott/Kullijian, unan., Dunlap absent) approving specs. and authorizing call for bids. (Finance to handle)

CONSENT

6. Consider approval of plans and specifications for the construction of the extension of Sonoma trunk sewer.
(Suggested bid opening: January 2, 1979 at 2:10 p.m. The Sonoma sewer trunk line is being extended north to provide eventual sewer service to the Orchard Neighborhood. It is important to cross the M.I.D. Lateral #3 prior to the irrigation season. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$34,418.75 (\$32,875 Contract; \$1,543.75 Engr.); funds are budgeted.)

ACTION: Res. 78-1248 adopted approving plans and specs. and calling for bids. (P.W. to handle)

CONSENT

7. Consider acceptance of Joe Martin's contract for construction of waterline extension on Pamilla Drive and Semallon Drive.
(Original contract: \$26,643.60)
(All work on this project has been completed to the satisfaction of the Public Works 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: \$26,524.80 (Main only; no services); funds are budgeted.)

ACTION: Res. 78-1249 adopted accepting work as complete. (Clerk to handle)

CONSENT

8. Consider acceptance of Osterberg and Stewart's contract for drilling, casing, testing and development of one well for the City of Modesto Well No. 45 (Mancini Park well). (Original contract: \$11,467)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$14,238.20. Funds are budgeted.)

ACTION: Res. 78-1250 adopted accepting work as complete. (Clerk to handle)

CONSENT

9. Consider waiving formal bid by five affirmative votes and authorize the purchase of two front-end claw loaders from Edward R. Bacon for the total price of \$64,415.60.
(Memorandum with agenda. Resolution waiving formal bid and authorizing purchase needed. Funds are budgeted.)

ACTION: Res. 78-1251 adopted waiving formal bid. (Finance to handle)

CONSENT

10. Consider acceptance of Chas. I. Cunningham Company's contract to construct site improvements at Pump Station No. 14 on Virginia Avenue as complete. (Original contract: \$42,000)
(All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$42,000; funds are budgeted.)

ACTION: Res. 78-1255 adopted accepting work as complete. (Clerk to handle)

HEARINGS

7:30 P.M.

11. Annex Laurel Avenue No. 2 Addition to Modesto Municipal Sewer District No. 1. No. 1

ACTION: Res. 78-1252 adopted (Lang/Elliott, unan.) annexing to sewer district. (Clerk/Planning to handle)

12. Annex Coffee No. 3 Addition to Modesto Municipal Sewer District No. 1. No. 2

ACTION: Res. 78-1253 adopted (Dunlap, Elliott, unan.) annexing to sewer district. (Clerk/Planning to handle)

13. Annex Snyder Avenue Addition to Modesto Municipal Sewer District No. 1. No. 3

ACTION: Res. 78-1254 adopted (Dunlap/Lang, unan.) annexing to sewer district. (Clerk/Planning to handle)

14. Hearing on vacation and abandonment of 6 foot public walkway between Woodrow Avenue and Birchwood Court in Blocks 13008 and 13010. No. 4

ACTION: Res. 1381-S.P. adopted (Kullijian/Lang, unan.) approving abandonment. (Planning to handle)

15. Continued hearing on street pattern alternatives for the La Loma area.
(Continued from November 13, 1978 meeting.)

No. 5

- ACTION:** Councilmember Lang and City Attorney Johnson excused due to conflicts of interest.
A motion to approve Alternate D failed to carry.
By motion (Dunlap/Elliott, unan., Lang absent) Edgebrook and Encina will be left as they are for now; the Jenny-Grand and Brighton bridges will be pushed; and after the bridges are approved and underway, the traffic patterns are to be checked. Mayor Davies appointed Councilmembers Elliott and Siefkin to serve with him, members of the staff and representatives of the La Loma area to study the Jenny-Grand project. (City Manager to handle)
16. Matters for the good of the community.
(These may be presented by interested persons in the audience.)
- Mayor Davies introduced Henry Kemps representing the Farm-City Advisory Committee.

ORDINANCES

CONSENT

17. Final adoption of Ord. No. 1789-C.S. transferring the bus bench franchise from W. R. Tomson to Frank Imburg.

ACTION: By motion, Ord. No. 1789-C.S. adopted. (Clerk to handle)

Councilmember Kullijian left the Council Chambers.

CONSENT

18. Consider amending Municipal Code to add radar enforceable and non-radar enforceable speed limits.
(Memo with agenda. New speed surveys are proposed so Police can continue to use radar for enforcement. Additionally, some County speed limits have been annexed requiring legalization. Ordinance amending Code Sections 3-2.1401 and 3-2.1401.1 needed. Estimated cost: \$900; funds are budgeted.)

ACTION: By motion (Lang/Elliott, unan., Kullijian absent) Ord. No. 1790-C.S. introduced. (Clerk to handle)

NEW BUSINESS

19. Consider calling a special election to consider authorizing 600 additional low rent housing units and consolidating said special election with the general municipal election to be held on March 6, 1979.
(Copy of proposed resolution and memo with agenda. Resolution calling special election and a resolution concerning rebuttals to arguments needed.)

ACTION: Res. 78-1256 adopted (Lang/Mensing, unan., Kullijian absent) calling a special election. (Clerk to handle)

Councilmember Kullijian returned.

Res. 78-1257 adopted (Elliott/Mensing, unan.) approving rebuttals on all City measures. (Clerk to handle)

CONSENT

20. Consider resolution directing City Clerk to submit copies of the G.O.A.L. initiative (Measure A) and the low-cost housing measure (Measure B) to the City Attorney for preparation of the impartial analyses.
(Memo with agenda. Resolution directing City Clerk to submit measures to City Attorney for impartial analyses needed.)

ACTION: Res. 78-1258 adopted directing Clerk. (Clerk/Attorney to handle)

CONSENT

21. Consider revisions, additions, and deletions to the Position Classification Plan and revision of the resolution establishing salary schedules and fixing compensation for positions in City service.
(Memorandums with agenda. Resolution revising Position Classification Plan and resolution revising salary schedules and compensation for classifications needed. Funds are budgeted.)

ACTION: Res. 78-1259 adopted revising Position Classification Plan.
Res. 78-1260 adopted revising salary schedules and compensation for classifications. (Management Services to handle)

CONSENT

22. Consider stormwater drainage license agreement with Modesto Irrigation District,
(An agreement to discharge storm water into the M.I.D. canal is prerequisite to establishment of the Orchard Drainage Area. The proposed agreement is similar to existing agreements the City has with the M.I.D. regarding stormwater discharge into canals. Resolution approving agreement needed.)

ACTION: Res. 78-1261 adopted approving agreement. (P.W. to handle)

CONSENT

23. Notice of Storer application to P.U.C. for passenger stage permit.
(Memo with agenda. Storer plans to supplement its present service with passenger stage service from points in Stanislaus, Merced, and San Joaquin Counties to "places of interest and pleasure" throughout the state. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

24. Notice of P.G. & E.'s applications to increase natural gas charges.
(Memo with agenda. Applications have been made by P.G. & E. to the P.U.C. to increase gas charges by about \$218 million per year. This would be a 13.8% increase. It is recommended that the matter be left to the P.U.C. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

CONSENT

25. Acknowledge cancellation of airport lease agreement by Great Valley Travel Club, Inc.
(A letter dated November 6, 1978 has been received from Roberta Bregman, President of the Great Valley Travel Club, Inc. giving notice of their desire to cancel the airport lease agreement. The lease agreement, therefore, is terminated on December 5, 1978. Memo with agenda. Motion acknowledging cancellation of airport lease agreement needed.)

ACTION: By motion, cancellation of airport lease agreement acknowledged.
(P.W. to handle)

CONSENT

26. Consider withdrawing Woodland-Mercy Annexation from Woodland Fire District.
(Woodland-Mercy Annexation was effective November 29, 1978. Resolution withdrawing Woodland-Mercy Annexation from the Woodland Fire District needed.)

ACTION: Res. 78-1262 adopted withdrawing from fire district. (Clerk)

CONSENT

27. Consider determining that the public interest and convenience require that Woodland-Mercy Annexation be annexed to Modesto Municipal Sewer District No. 1.
(The annexation was effective November 29, 1978. Resolution setting hearing January 23, 1979 at 7:30 p.m. (Hearing No. 1) needed.)
(Five affirmative votes needed.)

ACTION: Res. 78-1263 adopted setting hearing. (Clerk to handle)

CONSENT

28. Consider approval of Release of Access Agreement at Roller King.
(Memo with agenda. Resolution approving Release of Access Agreement needed.)

ACTION: Res. 78-1264 adopted approving Release of Access agreement.
(P.W. to handle)

29. Multipurpose Senior Service Project Grant application, "Toward Effective Assessment in Management for Seniors."
(At the City Council meeting on May 1, 1978, Council directed that a letter be sent to the State regarding filing a joint application with Stanislaus County for a pilot multipurpose senior service project. The application is now complete and due on December 15, 1978. An oral presentation will be made. Resolution authorizing filing of application needed.)

ACTION: Res. 78-1265 adopted (Kullijian/Elliott, unen.) authorizing filing of application. (P.R. to handle)

CONSENT

30. Consider authorizing the issuance of a purchase order to J. H. Kleinfelder and Associates for soils tests on Dryden Trunk Sewer - E.D.A. Project No. 07-01-01753. (It is necessary to have quality control on the backfill material on this sewer project. J. H. Kleinfelder and Associates did the preliminary testing on this project and it is desirable to have them do the quality control testing. Resolution authorizing purchase order needed, Estimated cost: \$6,000; funds are budgeted.)

ACTION: Res. 78-1266 adopted authorizing purchase order. (P.W. to handle)

CONSENT

31. Consider approval of the final map of Matthew Terrace 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. Subdividers: Modesto Development, a general partnership. (The subdivision agreement has been signed and all fees paid. Matthew Terrace subdivision is located north of Scenic Drive and east of Eastridge Drive. It contains 5.212 acres. Resolution approving final map needed.)

ACTION: Res. 78-1267 adopted approving final map. (Clerk to handle)

CONSENT

32. Recommend to Council amendment to Section 16-3-9 of the Zoning Map - Calvary Temple Assembly of God, Inc. (On November 21, 1978, the Planning Commission adopted Resolution 78-222 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D to permit expansion of an existing church and private school and related facilities, property located at the northwest corner of Briggsmore Avenue and Coffee Road. Resolution setting public hearing on January 9, 1979, at 7:30 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-1268 adopted setting hearing. (Clerk to handle)

CONSENT

33. Recommend to Council an amendment to Memorial Hospital. P-D(73) (On November 21, 1978, the Planning Commission adopted Res. 78-223 recommending to the City Council an amendment to P-D(73) located at the northeast corner of Briggsmore Avenue and Coffee Road (Memorial Hospital). Resolution setting public hearing on January 9, 1979, at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-1269 adopted setting hearing. (Clerk to handle)

CONSENT

34. Recommend to Council an amendment to Section 16-3-9 of the Zoning Map - Ethen and Carolyn Whitman. (On November 21, 1978, the Planning Commission adopted Resolution 78-224 recommending to the City Council an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Floyd Avenue, west of MacGregor Court (Whitman). Resolution setting public hearing on January 9, 1979, at 7:30 p.m. (Hearing No. 4 needed.)

ACTION: Res. 78-1270 adopted setting hearing. (Clerk to handle)

CONSENT

35. Recommend to Council an amendment to the Zoning Regulations - Enforcement of Conditions of Use Permits, Variances, and Planned Development Zones.

(On November 21, 1978, the Planning Commission adopted Res. 78-229 recommending to the City Council an amendment to Sections 10-2.2707 and 10-2.2709 and adding Section 10-2.2505 to the Modesto Municipal Code. Resolution setting public hearing on January 2, 1979, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-1271 adopted setting hearing. (Clerk to handle)

CONSENT

36. Recommend to Council an amendment to the Zoning Regulations - Duplexes on Corner Lots in the R-1 Zone.

(On November 21, 1978, the Planning Commission adopted Res. 78-230 recommending to the City Council an amendment to the Zoning Regulations of the Modesto Municipal Code. Resolution setting public hearing on January 2, 1979, at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-1272 adopted setting hearing. (Clerk to handle)

CONSENT

37. Recommend to Council amendment to the Zoning Regulations - Recreation Vehicle Parking on Driveways.

(On November 21, 1978, the Planning Commission adopted Res. 78-221 recommending to the City Council an amendment to Sections 10-2.1510 and 10-2.1511 of the Municipal Code (Zoning Regulations) to permit the parking of recreational vehicles in driveways. Resolution setting public hearing on January 2, 1979, at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-1273 adopted setting hearing. (Clerk to handle)

REPORTS

CONSENT

38. Presentation of Financial Statement for November, 1978,

(Copies of report will be presented at meeting. Motion acknowledging receipt of report needed.)

ACTION: By motion, receipt of report acknowledged.

APPROPRIATION TRANSFERS

CONSENT

39. Request for appropriation transfer of \$1,200 from General Reserve to Rent of Real Property account, for rental of school facilities and equipment for recreation programs.

(Memo with agenda, Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1274 adopted approving appropriation transfer. (Finance to handle)

12/11/78

40. Legislation

None

41. Appointments

None

42. Matters too late for the agenda

at 10:50 p.m.

Adjourned / to Friday, December 15, 1978, 7:30 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto for a meeting with Assemblyman John Thurman.

ATTEST:

Norrine Cole
NORRINE COLE, City Clerk

Modesto City Council
Adjourned Regular Council Meeting
December 15, 1978

The Modesto City Council met pursuant to adjournment at 7:30 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California, to meet with Assemblyman John Thurman.

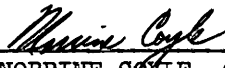
Present: Councilmembers Elliott, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Dunlap, Kullijian, Lang

Various pieces of state legislation that would affect Modesto were discussed with Assemblyman Thurman.

The meeting adjourned at 9:00 a.m.

ATTEST:



NORRINE COYLE, City Clerk

CITY OF MODESTO
 AGENDA FOR COUNCIL MEETING OF MONDAY, DECEMBER 18, 1978 AT 4:00 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Kullijian, Lang,
 Mensinger, Siefkin, Mayor Davies
 (Councilmember Kullijian arrived at 4:05 p.m.)
 Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Al Vaters, Bethel Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 9, 10, 11,
 12, 13, 14, 15, 16, 17, 18, 19,
 20, 21, 22, 23, 24
ACTION: (Lang/Mensinger, unan., Kullijian
 absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

- Approval of minutes of the City Council's adjourned regular meeting of Monday, December 11, 1978, and the regular meeting of December 11, 1978.
 (Motion approving needed.)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

- Request by Nora Holdridge and Roberta Stafford to abandon a walkway in Block 6015, Greenwood Drive west of Tully Road.
 (Motion referring to Planning Commission needed.)

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

CONSENT

- Letter from Walter W. Bregman resigning from the Modesto Human Rights Commission.
 (Resolution accepting resignation with regret needed.)

ACTION: Res. 78-1275 adopted accepting resignation. (Clerk to handle)

12/18/78

BIDS

CONSENT

4. Consider approving specifications and authorizing call for bids to be opened January 16, 1978, at 2:00 p.m. for furnishing seven truck liftgates.
(Liftgates will be installed on presently-owned pool equipment operated by the Parks and Recreation Department. Liftgates will allow equipment operators to lift lawn mowers, edgers, etc., from vehicles. Resolution approving specifications and authorizing call for bids needed. Estimated Cost: \$5,523; funds are budgeted.)

ACTION: Res. 78-1276 adopted calling for bids. (Finance to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for HCDA removal of architectural barriers, Phase II.
(Suggested bid opening date: January 9, 1979, at 11:00 a.m. This project will replace vertical curb with wheelchair ramps at pedestrian crosswalks. Resolution approving plans and specifications and call for bids needed. Estimated Cost: \$31,000 Constr.; \$1,500 Engr.; \$32,500 Total; funds are budgeted.)

ACTION: Res. 78-1277 adopted calling for bids. (P.W. to handle)

6. Consider alternative plans for construction of fire station No. 8 at airport.
(Plans have been completed for a solar-heated fire station (cost est. \$527,000) or the plans for fire station No. 6, a conventional fire station, could be used (cost est. \$441,000). A determination needs to be made on which structure to bid. Memo with agenda. Resolution calling for bids on fire station #8 plans (solar unit) with bid opening set for Tuesday, January 9, 1979, at 2:00 p.m., or motion directing staff to modify plot plan to accommodate fire station No. 6 plan (conventional unit) for use at airport needed. Estimated Cost: \$580,000. Appropriation transfer will be requested after actual cost is determined through bid call.)

ACTION: Mayor appointed Councilmembers Mensinger, Chairperson, and Kullijian to work with staff on a study of Fire Station 8 and report back to Council. (Mgr. to handle)

HEARINGS

4:00 p.m.

7. Informal hearing to consider revised sewer service charge for residential, commercial and industrial customers

No. 1

ACTION: Res. 78-1278 adopting proposed sewer service charge increases. (Dunlap/Kullijian, unsn.) (P.W. to handle)

8. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

NEW BUSINESS

CONSENT

9. Consider agreement with Leland Milton, Inc., Eugene Boone and Rachael Boone for the acquisition of an avigation easement for the Modesto City-County Airport/Harry Sham Field.
(Leland Milton, Inc. and the Boones have agreed to sell the avigation easement which contains 17,295⁺ S.F. for the appraised value of \$600. This easement is required by the Federal Aviation Administration. The easement is located off runway 10L at the northerly end of the airport. This is the fifth easement out of seven required by the project. Resolution approving agreement and accepting easement needed. Estimated Cost: \$600 Easement; \$300 Escrow Fees; \$900 Total; funds are budgeted.)

ACTION: Res. 78-1279 adopted approving agreement. (P.W. to handle)

CONSENT

10. Consider agreement with Eugene Boone, Rachael Boone, Roy M. Tucker, Leland R. Tucker, and Roy M. Tucker as executor of the estate of Mary A. Tucker for the acquisition of an avigation easement for the Modesto City-County Airport/Harry Sham Field.
(The grantors have agreed to sell the avigation easement which contains 172⁺ S.F. for the appraised value of \$100. This easement is required by the Federal Aviation Administration. The easement is located off runway 10L at the northerly end of the airport. This is the sixth easement out of seven required by the project. Resolution approving agreement and accepting easement needed. Estimated Cost: \$100 Easement; \$200 Escrow; \$300 Total; funds are budgeted.)

ACTION: Res. 78-1280 adopted approving agreement. (P.W. to handle)

CONSENT

11. Recommend to Council amendment to Section 30-3-9 of the Zoning Map - Carpenter-Reno Development Group.
(On November 21, 1978, the Planning Commission adopted Res. No. 78-226 recommending to Council an amendment to Section 30-3-9 of the Zoning Map to rezone from P-D(182) to M-1, property located between Carpenter Road and Reno Avenue, north of Kansas Avenue. Resolution setting public hearing January 23, 1979 at 7:30 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-1281 adopted setting hearing. (Clerk to handle)

CONSENT

12. Recommend to Council amendment to Section 28-3-9 of the Zoning Map - Martin Optical.
(On November 21, 1978, the Planning Commission adopted Res. No. 78-227 recommending to the Council an amendment to Section 28-3-9 of the Zoning Map to rezone from P-D(121) to C-1 property located on the northeasterly side of 15th Street, between G and H Streets, Resolution setting public hearing January 23, 1979 at 7:30 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-1282 adopted setting hearing. (Clerk to handle)

CONSENT

13. Recommend to Council amendment to Section 21-3-9 of the Zoning Map - Jim Corn.
(On December 5, 1978, the Planning Commission adopted Res. No. 78-237 recommending to the Council an amendment to Section 21-3-9 of the Zoning Map to rezone from R-2 to P-D(209) for a 20-unit condominium residential complex, property located at the northeast corner of E. Orangeburg Avenue and Yarmouth Drive. Resolution setting public hearing January 23, 1979 at 7:30 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-1283 adopted setting hearing. (Clerk to handle)

CONSENT

14. Recommend to Council an amendment to Zoning Regulations - Sign Abatement.
(On November 21, 1978, the Planning Commission adopted Res. No. 78-228 recommending to the City Council an amendment to Section 10-2.3507 of the Modesto Municipal Code (Abatement Deadline for Signs made Nonconforming by Rezoning Actions). (Resolution setting hearing January 16, 1979 at 4:00 p.m. (Hearing No. 2) needed.)

ACTION: Res. 78-1284 adopted setting hearing. (Clerk to handle)

CONSENT

15. Consider setting hearing regarding amendments to Conflict of Interest Codes for the Parks and Recreation Department and the Public Works Department.
(The position of "Arborist" needs to be added to the Parks and Recreation Department's Conflict of Interest Code. The position of "Lead Building Inspector" is to be deleted and "Supervising Building Inspector" added to the Public Works Department's Code. Resolution setting public hearing January 16, 1979, at 4:00 p.m. (Hearing No. 1) needed.)

ACTION: Res. 78-1285 adopted setting hearing.

CONSENT

16. Consider resolution confirming canvass of votes on the Low Rent Housing measure on the November 7, 1978 ballot.
(Memo with agenda. Resolution confirming canvass needed.)

ACTION: Res. 78-1286 adopted confirming canvass. (Clerk to handle)

CONSENT

17. Recommend vacation and abandonment of a portion of the 20-foot public alley in Block 68 bounded by 10th, 11th, I and J Streets, as requested by Bank of America.
(On December 5, 1978, the Planning Commission adopted Res. No. 78-238 recommending to the City Council the vacation and abandonment of a portion of the 20-foot public alley in Block 68 of the City of Modesto. Resolution of intention to vacate and abandon, and setting public hearing January 9, 1979, at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 1382-S.P. and Res. of Intent 378 adopted setting hearing.
(Clerk to handle)

CONSENT

18. Consider approving lease agreement with Arnold C. Dickens and Helen J. Dickens for the lease of 6 $\frac{1}{2}$ acres of open land (former Riverside Park site) held for future Dry Creek Park.
(This is a renewal of existing lease. City will receive 10% of the peach crop. Lessee will pay all taxes and water charges. City was paying taxes previously. Lease is for one year and expires 10-31-79. Resolution approving agreement needed.)

ACTION: Res. 78-1287 adopted approving agreement. (P.W. to handle)

CONSENT

19. Consider approving lease agreement with Arnold C. Dickens and Helen J. Dickens for lease of a portion of the former Bomberger property (13.7 $\frac{1}{2}$ acres - part of future Dry Creek Park area).
(This property was recently acquired from Mr. Bomberger for Dry Creek Park. Lessee agreed to farm peach orchard for 10% of the peach crop plus lessee pays all taxes and water charges. Lease is for one year. Lessee is leasing other property in the area from the City and is a conscientious farmer. The remainder of the property is divided into two sections, open land and residence. These areas will be leased to others. Resolution approving agreement needed.)

ACTION: Res. 78-1288 adopted approving agreement. (P.W. to handle)

CONSENT

20. Consider approving lease agreement with Donald H. Scott and Margaret D. Scott for the lease of a portion of the former Bomberger property (12.9¹/₂ acres - part of future Dry Creek Park area). (This property was recently acquired from Mr. Bomberger for Dry Creek Park. Lessee agreed to farm open land for 20% of the crop and pay all taxes and water charges. Lease is for two years. Lessee is leasing other property in the area from the City and has proven to be a conscientious and reliable farmer. The remainder of property is divided into two sections, peach trees and residence. These areas will be leased to others. Resolution approving agreement needed.)

ACTION: Res. 78-1289 adopted approving agreement. (P.W. to handle)

CONSENT

21. Consider submittal of grant application to the State of California Solid Waste Management Board for a City of Modesto Litter Campaign. (Money is available through the State for litter control under the Litter Control, Recycling and Resource Recovery Act of 1977. An application has been prepared for submittal. Resolution approving the application for grant funds under the State Litter Control, Recycling and Resource Recovery Fund needed.)

ACTION: Res. 78-1290 adopted approving application. (P.W. to handle)

CONSENT

22. a. Consider approval of amendment to Tuolumne River Regional Park agreement.
b. Consider setting Hearing of Necessity to acquire Setliff Bros. Services property for Tuolumne River Regional Park development. (Memo with agenda. Resolution approving amendment to agreement needed, and resolution setting hearing January 9, 1979 at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-1291 adopted approving amendment to Tuolumne River Regional Park agreement. (Clerk to handle)
Res. 78-1292 adopted setting hearing. (Clerk to handle)

CONSENT

23. Consider authorizing the City of Modesto joining in an amicus curiae brief to be filed by the City of Concord in People v. Teresinski. (Memo with agenda. Motion authorizing joining in amicus curiae brief needed.)

ACTION: By motion, authorization given to join in amicus curiae brief. (Atty. to handle)

APPROPRIATION TRANSFERS

CONSENT

24. Consider appropriation transfer of \$450,000 from the General Reserve to the Waterline Extension account.
(The 1978-79 budget included an allowance of \$250,000 for waterline extensions. These funds have been expended on the 10" and larger water mains serving subdivisions, and it is estimated an additional \$450,000 is needed for the balance of the fiscal year. Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1293 adopted approving appropriation transfer.
(Finance to handle)

MISCELLANEOUS

25. Legislation

None

26. Appointments

ACTION: Res. 78-1294 adopted (Lang/Siefkin, unan.) appointing John Sutton to the Culture Commission. (Clerk to handle)

27. Matters too late for the agenda.

None

at 4:25 p.m.
Adjourned/ to Wednesday, December 20, 1978, 8:00 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, for a meeting with Congressman-elect Norman Shumway.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk

Modesto City Council
Adjourned Regular Council Mtg.
December 20, 1978

The Modesto City Council met pursuant to adjournment at 8:00 a.m. at Howard's Restaurant, 1312 McHenry Avenue, Modesto, California, to meet with Congressman-elect Norman Shumway.

Present: Councilmembers Elliott, Lang, Mensinger, Siefkin,
Mayor Davies

Absent: Councilmembers Dunlap, Kullijian

Various pieces of federal legislation that would affect Modesto were discussed with Congressman-elect Shumway.

The meeting adjourned at 9:30 a.m.

ATTEST: *Norrine Cyle*
NORRINE CYLE, City Clerk

MINUTES AND ACTION AGENDA

CITY OF MODESTO

AGENDA FOR COUNCIL MEETING OF TUESDAY, DECEMBER 26, 1978 AT 7:30 P.M.

Roll Call - Present: Councilmembers Dunlap, Elliott, Lang,
Mayor Davies

Absent: Councilmembers Kullijian, Mensinger, Siefkin

Pledge of Allegiance to the Flag

Invocation: Rev. Larry Duncan, First Baptist Church

CONSENT ITEMS - ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 6, 7, 8,
9, 15, 16, 17, 18, 19, 20, 21,
22, 23, 24, 25, 26, 27, 28, 29,
30

ACTION: (Dunlap/Lang, unan., Kullijian,
Mensinger, Siefkin absent)

(Information concerning the consent items listed above has been forwarded to each councilmember prior to this meeting for study. 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.)

MINUTES

CONSENT

1. Approval of minutes of adjourned regular City Council meeting of December 15, 1978, the regular meeting of December 18, 1978, and the adjourned regular meeting of December 20, 1978.
(Motion approving needed)

ACTION: By motion, minutes approved.

COMMUNICATIONS

CONSENT

2. Letter from Gordon Berg appealing a decision of the Planning Commission regarding rezoning property on the south side of Rumble between Conant and Lou Ann Drive.
(Resolution setting hearing January 23, 1979, at 7:30 p.m. (Hearing No. 5) needed.)

ACTION: Res. 78-1295 adopted setting hearing. (Clerk to handle)

CONSENT

3. Appeal by La Core Tire Co. to a Planning Commission decision concerning rezoning property on Standiford Avenue to P-D. (Resolution setting hearing January 23, 1979 at 7:30 p.m. (Hearing No. 6) needed.)

ACTION: Res. 78-1296 adopted setting hearing. (Clerk to handle)

BIDS

CONSENT

4. Approve plans and specifications and call for bids for the exterior restoration of McHenry Mansion. (Bid opening: January 16, 1979 at 11:00 a.m. This project involves the necessary carpentry, painting, reroofing and milling for the exterior restoration of the mansion. Resolution approving plans and specifications and calling for bids needed. Estimated cost: \$143,000 (Contract \$130,000; Engr. & Contg. \$13,000) Appropriation transfer will be prepared for the specific amount after the bids are received.)

ACTION: Res. 78-1297 adopted calling for bids. (P.W. to handle)

CONSENT

5. Consider approval of plans and specifications and call for bids for the construction of waterline extensions in Woodland Avenue, Lillian Drive, Floyd Avenue and at Snyder and Prescott Road. (Suggested bid opening: January 9, 1979 at 11:05 a.m. The City is responsible for the construction of these 10" waterlines in conjunction with subdivision development. Resolution approving plans and specifications and call for bids needed. Estimated cost: \$64,578 (Contract \$59,122; Engr. & Mat'ls. \$5,456); funds are budgeted.)

ACTION: Res. 78-1298 adopted calling for bids. (P.W. to handle)

CONSENT

6. Consider rejection of bids for the construction of the storm flow bypass at the City of Modesto Water Quality Control Plant. (Bids were opened on December 19, 1978. The low bid of \$28,900, submitted by H. Max Lee, Inc. is 88% above the engineer's estimate and considered unacceptable. It is, therefore, recommended by the Public Works Department that the bids be rejected. The project will be redesigned and rebid at a later date. Resolution rejecting bids needed. Estimated Cost: \$16,143.44 (\$15,374.70 Contract; \$768.74 Engr. & Mat'ls); funds are budgeted.)

ACTION: Res. 78-1299 adopted rejecting bids. (P.W. to handle)

CONSENT

7. Consider declaring Reed Equipment Company low bidder meeting City specifications and authorize the purchase of one tractor-loader for the total purchase price of \$16,991.80. (Memorandum with agenda. Resolution awarding contract needed. Funds are budgeted.)

ACTION: Res. 78-1300 adopted awarding contract. (Finance to handle)

CONSENT

8. Consider acceptance of Mac's Backhoe Service's contract for the construction of waterlines in Whitmore Industrial Park No. 1 and waterline extension in Scenic Drive to 700' east of Scenic. (All work on this project has been completed to the satisfaction of the Public Works 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: \$26,120.50 Contract (Main \$26,020.50; Services \$100); funds are budgeted.)

ACTION: Res. 78-1301 adopted accepting as complete. (Clerk to handle)

CONSENT

9. Consider acceptance of Mac's Backhoe Service's contract for the construction of waterlines in Beyerwood East No. 2 and waterline extension at Fire Station No. 6. (Original Contract \$84,857.15) (All work on this project has been completed to the satisfaction of the Public Works Department. Therefore, it would be in order to accept the work as complete and to file the Notice of Completion. Resolution accepting work as complete needed. Final cost: \$85,868.75 (Main \$82,868.75; Services \$3,000); funds are budgeted.)

ACTION: Res. 78-1302 adopted accepting as complete. (Clerk to handle)

HEARINGS

7:30 p.m.

10. Annex Briggs No. 1 Addition to Modesto No. 1
Municipal Sewer District No. 1

ACTION: Res. 78-1303 adopted (Lang/Elliott, unan., Kullijian, Mensinger, Siefkin absent) annexing to sewer district. (Clerk to handle)

11. Annex Vine Street No. 2 Addition to Modesto No. 2
Municipal Sewer District No. 1

ACTION: Res. 78-1304 adopted (Elliott/Dunlap, unan., Kullijian, Mensinger, Siefkin absent) annexing to sewer district. (Clerk to handle)

12. Annex Maze-Emerald No. 2 Addition to Modesto No. 3
Municipal Sewer District No. 1

ACTION: Res. 78-1305 adopted (Dunlap/Lang, unan., Kullijian, Mensinger, Siefkin absent) annexing to sewer district. (Clerk to handle)

13. Hearing on assessments for Improvement District No. 4
No. 23, lighting on McHenry Avenue from Norwegian Avenue to the northern City limits

ACTION: Res. 78-1306 adopted (Elliott/Dunlap, unan., Kullijian, Mensinger, Siefkin absent) confirming proceedings and assessment. (Clerk)

14. Matters for the good of the community.
(These may be presented by interested persons in the audience.)

None

ORDINANCES

CONSENT

15. Final adoption of Ord. No. 1790-C.S. relating to speed limits.
(Motion adopting needed.)

ACTION: By motion, Ord. No. 1790-C.S. adopted. (Clerk to handle)

NEW BUSINESS

CONSENT

16. Consider approval of the final map of Goldcoast Estates 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. (Subdividers - James Horn Construction Company, a California corporation.)
(The subdivision agreement has been signed and all fees paid. Goldcoast Estates subdivision is located east of Claus Road and north of Orangeburg Avenue. It contains 18.339 acres. Resolution approving final map needed.)

ACTION: Res. 78-1307 adopted approving final map. (Clerk to handle)

CONSENT

17. County Referral of Open Space Contract - No. 79-3698, Leslie and Juanity Morrow, west side of North McClure Road, 1/2 mile north of Yosemite Boulevard, 513 North McClure Road.
(Memo and map attached. Resolution expressing recommendation of opposition needed.)

ACTION: Res. 78-1308 adopted expressing recommendation of opposition.
(Clerk to handle)

CONSENT

18. Consider approval of the issuance of a purchase order to Jack Forcade Pipeline Contracting, Inc. to install a storm drain line at Morton Blvd. in Beard Brook Park.
(The drain line is needed to control erosion of the easterly bank on Morton Blvd. adjacent to Beard Brook Park. The total cost is \$4,855.75. Resolution authorizing City staff to issue purchase order to Jack Forcade Pipeline Contracting, Inc. needed. Funds are budgeted.)

ACTION: Res. 78-1309 adopted authorizing City staff to issue purchase order.
(Finance to handle)

CONSENT

19. Consider lease agreement with the League of Women Voters for rental of room 104 in the Modesto Community Service Center. (City lease with League of Women Voters is reviewed annually. Rental increase in this new lease is \$53 per month, \$636 annually, to reflect the increase in operating the Modesto Community Service Center since 1974-75. Resolution approving the agreement needed.)

ACTION: Res. 78-1310 adopted approving agreement. (R.R. to handle)

CONSENT

20. Consider lease agreement with Head Rest, Inc. for rental of rooms 206 and 207 in the Modesto Community Service Center. (City lease with Head Rest, Inc. is reviewed annually. Rental increase in this new lease is \$140 per month, \$1,680 annually, to reflect the increase in operating the Modesto Community Service Center since 1974-75. Resolution approving agreement needed.)

ACTION: Res. 78-1311 adopted approving agreement. (P.R. to handle)

CONSENT

21. Consider approval of the final map of Sheldon Estates 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. Subdividers - Harry W. Elliott, Inez Lorraine Elliott, Carl E. Cox and Patricia L. Cox. (The subdivision agreement has been signed and all fees paid. Sheldon Estates subdivision is located at the northeast corner of Sheldon Drive and Janet Drive, west of Carver Road. It contains 1.622 acres. Resolution approving final map needed.)

ACTION: Res. 78-1312 adopted approving final map. (Clerk to handle)

CONSENT

22. Consider request for sewer service to property outside City limits at 960 Emerald Avenue, located on the west side of Emerald Avenue, between Kansas Avenue and U.S. 99 Freeway. Owners: Leroy Hemple and Florence Hemple, husband and wife. (The property owners have signed an agreement to annex when requested to do so by City. The property is not contiguous to City limits. A line must be extended to serve the property. No City funds are involved. Resolution approving agreement needed.)

ACTION: Res. 78-1313 adopted approving agreement. (P.W. to handle)

CONSENT

23. Resolution approving contract with MacIver Associates to prepare an economic analysis/feasibility study of Downtown Modesto. The study will satisfy requirement stated by E.D.A. as necessary before any commitment by E.D.A. is made to the City. (Re: Downtown Multi-Level Parking Facility) (Resolution approving contract with MacIver Associates. Estimated cost: \$4,000; funds are budgeted.)

ACTION: Res. 78-1314 adopted approving contract. (Mgr. to handle)

CONSENT

24. Report on bus operations survey required by the Urban Mass Transit Administration (UMTA).
(Memo with agenda. UMTA requires that certain operating statistics be generated as a condition of receiving UMTA funds. Part-time help will be required to ride the buses to sample ridership. Motion accepting report needed. Estimated cost: \$1,524; funds are budgeted.)

ACTION: By motion, report accepted. (P.T. to handle)

CONSENT

25. Recommend to Council amendment to Section 7-3-9 of the Zoning Map-James D. Haub.
(On December 12, 1978, the Planning Commission adopted Resolution 78-246 recommending to the Council an amendment to Section 7-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of Standiford Avenue west of Shawnee Drive. Resolution setting public hearing January 16, 1979 at 4:00 p.m. (Hearing No. 4) needed.)

ACTION: Res. 78-1315 adopted setting hearing. (Clerk to handle)

CONSENT

26. Recommend to Council amendment to Section 22-3-9 of the Zoning Map-Marion and Helen Rampley.
(On December 12, 1978, the Planning Commission adopted Resolution 78-247 recommending to Council an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the east side of Coffee Road south of Briggsmore Avenue. Resolution setting public hearing January 23, 1979 at 7:30 p.m. (Hearing No. 7) needed.)

ACTION: Res. 78-1316 adopted setting hearing. (Clerk to handle)

CONSENT

27. Recommend to Council amendment to Section 19-3-9 of the Zoning Map-U.Z. Brannon.
(On December 12, 1978, the Planning Commission adopted Resolution 78-244 recommending to Council an amendment to Section 19-3-9 of the Zoning Map to rezone from R-2 and R-3 to P-0 property located on the southwest corner of W. Orangeburg Avenue and Martin Avenue. Resolution setting public hearing January 16, 1979 at 4:00 p.m. (Hearing No. 3) needed.)

ACTION: Res. 78-1317 adopted setting hearing. (Clerk to handle)

CONSENT

28. Recommend to Council amendment to Section 20-3-9 of the Zoning Map - Land Bank Financial Services.
(On December 12, 1978, the Planning Commission adopted Resolution 78-242 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to R-2, property located on the north side of W. Roseburg Avenue, east of Tully Road. Resolution setting public hearing January 23, 1979 at 7:30 p.m. needed.)

ACTION: Res. 78-1318 adopted setting hearing. (Clerk to handle)

APPROPRIATION TRANSFERS

CONSENT

29. Consider transferring \$2,800 from General Reserve to City Hall Maintenance and Repair Account.
(Major unexpected repairs have depleted the Maintenance and Repair account. Added funds are needed to maintain City Hall for the remainder of the fiscal year. Memo with agenda. Resolution approving appropriation transfer needed. Funds are budgeted.)

ACTION: Res. 78-1319 adopted approving appropriation transfer.
(Finance to handle)

CONSENT

30. Consider appropriation transfer of \$180,000 from the General Reserve of Sewer Service Fund to the Extend Subtrunk/Perimeter Sewers account.
(The 1978-79 budget included an allowance of \$150,000 for the construction of 10" and larger sewer subtrunk lines. These funds have been expended and it is estimated an additional \$180,000 is needed for the balance of the fiscal year. Memo with agenda. Resolution approving appropriation transfer needed.)

ACTION: Res. 78-1320 adopted approving appropriation transfer.
(Finance to handle)

MISCELLANEOUS

31. Legislation
None
32. Appointments
None
33. Matters too late for the agenda
None

Adjourned at 7:40 p.m.

ATTEST: *Norrine Coyle*
NORRINE COYLE, City Clerk