

## 2002 LEGISLATIVE HISTORY

**Wednesday, January 2, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner, Layman, Orangeburg Avenue Baptist Church

City Clerk's Announcements - None

Declaration of Conflicts of Interest – Councilmember Friedman, Item 8 and Councilmember Fisher, Item 11

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Helen Putnam Award for Excellence.

**ACTION:** Councilmember Smith presented the Helen Putnam award to the Council. Councilmember Friedman presented the Council with a calendar with Modesto on the front cover and as the centerfold for March for the Color Modesto award.

### ORAL COMMUNICATIONS

- ?? Miguel Donoso thanked the Parks department for maintaining the lighting at Robertson Road Park, noted his concern of the Hispanic population being uninformed of the March election, commented on Gallo property in the County and spoke regarding Village One and the Housing Element.
- ?? Mayor Sabatino commented regarding a Modesto Bee article concerning placement of Councilmembers on committees.
- ?? Councilmember Conrad announced he would be making a statement under Council Comments & Reports.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2-5 and 7-8  
Item 6 removed from Consent

**ACTION:** Frohman/Friedman, unan.

**CONSENT ITEM – ROLL CALL VOTE REQUIRED:**     Item 8

**ACTION:** Fisher/Sabatino, unan.; Friedman, absent

**CONSENT ITEMS**

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

CONSENT

2. Approval of the minutes of the regular City Council meetings of December 11, 12 and 21, 2001.

(Motion approving needed.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Friedman, unan.) approved the minutes of December 11, 12, and 21, 2001.

CONSENT

3. Consider accepting with regret the resignation of Rodney DeCristofaro from the Planning Commission.

(Resolution accepting with regret the resignation of Rodney DeCristofaro from the Planning Commission recommended.)

*Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. No. 2002-1** (Frohman/Friedman, unan.) accepting with regret the resignation of Rodney DeCristofaro from the Planning Commission.

CONSENT

4. Consider accepting with regret the resignation of Chris Davidson from the Housing Rehabilitation Loan Committee.

(Resolution accepting with regret the resignation of Chris Davidson from the Housing Rehabilitation Loan Committee recommended.)

*Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. No. 2002-2** (Frohman/Friedman, unan.) accepting with regret the resignation of Chris Davidson from the Housing Rehabilitation Loan Committee.

CONSENT

5. Consider the 2002 Council meeting calendar.

(Motion approving the 2002 Council meeting calendar recommended.)

*Clerk; Jean Zahr, 577-5398, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By Motion (Frohman/Friedman, unan.) approved the 2002 Council meeting calendar.

Removed from Consent

6. Consider approving the submittal a Federal Airport Improvement Program Application in the amount of \$14,735,000 to the Federal Aviation Administration (FAA), and authorizing the City Manager to execute necessary documentation. (Resolution approving the submittal a Federal Airport Improvement Program Application in the amount of \$14,735,000 to the Federal Aviation Administration (FAA), and authorizing the City Manager to execute necessary documentation recommended.)

*Engineering & Transportation; Howard Cook, 5775318, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-3** (Fisher/Friedman, unan.) approving the submittal of a Federal Aviation Administration (FAA), and authorizing the City Manager to execute necessary documentation.

CONSENT

7. Consider authorizing City to access state and local summary criminal history information for employment, licensing or certification purposes. (Resolution authorizing City to access state and local summary criminal history information for employment, licensing or certification purposes recommended.)

*Personnel; Janice Stewart, 577-5408, [jstewart@modestogov.com](mailto:jstewart@modestogov.com)*

**ACTION: Res. No. 2002-4** (Frohman/Friedman, unan.) authorizing City to access state and local summary criminal history information for employment, licensing or certification purposes.

*Councilmember Friedman absent due to conflict of interest*

CONSENT

8. Consider approving a Planter Maintenance agreement with Memorial Hospitals Association for the purpose of providing permanent irrigation and landscape in designated planter area and authorizing the City Manager to execute necessary documentation. Fiscal impact to City - \$4,225 for installation of landscaping and irrigation equipment. On-going maintenance to be done by Memorial Hospital Association. (Resolution approving a Planter Maintenance agreement with Memorial Hospitals Association for the purpose of providing permanent irrigation and landscape in

designated planter area and authorizing the City Manager to execute necessary documentation recommended.)

*Operations & Maintenance; Peter Cowles, 342-2280, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Res. No. 2002-5** (Fisher/Sabatino, unan.; Friedman, absent) approving a Planter Maintenance agreement with Memorial Hospitals Association for the purpose of providing permanent irrigation and landscape in designated planter area and authorizing the City Manager to execute necessary documentation.

### UNFINISHED BUSINESS

9. Oral report and presentation on the final design of the signage for the “Safer Intersection” program.

(Motion acknowledging receipt of report recommended)

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman, majority; Serpa, no) acknowledged receipt of report.

### HEARINGS

*Councilmember Conrad & Vice Mayor Fisher excused due to conflict of interest*

10. Hearing to consider the application of Florsheim Brothers for a Precise Plan for Area No. 28 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the North side of Merle Avenue East of Dermond Road.

(Introduction of an ordinance adopting the precise plan for Area No. 28 recommended; Introduction of an ordinance rezoning the area from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended; Resolution finding the proposed precise plan and rezoning within the scope of the previously-certified Village One Specific Plan Program EIR recommended.)

*Community Development; George Osner, 577-5267, [gosner@modestogov.com](mailto:gosner@modestogov.com)*

**ACTION:** By Motion (Friedman/Frohman, unan.; Conrad & Fisher, absent) **introduced Ordinance No. 3241–C.S.** adopting the precise plan for Area No. 28.

By Motion (Friedman/Frohman, unan.; Conrad & Fisher, absent) **introduced Ordinance No. 3242–C.S.** rezoning the area from Specific Plan-Holding Zone to Specific Plan-Overlay Zone.

**Res. No. 2002-6** (Friedman/Frohman, unan.; Conrad & Fisher, absent) finding the proposed precise plan and rezoning within the scope of the previously-certified Village One Specific Plan Program EIR.

*Vice Mayor Fisher absent due to conflict of interest*

11. Hearing to consider the application of Architecture Plus Inc. for an amendment to Section 21-3-9 of the Zoning Map of the City of Modesto to rezone from R-3 to P-D(552) for a 40-unit two- and three-story apartment development, property located on the North side of East Coolidge Avenue opposite Ila Way.  
(Introduction of an ordinance rezoning from R-3 to P-D(552) recommended; Resolution approving development plan recommended; Resolution pertaining to CEQA findings of conformance with General Plan Master EIR recommended.)  
*Community Development; George Osner, 577-5267, [gosner@modestogov.com](mailto:gosner@modestogov.com)*

**ACTION:** By Motion () **introduced Ordinance No. 3243–C.S.** rezoning from R-3 to P-D(552).

**Res. No. 2002-7** (Friedman/Frohman, unan.; Fisher, absent) approving development plan.

**Res. No. 2002-8** (Friedman/Frohman, unan.; Fisher, absent) pertaining to CEQA findings of conformance with General Plan Master EIR.

## **NEW BUSINESS**

12. Consider appointing a new vice mayor for calendar year 2002.  
(Resolution approving a vice mayor for calendar year 2002 recommended.)  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Res. No. 2002-9** (Frohman/Sabatino, unan.) approving Councilmember Conrad as vice mayor for calendar year 2002.

13. Consider opposing any and all State reductions in traditional City revenue sources.  
(Resolution opposing any and all State reductions in traditional City revenue sources and encouraging all California cities and residents to contact their legislators and candidates to urge that they oppose any efforts to balance the State budget with local government revenues recommended.)  
*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-10** (Conrad/Fisher, unan.) opposing any and all State reduction in traditional City revenue sources and encouraging all California cities and residents to contract their legislators and candidates to urge that

they oppose any efforts to balance the State budget with local government revenues.

### **COUNCIL COMMENTS & REPORTS**

- ?? Vice Mayor Conrad recommended the Economic Development, Community & Intergovernmental Relations Committee review a possible charter amendment regarding Councilmember terms of office.
- ?? Mayor Sabatino announced the State of the City address is scheduled at the Centre Plaza on January 7 at 7:00 p.m. with a wine & cheese reception at 6:00 p.m., with proceeds going to the Parent Resource Center.
- ?? Mayor Sabatino offered condolences to Vice Mayor Conrad for the loss of his father.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

The meeting adjourned at 6:41 p.m. to the following closed session:

### **CLOSED SESSION**

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

Name of case: Moises Sepulveda, et al. V. David Hawn, Art Garza, Craig Grogan, City of Modesto, et al., United States District Court Eastern District of California, Case No. CIV F-01-5054  
AWI DLB

This meeting adjourned at 6:51 p.m. to report that no action had been taken.

**Tuesday, January 8, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,  
Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Buddy Gray, Davis Park Church of Christ

City Clerk's Announcements

Declaration of Conflicts of Interest: *Councilmember Smith & Mayor Sabatino; Item 9*

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

### **ORAL COMMUNICATIONS**

- ?? Rob Ellett, on behalf of the Chamber, spoke against the project labor agreement being considered by UC Merced.
- ?? Chris Stetsko spoke against the project labor agreement being considered by UC Merced.
- ?? Clayton Smith spoke against the project labor agreement being considered by UC Merced.
- ?? Ed Friedberg, from Breshears, Inc., addressed the Council regarding the fleet fueling contract. The Mayor requested this item be placed on the next Audit Committee agenda.
- ?? Russ Mayfield, from Braun Electric, expressed his opposition to the project labor agreement being considered by UC Merced.
- ?? Denny Jackman noted the Regional Transportation Plan being considered in the Chambers on January 9, 2002 by STANCOG.
- ?? Demetri Guzman spoke against the project labor agreement being considered by UC Merced.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** *Items 1-8, 10-11, & 13*  
*Item 12 removed from*

*Consent*

absent.

**ACTION Items 1-8, 10-11, & 13: Friedman/Smith; unan.**

**ACTION Item 9: Friedman/Fisher; unan.; Smith & Sabatino, absent**

**ACTION Item 12: Serpa/Fisher; unan.**

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 2, 2002.  
(Motion approving needed.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By motion, (Friedman/Smith; unan.) approved the minutes of the regular City Council meeting of January 2, 2002.

CONSENT

2. Consider amending the Classification Plan to create the classification of Deputy Director of Finance. Consider amending the Class Range Table for this position. (Resolution amending the Classification Plan to create the classification of Deputy Director of Finance recommended; Resolution amending the Class Range Table for this position recommended.)

Personnel; Janice Stewart, 577-5466, [jstewart@modestogov.com](mailto:jstewart@modestogov.com)

**ACTION: Res. 2002-11** (Friedman/Smith; unan.) approved amending the Classification Plan to create the classification of Deputy Director of Finance.

**Res. 2002-12** (Friedman/Smith; unan.) approved amending the Class Range Table for the classification of Deputy Director of Finance.

CONSENT

3. Consider a second amendment to an agreement with Minagar & Associates for \$7,121 to provide traffic engineering services for the project entitled "Traffic Signal Retiming Project Outside the Central Business District", and authorizing the City Manager to execute the necessary documents.

(Resolution approving a second amendment to an agreement with Minagar & Associates for \$7,121 to provide traffic engineering services for the project entitled "Traffic Signal Retiming Project Outside the Central Business District", and authorizing the City Manager to execute the necessary documents recommended.)

Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)

**ACTION: Res. 2002-13** (Friedman/Smith; unan.) approving a second amendment to an agreement with Minagar & Associates for \$7,121 to provide traffic



engineering services for the project entitled “Traffic Signal Retiming Project Outside the Central Business District”, and authorizing the City Manager to execute the necessary documents.

CONSENT

4. Consider accepting the work of Tennyson Electric Inc. for “Traffic Signal at Hatch Road and Dallas Street” as complete and authorizing the City Clerk to file a Notice of Completion.

(Resolution accepting the work of Tennyson Electric Inc. for “Traffic Signal at Hatch Road and Dallas Street” as complete and authorizing the City Clerk to file a Notice of Completion recommended.)

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. 2002-14** (Friedman/Smith; unan.) approved accepting the work of Tennyson Electric Inc. for “Traffic Signal at Hatch Road and Dallas Street” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

5. Consider accepting the work of W.M. Lyles Company for the contract “Water Main Construction on Church Street in Empire” as complete and authorizing the City Clerk to file a Notice of Completion.

(Resolution accepting the work of W.M. Lyles Company for the contract “Water Main Construction on Church Street in Empire” as complete and authorizing the City Clerk to file a Notice of Completion recommended.)

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. 2002-15** (Friedman/Smith; unan.) approved accepting the work of W.M. Lyles Company for the contract “Water Main Construction on Church Street in Empire” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

6. Consider accepting the work of California ISS Inc. for the contract “Cape Seal and Restripe Bus Yard” as complete and authorizing the City Clerk to file a Notice of Completion.

(Resolution accepting the work of California ISS Inc. for the contract “Cape Seal and Restripe Bus Yard” as complete and authorizing the City Clerk to file a Notice of Completion recommended.)

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. 2002-16** (Friedman/Smith; unan.) approved accepting the work of California ISS Inc. for the contract “Cape Seal and Restripe Bus Yard” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

7. Consider accepting the work of Tennyson Electric Inc. for the “Installation of Traffic Signal at 9<sup>th</sup> Street and Carver Road” as complete and authorizing the City Clerk to file a Notice of Completion; consider amending the budget to declare additional revenue of \$42,000 in federal funds into the project account, and approving an appropriation transfer to remove \$38,000 from the project. (Resolution accepting the work of Tennyson Electric Inc. for the “Installation of Traffic Signal at 9<sup>th</sup> Street and Carver Road” as complete and authorizing the City Clerk to file a Notice of Completion recommended; Resolution amending the budget to declare additional revenue of \$42,000 in federal funds into the project account, and approving an appropriation transfer to remove \$38,000 from the project recommended.)

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION:** **Res. 2002-17** (Friedman/Smith; unan.) approved accepting the work of Tennyson Electric Inc. for the “Installation of Traffic Signal at 9<sup>th</sup> Street and Carver Road” as complete and authorizing the City Clerk to file a Notice of Completion.

**Res. 2002-18** (Friedman/Smith; unan.) approved amending the budget to declare additional revenue of \$42,000 in federal funds into the project account, and approving an appropriation transfer to remove \$38,000 from the project.

CONSENT

8. Consider authorizing the City Manager to execute the Grant Deed and Right of Entry agreement with Union Pacific Railroad for the Kansas/Needham Overcrossing Project. (Resolution authorizing the City Manager to execute the Grant Deed and Right of Entry agreement with Union Pacific Railroad for the Kansas/Needham Overcrossing Project recommended.)

*Engineering & Transportation; Kevin Becker, 577-5253, [kbecker@modestogov.com](mailto:kbecker@modestogov.com)*

**ACTION:** **Res. 2002-19** (Friedman/Smith; unan.) approved authorizing the City Manager to execute the Grant Deed agreement with Union Pacific Railroad for the Kansas/Needham Overcrossing Project.

**Res. 2002-19A** (Friedman/Smith; unan.) approved authorizing the City Manager to execute a Right of Entry agreement with Union Pacific Railroad for the Kansas/Needham Overcrossing Project.

CONSENT

*Councilmember Smith & Mayor Sabatino absent due to conflict of interest.*

9. Consider increasing the encumbrance and expenditure authorization by \$520,000 on the 9<sup>th</sup> Street railroad project for work by the Union Pacific Railroad on Phase II of the project.

(Resolution approving increasing the encumbrance and expenditure authorization by \$520,000 on the 9<sup>th</sup> Street railroad project for work by the Union Pacific Railroad on Phase II of the project recommended.)

*Engineering & Transportation; Kevin Becker, 577-5253,  
[kbecker@modestogov.com](mailto:kbecker@modestogov.com)*

**ACTION: Res. 2002-20** (Friedman/Fisher; unan.; Smith & Sabatino, absent) approved increasing the encumbrance and expenditure authorization by \$520,000 on the 9<sup>th</sup> Street railroad project for work by the Union Pacific Railroad on Phase II of the project.

#### CONSENT

10. Consider approving an agreement with Salida Sanitary District to provide the District with emergency sewer collection services and repair of specialized equipment and authorizing the City Manager to execute the necessary documents. (Resolution approving an agreement with Salida Sanitary District to provide the District with emergency sewer collection services and repair of specialized equipment and authorizing the City Manager to execute the necessary documents recommended.)

*Operations & Maintenance; Peter Cowles, 342-2279, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Res. 2002-21** (Friedman/Smith; unan.) approving an agreement with Salida Sanitary District to provide the District with emergency sewer collection services and repair of specialized equipment and authorizing the City Manager to execute the necessary documents.

#### CONSENT

11. Consider establishing a fine of \$75.00 per violation of the Oversized Vehicles and Trailers Parking in Residential Areas ordinance. (Resolution establishing a fine of \$75.00 per violation of the Oversized Vehicles and Trailers Parking in Residential Areas ordinance recommended.)

*Police; Ron Sale, 572-9674, [saler@modestppd.com](mailto:saler@modestppd.com)*

**ACTION: Res. 2002-22** (Friedman/Smith; unan.) approved establishing a fine of \$75.00 per violation of the Oversized Vehicles and Trailers Parking in Residential Areas ordinance.

REMOVED FROM CONSENT

12. Consider declaring as surplus from January 1, 2002 through December 31, 2002 the following items: (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; Unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles and authorizing the Purchasing Division to sell same by sealed bid, by auction, or sell as scrap. Public auction will be conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001.

(Resolution declaring as surplus from January 1, 2002 through December 31, 2002 the following items: (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; Unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles and authorizing the Purchasing Division to sell same by sealed bid, by auction, or sell as scrap recommended.)

*Finance; Tom Reddie; 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION:** **Res. 2002-23**(Serpa/Fisher; unan.) approved declaring as surplus from January 1, 2002 through December 31, 2002 the following items: (1) obsolete traffic signal heads; (2) lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; Unclaimed bicycles accumulated at the Police Department Evidence and Property Room; (3) and surplus City vehicles and authorizing the Purchasing Division to sell same by sealed bid, by auction, or sell as scrap. Public auction will be conducted by Roger Ernst and Associates at 824 W. Kiernan Avenue in accordance with auctioneering agreement dated August 14, 2001.

#### CONSENT

13. Consider annexation of additional territory to the Coffee-Claratina Community Facilities District No. 2000-2 (Annexation #1).

(Resolution of intention to annex territory to the Coffee-Claratina Community Facilities District No. 2000-2 (Annexation #1) recommended.)

*CFD Team; Tina Rocha, 577-5321; [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION:** **Res. 2002-24** (Friedman/Smith; unan.) approved annexation of additional territory to the Coffee-Claratina Community Facilities District No. 2000-2 (Annexation #1).

#### HEARINGS

14. Hearing to consider application of James Watt, Save Mart Supermarkets for an amendment to P-D(353) to remove hours limitations and to all C-2 Zone uses in the Standiford Square Shopping Center at the South West corner of Standiford Avenue on Prescott Road.

(Introduce ordinance amending P-D(353) to allow C-2 Zone uses; Resolution removing hours limitations by deleting Condition #s 10 & 13 of Modesto City Council Resolution 84-362; Resolution finding the project to be within the scope of the GP MEIR (SCH 92052017).

*Community Development; Steve Mitchell, 577-5267, [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION:** **By motion**, (Friedman/Fisher; unan.) **introduced Ordinance 3244-C.S.** amending P-D(353) to allow C-2 Zone uses.

**Res. 2002-25** (Friedman/Fisher; unan.) approved removing hours limitations by deleting Condition #s 10 & 13 of Modesto City Council Resolution 84-362.

**Res. 2002-26** (Friedman/Fisher; unan.) approved finding the project to be within the scope of the GP MEIR (SCH 92052017).

*Item requested to be continued to January 22, 2002*

15. Consider amendment to City's FY 01-02 Annual Action Plan to re-allocate \$360,979 in Community Development Block Grant funds, and consider amending the FY 01-02 operating and Capital Improvement budgets to reflect changes. (Resolution amending the FY 01-02 Annual Action Plan recommended; Resolution amending the FY 01-02 operating and Capital Improvement budgets recommended.)

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, [svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION:** By Order of the Chair, item 15 continued to January 22, 2002.

#### UNFINISHED BUSINESS

- 15a. Status report regarding the March 5, 2002 Election from Interim Clerk Recorder.

**ACTION:** Report presented by Interim Clerk Recorder, Paul Baxter, regarding the March 5, 2002 Election. Councilmember Fisher volunteered to participate on the Election Oversight Committee.

#### NEW BUSINESS

16. Consider authorizing the City Manager to enter into an agreement with Dittos (Acme Printing Company, Modesto, CA), to set up and manage an online store for the sale of logo clothing and promotional items to City of Modesto employees and citizens.

(Resolution authorizing the City Manager to enter into an agreement with Dittos (Acme Printing Company, Modesto, CA), to set up and manage an online store for the sale of logo clothing and promotional items to City of Modesto employees and citizens recommended.)

*Finance; Mark Averell; 577-5412; [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION:** **Res. 2002-27** (Frohman/Fisher; unan.) approved authorizing the City Manager to negotiate an agreement with Dittos (Acme Printing Company, Modesto, CA), to set up and manage an online store for the sale of logo clothing and promotional items to City of Modesto employees and citizens. The final agreement will be returned to Council to finalize exclusivity terms and term of agreement.

### **COUNCIL COMMENTS & REPORTS**

17. At the request of Mayor Sabatino, discussion of status of \$150,000 loan to Prescott Estates Homeowners Association.

**ACTION:** Item was referred to the Audit Committee for review.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

The meeting adjourned at 7:10 p.m.

**Tuesday, January 15, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,  
Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Rick Fritzemeyer, Youth for Christ

City Clerk's Announcements: *Item 4 removed from agenda*

Declaration of Conflicts of Interest: *Fisher, Item 5—3241, 3242, 3243*  
*Conrad, Item 5—3240, 3241, 3242*

### **ORAL COMMUNICATIONS**

?? Mayor Sabatino commented on an article printed in the Modesto Bee from Dick  
LeGrand.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1 through 3  
*Item 4 removed from  
agenda*

**ACTION Items 1-3: Frohman/Fisher; unan.**

### **CONSENT ITEMS**

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

#### **CONSENT**

1. Approval of the minutes of the regular City Council meeting of January 8, 2002.  
(Motion approving needed.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of January 8,  
2002.

#### **CONSENT**

2. Consider waiving formal bid procedures by five affirmative votes and authorizing the Purchase of Microsoft Office software licenses in the amount of \$68,419. Funds are budgeted.  
(Resolution waiving formal bid procedures by five affirmative votes and authorizing the Purchase of Microsoft Office software licenses in the amount of \$68,419 recommended.)  
*City Manager; Jeff Lewis, 571-5595, [jlewis@modestogov.com](mailto:jlewis@modestogov.com)*

**ACTION: Res. No. 2002-28** (Frohman/Fisher; unan.) waiving the formal bid procedures by five affirmative votes and authorizing the Purchase of Microsoft Office software licenses in the amount of \$68,419.

#### CONSENT

3. Consider awarding a \$79,216 contract to Detrick Corporation for the project titled “East Broadway Avenue Waterline Relining”. Funds are budgeted.  
(Resolution awarding a \$79,216 contract to Detrick Corporation for the project titled “East Broadway Avenue Waterline Relining” recommended.)  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-29** (Frohman/Fisher; unan.) awarding a \$79,216 contract to Detrick Corporation for the project titled “East Broadway Avenue Waterline Relining.”

#### *Removed from agenda*

4. Consider approving an agreement with URS Corporation to provide system engineering services to assist the City in selecting and implementing an Automated Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus system for an estimated cost of \$55,000. The AVL system will provide real-time communication of exact bus location to a central dispatcher. Funds are budgeted.  
(Resolution approving an agreement with URS Corporation to provide system engineering services to assist the City in selecting and implementing an Automated Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus system for an estimated cost of \$55,000 recommended.)  
*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Item 4 removed from agenda.**

#### UNFINISHED BUSINESS

5. Final adoption of:

*Councilmember Conrad absent due to conflict of interest*



?? **Ordinance No. 3240-C.S.** an ordinance amending Section 27-3-9 of the Zoning Map to rezone from Low-Density Residential zone, R-1, to Planned Development zone, P-D(551), property located on the North side of Scenic Drive West of Brighton Avenue. (Jeff and Christi Carver)

**ACTION:** By Motion (Friedman/Fisher; unan.; Conrad, absent) approved the **final adoption of Ordinance No. 3240-C.S.** an ordinance amending Section 27-3-9 of the Zoning Map to rezone from Low-Density Residential zone, R-1, to Planned Development zone, P-D(551), property located on the North side of Scenic Drive West of Brighton Avenue. (Jeff and Christi Carver)

*Councilmembers Conrad & Fisher absent due to conflict of interest*

?? **Ordinance 3241-C.S.** an ordinance adopting a Precise Plan for Area No. 28 of the Village One Specific Plan relating to property located on the North side of Merle Avenue East of Dermond Road. (Florsheim Brothers)

**ACTION:** By Motion (Friedman/Sabatino; unan.; Conrad, Fisher, absent) approved the **final adoption of Ordinance 3241-C.S.** an ordinance adopting a Precise Plan for Area No. 28 of the Village One Specific Plan relating to property located on the North side of Merle Avenue East of Dermond Road. (Florsheim Brothers)

*Councilmembers Conrad & Fisher absent due to conflict of interest*

?? **Ordinance 3242-C.S.** an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located on the North side of Merle Avenue East of Dermond Road. (Precise Plan for Area No. 28 – Florsheim Brothers)

**ACTION:** By Motion (Friedman/Sabatino; unan.; Fisher, Conrad, absent) approved the **final adoption of Ordinance 3242-C.S.** an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located on the North side of Merle Avenue East of Dermond Road. (Precise Plan for Area No. 28 – Florsheim Brothers)

*Councilmember Fisher absent due to conflict of interest*

?? **Ordinance 3243-C.S.** an ordinance amending Section 21-3-9 of the Zoning Map to rezone from Medium-High Density Residential zone, R-3, to Planned Development zone, P-D(552), property located on the North side of East Coolidge Avenue opposite Ila Way. (Architecture Plus Inc.)

**ACTION:** By Motion (Conrad/Friedman; unan.; Fisher, absent) approved the **final adoption of Ordinance 3243-C.S.** an ordinance amending Section 21-3-9 of the Zoning Map to rezone from Medium-High Density Residential zone, R-3, to Planned Development zone, P-D(552), property located on the North side of East Coolidge Avenue opposite Ila Way. (Architecture Plus Inc.)

## NEW BUSINESS

6. Consider a request for an expressway access ramp on Pelandale Avenue Expressway East of Dale Road for the new O'Brien's Center. (Resolution denying access to the general public from Pelandale Avenue Expressway, but granting access from Pelandale to delivery trucks and service vehicles recommended.)  
*Engineering & Transportation; Van Switzer, 577-5214, [vswitzer@modestogov.com](mailto:vswitzer@modestogov.com)*

**ACTION:** By Motion (Conrad/Friedman; majority; Fisher, Frohman, no) directed staff to prepare a resolution granting both the general public and service trucks and vehicles access, to negotiate a hold-harmless agreement and closure provisions if accidents occur and if the deceleration lane results in being an impediment to traffic flow. Staff was directed to review the design and traffic analysis in two years, and if warranted, based on the review, the City may close the access.

## COUNCIL COMMENTS & REPORTS

7. At the request of Mayor Sabatino, discussion on downtown parking enforcement during mid-day.

**ACTION:** Item was referred to the Downtown Improvement District, Downtown Merchant's Association and Transportation Policy Committee.

Mayor Sabatino commented on an article in the Modesto Bee regarding the use of his City cell phone.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 7:04 p.m.

**Tuesday, January 22, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner, Layman

City Clerk's Announcements: Arbor Day Presentation moved to March 6, 2002.

Declaration of Conflicts of Interest: None

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Certificate of Recognition to Dennis Want in recognition of being named as the "Collection System Person of the Year" by the Greater Central Valley Collection System Association.

**ACTION:** Mayor Sabatino presented certificate of Recognition to Dennis Want.

*Request received to move this item to March 6, 2002*

2. Presentation of a Proclamation declaring March 8, 2002, as National Arbor Day in recognition of the importance of trees to a healthy environment and beautiful community.

**ACTION:** Moved to March 6, 2002.

?? Jean Miller from Cricket Communications presented the Mayor with a cell phone with free service for one month.

### **ORAL COMMUNICATIONS**

?? Mayor Sabatino commented on the spaced used in the Bee on stories regarding the Mayor and that the space could have been used for candidates. The Mayor also noted his upcoming trip to Washington, D.C., and New York with the conference of Mayors.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3-5, 7-13  
*Item 6 removed from*

*consent*

**ACTION Items 3-5, 7-13: Frohman/Friedman; unan.**

**ACTION Item 6: Friedman/Conrad; unan.**

### CONSENT ITEMS

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

#### CONSENT

3. Approval of the minutes of the regular City Council meeting of January 15, 2002. (Motion approving needed.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION: By motion** (Frohman/Friedman; unan.), approved the minutes of the regular City Council meeting of January 15, 2002.

#### CONSENT

4. Final adoption of Ordinance No. 3244-C.S. amending Section 2 of Ordinance No. 2262-C.S. entitled "An Ordinance Amending Section Map 12-3-8 of the Zoning Map of the City of Modesto, rezoning certain property located thereon. (Elwyn Young)." (Save Mart Supermarkets)  
(Motion approving adoption recommended.)

**ACTION: By motion**, (Frohman/Friedman; unan.) approving **final adoption of Ordinance No. 3244-C.S.** amending Section 2 of Ordinance No. 2262-C.S. entitled "An Ordinance Amending Section Map 12-3-8 of the Zoning Map of the City of Modesto, rezoning certain property located thereon. (Elwyn Young)." (Save Mart Supermarkets)

#### CONSENT

5. Consider Resolution of Intention to form a Mello-Roos Community Facilities District for NorthPointe (CFD No. 2002-1).  
(Resolution of Intention to form a Mello-Roos Community Facilities District for NorthPointe (CFD No. 2002-1) recommended.)  
*CFD Administration Team; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. 2002-30** (Frohman/Friedman; unan.) approving a Resolution of Intention to form a Mello-Roos Community Facilities District for NorthPointe (CFD No. 2002-1).

REMOVED FROM CONSENT

6. Consider Fiscal Year 2000-2001 Equal Opportunity Status Report.  
(Motion acknowledging receipt of report recommended.)  
*Personnel; Jason Mauga, 577-5209, [jmauga@modestogov.com](mailto:jmauga@modestogov.com)*

**ACTION: By motion** (Friedman/Conrad; unan.) referred item to Human Service Committee.

CONSENT

7. Consider a month-to-month lease with Vintage Limousine and Answering Service for an office in the airport's old administration building in the amount of \$239 per month and authorize the City Manager to execute necessary documents.  
(Resolution approving a month-to-month lease with Vintage Limousine and Answering Service for an office in the airport's old administration building in the amount of \$239 per month and authorizing the City Manager to execute necessary documents recommended.)  
*Engineering & Transportation; Howard Cook, 577-5318, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. 2002-31** (Frohman/Friedman; unan.) approving a month-to-month lease with Vintage Limousine and Answering Service for an office in the airport's old administration building in the amount of \$239 per month and authorizing the City Manager to execute necessary documents

CONSENT

8. Consider supporting Caltrans' restriction of limited vehicular access to State Route 219 (SR219) and limit left turn movements to signalized intersections. Caltrans is in the planning stages of widening SR219 (Kiernan Ave) from SR99 to SR108 and has requested the City of Modesto adopt a resolution to limit left turn movements to signalized intersections and not allow additional driveways to access SR219.  
(Resolution supporting Caltrans' restriction of limited vehicular access to SR219 and limit left turn movements to signalized intersections recommended.)  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. 2002-32** (Frohman/Friedman; unan.) supporting Caltrans' restriction of limited vehicular access to SR219 and limit left turn movements to signalized intersections

CONSENT

9. Consider accepting with regret the resignation of Dan Thayer from the Planning Commission effective immediately.  
(Resolution accepting with regret the resignation of Dan Thayer from the Planning Commission effective this date recommended.)  
*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. 2002-33** (Frohman/Friedman; unan.) accepting with regret the resignation of Dan Thayer from the Planning Commission effective January 22, 2002.

CONSENT

10. Consider authorizing the Purchasing Supervisor to issue a purchase order to ADT Security Services Inc. for video security system for the Operations & Maintenance Department, Water Quality Control (WQC) Plants in the amount of \$51,937.41. Funds are budgeted.  
(Resolution authorizing the Purchasing Supervisor to issue a purchase order to ADT Security Services Inc. for video security system for the Operations & Maintenance Department, Water Quality Control (WQC) Plants in the amount of \$51,937.41 recommended.)  
*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Res. 2002-34** (Frohman/Friedman; unan.) authorizing the Purchasing Supervisor to issue a purchase order to ADT Security Services Inc. for video security system for the Operations & Maintenance Department, Water Quality Control (WQC) Plants in the amount of \$51,937.41.

CONSENT

11. Consider authorizing the Purchasing Supervisor to formally solicit bids for a Pharmacy Benefits Manager Program for the City of Modesto, Workers' Compensation Program, for an estimated annual cost of \$110,000. Funds are budgeted.  
(Resolution authorizing the Purchasing Supervisor to formally solicit bids for a Pharmacy Benefits Manager Program for the City of Modesto, Workers' Compensation Program, for an estimated annual cost of \$110,000 recommended.)  
*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. 2002-35** (Frohman/Friedman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for a Pharmacy Benefits Manager Program for the City of Modesto, Workers' Compensation Program, for an estimated annual cost of \$110,000.

CONSENT

12. Consider grant application for \$400,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for development of the Gateway portion of the Tuolumne River Regional Park and authorizing the City Manager execute necessary documents.  
(Resolution approving submission of application for \$400,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for development of the

Gateway portion of the Tuolumne River Regional Park and authorizing the City Manager execute necessary documents recommended.)

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,  
[ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. 2002-36** (Frohman/Friedman; unan.) approving submission of application for \$400,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for development of the Gateway portion of the Tuolumne River Regional Park and authorizing the City Manager execute necessary documents.

#### CONSENT

13. Consider grant application for \$40,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for further development of the Peggy Mensinger Trail, and authorizing the City Manager to execute necessary documents.

(Resolution approving submission of grant application for \$40,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for further development of the Peggy Mensinger Trail, and authorizing the City Manager to execute necessary documents recommended.)

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,  
[ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. 2002-37** (Frohman/Friedman; unan.) approving submission of grant application for \$40,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Riparian and Riverine Habitat Grant Program for further development of the Peggy Mensinger Trail, and authorizing the City Manager to execute necessary documents.

#### UNFINISHED BUSINESS

14. Consider approving transfer of the Community Facilities District (CFD) administration from the City Attorney's Office to the City Manager's Office, and consider appointing George W. Britton, Deputy City Manager as CFD Administrator and authorize Mr. Britton to designate an acting CFD Administrator if needed to assure continuity and service.

(Resolution approving transfer of the Community Facilities District (CFD) administration from the City Attorney's Office to the City Manager's Office recommended; Resolution approving appointment of George W. Britton, Deputy City Manager, as CFD Administrator and authorizing Mr. Britton to designate an

acting CFD Administrator, if needed, to assure continuity and service recommended.)

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. number 2002-38 was not used.**

**By Motion** (Fisher/Friedman; unan.) approving transfer of the Community Facilities District (CFD) administration from the City Attorney's Office to the City Manager's Office.

**Res. 2002-39** (Fisher/Friedman; unan.) approving appointment of George W. Britton, Deputy City Manager, as CFD Administrator and authorizing Mr. Britton to designate an acting CFD Administrator, if needed, to assure continuity and service.

15. Consider the Strategic Plan Progress Report – January 2002, a guide for the City's policy and resource decisions in the near future.

(Motion acknowledging receipt of report recommended.)

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: By motion,** (Friedman/Fisher; unan.) acknowledged receipt of the Strategic Plan Progress Report – January 2002.

## HEARINGS

16. Consider amendment to City's FY 01-02 Annual Action Plan to re-allocate \$360,979 in Community Development Block Grant funds, and consider amending the FY 01-02 Operating and Capital Improvement budgets to reflect changes. (Resolution amending the FY 01-02 Annual Action Plan recommended; Resolution amending the FY 01-02 operating and Capital Improvement budgets recommended.)

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,*

*[svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. 2002-40** (Conrad/Smith; unan.) amending the FY 01-02 Annual Action Plan

**Res. 2002-41** (Conrad/Smith; unan.) amending the FY 01-02 operating and Capital Improvement budgets.

## NEW BUSINESS



17. Consider report of City of Modesto compliance with AB939 Disposal Reduction Mandates (California Integrated Waste Management Act of 1989 which requires all cities and counties in California to reduce disposal).  
(Motion acknowledging receipt of report recommended.)  
*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: By motion,** (Friedman/Conrad; unan.) acknowledged receipt of the report of the City of Modesto compliance with AB939 Disposal Reduction Mandates (California Integrated Waste Management Act of 1989 which requires all cities and counties in California to reduce disposal).

### **COUNCIL COMMENTS & REPORTS**

18. At the request of Councilmember Frohman, consider approving a resolution urging computer and other hazardous electronics producers to take responsibility for reuse and recycling of their products.

**ACTION: By motion** (Fisher/Friedman; unan.), referred item to Recycling Committee with a request to the Committee to review the item as soon as possible.

?? Mayor Sabatino commented regarding the photo in the Bee with his cell phone and on a letter from a citizen on the opinion page.

?? Councilmember Frohman noted areas he would like to see the City focus on in 2002 which included funding the City's storm drain system, urban limit lines, coping with new growth with a possible restructure of development fees, address poor air quality and promote job creation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

The meeting adjourned at 7:05 p.m

# **Special City Council Workshop Meeting with the Financial Policy Committee**

**Thursday January 24, 2002 at 5:30 p.m.**

Roll Call: Present – Councilmembers Friedman, Frohman, Smith

Absent: Councilmembers Conrad, Fisher, Serpa, Mayor Sabatino

Pledge of Allegiance to the Flag

City Clerk's Announcements

Declaration of Conflicts of Interest

## **ORAL COMMUNICATIONS**

None

1. Budget workshop – Capital Projects Reporting

There was no quorum for this meeting.

## **ADJOURNMENT**

This meeting adjourned at 6:12 pm.

# Special City Council Workshop Meeting

Tuesday, January 29, 2002 at 5:15 p.m.

Roll Call – Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Pledge of Allegiance to the Flag

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

Invocation: Vice Mayor Conrad

## ORAL COMMUNICATIONS

- ?? Richard Edgecomb noted the Veterans Memorial District of Stanislaus County was being established which would provide for construction of the meeting facility.
  - o This item was referred to the Financial Policy Committee.
- ?? Raul Ortega expressed his support of the Veterans Memorial District.
- ?? Pete Kolf noted concern over the amount of money being reserved in the Employee Benefit Management Fund was excessive and requested it be returned to the General Fund.
- ?? Mayor Sabatino noted his concern of the County's proposed use of Tobacco Tax money.

### 1. Budget workshop

**ACTION:** By Motion (Friedman/Fisher; unan.) adopted in concept the staff directions and assigned the policy questions to the appropriate committees, lifted the hiring chill as set forth in staff's recommendation, approved the notion of transferring one half of the departments' ABS savings for general City use and directed staff to address the budget changes as they relate to the Strategic Plan goals. After committee input implementing resolutions will be returned to Council for its consideration and approval.

## ADJOURNMENT

This meeting adjourned at 6:55 p.m.

Modesto City Council  
**SPECIAL CITY COUNCIL WORKSHOP**  
MINUTES  
**Monday, February 4, 2002**  
**5:00 P.M.**  
Second Floor, Room 2001

**Roll Call: Present:** **Bill Conrad, Chair –left at 6:00**  
**Bruce Frohman, Vice Chair**  
**Carmen Sabatino –left at 6:00**  
**Tim Fisher – Alt. Chair,**  
**Kenni Friedman**  
**Armour Smith**

**Absent: Mike Serpa**

NEW BUSINESS

**Information Items:** none

**Consent Items -Approval:** none

**Items Where Staff Expects Discussion, Guidance and /or Recommendation**

1) Elks Lodge Neighborhood Relations

?? Input was taken from the neighbors regarding R.V. parking and other activities at the Elks Lodge

?? Consensus of the Elks, Council, and the neighbors was reached regarding the following issues:

- o Maximum of 7 R.V.'s permitted on the premises. Signage and rules for R.V. and Jonathon's Catering required. Signage to include a hotline for complaints.
- o Maximum of 72 hour parking unless by exception permit.
- o Elks Lodge is to discourage visitors from parking on neighboring streets.
- o Driveway to Douglas is to be blocked.
- o Elks Lodge is to maintain adequate landscaping of Oleanders and regularly dispose of trash and debris on the premises.
- o Regulations to be published in the Elks R.V. Publication.

**ORAL COMMUNICATIONS**

None.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 7:10 p.m.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, February 5, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Joel Richards, La Loma Grace Brethren

City Clerk's Announcements: *Item 18 removed from agenda*

Declaration of Conflicts of Interest: *None*

## ACKNOWLEDGEMENTS & PRESENTATIONS

?? Mayor Sabatino presented a proclamation to Joe and Michelle Williams to acknowledge Reconciliation Month.

## ORAL COMMUNICATIONS

?? Mayor Sabatino discussed his reimbursement for personal phone use, showed a video of a portion of the Chamber Installation Dinner and stated that checks drawn on Modesto Commerce Bank will no longer be accepted at the Mediterranean Market.

?? Miguel Donoso discussed the Equal Opportunity Report and noted a concern that the City may be in violation.

?? Raul Ortega invited the Council to the Black and White Ball scheduled for February 9<sup>th</sup> at the Centre Plaza.

?? Joan Ruttschow commented on a dental health grant for children ages zero to five.

?? Dave Geer spoke in opposition to the proposed Heritage Tree Ordinance.

?? Mayor Sabatino commented on Stanislaus County's Campaign Ordinance.

?? Councilmember Frohman commented on the homelessness issue and lack of affordable housing in the community and requested the CD&H committee review this subject.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1, 2, 5, 6, 8 & 9  
*Items 3, 4, & 7 removed from*

*Consent*

**ACTION Items 1, 2, 5, 6, 8, 9: Friedman/Fisher; unan.**

**ACTION Item 3: Friedman/Fisher; majority; Frohman, no**

**ACTION Item 4: Frohman/Conrad; unan.**

**ACTION Item 7: Fisher/Smith; unan.**

#### **CONSENT ITEMS**

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

#### **CONSENT**

1. Approval of the minutes of the regular City Council meeting of January 22, and the special meeting of January 29, 2002.  
(Motion approving needed.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Friedman/Fisher; unan.) approved the minutes of January 22 and January 29, 2002.

#### **CONSENT**

2. Consider an amendment to the grade separation agreement with the State of California, Department of Transportation to extend the completion date to December 21, 2004 and change the project alignment of the Kansas/Needham Overcrossing Project and authorizing the City Manager to execute the necessary documents.  
(Resolution approving an amendment to the grade separation agreement with the State of California, Department of Transportation to extend the completion date to December 21, 2004 and change the project alignment of the Kansas/Needham Overcrossing Project and authorizing the City Manager to execute the necessary documents recommended.)  
*Engineering & Transportation; Kevin Becker, 577-5253, [kbecker@modestogov.com](mailto:kbecker@modestogov.com)*

**ACTION: Res. No. 2002-42** (Friedman/Fisher; unan.) approving an amendment to the grade separation agreement with the State of California, Department of Transportation to extend the completion date to December 21, 2004 and change the project alignment of the Kansas/Needham Overcrossing Project and authorizing the City Manager to execute the necessary documents.

*Removed from Consent*

3. Consider reasonably available transportation control measures as required by the federal government to improve air quality in the San Joaquin Valley. (Resolution adopting Transportation Control Measures recommended.)  
*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-43** (Friedman/Fisher; majority; Frohman, no) adopting Transportation Control Measures.

*Removed from Consent*

4. Consider joining in 8 Friend of the Court briefs as recommended by the League of California Cities.  
(Motion authorizing the City to join in amicus briefs: 99 Cents Only Stores v. Lancaster Redevelopment Agency; County of Orange County Assessment Appeals Board No. 3; California Dump Truck Owners Association v. Gray Davis, et.al; International Society for Krishna Consciousness v. City of Los Angeles; Bonanno v. Central Contra Costa Transit Authority; Border Business Park v. City of San Diego; Oak Creek Estates v. Town of Paradise; and Harvest Church v. City of Concord, and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.)  
*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) referred item to the Economic Development, Community & Intergovernmental Relations Committee.

CONSENT

5. Consider authorizing the award of water valve gates and fire hydrant caps to American AVK for an estimated total cost of \$46,176 for the remainder of Fiscal Year 2002 and award hydrants and valves to Ferguson Enterprises for an estimated cost of \$76,395 for the remainder of Fiscal Year 2002. Total estimated cost for Fiscal Year 2002 is \$122,571; initial agreement period January 29, 2002 through March 20, 2002, with two one-year extension options. Funds are budgeted. (Resolution authorizing the award of water valve gates and fire hydrant caps to American AVK for an estimated total cost of \$46,176 for the remainder of Fiscal

Year 2002 and award hydrants and valves to Ferguson Enterprises for an estimated cost of \$76,395 for the remainder of Fiscal Year 2002 recommended.)

*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-44** (Friedman/Fisher; unan.) authorizing the award of water valve gates and fire hydrant caps to American AVK; and award hydrants and valves to Ferguson Enterprises.

#### CONSENT

6. Consider approval of a timeline for Public Service Grants and Action Plan for 2002-2003/Citizen Participation Calendar of Events.

(Resolution approving timeline for Public Service Grants and Action Plan for 2002-2003/Citizen Participation Calendar of Events recommended.)

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, [svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-45** (Friedman/Fisher; unan.) approving timeline for Public Service Grants and Action Plan for 2002/2003 Citizen Participation Calendar of Events.

#### *Removed from Consent*

7. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #8). The 71.78 acres are located at the Northwest corner of Floyd & Esta Avenues.

(Resolution of Intention to annex territory to the Village One Community Facilities District No. 1996-1 recommended.)

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-46** (Fisher/Smith; unan.), a Resolution of Intention to annex territory to the Village One Community Facilities District No. 1996-1.

#### CONSENT

8. Consider a new agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens Housing Project and authorizing the City Manager to execute the necessary documents. Revenue, \$61,392.

(Resolution approving a new agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens Housing Project and authorizing the City Manager to execute the necessary documents recommended.)

*Police; Ron Sale, 572-9674, [saler@modestopd.com](mailto:saler@modestopd.com)*

**ACTION: Res. No. 2002-47** (Friedman/Fisher; unan.) approving a new agreement with the Housing Authority of Stanislaus County for special police services to the



Westview Gardens Housing Project and authorizing the City Manager to execute the necessary documents.

#### CONSENT

9. Consider a contract with Modesto City Schools to provide on Modesto Police Officer at Bret Harte and Shackelford Elementary Schools and authorizing the City Manager to execute the necessary documents; Consider amending the fiscal year 2001/2002 annual budget estimating revenue and appropriating funds. Revenue, \$47,398.

(Resolution approving a contract with Modesto City Schools to provide on Modesto Police Officer at Bret Harte and Shackelford Elementary Schools and authorizing the City Manager to execute the necessary documents recommended; Resolution approving amending the fiscal year 2001/2002 annual budget estimating revenue and appropriating funds recommended.)

*Police; Ron Sale, 572-9674, [saler@modestopd.com](mailto:saler@modestopd.com)*

**ACTION: Res. No. 2002-48** (Friedman/Fisher; unan.) approving a contract with Modesto City Schools to provide on Modesto Police Officer at Bret Harte and Shackelford Elementary Schools and authorizing the City Manager to execute the necessary documents.

**Res. No. 2002-49** (Friedman/Fisher; unan.) approving amending the fiscal year 2001/2002 annual budget estimating revenue and appropriating funds.

#### WRITTEN COMMUNICATIONS

10. Consider request from Attorney Charles Brunn for a City Ordinance regulating residential picketing.

**ACTION:** By Motion (Fisher/Smith; Conrad, no) directed the City Attorney to draft an Ordinance addressing target picketing with the participation of Attorney Brunn and Attorney Supton from OE3.

#### UNFINISHED BUSINESS

11. Consider supporting legislation on Hazardous Electronic Wastes.  
(Resolution supporting legislation on Hazardous Electronic Wastes recommended.)  
*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Res. No. 2002-50** (Smith/Friedman; majority; Sabatino, no) supporting legislation on Hazardous Electronic Wastes as recommended in the Staff Report Attachment C.

12. Consider various actions necessary to conduct a Proposition 218 property owner election on April 29, 2002 to seek approval of a proposed increase in storm drain sewer surcharge rates.

(**Resolution** approving the proposed procedures for conducting a Proposition 218 process property owner ballot vote for a storm drainage sewer surcharge rate increase recommended; **Resolution** approving the call for a special, all-mail ballot vote of property owners, tentatively scheduled for April 29, 2002, to consider a proposed rate increase to fund operations, maintenance, and facility replacement costs related to the existing storm drainage system, along with authorizing staff to send ballots to the affected property owners, and perform other ballot voting related tasks recommended; **Resolution** awarding a professional services agreement to Harris & Associates for professional service related to assisting City staff in completing the property owner ballot vote recommended; **Resolution** amending the budget by approving an appropriation transfer of \$70,000 to the Storm Drainage Reserve Fund to cover the costs of conducting the ballot vote recommended; **Introduction** of an Ord amending Municipal Code Section 2-9.01 to implement the election procedure set forth in Proposition 218 and the Proposition 218 Omnibus Implementation Act recommended.)

*Engineering & Transportation; Richard Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Res. No. 2002-51** (Friedman/Fisher; majority; Conrad, Serpa & Sabatino, no) approving the proposed procedures for conducting a Proposition 218 process property owner ballot vote for a storm drainage sewer surcharge rate increase

**Res. No. 2002-52** (Friedman/Fisher; majority; Conrad, Serpa & Sabatino, no) approving the call for a special, all-mail ballot vote of property owners, tentatively scheduled for April 29, 2002, to consider a proposed rate increase to fund operations, maintenance, and facility replacement costs related to the existing storm drainage system, along with authorizing staff to send ballots to the affected property owners, and perform other ballot voting related tasks as amended to include the ballot question in the sample ballot as Exhibit "A" and amending the inflator to 3.5% for four years.

**Res. No. 2002-53** (Friedman/Fisher; majority; Conrad, Serpa & Sabatino, no) awarding a professional services agreement to Harris & Associates for professional service related to assisting City staff in completing the property owner ballot vote

**Res. No. 2002-54** (Friedman/Fisher; majority; Conrad, Serpa & Sabatino, no) amending the budget by approving an appropriation transfer of \$70,000 to the Storm Drainage Reserve Fund to cover the costs of conducting the ballot vote

By Motion (Friedman/Fisher; majority; Conrad, Serpa & Sabatino, no)  
**introduced Ordinance No. 3245–C.S.** amending Municipal Code Section 2-

9.01 to implement the election procedure set forth in Proposition 218 and the Proposition 218 Omnibus Implementation Act.

By Motion (Frohman/Conrad; majority; Fisher, Friedman & Smith, no) to pay postage on ballots returned by property owners.

## HEARINGS

*Conrad absent due to conflict of interest.*

13. Hearing to consider pre-zoning and California Environmental Quality Act (CEQA) review for a 24.4 acre site South of Parker Road.  
(Introduce an ordinance rezoning the 24.4 acre property located on the South side of Parker Road, East of the Burlington Northern and Santa Fe Railroad, North of Dry Creek, to Specific Plan-Overlay (SP-O) zone recommended; Resolution finding that the project is consistent with the scope of the Empire North Unit One Focused EIR recommended.)

*Community Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Fisher/Friedman; majority, Frohman & Serpa, no, Conrad, absent) **introduced Ordinance No. 3246–C.S.** rezoning the 24.4 acre property located on the South side of Parker Road, East of the Burlington Northern and Santa Fe Railroad, North of Dry Creek, to Specific Plan-Overlay (SP-O) zone

**Res. No. 2002-55** (Fisher/Friedman; majority, Frohman & Serpa, no, Conrad, absent) finding that the project is consistent with the scope of the Empire North Unit One Focused EIR

## NEW BUSINESS

*Conrad absent due to conflict of interest*

14. Consider an application to the Stanislaus County Local Agency Formation Commission (LAFCO) requesting annexation of a 24.4 acre property located on the South side of Parker Road, East of the Burlington Northern and Santa Fe Railroad, North of Dry Creek within the Empire North Unit One Specific Plan and adoption of findings that the project is within the scope of the Empire North Unit One Focused EIR, submitted by John J. and Judy A. Machado.  
(Resolution approving submittal of an application to the Stanislaus County Local Agency Formation Commission (LAFCO) requesting annexation of a 24.4 acre property located on the South side of Parker Road, East of the Burlington Northern and Santa Fe Railroad, North of Dry Creek within the Empire North Unit One Specific Plan recommended; Resolution adopting findings that the project is within the scope of the Empire North Unit One Focused EIR recommended.)

*Community Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Res. No. 2002-56** (Fisher/Friedman; majority; Frohman & Serpa, no; Conrad, absent) approving submittal of an application to the Stanislaus County Local Agency Formation Commission (LAFCO) requesting annexation of a 24.4 acre property located on the South side of Parker Road, East of the Burlington Northern and Santa Fe Railroad, North of Dry Creek within the Empire North Unit One Specific Plan.

**Res. No. 2002-57** (Fisher/Friedman; majority; Frohman & Serpa, no; Conrad, absent) adopting findings that the project is within the scope of the Empire North Unit One Focused EIR.

15. Status report by staff regarding street projects.  
(Motion acknowledging receipt of report recommended.)  
*Engineering & Transportation; Dean Phillips, 577-5260,*  
[\*dphillips@modestogov.com\*](mailto:dphillips@modestogov.com)

**ACTION:** Item was continued to the February 12, 2002 meeting.

### **COUNCIL COMMENTS & REPORTS**

16. At the request of Mayor Sabatino, discussion regarding street repair to I Street between 14<sup>th</sup> and Downey Streets. Refer to Financial Policy Committee (FPC) for consideration to increase the budget approximately \$300,000 to complete the street repair project.

**ACTION:** Item was referred to the Financial Policy Committee.

17. At the request of Vice Mayor Conrad, consider placing a Measure M (sewer extension) Advisory Vote on the November ballot for the Shackleford Neighborhood and all full and partial islands in order to improve sanitation and health.

**ACTION:** Item was referred to the Community Development and Housing Committee with the Roselawn Triangle at the request of Councilmember Fisher.

Item 18 removed from agenda

18. At the request of Vice Mayor Conrad, discussion of a new campaign contribution disclosure ordinance similar to the one recently adopted by Stanislaus County. Copy of County Ordinance attached.

**ACTION:** Removed from agenda.

19. Mayor Sabatino's report on the U.S. Conference of Mayor's Washington, DC trip.

**ACTION:** No action taken.

?? Councilmember Fisher requested a policy addressing personal cell phone use by Councilmembers be placed on the February 12, 2002 agenda.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

This meeting adjourned at 10:03p.m.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, February 12, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Father Bill McDonald, St. Stanislaus

City Clerk's Announcements: The Clerk announced that Vice Mayor Conrad needed to leave the meeting at 6:15 p.m.

Declaration of Conflicts of Interest: None

## ACKNOWLEDGEMENTS AND PRESENTATIONS

None

## ORAL COMMUNICATIONS

- ?? Dave Geer requested the Council to acknowledge Abraham Lincoln's birthday and expressed his concern with the State of New Jersey in using a text book that does not include acknowledgement of Presidents Washington, Adams and Lincoln.
- ?? Mayor Sabatino discussed the Modesto Bee article regarding conference expense, the removal of Councilmember Friedman from the FPC, and CDBG money that was reallocated for the MJC West project.
- ?? Councilmember Smith commented on his effort in following City Policy regarding conference expenses
- ?? Councilmember Friedman confirmed the FPC discussion regarding employee policies regarding conferences.
- ?? Councilmember Fisher responded regarding the use of CDBG money and the reallocation for the MJC West project.
- ?? Councilmember Frohman requested Council conference and travel policy details be discussed at the February 19, 2002 Council meeting.

- ?? Dale Williams commented on the use of CDBG funds on the MJC West project.
- ?? Councilmember Friedman commented on League of California Cities policy committees attendance requirement.
- ?? Kenneth Doer spoke in opposition to a project labor agreement for the U.C. Merced project.
- ?? Chris Stetsko spoke regarding the same subject as Mr. Doer.
- ?? Clayton Smith spoke regarding the same subject as Misters. Doer and Smith.
- ?? Raul Ortega commented regarding Veteran Workers on the U.C. Merced project.
- ?? Councilmember Fisher requested the project labor agreement issue be referred to the EDCIGR Committee.
- ?? Mayor Sabatino requested the I Street construction project be referred to the EDCIGR Committee.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1, 2, 4-7  
*Item 3 removed from*

*Consent*

**ACTION Items 1, 2, 4-7: Fisher/Friedman; unan.**

**ACTION Item 3: Friedman/Fisher; unan.**

### CONSENT ITEMS

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

#### CONSENT

1. Approval of the minutes of the special workshop meeting of February 4, 2002 and the regular City Council meeting of February 5, 2002.
- ?? Motion approving recommended.  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Friedman; unan.) approved the minutes of February 4 and February 5, 2002.

#### CONSENT

2. Consider California Integrated Waste Management Board and California Department of Conservation grant documents.
  - ?? Resolution authorizing the City Manager or Deputy City Manager to sign solid waste grant related documents from the California Integrated Waste Management Board and rescind Resolution 98-287 recommended;
  - ?? Resolution authorizing the City Manager or Deputy City Manager to sign solid waste grant related documents from the California Department of Conservation recommended.

*Engineering & Transportation; Beverly McCullough, 577-5495,  
[bmccullough@modestogov.com](mailto:bmccullough@modestogov.com)*

**ACTION: Res. No. 2002-58** (Fisher/Friedman; unan.) authorizing the City Manager or Deputy City Manager to sign solid waste grant related documents from the California Integrated Waste Management Board and rescind Resolution 98-287

**Res. No. 2002-59** (Fisher/Friedman; unan.) authorizing the City Manager or Deputy City Manager to sign solid waste grant related documents from the California Department of Conservation recommended.

REMOVED FROM CONSENT

3. Consider the resignation of Richard Almanza from the Economic Development Loan Committee and the Citizens Housing & Community Development Committee; Consider resignation of Randy Clark, Judy Kenyon, and Lee Sturgill from the Community Qualities Forum.

?? Resolution accepting with regret the resignation of Richard Almanza from the Economic Development Loan Committee and the Citizens Housing & Community Development Committee recommended.

?? Resolution accepting with regret the resignation of Randy Clark from the Community Qualities Forum recommended.

?? Resolution accepting with regret the resignation of Judy Kenyon from the Community Qualities Forum recommended.

?? Resolution accepting with regret the resignation of Lee Sturgill from the Community Qualities Forum recommended.

*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. No. 2002-60** (Friedman/Fisher; unan.) accepting with regret the resignation of Richard Almanza from the Economic Development Loan Committee and the Citizens Housing & Community Development Committee.

**Res. No. 2002-61** (Friedman/Fisher; unan.) accepting with regret the resignation of Randy Clark from the Community Qualities Forum.

**Res. No. 2002-62** (Friedman/Fisher; unan.) accepting with regret the resignation of Judy Kenyon from the Community Qualities Forum.

**Res. No. 2002-63** (Friedman/Fisher; unan.) accepting with regret the resignation of Lee Sturgill from the Community Qualities Forum.

CONSENT



4. Consider supporting Proposition 42, the Transportation Congestion Improvement Act which proposes revenue from motor vehicle fuel sales and use taxes be used for transportation purposes.

?? Resolution supporting Proposition 42, the Transportation Congestion Improvement Act recommended.

*City Manager; Beverly Hatcher, 577-5220, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Res. No. 2002-64** (Fisher/Friedman; unan.) supporting Proposition 42, the Transportation Congestion Improvement Act

#### CONSENT

5. Consider budget amendment to fund settlement of a construction claim filed on the Ranch Cannery Pump Station Project by Rutherford & Smith Construction Inc.

?? Resolution amending the budget to fund costs related to the settlement of a construction claim filed on the Ranch Cannery Pump Station Project by Rutherford & Smith Construction Inc. recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-65** (Fisher/Friedman; unan.) amending the budget to fund costs related to the settlement of a construction claim filed on the Ranch Cannery Pump Station Project by Rutherford & Smith Construction Inc.

#### CONSENT

6. Consider award of bid to Traffic Safety Supply Inc. for \$69,192.45 for purchase of traffic control devices.

?? Resolution awarding the bid to Traffic Safety Supply Inc. for \$69,192.45 for purchase of twelve Model 170E Controller Assemblies with 332 cabinets and authorizing the Purchasing Supervisor to issue a purchase order recommended.)

*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Res. No. 2002-66** (Fisher/Friedman; unan.) awarding the bid to Traffic Safety Supply Inc. for \$69,192.45 for purchase of twelve Model 170E Controller Assemblies with 332 cabinets and authorizing the Purchasing Supervisor to issue a purchase order.

#### CONSENT

7. Consider requesting proposals for purchase of fuel card lock services, bulk fuel and bulk lubricant purchases.

?? Resolution authorizing the Purchasing Supervisor to solicit proposals for fuel card lock services, bulk fuel and lubricants for an annual estimated cost of \$1,500,000 recommended.

*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-67** (Fisher/Friedman; unan.) authorizing the Purchasing Supervisor to solicit proposals for fuel card lock services, bulk fuel and lubricants for an annual estimated cost of \$1,500,000

### UNFINISHED BUSINESS

8. Final adoption of:

- a. Ordinance 3245-C.S. an ordinance amending Section 2-9.01 of Chapter 9 of Title 2 of the Modesto Municipal Code relating to mail ballot elections.  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Friedman/Fisher; majority; Conrad & Serpa, no) approved **final adoption of Ordinance 3245-C.S.** an ordinance amending Section 2-9.01 of Chapter 9 of Title 2 of the Modesto Municipal Code relating to mail ballot elections.

- b. Ordinance 3246-C.S. an ordinance amending a portion of Sections 19-3-10 and 18-3-10 of the Zoning Map of the City of Modesto rezoning certain property located thereon. (John and Judy Machado).  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Friedman/Fisher; majority; Frohman & Serpa, no; Conrad, absent) approved **final adoption of Ordinance 3246-C.S.** an ordinance amending a portion of Sections 19-3-10 and 18-3-10 of the Zoning Map of the City of Modesto rezoning certain property located thereon. (John and Judy Machado).

### HEARINGS

9. Hearing to consider the application of Mr. Rasul Ghulum to operate a taxicab company in Modesto.  
??Resolution approving the issuance of five Certificates of Public Convenience and Necessity to Rasul Ghulum to operate a taxicab company in the city of Modesto.

*Engineering & Transportation; Fred Cavanah, 577-5298,  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Fisher/Smith; unan; Conrad, absent), item was continued to March 26, 2002.

10. Hearing to consider the appeal of Erik and Catrina Lundeberg to a decision by the Board of Zoning Adjustment which denied their appeal of staff's decision that approved a second-story addition to the home at 1013 Encina Avenue.  
?Resolution denying the appeal and uphold the decision of the board of Zoning Adjustment which denied the appeal of Erik and Catrina Lundeberg of staff's approval of a second story addition to the home at 1013 Encina Avenue recommended.  
*Community Development; Josh Bridegroom, 571-5540, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Firedman/Fisher; unan.; Conrad, absent), item was continued to April 2, 2002.

11. Hearing to consider annexation of property already in the City to the Coffee-Claratina Mello-Roos Community Facilities District No. 2000-2, and consider calling election (Annexation #1).  
?Resolution calling an election of the purpose of submitting the levy of a special tax to the qualified electors of the territory proposed to be annexed to the Coffee-Claratina Community Facilities District No. 2000-2 (Annexation #1) recommended.  
*City Manager; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-68** (Fisher/Smith; unan.; Conrad, absent) calling an election of the purpose of submitting the levy of a special tax to the qualified electors of the territory proposed to be annexed to the Coffee-Claratina Community Facilities District No. 2000-2 (Annexation #1).

## NEW BUSINESS

*Item #12 continued from February 5, 2002*

12. Status report by staff regarding street projects.  
?Motion acknowledging receipt of report recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION:** By Motion (Frohman/Smith; unan.; Conrad, absent) acknowledged receipt of report.

13. Technology Update and Demonstration.  
?Motion acknowledging receipt of report recommended.

*City Manager; Donna Hansen, 571-5125, dhansen@modestogov.com*

**ACTION:** By Motion (Frohman/Serpa; unan; Conrad, absent) acknowledged receipt of report.

13a. At the request of Mayor/Chairperson Sabatino, discussion of a potential redevelopment project on the South side of Scenic Avenue between Coffee Road and the former County Hospital, consisting 9.79 acres (APN 34-18-6). Items to be discussed include status of the Federal Transportation Enhancement Act (TEA) grant acquisition of a portion of the parcel described above owned by Scenic Road Partners.

**ACTION:** By Motion (Fisher/Friedman; majority; Sabatino, no; Conrad, absent), directed staff to continue with action given at July 17, 2001 Council Meeting.

## **MISCELLANEOUS**

### Appointments

14. Consider appointments to the following board, committee or commission:

??Airport Advisory Committee

?? One vacancy with term expiration of 1/1/06, one appointment for next available vacancy representing non-provider user/general aviation side.

**ACTION: Res. No. 2002-69** (Friedman/Fisher; unan.; Conrad, absent) appointing Dr. Gaylord Boyer, term expiring January 1, 2006, to the Airport Advisory Committee.

James Davis was designated as a future appointee for the next available vacancy representing non-provider user/general aviation side.

?? Community Qualities Forum

?? Two vacancies with term expiration of 1/1/06

**ACTION: Res. No. 2002-70** (Friedman/Fisher; unan.; Conrad, absent) appointing Gene Carhart and Mark Heinzinger to the Community Qualities Forum with a term expiration date of January 1, 2006

?? Equal Opportunity/Disability Commission

?? One vacancy with term expiration of 1/1/04, one vacancy with term expiration of 1/1/05, and one vacancy with term expiration of 1/1/06

**ACTION: Res. No. 2002-71** (Friedman/Fisher; unan.; Conrad, absent) appointing Joann Gee, term expiring January 1, 2004, Edwin Lopes, term expiring January 1, 2005, and Brian Carson, term expiring January 1, 2006 to the Equal Opportunity/Disability Commission.

?? Housing Rehabilitation Loan Committee  
?? One vacancy with term expiration of 1/1/05

**ACTION: Res. No. 2002-72** (Friedman/Fisher; unan.; Conrad, absent) appointing Laura Norwood, term expiring January 1, 2005, to the Housing Rehabilitation Loan Committee.

15. Consider re-appointments to the following board, committee or commission:

??Equal Opportunity/Disability Commission  
?? Three positions with terms expiring 1/1/06

**ACTION: Res. No. 2002-73** (Friedman/Fisher; unan.; Conrad, absent) re-appointing Dwight Bateman, Scott Hallmon, and Edwin Penfold, terms expiring January 1, 2006, to the Equal Opportunity/Disability Commission.

??Housing Rehabilitation Loan Committee  
?? One position with term expiring of 1/1/06

**ACTION: Res. No. 2002-74** (Friedman/Fisher; unan.; Conrad, absent) re-appointing Ricardo Cordova, term expiring January 1, 2006, to the Housing Rehabilitation Loan Committee.

?? Landmark Preservation Commission  
?? Three positions with terms expiring 1/1/06

**ACTION: Res. No. 2002-75** (Friedman/Fisher; unan.; Conrad, absent) appointing Jerome Beamish, William Stewart, and Thom Torvend, terms expiring January 1, 2006, to the Landmark Preservation Commission.

?? Planning Commission representative to the Board of Zoning Adjustment and to the Redevelopment Advisory Commission  
?? One position for the 2002 calendar year to the BZA & RAC.

**ACTION: BZA** re-appointment was dropped from agenda.

**Res. No. 2002-76** (Friedman/Fisher; unan.; Conrad, absent) re-appointing Alita Roberts as the Planning Commission Representative to the Redevelopment Advisory Commission for the 2002 calendar year.

### **COUNCIL COMMENTS & REPORTS**

16. At the request of Councilmember Fisher, consider a policy to address cell phone use by Councilmembers.

**ACTION: Res. No. 2002-77** (Fisher/Smith; unan.; Conrad, absent) establishing a policy to address cell phone use by Councilmembers.

By Motion (Fisher/Smith; unan., Conrad, absent) directed the City Manager to draft an overall strategy for Council reimbursements and expenses.

17. At the request of Mayor Sabatino, consider Charter Amendment for Mayor and Councilmember salary adjustment.

**ACTION:** Item was referred to the EDCIGR Committee.

- ?? Councilmember Serpa requested a microphone be attached to the side of the podium for those with disabilities.  
?? Councilmember Smith spoke regarding his work with the formation of neighborhood associations.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

This meeting adjourned at 9:40 p.m.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, February 19, 2002, at 5:15 p.m.

Roll Call – Present     Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,  
Smith, Mayor Sabatino

Absent:     None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner, Orangeburg Ave Baptist, Layman

*City Clerk's Announcements: None*

Declaration of Conflicts of Interest: *Friedman, Item 6*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of American Flag to Modesto City Council by the Stanislaus Chinese Association.

**ACTION:** Flag was presented by the Chinese Association to the City Council.

2. Presentation of the Commander's Recognition Award to City Manager Jack Crist by Raul Ortega, Commander, American GI Forum.

**ACTION:** Presentation made by Raul Ortega to City Manager Jack Crist.

## ORAL COMMUNICATIONS

- ?? Dan Monteroso discussed the status of the property on Scenic and Coffee and requested to meet with staff.
- ?? Mayor Sabatino read his letter to the Modesto Bee dated September 9, 2001 regarding the landfill and Waste to Energy Plant, and noted his concern of the ratepayers being overcharged by the County.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3, 4, 7 & 8

**ACTION Items 3, 4, 7 & 8: Fisher/Frohman; unan.**

**ACTION Item 5: Frohman/Friedman; majority; Conrad, no**

**ACTION Item 6: Frohman/Fisher; unan.; Friedman, absent**

### **CONSENT ITEMS**

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

#### **CONSENT**

3. Approval of the minutes of the regular City Council meeting of February 12, 2002.  
?? Motion approving needed.  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.) approved the minutes of February 12, 2002.

#### **CONSENT**

4. Consider accepting as complete the work of Clayborn Contracting Group for traffic signal installation at three intersections in Modesto: Oakdale/Mable, Coffee/Mable, Hatch/Ustick.  
?? Resolution accepting as complete the work of Clayborn Contracting Group for the project titled “Installation of Traffic Signals at Oakdale Road and Mable Avenue, Coffee Road and Mable Avenue, and at Hatch Road and Ustick Avenue” recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-78** (Fisher/Frohman; unan.) accepting as complete the work of Clayborn Contracting Group for the project titled “Installation of Traffic Signals at Oakdale Road and Mable Avenue, Coffee Road and Mable Avenue, and at Hatch Road and Ustick Avenue”.

#### **REMOVED FROM CONSENT**

5. Consider supporting a measure that has been placed on the March 5, 2002 ballot (Proposition 40) which would provide funding to help clean air and water, keep parks safe and protect coastal areas.  
?? Resolution supporting Proposition 40, Clean Water, Clean Air, Safe Parks and Coastal Protection Bond Act of 2002.



*Parks, Recreation & Neighborhoods; Carolyn Eubank; 577-5349;  
[ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. No. 2002-79** (Frohman/Friedman; majority; Conrad, no) supporting Proposition 40, Clean Water, Clean Air, Safe Parks and Coastal Protection Bond Act of 2002.

*Friedman absent due to conflict of interest*

6. Consider waiving fees for use of Graceada Park on March 9, 2002 for a Vigil of Hope to raise funds for families of missing persons and murder victims.
  - ?? Resolution approving request from Carole Sund/Carrington Memorial Reward Foundation for direct city assistance for the Vigil of Hope at Graceada Park on March 9, 2002 recommended.
  - ?? Resolution amending the FY 01-02 budget to appropriate \$850 from the General Fund Reserve.

*Parks, Recreation & Neighborhoods; Linda McDermott; 571-5863;  
[lmcdermott@modestogov.com](mailto:lmcdermott@modestogov.com)*

**ACTION: Res. No. 2002-80** (Frohman/Fisher; unan.; Friedman, absent) approving request from Carole Sund/Carrington Memorial Reward Foundation for direct city assistance for the Vigil of Hope at Graceada Park on March 9, 2002.

**Res. No. 2002-81** (Frohman/Fisher; unan.; Friedman, absent) amending the FY 01-02 budget to appropriate \$850 from the General Fund Reserve.

#### CONSENT

7. Consider additional funding, \$12,000, to complete the traffic study and landscape architecture for Sutton Park located adjacent to Johansen High School.
  - ?? Resolution amending the FY 01-02 Capital Improvement Program budget to appropriate \$12,000 to fund additional landscape architectural services and traffic study for Sutton Park.

*Parks, Recreation and Neighborhoods; Bob Ford; 577-5437;  
[bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION: Res. No. 2002-82** (Fisher/Frohman; unan.) amending the FY 01-02 Capital Improvement Program budget to appropriate \$12,000 to fund additional landscape architectural services and traffic study for Sutton Park.

#### CONSENT

8. Consider hiring a part-time Redevelopment Administrator for project administration of redevelopment commercial and housing projects. Funds are budgeted.

?? Resolution approving an agreement for a part-time Redevelopment Administrator to perform project administration for redevelopment commercial and housing projects recommended.

*Community Development; Linda Boston; 571-5179; [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-83** (Fisher/Frohman; unan.) approving an agreement for a part-time Redevelopment Administrator to perform project administration for redevelopment commercial and housing projects.

## UNFINISHED BUSINESS

9. Consider an ordinance prohibiting targeted picketing within 300 feet of the targeted residence.

*Attorney; Mike Milich; 577-5284; [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Sabatino/Frohman; unan.), item was continued to a future meeting after a meeting of all parties involved and additional research is conducted.

10. Oral report from the City Manager on City Council Administrative Policies regarding travel, conference expense, and telephone use.

**ACTION:** Item was continued to February 26, 2002 meeting.

## MISCELLANEOUS

### Appointments

11. Consider a re-appointment of a Planning Commission representative to the Board of Zoning Adjustment.

??Resolution appointing a Planning Commission representative to the Board of Zoning for the 2002 calendar year to the BZA recommended.

**ACTION: Res. No. 2002-84** (Frohman/Friedman; unan.) appointing Ray Feller, a Planning Commission representative, to the Board of Zoning for the 2002 calendar year to the BZA

## COUNCIL COMMENTS & REPORTS

12. At the request of Councilmember Frohman, further discussion of a conference and travel policy for Councilmembers.

**ACTION:** Item was continued to February 26, 2002 meeting.

**MATTERS TOO LATE FOR THE AGENDA**

None

**ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

## MINUTES

Tuesday, February 26, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers, Fisher, Friedman, Serpa, Smith, Mayor Sabatino  
Vice Mayor Conrad arrived at 7:19 p.m.

Absent: Councilmember Frohman

Pledge of Allegiance to the Flag

Invocation: Ms. Peggy Britt, Director of Operations, Medical Ambassadors International

City Clerk's Announcements: *The Clerk noted Vice Mayor Conrad's attendance at an MJC Forum for Congressional Candidates and that he would arrive late to the Council meeting.*

*Declaration of Conflicts of Interest: Friedman, Item 18  
Smith, Item 18*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to various local businesses for their participation in the Waste Reduction Award Program (WRAP) by the California Integrated Waste Management Board (CIWMB).  
*Engineering & Transportation; Bev McCullough; 577-5495;  
[bmccullough@modestogov.com](mailto:bmccullough@modestogov.com)*

**ACTION:** Bev McCullough made the presentation to local businesses.

2. Presentation acknowledging Ed Osborne for his leadership and efforts in collecting monies and organizing the Modesto Firefighter's "Fill the Boot" fundraiser to benefit families of the fallen fire fighters from September 11, 2001 attack on the World Trade Center.

**ACTION:** Presentation made by Mayor Sabatino and Chief Hannink.

- ?? Michael Maxwell from Sister Cities International invited Mayor Sabatino to Kurume, Japan for the 10-year anniversary for the Sister City relationship between Kurume and Modesto.

## ORAL COMMUNICATIONS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3-9, & 11  
Item 10 continued to a future date.

**ACTION Items 3-9, & 11: Friedman/Fisher; unan.; Frohman & Conrad, absent.**

### CONSENT ITEMS

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

#### CONSENT

3. Approval of the minutes of the regular City Council meeting of February 19, 2002. (Motion approving needed.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Friedman; unan.; Frohman & Conrad, absent) approved the minutes of February 19, 2002.

#### CONSENT

4. Consider approval of Final Map of Sundance Lake No 2 Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the Subdividers (Owners: Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, and Joseph Darwin Colby, Trustee of the Joseph Darwin Colby Trust dated April 1, 1994).  
?? Resolution approving the final map of Sundance Lake Unit No. 2 Subdivision and authorizing the City Manager to execute subdivision agreement recommended.

*Engineering & Transportation; Robert Granberg; 577-5259;  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-85** (Fisher/Friedman; unan.; Frohman & Conrad, absent) approving the final map of Sundance Lake Unit No. 2 Subdivision and authorizing the City Manager to execute subdivision agreement.

#### CONSENT

5. Consider Amendment No. 14 to increase the contract by \$189,689 for Engineering Services for 9<sup>th</sup> Street Railroad Relocation Project with DeLeuw, Cather & Company (now Parsons Transportation Group).

?? Resolution approving Amendment No. 14 to the Agreement for Engineering Services for 9<sup>th</sup> Street Railroad Relocation Project with DeLeuw, Cather & Company (now Parsons Transportation Group recommended.  
*Engineering & Transportation; Glen Lewis, 577-5213, [glewis@modestogov.com](mailto:glewis@modestogov.com)*

**ACTION: Res. No. 2002-86** (Fisher/Friedman; unan.; Frohman & Conrad, absent) approving Amendment No. 14 to the Agreement for Engineering Services for 9<sup>th</sup> Street Railroad Relocation Project with DeLeuw, Cather & Company (now Parsons Transportation Group.

CONSENT

6. Consider approving an Amendment to the Agreement with RRM Design Group, Inc. to provide additional services related to the preparation of design development and construction documents for the remodel and addition work at the Maddux Youth Center.

?? Resolution approving an Amendment to Agreement with RRM Design Group to provide additional services related to the preparation of design development and construction documents for the remodel and addition work at the Maddux Youth Center recommended.

*Parks, Recreation & Neighborhoods; Bob Ford; 577-5437;  
[bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION: Res. No. 2002-87** (Fisher/Friedman; unan.; Frohman & Conrad, absent) approving an Amendment to Agreement with RRM Design Group to provide additional services related to the preparation of design development and construction documents for the remodel and addition work at the Maddux Youth Center.

CONSENT

7. Consider an appropriation of \$110,000 from the General Fund Reserve to fund the Golf Course Wells project.

?? Resolution amending the FY 01-02 Capital Improvement Program to appropriate \$110,000 from the General Fund Reserve, 0100-800-800-8003 to project 6600-610-M264, Golf Course Wells.

*Parks, Recreation & Neighborhoods; Bob Quintella; 577-6444;  
[bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-88** (Fisher/Friedman; unan.; Frohman & Conrad, absent) amending the FY 01-02 Capital Improvement Program to appropriate \$110,000 from the General Fund Reserve, 0100-800-800-8003 to project 6600-610-M264, Golf Course Wells.

CONSENT

8. Consider authorizing the City Manager to execute a contract in the amount of \$55,000 between the City of Modesto and URS Corporation of Santa Ana, California to provide system engineering services that will assist the City in selecting and implementing the Automated Vehicle Location (AVL) system for the Modesto Area Express (MAX) bus system.

?? Resolution awarding a bid in the amount of \$55,000.00 to URS Corporation of Santa Ana, California to provide system engineering services that will assist the City in selecting and implementing an AVL system for the MAX bus system, and authorizing the City Manager to execute a contract with URS Corporation for the system engineering services recommended.

*Finance; Tom Reddie; 577-5406; [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Res. No. 2002-89** (Fisher/Friedman; unan.; Frohman & Conrad, absent) awarding a bid in the amount of \$55,000.00 to URS Corporation of Santa Ana, California to provide system engineering services that will assist the City in selecting and implementing an AVL system for the MAX bus system, and authorizing the City Manager to execute a contract with URS Corporation for the system engineering services.

#### CONSENT

9. Consider approving a resolution canvassing the election for the Coffee-Claratina Community Facilities District No. 2000-2 (Coffee-Claratina Annexation #1), and ordering annexation of territory to the Coffee-Claratina Community Facilities District No. 2000-2.

?? Resolution canvassing the results of the February 19, 2002, Election held within the territory to be annexed to the Coffee-Claratina Community Facilities District 2000-2, and ordering annexation of certain territory to the District (Annexation #1).

*City Manager's Office—CFD Formation Group; Tina Rocha; 577-5321; [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-90** (Fisher/Friedman; unan.; Frohman & Conrad, absent) canvassing the results of the February 19, 2002, Election held within the territory to be annexed to the Coffee-Claratina Community Facilities District 2000-2, and ordering annexation of certain territory to the District (Annexation #1).

#### REMOVED FROM AGENDA

10. Consider accepting the 2000-2001 Equal Opportunity Status Report.

?? Motion acknowledging receipt of report recommended.

*Personnel; Jason Mauga; 577-5209; [jmauga@modestogov.com](mailto:jmauga@modestogov.com)*

**ACTION:** By Motion (Serpa/Friedman; unan.; Conrad & Frohman, absent) item was removed from agenda and continued to a future date.

## CONSENT

11. Consider increasing the Director of Engineering and Transportation's authority to issue change orders from 8% to 9.5% of the original contract price with George Reed, Inc. on the "Sisk Road Recycle—Briggsmore to Dale" Project.
  - ?? Resolution increasing the Director of Engineering and Transportation's authority to issue change orders from 8% to 9.5% to the original contract price with George Reed, Inc. on the "Sisk Road Recycle—Briggsmore to Dale" project.
  - ?? Resolution amending the 2001-02 Annual Budget (1) to reduce the appropriation of Gas Tax funds for the Capital Improvement Project 2300-430-M206, "Kansas Avenue—Emerald to 8<sup>th</sup>", \$32,000, (2) to reduce the appropriation of Gas Tax funds for the Capital Improvement Project, 0700-430-L916, "Coldwell Avenue—Tully to 9<sup>th</sup>", \$12,000, and (3) to increase the Gas Tax Fund appropriation to Capital Improvement Project 2300-430-M205, "Sisk Road—Evergreen to Dale", \$44,000.  
*Engineering & Transportation; Robert Snell; 577-5452; [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-91** (Fisher/Friedman; unan.; Frohman & Conrad, absent) increasing the Director of Engineering and Transportation's authority to issue change orders from 8% to 9.5% to the original contract price with George Reed, Inc. on the "Sisk Road Recycle—Briggsmore to Dale" project.

**Res. No. 2002-92** (Fisher/Friedman; unan.; Frohman & Conrad, absent) amending the 2001-02 Annual Budget (1) to reduce the appropriation of Gas Tax funds for the Capital Improvement Project 2300-430-M206, "Kansas Avenue—Emerald to 8<sup>th</sup>", \$32,000, (2) to reduce the appropriation of Gas Tax funds for the Capital Improvement Project, 0700-430-L916, "Coldwell Avenue—Tully to 9<sup>th</sup>", \$12,000, and (3) to increase the Gas Tax Fund appropriation to Capital Improvement Project 2300-430-M205, "Sisk Road—Evergreen to Dale", \$44,000.

## UNFINISHED BUSINESS

12. Oral report from the City Manager on City Council Administrative Policies regarding travel, conference, and telephone use. Item continued from the February 19, 2002 meeting.

**ACTION:** By Motion (Friedman/Smith; unan; Conrad & Frohman, absent) directed City Manager to finalize the policy for conference, travel and communications, and return to Council for consideration and adoption.



13. At the request of Councilmember Frohman, further discussion of a conference and travel policy for Councilmembers. Item continued from the February 19, 2002 meeting.

**ACTION:** Refer to action taken on Item 12.

## HEARINGS

14. Hearing to consider the application of Garrad Marsh for land use entitlements in the Village One to allow 180 single-family homes on 49 acres, in the area bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive.
  - ?? Introduce an Ordinance adopting the precise plan for Area No. 13 recommended.
  - ?? Introduce an Ordinance rezoning the area from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended.
  - ?? A resolution finding the proposed precise plan and rezoning within the scope of the previously-certified Village One Specific Plan Program EIR recommended. *Community Development—Planning; Steve Mitchell; 577-5283; [smitchell@modestogov.com](mailto:smitchell@modestogov.com)*

**ACTION:** By Motion (Fisher/Friedman; majority; Serpa, no; Conrad & Frohman, absent) **introduced an Ordinance No. 3247-C.S.** adopting the precise plan for Area No. 13.

By Motion (Fisher/Friedman; majority; Serpa, no; Conrad & Frohman, absent) **introduced an Ordinance No. 3248-C.S.** rezoning the area from Specific Plan-Holding Zone to Specific Plan-Overlay Zone.

**Res. No. 2002-93** (Fisher/Friedman; majority; Serpa, no; Conrad & Frohman, absent) finding the proposed precise plan and rezoning within the scope of the previously-certified Village One Specific Plan Program EIR

*Vice Mayor Conrad arrived at the meeting at 7:19*

15. Hearing to consider the application of Wayne Brigman for land use entitlements in Village One to allow up to a 62 lot single-family subdivision on 15 acres located at the Southwest Corner of Sylvan Avenue and the future Claus Road Expressway.
  - ?? Introduce an Ordinance approving Precise Plan No. 9. recommended.
  - ?? Introduce an Ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone.
  - ?? Resolution finding the Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.

*Community Development—Planning; Brad Wall; 577-5283;  
[bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; majority; Serpa, no; Frohman, absent)  
**introduced an Ordinance No. 3249-C.S.** approving Precise Plan No. 9

By Motion (Fisher/Conrad; majority; Serpa, no; Frohman, absent) introduced  
an Ordinance No. 3250-C.S. approving rezoning from Specific Plan-Holding  
Zone to Specific Plan-Overlay Zone.

**Res. No. 2002-94** (Fisher/Conrad; majority; Serpa, no; Frohman, absent)  
finding the Precise Plan and rezoning within the scope of the Village One  
Specific Plan Program EIR.

16. Hearing to consider designating site located at 1418-1430 I Street as City of  
Modesto Landmark Preservation Site No. 53.  
?? Resolution designating site located at 1418-1430 I Street as City of Modesto  
Landmark Preservation Site No. 53 recommended.  
*Parks, Recreation & Neighborhoods; Wayne Mathes; 652-6060;  
[wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Res. No. 2002-95** (Fisher/Serpa; unan.; Frohman, absent) designating site  
located at 1418-1430 I Street as City of Modesto Landmark Preservation Site  
No. 53.

17. Hearing to consider adopting a Resolution of Formation and introducing an  
Ordinance authorizing levy of a special tax within Community Facilities District  
2002-1 (NorthPointe).  
?? Resolution of Formation for Community Facilities District 2002-1(NorthPointe)  
recommended.  
?? Introduction of an Ordinance authorizing levy of a special tax within  
Community Facilities District 2002-1 (NorthPointe) recommended.  
*City Manager's Office—CFD Formation Team; Tina Rocha; 577-5321;  
[trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-96** (Friedman/Fisher; unan; Frohman, absent), a Resolution of  
Formation for Community Facilities District 2002-1(NorthPointe).

By Motion (Friedman/Fisher; unan.; Frohman, absent) **introduced an  
Ordinance No. 3250A-C.S.** authorizing levy of a special tax within  
Community Facilities District 2002-1 (NorthPointe).

*Fisher & Smith absent due to conflict of interest*

18. Public Hearing and approval of \$250,000,000 in California Statewide Communities Development Authority revenue Bonds for the benefit of Sutter Health; approximately \$28,100,000 of the total will be spent locally.  
?? Resolution approving the issuance of California Statewide Communities Development Authority Revenue Bonds (Sutter Health), Series 2002 recommended.  
*Finance; Barry Newlin; 577-5373; [bnewlin@modestogov.com](mailto:bnewlin@modestogov.com)*

*Councilmember Friedman declared a conflict of interest however no quorum existed to take action. The names of those Councilmembers with a conflict were drawn by lot to reach a quorum and Councilmember Friedman was selected.*

**ACTION: Res. No. 2002-97** (Friedman/Conrad; unan.; Fisher, Frohman, & Smith, absent) approving the issuance of California Statewide Communities Development Authority Revenue Bonds (Sutter Health), Series 2002.

### NEW BUSINESS

19. Consider approving the X-Fest 2002 to be hosted by Chris Ricci Presents, Inc. and JCD Concepts 2000, Inc., to be held in downtown Modesto on Saturday, July 20, 2002.  
?? Resolution approving X-Fest 2002 to be held Saturday, July 20, 2002.  
*Parks, Recreation & Neighborhoods; Bob Quintella; 577-6444; [bquintell@modestogov.com](mailto:bquintell@modestogov.com)*

**ACTION: Res. No. 2002-98** (Serpa/Fisher; unan.; Frohman, absent) approving X-Fest 2002 to be held Saturday, July 20, 2002.

*Item 20 moved to immediately follow Item 11.*

20. Consider changing the name of West Side Park to Cesar E. Chavez Park.  
?? Resolution approving name change from West Side Park to Cesar E. Chavez Park recommended.  
*Parks, Recreation & Neighborhoods; Wayne Mathes; 652-6060; [wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Res. No. 2002-99** (Serpa/Smith; unan.; Frohman, absent) approving name change from West Side Park to Cesar E. Chavez Park.

### COUNCIL COMMENTS & REPORTS

21. At the request of Mayor Sabatino, consider rescinding Resolution No. 2002-77, which established a policy to address cell phone use by Councilmembers, and refer the matter to Financial Policy Committee.

**ACTION:** Refer to action taken on Item 12.

?? Mayor Sabatino discussed the separation of the Convention and Visitors Bureau and the Chamber of Commerce.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 8:05 p.m.

## MINUTES

Thursday, February 28, 2002 at 5:30 p.m.

Roll Call – Present: Councilmembers Friedman, Serpa, Smith, Mayor Sabatino

Absent: Councilmembers Conrad, Fisher, Frohman  
*Councilmember Friedman left the meeting at 6:18 p.m.*  
*Councilmember Serpa left the meeting at 6:35 p.m.*

Pledge of Allegiance to the Flag

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

## ORAL COMMUNICATIONS

None.

*No quorum was present at this point in the meeting as only Councilmember Smith and Mayor Sabatino were present*

**Budget workshop** – Personnel Dept. In-depth Review

(Robin Renwick, Janice Stewart and Don Norris)

*??Report given by Personnel Staff.*

Engineering & Transportation Dept. In-depth Review

(Glen Lewis and Julie Hendee)

*??Report given by Engineering & Transportation Staff*

Cash & Investment Management

(Barry Newlin and Debra Eggerman)

*??Report given by the Finance Director during the FPC portion of the meeting.*

## ADJOURNMENT

This meeting adjourned at 7:00 p.m.

## MINUTES

Wednesday, March 6, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Father Tom Foster, Christ the King Church

City Clerk's Announcements:None

Declaration of Conflicts of Interest: *Councilmember Fisher, Item 9*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Proclamation declaring March 8, 2002 as National Arbor Day in recognition of the importance of trees to a healthy environment and beautiful community.

**ACTION:** Mayor Sabatino presented the proclamation to staff and the president of La Loma Junior High.

Tom Francis presented City with Tree City USA award.

?? Mayor Sabatino presented Kathy Espinoza, Executive Assistant to the Council, with a proclamation of appreciation.

### ORAL COMMUNICATIONS

None.

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

*Items 3,5, 6, & 7 were removed from*

*Consent*

**ACTION Items 2 & 4: Smith/Friedman; unan.**

**ACTION Item 3: Frohman/Smith; unan.**

**ACTION Item 5:Smith/Frohman; unan.**

**ACTION Item 6: Serpa/Friedman; unan.**

**ACTION Item 7: Friedman/Fisher; unan.**

### **CONSENT ITEMS**

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

#### CONSENT

2. Approval of the minutes of the regular City Council meeting of February 26, 2002.  
?? Motion approving recommended.  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Smith/Friedman; unan.) approved minutes of February 26, 2002.

#### REMOVED FROM CONSENT

3. Consider creating the classification of Community Facilities Districts Administrative Officer, including adding a salary range. Consider revising the job description of Maintenance Worker I/II. Consider adjusting the salary range for Fire Chief and Personnel Director.  
?? Resolution amending the Position Classification Plan to create the classification of Community Facilities Districts Administrative Officer and revise the classification of Maintenance Worker I/II recommended.  
?? Resolution amending the Class Range Tables for Management/Confidential to add the salary for Community Facilities Districts Administrative Officer, effective March 6, 2002 recommended.  
?? Resolution to amend the Class Range Table for Executive Management to adjust the salary for fire Chief and Personnel Director, effective March 12, 2002 recommended.

**ACTION: Res. No. 2002-100** (Frohman/Smith; unan.) amending the Position Classification Plan to create the classification of Community Facilities Districts Administrative Officer and revise the classification of Maintenance Worker I/II

**Res. No. 2002-101** (Frohman/Smith; unan.) amending the Class Range Tables for Management/Confidential to add the salary for Community Facilities Districts Administrative Officer, effective March 6, 2002.

**Res. No. 2002-102** (Frohman/Smith; unan.)amending the Class Range Table for Executive Management to adjust the salary for fire Chief and Personnel Director, effective March 12, 2002.

**Item was referred to Financial Policy Committee.**

CONSENT

4. Consider awarding the contract for purchase of body armor for the Police Department to L.C. Action for a total cost of \$91,087. Funds are budgeted.  
?? Resolution awarding the contract for purchase of body armor for the Police Department to L.C. Action for a total cost of \$91,087 recommended.  
*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-103**(Smith/Friedman; unan.) awarding the contract for purchase of body armor for the Police Department to L.C. Action for a total cost of \$91,087

REMOVED FROM CONSENT

5. Consider awarding a contract for computer support services from ComputerWare for City Attorney's office.  
?? Resolution authorizing the City Manager to execute agreement recommended.  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Res. No. 2002-104** (Smith/Frohman; unan.) authorizing the City Manager to execute agreement.

REMOVED FROM CONSENT

6. Consider awarding a contract to WLC Architects for professional architectural services to design and develop a new joint Fire, Police and Parks, Recreation & Neighborhoods building at a cost not to exceed \$197,500 and consider amending the CIP accordingly.  
?? Resolution awarding a contract to WLC Architects for professional architectural service to prepare schematic design, design development and contract documents for a new joint Fire, Police and Parks, Recreation & Neighborhoods building at a cost not to exceed \$197,500 recommended.  
?? Resolution amending the CIP to re-allocate funding to fully cover the cost of the architectural services provided by WLC Architects for the preparation of schematic design, design development and contract documents for a new joint Fire, Police and Parks, Recreation & Neighborhoods building recommended.  
*Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, [bford@modestogov.com](mailto:bford@modestogov.com)*

**ACTION: Res. No. 2002-105** (Serpa/Friedman; unan.) awarding a contract to WLC Architects for professional architectural service to prepare schematic design, design development and contract documents for a new joint Fire, Police and Parks, Recreation & Neighborhoods building at a cost not to exceed \$197,500.



**Res. No. 2002-106** (Serpa/Friedman; unan.) amending the CIP to re-allocate funding to fully cover the cost of the architectural services provided by WLC Architects for the preparation of schematic design, design development and contract documents for a new joint Fire, Police and Parks, Recreation & Neighborhoods building

REMOVED FROM CONSENT

7. Consider streamlining the procedures used when processing federally funded loans initiated by the Parks, Recreation & Neighborhoods Department.  
?? Resolution approving a process for federally funded loans initiated by the Parks, Recreation & Neighborhoods Department recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestgov.com](mailto:jhannon@modestgov.com)*

**ACTION: Res. No. 2002-107** (Friedman/Fisher; unan.) approving a process for federally funded loans initiated by the Parks, Recreation & Neighborhoods Department.

**WRITTEN COMMUNICATIONS**

8. Letter from Dale Gene Williams regarding issues related to affordable housing and the benefits received by the City of Modesto from SCEDCO.

**ACTION:** Item was referred to Citizen's Housing and Community Development Committee.

*Fisher absent due to conflict of interest.*

9. Letter from Dennis Wilson, on behalf of Renee Ellis, requesting waiver of the 15-day appeal limitation. This waiver would allow an appeal of conditions imposed by the Planning Commission on a vesting tentative subdivision map for Banyon Estates.

**ACTION:** Time waiver denied and item was referred to Transportation Policy Committee.

**NEW BUSINESS**

10. Oral report regarding the receipt of two grants received from the California Integrated Waste Management Board for Beardbrook Park playground and Orville Wright Park playground.  
*Engineering & Transportation; Bev McCullough; 577-5495; [bmccullough@modestgov.com](mailto:bmccullough@modestgov.com)*

**ACTION:** By Motion (Smith/Friedman; unan.) acknowledged receipt of report.

11. Consider annual report of the Capital Facilities Fees (CFF) Fund Summaries.

?? Motion acknowledging receipt of report recommended.

*Finance; Rob Stout, 577-5369, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) acknowledged receipt of report and report was referred to Financial Policy Committee.

12. Consider a two-month continuance of a contract with Stanislaus County for animal shelter services. Funds are budgeted.

?? Resolution approving the two-month extension of a contract with Stanislaus County for animal shelter services and authorizing the City Manager to execute the necessary documents recommended.

*Police; Ron Sale, 572-9674, [saler@modestopd.com](mailto:saler@modestopd.com)*

**ACTION: Res. No. 2002-108** (Fisher/Frohman; unan.) approving the two-month extension of a contract with Stanislaus County for animal shelter services and authorizing the City Manager to execute the necessary documents

### **COUNCIL COMMENTS & REPORTS**

None.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

This meeting adjourned at 7:00 p.m.

**MINUTES**  
**Tuesday, March 12, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,  
Mayor Sabatino

Absent: Councilmember Smith

Pledge of Allegiance to the Flag - Girl Scout Troop performed the flag ceremony

Invocation: Pastor Lonnie Skiles, Big Valley Grace Community Church

City Clerk's Announcements: *Item 18 was continued to March 19, 2002.*  
*Item 17 continued to April 2, 2002.*

Declaration of Conflicts of Interest: *Fisher, Item 9*

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Proclamation acknowledging the 90<sup>th</sup> Anniversary of the Girl Scouts of the USA, and declaring March 10-16, 2002, as Girl Scout Week and March 12, 2002, as Girl Scout Day.

**ACTION:** Mayor Presented proclamation.

?? Business Development Manager, Linda Boston, presented Council with the Joint Center Sustainable Communities Award

**ORAL COMMUNICATIONS**

- ?? Dale Williams asked questions regarding the status of discussions of affordable housing.
- o Councilmembers responded to Mr. Williams noting the issue is being discussed by Community Development & Housing and Citizens Housing & Community Development Committees
- ?? Dave Geer commented about the child attacked by the Pit Bull dogs and requested the Council to tighten the existing ordinance regarding animal regulations.
- o Council and the City Attorney responded to Mr. Geer's concerns.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4-13, & 15

Consent

**ACTION Items 4-13, & 15: Frohman/Friedman; unan.; Smith, absent**

**ACTION Item 2: Conrad/Fisher; unan.; Smith, absent**

**ACTION Item 3: Frohman/Fisher; unan.; Smith absent**

**ACTION Item 14: Frohman/Fisher; unan.; Smith, absent**

### CONSENT ITEMS

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

#### REMOVED FROM CONSENT

2. Approval of the minutes of the special City Council meetings of February 28 and March 6, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By motion (Conrad/Fisher; unan.; Smith, absent) approved the minutes of February 28 and March 6, 2002.

#### REMOVED FROM CONSENT

3. Consider awarding a \$206,465.20 contract to Mazingo Construction Inc. for the replacement of the water main in West Orangeburg Avenue from Carver Road to Tully Road; project titled "Orangeburg Avenue Waterline".
- ?? Resolution awarding a \$206,465.20 contract to Mazingo Construction Inc. for the project titled "Orangeburg Avenue Waterline" recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-109** (Frohman/Fisher; unan.; Smith, absent) awarding a \$206,465.20 contract to Mazingo Construction Inc. for the project titled "Orangeburg Avenue Waterline."

#### CONSENT

4. Consider authorizing the Purchasing Supervisor to formally solicit a request for bids for a gravity belt thickener (GBT) for approximately \$200,000. This piece of

equipment is used to thicken sludge for one of the Water Quality Control's primary digesters.

?? Resolution authorizing the Purchasing Supervisor to formally solicit a request for bids for a gravity belt thickener (GBT) recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-110** (Frohman/Friedman; unan.; Smith, absent) authorizing the Purchasing Supervisor to formally solicit a request for bids for a gravity belt thickener (GBT).

#### CONSENT

5. Consider approving a final map of Olympic Park Unit No.3, a subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign the standard subdivision agreement with the subdividers.

?? Resolution approving a final map of Olympic Park Unit No.3 subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Warren Smith Lawson Family Inc., a California Corporation) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-111** (Frohman/Friedman; unan.; Smith, absent) approving a final map of Olympic Park Unit No. 3 subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

#### CONSENT

6. Consider approving a final map of a subdivision in the Village One Specific Plan Area, (Olympic Park Unit No. 2), accepting the public improvements except for the landscaping and irrigation improvements, and authorizing the City Manager to sign the standard subdivision agreement with the subdividers.

?? Resolution approving a final map of Olympic Park Unit No. 2, a subdivision in the Village One Specific Plan Area, accepting the public improvements except the landscaping and irrigation improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Warren Smith Lawson Family Inc., a California Corporation) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-112** (Frohman/Friedman; unan.; Smith, absent) approving final map of Olympic Park Unit No. 2, a subdivision in the Village One Specific Plan Area, accepting the public improvements except the landscaping and irrigation improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code

CONSENT

7. Consider accepting the improvements for Enterprise Business Park subdivision and authorizing the City Clerk to file Notice of Completion and to release subdivision securities.

?? Resolution accepting the improvements for Enterprise Business Park subdivision and authorize the City Clerk to file Notice of Completion and to release subdivision securities upon expiration of statutory periods (owners; Marvin L. Oates and Jesus O. Garcia) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-113** (Frohman/Friedman; unan.; Smith, absent) accepting the improvements for Enterprise Business Park subdivision and authorize the City Clerk to file Notice of Completion and to release subdivision securities upon expiration of statutory periods.

Councilmember Fisher requested an appropriate buffer be placed between the Business Park and the neighborhood.

CONSENT

8. Consider approving a final map for Fernwood Phase 3 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement with the subdividers.

?? Resolution approving a final map for Fernwood Phase 3 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code (Owners: Fernwood Properties LLC, a California Limited Liability Company by its manager member, Bennett Development Inc., a California Corporation) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-114** (Frohman/Friedman; unan.; Smith, absent) approving a final map for Fernwood Phase 3 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

9. Consider approving a final map of Snyder Apartment and Mini Storage subdivision in the Pelandale-Snyder Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign the standard subdivision agreement with the subdividers.

?? Resolution approving a final map of Snyder Apartment and Mini Storage subdivision in the Pelandale-Snyder Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: TRS Enterprises, Inc., a California Corporation) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-115** (Frohman/Friedman; unan.; Smith, absent) approving a final map of Snyder Apartment and Mini Storage subdivision in the Pelandale-Snyder Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6.

?? Resolution ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-116** (Frohman/Friedman; unan.; Smith, absent) ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6.

CONSENT

11. Consider ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows, subdivision and Yosemite Meadows subdivision Units 1 & 2.

?? Resolution ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek

Meadows subdivisions Nos. 7 through 10, Creekwood Meadows, subdivision and Yosemite Meadows subdivision Units 1 & 2 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-117** (Frohman/Friedman; unan.; Smith, absent) ordering the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivisions Nos. 7 through 10, Creekwood Meadows, subdivision and Yosemite Meadows subdivision Units 1 & 2.

CONSENT

12. Consider awarding annual well rehabilitation to Don Pedro Pump as the primary provider, Howk Systems as the secondary, and Hennings Brothers as the third provider for an estimated annual cost of \$80,000. Funds are budgeted.

?? Resolution awarding annual well rehabilitation to Don Pedro Pump as the primary provider, Howk Systems as the secondary, and Hennings Brothers as the third provider for an estimated annual cost of \$80,000 recommended.

*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-118** (Frohman/Friedman; unan.; Smith, absent) awarding annual well rehabilitation to Don Pedro Pump as the primary provider, Howk Systems as the secondary, and Hennings Brothers as the third provider for an estimated annual cost of \$80,000.

CONSENT

13. Consider awarding annual pump station rejuvenation to Amerine Systems as the primary, Don Pedro Pumps as the secondary, and Howk Systems as the third provider for an estimated annual cost of \$500,000. Funds are budgeted.

?? Resolution awarding annual pump station rejuvenation to Amerine Systems as the primary, Don Pedro Pumps as the secondary, and Howk Systems as the third provider for an estimated annual cost of \$500,000 recommended.

*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-119** (Frohman/Friedman; unan.; Smith, absent) awarding annual pump station rejuvenation to Amerine Systems as the primary, Don Pedro Pumps as the secondary, and Howk Systems as the third provider for an estimated annual cost of \$500,000.

REMOVED FROM CONSENT

14. Consider change of name from Community Development Department (CDD) to Community & Economic Development Department (CEDD).



?? Introduction of an ordinance amending Article 8 of Chapter 3 of Title 2 changing the title of the Community Development Department to the Community & Economic Development Department recommended.  
*City Manager; Beverly Hatcher, 577-5220, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.; Smith, absent) **introduced Ordinance No. 3251–C.S.** amending Article 8 of Chapter 3 of Title 2 changing the title of the Community Development Department to the Community & Economic Development Department.

#### CONSENT

15. Consider purchasing a 7-ton vibratory roller and trailer, for the Streets Division of the Operations & Maintenance Department, from Holt Brothers for a total cost of \$97,352; and Consider amending the budget to fully fund the project.

?? Resolution authorizing the purchase of a 7-ton vibratory roller and trailer for the Streets Division of the Operations & Maintenance Department from Holt Brothers of California for a total cost of \$97,352 recommended.

?? Resolution amending the budget by \$97,352 to fund the purchase of a 7-ton vibratory roller and trailer recommended.

*Finance; Lori Martinez, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-120** (Frohman/Friedman; unan.; Smith, absent) authorizing the purchase of a 7-ton vibratory roller and trailer for the Streets Division of the Operations & Maintenance Department from Holt Brothers of California for a total cost of \$97,352

**Res. No. 2002-121** (Frohman/Friedman; unan.; Smith, absent) amending the budget by \$97,352 to fund the purchase of a 7-ton vibratory roller and trailer

#### WRITTEN COMMUNICATIONS

16. Presentation of SCEDCO's mid-year report.

**ACTION:** Report received and no action taken.

#### UNFINISHED BUSINESS

17. Letter from Georgia Olvera, Western Pacific Housing, to hear an appeal of a decision by CFD Administrator regarding Chateau Maison. This item was continued from the September 18, 2001 Council meeting.

**ACTION:** By Motion (Friedman/Fisher; unan.; Smith, absent) item was continued to the Council meeting of April 2, 2002.

18. Final adoption of:

- a. ORDINANCE NO. 3247-C.S. - an ordinance adopting a Precise Plan for Area No. 13 of the Village One Specific Plan, relating to property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Garrad Marsh)
- b. ORDINANCE NO. 3248-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Precise Plan for Area No. 13 - Garrad Marsh)
- c. ORDINANCE NO. 3249-C.S. - an ordinance adopting a Precise Plan for Area No. 9 of the Village One Specific Plan, relating to property located at the Southwest corner of Sylvan Avenue and the future Claus Road Expressway. (Wayne Brigman)
- d. ORDINANCE NO. 3250-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the Southwest corner of Sylvan Avenue and the future Claus Road Expressway. (Precise Plan for Area No. 9 - Wayne Brigman)

**ACTION:** By Motion (Friedman/Fisher; unan.; Smith, absent) Item was continued to the Council meeting of March 19, 2002.

### HEARINGS

19. Consider annexing territory to the Village One Mello-Roos Community Facilities District No. 1996-1 and call for an election. This will be annexation #8.  
?? Resolution calling for an election to annexing territory to Village One Mello-Roos Community Facilities District 1996-1(8) recommended.  
*CFD Administration; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-122** (Friedman/Fisher; unan.; Smith, absent) calling for an election to annexing territory to Village One Mello-Roos Community Facilities District 1996-1(8).

### NEW BUSINESS

20. Consider granting a request from Dr. Tesluk to eliminate Zone 2 fire protection charges (water rate).

?? Resolution allowing the existing charges to remain in place at this time and directing staff to determine the feasibility and impacts of consolidating the water rates of Zones 1 and 2 by conducting a rate review and cost of services analysis for the proposed consolidation, and at the same time perform a similar analysis for Zone 3 for consistency purposes recommended.

*Engineering & Transportation; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION:** Council directed staff to place an emphasis on completing the fire protection charges first.

**Res. No. 2002-123** (Sabatino/Fisher; unan.; Smith, absent) allowing the existing charges to remain in place at this time and directing staff to determine the feasibility and impacts of consolidating the water rates of Zones 1 and 2 by conducting a rate review and cost of services analysis for the proposed consolidation, and at the same time perform a similar analysis for Zone 3 for consistency purposes. Rate review will focus on fire protection charges.

### **COUNCIL COMMENTS & REPORTS**

?? Mayor Sabatino noted that MJC West commercial project had been removed from the City's business park list.

### **MATTERS TOO LATE FOR THE AGENDA**

None

### **ADJOURNMENT**

This meeting adjourned at 7:21 p.m.

## MINUTES

Tuesday, March 19, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa,  
Mayor Sabatino

Absent: Councilmember Smith

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman, Modesto Covenant Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: *Mayor Sabatino, Item 15*

### ORAL COMMUNICATIONS

None

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 1-3, 5-8, & 10  
*Items 4 & 9 removed from  
consent*

**ACTION Items 1-3, 5-8, & 10:** Fisher/Frohman; unan.; Smith, absent

**ACTION Item 4:** Fisher/Frohman; unan.; Smith, absent

**ACTION Item 9:** Fisher/Friedman; unan.; Smith, absent

### CONSENT ITEMS

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

#### CONSENT

1. Approval of the minutes of the regular City Council meeting of March 12, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.; Smith, absent) approved the minutes of March 12, 2002.

CONSENT

2. Consider Cash Analysis and Quarterly Treasurer's Report.  
?? Motion acknowledging Cash and Quarterly Treasurer's Report recommended.  
*Finance; Rob Stout, 577-5369, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.; Smith, absent) acknowledged Cash and Quarterly Treasurer's Report.

CONSENT

3. Consider accepting with regret the resignation of Carolyn Fraser from the Human Relations Commission.  
?? Resolution accepting with regret the resignation of Carolyn Fraser from the Human Relations Commission recommended.  
*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. No. 2002-124** (Fisher/Frohman; unan.; Smith, absent) accepting with regret the resignation of Carolyn Fraser from the Human Relations Commission.

REMOVED FROM CONSENT

4. Consider authorizing a call for bids for the project titled "Bowen Avenue Roundabouts" for the removal of temporary roundabouts, and installation of permanent roundabouts, where Bowen intersects with Phelps and Fremont Avenues. Funds are budgeted.  
?? Resolution authorizing staff to solicit bids for the project titled "Bowen Avenue Roundabouts" recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-125** (Fisher/Frohman; unan.; Smith, absent) authorizing staff to solicit bids for the project titled "Bowen Avenue Roundabouts."

CONSENT

5. Consider adopting standard specifications for installation of lighted crosswalks in the City of Modesto.  
?? Resolution adopting priority criterion and standard specifications for installation of lighted crosswalks in the City of Modesto recommended.  
*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-126** (Fisher/Frohman; unan.; Smith, absent) adopting priority criterion and standard specifications for installation of lighted crosswalks in the City of Modesto

CONSENT

6. Consider submitting the City's annual Local Transportation Fund (LTF) Non-Transit Claim for \$3,124,101 to Stanislaus Council of Government (StanCOG) and consider amending the budget for \$443,000 of LTF Supplement funds to priority projects.

?Resolution approving the 2002 Local Transportation Fund Non-Transit Claim for \$3,124,101 and authorizing the City Manager to submit the claim to the Stanislaus Council of Governments for payment recommended.

?Resolution authorizing the budgeting of \$443,000 of new funds to the following six projects: McHenry Median Landscaping, \$120,000; ATMS NE, \$100,000; Bowen Roundabout, \$40,000; City Sidewalk Maintenance Program, \$71,000; FY2002-03 Annual Pavement Maintenance Program, \$72,000; and a reserve for future right-of-way acquisition \$40,000 recommended.

*Finance; Tom Douglas, 571-5574; tdouglas@modestogov.com*

**ACTION: Res. No. 2002-127** (Fisher/Frohman; unan.; Smith, absent) approving the 2002 Local Transportation Fund Non-Transit Claim for \$3,124,101 and authorizing the City Manager to submit the claim to the Stanislaus Council of Governments for payment.

**Res. No. 2002-128** (Fisher/Frohman; unan.; Smith, absent) authorizing the budgeting of \$443,000 of new funds to the following six projects: McHenry Median Landscaping, \$120,000; ATMS NE, \$100,000; Bowen Roundabout, \$40,000; City Sidewalk Maintenance Program, \$71,000; FY2002-03 Annual Pavement Maintenance Program, \$72,000; and a reserve for future right-of-way acquisition \$40,000

CONSENT

7. Consider canvassing the election for Community Facilities District 2002-1 (NorthPointe), and asserting compliance with all of the provisions of Proposition 218.

?? Resolution accepting canvassing of election for Community Facilities District 2002-1 (NorthPointe) and asserting compliance with all of the provisions of Proposition 218 recommended.

*Community Facilities Administrator; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-129** (Fisher/Frohman; unan.; Smith, absent) accepting canvassing of election for Community Facilities District 2002-1 (NorthPointe) and asserting compliance with all of the provisions of Proposition 218.

CONSENT

8. Consider purchasing adjustable staging from StageRight for a total cost of \$84,394 for Modesto Centre Plaza use.  
?? Resolution authorizing the purchase of adjustable staging from StageRight for a total cost of \$84,394. Funds are budgeted.  
*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-130** (Fisher/Frohman; unan.; Smith, absent) authorizing the purchase of adjustable staging from StageRight for a total cost of \$84,394

REMOVED FROM CONSENT

9. Consider awarding purchase of granulated activated carbon (GAC) purchase to Calgon Carbon for an estimated cost of \$300,000. GAC tanks filter the groundwater at the City's water wells to remove various contaminants from the City's domestic water supply, including DBCP.  
?? Resolution awarding granulated activated carbon purchase to Calgon Carbon for an estimated annual cost of \$300,000 recommended.  
*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-131** (Fisher/Friedman; unan.; Smith, absent) awarding granulated activated carbon purchase to Calgon Carbon for an estimated annual cost of \$300,000.

CONSENT

10. Final adoption of Ordinance 3251-C.S. – an ordinance amending Article 8 of Chapter 3 of Title 2 of the Modesto Municipal Code to change the title of the Community Development Department to Community and Economic Development Department.  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Fisher/Frohman; unan.; Smith, absent) approved the **final adoption of Ordinance 3251-C.S.** an ordinance amending Article 8 of Chapter 3 of Title 2 of the Modesto Municipal Code to change the title of the Community Development Department to Community and Economic Development Department.

**WRITTEN COMMUNICATIONS**

11. Letter from Dale Gene Williams requesting a review of March 6, 2002 minutes regarding direction of Council as to affordable housing issues going to specific committees.

**ACTION:** No action taken.

## UNFINISHED BUSINESS

12. Final adoption of:

- a. ORDINANCE NO. 3247-C.S. - an ordinance adopting a Precise Plan for Area No. 13 of the Village One Specific Plan, relating to property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Garrad Marsh)  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Fisher/Friedman; majority; Serpa, no; Smith, absent) approved the **final adoption of Ordinance No. 3247-C.S.** - an ordinance adopting a Precise Plan for Area No. 13 of the Village One Specific Plan, relating to property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Garrad Marsh)

- b. ORDINANCE NO. 3248-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Precise Plan for Area No. 13 - Garrad Marsh)  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Friedman/Conrad; majority; Serpa, no; Smith, absent) approved the **final adoption of Ordinance No. 3248-C.S.** - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property bounded by Roselle Avenue, Hillglen Avenue, Millbrook Avenue and Kodiak Drive. (Precise Plan for Area No. 13 - Garrad Marsh)

- c. ORDINANCE NO. 3249-C.S. - an ordinance adopting a Precise Plan for Area No. 9 of the Village One Specific Plan, relating to property located at the Southwest corner of Sylan Avenue and the future Claus Road Expressway. (Wayne Brigman)  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Conrad/Friedman; Serpa, no; Smith, absent) approved the **final adoption of Ordinance No. 3249-C.S.** - an ordinance adopting a Precise Plan for Area No. 9 of the Village One Specific Plan, relating to property located at the Southwest corner of Sylan Avenue and the future Claus Road Expressway. (Wayne Brigman)



- d. ORDINANCE NO. 3250-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the Southwest corner of Sylvan Avenue and the future Claus Road Expressway. (Precise Plan for Area No. 9 - Wayne Brigman)  
?? Motion approving final adoption recommended.

**ACTION:** By Motion (Conrad/Friedman; majority; Serpa, no; Smith, absent) approved the **final adoption of Ordinance No. 3250-C.S.** - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the Southwest corner of Sylvan Avenue and the future Claus Road Expressway. (Precise Plan for Area No. 9 - Wayne Brigman).

13. Consider 2000-2001 Equal Opportunity Report. This report measures the City's progress in hiring women and minorities, as well as used to measure progress in implementing a socially rich and culturally diverse workforce as outlined in the City's strategic plan.

?? Motion acknowledging receipt of 2000-2001 Equal Opportunity Report recommended.

*Personnel; Jason Mauga, 577-5209, [jmauga@modestogov.com](mailto:jmauga@modestogov.com)*

**ACTION:** By Motion (Serpa/Friedman; unan.; Smith, absent) acknowledged receipt of 2000-01 Equal Opportunity Report.

## HEARINGS

14. Consider Cable Television Customer Service Regulations.  
?? Introduction of an ordinance adopting the California Video Customer Services Act and establishing penalties for violations of the act.  
?? Resolution approving implementation of FCC Cable Television Customer Service Regulations.  
?? Motion acknowledging receipt of report on Cable Franchise Agreement issues.

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.; Smith, absent) **introduced Ordinance No. 3251A-C.S.** adopting the California Video Customer Services Act and establishing penalties for violations of the act.

**Res. No. 2002-132** (Frohman/Conrad; unan.; Smith, absent) approving implementation of FCC Cable Television Customer Service Regulations.

By Motion (Frohman/Conrad; unan; Smith, absent)acknowledged receipt of report on Cable Franchise Agreement issues

## NEW BUSINESS

*Mayor Sabatino absent due to conflict of interest.*

15. Consider accepting a grant of \$441,000 from the Federal Safe Routes to School program, to be used for improvements to the Virginia Corridor project, and consider amending the FY 01-02 budget to accept the revenue and establishing a new Capital Improvement Program project fund.

?? Resolution accepting the Federal Safe Routes To School grant in the amount of \$441,000 and authorizing the City Manager to execute necessary documents recommended.

?? Resolution amending the FY 01-02 Capital Improvement Budget to accept the grant and to establish a new CIP project fund recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-133** (Friedman/Serpa; unan; Smith & Sabatino, absent) accepting the Federal Safe Routes To School grant in the amount of \$441,000 and authorizing the City Manager to execute necessary documents.

**Res. No. 2002-134** (Friedman/Serpa; unan; Smith & Sabatino, absent) amending the FY 01-02 Capital Improvement Budget to accept the grant and to establish a new CIP project fund

## COUNCIL COMMENTS & REPORTS

16. At the request of Councilmember Fisher, discussion of project labor agreements, and consider adopting a resolution urging the Regents of the University of California not to require a Project Labor Agreement for the construction of the UC Merced Campus.

**ACTION:** No action taken.

17. At the request of Mayor Sabatino and Councilmember Conrad, consider a motion directing the City Manager to formulate a plan for reorganizing and streamlining the council committee system.

**ACTION:** By Motion (Sabatino/Conrad; majority; Serpa, no; Smith, absent) directed the City Manager to formulate a plan for reorganizing and streamlining the Council committee system.

## MATTERS TOO LATE FOR THE AGENDA

None

## **ADJOURNMENT**

This meeting adjourned at 9:35 p.m.

**MINUTES – Joint Workshop with Stanislaus County  
Monday, March 25, 2002, 5:30-7:00 p.m.**

**Centre Plaza Ash-Magnolia Room  
K Street @ Tenth Street  
Modesto California**

**City of Modesto Roll Call** – Present: Councilmembers Conrad, Frohman, Serpa,  
Mayor Sabatino

Absent: Councilmembers Fisher, Friedman, Smith

**Stanislaus County Roll Call** – Supervisors Blom, Caruso, Paul, Simon, Chairperson  
Mayfield

**NEW BUSINESS**

1. Presentation of the Regional Sports Facility Study Final Draft Action Plan Report by The Beals Group, City and County staff. (No action required.)  
*Parks, Recreation and Neighborhoods Department, Nathan Houx, Project Coordinator, [nhoux@modestogov.com](mailto:nhoux@modestogov.com) 571-5526*

**ACTION:** Presentation was given by Staff and Consultant. No action was taken.

Councilmember Serpa left the meeting at 6:00 p.m.

**PUBLIC COMMENT PERIOD**

None

**ADJOURNMENT**

This meeting adjourned at 7:02 p.m.

## **Tuesday, March 26, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Chuck Adams, Pastor of Assembly of God

1. Certification of canvass of votes at March 5, 2002 Second Regular Municipal Election.  
?? Resolution certifying the canvass of votes of the March 5, 2002 Second Regular Municipal Election recommended.

Remarks from out-going Councilmembers Friedman, Smith and Serpa.

**ACTION: Res. No. 2002-135** (Fisher/Friedman) certifying the canvass of votes of the March 5, 2002 Second Regular Municipal Election.

2. Oath of Office administered to newly elected Councilmembers for Chair 2, 4, and 5 by the City Clerk. New Councilmembers will then take their respective seat at the dais.

Remarks from incoming Councilmembers O'Bryant, Keating, and Jackman.

City Clerk's Announcements: None

Declaration of Conflicts of Interest, including basis for conflict: None

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

3. Presentation by the Modesto A's Professional Baseball Club.

**ACTION:** Presentation kicking off the Modesto A's season made by Modesto A's Staff.

4. Presentation by the Modesto Garden Club regarding the *Liberty Garden Contest*. (Judi Ray requested)

**ACTION:** Presentation made by Cheryl Carmichael of the Modesto Garden Club.

### ORAL COMMUNICATIONS

?? Tom Maher commented on the Modesto Bee article regarding the increase of homicides.

?? Larrell Fortner commented on the issue of project labor agreements.

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

**ACTION Consent Items 5-12: Frohman/Fisher; unan.**

### CONSENT ITEMS

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

#### CONSENT

5. Approval of the minutes of the regular City Council meeting of March 19, 2002. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of March 19, 2002.

#### CONSENT

6. Consider accepting the landscape and irrigation related improvements for Atherton Place subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: John T. Verner and Kathleen M. Verner, and Edward A. Machado)  
?? Resolution accepting the landscape and irrigation related improvements for Atherton Place subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: John T. Verner and Kathleen M. Verner, and Edward A. Machado) recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-136** (Frohman/Fisher; unan.) accepting the landscape and irrigation related improvements for Atherton Place subdivision in the Village

One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

7. Consider awarding a \$50,142.50 contract to Southwest Recreational Ind. Inc. for project titled "Roosevelt Park Tennis Courts Renovation".  
?Resolution awarding a \$50,142.50 contract to Southwest Recreational Ind. Inc. for project titled "Roosevelt Park Tennis Courts Renovation" recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260,*  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Res. No. 2002-137** (Frohman/Fisher; unan.) awarding a \$50,142.50 contract to Southwest Recreational Ind. Inc. for project titled "Roosevelt Park Tennis Courts Renovation"

CONSENT

8. Consider accepting the work of Barham Inc. for "Park Site Restroom Construction" as complete and authorizing the City Clerk to file a Notice of Completion; and Consider amending the 2001-02 Annual Budget to fully fund the project. This project was for installation of modular steel restrooms at the following parks: Mildred Perkins, Floyd No. 2, Orchard, Robertson Road, and Riverside.  
?Resolution accepting the work of Barham Inc. for "Park Site Restroom Construction" as complete and authorizing the City Clerk to file a Notice of Completion recommended.  
?Resolution amending the 2001-02 Annual Budget to fully fund the Park Site Restroom Construction project recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-138** (Frohman/Fisher; unan.) accepting the work of Barham Inc. for "Park Site Restroom Construction" as complete and authorizing the City Clerk to file a Notice of Completion.

**Res. No. 2002-139** (Frohman/Fisher; unan.) amending the 2001-02 Annual Budget to fully fund the Park Site Restroom Construction project.

CONSENT

9. Consider authorizing staff to submit applications for \$1,708,000 in grant funds for the development and/or renovation of safe recreational areas; and Consider authorizing staff to submit applications for \$548,262 in grant funds for high priority projects in disadvantaged areas.  
?Resolution authorizing staff to submit applications for \$1,708,000 in Per Capita Funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Prop 12) recommended.

??Resolution authorizing staff to submit applications for \$548,262 in Roberti-Z' Berg-Harris (RZH) Block Grant Funding under Prop 12 recommended.  
*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. No. 2002-140** (Frohman/Fisher; unan.) authorizing staff to submit applications for \$1,708,000 in Per Capita Funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Prop 12).

**Res. No. 2002-141** (Frohman/Fisher; unan.) authorizing staff to submit applications for \$548,262 in Roberti-Z' Berg-Harris (RZH) Block Grant Funding under Prop 12.

#### CONSENT

10. Consider authorizing the City Manager to submit an application to the National Fire Safety Campaign Grant Program for \$355,721 for fire fighting equipment and fire prevention programs.

?? Resolution authorizing the City Manager to submit an application to the National Fire Safety Campaign Grant Program for \$355,721 for fire fighting equipment and fire prevention programs recommended.

*Fire Department; Doug Hannink, 572-9590, [dhannink@modestogov.com](mailto:dhannink@modestogov.com)*

**ACTION: Res. No. 2002-142** (Frohman/Fisher; unan.) authorizing the City Manager to submit an application to the National Fire Safety Campaign Grant Program for \$355,721 for fire fighting equipment and fire prevention programs.

#### CONSENT

11. Consider approving an extension of the agreement with Macias, Gini & Company, Independent Auditors, for one (1) year.

??Resolution extending the Macias, Gini & Company agreement for one year.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-143** (Frohman/Fisher; unan.) extending the Macias, Gini & Company agreement for one year.

#### CONSENT

12. Consider approving the canvass of the election for the Community Facilities District No. 1996-1 (Village One – Annexation #8) and ordering annexation of territory to CFD No. 1996-1(8).

??Resolution approving the canvass of the election for the Community Facilities District No. 1996-1 (Village One – Annexation #8) and ordering annexation of territory to CFD No. 1996-1(8) recommended.



CFD Administrator; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)

**ACTION: Res. No. 2002-144** (Frohman/Fisher; unan.) approving the canvass of the election for the Community Facilities District No. 1996-1 (Village One – Annexation #8) and ordering annexation of territory to CFD No. 1996-1(8).

### UNFINISHED BUSINESS

13. Consider proposal to reorganize the City Council Committee system.  
?? Motion acknowledging receipt of report and continue to April 16, 2002 or April 30, 2002, a Council Workshop for further discussion.  
?? Mayor may choose to make interim committee appointments.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION:** By Motion (Conrad/Fisher; unan.) acknowledged receipt of report and continued item to April 16, 2002.

### HEARINGS

**Item has been requested to be continued to April 9, 2002.**

14. Hearing to consider the application of Mr. Rasul Ghulum to operate a taxicab company in Modesto. Item continued from February 12, 2002 meeting.  
?? Resolution approving the issuance of five Certificates of Public Convenience and Necessity to Rasul Ghulum to operate a taxicab company in the city of Modesto.  
*Engineering & Transportation; Fred Cavanah, 577-5298, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) item continued to April 9, 2002.

**Item has been requested to be continued to April 23, 2002.**

15. "Public hearing to consider whether the City should stop relying on its own Environmental Impact Report for the sale and use of bulk biosolids, and start relying on the State Water Board's Environmental Impact Report for the sale and use of bulk biosolids". Council action required: Approve a Mitigated Negative Declaration to void the City's 1998 Master Environmental Impact Report and rely on the State Water Board's EIR for its General Order for biosolids land application. The practical effect of this action will be to allow the City to market biosolids compost from the co-composting facility in bulk directly to end-users of the material, who will apply the co-compost under the terms of the Water Board's General Order.  
*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) item was continued to April 23, 2002.

### **NEW BUSINESS**

16. Consider adopting the recommendations of the Anti-Litter Project Team and directing staff to return with implementation plans.  
??Resolution adopting recommendations and directing staff to return with implementation plans recommended.  
*Operations & Maintenance; Peter Cowles, 342-2279, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Res. No. 2002-145** (Frohman/Sabatino; unan.) adopting recommendations and directing staff to return with implementation plans. Funding was provided by Larrell Fortner, Business Manager representing the Pipefitters and Plumbers Local Union No. 442.

### **COUNCIL COMMENTS & REPORTS**

- ?? Mayor Sabatino announced his upcoming trip to Modesto's Sister City in Japan on March 31, 2002.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 6:40 p.m.

## **Thursday, March 28, 2002 at 5:30 p.m.**

Roll Call – Present: Councilmembers Frohman, Jackman, Keating, Mayor Sabatino

Absent: Conrad, Fisher, O’Bryant

### **ORAL COMMUNICATIONS**

None.

1. Introduction to Governmental Accounting Standards Board Statement 34 – new governmental financial reporting model.

**ACTION:** Finance Director, Rob Stout, gave staff report. No action taken.

### **ADJOURNMENT**

This meeting adjourned at 6:25 p.m.

## **Tuesday, April 2, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O’Bryant,

Absent: Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Peter Gartner, Layman, Orangeburg Ave Baptist

City Clerk’s Announcements: Item 4 removed from Consent

Declaration of Conflicts of Interest: none

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Personnel Department introduction of new staff member, Rawlen Davis, Worker’s Compensation Claims Examiner.

**ACTION:** No Action Taken.

2. Parks, Recreation & Neighborhoods Department introduction of new staff member, Doug Critchfield, Parks Planning and Development Manager.

**ACTION:** No Action Taken.

### **ORAL COMMUNICATIONS**

?? Jon Rose requested the Council to consider appointing citizens to the Council committees.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3, 5-7  
*Items 4, 8 & 9 removed from*

*Consent*

**ACTION Items 3, 5-7: Frohman/Fisher; unan., Sabatino, absent**

**ACTION Item 4: Jackman/Frohman; unan., Sabatino, absent**

**ACTION Item 8: Frohman/Jackman; unan., Sabatino, absent**

**ACTION Item 9: Jackman/Fisher; majority; Frohman, no; Sabatino, absent**

### CONSENT ITEMS

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

#### CONSENT

3. Approval of the minutes of the special City Council workshop of March 25, 2002 and the regular City Council meeting of March 26, 2002.

(Motion approving recommended.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan., Sabatino, absent) approved the minutes March 25 and March 26, 2002.

#### REMOVED FROM CONSENT

4. Consider increasing the budget target for the Parks, Recreation and Neighborhoods department in the amount of \$30,000 for Youth Scholarships.

?? Resolution amending the budget to appropriate \$30,000 from the General Fund reserve and increasing the PR&N department's budget target in the \$30,000 amount for Youth Scholarships recommended.

*Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, [dconder@modestogov.com](mailto:dconder@modestogov.com)*

**ACTION: Res. No. 2002-146** (Jackman/Frohman; unan., Sabatino, absent) amending the budget to appropriate \$30,000 from the General Fund reserve and increasing the PR&N department's budget target in the \$30,000 amount for Youth Scholarships.

**Res. No. 2002-147** (Jackman/Frohman; unan., Sabatino, absent) directing staff to increase Parks, Recreation & Neighborhoods Department target.

#### CONSENT

5. Consider affirming the City's sponsorship of "Earth Day in the Park Festival 2002" at Graceada Park, and allowing sale of merchandise in the park during the event.

?Resolution affirming the City's sponsorship of "Earth Day in the Park Festival 2002" at Graceada Park, and allowing sale of merchandise in the park during the event recommended.

*Engineering & Transportation; Beverly McCullough, 577-5495, [bmccullough@modestogov.com](mailto:bmccullough@modestogov.com)*

**ACTION: Res. No. 2002-148** (Frohman/Fisher; unan., Sabatino, absent) affirming the City's sponsorship of "Earth Day in the Park Festival 2002" at Graceada Park, and allowing sale of merchandise in the park during the event.

CONSENT

6. Consider rejecting all bids for the project titled "Install Emergency Generators at Well 57 and Tanks 6, 7, & 8, and authorizing re-bidding the project.

?? Resolution rejecting all bids for the project titled "Install Emergency Generators at Well 57 and Tanks 6, 7, & 8, and authorizing re-bidding the project recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-149** (Frohman/Fisher; unan., Sabatino, absent) rejecting all bids for the project titled "Install Emergency Generators at Well 57 and Tanks 6, 7, & 8, and authorizing re-bidding the project.

CONSENT

7. Consider accepting the work of Steiny & Company Inc. for "Installation of Traffic Signal at SR 99 Southbound Ramps and Kansas Avenue" as complete and authorize the City Clerk to file a Notice of Completion.

?? Resolution accepting the work of Steiny & Company Inc. for "Installation of Traffic Signal at SR 99 Southbound Ramps and Kansas Avenue" as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-150** (Frohman/Fisher; unan., Sabatino, absent) accepting the work of Steiny & Company Inc. for "Installation of Traffic Signal at SR 99 Southbound Ramps and Kansas Avenue" as complete and authorizing the City Clerk to file a Notice of Completion.

REMOVED FROM CONSENT

8. Consider approving an agreement with Greg Baird financial management services for the Finance Department.

??Resolution approving an agreement with Greg Baird for financial management services in the Finance Department recommended.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-151**(Frohman/Jackman; unan., Sabatino, absent) approving an agreement with an amount not to exceed \$100,000 and terminating on July 5, 2002 with Greg Baird for financial management services in the Finance Department.

REMOVED FROM CONSENT

9. Consider approving a two-year Corporate Digital Advantage (CDA) agreement with AT&T Wireless to provide cellular equipment and wireless service to the City for an approximate annual cost of \$66,000, with an additional two-year extension option.

?? Resolution approving a two-year Corporate Digital Advantage (CDA) agreement with an additional two-year extension option, with AT&T Wireless to provide cellular equipment and wireless service to the City for an approximate annual cost of \$66,000 recommended.

*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. No. 2002-152** (Jackman/Fisher; majority; Frohman, no; Sabatino, absent) approving a two-year Corporate Digital Advantage (CDA) agreement with an additional two-year extension option, with AT&T Wireless to provide cellular equipment and wireless service to the City for an approximate annual cost of \$66,000.

**HEARINGS**

10. Hearing to consider the appeal of Erik and Catrina Lundeberg to a decision by the Board of Zoning Adjustment that denied their appeal of staff's decision that approved a second-story addition to the home at 1013 Encina Avenue. Item continued from February 12, 2002 meeting.

?? Resolution denying the appeal and uphold the decision of the board of Zoning Adjustment which denied the appeal of Erik and Catrina Lundeberg of staff's approval of a second story addition to the home at 1013 Encina Avenue recommended.

*Community Development; Josh Bridegroom, 571-5540, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: Res. No. 2002-153** (Jackman/Fisher; unan., Sabatino, absent) granting the appeal and denying the second story addition to the home at 1013 Encina Avenue.

***Councilmember Fisher presided over the meeting for Items 11 & 12.***

*Conrad absent due to conflict of interest*

11. Hearing to consider the application of Mid-Valley Engineering Inc., to amend the General Plan Land Use Diagram by changing the designation of approximately one acre from Residential to Mixed Use, to allow a 20,000-square-foot Professional Office development, property located between Roseburg and Mensinger Avenues West of McHenry Avenue.

?Resolution amending the General Plan Land Use Diagram to change the designation for the subject land area from Residential to Mixed Use recommended.

?Resolution findings the proposed General Plan Amendment within the scope of the previously certified General Plan Master EIR.

*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: Res. No. 2002-154** (Jackman/Keating; unan.; Conrad, Sabatino, absent) amending the General Plan Land Use Diagram to change the designation for the subject land area from Residential to Mixed Use.

**Res. No. 2002-155** (Jackman/Keating; unan.; Conrad, Sabatino, absent) findings the proposed General Plan Amendment within the scope of the previously certified General Plan Master EIR.

*Councilmember Conrad absent due to conflict of interest.*

12. Hearing to consider the application of Mid-Valley Engineering Inc., to rezone from Low-Density Residential, R-1, and Medium-High Density Residential, R-3, to Planned Development Zone, P-D(553), to allow a 20,000-square-foot Professional Office development, property located between Roseburg and Mensinger Avenues West of McHenry Avenue.

?Introduce an ordinance rezoning from Low-Density Residential, R-1, and Medium-High-Density Residential, to Planned Development Zone, P-D(553) recommended.

?Resolution approving a development plan for P-D(553) recommended.

?Resolution finding the proposed rezoning within the scope of the previously certified General Plan Master EIR recommended.

*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: By Motion** (Jackman/Keating; unan.; Conrad, Sabatino, absent) **introduced Ordinance No. 3252-C.S.** rezoning from Low-Density Residential, R-1, and Medium-High-Density Residential, to Planned Development Zone, P-D(553).

**Res. No. 2002-156** (Jackman/Keating; unan.; Conrad, Sabatino, absent) approving a development plan for P-D(553).

**Res. No. 2002-157** (Jackman/Keating; unan.; Conrad, Sabatino, absent) finding the proposed rezoning within the scope of the previously certified General Plan Master EIR.

13. Hearing to consider approving the usage policy and fee schedule for 10th Street between "J" and "K" Streets in downtown Modesto and approving booking and scheduling Tenth Street Plaza and 10th Street between "J" and "K" Streets as one venue.



?Resolution approving the usage policy and fee schedule for 10th Street between "J" and "K" Streets in downtown Modesto and approving booking and scheduling Tenth Street Plaza and 10th Street between "J" and "K" Streets as one venue recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,  
[bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-158** (Keating/Jackman; majority; Frohman, no; Sabatino, absent) approving the usage policy without the fee schedule for 10th Street between "J" and "K" Streets in downtown Modesto and approving booking and scheduling Tenth Street Plaza and 10th Street between "J" and "K" Streets as one venue.

The Fee Schedule was referred to the Human Services Committee for review.

### **COUNCIL COMMENTS & REPORTS**

14. At the request of Councilmember Frohman, discussion regarding moving Council Comments & Reports from its current location to immediately following Oral Communications.

**ACTION:** By Motion (Frohman/Jackman; majority; Fisher, no; Sabatino, absent) directed the City Attorney to draft an Ordinance amending the Municipal Code relating to the Order of Business.

15. At the request of Vice Mayor Conrad, consider posting all future Agenda Review meetings as Workshops/Committee Meetings, to allow all Councilmembers to attend and participate in discussion.

**ACTION:** By Motion (Fisher/Conrad; majority; Fisher, Keating, no; Sabatino, absent) directed staff to notice Agenda Review meetings as Council Workshops.

16. At the request of Mayor Sabatino, consider a motion directing staff to determine amount paid to Modesto Bee in fiscal year 2001/2002 for all publication and notice services, and research alternative advertising venues and associated costs.

**ACTION:** By Motion (Fisher/Jackman; unan.; Sabatino, absent) directed staff to research advertising alternatives and costs.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 8:54 p.m.

## Tuesday, April 9, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant

Absent: Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: John Magollias, Greek Orthodox Church of the Annunciation

City Clerk's Announcements: *Items 6 & 10 removed from Consent*  
*Hearings 13 and 14 continued until April 16<sup>th</sup>*

Declaration of Conflicts of Interest: *Councilmember Fisher, Item 12*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of two awards: Second Place in national honors from the National Association of Town Watch for Modesto's participation in "National Night Out 2001" among cities with populations from 100,000 to 249,999, and First Place first in California.

**ACTION:** Presentation given by Police Department Staff. No action taken.

### ORAL COMMUNICATIONS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2-5, 7-9  
*Items 6 & 10 removed from*  
*Consent*

**ACTION Items 2-5, 7- 9: Frohman/Jackman; unan., Sabatino, absent**

**ACTION Item 6:Frohman/Fisher; unan.; Sabatino, absent**

**ACTION Item 10: Frohman/Jackman; majority; Fisher, no; Sabatino, absent**

## CONSENT ITEMS

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

### CONSENT

2. Approval of the minutes of the special workshop meeting of March 28, 2002 and the regular City Council meeting of April 2, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan., Sabatino, absent) approved the minutes of March 28 and April 2, 2002.

### CONSENT

3. Consider amending the Classification Plan to create the classification of Chief Information Officer, and Consider amending the Class Range Table for Executive Management to establish the salary range for Chief Information Officer.  
?? Resolution amending the Classification Plan to create the classification of Chief Information Officer recommended.  
?? Resolution amending the Class Range Table for Executive Management to establish the salary range for Chief Information Officer recommended.  
*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Res. No. 2002-159** (Frohman/Jackman; unan., Sabatino, absent) amending the Classification Plan to create the classification of Chief Information Officer.

**Res. No. 2002-160** (Frohman/Jackman; unan., Sabatino, absent) amending the Class Range Table for Executive Management to establish the salary range for Chief Information Officer.

### CONSENT

4. Consider authorizing the Purchasing Supervisor to formally solicit bids for the project titled "Internal Coating of Digester #2 at the Primary Water Quality Control Plant". The anticipated cost is approximately \$200,000.  
?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for the project titled "Internal Coating of Digester #2 at the Primary Water Quality Control Plant" recommended.  
*Finance; Tom Reddie, 577-5406, [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Res. No. 2002-160A** (Frohman/Jackman; unan., Sabatino, absent) authorizing the Purchasing Supervisor to formally solicit bids for the project titled "Internal Coating of Digester #2 at the Primary Water Quality Control Plant".

CONSENT

5. Consider awarding a \$698,217 contract to Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacements”; Consider approving an appropriation transfer to consolidate funding for the project. This project will replace 7,038 feet of damaged sanitary sewer lines.

?? Resolution awarding a \$698,217 contract to Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacements” recommended.

?? Resolution approving an appropriation transfer to consolidate funding for the “2002 Sanitary Sewer Replacements” project recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-161** (Frohman/Jackman; unan., Sabatino, absent) awarding a \$698,217 contract to Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacements.”

**Res. No. 2002-162** (Frohman/Jackman; unan., Sabatino, absent) approving an appropriation transfer to consolidate funding for the “2002 Sanitary Sewer Replacements” project.

CONSENT

6. Consider accepting \$150,000 in Federal Economic Development Initiative grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area, and Consider amending the Fiscal Year 2001-2002 Capital Improvement Program budget to estimate revenue and appropriate expenditures for the project.

?Resolution accepting \$150,000 in Federal Economic Development Initiative grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area recommended.

?Resolution amending the Fiscal Year 2001-2002 Capital Improvement Program budget to estimate revenue and appropriate expenditures for the \$150,000 grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,  
[svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-163** (Frohman/Fisher; unan.; Sabatino, absent) accepting \$150,000 in Federal Economic Development Initiative grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area.

**Res. No. 2002-164** (Frohman/Fisher; unan.; Sabatino, absent) amending the Fiscal Year 2001-2002 Capital Improvement Program budget to estimate revenue and appropriate expenditures for the \$150,000 grant funds for curb, gutter and sidewalk improvements in the Conant/Rumble area.

CONSENT

7. Consider approving allocation of \$377,250 in Fiscal Year 2002-03 Community Development Block Grant and \$88,000 in Emergency Shelter Grant public service funds. This funding is available for eligible programs, services and activities or can be used to address eligible public service-related infrastructure needs within the City Limits.

?? Resolution approving allocation of \$377,250 in Fiscal Year 2002-03 Community Development Block Grant and \$88,000 in Emergency Shelter Grant public service funds recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, [svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-165** (Frohman/Jackman; unan., Sabatino, absent) approving allocation of \$377,250 in Fiscal Year 2002-03 Community Development Block Grant and \$88,000 in Emergency Shelter Grant public service funds.

CONSENT

8. Consider introducing an ordinance amending Chapter 3 of Title 8 of the Modesto Municipal Code relating to public works contracts.

?? Introduction of an ordinance amending Chapter 3 of Title 8 of the Modesto Municipal Code relating to public work contracts recommended.

*Engineering & Transportation; Richard Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: By Motion** (Frohman/Jackman; unan., Sabatino, absent) **introduced Ordinance No. 3253–C.S.** amending Chapter 3 of Title 8 of the Modesto Municipal Code relating to public work contracts.

CONSENT

9. Consider request from Stanislaus County Public Health to become the administrator of the MMRS (Metropolitan Medical Response System) program.

??Resolution approving an MOU (Memorandum of Understanding) with Stanislaus County and transferring administrator authority for the Metropolitan Medical Response System program to the Stanislaus County Health Services Agency, supporting the transfer of the MMRS to Stanislaus County Public Health recommended.

*Fire; Gary Hinshaw, 572-9596, [ghinshaw@mdoestogov.com](mailto:ghinshaw@mdoestogov.com)*

**ACTION: Res. No. 2002-166** (Frohman/Jackman; unan., Sabatino, absent) approving an MOU (Memorandum of Understanding) with Stanislaus County and transferring administrator authority for the Metropolitan Medical Response System program to the Stanislaus County Health Services Agency, supporting the transfer of the MMRS to Stanislaus County Public Health.

## REMOVED FROM CONSENT

10. Consider introduction of an ordinance moving the Council Comments and Reports so that it immediately follows the Oral Communications portion of the agenda.

?? Introduction of an ordinance amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure – Order of Business recommended.

*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; majority; Fisher, no; Sabatino, absent) **introduced Ordinance No. 3254–C.S.** amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure – Order of Business

## WRITTEN COMMUNICATIONS

10A. At the request of Dave Thomas, consider allowing citizens to submit question by e-mail to the Council during Council meetings.

**ACTION:** No action taken.

## HEARINGS

11. Hearing to consider the application of Mr. Rasul Ghulam to operate a taxicab company in Modesto. Item continued from February 12 and March 26, 2002 meetings.

??Motion directing staff to revise the City Ordinance 4-6.1 (Taxi Cabs) eliminating the requirement for determining “Public Convenience and Necessity” recommended.

??Resolution approving the issuance of five Certificates of Public Convenience and Necessity to Rasul Ghulam to operate a taxicab company in the City of Modesto recommended.

*Engineering & Transportation; Fred Cavanah, 577-5298, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Fisher/O’Bryant; unan.; Sabatino, absent) directed staff to revise the City Ordinance 4-6.1 (Taxi Cabs) eliminating the requirement for determining “Public Convenience and Necessity”

**Res. No. 2002-167** (Fisher/O’Bryant; unan.; Sabatino, absent) approving the issuance of five Certificates of Public Convenience and Necessity to Rasul Ghulam to operate a taxicab company in the City of Modesto

*Fisher absent due to conflict of interest*

12. Hearing to consider approving the Citizen's Housing and Community Development Committee recommendations to allocate \$250,000 in Fiscal Year 2001-02 HOME funds to the Miller Pointe project, located at 2500 Miller Avenue, submitted by the Housing Authority of the County of Stanislaus and \$832,000 in Fiscal Year 2001-02 HOME funds to the 3333 Carver Road project submitted by STANCO. These two projects are both new construction and together will add 34 affordable multi-family units for very-low-, low- and moderate-income families. Consider amending the Fiscal Year 01-02 operating budget to appropriate necessary funds.
- ?? Resolution approving the Citizen's Housing and Community Development Committee recommendations to allocate \$250,000 in Fiscal Year 2001-02 HOME funds to the Miller Pointe project submitted by the Housing Authority of the County of Stanislaus and \$832,000 in Fiscal Year 2001-02 HOME funds to the 3333 Carver Road project submitted by STANCO and authorizing the City Manager to execute necessary documents recommended.
- ?? Resolution amending the Fiscal Year 01-02 operating budget to allocate \$250,000 in Fiscal Year 2001-02 HOME funds to the Miller Pointe project submitted by the Housing Authority of the County of Stanislaus and \$832,000 in Fiscal Year 2001-02 HOME funds to the 3333 Carver Road project submitted by STANCO recommended.  
*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310,*  
[caharris@modestogov.com](mailto:caharris@modestogov.com)

**ACTION: Res. No. 2002-168** (Jackman/Keating; unan; Fisher & Sabatino, absent) approving the Citizen's Housing and Community Development Committee recommendations to allocate \$250,000 in Fiscal Year 2001-02 HOME funds to the Miller Pointe project submitted by the Housing Authority of the County of Stanislaus and \$832,000 in Fiscal Year 2001-02 HOME funds to the 3333 Carver Road project submitted by STANCO and authorizing the City Manager to execute necessary documents.

**Res. No. 2002-169** (Jackman/Keating; unan.; Fisher & Sabatino, absent) amending the Fiscal Year 01-02 operating budget to allocate \$250,000 in Fiscal Year 2001-02 HOME funds to the Miller Pointe project submitted by the Housing Authority of the County of Stanislaus and \$832,000 in Fiscal Year 2001-02 HOME funds to the 3333 Carver Road project submitted by STANCO.

13. Hearing to consider the application of K-D Land & Cattle Investments, Inc., to amend the Village One Specific Plan by moving 4.1-acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, to allow a 19-lot subdivision, property located at the Northeast corner of Hillglen and Esta Avenues.  
??Resolution approving Specific Plan Amendment No. 2001-003 recommended.



?Resolution finding the Specific Plan Amendment within the scope of the Village One Specific Plan Program EIR recommended.  
*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.; Sabatino, absent) continued item to May 7, 2002.

14. Hearing to consider the application of K-D Land & Cattle Company to amend Precise Plan No. 7 by moving 4.1-acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, to allow a 19-lot subdivision, property located at the Northeast corner of Hillglen and Esta Avenues.  
?Introduction of an ordinance amending Precise Plan No. 7 recommended.  
?Resolution finding the requested Precise Plan Amendment within the scope of the Village One Specific Plan Program EIR recommended.  
*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.; Sabatino, absent) continued item to May 7, 2002.

#### **NEW BUSINESS**

15. Consider approving the 2002-2003 Waste-to-Energy Project Budget.  
?? Resolution approving the 2002-2003 Waste-to-Energy Project Budget recommended.  
*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.; Sabatino, absent) continued item to June 18, 2002.

16. Consider authorizing staff to solicit Requests for Proposals (RFPs) for a Modesto Centre Plaza Five Year Strategic Plan and Rate Study for a cost not to exceed \$35,000, and Consider amending the Fiscal Year 2001-02 budget transfer funds to fully fund the RFPs. The current Five Year Strategic Plan is in its fifth year.  
?Resolution authorizing staff to solicit Requests for Proposals for a Modesto Centre Plaza Five Year Strategic Plan and Rate Study for a cost not to exceed \$35,000 recommended.  
?Resolution amending the Fiscal Year 2001-02 budget transfer funds to fully fund the Requests for Proposals for a Modesto Centre Plaza Five Year Strategic Plan and Rate Study for a cost not to exceed \$35,000 recommended.  
*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-170** (Fisher/Jackman; majority; Keating & O'Bryant, no; Sabatino, absent) authorizing staff to solicit Requests for Proposals for a

Modesto Centre Plaza Five Year Strategic Plan and Rate Study for a cost not to exceed \$20,000 and returning to Human Services Committee and Council.

**Res. No. 2002-171** (Fisher/Jackman; majority; Keating & O’Bryant, no; Sabatino, absent) amending the Fiscal Year 2001-02 budget transfer funds to fully fund the Requests for Proposals for a Modesto Centre Plaza Five Year Strategic Plan and Rate Study for a cost not to exceed \$20,000.

17. Consider authorizing staff to solicit Request for Qualifications for the development of multi-family housing for working citizens in Village One. Funding is from the HOME entitlement in the amount of \$245,000; there is no direct fiscal impact on the General Fund.

?? Resolution authorizing staff to solicit Request for Qualifications for the development of multi-family housing for working citizens in Village One recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310,  
[caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-172** (Fisher/Jackman; unan.; Sabatino, absent) authorizing staff to solicit Request for Qualifications for the development of multi-family housing for working citizens in Village One.

18. Consider authorizing the Purchasing Supervisor to formally solicit bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of \$290,000, and Consider amending the Fiscal Year operating the Capital Improvement Projects budgets to transfer funds to fully fund the project.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of \$290,000 recommended.

?? Resolution amending the Fiscal Year operating the Capital Improvement Projects budgets to transfer funds to fully fund the solicitation of bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of \$290,000 recommended

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310,  
[caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-173** (Jackman/Fisher; unan.; Sabatino, absent) authorizing the Purchasing Supervisor to formally solicit bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of \$290,000.

**Res. No. 2002-174** (Jackman/Fisher; unan; Sabatino, absent) amending the Fiscal Year operating the Capital Improvement Projects budgets to transfer funds to fully fund the solicitation of bids for the Americans with Disabilities Act (ADA) Curb Cuts Program in the amount of \$290,000

18A Consider selling excess land located at the corner of Leon Avenue and Paradise Road to David Barnes for \$5,000, and authorizing the City manager to take all appropriate actions and execute all documents necessary to complete the transfer of the land.

?? Resolution approving sale of excess land located at the corner of Leon Avenue and Paradise Road to David Barnes for \$5,000, and authorizing the City Manager to take all appropriate actions and execute all documents necessary to complete the transfer of the land recommended.

*Community Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-175** (Fisher/Jackman; unan.; Sabatino, absent) approving sale of excess land located at the corner of Leon Avenue and Paradise Road to David Barnes for \$5,000, and authorizing the City Manager to take all appropriate actions and execute all documents necessary to complete the transfer of the land.

### **COUNCIL COMMENTS & REPORTS**

19. At the request of Councilmember Jackman, consider review of practice and violation of existing laws pertaining to parking of vehicles on lawns and areas not identified for vehicle parking, and use of portable or temporary shelters such as metal/fabric parking areas.

**ACTION:** By Motion (Keating/Frohman; unan.; Sabatino, absent) referred item to Community Qualities Forum.

?? Councilmember Fisher thanked Van Switzer for his years of service with the City of Modesto.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:11 p.m. to the following Closed Session:

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case

The City Attorney returned at 11:30 p.m. to report that no action was taken.

## Tuesday, April 16, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Mike Douglas, Morality in the Media

City Clerk's Announcements: *Item 11 removed from Consent*  
*Item 6 dollar amount corrected to read \$60,000*

Declaration of Conflicts of Interest: *None*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Cecil Russell and Tom Kees of Save Mart thanking the City for its sponsorship of the Modesto Relays.

**ACTION:** Cecil Russell and Tom Kees requested a proclamation from the Council for this event.

2. Introduction of the recently promoted Police Lieutenants and Sergeants by the Police Department.

**ACTION:** Employees introduced by Chief Roy Wasden.

### ORAL COMMUNICATIONS

- ?? Peter Gartner thanked the Council for their attendance and support at the Cesar Chavez Park renaming
- ?? Eric Wardwell thanked the Council for approving the curb cut project and noted his concern that the Police Department needed more officers.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3, 4, 7-10, 12 & 13  
*Items 5, 6, & 11 removed from*

*Consent*

**ACTION ITEMS 3, 4, 7-10, 12 & 13: Frohman/Fisher; unan.**

**ACTION ITEM 5: Frohman/Jackman; unan.**

**ACTION ITEM 6: Frohman/Jackman; unan.**

**ACTION ITEM 11: Fisher/Frohman; majority; Conrad, no**

#### **CONSENT ITEMS**

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

#### CONSENT

3. Approval of the minutes of the regular City Council meeting of April 9, 2002.  
(Motion approving needed.)

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of April 9, 2002.

#### CONSENT

4. Consider increasing the Engineering & Transportation Director's authority to issue change orders from 10% to 33% of the original contract price on the "Expand ATMS Northeast" project with Golden State Utility Company.

?? Resolution approving increasing the Engineering & Transportation Director's authority to issue change orders from 10% to 33% of the original contract price on the "Expand ATMS Northeast" project with Golden State Utility Company recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-176** (Frohman/Fisher; unan.) approving increasing the Engineering & Transportation Director's authority to issue change orders from 10% to 33% of the original contract price on the "Expand ATMS Northeast" project with Golden State Utility Company.

#### REMOVED FROM CONSENT

5. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid ferric chloride for use at the Water Quality Control facility. Approximate cost: \$127,000; funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid ferric chloride for an approximate cost of \$127,000 recommended.

**ACTION: Res. No. 2002-177** (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid ferric chloride for an approximate cost of \$127,000.

REMOVED FROM CONSENT

6. Consider authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid sulphur dioxide for use at the Water Quality Control facility. Approximate cost: \$60,000; funds are budgeted.  
??Resolution authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid sulphur dioxide for an approximate cost of \$127,000 recommended.

**ACTION: Res. No. 2002-178** (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to formally solicit Request for Bids for liquid sulphur dioxide for an approximate cost of \$60,000.

CONSENT

7. Consider accepting the work by George Reed Inc. for “Hetch Hetchy Bicycle Path Phase 3 (Standiford to Semallon)” as complete, and authorize the City clerk to file a Notice of Completion.  
?? Resolution accepting the work by George Reed Inc. for “Hetch Hetchy Bicycle Path Phase 3 (Standiford to Semallon)” as complete, and authorize the City clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-179** (Frohman/Fisher; unan.) accepting the work by George Reed Inc. for “Hetch Hetchy Bicycle Path Phase 3 (Standiford to Semallon)” as complete, and authorize the City clerk to file a Notice of Completion

CONSENT

8. Consider accepting the improvements for Village Highlands Phase 4 subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods. Owners: Inland Village, a General Partnership.  
??Resolution accepting the improvements for Village Highlands Phase 4 subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-180** (Frohman/Fisher; unan.) accepting the improvements for Village Highlands Phase 4 subdivision in the Village One Specific Plan Area

and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods

CONSENT

9. Consider accepting the improvements for Village Highlands Phase 5 subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods. Owners: Inland Village, a General Partnership.

?Resolution accepting the improvements for Village Highlands Phase 5 subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-181** (Frohman/Fisher; unan.) accepting the improvements for Village Highlands Phase 5 subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

10. Consider accepting the list of bottlenecks compiled by City staff as per the City Council's Strategic Plan, direct staff to prioritize the listed bottlenecks, and incorporate ensuing mitigation projects into the City Capital Improvement Program as funding allows and in concert with other CIP project priorities.

?By motion, accept the list of bottlenecks, direct staff to prioritize the list, and to incorporate ensuing mitigation projects into the CIP recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) accepted the list of bottlenecks, direct staff to prioritize the list, and to incorporate ensuing mitigation projects into the CIP.

REMOVED FROM CONSENT

11. Final adoption of Ordinance 3253 amending Chapter 32 of Title 8 of the Modesto municipal Code relating to public work contracts.

**ACTION:** By Motion (Fisher/Frohman; majority; Conrad, no) approved the **final adoption of Ordinance 3253** amending Chapter 32 of Title 8 of the Modesto municipal Code relating to public work contracts.



CONSENT

12. Consider accepting the resignation of Janice Keating from the Community Qualities Forum.

?? Resolution accepting the resignation of Janice Keating from the Community Qualities Forum.

*City Manager; Esther Puckett, 571-5101, [epuckett@modestogov.com](mailto:epuckett@modestogov.com)*

**ACTION: Res. No. 2002-182** (Frohman/Fisher; unan.) accepting the resignation of Janice Keating from the Community Qualities Forum.

CONSENT

13. Consider the appointment of Councilmembers Will O'Bryant with Councilmember Tim Fisher as an alternate, to the Joint Powers Authority (JPA) governing Board for the Emergency Dispatch Center.

?? Resolution appointing Councilmembers Will O'Bryant and Tim Fisher to the Joint Powers Authority (JPA) governing Board for the Emergency Dispatch Center recommended.

*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION: Res. No. 2002-183** (Frohman/Fisher; unan.) appointing Councilmembers Will O'Bryant and Tim Fisher to the Joint Powers Authority (JPA) governing Board for the Emergency Dispatch Center.

**WRITTEN COMMUNICATIONS**

14. Letter from Robert Martin regarding wireless cell phone towers that are being constructed in the City of Modesto and Stanislaus County.

**ACTION:** No action taken.

**UNFINISHED BUSINESS**

*Councilmember Conrad absent due to Conflict of Interest*

15. Final adoption of Ordinance 3252-C.S. rezoning from Low-Density Residential, R-1 and Medium-High-Density Residential, to Planned Development Zone, P-D(553), property located between Roseburg and Mensinger Avenues West of McHenry Avenue.

**ACTION:** By Motion (Fisher/Jackman; majority; Conrad, absent) approved the **final adoption of Ordinance 3252-C.S.** rezoning from Low-Density Residential, R-1 and Medium-High-Density Residential, to Planned Development Zone,

P-D(553), property located between Roseburg and Mensinger Avenues West of McHenry Avenue.

16. Final adoption of Ordinance 3254 amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure – Order of Business.

**ACTION:** By Motion (Frohman/Conrad; majority; Fisher, no) approved **final adoption of Ordinance 3254** amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure – Order of Business.

17. Consider proposal to reorganize the City Council Committee system.  
??Motion acknowledging receipt of report recommended.  
??Resolution reorganizing the Council Committee system.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION:** Item was continued to the April 30, 2002 Council Workshop.

18. Consider the Articles of Incorporation and bylaws for the Modesto Convention and Visitors Bureau; Consider approving a month-to-month agreement with the Modesto Chamber of Commerce for funding to the Convention and Visitors Bureau.  
??Resolution approving the Articles of Incorporation and bylaws for the Modesto Convention and Visitors Bureau recommended.  
??Resolution approving a month-to-month agreement with the Modesto Chamber of Commerce recommended.  
*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) item was continued to the April 23, 2002 Council Meeting.

### NEW BUSINESS

19. Consider adopting a resolution ratifying the cancellation the April 29 Storm Drain ballot election and ordering the City Clerk to destroy all ballots received to date, and direct staff to confirm rate structure with billing practice.  
??A resolution ratifying previous Council direction to staff and canceling the special all mail ballot election previously scheduled for April 29, 2002, for the purpose of submitting to the property owners of the City of Modesto a resolution increasing the storm drainage sewer surcharge rates by 8%, directing staff to

conform the City's current storm drainage sewer surcharge rate resolution to the current billing practices, directing the City Clerk to destroy any and all ballots submitted in said election pursuant to the provisions of the California Elections Code, and directing staff to conduct an independent conformance analysis of all utility billings to assure billing practices conform to adopted resolutions in all cases recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Res. No. 2002-184** (Fisher/Frohman; unan.) ratifying previous Council direction to staff and canceling the special all mail ballot election previously scheduled for April 29, 2002, for the purpose of submitting to the property owners of the City of Modesto a resolution increasing the storm drainage sewer surcharge rates by 8%, directing staff to conform the City's current storm drainage sewer surcharge rate resolution to the current billing practices, directing the City Clerk to destroy any and all ballots submitted in said election pursuant to the provisions of the California Elections Code, and directing staff to conduct an independent conformance analysis of all utility billings to assure billing practices conform to adopted resolutions in all cases.

### **COUNCIL COMMENTS & REPORTS**

20. At the request of Councilmember Frohman, consider proposal to revise General Plan boundaries.

**ACTION:** Item was continued to the April 23, 2002 Council Meeting.

21. At the request of Councilmember Frohman, consider making the City Council the final authority to approve or deny the extension of vested tentative maps.

**ACTION:** Item was continued to the April 23, 2002 Council Meeting.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:12 p.m. to the following closed session:

**CLOSED SESSION**

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

Name of case: Moises Sepulveda, et al. v. David Hawn, Art Garza, Craig Grogan, City of Modesto, et al., - United States District Court Eastern District of California, Case No., CIV F-01-5054 AWI DLB

\*\*\*\*\*

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

Name of case: City of Modesto v. National Med. Incorporated  
Stanislaus County Superior Court Case No. 292944

\*\*\*\*\*

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

Property: Purchase, sale or lease of property located on Scenic Drive,  
at the end of Coffee

APN: 34-18-6 (approximately 1.39 acres)

Scenic Road Properties, Owner

Negotiating parties: Jack Crist, City Manager; and George Britton, Deputy City  
Manager, for the City of Modesto

Mike Zagaris – negotiating for Owner

Under negotiation: Price and terms of payment for property rights to be  
acquired

The City Attorney returned at 8:20 p.m. to report that no action had been taken.

# MINUTES

**Tuesday, April 23, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

*Absent: None*

Pledge of Allegiance to the Flag

Invocation: Pastor Cliff Sexton, First Baptist Church

City Clerk’s Announcements: *Items 8 and 18 removed from agenda  
Item 29 canceled and renoticed for a future date  
Item 36 moved to April 25, 2002.*

Declaration of Conflicts of Interest: *Fisher, Items 23 and 24.*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of Mathew Watson and Mark Flowers for their heroic actions in saving the life of a stabbing victim.

**ACTION:** Presentation of award to Matthew Watson and Mark Flowers made by Lt. Gary Watts.

2. Acknowledgement of Mario Martinez and Jason Hill for their heroic actions in saving the life of four-year-old Ga-Lhiel Dillard.

**ACTION:** Presentation made to Mario Martinez and Jason Hill by Lt. Gary Watts.

3. Presentation of proclamation designating April as Organ and Tissue Donor Awareness Month.

**ACTION:** Proclamation presented by Mayor Sabatino.

4. A moment of silence recognizing those missing persons from the Modesto area.

**ACTION:** A moment of silence was taken by the City Council and the audience.

## ORAL COMMUNICATIONS

- ?? Dale Williams reported on the arbitration hearing held regarding the Prescott Estates property and thanked the Council for previous action taken to assist former residents.
- ?? Pete Kolf requested Council consider, on the May 7 agenda, submitting an annual debt report to the rate payers in the utility insert.
  - o City Council agreed to the request.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5-7, 9-17, & 19-22  
*Items 8 & 18 removed from*

*Agenda*

**ACTION Items 5-7, 9-17, & 19-22: Frohman/Fisher; unan.**

### CONSENT ITEMS

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

#### CONSENT

5. Approval of the minutes of the regular City Council meeting of April 16, 2002.

?? Motion approving recommended.

*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestgov.com](mailto:rbartholomew@modestgov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of April 16, 2002.

#### CONSENT

6. Consider amending the Animal Control Shelter Services agreement to extend the contract through September 30, 2002 and authorize the City Manager to execute the necessary documents.

?? Resolution amending the Animal Control Shelter Services agreement to extend the contract through September 30, 2002 and authorize the City Manager to execute the necessary documents recommended.

*Police; Ron Sale, 572-9674, [saler@modestpd.com](mailto:saler@modestpd.com)*

**ACTION: Res. No. 2002-185** (Frohman/Fisher; unan.) amending the Animal Control Shelter Services agreement to extend the contract through September 30, 2002 and authorize the City Manager to execute the necessary documents.

#### CONSENT

7. Consider two Internal Audit reports: Police Department Investigative Services cash fund and Nirvana Drug and Alcohol Treatment Program.

?? Motion acknowledging receipt of Internal Audit reports of the Police Department Investigative Services cash fund and Nirvana Drug and Alcohol Treatment Program recommended.

*City Clerk/Auditor; Gary Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) acknowledged receipt of Internal Audit reports of the Police Department Investigative Services cash fund and Nirvana Drug and Alcohol Treatment Program.

#### REMOVED FROM AGENDA

8. Consider authorizing staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano Inc.

?Resolution authorizing staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano Inc. recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310,*

*[caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Removed from Agenda**

#### CONSENT

9. Consider increasing loan limits for Emergency Home Repair Program and combined Emergency Home Repair Program/Disabled Access Assistance Program and approving housekeeping changes to Chapter 12 of the Parks Recreation & Neighborhoods Department, Recreation and Neighborhood Services Division Manual.

?Resolution increasing loan limits for Emergency Home Repair Program and combined Emergency Home Repair Program/Disabled Access Assistance Program and approving housekeeping changes to Chapter 12 of the Parks Recreation & Neighborhoods Department, Recreation and Neighborhood Services Division Manual recommended.

*Parks, Recreation & Neighborhoods; Ernie Richardson, 577-5392,  
[erichardson@modestogov.com](mailto:erichardson@modestogov.com)*

**ACTION: Res. No. 2002-186** (Frohman/Fisher; unan.) increasing loan limits for Emergency Home Repair Program and combined Emergency Home Repair Program/Disabled Access Assistance Program and approving housekeeping changes to Chapter 12 of the Parks Recreation & Neighborhoods Department, Recreation and Neighborhood Services Division Manual.

CONSENT

10. Consider recommending to the Housing and Urban Development Department (HUD) that Harvest of Hope be authorized as a Community Based Development Organization (CBDO).

?Resolution recommending to the Housing and Urban Development Department (HUD) that Harvest of Hope be authorized as a Community Based Development Organization (CBDO) recommended.

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

[jhannon@modestogov.com](mailto:jhannon@modestogov.com)

**ACTION: Res. No. 2002-187** (Frohman/Fisher; unan.) recommending to the Housing and Urban Development Department (HUD) that Harvest of Hope be authorized as a Community Based Development Organization (CBDO).

CONSENT

11. Consider accepting the Regional Sports Facility Study Final Draft Action Plan Report and directing staff to use the report as a planning tool for sports facilities in Modesto.

?Resolution accepting the Regional Sports Facility Study Final Draft Action Plan Report and directing staff to use the report as a planning tool for sports facilities in Modesto recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,*

[nhoux@modestogov.com](mailto:nhoux@modestogov.com)

**ACTION: Res. No. 2002-188** (Frohman/Fisher; unan.) accepting the Regional Sports Facility Study Final Draft Action Plan Report and directing staff to use the report as a planning tool for sports facilities in Modesto.

CONSENT

12. Consider approving application for \$35,750 in funding from the Federal Land and Water Conservation Fund for a picnic area/shade structure at Creekwood Neighborhood Park.

?? Resolution approving application for \$35,750 in funding from the Federal Land and Water Conservation Fund for a picnic area/shade structure at Creekwood Neighborhood Park recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582,*

[dgould@modestogov.com](mailto:dgould@modestogov.com)

**ACTION: Res. No. 2002-189** (Frohman/Fisher; unan.) approving application for \$35,750 in funding from the Federal Land and Water Conservation Fund for a picnic area/shade structure at Creekwood Neighborhood Park.

CONSENT



13. Consider approving request from the Juneteenth Celebration Chairperson for \$4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center June 13, 14, and 15, 2002; and Consider amending the budget to appropriate the \$4,750.

?Resolution approving request from the Juneteenth Celebration Chairperson for \$4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center June 13, 14, and 15, 2002 recommended.

?Resolution amending the budget to appropriate the \$4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center June 13, 14, and 15, 2002 recommended.

*Parks, Recreation & Neighborhoods; Tommie Muhammad, 577-5442, [tmuhammad@modestogov.com](mailto:tmuhammad@modestogov.com)*

**ACTION: Res. No. 2002-190** (Frohman/Fisher; unan.) approving request from the Juneteenth Celebration Chairperson for \$4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center June 13, 14, and 15, 2002

**Res. No. 2002-191** (Frohman/Fisher; unan.) amending the budget to appropriate the \$4,750 in direct City assistance for the 2002 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center June 13, 14, and 15, 2002.

#### CONSENT

14. Consider accepting Federal Hazard Elimination Safety (HES) grant funding for installation of streetlights in the McHenry Village area, and installation of streetlights at 29 intersections within the City of Modesto.

?Resolution accepting the Federal Hazard Elimination Safety (HES) grants in the amount of \$282,000.

?Resolution amending the Fiscal Year 01-02 Capital Improvement Program budget accepting the Federal HES grant funds and establishing new CIP project fund "Roadway Illumination at 29 Intersections" in the amount of \$187,000 recommended.

?Resolution amending the Fiscal Year 01-02 Capital Improvement Program budget accepting the Federal HES grant funds and establishing new CIP project fund "Roadway Illumination McHenry Village Area (5 streets)" in the amount of \$95,000 recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-192A** (Frohman/Fisher; unan.) accepting the Federal Hazard Elimination Safety (HES) grants in the amount of \$282,000.

**Res. No. 2002-192** (Frohman/Fisher; unan.) amending the Fiscal Year 01-02 Capital Improvement Program budget accepting the Federal HES grant funds

and establishing new CIP project fund “Roadway Illumination at 29 Intersections” in the amount of \$187,000.

**Res. No. 2002-193** (Frohman/Fisher; unan.) amending the Fiscal Year 01-02 Capital Improvement Program budget accepting the Federal HES grant funds and establishing new CIP project fund “Roadway Illumination McHenry Village Area (5 streets)” in the amount of \$95,000.

CONSENT

15. Consider accepting the work of George Reed Inc. for Sisk Road Recycle – Briggsmore Avenue to Dale Road as complete and authorize the City Clerk to file a Notice of Completion. Total costs of project \$1,700,853.75; funds are budgeted.  
?Resolution accepting the work of George Reed Inc. for Sisk Road Recycle – Briggsmore Avenue to Dale Road as complete and authorize the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-194** (Frohman/Fisher; unan.) accepting the work of George Reed Inc. for Sisk Road Recycle – Briggsmore Avenue to Dale Road as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

16. Consider approving the City Engineer’s Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6; and Consider a Resolution of Intention setting a public hearing on the levy of the proposed assessment. Cost estimate for Fiscal Year 2002-03 is \$26 annual assessment per lot, which is the same amount as FY 2001-02.  
?Motion approving the City Engineer’s Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6 recommended.  
?Resolution of Intention setting a public hearing to be held on June 18, 2002 at 5:15 p.m. on the levy of the proposed assessment Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6 recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: By Motion** (Frohman/Fisher; unan.) approved the City Engineer’s Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6

**Res. No. 2002-195** (Frohman/Fisher; unan.), a Resolution of Intention setting a public hearing to be held on June 18, 2002 at 5:15 p.m. on the levy of the proposed assessment Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6.

CONSENT

17. Consider approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2; and Consider a Resolution of Intention setting a public hearing on the levy of the proposed assessment. The proposed 2002-03 assessment shows a \$1.52 increase per acre for commercial or \$.50 per each residential property.

?? Motion approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2 recommended.

?? Resolution of Intention setting a public hearing to be held on June 18, 2002 at 5:15 p.m. on the levy of the proposed assessment Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
rgranberg@modestogov.com*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2

**Res. No. 2002-196** (Frohman/Fisher; unan.), a Resolution of Intention setting a public hearing to be held on June 18, 2002 at 5:15 p.m. on the levy of the proposed assessment Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2.

REMOVED FROM AGENDA

18. Consider an agreement with the State of California, Department of Transportation for the installation and maintenance of landscaping within State Highway (Route 108) right-of-way (McHenry Avenue) in the City of Modesto and authorizing the City Manager to execute the agreement. Total budget for project, \$120,000; funds are budgeted.

?? Resolution approving an agreement with the State of California, Department of Transportation for the installation and maintenance of landscaping within State Highway (Route 108) right-of-way (McHenry Avenue) in the City of Modesto and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
rgranberg@modestogov.com*

**ACTION: Removed from Agenda**

CONSENT

19. Consider accepting the improvements for Millbrook Estates Unit No. 3 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Bright Development, a California Corporation).

?Resolution accepting the improvements for Millbrook Estates Unit No. 3 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-197** (Frohman/Fisher; unan.) accepting the improvements for Millbrook Estates Unit No. 3 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

20. Consider authorizing the purchase of a Pierce Ladder Truck for \$631,177.09 and establishing minimum sale/trade-in price for a 1991 LTI Ladder Truck of \$84,000, and Consider amending the budget.

?Resolution authorizing the purchase of a Pierce Ladder Truck for \$631,177.09 and establishing minimum sale/trade-in price for a 1991 LTI Ladder Truck of \$84,000 recommended.

?Resolution amending the budget to fully fund the purchase of a Pierce Ladder Truck for \$631,177.09 recommended.

*Fire; Doug Hannink, 572-9590, [dhannink@modestogov.com](mailto:dhannink@modestogov.com)*

**ACTION: Res. No. 2002-198** (Frohman/Fisher; unan.) authorizing the purchase of a Pierce Ladder Truck for \$631,177.09 and establishing minimum sale/trade-in price for a 1991 LTI Ladder Truck of \$84,000.

**Res. No. 2002-199** (Frohman/Fisher; unan.) amending the budget to fully fund the purchase of a Pierce Ladder Truck for \$631,177.09.

CONSENT

21. Consider amending the Residential Conditional Use Permit Fee Structure and rescinding Resolution No. 93-587.

?? Resolution amending the Residential Conditional Use Permit Fee Structure and rescinding Resolution No. 93-587 recommended.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-200** (Frohman/Fisher; unan.) amending the Residential Conditional Use Permit Fee Structure and rescinding Resolution No. 93-587.

CONSENT

22. Consider declaring four parcels as excess land to City's needs and authorizing staff to take all appropriate actions to complete the sale of said parcels by following the procedure set forth in the Government Code for sale of excess land. The procedure requires that the land be offered for sale to other public agencies, and should the agencies choose not to purchase the land, then each parcel will be sold by public bid. Consider authorizing the City Manager to execute all required documents related to the property sale and approve a professional services contract with PMZ Real Estate to administer the sale of the excess land. The former well sites are located at the corner of Vernon Avenue and Beverly Drive, on Sunrise Avenue North of Tokay, on Empire Avenue North of Mono Drive, and at the Northeast corner of Del Rey Avenue and Del Vista Avenue.

??Resolution declaring the parcels as excess land, authorizing the City Manager to take appropriate actions to complete the sales of the four excess parcels recommended.

??Resolution approving a professional services contract with PMZ Real Estate to administer the sale of the excess land in an amount not to exceed 6% of the gross sales price of parcels recommended.

*Community Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-201** (Frohman/Fisher; unan.) declaring the parcels as excess land, authorizing the City Manager to take appropriate actions to complete the sales of the four excess parcels

**Res. No. 2002-202** (Frohman/Fisher; unan.) approving a professional services contract with PMZ Real Estate to administer the sale of the excess land in an amount not to exceed 6% of the gross sales price of parcels.

**UNFINISHED BUSINESS**

*Fisher absent due to conflict of interest.*

23. Consider developer's request to expand the scope of appeal of the District Administrator's decision approved in Council Resolution 2001-540 pertaining to Center Court/Charleston Place subdivision (J.C. Williams).

?? Resolution denying request to expand the scope of appeal of the District Administrator's decision approved in Council Resolution 2001-540 pertaining to Center Court/Charleston Place subdivision recommended.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION:** By Motion (Keating/Frohman; unan.; Fisher, absent) item was referred to a Closed Session to be held on May 7, 2002.

*Fisher absent due to conflict of interest.*

24. Consider request to appeal the Community Facilities District Administrator's decision regarding Chateau Maison by Western Pacific Housing.  
?? Resolution denying reimbursement from tax monies on the grounds that granting the appeal would not be in accordance with existing law recommended.  
*City Manager; Tina Rocha, 577-5321, trocha@modestogov.com*

**ACTION: Res. No. 2002-203** (Jackman/Conrad; unan.; Fisher, absent) granting reimbursement from tax monies.

25. Consider an agreement with Kramer.Firm Inc. in an amount not to exceed \$55,000 for professional cable consultation services; and Consider a status report of the cable transfer request and compliance issues.  
??Resolution approving an agreement with Kramer.Firm Inc. in an amount not to exceed \$55,000 for professional cable consultation services recommended.  
??By motion, acknowledge receipt of status report of the cable transfer request and compliance issues recommended.  
*City Manager; Jana Coons, 571-5580, jcoons@modestogov.com*

**ACTION: Res. No. 2002-204** (Jackman/Fisher; unan.) approving an agreement with Kramer.Firm Inc. in an amount not to exceed \$55,000 for professional cable consultation services.

By Motion (Jackman/Fisher; unan.) acknowledge receipt of status report of the cable transfer request and compliance issues.

26. Consider approving in concept a plan to relocate the Cable Television Master Control Room to a portion of the basement of the Stanislaus County Office of Education building located at 1100 H Street and authorize the City Manager to negotiate all necessary agreements for the continued operation of a Public-Education-Government program.  
??Resolution approving in concept a plan to relocated the Cable Television Master Control Room to a portion of the basement of the Stanislaus County Office of Education building located at 1100 H Street and authorize the City Manager to negotiate all necessary agreements for the continued operation of a Public-Education-Government program recommended.  
*City Manager; Renee Ledbetter, 577-5222, rledbetter@modestogov.com*

**ACTION: Res. No. 2002-205** (Frohman/Fisher; majority; Jackman & O'Bryant, no) approving in concept a plan to relocated the Cable Television Master Control

Room to a portion of the basement of the Stanislaus County Office of Education building located at 1100 H Street and authorize the City Manager to negotiate all necessary agreements for the continued operation of a Public-Education-Government program.

**Res. No. 2002-206** (Frohman/Fisher; majority; Jackman & O'Bryant, no) approving an agreement with John Huffman for project site management services.

27. Consider staff report on Modesto Bee advertising.  
?? Motion acknowledging receipt of report and referring item to Audit Committee recommended.  
*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com);  
Renee Ledbetter, 577-5222, [rledbetter@modestogov.com](mailto:rledbetter@modestogov.com)*

**ACTION:** By Motion (Fisher/Keating; unan.) acknowledged receipt of report and referred item to the Financial Policy Committee.

28. Consider the Articles of Incorporation and bylaws for the Modesto Convention and Visitors Bureau; and Consider approving a month-to-month agreement with the Modesto Chamber of Commerce for funding to the Convention and Visitors Bureau. *Item continued from the April 16, 2002 meeting.*  
?? Resolution approving the Articles of Incorporation and bylaws for the Modesto Convention and Visitors Bureau recommended.  
?? Resolution approving a month-to-month agreement with the Modesto Chamber of Commerce recommended.  
*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION:** By Motion (Sabatino/Conrad; majority; Fisher & Keating, no) rejected the staff recommendation, including the renewal of the agreement with the Chamber of Commerce, be rejected.

By Motion (Sabatino/Conrad; majority; Fisher & Keating, no) determined that, effective July 1, 2002, the City will absorb the Convention and Visitors Bureau functions and place organizationally in the Parks, Recreation and Neighborhoods Department under the direction of the Centre Plaza General Manager.

By Motion (Sabatino/Conrad; majority; Fisher & Keating, no) determined that the issue of an advisory oversight committee be appointed by individual Councilmembers and approved by the full Council in the next 30 days.

By Motion (Sabatino/Conrad; majority; Fisher & Keating, no) determined that the existing staff of the Convention and Visitors Bureau be offered City



employment with the City of Modesto under terms and conditions consistent with established personnel practices and policies.

By Motion (Sabatino/Conrad; majority; Fisher & Keating, no) directed the City Manger to find suitable office space, subject to Council approval of appropriate lease documents.

## HEARINGS

*Hearing was cancelled and will be rescheduled to a future date.*

29. Hearing to consider whether the City should stop relying on its own Environmental Impact Report for the sale and use of bulk biosolids, and start relying on the State Water Board's Environmental Impact Report for the sale and use of bulk biosolids. The practical effect of this action will be to allow the City to market biosolids compost from the co-composting facility in bulk directly to end-users of the material, who will apply the co-compost under the terms of the Water Board's General Order.

?? Resolution approving a Mitigated Negative Declaration to void the City's 1998 Master Environmental Impact Report and rely on the State Water Board's EIR for it's General Order for biosolids land application.

*Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com*

**ACTION:** Hearing was cancelled and will be rescheduled to a future date.

30. Hearing to consider the annual golf pass program and increases to green fee rates at Modesto Municipal Golf Course, Dryden Park Golf Course and Creekside Golf Course.

?Resolution continuing the annual pass program at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, restating rates at the Municipal Nine-Hole Golf Course, establishing new rates at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, not approving implementation of an annual pass co-pay for everyday pass members on weekends during current non-valid tee times, and rescinding Resolutions 2001-143, 2001-159 and 2001-597 recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-206A** (Conrad/Keating; majority; Frohman, no) continuing the annual pass program at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, restating rates at the Municipal Nine-Hole Golf Course, establishing new rates at the Municipal Nine-Hole Golf Course, Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, not approving implementation of an annual pass co-pay for everyday pass members on weekends during current



non-valid tee times, and rescinding Resolutions 2001-143, 2001-159 and 2001-597.

*It is requested that this item be continued to May 21, 2002*

31. Hearing to consider approving an airport rates and fees adjustment of 2.5% for general aviation area aircraft hangars, offices, and aircraft tie-downs, with an effective date of July 1, 2002.

**ACTION:** By Motion (Frohman/Jackman; unan.) continued item to May 21, 2002.

*It is requested that this item be continued to June 4, 2002*

32. Hearing to consider the mitigated negative declaration for the Orville Wright Neighborhood Park project.

**ACTION:** By Motion (Frohman/Jackman; unan.) continued item to June 4, 2002.

*It is requested that this item to be continued to May 14, 2002*

33. Hearing to consider designation of the property located at 201 Needham Street as a Modesto Landmark Preservation Site.

**ACTION:** By Motion (Frohman/Jackman; unan.) continued item to May 14, 2002.

34. Hearing to consider Dial-A-Ride rate increases to \$1.70 cash fare (a \$.05 increase) and \$12.65 for a book of ten tickets (a \$1.15 increase).

?? Resolution approving Dial-A-Ride rate increases to \$1.70 cash fare (a \$.05 increase) and \$12.65 for a book of ten tickets (a \$1.15 increase) recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295,*  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)

**ACTION:** By unanimous motion to adjourn, this item was continued to April 25, 2002.

35. Hearing to consider a \$4,225,371 grant application to the Federal Transit Administration (FTA) to help offset the operation and capital costs of the City's public transit program.

??Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) to help offset the operation and capital costs of the City's public transit program recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295,*  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)

**ACTION:** By unanimous motion to adjourn, this item was continued to April 25, 2002.

## NEW BUSINESS

36. Consider awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service.  
?? Resolution awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service and authorizing staff to prepare a final agreement with Laidlaw Transit Services for consideration by the City Council.  
*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Sabatino/Keating), item was continued to April 25, 2002.

37. Consider increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project from 8 percent (8%) to 19 percent (19%) of the original contract price with Bollo Construction Inc. to cover items associated with changed project conditions that were unforeseen at the time of contract award; and Consider amending the 2001-02 Annual Budget to appropriate \$240,882 from the General Fund to fully fund the project.  
?? Resolution increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project from 8 percent (8%) to 19 percent (19%) of the original contract price with Bollo Construction Inc. recommended.  
?? Resolution amending the 2001-02 Annual Budget to appropriate \$240,882 from the General Fund to fully fund the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-207** (Fisher/Jackman; unan.) increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project from 8 percent (8%) to 19 percent (19%) of the original contract price with Bollo Construction Inc.

**Res. No. 2002-208** (Fisher/Jackman; unan.) amending the 2001-02 Annual Budget to appropriate \$240,882 from the General Fund to fully fund the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project.

38. Consider an update of the General Plan Master EIR.
- ?? Motion authorizing staff to proceed with a General Plan Amendment to make Salida Comprehensive Planning District consistent with Salida Community Plan adopted by Stanislaus County on August 29, 2000 recommended.
- ?? Resolution removing the Beckwith/Dakota CPD from the General Plan recommended.
- ?? Motion continuing with the effort to make changes to the transportation infrastructure in conformance with the adopted Capital Facilities Fee program recommended.
- ?? At the request of Councilmember Frohman, consider for the next comprehensive update to the General Plan remove areas outside of the Sphere of Influence from the General Plan boundaries, except the area within the Kiernan Business Park Specific Plan.
- Community Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Sabatino/Keating), this item was continued to April 25, 2002.

39. Consider Northwest Business Park Specific Plan.
- ?? Motion acknowledging receipt of report recommended.
- ?? Resolution directing staff to postpone preparation of the Focused EIR for the Northwest Business Park Specific Plan until certification of the General Plan Master EIR recommended.
- ?? At the request of Councilmember Frohman, consider option to terminate further review and preparation of the Northwest Business Park and related Focused EIR due to access constraints.
- Community Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Sabatino/Keating), this item was continued to April 25, 2002.

### **COUNCIL COMMENTS & REPORTS**

40. At the request of Mayor Sabatino, consider a motion directing the City Attorney to report back to the City Council at a later date as to whether it is legally possible to require applicants for land use entitlements to disclose names of all investors in the project so the City Council can utilize the information to determine conflicts of interest.

**ACTION:** By unanimous motion to adjourn, this item was continued to April 25, 2002.

*Item continued from April 16 meeting*

41. At the request of Councilmember Frohman: Presently, the Planning Commission approves extension of vested tentative maps via the consent calendar and without City Council review. As a result, property owners who plan to develop pay

grandfathered fees that are substantially lower than present fees. We presently have some 2000 lots in a similar mode, where developers hold the properties like a land bank. Given the present housing shortage, there is no reasons to delay development of any property for which there is a tentative map. Such activity reaps windfall profits for developers and leaves the City short of money needed to pay for infrastructure. Village One is an acute example of the problem, but we will soon learn that the problem is city-wide. I propose that the Planning Commission be allowed only to recommend or deny the extension, but that the City Council make the final decision to extend. I ask that the City Attorney be prepared to recommend the alternatives for the accomplishment of what I hereby propose.

**ACTION:** By Motion (Sabatino/Keating), this item was continued to April 25, 2002.

*Item continued from April 16 meeting*

42. At the request of Councilmember Frohman, consider proposal to revise General Plan boundaries. Stanislaus County has devised a comprehensive plan to develop the Salida Area. The plan includes the entire Salida area, including all of which appears as part of the Modesto General Plan. Given the firm decision of the County to develop the area regardless of the wishes of the City of Modesto, we should acknowledge their plan and discontinue all efforts to incorporate the area into the future Modesto City Limit. Therefore, we should revise the General Plan Boundary Line to exclude the entire Salida planning area and restore the boundary line to that in existence prior to the last General Plan update in 1995. In addition, we should actively encourage Salida to incorporate as a city within the County. Second, recognizing the County's desire to annex land for urban use to the east of Salida, we should move the present General Plan boundary line that is east of the Salida planning area south, to coincide with Kiernan/Claribel Roads. Third, recognizing the constraint to development of the 450 acres of prime agricultural land presently known as Northwest Business Park, I ask that the land in that area be dropped from Modesto's General Plan and that alternate business park sites be identified for development as part of the General Plan update.

**ACTION:** By Motion (Sabatino/Keating), this item was continued to April 25, 2002.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 11:45 p.m. to Thursday, April 25, 2002, at 5:15 PM.

The following Closed Session was held prior to the meeting and there was no action to report.

**CLOSED SESSION**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Section 5496.8 of the Government Code)**

Property: Purchase, sale or lease of property located on Scenic Drive,  
at the end of Coffee

APN: 34-18-6 (approximately 1.39 acres)

Scenic Road Properties, Owner

Negotiating parties: Jack Crist, City Manager; and George Britton, Deputy City  
Manager, for the City of Modesto

Mike Zagaris – negotiating for Owner

Under negotiation: Price and terms of payment for property rights to be  
acquired

# MINUTES

**Thursday, April 25, 2002, at 5:15 p.m.**

*Items adjourned from the Regular City Council Meeting of April 23, 2002.*

Roll Call – Present: Councilmembers Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

Absent: Councilmember Conrad

Pledge of Allegiance to the Flag

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

## ORAL COMMUNICATIONS

?? Dale Williams requested that Item 36 be returned to Transportation Policy Committee for review by a quorum of the committee.

## HEARINGS

34. Hearing to consider Dial-A-Ride rate increases to \$1.70 cash fare (a \$.05 increase) and \$12.65 for a book of ten tickets (a \$1.15 increase).

??Resolution approving Dial-A-Ride rate increases to \$1.70 cash fare (a \$.05 increase) and \$12.65 for a book of ten tickets (a \$1.15 increase) recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295,  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-209** (Fisher/Keating; unan.; Conrad, absent) approving Dial-A-Ride rate increases to \$1.70 cash fare (a \$.05 increase) and \$12.65 for a book of ten tickets (a \$1.15 increase)

35. Hearing to consider a \$4,225,371 grant application to the Federal Transit Administration (FTA) to help offset the operation and capital costs of the City’s public transit program.

?? Resolution approving submittal of a grant application to the Federal Transit Administration (FTA) to help offset the operation and capital costs of the City’s public transit program recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295,  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-210** (Frohman/Jackman; unan.; Conrad, absent) approving submittal of a grant application to the Federal Transit Administration (FTA) to help offset the operation and capital costs of the City's public transit program

### NEW BUSINESS

36. Consider awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service.  
??Resolution awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service and authorizing staff to prepare a final agreement with Laidlaw Transit Services for consideration by the City Council.

*Engineering & Transportation; Fred Cavanah, 577-5295,  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.; Conrad, absent) item was continued to the May 7, 2002 City Council meeting.

38. Consider an update of the General Plan Master EIR.  
??Motion authorizing staff to proceed with a General Plan Amendment to make Salida Comprehensive Planning District consistent with Salida Community Plan adopted by Stanislaus County on August 29, 2000 recommended.  
??Motion removing the Beckwith/Dakota CPD from the General Plan recommended.  
??Motion continuing with the effort to make changes to the transportation infrastructure in conformance with the adopted Capital Facilities Fee program recommended.  
??At the request of Councilmember Frohman, consider for the next comprehensive update to the General Plan remove areas outside of the Sphere of Influence from the General Plan boundaries, except the area within the Kiernan Business Park Specific Plan.

*Community Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** Item was referred to Council Committee.

39. Consider Northwest Business Park Specific Plan.  
?? Motion acknowledging receipt of report recommended.  
?? Motion directing staff to postpone preparation of the Focused EIR for the Northwest Business Park Specific Plan until certification of the General Plan Master EIR recommended.  
?? At the request of Councilmember Frohman, consider option to terminate further review and preparation of the Northwest Business Park and related Focused EIR due to access constraints.

*Community Development; Patrick Kelly, 577-5268, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** Item was referred to Council Committee.

### **COUNCIL COMMENTS & REPORTS**

41. At the request of Mayor Sabatino, consider a motion directing the City Attorney to report back to the City Council at a later date as to whether it is legally possible to require applicants for land use entitlements to disclose names of all investors in the project so the City Council can utilize the information to determine conflicts of interest.

**ACTION:** By Motion (Fisher/Jackman; unan.; Conrad, absent) City Attorney was directed to report back to the City Council at a later date as to whether it is legally possible to require applicants for land use entitlements to disclose names of all investors in the project so the City Council can utilize the information to determine conflicts of interest.

*Item continued from April 16 meeting*

41. At the request of Councilmember Frohman: Presently, the Planning Commission approves extension of vested tentative maps via the consent calendar and without City Council review. As a result, property owners who plan to develop pay grandfathered fees that are substantially lower than present fees. We presently have some 2000 lots in a similar mode, where developers hold the properties like a land bank. Given the present housing shortage, there is no reason to delay development of any property for which there is a tentative map. Such activity reaps windfall profits for developers and leaves the City short of money needed to pay for infrastructure. Village One is an acute example of the problem, but we will soon learn that the problem is city-wide. I propose that the Planning Commission be allowed only to recommend or deny the extension, but that the City Council make the final decision to extend. I ask that the City Attorney be prepared to recommend the alternatives for the accomplishment of what I hereby propose.

**ACTION:** Item was referred to Council Committee.

*Item continued from April 16 meeting*

42. At the request of Councilmember Frohman, consider proposal to revise General Plan boundaries. Stanislaus County has devised a comprehensive plan to develop the Salida Area. The plan includes the entire Salida area, including all of which appears as part of the Modesto General Plan. Given the firm decision of the County to develop the area regardless of the wishes of the City of Modesto, we should acknowledge their plan and discontinue all efforts to incorporate the area into the future Modesto City Limit. Therefore, we should revise the General Plan Boundary Line to exclude the entire Salida planning area and restore the boundary line to that in existence prior to the last General Plan update in 1995. In addition, we should actively encourage Salida to incorporate as a city within the County. Second,



recognizing the County's desire to annex land for urban use to the east of Salida, we should move the present General Plan boundary line that is east of the Salida planning area south, to coincide with Kiernan/Claribel Roads. Third, recognizing the constraint to development of the 450 acres of prime agricultural land presently known as Northwest Business Park, I ask that the land in that area be dropped from Modesto's General Plan and that alternate business park sites be identified for development as part of the General Plan update.

**ACTION:** Item was referred to Council Committee.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:37 p.m.

# MINUTES

**Tuesday, April 30, 2002, at 5:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

## ORAL COMMUNICATIONS

None.

## ACTION ITEM –

1. Consider proposal to reorganize the City Council Committee system.  
?Motion acknowledging receipt of report recommended.  
?Resolution reorganizing the Council Committee system.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION:** By Motion (Conrad/Fisher; unan.) changed the proposed Healthy and Safe Neighborhoods Committee name to Safety & Communities Committee.

By Motion (Fisher/Frohman; unan.) collapsed the current eight committees into four: Safety & Communities, Economic Development, Finance, and Audit.

By Motion (Fisher/Conrad; majority; Jackman & Sabatino, no) approved recommendation to change the frequency of City Council meetings to three per month to be held on the 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays.

By Motion (Jackman/Conrad; unan.) approved Committee meeting schedule for 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> Mondays for Safety & Communities, Economic Development, and Finance committees. Audit Committee meetings will be held on an as needed basis.

By Motion (Frohman/Fisher; majority; Keating, no) directed Clerk to notice Council Committee meetings as Council Workshops so all Councilmembers can attend and participate.

By Motion (Fisher/Conrad; majority; Frohman & Sabatino, no) determined not to televise Council Committee meetings.

**DISCUSSION ITEMS –**

2. City Council Vision and Goal Setting

**ACTION:** Reviewed by City manger and Management Analyst. No action taken.

3. Review City Council Meeting Calendar

**ACTION:** No action taken.

4. Review City Council Action Calendar for 2002

**ACTION:** Action Calendar reviewed by staff and Council. No action taken.

**ADJOURNMENT**

This meeting adjourned at 7:00 p.m. to the following closed session:

**CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code) – MCFFA Arbitration

Agency Negotiators: Robin Renwick, Personnel Director  
Jack Crist, City Manager

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 8:30 p.m. to report that no reportable action was taken.

# MINUTES

Tuesday, May 7, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Joel Richards, La Loma Grace Brethren

City Clerk’s Announcements: Item 23 removed from Agenda  
Item 8 removed from Consent

Declaration of Conflicts of Interest: *Councilmember Conrad, Item 13*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring May 2002 as Senior Awareness Month.

**ACTION:** Mayor Sabatino presented proclamation.

2. Proclamation declaring June 2002 as Graffiti Summer in the City of Modesto.

**ACTION:** Mayor Sabatino presented proclamation. Cindy T’Souvas thanked the Council for their support and introduced participants.

3. Presentation of the recently developed “Modesto’s Most Wanted” Web page.

**ACTION:** Presentation given by Lt. Dave Funk of the Modesto Police Department and Phil Calbreath of the Information & Technology Department.

4. Proclamation declaring May 6 - 10, 2002 as Arson Awareness Week.

**ACTION:** Mayor Sabatino presented proclamation. Chief Doug Hannink introduced Fire Investigators.

## ORAL COMMUNICATIONS

- ?? Kathy Torrez commented regarding Senior Awareness Week and announced the date of acknowledgment was May 18<sup>th</sup>.
- ?? Miguel Donoso commented regarding gang activity and a concern with their presence in schools.
- ?? Councilmember Frohman commented regarding a Modesto Bee article concerning a Planning Commission decision and requested Planning Commission appointments by each Councilmember be placed on the May 14, 2002 agenda.
- ?? A citizen expressed his concern regarding motorized scooters.
- ?? Raul Ortega expressed his concern with the high speeds at which some motorized scooters travel.
- ?? Police Chief Wasden reported on requirements of riding motorized scooters.
- ?? James Maxey commented on curb cuts needed at Robee and Hadden near El Vista School, sidewalk repairs needed in the same area due to tree roots and the traffic light at Scenic and El Vista.
- ?? Chris Graston expressed concern regarding a parking violation citation he received from the Police Department and requested the “complaint basis” procedure be reviewed.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5-7, 10-22  
*Items 9, 10 & 13 removed from Consent*  
*Item 23 removed from Agenda*

**ACTION Items 5-7, 10-22: Frohman/Fisher; unan.**

**ACTION Item 8: Continued to May 14, 2002.**

**ACTION Item 9: Frohman/Jackman; unan.**

**ACTION Item 13: Fisher/Frohman; unan.; Conrad, absent**

### CONSENT ITEMS

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

#### CONSENT

5. Approval of the minutes of the regular City Council meeting of April 23, the special City Council meetings of April 25, and April 30, 2002.  
 (Motion approving recommended.)  
 Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of April 23, April 25, and April 30, 2002.

CONSENT

6. Consider amending the California Public Employees' Retirement System (CalPERS) contract to provide for 3% at 50 retirement formula and Indexed Level of 1959 Survivors Benefits for fire safety members.
  - ?? Resolution approving an agreement with California Public Employees' Retirement System (CalPERS) recommended.
  - ?? Resolution of intention to amend the California Public Employees' Retirement System (CalPERS) contract to provide Section 21362.2 and Section 21575.4 for fire safety members recommended.
  - ?? By motion authorize the City Clerk to certify the Council's action, and to certify compliance with Government Code Section 7507 recommended.
  - ?? Introduction of an ordinance and set for final adoption on May 28, 2002, to amend the contract with CalPERS to provide for 3% @ 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for fire safety members.  
*Personnel; Don Norris, 577-5251, dnorris/modestogov.com*

**ACTION: Res. No. 2002-211** (Frohman/Fisher; unan.) approving an agreement with California Public Employees' Retirement System (CalPERS).

**Res. No. 2002-212**(Frohman/Fisher; unan.), a Resolution of intention to amend the California Public Employees' Retirement System (CalPERS) contract to provide Section 21362.2 and Section 21575.4 for fire safety members.

By Motion (Frohman/Fisher; unan.) authorize the City Clerk to certify the Council's action, and to certify compliance with Government Code Section 7507.

By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3255-C.S.** to amend the contract with CalPERS to provide for 3% @ 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for fire safety members and set final adoption date for May 28, 2002.

CONSENT

7. Consider creating the classification of Paralegal and revising the classification of Fire Marshal.
  - ??Resolution amending the Position Classification Plan to create the classification of Paralegal and to review the classification of Fire Marshal recommended.

?Resolution amending the Class Range Tables for Management/Confidential to add the salary for Paralegal recommended.

*Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION: Res. No. 2002-213** (Frohman/Fisher; unan.) amending the Position Classification Plan to create the classification of Paralegal and to review the classification of Fire Marshal.

**Res. No. 2002-214** (Frohman/Fisher; unan.) amending the Class Range Tables for Management/Confidential to add the salary for Paralegal.

REMOVED FROM CONSENT

8. Consider an amendment to the agreement between the Modesto City Employees' Association and the City of Modesto for the Clerical Classification Study and amending the Classification Plan and the Class Range Tables.

?Resolution adopting an amendment to the agreement between the Modesto City Employees' Association (MCEA) and the City of Modesto for implementation of the Clerical Classification Study recommended.

?Resolution to adopt the salary provisions of the MCEA amended agreement for employees in the same classifications designated as Confidential and amending Exhibit "A" of Resolution 2001-270 to amend the Class Range Table for Management and Confidential Non-Sworn Classes recommended.

?Resolution to amend the Position Classification Plan to add the classifications for Senior Administrative Office Assistant, Administrative Office Assistant III Administrative Office Assistant I/II, and Police Clerk I/II; and to delete the classifications of Secretary, Administrative Technician, Police Clerk, and Administrative Clerk I/II

?Resolution to amend the Class Range Table for General Non-Sworn Classes to establish salary ranges for the classifications of Senior Administrative Office Assistant, Administrative Office Assistant III, Administrative Office Assistant I/II, and Police Clerk I/II.

*Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION:** By Motion (Fisher/Frohman; unan.) continued item to May 14, 2002.

REMOVED FROM CONSENT

9. Consider amending an agreement with Goodwin Consulting Group for infrastructure financing study for the Village One Specific Plan. This \$20,000 amendment would bring the total contract to \$77,800.

?Resolution approving an amendment to an agreement with Goodwin Consulting Group for infrastructure financing study for the Village One Specific Plan for \$20,000, bringing the total contract to \$77,800, and authorizing the City Manager to execute the necessary documents.

*Finance; Rob Stout, 577-5369, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-215** (Frohman/Jackman; unan.) approving an amendment to an agreement with Goodwin Consulting Group for infrastructure financing study for the Village One Specific Plan for \$20,000, bringing the total contract to \$77,800, and authorizing the City Manager to execute the necessary documents.

CONSENT

10. Consider awarding an \$8,992,823.30 contract to Agee Construction Corp. for Kansas-Needham Overhead project. This project will construct an overhead crossing of 9<sup>th</sup> Street and the Union Pacific Railroad from the intersection of College Avenue/10<sup>th</sup> Street/Needham Avenue to the intersection of Franklin Street/Beech Street, the future connection to Highway 132.  
?? Resolution awarding an \$8,992,823.30 contract to Agee Construction Corp. for Kansas-Needham Overhead project recommended.  
*Engineering & Transportation; Kevin Becker, 577-5253, [kbecker@modestogov.com](mailto:kbecker@modestogov.com)*

**ACTION: Res. No. 2002-216** (Frohman/Fisher; unan.) awarding an \$8,992,823.30 contract to Agee Construction Corp. for Kansas-Needham Overhead project.

CONSENT

11. Consider proclaiming May 13-18, 2002 as “California Bike Commute Week 2002”.  
?? Resolution proclaiming May 13-18, 2002 as “California Bike Commute Week 2002” recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295 [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-217** (Frohman/Fisher; unan.) proclaiming May 13-18, 2002 as “California Bike Commute Week 2002”.

CONSENT

12. Consider accepting the improvements for Village Highlands Phase 3 subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Inland Village, a General Partnership).  
?? Resolution accepting the improvements for Village Highlands Phase 3 subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Inland Village, a General Partnership) recommended.



*Engineering & Transportation; Robert Granberg, 577-5259,  
rgranberg@modestogov.com*

**ACTION: Res. No. 2002-218** (Frohman/Fisher; unan.) accepting the improvements for Village Highlands Phase 3 subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Inland Village, a General Partnership).

*Councilmember Conrad absent due to conflict of interest.*

13. Consider approval of the final map of Claratina Estates subdivision in Coffee-Claratina Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers, Florsheim Bros. a California General Partnership, by Florsheim Properties, a California Corporation, Partner.

?? Resolution approving the final map of Claratina Estates subdivision in Coffee-Claratina Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
rgranberg@modestogov.com*

**ACTION: Res. No. 2002-219** (Fisher/Frohman; unan.; Conrad, absent) approving the final map of Claratina Estates subdivision in Coffee-Claratina Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

#### CONSENT

14. Consider accepting the work of Fagundes & Sons Inc. on the “Pelandale/McHenry Intersection Improvements” project as complete and authorizing the City Clerk to file a Notice of Completion.

?? Resolution accepting the work of Fagundes & Sons Inc. on the “Pelandale/McHenry Intersection Improvements” project as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, rsnell@modestogov.com*

**ACTION: Res. No. 2002-220** (Frohman/Fisher; unan.) accepting the work of Fagundes & Sons Inc. on the “Pelandale/McHenry Intersection Improvements” project as complete and authorizing the City Clerk to file a Notice of Completion.

#### CONSENT

15. Consider awarding a \$113,748 contract for “Upgrade of Traffic Signals – State Route 108” to Richard A. Heaps Electrical Contractor. This project includes traffic signals on Needham at K and L Streets.

?? Resolution awarding a \$113,748 contract for “Upgrade of Traffic Signals – State Route 108” to Richard A. Heaps Electrical Contractor recommended.  
*Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com*

**ACTION: Res. No. 2002-221** (Frohman/Fisher; unan.) awarding a \$113,748 contract for “Upgrade of Traffic Signals – State Route 108” to Richard A. Heaps Electrical Contractor.

CONSENT

16. Consider approving a request to solicit formal proposals to perform an update of the Housing Element.

?? Resolution approving solicitation of Request of Proposals for updating the Housing Element recommended.

*Community Development; Patrick Kelly, 577-5267, pkelly@modestogov.com*

**ACTION: Res. No. 2002-222** (Frohman/Fisher; unan.) approving solicitation of Request of Proposals for updating the Housing Element.

CONSENT

17. Consider an amendment to an agreement with American GI Forum to allow an extension of time to complete the workplan objectives for the Contractor Support Center. No additional funding is needed.

?? Resolution approving Amendment to Agreement with American GI Forum to allow an extension of time to complete the workplan objectives for the Contractor Support Center recommended.

*Community Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

**ACTION: Res. No. 2002-223** (Frohman/Fisher; unan.) approving Amendment to Agreement with American GI Forum to allow an extension of time to complete the workplan objectives for the Contractor Support Center.

CONSENT

18. Consider approving conceptual plans for the installation of a mural on the City water tower at Tenth & D Streets in celebration of the 100<sup>th</sup> anniversary of the Golden Poppy as the California State Flower.

?? Resolution approving conceptual plans for the installation of a mural on the City water tower at Tenth & D Streets in celebration of the 100<sup>th</sup> anniversary of the Golden Poppy as the California State Flower and authorizing the City Manager to negotiate a Right of Entry Agreement recommended.

*Operations & Maintenance; Peter Cowles, 342-2279, pcowles@modestogov.com*

**ACTION: Res. No. 2002-224** (Frohman/Fisher; unan.) approving conceptual plans for the installation of a mural on the City water tower at Tenth & D Streets in

celebration of the 100<sup>th</sup> anniversary of the Golden Poppy as the California State Flower and authorizing the City Manager to negotiate a Right of Entry Agreement.

CONSENT

19. Consider authorizing the City Manager to negotiate a License Agreement with Fourels Investment Company for use of property at Sisk and W. Briggsmore for the installation of landscape improvements.

?? Resolution authorizing the City Manager to negotiate a License Agreement with Fourels Investment Company for use of property at Sisk and W. Briggsmore for the installation of landscape improvements recommended.

*Operations & Maintenance; Peter Cowles, 342-2279, pcowles@modestogov.com*

**ACTION: Res. No. 2002-225** (Frohman/Fisher; unan.) authorizing the City Manager to negotiate a License Agreement with Fourels Investment Company for use of property at Sisk and W. Briggsmore for the installation of landscape improvements.

CONSENT

20. Consider authorizing the City Manager to execute a License Agreement with the Modesto Irrigation District for use of property as Sisk and W. Briggsmore for the installation of landscape improvements and signage.

?? Resolution authorizing the City Manager to execute a License Agreement with the Modesto Irrigation District for use of property as Sisk and W. Briggsmore for the installation of landscape improvements and signage recommended.

*Operations & Maintenance; Peter Cowles, 342-2279, pcowles@modestogov.com*

**ACTION: Res. No. 2002-226** (Frohman/Fisher; unan.) authorizing the City Manager to execute a License Agreement with the Modesto Irrigation District for use of property as Sisk and W. Briggsmore for the installation of landscape improvements and signage

CONSENT

21. Consider authorizing the Purchasing Supervisor to formally solicit bids for software licensing/upgrades and a tape back-up system for an estimated cost of \$70,000 for the Police Department. Funds are available due to the 2001 Local Law Enforcement Block Grant.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for software licensing/upgrades and a tape back-up system for an estimated cost of \$70,000 for the Police Department recommended.

*Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com*

**ACTION: Res. No. 2002-227** (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to formally solicit bids for software licensing/upgrades and a tape back-up system for an estimated cost of \$70,000 for the Police Department.

CONSENT

22. Consider authorizing the Purchasing Supervisor to formally solicit bids for 188 concrete picnic tables for an estimated cost of \$90,000. Forty-eight tables will be used at the Graceada Park pavilion and 32 will be used at the Davis Park pavilion and surrounding areas, with the remaining 100 to be used to replace old deteriorated tables at various park sites throughout the City. Funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for 188 concrete picnic tables for an estimated cost of \$90,000 recommended.  
*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-228** (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to formally solicit bids for 188 concrete picnic tables for an estimated cost of \$90,000.

REMOVED FROM AGENDA

23. Consider budget adjustments to the Fiscal Year 2002 Operating and Capital Improvement Projects (CIP) budgets.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** Removed from Agenda

**UNFINISHED BUSINESS**

24. Consider awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service.

?? Resolution awarding a five-year contract to Laidlaw Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service and authorizing staff to prepare a final agreement with Laidlaw Transit Services for consideration by the City Council.

*Engineering & Transportation; Fred Cavanah, 577-5295,  
[fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-229** (Frohman/Jackman; majority; Fisher & Keating, no) awarding a five-year contract to MV Transit Services Inc. for the operation of the Modesto Area Express (MAX) transit service and authorizing staff to prepare a final agreement with MV Transit Services for consideration by the City Council.

## HEARINGS

25. Hearing to consider the application of K-D Land & Cattle Investments, Inc., to amend the Village One Specific Plan by moving 4.1-acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, to allow a 19-lot subdivision, property located at the Northeast corner of Hillglen and Esta Avenues. *Continued from April 9, 2002.*
- ?? Resolution approving Specific Plan Amendment No. 2001-003, mending the Village One Specific Plan to change the designation for the subject land area from Precise Plan Area No. 6 to Precise Plan Area No. 7 recommended.
- ?? Resolution finding the Specific Plan Amendment within the scope of the previously certified Village One Specific Plan Program EIR recommended.  
*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: Res. No. 2002-230** (Keating/Jackman; majority; Frohman, no) approving Specific Plan Amendment No. 2001-003, mending the Village One Specific Plan to change the designation for the subject land area from Precise Plan Area No. 6 to Precise Plan Area No. 7.

**Res. No. 2002-231** (Keating/Jackman; majority; Frohman, no) finding the Specific Plan Amendment within the scope of the previously certified Village One Specific Plan Program EIR

26. Hearing to consider the application of K-D Land & Cattle Company to amend Precise Plan No. 7 by moving 4.1-acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, to allow a 19-lot subdivision, property located at the Northeast corner of Hillglen and Esta Avenues. *Continued from April 9, 2002.*
- ?? Introduction of an ordinance amending Precise Plan No. 7 to change the designation for the subject land area from Precise Plan Area No. 6 to Precise Plan Area No. 7 recommended.
- ?? Introduction of an ordinance approving rezoning from Specific Plan-Holding zone to Specific Plan-Overlay zone recommended.
- ?? Resolution finding the requested Precise Plan Amendment within the scope of the Village One Specific Plan Program EIR recommended.  
*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: By Motion** (Keating/Jackman; majority; Frohman, no) **introduced Ordinance No. 3256–C.S.** amending Precise Plan No. 7 to change the designation for the subject land area from Precise Plan Area No. 6 to Precise Plan Area No. 7

**By Motion** (Keating/Jackman; majority; Frohman, no) **introduced Ordinance No. 3257–C.S.** approving rezoning from Specific Plan-Holding zone to Specific Plan-Overlay zone.

**Res. No. 2002-232** (Keating/Jackman; majority; Frohman, no) finding the requested Precise Plan Amendment within the scope of the Village One Specific Plan Program EIR.

27. Hearing to consider changes to MAX bus routes 24, 25, 27, and 34. These changes include reconfiguring routes to make them more efficient and productive.  
?Resolution approving changes to MAX bus routes 24, 25, 27, and 34 recommended.

*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION:** By Motion (Jackman/Sabatino; unan.) item was referred to Council Committee.

*It has been requested that this item be continued to May 14, 2002*

28. Hearing for the design and construction of Fire Station No. 11.

**ACTION:** Item continued to May 14, 2002.

## MISCELLANEOUS

### Appointments

29. Appointments to Tenth Street Place Joint Powers Agency, Tuolumne River Regional Park Joint Powers Agency and Waste-to-Energy Joint Powers Agency.  
?Resolution appointing members to the Tenth Street Place Joint Powers Agency.  
?Resolution appointing members to the Tuolumne River Regional Park Joint Powers Agency.

?Resolution appointing members to the Waste-to-Energy Joint Powers Agency.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION: Res. No. 2002-233** (Fisher/Frohman; unan.) appointing Councilmembers Will O'Bryant and Janice Keating to the Tenth Street Place Joint Powers Agency.

**Res. No. 2002-234** (Fisher/Frohman; unan.) appointing Mayor Sabatino and Councilmember Denny Jackman to the Tuolumne River Regional Park Joint Powers Agency.

**Res. No. 2002-235** (Fisher/Frohman; unan.) appointing Mayor Sabatino and Councilmember Tim Fisher to the Waste-to-Energy Joint Powers Agency with Councilmember Janice Keating to serve as an alternate.

30. Consider approving Economic Development Committee appointments for public input on the County-wide economic development study administered by SCEDCO and the Workforce Investment Board (WIB).

?Resolution making staff appointments to the Economic Development (ED) Committee for the “Stanislaus County Economic Development Strategy and Marketing Plan” recommended.

*Community & Economic Development; Linda Boston, 571-5179,  
lboston@modestogov.com*

**ACTION: Res. No. 2002-236** (Fisher/Keating; majority; Conrad, no) appointing Mayor Sabatino, George Britton, Brad Kilger, Linda Boston, Stan Little, Chris Mayer, Gary Dickson, George Boodrookas, Gary Plummer, David Boring, Carletta Steele, Jim Sweeney, Dave Olson, Randy Brekke, Brian Velthoen, Evans Hammond, Dennis Wilson, Lorne Truscott, Cliff Oilar and an appointment made by each Councilmember to the Economic Development (ED) Committee for the “Stanislaus County Economic Development Strategy and Marketing Plan”

### COUNCIL COMMENTS & REPORTS

31. At the request of Councilmember Jackman, consider submitting to voters of the City of Modesto for the November 4, 2003 ballot the Farmland Stabilization Initiative.

**ACTION:** By Motion (Jackman/Frohman; una n.) directed staff to develop the implementing resolutions including CEQA review, refer to committee and return to Council in 60 days.

32. At the request of Councilmember Jackman, consider submitting to voters of the City of Modesto for the November 4, 2003 ballot a Direct Growth Initiative.

**ACTION:** By Motion (Jackman/Frohman; unan.) directed staff to develop the implementing resolution including CEQA review, refer to committee and return to Council in 60 days.

33. At the request of Councilmember Frohman, consider a proposal to electrify Modesto’s automotive fleet. For the past month and a half, I have been driving an electric hybrid vehicle. It is ideal for in-town short-haul driving. It is economical, yet comfortable. It is environmentally friendly. I propose that the next time the City purchases new vehicles, that at least 50 percent of the non-public-safety vehicles either be all electric or hybrid electric. Given the need to improve air quality in the

San Joaquin Valley, we are in a position to show leadership by incorporating new automotive technology into our car buying program. I ask the Council to pass a resolution asking the City Manager to look into the feasibility and practicality of implementing this proposal.

**ACTION:** By Motion (Fisher/Conrad; unan.) staff was directed to research this proposal and item was referred to the appropriate committee.

- 34. At the request of Mayor Sabatino, consider directing the City Manager to consolidate the procurement of advertising through the Purchasing Division to secure the best contractual pricing available.

**ACTION:** Item was referred to the Audit and Finance Committees.

?? Councilmember Conrad discussed the line item budget process and Planning Commission and Board of Zoning Adjustment appointments.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:34 p.m. to the following closed session:

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: City of Modesto, a municipal corporation v. Charleston Place, a limited California partnership. Superior Court Case No. 275278

\*\*\*\*\*

\*\*\*\*\*

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One Case

Facts and Circumstances: The City and the Village One Community Facilities District are in a dispute with J.C. Williams over the amount of taxes and other



development related costs associated with the development of the Center Court and Charleston Place subdivisions.

\*\*\*\*\*

\*\*\*\*\*

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

Name of case:        Robert Finley v. City of Modesto, City of Modesto Police  
                             Department, et al.  
                             Stanislaus County Superior Court Case No. 251528  
                             Fifth District Court of Appeal Case No. F038706

The City Attorney returned at 12:20 AM to announce that no reportable action was taken.

# Minutes

**Tuesday, May 14, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O'Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Layman Bill Witzke

City Clerk's Announcements: *Final adoption for Ord. 3255 (Item 10a) is  
rescheduled to  
May 28, 2002.  
Item 14 is dropped from the agenda.*

Declaration of Conflicts of Interest

## **ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Certificate of Recognition to the Plumbers & Pipefitters Local 442 Stockton/Modesto for their donation of \$10,000 to the City of Modesto for the litter pick-up program on Highway 99.

**ACTION:** Certificate presented by Mayor Sabatino.

2. Proclamation declaring May 19 – 25, 2002 as National Public Works Week.

**ACTION:** Mayor Sabatino presented proclamation. PowerPoint presentation given by Glen Lewis, Engineering & Transportation Director, and Peter Cowles, Operations & Maintenance Director.

3. Proclamation declaring May 20 – 24, 2002 as Hire A Veteran Week.

**ACTION:** Mayor Sabatino presented proclamation.

4. Introduction of Passport Services now available through City Clerk's Office.

**ACTION:** Presentation given by Rebecca Bartholomew, Deputy City Clerk.

## ORAL COMMUNICATIONS

?? Miguel Donoso announced games scheduled at Robertson Road Park, and spoke regarding the Gallo Performing Arts Center.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5 through 11  
*Item 6 removed from*

*Consent*

*Item 10a removed from*

*Agenda*

**ACTION ITEMS 5, 7-9, 10b-11: Fisher/Jackman; unan.**

**ACTION ITEM 6: Fisher/Jackman; unan.**

### CONSENT ITEMS

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

#### CONSENT

5. Approval of the minutes of the regular City Council meeting of May 7, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Jackman; unan.) approved the minutes of May 7, 2002.

#### ITEM REMOVED FROM CONSENT

6. Consider authorizing staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano Inc.  
?? Resolution authorizing staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano Inc. recommended.  
*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-237** (Fisher/Jackman; unan.) authorizing staff to issue a 30-day written Notice of Default and Opportunity to Cure to Desarrollo Latino Americano Inc.

#### CONSENT

7. Consider approving a two-year exclusive agreement with Dittos (Pinnacle Solutions Inc.) allowing Dittos to build and maintain an online City of Modesto store for the sale of logo clothing and promotional items to employees and citizens. Estimated first year startup and maintenance costs - \$3,600; subsequent ongoing maintenance costs estimated at \$1500 per year. Funds are budgeted

?? Resolution approving a two-year exclusive agreement with Dittos (Pinnacle Solutions Inc.) allowing Dittos to build and maintain an online City of Modesto store for the sale of logo clothing and promotional items to employees and citizens recommended.

*Finance; Mark Averell; 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. No. 2002-238** (Fisher/Jackman; unan.) approving a two-year exclusive agreement with Dittos (Pinnacle Solutions Inc.) allowing Dittos to build and maintain an online City of Modesto store for the sale of logo clothing and promotional items to employees and citizens.

CONSENT

8. Consider authorizing the Purchasing Supervisor to formally solicit bids for variable frequency drives for pumps for an estimated annual cost of \$75,000.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for variable frequency drives for an estimated annual cost of \$75,000 recommended.

*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-239** (Fisher/Jackman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for variable frequency drives for an estimated annual cost of \$75,000.

CONSENT

9. Consider approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on June 15, 2002 for the eighth annual Modesto Airport Day.

??Resolution approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on June 15, 2002 for the eighth annual Modesto Airport Day recommended.

*Engineering & Transportation; Howard Cook, 577-5319, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-240 was not used.**

**By Motion** (Fisher/Jackman; unan.) approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on June 15, 2002 for the eighth annual Modesto Airport Day.

CONSENT

10. Final adoption of:

*Item 10a rescheduled to May 28, 2002.*

- a. Ordinance 3255-C.S. authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

**ACTION:** Item 10a rescheduled to May 28, 2002.

- b. Ordinance 3256-C.S. amending the Precise Plan for Area No. 7 of the Village One Specific Plan, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the Northeast corner of Hillglen and Esta Avenues. (K-D Land & Cattle Investments, Inc.).

**ACTION:** By Motion (Fisher/Jackman; unan.) approved **the final adoption of Ordinance 3256-C.S.** amending the Precise Plan for Area No. 7 of the Village One Specific Plan, to move 4.1 acres from Precise Plan Area No. 6 to Precise Plan Area No. 7, property located at the Northeast corner of Hillglen and Esta Avenues. (K-D Land & Cattle Investments, Inc.).

- c. Ordinance 3257-C.S rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the Northeast corner of Hillglen and Esta Avenues. (K-D Land and Cattle Investments, Inc.).

**ACTION:** By Motion (Fisher/Jackman; unan.) approved **the final adoption of Ordinance 3257-C.S** rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the Northeast corner of Hillglen and Esta Avenues. (K-D Land and Cattle Investments, Inc.).

#### CONSENT

11. Consider awarding a \$110,000 contract to RRM Design Group for the project titled "Fire Station No. 11 – Design"; consider making a finding that the project is within the scope of the Pelandale/Snyder Specific Plan.

?Resolution awarding a \$110,000 contract to RRM Design Group for the project titled "Fire Station No. 11 – Design" recommended.

?Resolution finding that the project is within the scope of the Pelandale/Snyder Specific Plan recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-241** (Fisher/Jackman; unan.) awarding a \$110,000 contract to RRM Design Group for the project titled "Fire Station No. 11 – Design".

**Res. No. 2002-242** (Fisher/Jackman; unan.) finding that the project is within the scope of the Pelandale/Snyder Specific Plan.

CONSENT

12. Consider introducing an ordinance implementing the policy decisions made by the City Council concerning the reorganization of the Modesto City Council committee structure and regular meeting schedule.

?? Introduction of Ordinance amending Sections 2-1.01 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council organization and procedure recommended.

**ACTION:** By Motion (Fisher/Jackman; unan.) **introduced Ordinance 3258-C.S.** amending Sections 2-1.01 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council organization and procedure.

**UNFINISHED BUSINESS**

13. Consider an amendment to the agreement between the Modesto City Employees' Association and the City of Modesto for the Clerical Classification Study and amending the Classification Plan and the Class Range Tables. *Item continued from May 7, 2002.*

?Resolution adopting an amendment to the agreement between the Modesto City Employees' Association (MCEA) and the City of Modesto for implementation of the Clerical Classification Study recommended.

?Resolution to adopt the salary provisions of the MCEA amended agreement for employees in the same classifications designated as Confidential and amending Exhibit "A" of Resolution 2001-270 to amend the Class Range Table for Management and Confidential Non-Sworn Classes recommended.

?Resolution to amend the Position Classification Plan to add the classifications for Senior Administrative Office Assistant, Administrative Office Assistant III Administrative Office Assistant I/II, Senior Administrative Office Assistant (Confidential), Administrative Office Assistant III (Confidential), Administrative Office Assistant II (Confidential), and Police Clerk II (Confidential); and to delete the classifications of Secretary, Administrative Technician, Police Clerk, Police Clerk (Confidential), and Administrative Clerk I/II.

?Resolution to amend the Class Range Table for General Non-Sworn Classes to establish salary ranges for the classifications of Senior Administrative Office Assistant, Administrative Office Assistant III, Administrative Office Assistant I/II, and Police Clerk I/II.

?Motion authorizing City Staff to request to re-open negotiations with the Modesto City Employees' Association for the sole purpose of renegotiating the impact on salaries for employees moving to a Classification with a lower Salary Range.

*Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION: Res. No. 2002-243** (Fisher/Jackman; majority; Keating, no) adopting an amendment to the agreement between the Modesto City Employees' Association (MCEA) and the City of Modesto for implementation of the Clerical Classification Study.

**Res. No. 2002-244** (Fisher/Jackman; majority; Keating, no) adopting the salary provisions of the MCEA amended agreement for employees in the same classifications designated as Confidential and amending Exhibit "A" of Resolution 2001-270 to amend the Class Range Table for Management and Confidential Non-Sworn Classes.

**Res. No. 2002-245** (Fisher/Jackman; majority; Keating, no) amending the Position Classification Plan to add the classifications for Senior Administrative Office Assistant, Administrative Office Assistant III Administrative Office Assistant I/II, Senior Administrative Office Assistant (Confidential), Administrative Office Assistant III (Confidential), Administrative Office Assistant II (Confidential), and Police Clerk II (Confidential); and to delete the classifications of Secretary, Administrative Technician, Police Clerk, Police Clerk (Confidential), and Administrative Clerk I/II.

**Res. No. 2002-246** (Fisher/Jackman; majority; Keating, no) amending the Class Range Table for General Non-Sworn Classes to establish salary ranges for the classifications of Senior Administrative Office Assistant, Administrative Office Assistant III, Administrative Office Assistant I/II, and Police Clerk I/II.

By Motion (Fisher/Jackman; majority; Keating, no) authorized City Staff to request to re-open negotiations with the Modesto City Employees' Association for the sole purpose of renegotiating the impact on salaries for employees moving to a Classification with a lower Salary Range

ITEM 14 REMOVED FROM AGENDA

14. Consider introducing an ordinance prohibiting targeted residential picketing within 300 feet of the targeted residence.

?Introduce an ordinance adding Section 4-2.34 to Chapter 2 of Title 4 of the Modesto Municipal Code relating to the prohibition of targeted residential picketing recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** Item 14 removed from Agenda.

15. Consider accepting the Strategic Plan Progress Report – January 2002 through March 2002, and consider amending Strategic Plan Milestones for delayed projects.  
?? Motion accepting the Strategic Plan Progress Report for January 2002 thru March 2002 recommended.  
?? Resolution amending the Strategic Plan Milestones for delayed projects recommended.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.) accepted the Strategic Plan Progress Report for January 2002 thru March 2002.

**Res. No. 2002-247** (Fisher/Frohman; unan.) amending the Strategic Plan Milestones for delayed projects.

16. Consider discussion of a report from the City Attorney regarding time extensions for tentative subdivision maps.  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.) directed the City Attorney to draft an Ordinance granting authority to approve extensions for vesting tentative subdivision maps to the Council rather than the Planning Commission, with an optional sunset provision. The revisions to the tentative subdivision map process will be placed on the June 4, 2002 City Council agenda.

## HEARINGS

17. Hearing to consider designation of the property located at 201 Needham Street as a Modesto Landmark Preservation Site. *Item was continued from April 23, 2002.*  
?? Resolution designating the property located at 201 Needham Street as a Modesto Landmark Preservation Site recommended.  
*Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060, [wmathes@modestogov.com](mailto:wmathes@modestogov.com)*

**ACTION: Res. No. 2002-248** (Jackman/Frohman; unan.) designating the property located at 201 Needham Street as a Modesto Landmark Preservation Site.

18. Hearing to consider approving the draft 2002-2003 Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant, and Emergency Shelter Grant funds.  
??Resolution approving the draft 2002-2003 Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant, and Emergency Shelter Grant funds recommended.



*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,  
[svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-249** (Conrad/Jackman; unan.) approving the draft 2002-2003 Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant, and Emergency Shelter Grant funds.

19. Hearing to consider proposed amendments, additions, and deletions of the sign regulations of the Modesto Municipal Code.

?Introduction of an ordinance amending Article 21 of Title 10 of the Modesto Municipal Code recommended.

*Community Development; Bob Cannell, 577-5283, [bcannell@modestogov.com](mailto:bcannell@modestogov.com)*

**ACTION: By Motion** (Jackman/Keating; majority; Fisher & Frohman, no) **introduced Ordinance No. 3259–C.S.** amending Article 21 of Title 10 of the Modesto Municipal Code.

20. Hearing to consider the application of Associated Engineering group Inc. to amend P-D(139) to allow a funeral parlor and related uses, property located at the South corner of 18<sup>th</sup> and H Streets.

?Introduction of an ordinance amending Planned Development zone P-D(139) to allow a funeral parlor and related uses.

?Resolution approving the Planned-Development zone amendment.

?Resolution finding the request Planned-Development zone amendment within the scope of the General Plan Master EIR.

*Community Development; Brad Wall, 577-5282, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: By Motion** (Frohman/Fisher; unan.) **introduced Ordinance No. 3260–C.S.** amending Planned Development zone P-D(139) to allow a funeral parlor and related uses.

**Res. No. 2002-250** (Frohman/Fisher; unan.) approving the Planned-Development zone amendment.

**Res. No. 2002-251** (Frohman/Fisher; unan.) finding the request Planned-Development zone amendment within the scope of the General Plan Master EIR.

## **NEW BUSINESS**

21. Consider presentation of Fiscal Year 2001 Comprehensive Annual Financial Report.

?By motion, acknowledge receipt of report recommended.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) acknowledged receipt of report.

22. Consider presentation of Fiscal Year 2002-2003 Proposed Operating Budget and Proposed 2002-2003 through 2011-2012 Capital Improvement Program Budget.  
?? Motion acknowledging receipt of report, and referring additional review to the Budget Workshops scheduled on May 15, May 23, and June 5, 2002 recommended.

?? Resolution setting the public hearing for May 28, 2002 recommended.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) acknowledged receipt of report, and referring additional review to the Budget Workshops scheduled on May 15, May 23, May 30 and June 5, 2002.

**Res. No. 2002-252** (Frohman/Conrad; unan.) setting the public hearing for May 28, 2002

23. Budget Adjustments for Fiscal Year 2002.

?? Resolution approving budget adjustments to the Fiscal Year 2002 Budget recommended.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-253** (Sabatino/Jackman; unan.) approving budget adjustments to the Fiscal Year 2002 Budget.

24. Consider renewal of property, and boiler and machinery insurance for the City of Modesto owned and/or operated properties, and amending the budget appropriately.  
??Resolution approving renewal of property, and boiler and machinery insurance for the City of Modesto owned and/or operated properties, and amending the budget appropriately recommended.

*Personnel; Don Norris, 577-5251, [dnorris@modestogov.com](mailto:dnorris@modestogov.com)*

**ACTION: Res. No. 2002-254** (Conrad/Fisher; unan.) approving renewal of property, and boiler and machinery insurance for the City of Modesto owned and/or operated properties, increasing the deductible to \$25,000 for vehicles, and amending the budget appropriately.

25. Consider report regarding excavation of the Central and West Storm Drain Basins in Village One and adopt findings that (1) this activity is within the scope of the program approved earlier and (2) the program EIR adequately describes the activity for the purposes of CEQA.

?Motion acknowledging receipt of report recommended.

?Resolution finding that (1) this activity is within the scope of the program approved earlier and (2) the program EIR adequately describes the activity for the purposes of CEQA recommended.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.) acknowledged receipt of report.

**Res. No. 2002-255** (Fisher/Frohman; unan.) finding that (1) this activity is within the scope of the program approved earlier and (2) the program EIR adequately describes the activity for the purposes of CEQA.

### **COUNCIL COMMENTS & REPORTS**

26. At the request of Councilmember Frohman, consider Planning Commission appointments be made by each individual Councilmember subject to ratification by the full Council.

**ACTION:** By Motion (Frohman/Jackman; unan.) approved a proposal that authorizes each individual Councilmember to make one appointment to the Planning Commission. All seven names will be brought before the full Council for approval under the consent calendar. Planning Commission seats will be numbered by lottery and make appointment of each corresponding seat by Council chair number. Item will be referred to the Economic Development Committee for implementation.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 9:50 p.m. to the following closed session.

### **CLOSED SESSION**

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:            Jack R. Crist, City Manager  
   Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association and  
Unrepresented Management and Confidential  
Employees

\*\*\*\*\*

\*\*\*\*\*

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

(Pursuant to Section 54957 of the Government Code)

Title: City Clerk

\*\*\*\*\*

\*\*\*\*\*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

Name of case: Moises Sepulveda, et al. v. David Hawn, Art Garza, Craig Grogan,  
City of Modesto, et al. – United States District Court Eastern  
District of California, Case No. CIV F-01-5054 AWI DLB

\*\*\*\*\*

\*\*\*\*\*

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

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

The City Attorney returned at 10:30 and announced that no reportable action was taken.

**MINUTES**  
City of Modesto  
**Finance Committee/City Council Budget Workshop**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Thursday, May 23, 2002 at 5:15 p.m.

The Finance Committee Meeting convened at 5:15 p.m.

**Roll Call: Present:**    **Bruce Frohman, Chair**  
Janice Keating, Vice Chair  
Denny Jackman

Alternates:        Bill Conrad, Tim Fisher, Carmen Sabatino, Will O'Bryant

**NEW BUSINESS**

**Information Items:** None

**Consent Items – Approval:**

- 1) Proposal to fund one full-time employee at the Central Valley Veterans Resource Center (CVVRC), (formerly the Central Valley Homeless Veterans Center) to provide personal services coordination and reintegration services.

**ACTION:** By Motion (Keating/Jackman; unan.) directed staff to incorporate this request into the list of contributions to be considered during the budget process.

**Items Where Staff Expects Discussion, Guidance and/or Recommendation:**

- 2) 9<sup>th</sup>/10<sup>th</sup> Street Renovation & Downtown Visioning

**ACTION:** By Motion (Jackman/Frohman; majority; Keating, no) recommended this item be referred for full Council review in July

- 3) Proposed Downtown Housing Development Agreement

**ACTION:** By Motion (Keating/Jackman; unan.) recommended approval of Exclusive Negotiating Agreement to the Redevelopment Agency.

**The Finance Committee meeting adjourned at 7:00 p.m.**

**The City Council Budget Workshop convened at 7:00 p.m.**

Roll Call: Present: Councilmembers Frohman, Jackman, Keating, O'Bryant, & Mayor Sabatino

Absent: Councilmembers Conrad & Fisher

**4) Discuss 2002-03 Budget Process**

?? Workshop Goals

**ACTION:** No action taken.

?? Balanced Budget

**ACTION:** No action taken.

?? General Fund Introduction

**ACTION:** No action taken.

?? Department Reviews: Fire, Police, and Parks, Recreation & Neighborhoods

**ACTION:** No action taken.

**ORAL COMMUNICATIONS**

None.

**MATTERS TO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

The City Council Budget Workshop meeting adjourned at 8:30 p.m.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, May 28, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Father Peter, Our Lady of Fatima

City Clerk’s Announcements: *Items 5 & 22 removed from Agenda*  
*Item 27 corrected for clerical error*

Declaration of Conflicts of Interest: None

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation designating June 2002 as “Drive Safe Modesto” and urge citizens to use their headlights when driving during the daylight on June 6 through June 14, 2002.

**ACTION:** Mayor Sabatino presented proclamation.

2. Presentation of Outstanding Youth for 2001 awards to Sue Lee and Vina Uriarte.

**ACTION:** Presentation made by Mayor Sabatino.

3. Acknowledgment of National Missing Children Day, May 25, 2002.

**ACTION:** Acknowledgement made by Mayor Sabatino.

## ORAL COMMUNICATIONS

- ?? Dave Geer commented on the press conference where the Mayor announced the seven missing individuals from Modesto.
- ?? Mayor Sabatino read press release regarding the flags being lowered to half staff in recognition of all missing persons in Modesto and the discovery of Chandra Levy. All missing persons names were read into the record.
- ?? Raul Ortega commended Mayor Sabatino for his decision to lower the flags to acknowledge missing persons.
- ?? Miguel Donoso thanked the Parks, Recreation, & Neighborhoods Director for improvements to soccer fields and Hispanic representation on the Workforce Investment Board.

## COUNCIL COMMENTS & REPORTS

4. At the request of Vice Mayor Conrad, consider changing Council meeting and Committee meeting start time to 5:30pm and Council Agenda Review start time to remain 4:30pm.

**ACTION:** By Motion (Conrad/Jackman; majority; Keating, no) directed City Attorney to draft an ordinance to change Council meeting start time to 5:30 p.m.

5. At the request of Vice Mayor Conrad, consider update of costs for broadcasting City Council meetings.

**ACTION:** Item 5 was removed from the agenda.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 6-8, 10-18  
*Item 9 removed from*

*Consent*

**ACTION Consent Items 6-8, 10-18: Fisher/Frohman; unan.**

**ACTION Item 9: Fisher/Conrad; majority; Frohman, Jackman & Sabatino,  
no**



## CONSENT ITEMS

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

### CONSENT

6. Approval of the minutes of the regular City Council meeting of May 14, 2002. (Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Frohman; unan.) approved the minutes from May 14, 2002.

### CONSENT

7. Final adoption of:

- d. Ordinance 3255-C.S. authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

**ACTION:** By motion (Fisher/Frohman; unan.) approved **final adoption of Ordinance 3255-C.S.** authorizing an amendment to the contract between the City of Modesto and the Board of Administration of the California Public Employees' Retirement System.

- b. Ordinance 3258-C.S. - an ordinance amending Sections 2-1.01 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council organization and procedure - regular meetings and standing committees

**ACTION:** By motion (Fisher/Frohman; unan.) approved **final adoption of Ordinance 3258-C.S.** - an ordinance amending Sections 2-1.01 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council organization and procedure - regular meetings and standing committees

- c. Ordinance 3260-C.S. - an ordinance amending Section 2 of Ordinance No. 1502-C.S. entitled "an ordinance amending Section Map 28-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon. (P-D(139) - Modesto City Hospital Inc., Octomedent, Inc., and Antason's)", (Associated Engineering Group, Inc.)

**ACTION:** By motion (Fisher/Frohman; unan.) approved **final adoption of Ordinance 3260-C.S.** - an ordinance amending Section 2 of Ordinance No. 1502-C.S. entitled "an ordinance amending Section Map 28-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon. (P-

D(139) - Modesto City Hospital Inc., Octomedent, Inc., and Antason's)",  
(Associated Engineering Group, Inc.)

#### CONSENT

8. Consider amending the Capital Improvement Project budget to increase the Refurbish 1983/1990 Gillig Bus fund by \$1,032,000 to refurbish/rebuild an additional nine buses, and consider approving a \$1,032,000 change to an existing agreement with Complete Coach Works to allow for the rebuilding of nine additional 1990 Gillig buses.

?? Resolution amending the CIP budget to increase the Refurbish 1983/1990 Gillig Bus fund by \$1,032,000 to refurbish/rebuild additional nine buses recommended.

?? Resolution approving a \$1,032,000 change to an existing agreement with Complete Coach Works to allow for the rebuilding of nine additional 1990 Gillig buses recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-256** (Fisher/Frohman; unan.) amending the CIP budget to increase the Refurbish 1983/1990 Gillig Bus fund by \$1,032,000 to refurbish/rebuild additional nine buses

**Res. No. 2002-256A** (Fisher/Frohman; unan.) approving a \$1,032,000 change to an existing agreement with Complete Coach Works to allow for the rebuilding of nine additional 1990 Gillig buses.

#### REMOVED FROM CONSENT

9. Consider approving Final Map of Monterey Bay Unit No. 3 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement. Owners: Bright Development, a California Corporation.

?? Resolution approving Final Map of Monterey Bay Unit No. 3 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Manager to sign the an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-257** (Fisher/Conrad; Frohman, Jackman & Sabatino, no) approving Final Map of Monterey Bay Unit No. 3 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Manager to sign the an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

10. Consider a resolution approving a five-year contract with MV Transportation Inc., to operate the City of Modesto's Modesto Area Express (MAX) fixed-route bus system and authorizing the City Manager to execute the necessary documents.
- ?? Resolution approving a five-year contract with MV Transportation Inc., to operate the City of Modesto's Modesto Area Express (MAX) fixed-route bus system and authorizing the City Manager to execute the necessary documents.
- Engineering & Transportation; Fred Cavanah, 577-5295,  
fcavanah@modestogov.com*

**ACTION: Res. No. 2002-258** (Fisher/Frohman; unan.) approving a five-year contract with MV Transportation Inc., to operate the City of Modesto's Modesto Area Express (MAX) fixed-route bus system and authorizing the City Manager to execute the necessary documents.

CONSENT

11. Consider changing the public hearing date of June 18, 2002 set by Resolution 2002-195 for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivision No. 1-6 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-195.
- ?? Resolution changing the public hearing date of June 18, 2002 set by Resolution 2002-195 for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivision No. 1-6 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-195 recommended.
- Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-259** (Fisher/Frohman; unan.) changing the public hearing date of June 18, 2002 set by Resolution 2002-195 for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivision No. 1-6 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-195.

CONSENT

12. Consider changing the public hearing date of June 18, 2002 set by Resolution 2002-196 for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivision No. 7-10 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-196.

?? Resolution changing the public hearing date of June 18, 2002 set by Resolution 2002-196 for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivision No. 7-10 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-196 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,  
[rgranberg@modestgov.com](mailto:rgranberg@modestgov.com)*

**ACTION: Res. No. 2002-260** (Fisher/Frohman; unan.) changing the public hearing date of June 18, 2002 set by Resolution 2002-196 for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivision No. 7-10 and setting a new public hearing date of June 25, 2002 on the question of the levy of the proposed annual assessment and rescinding Resolution 2002-196.

#### CONSENT

13. Consider awarding a bid to Pharmaceutical Case Network (PCN) of Sacramento, to provide a pharmacy benefits management program for the City of Modesto's Workers' Compensation Program for an annual estimated amount of \$110,000, and authorizing the City Manager to execute the necessary documents. The initial term of the agreement shall be for three years with the option of three additional one-year extensions.

?? Resolution awarding a bid to Pharmaceutical Case Network (PCN) of Sacramento, to provide a pharmacy benefits management program for the City of Modesto's Workers' Compensation Program for an annual estimated amount of \$110,000, authorizing the City Manager to execute necessary documents, and approve the initial term of the agreement to be three years with the option of three additional one-year extensions recommended.

*Finance; Mark Averell, 577-5412, [maverell@modestgov.com](mailto:maverell@modestgov.com)*

**ACTION: Res. No. 2002-261** (Fisher/Frohman; unan.) awarding a bid to Pharmaceutical Case Network (PCN) of Sacramento, to provide a pharmacy benefits management program for the City of Modesto's Workers' Compensation Program for an annual estimated amount of \$110,000, authorizing the City Manager to execute necessary documents, and approve the initial term of the agreement to be three years with the option of three additional one-year extensions.

#### CONSENT

14. Consider authorizing the City Manager to submit a "Proposition 12" tree planting grant application and negotiate agreement with the State of California Department of Forestry and Fire Protection.

?? Resolution authorizing the City Manager to submit a "Proposition 12" tree planting grant application and negotiate agreement with the State of California Department of Forestry and Fire Protection recommended.

**ACTION: Res. No. 2002-262** (Fisher/Frohman; unan.) authorizing the City Manager to submit a "Proposition 12" tree planting grant application and negotiate agreement with the State of California Department of Forestry and Fire Protection.

CONSENT

15. Consider supporting a Stanislaus Council of Governments (StanCOG) application for Bicycle Transportation Account Program funding through the State of California Department of Transportation to help fund development of Phases I and III of the Virginia Corridor and certifying the availability of \$375,065 for the 10% local share. Funds are budgeted. The total project cost is \$3,750,649. Consider concurring with amendment of StanCOG's 2001 Regional Bike Plan to include the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes within the City of Modesto.

?Resolution supporting a Stanislaus Council of Governments (StanCOG) application for Bicycle Transportation Account Program funding through the State of California Department of Transportation to help fund development of Phases I and III of the Virginia Corridor and certifying the availability of \$375,065 for the 10% local share recommended.

?Resolution concurring with amendment of StanCOG's 2001 Regional Bike Plan to include the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes within the City of Modesto recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, [dgould@modestogov.com](mailto:dgould@modestogov.com)*

**ACTION: Res. No. 2002-263** (Fisher/Frohman; unan.) supporting a Stanislaus Council of Governments (StanCOG) application for Bicycle Transportation Account Program funding through the State of California Department of Transportation to help fund development of Phases I and III of the Virginia Corridor and certifying the availability of \$375,065 for the 10% local share.

**Res. No. 2002-264** (Fisher/Frohman; unan.) concurring with amendment of StanCOG's 2001 Regional Bike Plan to include the Virginia Corridor Bike Path and a portion of Pelandale Avenue as proposed bicycle routes within the City of Modesto.

CONSENT

16. Consider approving the sale of the Note and Deed of Trust executed by the Prescott Estates Homeowners Association to Chrysler Palisades Associates for \$120,000.

?Resolution approving the sale of the Note and Deed of Trust executed by the Prescott Estates Homeowners Association to Chrysler Palisades Associates for \$120,000 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,  
[jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-265** (Fisher/Frohman; unan.) approving the sale of the Note and Deed of Trust executed by the Prescott Estates Homeowners Association to Chrysler Palisades Associates for \$120,000.

CONSENT

17. Consider an agreement with Town Hall Services for a study to update the Capital Facility Fee program. Estimated cost, \$59,500. Funds are budgeted  
?Resolution approving an agreement with Town Hall Services for \$59,500 for a study on updating the Capital Facilities Fee program, authorizing the City Manager to execute necessary documents, and authorizing the City Manager to increase the scope of the agreement by \$6,500 should said increase be deemed desirable recommended.

*Finance; Patrick Samsell, 571-5556, [psamsell@modestogov.com](mailto:psamsell@modestogov.com)*

**ACTION: Res. No. 2002-266** (Fisher/Frohman; unan.) approving an agreement with Town Hall Services for \$59,500 for a study on updating the Capital Facilities Fee program, authorizing the City Manager to execute necessary documents, and authorizing the City Manager to increase the scope of the agreement by \$6,500 should said increase be deemed desirable.

CONSENT

18. Consider Fiscal Year 2002/2003 claim in the amount of \$3,781,059 for Local Transportation Funds for transit purposes.  
?? Resolution approving the City of Modesto FY 2003 Transit Local Transportation Assistance Claim for \$3,781,059 and authorized the City Manager to submit the claim to the Stanislaus Council of Governments for payment.

*Finance; Tom Douglas, 571-5574, [tdouglas@modestogov.com](mailto:tdouglas@modestogov.com)*

**ACTION: Res. No. 2002-267** (Fisher/Frohman; unan.) approving the City of Modesto FY 2003 Transit Local Transportation Assistance Claim for \$3,781,059 and authorized the City Manager to submit the claim to the Stanislaus Council of Governments for payment.

**WRITTEN COMMUNICATIONS**

19. A letter from Matt DeVader requesting discussion of the following items:  
excessively loud car stereos; excessively loud home stereos; motorized scooters.

**ACTION:** No action taken.

20. Consider the appeal of Big Valley Grace Church regarding the District Administrator's determination that reimbursement for improvements made to American Avenue be denied (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2).  
*Manager; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-268** (Fisher/Jackman; unan.) granting the appeal of Big Valley Grace Church.

21. Consider the appeal of Calvary Chapel regarding the District Administrator's determination that reimbursement for improvements made to American Avenue be denied (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2).  
*Manager; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-269** (Fisher/Jackman; unan.) granting the appeal of Calvary Chapel.

*Item 22 removed from Agenda*

22. Consider reversing the penalty imposed on REDEV Inc. and Valley Public Housing for the improvements installed in connection with Woodstone Apartments and Chateau Maison in the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2.  
*Manager; Tina Rocha, 577-5321, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION:** Item 22 removed from agenda.

## UNFINISHED BUSINESS

23. Final adoption of:
  - a. Ordinance 3150A-C.S. – an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 2002-1 (Northpointe)

**ACTION:** By Motion (Fisher/Conrad; unan.) approved **final adoption of Ordinance 3150A-C.S.** – an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 2002-1 (Northpointe)



- b. Ordinance 3151A-C.S. – an ordinance adding Sections 11-4.38 and 11-4.39 to Chapter 4 of Title 11 of the Modesto Municipal Code relating to the Video Service Customer Act

**ACTION:** By Motion (Frohman/Fisher; unan.) approved **final adoption of Ordinance 3151A-C.S.** – an ordinance adding Sections 11-4.38 and 11-4.39 to Chapter 4 of Title 11 of the Modesto Municipal Code relating to the Video Service Customer Act

- c. Ordinance 3259-C.S. – An ordinance amending Sections 10-2.2110 and 10-2.2112 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to sign regulations

**ACTION:** By Motion (Jackman/Conrad; majority; Fisher & Frohman, no) approved **final adoption of Ordinance 3259-C.S.** – An ordinance amending Sections 10-2.2110 and 10-2.2112 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to sign regulations

## HEARINGS

- 24. Hearing to consider Fiscal Year 2002-2003 Proposed Operating Budget and Proposed 2002-2003 through 2011-2012 Capital Improvement Program Budget. *Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** No action taken.

## NEW BUSINESS

- 25. Consider the April 26, 2002 Storm Drainage Master Plan Update for Village One Community Facilities District No. 1996-1 and addendums thereto, prepared by Camp, Dresser, McKee.  
?Motion acknowledging receipt of report recommended.  
*City Manager; Vickey Dion, 571-5542, [vdion@modestogov.com](mailto:vdion@modestogov.com)*

**ACTION:** By Motion (Jackman/Frohman) acknowledged receipt of report and returned item to Council at the workshop on June 17 with staff directed to include the information regarding canal discharge permit requirements.

- 26. Consider Infrastructure Financing Plan for Village One Community Facilities District No. 1996-1 prepared by Goodwin Consulting Group, Inc.



??Motion acknowledging receipt of report and refer matter to the City Council Workshop on June 17, 2002 recommended.  
*Finance; Patrick Samsell, 571-5556, [psamsell@modestogov.com](mailto:psamsell@modestogov.com)*

At the request of Councilmember Frohman, consider directing staff to:

- ✍✍ prepare a report that specifies the highest Community Facilities District Taxes and highest Capital Facilities Fees we can legally charge to rectify the Village One finance shortfall;
- ✍✍ prepare a notice that must be handed out upon sale of any home within the Village One planning area notifying homeowners of the CFF shortfall;
- ✍✍ prepare a strategy to issue bonds specific to Village One that will enable the City to raise enough money to fully fund CFF at the earliest possible point in time.

**ACTION:** By Motion (Conrad/Jackman; unan.) acknowledged receipt of report and referred item to the June 17 Council workshop. Staff was directed to schedule an Economic Development Workshop in the Village One neighborhood, and return to the June 4 Council Meeting with details regarding a moratorium on new construction in Village One.

## MISCELLANEOUS

### Appointments

27. Consider the appointment of City Council Representatives to serve on various City, County and Community Boards, Commissions and Committees.
  - ??Resolution appointing Councilmember Denny Jackman as Council Representative to the Citizens Advisory Committee on Recycling recommended.
  - ??Resolution appointing Councilmember Tim Fisher as Council Representative to the Housing Rehabilitation Loan Committee recommended.
  - ??Resolution appointing Mayor Carmen Sabatino and Councilmember Will O'Bryant as Council Representatives to the Citizens Housing & Community Development Committee recommended.
  - ??Resolution appointing Vice Mayor Bill Conrad as Council Representative to the Cities-County Committee recommended.
  - ??Resolution appointing Vice Mayor Bill Conrad, Councilmembers Tim Fisher and Will O'Bryant, City Manager Jack Crist and City Attorney Mike Milich as Council Representatives to the City-County Liaison Committee recommended.
  - ??Resolution appointing Councilmembers Tim Fisher and Bruce Frohman as Council Representatives to the City/MID Economic Development Coordinating Committee recommended.
  - ??Resolution appointing Mayor Carmen Sabatino as Council Representative, with Vice Mayor Bill Conrad as alternate, to the Economic Development Loan Committee recommended.

- ?Resolution appointing Councilmember Will O’Bryant as Council Representative, with Councilmember Bruce Frohman as alternate, to the Economic Development Action Committee recommended.
- ?Resolution appointing Councilmember Denny Jackman as Council Representative, with Councilmember Will O’Bryant and Solid Waste Manager Jocelyn Reed as alternates, to the Integrated Waste Management Local Task Force recommended.
- ?Resolution appointing Councilmember Denny Jackman as Council Representative to the Inter-Regional Partnership Board recommended.
- ?Resolution appointing Vice Mayor Bill Conrad as Council Representative to the League of California Cities Central Valley Division Executive Committee recommended.
- ?Resolution appointing Mayor Carmen Sabatino, Councilmembers Tim Fisher, Denny Jackman, and Janice Keating as Council Representatives to the MID Domestic Water Policy Board recommended.
- ?Resolution appointing Councilmember Will O’Bryant as Council Representative to the SCEDCO Board recommended.
- ?Resolution appointing Councilmembers Tim Fisher, Bruce Frohman, and Mayor Carmen Sabatino as Council Representatives, with Denny Jackman as an alternate, to StanCOG recommended.
- ?Resolution appointing Councilmember Janice Keating as Council Representative to the Stanislaus County Water Coordinating Advisory Committee recommended.
- ?Resolution appointing Mayor Carmen Sabatino as Council Representative, with Councilmember Tim Fisher as an alternate, to the TID Joint Powers Authority recommended.

**ACTION: Res. No. 2002-270** (Frohman/Jackman; unan.) appointing Councilmember Denny Jackman as Council Representative to the Citizens Advisory Committee on Recycling.

**Res. No. 2002-271** (Frohman/Jackman; unan.) appointing Councilmember Tim Fisher as Council Representative to the Housing Rehabilitation Loan Committee.

**Res. No. 2002-272** (Frohman/Jackman; unan.) appointing Mayor Carmen Sabatino and Councilmember Will O’Bryant as Council Representatives to the Citizens Housing & Community Development Committee.

**Res. No. 2002-273** (Frohman/Jackman; unan.) appointing Vice Mayor Bill Conrad as Council Representative to the Cities-County Committee.

**Res. No. 2002-274** (Frohman/Jackman; unan.) appointing Vice Mayor Bill Conrad, Councilmembers Tim Fisher and Will O’Bryant, City Manager Jack Crist and City Attorney Mike Milich as Council Representatives to the City-County Liaison Committee.

**Res. No. 2002-275** (Frohman/Jackman; unan.) appointing Councilmembers Tim Fisher and Bruce Frohman as Council Representatives to the City/MID Economic Development Coordinating Committee.

**Res. No. 2002-276** (Frohman/Jackman; unan.) appointing Mayor Carmen Sabatino as Council Representative, with Vice Mayor Bill Conrad as alternate, to the Economic Development Loan Committee.

**Res. No. 2002-277** (Frohman/Jackman; unan.) appointing Councilmember Will O'Bryant as Council Representative, with Councilmember Bruce Frohman as alternate, to the Economic Development Action Committee.

**Res. No. 2002-278** (Frohman/Jackman; unan.) appointing Councilmember Denny Jackman as Council Representative, with Councilmember Will O'Bryant and Solid Waste Manager Jocelyn Reed as alternates, to the Integrated Waste Management Local Task Force.

**Res. No. 2002-279** (Frohman/Jackman; unan.) appointing Councilmember Denny Jackman as Council Representative to the Inter-Regional Partnership Board.

**Res. No. 2002-280** (Frohman/Jackman; unan.) appointing Vice Mayor Bill Conrad as Council Representative to the League of California Cities Central Valley Division Executive Committee.

**Res. No. 2002-281** (Frohman/Jackman; unan.) appointing Mayor Carmen Sabatino, Councilmembers Tim Fisher, Denny Jackman, and Janice Keating as Council Representatives to the MID Domestic Water Policy Board.

**Res. No. 2002-282** (Frohman/Jackman; unan.) appointing Councilmember Will O'Bryant as Council Representative to the SCEDCO Board.

**Res. No. 2002-283** (Frohman/Jackman; unan.) appointing Councilmembers Tim Fisher, Bruce Frohman, and Mayor Carmen Sabatino as Council Representatives, with Denny Jackman as an alternate, to StanCOG.

**Res. No. 2002-284** (Frohman/Jackman; unan.) appointing Councilmember Janice Keating as Council Representative to the Stanislaus County Water Coordinating Advisory Committee.

**Res. No. 2002-285** (Frohman/Jackman; unan.) appointing Mayor Carmen Sabatino as Council Representative, with Councilmember Tim Fisher as an alternate, to the TID Joint Powers Authority recommended

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 10:00 p.m. to the following closed session.

**CLOSED SESSION**

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

Agency Negotiators:        Jack R. Crist, City Manager  
  *Robin Renwick, Personnel Director*

Employee Organizations:    Modesto City Employees Association  
  Unrepresented Management & Confidential  
  Employees  
  Modesto Police Officers Association  
  Modesto Police Management Association

The City Attorney returned at 10:40 p.m. to announce that no reportable action was taken.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, June 4, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: The Lord’s Prayer

*City Clerk’s Announcements: None*

Declaration of Conflicts of Interest: None

## ORAL COMMUNICATIONS

None

## COUNCIL COMMENTS & REPORTS

1. At the request of Councilmember Keating, consider proposal to change scheduled meeting date in August from Thursday, August 8, 2002 to Wednesday, August 7, 2002 (Tuesday, August 6 is National Night Out); Consider proposal to change scheduled Council vacation weeks from August 19 through August 30, 2002 to August 12 through August 23, 2002 with the possibility of canceling August 27, 2002 dependent upon items proposed for the August 27 meeting.

**ACTION:** By Motion (Keating/Fisher; unan.) amended Council Calendar for August 2002. Meetings will be held Thursday, August 8 and Tuesday, August 27.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 through 7

consent

**ACTION Item 2: Conrad/Jackman; unan.**

**ACTION Item 3: Frohman/Fisher; unan.**

**ACTION Items 4-7: Fisher/Keating; unan.**

### CONSENT ITEMS

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

#### REMOVED FROM CONSENT

2. Approval of the minutes of the special budget workshop of May 23, 2002, and the regular City Council meeting of May 28, 2002.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Conrad/Jackman; unan.) approved the minutes of May 23 and May 28, 2002, adding transcript of Item 26 to the May 28<sup>th</sup> minutes.

#### REMOVED FROM CONSENT

3. Consider awarding an \$85,886.74 contract to D.A. Wood Construction for the project titled "Oakbrook Apartment Lift Station"; Consider amending the budget by \$52,000 to fully fund the project.

?? Resolution awarding an \$85,886.74 contract to D.A. Wood Construction for the project titled "Oakbrook Apartment Lift Station" recommended.

?? Resolution amending the budget by \$52,000 to fully fund the project recommended.

Engineering & Transportation; Dean Phillips, 577-5260,

[dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Res. No. 2002-286** (Frohman/Fisher; unan.) awarding an \$85,886.74 contract to D.A. Wood Construction for the project titled "Oakbrook Apartment Lift Station"

**Res. No. 2002-287** (Frohman/Fisher; unan.) amending the budget by \$52,000 to fully fund the project.

#### CONSENT

4. Consider rejecting the sole bid for the project titled "Bowen Avenue Roundabouts."

??Resolution rejecting the sole bid for the project titled “Bowen Avenue Roundabouts” recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260,*  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Res. No. 2002-288** (Fisher/Keating; unan.) rejecting the sole bid for the project titled “Bowen Avenue Roundabouts.”

CONSENT

5. Consider approving the International Festival Committee to conduct an International Festival in the City of Modesto. Funds are budgeted through the Cultural Promotions organization of the Parks, Recreation & Neighborhoods Department.

?? Resolution granting approval for the International Festival Committee to conduct an International Festival in the City of Modesto subject to certain conditions and rescinding Resolution 99-424 recommended.

*Parks, Recreation & Neighborhoods; Chris Elms, 577-5336,* [celms@modestogov.com](mailto:celms@modestogov.com)

**ACTION: Res. No. 2002-289** (Fisher/Keating; unan.) granting approval for the International Festival Committee to conduct an International Festival in the City of Modesto subject to certain conditions and rescinding Resolution 99-424.

CONSENT

6. Consider approving a license agreement with Bradley L. & Nancy Hawn, and Jack P. & Carla Deliddo for the Tenth Street parking structure (33 spaces) and the Eleventh Street parking structure (22 spaces). Revenue generated will be \$2200 per month.

?? Resolution approving a license agreement with Bradley L. & Nancy Hawn, and Jack P. & Carla Deliddo for the Tenth Street parking structure and the Eleventh Street parking structure recommended.

*Community & Economic Development; Linda Boston, 571-5179,*  
[lboston@modestogov.com](mailto:lboston@modestogov.com)

**ACTION: Res. No. 2002-290** (Fisher/Keating; unan.) approving a license agreement with Bradley L. & Nancy Hawn, and Jack P. & Carla Deliddo for the Tenth Street parking structure and the Eleventh Street parking structure.

CONSENT

7. Consider introduction of an ordinance to change Council meeting start time to 5:30pm.

?Introduce an ordinance amending Section 2-1.01 of the Modesto Municipal Code to change the time for regular meetings of the City Council from 5:15 p.m. to 5:30 p.m.

*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Fisher/Keating; unan.) **introduced Ordinance No. 3261–C.S.** amending Section 2-1.01 of the Modesto Municipal Code to change the time for regular meetings of the City Council from 5:15 p.m. to 5:30 p.m.

### UNFINISHED BUSINESS

8. Consider an ordinance granting authority to approve extensions for vesting tentative subdivision maps to the Council rather than the Planning Commission with optional sunset provisions.

?Introduce an ordinance amending Sections 4-4.405 and 4-4.601 of the Modesto Municipal Code relating to tentative maps for subdivisions other than parcel maps and final maps recommended.

*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; majority; Fisher, no) **introduced Ordinance No. 3262–C.S.** amending Sections 4-4.405 and 4-4.601 of the Modesto Municipal Code relating to tentative maps for subdivisions other than parcel maps and final maps, including the sunset provision and the review of a three year vesting period.

9. Consider an ordinance requiring disclosure of individual financial interests in development projects that come before the City.

?Introduce an ordinance adding Chapter 10 entitled “Conflict Disclosure to Title 2 of the Modesto Municipal Code recommended.

*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Order of the Chair, this item was referred to the Finance Committee for review.

10. Consider adoption of an emergency ordinance placing a moratorium on building permits and/or land use entitlement approvals in Village One for a 45-day period.

*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (O’Bryant/Conrad; unan) **introduced Ordinance No. 3263–C.S.** placing a moratorium on unvested areas for a period of forty-five (45) days, no precise plan, proposed tentative subdivision or parcel maps for which the



application has not yet been deemed complete, use permit, rezoning, plot plan, final development plan, or other land use entitlement on unvested land shall be issued or approved.

## HEARINGS

11. Consider certifying the Mitigated Negative Declaration for Orville Wright Neighborhood Park and School; Consider approving an agreement with Modesto City Schools to develop Orville Wright Neighborhood Park; and Consider approving Master Plan and Design Development Report for Orville Wright Neighborhood Park and School. *Item was continued from April 23, 2002.*
  - ?? Resolution certifying the Mitigated Negative Declaration for Orville Wright Neighborhood Park and School recommended.
  - ?? Resolution approving an agreement with Modesto City Schools to develop Orville Wright Neighborhood Park and authorize the City Manager execute necessary documents recommended.
  - ?? Resolution approving Master Plan and Design Development Report for Orville Wright Neighborhood Park and School recommended.  
*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION:** By Motion (Jackman/Frohman; unan.) item was continued to June 11, 2002.

12. Hearing to consider approving an airport rates and fees adjustment of 2.5% for general aviation area aircraft hangars, offices, and aircraft tie-downs, with an effective date of July 1, 2002. *Item continued from April 23, 2002.*

**ACTION:** By Motion (Jackman/Frohman; unan.) item was continued to June 11, 2002.

## NEW BUSINESS

13. Consider various run-off election options and direction to staff.  
*City Clerk/Auditor; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.) item was continued to June 11, 2002.

14. Consider amending the FY01-02 Fire Department operating budget by \$999,109 to pay costs from the Binding Interest Arbitration process and award.  
?Resolution amending the FY01-02 Fire Department operating budget by \$999,109 to pay costs from the Binding Interest Arbitration process and award recommended.

*Fire; Doug Hannink, 572-9590, [dhannink@modestogov.com](mailto:dhannink@modestogov.com) OR  
Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.) item was continued to June 11, 2002.

15. Consider supporting the concept of formation of a Veterans' Memorial District in Stanislaus County.  
?Resolution approving support of a concept of formation of a Veterans' Memorial District in Stanislaus County recommended.  
*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [dgould@modestogov.com](mailto:dgould@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.) item was continued to June 11, 2002.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:12 p.m.

# MINUTES

City of Modesto  
**City Council Meeting**  
Tenth Street Place  
1010 10<sup>th</sup> Street  
Modesto, California

Tuesday, June 11, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,  
O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Mike Atinsky, Dry Creek Community Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: *O’Bryant, Item 12*

## ACKNOWLEDGMENTS & PRESENTATIONS

?? Proclamation presented to U.S. Army representative acknowledging the 227<sup>th</sup> birthday of the U.S. Army.

## ORAL COMMUNICATIONS

- ?? Don Baumer commented regarding the flag being lowered to half-staff and noted his concern of the Council not having the authority.
- ?? Mayor Sabatino responded to Mr. Baumer. Vice Mayor Conrad suggested the flag policy be referred to the JPA for 10<sup>th</sup> Street.
- ?? Dale Williams noted his support of the Mayor’s decision to lower the flag.
- ?? Ed Jones commented on the flag lowering.
- ?? Miguel Donoso raised questions regarding an INS representative working for the Police Department.
- ?? Chief Roy Wasden answered question from Mr. Donoso regarding the INS representative and the work being done in Robertson Road park to curtail gang activity.
- ?? Dave Geer commented regarding Graffiti Night and the flag being lowered.

- ?? Joan Ruttschow noted a concern with the fluoride in toothpaste and water causing health problems.
- ?? Frank Cousineau commented on a malfunction of a fluoride pump in the City of Dublin's water system.
- ?? Joan Ruttschow announced the North Kiwanis Car Show Sunday June 16, 2002.
- ?? Councilmember O'Bryant requested the flag policy be referred to Committee.
- ?? Councilmember Keathing echoed Councilmember O'Bryants comments.
- ?? City Manager Jack Crist noted his previous comments to Don Baumer.

**ACTION:** By Motion ( Keating/Jackman; unan.) flag policy was referred to the Tenth Street Joint Powers Agency and to the Safety & Communities Committee.

### **COUNCIL COMMENTS & REPORTS**

1. At the request of Vice Mayor Conrad, accept a status report of all Community Facility Districts in the City of Modesto.

**ACTION:** Report was accepted by Council.

2. At the request of Vice Mayor Conrad, consider a forensic audit of Village One CFD's. Auditor hired by and reporting directly to City Council and coordinated by Economic Development Committee.

**ACTION:** By Motion (Keating/Jackman; unan.) directed the City Manager, assisted by the City Clerk/Auditor, to prepare a draft RFP, for Council review in two weeks, requesting an auditor to perform by letter of engagement the following:

- 1) Begin the audit from 1990 at the Specific Plan and Finance Plan approval of Village One and come forward.
- 2) What the Community Facility Districts taxes were set to be originally and for what.
- 3) What was to be done with the CFD taxes versus what has actually been done with them.
- 4) How the CFD fees were to be collected versus how they have been collected to date.

RFP and subsequent contract to be funded by utilizing funds budgeted within current Clerk/Auditor budget. The information contained in the audit currently under way can be considered in expediting the process. The Audit Committee was assigned to review the audit report upon completion.

3. At the request of Vice Mayor Conrad, review from City staff on CFD's in Pelandale Corridor.

**ACTION:** Acknowledged receipt of report..

4. At the request of Vice Mayor Conrad, a report from Glen Lewis, Director of Engineering & Transportation, and Firoz Vohra, Traffic Engineer, detailing findings in Village One health hazards in reference to transportation.

**ACTION:** No Action Taken.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5, 6a, 7-9, 11,13-14  
*Items 6b, 10 & 12 removed from Consent*

**ACTION:** Fisher/Conrad; unan.

#### **CONSENT ITEMS**

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

#### **CONSENT**

5. Approval of the minutes of the regular City Council meeting of June 4, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) approved the minutes of the regular City Council meeting of June 4, 2002.

#### **CONSENT**

6. Final adoption of:
  - a. Ordinance 3261-C.S. amending Section 2-1.01 of the Modesto Municipal Code to change the time for regular meetings of the City Council from 5:15 p.m. to 5:30 p.m.

**ACTION:** By Motion (Fisher/Conrad; unan.) approved **final adoption of Ordinance 3261-C.S.** amending Section 2-1.01 of the Modesto Municipal Code to change the time for regular meetings of the City Council from 5:15 p.m. to 5:30 p.m.

#### **REMOVED FROM CONSENT**

- b. Ordinance 3262-C.S. amending Sections 4-4.405 and 4-4.601 of the Modesto Municipal Code relating to tentative maps for subdivisions other than parcel

maps and final maps, including the sunset provision and a review of a three year vesting period.

**ACTION:** By Motion (Jackman/Sabatino; majority; Fisher; no) approved **final adoption of Ordinance 3262-C.S.** amending Sections 4-4.405 and 4-4.601 of the Modesto Municipal Code relating to tentative maps for subdivisions other than parcel maps and final maps, including the sunset provision and a review of a three year vesting period.

CONSENT

7. Consider a resolution authorizing the Purchasing Supervisor to formally solicit bids for Water Quality Testing Services, for an estimated annual cost of \$350,000.00.  
?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for Water Quality Testing Services, for an estimated annual cost of \$350,000.00.  
*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. No. 2002-291** (Fisher/Conrad; unan.) authorizing the Purchasing Supervisor to formally solicit bids for Water Quality Testing Services, for an estimated annual cost of \$350,000.00.

CONSENT

8. Consider awarding a bid to Roediger Pittsburg Inc. of Allison Park, Pennsylvania in the amount of \$132,984.55 for one gravity belt thickener and authorize the Purchasing Supervisor to issue a purchase order for the equipment.  
?? Resolution awarding bid to Roediger Pittsburg Inc. of Allison Park, Pennsylvania in the amount of \$132,984.55 for one gravity belt thickener and authorize the Purchasing Supervisor to issue a purchase order for the equipment recommended  
*Finance-Purchasing; Tom Reddie; 577-5295; [reddie@modestogov.com](mailto:reddie@modestogov.com)*

**ACTION: Res. No. 2002-292** (Fisher/Conrad; unan.) awarding bid to Roediger Pittsburg Inc. of Allison Park, Pennsylvania in the amount of \$132,984.55 for one gravity belt thickener and authorize the Purchasing Supervisor to issue a purchase order for the equipment.

CONSENT

9. Consider accepting the improvements for Siena Phase 1 Subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owners: Sequoia Properties, A California Limited Partnership by Lily Development, Inc., A California Corporation It's General Partnership).

?? Resolution accepting improvements for Siena Phase 1 Subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259;*  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)

**ACTION: Res. No. 2002-293** (Fisher/Conrad; unan.) accepting improvements for Siena Phase 1 Subdivision, in the Village One Specific Plan Area and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

#### REMOVED FROM CONSENT

10. Consider approval of Final Map of Lawson's Twenty Subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by section 4-4.604(c) of the Municipal Code (Owners: Florsheim Bros., a California General Partnership, by Florsheim Properties, a California Corporation, Partner)

?? Resolution approving the final map of Lawson's Twenty Subdivision and authorizing the City Manager to execute subdivision agreement recommended.

*Engineering & Transportation; Robert Granberg; 577-5259;*  
[rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)

**ACTION: Res. No. 2002-294** (Fisher/O'Bryant; majority; Frohman, no) approving the final map of Lawson's Twenty Subdivision and authorizing the City Manager to execute subdivision agreement.

#### CONSENT

11. Consider authorizing the City Manager to execute a Cooperative Agreement with the City of Ceres to install an overlay of asphalt concrete on Whitmore Avenue and Morgan Road.

?? Resolution approving a Cooperative Agreement with the City of Ceres and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Dean Phillips; 577-5260;*  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Res. No. 2002-295** (Fisher/Conrad; unan.) approving a Cooperative Agreement with the City of Ceres and authorizing the City Manager to execute the agreement

#### REMOVED FROM CONSENT

*Councilmember O'Bryant absent due to conflict of interest*

12. Consider awarding a \$977,294.43 contract to Graham Contractors, Inc. for the project titled "2002 Slurry Seals" and authorize the Finance Director to make administrative amendments to the Fiscal Year 2002 Slurry Seal Project Budget.
- ?? Resolution awarding a \$977,294.43 contract to Graham Contractors Inc. for the project titled "2002 Slurry Seals" recommended.
- ?? Resolution authorizing the Finance Director to make administrative amendments to the Fiscal Year 2002 Slurry Seal Project Budget (0510-410-4137) by (1) appropriating Fiscal Year 2002 UTT funds from the Gas Tax Fund (\$760,000) to the project, (2) appropriating Gas tax funds (\$117,705) to 0700-430-M141 for general pavement maintenance administration (3) carrying over the remainder of the Fiscal Year 2002 project budget to Fiscal Year 2003, and (4) appropriate new revenue (AB2928) to 0510-410-4137 (\$283,000).
- Engineering & Transportation; Dean Phillips; 577-5260;*  
[dphillips@modestogov.com](mailto:dphillips@modestogov.com)

**ACTION: Res. No. 2002-296** (Keating/Jackman; majority; O'Bryant, absent) awarding a \$977,294.43 contract to Graham Contractors Inc. for the project titled "2002 Slurry Seals"

**Res. No. 2002-297** (Keating/Fisher; majority; O'Bryant, absent) authorizing the Finance Director to make administrative amendments to the Fiscal Year 2002 Slurry Seal Project Budget (0510-410-4137) by (1) appropriating Fiscal Year 2002 UTT funds from the Gas Tax Fund (\$760,000) to the project, (2) appropriating Gas tax funds (\$117,705) to 0700-430-M141 for general pavement maintenance administration (3) carrying over the remainder of the Fiscal Year 2002 project budget to Fiscal Year 2003, and (4) appropriate new revenue (AB2928) to 0510-410-4137 (\$283,000).

#### CONSENT

13. Consider accepting a staff report regarding emergency purchase of rotary distributor for fixed film reactor at the City's Secondary Treatment Site for a total of \$94,818.
- ?? Motion accepting staff report recommended.
- O&M; Robert Howard; 577-6224; [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) accepted staff report regarding emergency purchase of rotary distributor for fixed film reactor at the City's Secondary Treatment Site for a total of \$94,818.

#### CONSENT

14. Consider authorizing the City Attorney to support Assembly Bill No. 2071
- ?? Resolution authoring the City Attorney to support Assembly Bill No. 2071 and take appropriate action incidental to such support.
- Attorney; Mike Milich; 577-5471; [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*



**ACTION: Res. No. 2002-298** (Fisher/Conrad; unan.) authoring the City Attorney to support Assembly Bill No. 2071 and take appropriate action incidental to such support.

### UNFINISHED BUSINESS

15. Consider transfer of control of Cable Television Franchise.

?? Resolution approving transfer of control of the Cable Television Franchise pursuant to the merger of AT&T Broadband and Comcast.

*City Manager; Jana Coons; 571-5580; [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Res. No. 2002-299** (Fisher/Conrad; unan.) approving transfer of control of the Cable Television Franchise pursuant to the merger of AT&T Broadband and Comcast with Exhibit B and Exhibit 1 dated June 11, 2002.

16. Consider continued operation of Public-Education-Government (PEG) channels, and direct staff to return on June 25, 2002 with the necessary resolutions and agreements to implements Council's directive.

?? Resolution authorizing the purchase of equipment necessary to upgrade the Cable Television Master Control Room for the sum of \$100,000.00 recommended.

?? Motion directing to implement a plan and authorizing the City Manager to negotiate all necessary agreements for the continued operation of Public-Education-Government (PEG) Programming.

*City Manager; Renee Ledbetter; 577-5222; [rledbetter@modestogov.com](mailto:rledbetter@modestogov.com)*

**ACTION: Res. No. 2002-300** (Sabatino/Fisher; unan.) authorizing the purchase of equipment necessary to upgrade the Cable Television Master Control Room for the sum of \$100,000.00.

By Motion (Sabatino/Fisher; unan.) directed staff to implement a plan and authorizing the City Manager to negotiate all necessary agreements for the continued operation of Public-Education-Government (PEG) Programming.

### HEARINGS

*Continued from the June 4, 2002 meeting*

17. Consider certifying the Mitigated Negative Declaration for Orville Wright Neighborhood Park and School; Consider approving an agreement with Modesto City Schools to develop Orville Wright Neighborhood Park; and Consider

approving Master Plan and Design Development Report for Orville Wright Neighborhood Park and School. *Item was continued from April 23, 2002.*

- ?? Resolution certifying the Mitigated Negative Declaration for Orville Wright Neighborhood Park and School recommended.
- ?? Resolution approving an agreement with Modesto City Schools to develop Orville Wright Neighborhood Park and authorize the City Manager execute necessary documents recommended.
- ?? Resolution approving Master Plan and Design Development Report for Orville Wright Neighborhood Park and School recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Res. No. 2002-301** (Fisher/Jackman; unan.) certifying the Mitigated Negative Declaration for Orville Wright Neighborhood Park and School

**Res. No. 2002-302** (Fisher/Jackman; unan.) approving an agreement with Modesto City Schools to develop Orville Wright Neighborhood Park and authorize the City Manager execute necessary documents.

**Res. No. 2002-303** (Fisher/Jackman; unan.) approving Master Plan and Design Development Report for Orville Wright Neighborhood Park and School.

*Continued from the June 4, 2002 meeting*

- 18. Hearing to consider approving an airport rates and fees adjustment of 2.5% for general aviation area aircraft hangars, offices, and aircraft tie-downs, with an effective date of July 1, 2002. *Item continued from April 23, 2002.*

**ACTION: Res. No. 2002-304** (Jackman/Frohman; unan.) approving airport rates and fees.

- 19. Hearing to consider Fiscal Year 2002-2003 Proposed Operating Budget and Proposed 2002-2003 through 2011-2012 Capital Improvement Program Budget.  
?? Open for public discussion. No action required.  
*Finance; Rob Stout; 577-5370; [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** No action required.

## NEW BUSINESS

*Continued from the June 4, 2002 meeting*

20. Consider supporting the concept of formation of a Veterans' Memorial District in Stanislaus County.

??Resolution approving support of a concept of formation of a Veterans' Memorial District in Stanislaus County recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,  
[dgould@modestogov.com](mailto:dgould@modestogov.com)*

**ACTION: Res. No. 2002-305** (Jackman/Fisher; unan.) approving support of a concept of formation of a Veterans' Memorial District in Stanislaus County.

*Continued from the June 4, 2002 meeting.*

21. Consider various run-off election options and direction to staff.

*City Clerk/Auditor; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) directed staff to draft resolutions and charter amendments necessary to move the Municipal Election to coincide with the Statewide Primary Election, and the Run-Off Election to coincide with the November Statewide General Election with all elected officials taking office in January. Documents will return to Council for review at the June 25, 2002 meeting.

*Continued from the June 4, 2002 meeting*

22. Consider amending the FY01-02 Fire Department operating budget by \$999,109 to pay costs from the Binding Interest Arbitration process and award.

??Resolution amending the FY01-02 Fire Department operating budget by \$999,109 to pay costs from the Binding Interest Arbitration process and award recommended.

*Fire; Doug Hannink, 572-9590, [dhannink@modestogov.com](mailto:dhannink@modestogov.com) OR  
Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Res. No. 2002-306** (Frohman/Fisher; unan.) amending the FY01-02 Fire Department operating budget by \$999,109 to pay costs from the Binding Interest Arbitration process and award.

23. Consider salary and benefit changes for unrepresented Management and Confidential employees.

?? Resolution amending the Salary schedules for Management and Confidential employees and authorizing across-the-board increases and related benefit changes for FY 02-03, and amending the Class Range Table for Police Management Classes (Unrepresented), (Exhibit "G") to provide 2.5% equity adjustment (to salary range 1622) for Police Captain effective June 18, 2002 and rescinding Resolution No. 2002-270.

Personnel; Robin Renwick; 577-5400; [rrenwick@modestogov.com](mailto:rrenwick@modestogov.com)

**ACTION: Res. No. 2002-307** (Frohman/Sabatino; majority; Conrad & Keating, no) amending the Salary schedules for Management and Confidential employees and authorizing across-the-board increases and related benefit changes for FY 02-03, and amending the Class Range Table for Police Management Classes (Unrepresented), (Exhibit "G") to provide 2.5% equity adjustment (to salary range 1622) for Police Captain effective June 18, 2002 and rescinding Resolution No. 2002-270.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 12:00 a.m. to the following closed session:

### **CLOSED SESSION**

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

Name of case: City of Modesto v. Stephen J. Smith, Director, Department of Industrial Relations, State of California  
Stanislaus County Superior Court Case No. 254114  
Fifth District Court of Appeal Case No. F036603

This City Attorney returned at 1:00 a.m. to report that no action was taken.

# MINUTES

Tuesday, June 25, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: Councilmember Conrad

Pledge of Allegiance to the Flag

Invocation: Pastor Allen Peters, Destiny Christian Center

City Clerk’s Announcements: *Item 10 removed from Agenda*

Declaration of Conflicts of Interest: *Sabatino; Item 21*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Judith Ray, Deputy Director of Operations and Maintenance.

**ACTION:** Peter Cowles made the introduction of Judith Ray.

2. Presentation announcing the official opening of the City of Modesto online store.

**ACTION:** Mark Averell, Purchasing Supervisor, gave the presentation.

## ORAL COMMUNICATIONS

?? Dale Williams commented on an assault against his daughter and commended the actions of Lt. Funk.

?? John Rose encouraged City vehicles to display a Watch for Pedestrians bumper sticker.

?? Gloria Haggard expressed concerns regarding activities in a bar at Emerald and Kansas.

- Mayor Sabatino and Chief Roy Wasden responded to Ms. Haggard and staff was directed to place a status report on the Safety & Communities Committee agenda.

## COUNCIL COMMENTS & REPORTS

3. At the request of Councilmember O’Bryant, consider setting a date for a Council meeting on policy. Consider past, present, and amending new policy. This will allow three new Councilmembers input on current City Council policy.

**ACTION:** By Motion (Sabatino/Fisher; unan.; Conrad, absent) directed City Manager to schedule a workshop.

4. At the request of Councilmember O’Bryant, consider review of procedures, protocol, and policy at City Council meetings.

**ACTION:** No action taken.

5. At the request of Mayor Sabatino, consider directing the City Attorney to include in the land use entitlement application disclosure ordinance a provision mandating the same disclosure requirements for any person or entity proposing to enter into a contract with the City in the amount of \$50,000 or more.

**ACTION:** By Motion (Jackman/Frohman; unan.; Conrad, absent) directed the City Attorney to include in the land use entitlement application disclosure ordinance a provision mandating the same disclosure requirements for any person or entity proposing to enter into a contract with the City in the amount of \$50,000 or more.

**ACTION:** By Order of the Chair, the discussion of the same disclosure requirements applying to Councilmembers was referred to Committee.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 6, 8, 9, 12, & 14  
*Item 10 removed from Agenda*  
*Items 7, 11 & 13 removed from Consent*

**ACTION Items 6, 8, 9, 12, & 14: Jackman/Fisher; unan.; Conrad, absent**

**ACTION Item 7: Frohman/Jackman; unan.; Conrad, absent**

**ACTION Item 11: Frohman/Fisher; unan.; Conrad, absent**

**ACTION Item 13: Frohman/Jackman; unan.; Conrad, absent**

## **CONSENT ITEMS**

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

CONSENT

6. Approval of the minutes of the regular City Council meeting of June 11, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By motion (Jackman/Fisher; unan.; Conrad, absent), approved the minutes of the regular City Council meeting of June 11, 2002.

REMOVED FROM CONSENT

7. Consider accepting the work for the Peggy Mensinger Bicycle Path along Dry Creek as complete and authorize the City Clerk to file a Notice of Completion.  
?? Resolution accepting the work for the Peggy Mensinger Bicycle Path along Dry Creek as complete and authorize the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Resolution 2002-308** (Frohman/Jackman; unan.; Conrad, absent) accepting the work for the Peggy Mensinger Bicycle Path along Dry Creek as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

8. Consider accepting the work for the 2001 Slurry Seals Phase II project as complete and authorize the City Clerk to file a Notice of Completion.  
?? Resolution accepting the work for the 2001 Slurry Seals Phase II project as complete and authorize the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Resolution 2002-309** (Jackman/Frohman; unan.; Conrad, absent) accepting the work for the 2001 Slurry Seals Phase II project as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

9. Consider awarding a \$122,700.00 contract to Granite Construction Company for the project titled "Co-Compost Road Improvements".  
?? Resolution awarding a \$122,700.00 contract to Granite Construction Company for the project titled "Co-Compost Road Improvements" recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Resolution 2002-310** (Jackman/Fisher; unan.; Conrad, absent) awarding a \$122,700.00 contract to Granite Construction Company for the project titled “Co-Compost Road Improvements”.

REMOVED FROM AGENDA

10. Consider introduction of an ordinance amending Municipal Code Section 3-2.1401.1 (Radar) and to determine and designate speed limit changes, which will become effective upon placement of appropriate signs.

?? Introduction of an ordinance amending Municipal Code Sections 3-2.1401.1 (Radar) and to determine and designate speed limit changes recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestgov.com](mailto:fvohra@modestgov.com)*

**ACTION:** Removed from Agenda.

REMOVED FROM CONSENT

11. Consider approving the removal of the mid-block crosswalk on 11<sup>th</sup> Street by the Stanislaus County Courthouse.

?Resolution approving removal of the mid-block crosswalk on 11<sup>th</sup> Street by the Stanislaus County Courthouse recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestgov.com](mailto:fvohra@modestgov.com)*

**ACTION: Resolution 2002-311** (Frohman/Fisher; unan.; Conrad, absent) approving the removal of the mid-block crosswalk on 11<sup>th</sup> Street by the Stanislaus County Courthouse.

CONSENT

12. Consider approving: agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plan (chiropractic coverage), and PacifiCare Behavioral Health; continuing dental and vision coverage through the City’s self-insured program with enhancement of the City’s vision coverage; and authorizing the Risk Manager to serve as the coordinator for the various plans and authorizing the City Manager to execute all necessary documents.

?? Resolution approving: agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plan (chiropractic coverage), and PacifiCare Behavioral Health; continuing dental and vision coverage through the City’s self-insured program with enhancement of the City’s vision coverage; and authorizing the Risk Manager to serve as the coordinator for the various plans and authorizing the City Manager to execute all necessary documents recommended.

*Personnel; Donald Norris, 577-5251, [dnorris@modestgov.com](mailto:dnorris@modestgov.com)*



**ACTION: Resolution 2002-312** (Jackman/Fisher; unan.; Conrad, absent) approving: agreements with PacifiCare, Kaiser Permanente, American Specialty Health Plan (chiropractic coverage), and PacifiCare Behavioral Health; continuing dental and vision coverage through the City's self-insured program with enhancement of the City's vision coverage; and authorizing the Risk Manager to serve as the coordinator for the various plans and authorizing the City Manager to execute all necessary documents.

REMOVED FROM CONSENT

13. Consider the annual report of retired Police canine purchases, by their handlers, during Calendar Year 2001.  
?? Motion acknowledging report recommended.  
*Police; David Young, 572-9690, [youngd@modestopd.com](mailto:youngd@modestopd.com)*

**ACTION:** By motion (Frohman/Jackman; unan.; Conrad, absent), acknowledged receipt of report.

CONSENT

14. Consider an amendment to an agreement with Greg Baird for financial management services to increase the "amount-not-to-exceed" from \$100,000 to \$120,000 with an expiration date of August 15, 2002.  
?? Resolution approving an amendment to an agreement with Greg Baird for financial management services to increase the "amount-not-to-exceed" from \$100,000 to \$120,000 with an expiration date of August 15, 2002 recommended.  
*Finance; Robert Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION: Resolution 2002-313** (Jackman/Fisher; unan.; Conrad, absent) approving an amendment to an agreement with Greg Baird for financial management services to increase the "amount-not-to-exceed" from \$100,000 to \$120,000 with an expiration date of August 15, 2002

**UNFINISHED BUSINESS**

15. Consider the following motions for Public Education Government (PEG) programming  
??Motion authorizing the City Manager to finalize all necessary agreements with the Stanislaus County Office of Education (SCOE) to effect the lease of a portion of the basement of the SCOE building located at 1100 H Street, Modesto, California for the purpose of housing a Cable Television Master Control Room.  
??Motion authorizing the City Manager to finalize all necessary agreements with Final Cut Media for the management of daily operations of a Cable Television

Master Control Room for the continued operation of Public-Education-Government (PEG) Programming.

?Motion authorizing the City Manager to finalize all necessary agreements with Stanislaus County, Modesto Junior College and the Stanislaus County Office of Education (Partners) to share in the annual operating expenses of PEG.

?Motion extending the negotiating period between the City and KBSV Channel 23, or any other local television station as directed by Council, for the purchase of airtime to broadcast selective municipal programming.

*City Manager; Renee Ledbetter, 577-5222, [rledbetter@modestogov.com](mailto:rledbetter@modestogov.com)*

**ACTION:** By motion (Keating/Fisher; unan.; Conrad, absent), authorized the City Manager to finalize all necessary agreements with the Stanislaus County Office of Education (SCOE) to effect the lease of a portion of the basement of the SCOE building located at 1100 H Street, Modesto, California for the purpose of housing a Cable Television Master Control Room.

By motion (Keating/Fisher; unan.; Conrad, absent), authorized the City Manager to finalize all necessary agreements with Final Cut Media for the management of daily operations of a Cable Television Master Control Room for the continued operation of Public-Education-Government (PEG) Programming.

By motion (Keating/Fisher; unan.; Conrad, absent), authorized the City Manager to finalize all necessary agreements with Stanislaus County, Modesto Junior College and the Stanislaus County Office of Education (Partners) to share in the annual operating expenses of PEG.

By motion (Keating/Fisher; unan.; Conrad, absent), extended the negotiating period between the City and any other local television station as directed by Council, for the purchase of airtime to broadcast selective municipal programming.

By motion (Jackman/Fisher; unan.; Conrad, absent) Staff directed to contact Stanislaus County Staff to discuss a possible JPA for public access studio in any available and/or reasonable space in 10<sup>th</sup> Street Place and report back in four weeks with a progress report.

By Motion (Jackman/Fisher; unan.; Conrad & Fisher, absent) approved an appropriation of \$108,000 for equipment.

By Motion (Jackman/Fisher; unan.; Conrad & Fisher, absent) approved an appropriation of \$168,000 for labor contract with Final Cut Media.

16. Consider staff report regarding transition of Convention & Visitors Bureau (CVB), consider lease agreement for office space for CVB, and consider appointments to Public Events Commission.

?? Motion acknowledging receipt of report recommended.

?? Resolution approving lease agreement and authorizing City Manager to execute necessary documents recommended.

?? Resolution appointing Public Events Commission members recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,  
[bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION:** By motion (Keating/Frohman; unan.; Conrad, absent), acknowledged receipt of report accepting transition of the Convention & Visitor's Bureau to the Parks, Recreation & Neighborhoods Department making the existing Convention & Visitors Bureau employees provisional City employees for one year.

**ACTION:** **Resolution 2002-314** (Keating/Frohman; unan., Conrad, absent) appointing Public Events Commission members as advisors to the Convention & Visitors Bureau only.

**ACTION:** By motion (Keating/Frohman; unan.; Conrad, absent) the Commission was directed to develop bylaws, complete articles of incorporation and apply for non-profit status.

17. Consider Charter amendment providing for a change in the regular Municipal Election date and consider submission of Charter amendments to voters in November 2002. The proposal includes: changing the City's Regular Municipal Election date from November of odd-numbered years to March of even-numbered years on the date specified in the California Elections Code Section 1201, as it now exists or hereafter is amended; and change the Runoff Election from the second Tuesday in December to the first Tuesday after the first Monday in November of even-numbered years commencing with year 2004, with the newly-elected Councilmembers taking office the following January.

?? Resolution submitting the recommended Charter amendments to the qualified electors of the City of Modesto at a special municipal election to be held on Tuesday, November 5, 2002.

?? Resolution authorizing the City Attorney to prepare an impartial analysis of the proposed Charter amendments.

?? Resolution authorizing the City Council to file written arguments in favor of or in opposition to the proposed Charter amendments.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

*City Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By motion (Keating/Sabatino; unan.; Conrad, absent) did not recommend charter amendments. Item was referred to the Safety Committee for review.

18. Consider approving Request for Proposal to conduct a finance and administrative audit of the Modesto's Community Facilities Districts, including Village One.  
?? Resolution approving Request for Proposal to conduct a finance and administrative audit of the Modesto's Community Facilities Districts, including Village One recommended.  
*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION:** By motion (Frohman/Keating; unan.; Conrad, absent) item was continued to the July 9, 2002 Council meeting with the condition that the item be heard by the Audit Committee prior to that date.

### HEARINGS

19. Hearing to consider Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows subdivisions No. 1-6, and consider confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for fiscal year 2002-2003.  
??Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for fiscal year 2002-2003 recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION:** **Resolution 2002-315** (Fisher/Keating; unan.; Conrad, absent) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for fiscal year 2002-2003

20. Hearing to consider Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions No. 7-10, Creekwood Meadows subdivision and Yosemite Meadows subdivision Units 1 & 2, and consider confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for fiscal year 2002-2003.  
??Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for fiscal year 2002-2003 recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION:** **Resolution 2002-316** (Fisher/Keating; unan.; Conrad, absent) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for fiscal year 2002-2003

*Mayor Sabatino absent due to conflict of interest.*

21. Hearing to consider inclusion of fee structure in the adopted usage policy for 10<sup>th</sup> Street between J and K Streets in downtown Modesto.  
??Resolution establishing a fee structure in the adopted usage policy for 10<sup>th</sup> Street between J and K Streets in downtown Modesto and rescinding Resolution No. 2002-158 recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,  
[bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Resolution 2002-317** (Jackman/Keating; unan.; Conrad & Sabatino, absent) Resolution establishing a fee structure in the adopted usage policy for 10<sup>th</sup> Street between J and K Streets in downtown Modesto and rescinding Resolution No. 2002-158.

### NEW BUSINESS

22. Consider authorizing the Risk Manager to bind excess workers' compensation coverage as presented by the City's Broker of Record based upon policy decisions of the Council.

?? Resolution authorizing the Risk Manager to bind excess workers' compensation coverage as presented by the City's Broker of Record based upon policy decisions of the Council recommended.

*Personnel; Don Norris, 577-5251, [dnorris@modestogov.com](mailto:dnorris@modestogov.com)*

**ACTION: Resolution 2002-318** (Keating/Frohman; unan.; Conrad, absent) authorizing the Risk Manager and City Manager to bind excess workers' compensation coverage as presented by the City's Broker of Record with \$1,000,000 Self Insured Retention.

23. Consider adopting the 2002-2003 Operating Budget and Capital Improvement Program.

??Motion acknowledging receipt of report recommended

??Resolution approving revisions in the FY2001-2002 budget recommended.

??Ordinance approving the FY2002-2003 Operating Budget and the first year of the FY 2002-2003 through FY2011-2012 Capital Improvement Program recommended.

??Resolution establishing the FY 2002-2003 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation recommended.

*Finance; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)*

**ACTION:** By motion (Jackman/Frohman; unan.; Conrad, absent), acknowledged receipt of report.

**Resolution 2002-319** (Jackman/Frohman; unan.; Conrad, absent) approving revisions in the FY2001-2002 budget.

**Resolution 2002-319A** (Jackman/Frohman; unan.; Conrad, absent) approving the FY2002-03 Operating Budget and the first year of the FY 2002-2003 through FY2011-2012 Capital Improvement Program.

By motion (Jackman/Frohman; unan.; Conrad, absent), **introduced Ordinance 3264-C.S.** approving the FY2002-2003 Operating Budget and the first year of the FY 2002-2003 through FY2011-2012 Capital Improvement Program.

**Resolution 2002-320** (Jackman/Frohman; unan.; Conrad, absent) establishing the FY 2002-2003 Fiscal Year Appropriation Limit, including the price and population factors to be used in the calculation.

Staff was directed to research lighted vote board cost and use a portion of the remaining \$38,000 to cover the cost.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:00 p.m. to the following closed sessions:

**CLOSED SESSION**

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

Name of case: Opinski v. City of Modesto – (Arbitration pursuant to construction contract)

*This case heard prior to the meeting. No reportable action was taken.*

\*\*\*\*\*

\*\*\*\*\*

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

Agency Negotiators: Jack Crist, City Manager  
Robin Renwick, Personnel Director

Employee Organizations: Modesto City Employees Association, Modesto Police  
Officers Association, Modesto Police Management  
Association and Unrepresented Management and  
Confidential Employees

*No reportable action was taken.*

\*\*\*\*\*  
\*\*\*\*\*

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

Property: Purchase, sale or lease of property located on Scenic  
Drive, at the end of Coffee

APN: 34-18-6 (approximately 1.39 acres)

Scenic Road Properties, Owner

Negotiating parties: Jack Crist, City Manager; and George Britton, Deputy  
City Manager for the City of Modesto

Under negotiation: Price and terms of payment for property rights to be  
acquired

*This case was heard prior to the meeting. No reportable action was taken.*

**MINUTES**  
**Tuesday, July 2, 2002, at 5:15 p.m.**

Roll Call – Present: Councilmembers Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

Absent: Councilmember Conrad

Pledge of Allegiance to the Flag

Invocation: Rick Thompson, Big Valley Church

City Clerk’s Announcements: *Item 11 removed from Agenda*

*Declaration of Conflicts of Interest: None*

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a proclamation to Chief Hannink in honor of his retirement.

**ACTION:** Proclamation presented by Mayor Sabatino.

**ORAL COMMUNICATIONS**

- ?? Kris Newman, a sidewalk vendor, commented on her concern of awnings on sidewalk carts being required to be removed.
  - o This item was referred to the City Manager.
- ?? Judge Shaver introduced members of Boy Scout Troup #2.
- ?? Jim DeMartini commented on reducing campaign contributions, the Mid-Valley Engineering money laundering issue, and requested the Council disclose all contributors for campaigns.
  - o Councilmembers discussed the issue of campaign contributions.

**COUNCIL COMMENTS & REPORTS**

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2, 4 through 8  
*Item 3 removed from Consent*

**ACTION Items 2, 4- 8: Jackman/Frohman; unan.; Conrad, absent**



**ACTION Item 3: Frohman/Jackman; unan.; Conrad, absent**

### CONSENT ITEMS

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

#### CONSENT

2. Approval of the minutes of the regular City Council meeting of June 25, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By motion (Jackman/Frohman; unan.; Conrad, absent) approved the minutes of July 25, 2002.

#### REMOVED FROM CONSENT

3. Consider authorizing the City Manager to execute an agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for the design services for the Modesto Transit Bus Maintenance Facility project in the amount of 610,280. Funds are budgeted.
- ?? Resolution authorizing the City Manager to execute an agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for the design services for the Modesto Transit Bus Maintenance Facility project recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-321** (Frohman/Jackman; unan.; Conrad, absent) authorizing the City Manager to execute an agreement with Parsons Brinckerhoff Quade and Douglas, Inc. for the design services for the Modesto Transit Bus Maintenance Facility project.

#### CONSENT

4. Consider authorizing the City Manager to sign a Special Discharge agreement for MID Lateral 6 at the Elm Street Water Well #313; Consider authorizing the City Manager to sign an agreement consenting to Common Use for MID Lateral 6 at the Elm Street Water Well #313.
  - ?? Resolution authorizing the City Manager to sign a Special Discharge agreement for MID Lateral 6 at the Elm Street Water Well #313 recommended.
  - ?? Resolution authorizing the City Manager to sign an agreement consenting to Common Use for MID Lateral 6 at the Elm Street Water Well #313 recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-322** (Jackman/Frohman; unan.; Conrad, absent) authorizing the City Manager to sign a Special Discharge agreement for MID Lateral 6 at the Elm Street Water Well #313.

**Res. No. 2002-323** (Jackman/Frohman; unan.; Conrad, absent) authorizing the City Manager to sign an agreement consenting to Common Use for MID Lateral 6 at the Elm Street Water Well #313

CONSENT

5. Consider an amendment to the Modesto Executive Air Charter, dba Sky Trek Aviation, lease for the old Foster Farms hangar and extend the lease an additional eighteen years to coincide with Sky Trek Aviation's master lease that expires on November 23, 2033, and authorize the City Manager to execute the amendment to the lease on behalf of the City.
- ?? Resolution approving an amendment to the Modesto Executive Air Charter, dba Sky Trek Aviation, lease for the old Foster Farms hangar and extend the lease an additional eighteen years to coincide with Sky Trek Aviation's master lease that expires on November 23, 2033, and authorize the City Manager to execute the amendment to the lease on behalf of the City recommended.

*Engineering & Transportation; Howard Cook, 577-5319, hcook@modestogov.com*

- ACTION: Res. No. 2002-324** (Jackman/Frohman; unan.; Conrad, absent) approving an amendment to the Modesto Executive Air Charter, dba Sky Trek Aviation, lease for the old Foster Farms hangar and extend the lease an additional eighteen years to coincide with Sky Trek Aviation's master lease that expires on November 23, 2033, and authorize the City Manager to execute the amendment to the lease on behalf of the City.

CONSENT

6. Consider placement of airport directional signs in various locations throughout the City of Modesto showing the way to the Airport. These signs would be placed on Maze Boulevard, Yosemite Boulevard, Oakdale Road, El Vista Avenue, and Tenaya Drive.
- ?? Resolution approving placement of airport directional signs in various locations throughout the City of Modesto indicating the route to the Airport recommended.

*Engineering & Transportation; Howard Cook, 577-5319, hcook@modestogov.com*

- ACTION: Res. No. 2002-325** (Jackman/Frohman; unan.; Conrad, absent) approving placement of airport directional signs in various locations throughout the City of Modesto indicating the route to the Airport

CONSENT

7. Consider amending three agreements between the City of Modesto and Modesto City Schools District to increase the costs for electricity from \$1.00 per hour to \$2.00 per hour during the hours that the City uses Multi-purpose facilities located at La Loma, Roosevelt and Mark Twain Junior High Schools.
- ?? Resolution approving amending the agreements with La Loma Junior High, Roosevelt Junior High, and Mark Twain Junior High to reflect their increase in cost of electricity

from \$1.00 per hour to \$2.00 per hour for City use of their multi-purpose facilities recommended.

*Parks, Recreation & Neighborhoods; Linda McDermott, 571-5863, [lmcdermott@modestogov.com](mailto:lmcdermott@modestogov.com)*

**ACTION: Res. No. 2002-326** (Jackman/Frohman; unan.; Conrad, absent) approving amending the agreements with La Loma Junior High, Roosevelt Junior High, and Mark Twain Junior High to reflect their increase in cost of electricity from \$1.00 per hour to \$2.00 per hour for City use of their multi-purpose facilities.

#### CONSENT

8. Consider refund an over-payment of Mil Taxes to Sacramento Coca-Cola Bottling in the amount of \$18,191.25.

?? Resolution approving a refund an over-payment of Mil Taxes to Sacramento Coca-Cola Bottling in the amount of \$18,191.25 recommended.

*Finance; Cheryl Detmar, 571-5174, [cdetmar@modestogov.com](mailto:cdetmar@modestogov.com)*

**ACTION: Res. No. 2002-327** (Jackman/Frohman; unan.; Conrad, absent) approving a refund an over-payment of Mil Taxes to Sacramento Coca-Cola Bottling in the amount of \$18,191.25.

#### WRITTEN COMMUNICATIONS

9. Letter from Arlindo Navarro requesting they be allowed to rezone the property at 811 Third Street, Lots 9 and 10 and the Northwest one-half of Lot 11 from Residential Commercial to Residential for installation of a manufactured home.

**ACTION:** By Motion (O'Bryant/Fisher; unan.; Conrad, absent) directed staff to work out a solution that would allow Mr. Navarro to place a manufactured home on property mentioned as expeditiously as possible.

#### UNFINISHED BUSINESS

10. Consider discussion of options for conducting City's elections.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

*City Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By Motion (Fisher/Jackman; unan.; Conrad, absent) directed staff to draft charter amendments, resolutions, and ordinances changing the municipal election date to September of odd years and the run off election to November of odd years with all Councilmembers to take office in January. Documents to be returned to Council at the July 23<sup>rd</sup> meeting.

**NEW BUSINESS**

*Item 11 Removed From Agenda*

- 11. Consider Strategic Plan-Based Performance Measures and Quarterly Reporting Methodology for all City departments.  
 Resolution adopting Strategic Plan-Based Performance Measures and Quarterly Reporting Methodology for all City departments recommended.  
 City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com) or Fire; Doug Hannink, 572-9590, [dhannink@modestogov.com](mailto:dhannink@modestogov.com)

**ACTION:** Removed from Agenda.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:10 p.m.

**CLOSED SESSION**

*Both closed session items were heard prior to the meeting.*

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

**Property:** Purchase, sale or lease of property located on Scenic Drive, at the end of Coffee

APN: 34-18-6 (approximately 1.39 acres)

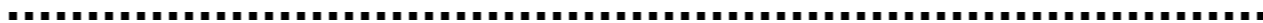
Scenic Road Properties, Owner

**Negotiating parties:** Jack Crist, City Manager and George Britton, Deputy City Manager, for the City of Modesto

Mike Zagaris – negotiating for Owner

**Under negotiation:** Price and terms of payment for property rights to be acquired

No reportable action was taken.



CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property located Southeast of the intersection of Coffee Road and Scenic Drive abutting Dry Creek

APN Nos: 034-15-01 and 034-18-03

Negotiating parties: Jim Niskanen, Parks, Recreation & Neighborhoods Director for City of Modesto

Dano Construction Inc. – Owner

Under negotiation: Price and terms of payment for property to be acquired

No reportable action was taken.

# MINUTES

## Tuesday, July 9, 2002, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman, Covenant Modesto

City Clerk’s Announcements

Declaration of Conflicts of Interest

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition to Mistlin Honda, Fireside Dodge, Holiday Inn Express and Burger King for their support of the Adopt-a-Highway program which removes litter from the Highway 99 corridor through Modesto.

**ACTION:** Mayor presented certificates.

2. Presentation of landscape design commendation to the Mayor for Flower Clock in Downtown Modesto.

**ACTION:** D. Heinsinger from the Modesto Garden Club made the presentation.

3. Introduction of most recently promoted Police Sergeant.

**ACTION:** Police Chief Roy Wasden introduced Sergeant David Chamberlin.

4. Presentation of Hispanic Leadership Council’s award to the City of Modesto for the Police Department’s Hispanic Citizens’ Academy.

**ACTION:** Police Chief Roy Waden and Art Garza accepted the award.

### ORAL COMMUNICATIONS

?? Miguel Donoso raised concerns regarding Hispanic job skills.

?? James Feeny spoke to Montorosso property on Scenic Drive.

- ?? Russ Harrson spoke regarding Village One costs and revenue.
- ?? Eric Wardwell voiced concern regarding grocery carts on sidewalks and in alleys.

### COUNCIL COMMENTS & REPORTS

- 5. At the request of Mayor Sabatino, consider directing City staff to prepare the necessary ordinance and supporting documents to impose a moratorium on vested land in Village One to be considered at the July 23, 2002 Council meeting.

**ACTION:** Motion by Fisher/Sabatino failed to carry with Conrad, Fisher, Jackman, Keating & O'Bryant voting no to direct staff to prepare the necessary ordinance and supporting documents to impose a moratorium on vested land in Village one to be considered at the July 23, 2002 Council meeting.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 6, 8, 9, 11-13 & 16

ACTION Items 6, 8-9, 11- 13 & 16: Fisher/Jackman; unan.

ACTION Item 7: Fisher/Jackman; unan.

ACTION Item 10: Fisher/Frohman; unan.

ACTION Item 14: Conrad/Jackman; unan.

ACTION Item 15: Fisher/Conrad; unan.

### CONSENT ITEMS

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

#### CONSENT

- 6. Approval of the minutes of the regular City Council meeting of July 2, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Jackman; unan.) approved the minutes of July 2, 2002.

#### REMOVED FROM CONSENT

- 7. Consider accepting the work of Mozingo Construction for Orangeburg Avenue Waterline as complete, and authorize the City Clerk to file a Notice of Completion.  
?? Resolution accepting the work of Mozingo Construction for Orangeburg Avenue Waterline as complete, and authorizing the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-328** (Fisher/Jackman; unan.) accepting the work of Mozingo Construction for Orangeburg Avenue Waterline as complete, and authorizing the City Clerk to file a Notice of Completion.

CONSENT

8. Consider accepting the improvements for Sundance Lake Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, and Joseph Darwin Colby, Trustee of the Joseph Darwin Colby Trust dated April 1, 1994).

?? Resolution accepting the improvements for Sundance Lake Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-329** (Fisher/Jackman; unan.) accepting the improvements for Sundance Lake Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

9. Consider awarding a \$199,765 contract to BDS Construction Inc. for the 2002 Handicap Ramp Construction project.

?? Resolution awarding a \$199,765 contract to BDS Construction Inc. for the 2002 Handicap Ramp Construction project recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-330** (Fisher/Jackman; unan.) awarding a \$199,765 contract to BDS Construction Inc. for the 2002 Handicap Ramp Construction project.

REMOVED FROM CONSENT

10. Consider awarding a \$99,280 contract to George Reed Inc for Modesto Police Department Training Facility – 3000 West Main Street Improvements project.

?? Resolution awarding a \$99,280 contract to George Reed Inc for Modesto Police Department Training Facility – 3000 West Main Street Improvements project recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-331** (Fisher/Frohman; unan.) awarding a \$99,280 contract to George Reed Inc for Modesto Police Department Training Facility – 3000 West Main Street Improvements project.

CONSENT



11. Consider authorizing the Purchasing Supervisor to issue a purchase order to Sierra Chemical Company for liquid sulfur dioxide for Operations & Maintenance department-Water Quality Control Plant. Total one-year cost for FY 2002/2003 is \$72,907.63. Funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to issue a purchase order to Sierra Chemical Company for liquid sulfur dioxide for Operations & Maintenance department-Water Quality Control Plant for a one-year cost of \$72,907.63 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-332** (Fisher/Jackman; unan.) authorizing the Purchasing Supervisor to issue a purchase order to Sierra Chemical Company for liquid sulfur dioxide for Operations & Maintenance department-Water Quality Control Plant for a one-year cost of \$72,907.63

#### CONSENT

12. Consider authorizing the Purchasing Supervisor to issue a purchase order to Kemiron Pacific for liquid ferric chloride for FY 2002-2003 with the option of two one-year contract extensions. The one-year cost for FY 2002-2003 is \$128,156.70. Funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to issue a purchase order to Kemiron Pacific for liquid ferric chloride for FY 2002-2003 with the option of two one-year contract extensions. The one-year cost for FY 2002-2003 is \$128,156.70.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-333** (Fisher/Jackman; unan.) authorizing the Purchasing Supervisor to issue a purchase order to Kemiron Pacific for liquid ferric chloride for FY 2002-2003 with the option of two one-year contract extensions. The one-year cost for FY 2002-2003 is \$128,156.70.

#### CONSENT

13. Consider authorizing the purchase of exhaust systems from Neu-Tech to be installed at nine fire stations (Stations 1, 3, 4, two at Station 5, Stations 6, 7, 8, and 9) for a total cost of \$125,777.50. Funds are budgeted.

?? Resolution authorizing the purchase of exhaust systems from Neu-Tech to be installed at nine fire stations for a total cost of \$125,777.50 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-334** (Fisher/Jackman; unan.) authorizing the purchase of exhaust systems from Neu-Tech to be installed at nine fire stations for a total cost of \$125,777.50.

#### REMOVED FROM CONSENT

14. Consider authorizing the Purchasing Supervisor to formally solicit bids for presort mailing services for an estimated annual cost of \$266,000.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for presort mailing services for an estimated annual cost of \$266,000 recommended  
*Finance; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-335** (Conrad/Jackman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for presort mailing services for an estimated annual cost of \$266,000.

#### REMOVED FROM CONSENT

15. Consider authorizing the City Manager execute the application for 2002 Federal Local Law Enforcement Block Grant monies for equipment and technology to enhance law enforcement. Total grant project is \$240,634, with a local match of 10% or \$24,063. Funds are budgeted.

?? Resolution authorizing the City Manager execute the application for 2002 Federal Local Law Enforcement Block Grant monies for equipment and technology to enhance law enforcement recommended.

*Police; Roy Wasden, 572-9503, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Res. No. 2002-336** (Fisher/Conrad; unan.) authorizing the City Manager execute the application for 2002 Federal Local Law Enforcement Block Grant monies for equipment and technology to enhance law enforcement.

#### CONSENT

16. Consider the Quarterly Cash and Investment Report – March 31, 2002.

?? Motion acknowledging receipt of report recommended.

?? Resolution approving a revised policy for Investment of Public Funds, Policy No. 1.019 recommended.

**ACTION:** By motion (Fisher/Jackman; unan.) acknowledged receipt of report.

**Res. No. 2002-337** (Fisher/Jackman; unan.) approving a revised policy for Investment of Public Funds, Policy No. 1.019.

#### UNFINISHED BUSINESS

17. Consider final report of Traffic Signal Retiming Project Outside the Central Business District by Minagar & Associates. The project is complete and new signal timing has been deployed.

?? Motion acknowledging receipt of report recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION:** By motion (Fisher/Conrad; unan.) acknowledged receipt of report.

18. Consider approving Request for Proposal to conduct a finance and administrative audit of the Modesto's Community Facilities Districts, including Village One.

?? Resolution approving Request for Proposal to conduct a finance and administrative audit of the Modesto's Community Facilities Districts, including Village One recommended.

*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION: Res. No. 2002-338** (Conrad/Jackman; unan.) approving Request for Proposal to conduct a finance and administrative audit of the Modesto's Community Facilities Districts, including Village One.

### HEARINGS

19. Consider approving an Ordinance extending the moratorium on new development in Village One for an additional ten months and fifteen days.

??Resolution issuing the "Report on the 45-Day Moratorium Imposed by the Modesto City Council on June 4, 2002, Prohibiting the Approval of New Development in the Village One Specific Plan Area", as required by State law recommended.

?? Interim ordinance extending the prohibition of the approval in the Village One Specific Plan area of additional precise plans, tentative subdivision maps, tentative parcel maps, plot plans, use permits, rezonings, final development plans, and any other land use entitlement on unvested land, excluding projects with a significant component of multi-family housing as defined in Government Code Section 65858(h), for a period of ten months and fifteen days. It is recommended that the Council make the legislative findings set forth in the interim ordinance recommended.

*Community & Economic Development; Brad Kilger, 577-5218, [bkilger@modestogov.com](mailto:bkilger@modestogov.com)*

**ACTION: Res. No. 2002-339** (Jackman/Keating; majority; Sabatino, no) issuing the "Report on the 45-Day Moratorium Imposed by the Modesto City Council on June 4, 2002, Prohibiting the Approval of New Development in the Village One Specific Plan Area", as required by State law.

By motion (Jackman/Keating; majority; Sabatino, no) **introduced Ordinance No. 3265-C.S.** extending the prohibition of the approval in the Village One Specific Plan area of additional precise plans, tentative subdivision maps, tentative parcel maps, plot plans, use permits, rezonings, final development plans, and any other land use entitlement on unvested land, excluding projects with a significant component of multi-family housing as defined in Government Code Section 65858(h), for a period of ten months and fifteen days.

### NEW BUSINESS

20. Consider submitting Direct Growth Initiative to the voters of Modesto.

??Resolution submitting the Direct Growth Initiative to the qualified electors of the City of Modesto (at the next regular municipal election) recommended.

?Resolution directing the City Clerk to transmit a copy of the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.

?Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure recommended.

*City Attorney; Mike Milich, 577-5284, mmilich@modestgov.com*

**ACTION:** By motion (Jackman/Keating; majority; Conrad, no) directing staff to prepare a letter requesting the Board of Supervisors place the Direct Growth Initiative issue on the November 2002 County-wide Ballot as an advisory measure.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 10:10 p.m.

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Two cases

*This Closed Session was heard prior to the meeting.*

# MINUTES

## Tuesday, July 23, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation Bill Witzke

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: *Conrad, Item 7*  
*Fisher, Item 11*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation proclaiming Tuesday, August 6, 2002 as National Night Out.

**ACTION:** Proclamation presented by Mayor Sabatino.

2. Introduction of Joyce Engberg, Chief Information Officer.

**ACTION:** Introduction made by City Manager.

### ORAL COMMUNICATIONS

?? Peter Gartner, chairman of National Night Out Committee thanked Council for their support.

?? Joan Ruttschow requested an explanation of chemicals used in wastewater and mentioned a chlorine alternative to drinking water.

o Deputy City Manager Britton responded to Ms. Ruttschow.

?? Bill Cameron expressed his concern of excessive cruising and poor air quality.

?? Pete Kolf requested Item 15 be removed from consent.

?? Mayor Sabatino requested Item 17 be removed from consent.

?? Councilmember Keating requested Item 19 be removed from consent.

?? Dan Hopkins expressed his concerns with X-Fest.

?? John Kanno corrected a speaker comment regarding Channel 23.

?? Russell Harrison commented on the shortfall in Village One.

?? Councilmember Keating noted Oakdale City Council disapproval of the 9<sup>th</sup> Circuit Court of Appeals decision to remove the words “Under God” from the Pledge of Allegiance. Councilmember Keating will return to the August 8<sup>th</sup> Meeting with a resolution.

## COUNCIL COMMENTS & REPORTS

3. At the request of Mayor Sabatino, consider the policy issue of requiring Phase II investigations on all real property purchases.

**ACTION:** By Motion (Conrad/Sabatino; unan.) this item was referred to the Economic Development Committee.

4. At the request of Councilmember Keating, consider adopting a resolution recognizing Vice Mayor Conrad for service to his Country.

**ACTION: Res. No. 2002-340** (Keating/Sabatino; unan.; Conrad, absent) recognizing Vice Mayor Conrad for service to his Country.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5-14,16,18, & 21  
*Items 15, 17, 19, & 20 removed from Consent.*

**ACTION Items 5, 6, 8-10, 12-14, 16, 18, & 21: Fisher/Jackman; unan.**

**ACTION Item 7: Fisher/Sabatino; unan.; Conrad, absent**

**ACTION Item 11: Conrad/Sabatino; unan.; Fisher, absent**

**ACTION Item 15: Conrad/Jackman; unan.**

**ACTION Item 17: Sabatino/Fisher; unan.**

**ACTION Item 19: Keating/Sabatino; unan.; Conrad, absent**

**ACTION Item 20: Jackman/Keating; majority; Conrad, no**

## CONSENT ITEMS

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

## CONSENT

5. Approval of the minutes of the regular City Council meeting of July 9, 2002.  
(Motion approving recommended.)  
Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)

**ACTION:** By Motion (Fisher/Jackman; unan.) approved the minutes of July 9, 2002.

CONSENT

6. Consider approval of final map of Siena Phase 2 subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign the standard subdivision agreement (Owners: Sequoia Properties, a California Limited Partnership, by Lily Development Inc., a California Corporation its General Partner).
- ?? Resolution approving the final map of Siena Phase 2 subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259; [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-341** (Fisher/Jackman; unan.) approving the final map of Siena Phase 2 subdivision in the Village One Specific Plan Area, accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

*Conrad absent due to Conflict of Interest*

7. Consider amending Condition of Approval #1 as set forth in Planning Commission Resolution 2000-23, accepting the improvements for Legends Village Unit No. 5 subdivision in the Village One Specific Plan Area, authorizing the City Manager to enter into an agreement with the Sylvan School District, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Billie C. Holloman and JKB Homes Corporation, a California Corporation).
- ?? Resolution amending Condition of Approval #1 as set forth in Planning Commission Resolution 2000-23, accepting the improvements for Legends Village Unit No. 5 subdivision in the Village One Specific Plan Area, authorizing the City Manager to enter into an agreement with the Sylvan School District, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.
- ?? Resolution authorizing the City Manager to sign a street improvement agreement with the Sylvan School District for the construction of a part-width street on Sharon Avenue adjacent to Assessor's Parcel No. 85-02-46 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259; [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-342** (Fisher/Sabatino; unan.; Conrad, absent) amending Condition of Approval #1 as set forth in Planning Commission Resolution 2000-23, accepting the improvements for Legends Village Unit No. 5 subdivision in the Village One Specific Plan Area, authorizing the City Manager to enter into an agreement with the Sylvan School District, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods

**Res. No. 2002-343** (Fisher/Sabatino; unan.; Conrad, absent) authorizing the City Manager to sign a street improvement agreement with the Sylvan School District for the construction of a part-width street on Sharon Avenue adjacent to Assessor's Parcel No. 85-02-46

CONSENT

8. Consider authorizing the City Manager to execute an agreement with West-Yost Associates for “Water System Hydraulic Model Update and Associated System Analysis (Study)” for a not to exceed amount of \$296,400. Funds are budgeted.

?? Resolution authorizing the City Manager to execute an agreement with West-Yost Associates for “Water System Hydraulic Model Update and Associated System Analysis (Study)” for a not to exceed amount of \$296,400 recommended.

*Engineering & Transportation; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Res. No. 2002-344** (Fisher/Jackman; unan.) authorizing the City Manager to execute an agreement with West-Yost Associates for “Water System Hydraulic Model Update and Associated System Analysis (Study)” for a not to exceed amount of \$296,400.

CONSENT

9. Consider accepting as complete the work by Fagundes & Son Inc. for “Oakdale Road and Scenic Drive Improvements and authorizing the City Clerk to file a Notice of Completion; Consider increasing the Engineering & Transportation Director’s authority to issue change orders on the “Oakdale Road and Scenic Drive Improvements” project from 18% to 18.3% of the original contract price.

?? Resolution accepting as complete the work by Fagundes & Son Inc. for “Oakdale Road and Scenic Drive Improvements and authorizing the City Clerk to file a Notice of Completion recommended.

?? Resolution increasing the Engineering & Transportation Director’s authority to issue change orders on the “Oakdale Road and Scenic Drive Improvements” project from 18% to 18.3% of the original contract price recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-345** (Fisher/Jackman; unan.) accepting as complete the work by Fagundes & Son Inc. for “Oakdale Road and Scenic Drive Improvements and authorizing the City Clerk to file a Notice of Completion.

**Res. No. 2002-346** (Fisher/Jackman; unan.) increasing the Engineering & Transportation Director’s authority to issue change orders on the “Oakdale Road and Scenic Drive Improvements” project from 18% to 18.3% of the original contract price.

CONSENT

10. Consider accepting as complete the work of Southwest Recreational Industries Inc. on Davis Park Tennis Courts Renovation and authorizing the City Clerk to file a Notice of Completion. Total cost of contract: \$52,309.56.

?? Resolution accepting as complete the work of Southwest Recreational Industries Inc. on Davis Park Tennis Courts Renovation and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*



**ACTION: Res. No. 2002-347** (Fisher/Jackman; unan.) accepting as complete the work of Southwest Recreational Industries Inc. on Davis Park Tennis Courts Renovation and authorizing the City Clerk to file a Notice of Completion.

*Fisher absent due to conflict of interest.*

11. Consider approving a one-year lease with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1, and authorizing the City Manager to execute the lease.

?? Resolution approving a one-year lease with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1, and authorizing the City Manager to execute the lease recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-348** (Conrad/Sabatino; unan.; Fisher, absent) approving a one-year lease with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1, and authorizing the City Manager to execute the lease.

#### CONSENT

12. Consider amending Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to change the term of Deferred Payment Loans under the Emergency Home Repair Program/Disabled Access Assistance Program to 20 years, with review and possible extension to the loan after the 20 years, if the household income continues to be under 50% of the Median Area Income.

?? Resolution amending Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to change the term of Deferred Payment Loans under the Emergency Home Repair Program/Disabled Access Assistance Program to 20 years, with review and possible extension to the loan after the 20 years, if the household income continues to be under 50% of the Median Area Income recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-349** (Fisher/Jackman; unan.) amending Chapter 12 of the Parks, Recreation & Neighborhoods Department, Recreation & Neighborhood Services Division Manual to change the term of Deferred Payment Loans under the Emergency Home Repair Program/Disabled Access Assistance Program to 20 years, with review and possible extension to the loan after the 20 years, if the household income continues to be under 50% of the Median Area Income.

#### CONSENT

13. Consider approving a two-year renewal agreement with Community Reinvestment Fund Inc. for loan servicing of existing and future loans, and authorizing the City Manager to execute the renewal agreement.

?? Resolution approving a two-year renewal agreement with Community Reinvestment Fund Inc. for loan servicing of existing and future loans, and authorizing the City Manager to execute the renewal agreement recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-350** (Fisher/Jackman; unan.) approving a two-year renewal agreement with Community Reinvestment Fund Inc. for loan servicing of existing and future loans, and authorizing the City Manager to execute the renewal agreement.

#### CONSENT

14. Consider approving an amendment to an agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of the construction documents for Orville Wright Neighborhood Park at a cost not to exceed \$27,881. Funds are budgeted

?? Resolution approving an amendment to an agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of the construction documents for Orville Wright Neighborhood Park recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-351** (Fisher/Jackman; unan.) approving an amendment to an agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of the construction documents for Orville Wright Neighborhood Park.

#### *Removed from Consent*

15. Consider approving a 23-month agreement with Mr. Balal Yassin, owner of Smoky's Pub & Grill, to provide food and beverage services at Creekside Golf Course, and authorizing the City Manager to execute the agreement. The 23-month period covers August 15, 2002 through July 1, 2004 with no extensions and a rental fee of \$850 per month.

?? Resolution approving a 23-month agreement with Mr. Balal Yassin, owner of Smoky's Pub & Grill, to provide food and beverage, and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-352** (Conrad/Jackman; unan.) approving a 23-month agreement with Mr. Balal Yassin, owner of Smoky's Pub & Grill, to provide food and beverage, and authorizing the City Manager to execute the agreement.

#### CONSENT

16. Consider approving a grant contract and authorizing the City Manager to execute necessary documents for the "Program on Domestic Preparedness"; and Consider amending the Fiscal Year 2002/03 annual budget estimating revenues and appropriating funds. Amount of grant is \$310,000; no local match required.

?? Resolution approving a grant contract and authorizing the City Manager to execute necessary documents for the Program on Domestic Preparedness" recommended.

?? Resolution amending the Fiscal Year 2002/03 annual budget estimating revenues and appropriating funds in the amount of \$310,000 recommended.  
*Fire; Jim Miguel, 572-9590, [jmiguel@modestogov.com](mailto:jmiguel@modestogov.com)*

**ACTION: Res. No. 2002-353** (Fisher/Jackman; unan.) approving a grant contract and authorizing the City Manager to execute necessary documents for the Program on Domestic Preparedness”

**Res. No. 2002-354** (Fisher/Jackman; unan.) amending the Fiscal Year 2002/03 annual budget estimating revenues and appropriating funds in the amount of \$310,000.

*Removed from Consent*

17. Consider waiving formal bid procedures by five affirmative votes and authorizing the award of equipment rental services to Hertz Equipment, Holt of California, Nations Rental, Rental Services Corporation, and United Rentals & Sales for an estimated annual cost of \$350,000.

?? Resolution waiving formal bid procedures by five affirmative votes and authorizing the award of equipment rental services to Hertz Equipment, Holt of California, Nations Rental, Rental Services Corporation, and United Rentals & Sales for an estimated annual cost of \$350,000 recommended.

*Finance; Tom Reddie, 577-5295, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-355** (Sabatino/Fisher; unan.) waiving formal bid procedures by five affirmative votes and authorizing the award of equipment rental services to Hertz Equipment, Holt of California, Nations Rental, Rental Services Corporation, and United Rentals & Sales for an estimated annual cost of \$350,000.

CONSENT

18. Consider the sale of one parcel of excess land at 308 Ruberto Street and authorize staff to take all appropriate actions to complete the sale of said parcel by following the procedure as set forth in the Government Code.

?? Resolution authorizing the sale of one parcel of excess land at 308 Ruberto Street and authorize staff to take all appropriate actions to complete the sale of said parcel by following the procedure as set forth in the Government Code recommended.

*Community & Economic Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-356** (Fisher/Jackman; unan.) authorizing the sale of one parcel of excess land at 308 Ruberto Street and authorize staff to take all appropriate actions to complete the sale of said parcel by following the procedure as set forth in the Government Code.

*Removed from Consent*

19. Consider excusing Vice Mayor Conrad’s absence from the June 25 and July 2, 2002 Council meetings due to military duty.

?? Motion excusing Vice Mayor Conrad's absence from the June 25 and July 2, 2002 Council meetings due to military duty recommended.

**ACTION:** By Motion (Keating/Sabatino; unan.; Conrad, absent) excused Vice Mayor Conrad's absence from the June 25 Council meeting due to military duty.

*Removed from Consent*

20. Consider adopting a resolution urging the Board of Supervisors to place the Direct Growth Initiative on the November 2002 Countywide ballot.

?? Resolution urging the Board of Supervisors to place the Direct Growth Initiative on the November 2002 Countywide ballot. recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION: Res. No. 2002-357** (Jackman/Fisher; majority; Conrad, no) adopting a resolution urging the Board of Supervisors to place the Direct Growth Initiative on the November 2002 Countywide ballot.

#### CONSENT

21. Consider approving Strategic Plan-Based Performance Measures for the Fire Department and Quarterly Reporting Methodology for all City departments.

?? Resolution approving Strategic Plan-Based Performance Measures for the Fire Department and Quarterly Reporting Methodology for all City departments recommended.

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com) OR  
Fire; Jim Miguel, 572-9590, [jmiguel@modestogov.com](mailto:jmiguel@modestogov.com)*

**ACTION: Res. No. 2002-358** (Fisher/Jackman; unan.) approving Strategic Plan-Based Performance Measures for the Fire Department and Quarterly Reporting Methodology for all City departments.

#### WRITTEN COMMUNICATIONS

22. Letter from Steve Trapp regarding September 11 Memorial tributes.

**ACTION:** A meeting was scheduled Sunday, July 28, 2002 at noon at Mediterranean Market with Mr. Trapp, Mayor Sabatino, and a Police Department representative.

#### UNFINISHED BUSINESS

23. Consider authorizing the City Manager to execute an agreement with Stanislaus County Office of Education (SCOE) to effect the lease of a portion of the basement of the SCOE building located at 1100 H Street, for the purpose of housing a Cable Television Master Control Room; Consider authorizing the City Manager to execute a two-year agreement with Final Cut Media for the management of daily operations of a Cable Television Master Control Room for the continued operation of Public-Education-Government (PEG)

programming, Consider amending the 2001-2002 Annual Budget appropriating a one-time appropriation of \$108,000 from the Cable Franchise settlement to the Communications & Marketing Division for the purchase of new equipment for the PEG Master Control Room; Consider amending the 2002-2003 Annual Budget appropriating \$160,000 from the Cable Franchise settlement to the Communications & Marketing Division for a two-year contract with Final Cut Media for the PEG Master Control Room; Consider continuing staff's report of a possible Joint Powers Authority for a public access studio in any available and/or reasonable space in Tenth Street Place to September 10, 2002; Consider extending the negotiating period between the City and Stanislaus County, Modesto Junior College and the Stanislaus County Office of Education (Partners) to share in the annual operating expenses of PEG and directing staff to return on September 10, 2002; and Consider extending the negotiating period between the City and any local television station as directed by Council, for the purchase of airtime to broadcast selective municipal programming and directing staff to return on September 10, 2002.

?Resolution authorizing the City Manager to execute an agreement with Stanislaus County Office of Education (SCOE) to effect the lease of a portion of the basement of the SCOE building located at 1100 H Street, for the purpose of housing a Cable Television Master Control Room recommended.

?Resolution authorizing the City Manager to execute a two-year agreement with Final Cut Media for the management of daily operations of a Cable Television Master Control Room for the continued operation of Public-Education-Government (PEG) programming recommended.

?Resolution amending the 2001-2002 Annual Budget appropriating a one-time appropriation of \$108,000 from the Cable Franchise settlement to the Communications & Marketing Division for the purchase of new equipment for the PEG Master Control Room recommended.

?Resolution amending the 2002-2003 Annual Budget appropriating \$160,000 from the Cable Franchise settlement to the Communications & Marketing Division for a two-year contract with Final Cut Media for the PEG Master Control Room recommended.

*Staff requests continuing the following three items to the September 10, 2002 Council meeting.*

?Motion continuing staff's report of a possible Joint Powers Authority for a public access studio in any available and/or reasonable space in Tenth Street Place to September 10, 2002 recommended.

?Motion extending the negotiating period between the City and Stanislaus County, Modesto Junior College and the Stanislaus County Office of Education (Partners) to share in the annual operating expenses of PEG and directing staff to return on September 10, 2002 recommended.

?Motion extending the negotiating period between the City and any local television station as directed by Council, for the purchase of airtime to broadcast selective municipal programming and directing staff to return on September 10, 2002 recommended.

*City Manager; Renee Ledbetter, 577-5222, [rledbetter@modestogov.com](mailto:rledbetter@modestogov.com)*

**ACTION: Res. No. 2002-359** (Jackman/Frohman; unan.; Fisher, absent) authorizing the City Manager to execute an agreement with Stanislaus County Office of Education (SCOE) to effect the lease of a portion of the basement of the SCOE building located at 1100 H Street, for the purpose of housing a Cable Television Master Control Room

**Res. No. 2002-360** (Jackman/Frohman; unan.; Fisher, absent) authorizing the City Manager to execute a two-year agreement with Final Cut Media for the management of daily operations of a Cable Television Master Control Room for the continued operation of Public-Education-Government (PEG) programming

**Res. No. 2002-361** (Jackman/Frohman; unan.; Fisher, absent) amending the 2001-2002 Annual Budget appropriating a one-time appropriation of \$108,000 from the Cable Franchise settlement to the Communications & Marketing Division for the purchase of new equipment for the PEG Master Control Room

**Res. No. 2002-362** (Jackman/Frohman; unan.; Fisher, absent) amending the 2002-2003 Annual Budget appropriating \$160,000 from the Cable Franchise settlement to the Communications & Marketing Division for a two-year contract with Final Cut Media for the PEG Master Control Room

By Motion (Jackman/Frohman; unan.; Fisher, absent) continued staff's report of a possible Joint Powers Authority for a public access studio in any available and/or reasonable space in Tenth Street Place to September 10, 2002

By Motion (Jackman/Frohman; unan.; Fisher, absent) extended the negotiating period between the City and Stanislaus County, Modesto Junior College and the Stanislaus County Office of Education (Partners) to share in the annual operating expenses of PEG and directing staff to return on September 10, 2002

By Motion (Jackman/Frohman; unan.; Fisher, absent) extended the negotiating period between the City and any local television station as directed by Council, for the purchase of airtime to broadcast selective municipal programming and directing staff to return on September 10, 2002

*Mayor Sabatino absent due to Conflict of Interest*

24. Consider awarding contract for professional services to Wallace, Roberts and Todd (WRT) for the 9<sup>th</sup>/10<sup>th</sup> Street Renovation and Modesto Downtown Visioning Concept Master Plan pursuant to the Project Scope and budget of \$314,995, and authorizing the City Manager to execute necessary documents; and Consider amending the budget to appropriate the funds for this project.

?? Resolution awarding contract for professional services to Wallace, Roberts and Todd (WRT) for the 9<sup>th</sup>/10<sup>th</sup> Street Renovation and Modesto Downtown Visioning Concept Master Plan pursuant to the Project Scope and budget of \$314,995, and authorizing the City Manager to execute necessary documents recommended.

?? Resolution amending the budget to appropriate the funds for this project.

*Community & Economic Development; Linda Boston, 571-5179; [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; majority; Sabatino, absent) continued item to September.

***Councilmember Keating left the meeting at 11:30 p.m.***



25. Consider Charter amendment changing regular Municipal Election date.
- ? Resolution calling for a special election to be held on November 5, 2002 for the purposes of submitting to the voters an amendment to the Modesto City Charter changing the regular municipal election date from November of odd-numbered years to (a date to be determined) of odd-numbered years and the runoff election date from December of odd-numbered years to November of odd-numbered years.
  - ? Resolution directing the City Clerk to transmit a copy of the proposed Charter amendment to the City Attorney for the purpose of preparing an impartial analysis.
  - ? Resolution authorizing members of the City Council to file written arguments in favor of or in opposition to the proposed Charter amendment.
- Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com) OR  
City Clerk; Jean Zahr, 577-5396, [jzahr@modestogov.com](mailto:jzahr@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.; Keating, absent) directed City Clerk to explore an outside contract to conduct the City's Run Off election in the event the County declines the City's request to conduct the Run Off.

26. Consider approving contracts with Goodwin Consulting Group Inc. to update and provide further iterations of the Village One Infrastructure Funding Plan, serve as special tax consultant in the formation of a new Community Facilities District (CFD) and provide assistance in the establishment of a tracking mechanism for the new CFD; and to amend the Village One Financing Plan and the Village One Facilities Master Plan.
- ?? Resolution approving a contract with Goodwin Consulting Group Inc. to update and provide further iterations of the Village One Infrastructure Funding Plan, serve as special tax consultant in the formation of a new Community Facilities District (CFD) and provide assistance in the establishment of a tracking mechanism for the new CFD recommended.
  - ?? Resolution approving a contract with Goodwin Consulting Group Inc. to amend the Village One Financing Plan and the Village One Facilities Master Plan recommended.
- City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-363** (Conrad/Fisher; unan.) approving a contract with Goodwin Consulting Group Inc. to update and provide further iterations of the Village One Infrastructure Funding Plan, serve as special tax consultant in the formation of a new Community Facilities District (CFD) and provide assistance in the establishment of a tracking mechanism for the new CFD

**Res. No. 2002-364** (Conrad/Fisher; unan.) approving a contract with Goodwin Consulting Group Inc. to amend the Village One Financing Plan and the Village One Facilities Master Plan

## HEARINGS

27. Hearing to consider approving the original proposed TRRP use and fee policy, with the revision relating to the percentages of event gross revenue for fundraisers and rescinding Resolution No. 99-236; and Consider directing staff to notify all Tuolumne River regional Park facility users who were charged incorrect rental fees since July 1, 1999 and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park.

?? Resolution approving the original proposed TRRP use and fee policy, with the revision relating to the percentages of event gross revenue for fundraisers and rescinding Resolution No. 99-236 recommended.

?? Resolution directing staff to notify all Tuolumne River Regional Park facility users who were charged incorrect rental fees since July 1, 1999 and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park recommended.

*Parks, Recreation & Neighborhoods; Linda McDermott, 571-5863, [lmcdermott@modestogov.com](mailto:lmcdermott@modestogov.com)*

**ACTION:** By Motion (Jackman/Conrad; unan.; Keating, absent) item was continued to the August 8, 2002 meeting.

### NEW BUSINESS

28. Consider opposing the proposed Fink Road Landfill Expansion.

?Resolution stating the City's opposition to the proposed Fink Road Landfill Expansion recommended.

*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Res. No. 2002-365** (Frohman/Fisher; unan) stating the City's opposition to the proposed Fink Road Landfill Expansion.

- 28A. Consider adopting a resolution to direct staff to arrange the most reasonable airfare and accommodations using funds already approved in the budget for representatives of the City to travel to Stuttgart, Germany from October 2<sup>nd</sup> to October 7<sup>th</sup>, 2002, to attend the Annual Nations in Bloom Conference and make the required presentations before the judging panels.

?? Resolution directing staff to arrange the most reasonable airfare and accommodations using funds already approved in the budget for representatives of the City to travel to Stuttgart, Germany from October 2<sup>nd</sup> to October 7<sup>th</sup>, 2002 recommended.

*Operations & Maintenance; Peter Cowles; 342-2280; [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION:** Item was continued to the August 8, 2002 meeting.



## MISCELLANEOUS

### Appointments

29. Consider appointing Joe Gardella and Garrad Marsh to fill the two Planning Commission vacancies, with Louis Levin as an alternate for the next vacancy.

?Resolution appointing Joe Gardella and Garrad Marsh to fill the two Planning Commission vacancies, with Louis Levin as an alternate for the next vacancy recommended.

*City Manager; George Britton, 577-5404, gbritton@modestogov.com*

**ACTION: Res. No. 2002-366** (Conrad/Fisher; majority; Frohman, no; Keating, absent) appointing Joe Gardella and Garrad Marsh to fill the two Planning Commission vacancies, with Louis Levin as an alternate for the next vacancy.

30. Consider appointing John De Angelis, Brad Hawn, and Patricia Casey Gillum to fill the three Board of Zoning Adjustment vacancies, with Carol Quinlin as an alternate for the next vacancy.

?Resolution appointing John De Angelis, Brad Hawn, and Patricia Casey Gillum to fill the three Board of Zoning Adjustment vacancies, with Carol Quinlin as an alternate for the next vacancy recommended.

*City Manager; George Britton, 577-5404, gbritton@modestogov.com*

**ACTION: Res. No. 2002-367** (Conrad/Fisher; majority; Frohman, no; Keating, absent) appointing John De Angelis, Brad Hawn, and Patricia Casey Gillum to fill the three Board of Zoning Adjustment vacancies, with Carol Quinlin as an alternate for the next vacancy.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 11:55 p.m.

## CLOSED SESSION

*The following Closed Session Items were heard prior to the City Council meeting.*

### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property located Southeast of the intersection of Coffee Road and Scenic Drive abutting Dry Creek

APN Nos: 034-15-01 and 034-18-03

Negotiating parties: Jim Niskanen – Parks, Recreation & Neighborhoods Director for  
the City of Modesto

Dano Construction Inc. - Owner

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the  
Government Code: One case

Facts and Circumstances: The Council will consider potential terms of an agreement with  
the Hilton Corporation to operate the Ninth Street Garage. There is currently a dispute with  
Hilton for an alleged breach of contract stemming from the use of the Ninth Street Garage  
by City and County employees.

**MINUTES**  
**Thursday, August 8, 2002, at 5:30 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

*Absent: None*

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements: Item 23—removed at the request of the City Attorney

Declaration of Conflicts of Interest: None

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of Certificate of Recognition to David Paladini, the volunteer Student Reporter for the City Pride-City Wide Utility Insert.

**ACTION:** Renee Ledbetter introduced David Paladini, student writer for the City of Modesto.  
Mayor Sabatino presented certificate of recognition to David.

?? Rob Stout introduced Greg Baird as the new Deputy Director of Finance.

## ORAL COMMUNICATIONS

- ?? Dale Williams commented on the disabled discount card for Modesto Area Express.
  - o This item was referred to staff.
- ?? Alison Boucher commented on the 100' buffer zone for habitat near the Tuolumne River and requested the City Attorney to review this issue.
- ?? Captain Dave Young gave a report on Sgt. Steve May's condition from a vehicle accident.
- ?? City Clerk Zahr read a letter from County Clerk Recorder regarding the County declining to conduct the City's run-off election. This item will return to the Council at a September Council meeting.

## COUNCIL COMMENTS & REPORTS

2. At the request of Councilmember Keating, consider a resolution supporting "under God" in the Pledge of Allegiance.

**ACTION: Res. No. 2002-368** (Sabatino/Fisher; unan.) supporting no change in wording to the Pledge of Allegiance with copies sent to Senators Boxer and Feinstein and the Judges of the 9<sup>th</sup> Circuit Court of Appeals.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3, 4, 6-10, 12-14  
*Items 5 & 11 removed from Consent*

**ACTION ITEMS 3-4, 6-10, 12-14: Sabatino/Fisher; unan.**

**ACTION Item 5: Conrad/Fisher; majority; Frohman, no**

**ACTION Item 11: Fisher/Frohman; unan.; Conrad, absent**

## CONSENT ITEMS

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

## CONSENT

3. Approval of the minutes of the regular City Council meeting of July 23, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Sabatino/Fisher; unan.) approved the minutes of July 23, 2002.

CONSENT

4. Consider an agreement with Yosemite Community College District and an agreement with Modesto Junior College to participate in the subsidized Federal Work-Study Program and in the CalWORKS Work Study Program.

?? Resolution approving an agreement with Yosemite Community College District and an agreement with Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 2002-2003 program year recommended.

?? Resolution approving an agreement with Yosemite Community College District and an agreement with Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 2002-2003 program year recommended.

*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Res. No. 2002-369** (Sabatino/Fisher; unan.) approving an agreement with Yosemite Community College District and an agreement with Modesto Junior College to participate in the subsidized Federal Work-Study Program for the 2002-2003 program year.

**Res. No. 2002-370** (Sabatino/Fisher; unan.) approving an agreement with Yosemite Community College District and an agreement with Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 2002-2003 program year.

REMOVED FROM CONSENT

5. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #9) and adopt findings that (1) this activity is within the scopes of the program approved earlier and (2) that the program EIR adequately describes the activity for the purposes of CEQA.

?? Resolution of Intention to annex territory to the Village One Community Facilities District No. 1996-1 (Annexation #9) recommended.

?? Resolution adopting findings that (1) this activity is within the scopes of the program approved earlier and (2) that the program EIR adequately describes the activity for the purposes of CEQA recommended.

*City Manager; George Britton, 577-5440, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-371** (Conrad/Fisher; majority; Frohman, no), a Resolution of Intention to annex territory to the Village One Community Facilities District No. 1996-1 (Annexation #9).

**Res. No. 2002-372** (Conrad/Fisher; majority; Frohman, no) adopting findings that (1) this activity is within the scopes of the program approved earlier and (2) that the program EIR adequately describes the activity for the purposes of CEQA

CONSENT

6. Consider authorizing the City Manager to enter into an agreement with Pathways Research to take possession of 21 Neighborhood Electric Vehicles for evaluation over a one-year period.

?? Resolution authorizing the City Manager to enter into an agreement with Pathways Research to take possession of 21 Neighborhood Electric Vehicles for evaluation over a one-year period recommended.

*Operations & Maintenance; Peter Cowles, 342-2280, [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Res. No. 2002-373** (Sabatino/Fisher; unan.) authorizing the City Manager to enter into an agreement with Pathways Research to take possession of 21 Neighborhood Electric Vehicles for evaluation over a one-year period.

#### CONSENT

7. Consider award of professional services contract for documentation of street projects to Omni Means Ltd. for the amount of \$251,115, and Consider authorizing an appropriation in the amount of \$251,115.

?? Resolution awarding a professional services contract for documentation of street projects to Omni Means Ltd. for the amount of \$251,115 recommended.

?? Resolution authorizing an appropriation in the amount of \$251,115 recommended.  
*Finance Dept/Engineering & Transportation; Rob Stout, 577-5370, [rstout@modestogov.com](mailto:rstout@modestogov.com)  
Or Glen Lewis, 577-5215, [glewis@modestogov.com](mailto:glewis@modestogov.com)*

**ACTION: Res. No. 2002-374**(Sabatino/Fisher; unan.) awarding a professional services contract for documentation of street projects to Omni Means Ltd. for the amount of \$251,115.

**Res. No. 2002-375** (Sabatino/Fisher; unan.) authorizing an appropriation in the amount of \$251,115.

#### CONSENT

8. Consider approving withdrawal of funds from Authority for California Cities Excess (ACCEL) to pay 2002-2003 premiums in the amount of \$355,867 and leave on deposit retrospective refund of \$713,840.

?? Resolution approving withdrawal of funds from ACCEL to pay 2002-2003 premiums in the amount of \$355,867 and leave on deposit retrospective refund of \$713,840 recommended.

*Personnel; Ben Bankard, 577-5446, [bbankard@modestogov.com](mailto:bbankard@modestogov.com)*

**ACTION: Res. No. 2002-376** (Sabatino/Fisher; unan.) approving withdrawal of funds from ACCEL to pay 2002-2003 premiums in the amount of \$355,867 and leave on deposit retrospective refund of \$713,840.

#### CONSENT

9. Consider authorizing the City Manager to execute an amendment to the Crime Prevention Act 2000 (renamed the Juvenile Justice Crime Prevention Act) agreement to participate in the Stanislaus Probation Departments' High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2002/2003.

?? Resolution authorizing the City Manager to execute an amendment to the Crime Prevention Act 2000 (renamed the Juvenile Justice Crime Prevention Act) agreement to

participate in the Stanislaus Probation Departments' High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2002/2003 recommended.

*Police; David Young, 572-9690, [youngd@modestopd.com](mailto:youngd@modestopd.com)*

**ACTION: Res. No. 2002-377** (Sabatino/Fisher; unan.) authorizing the City Manager to execute an amendment to the Crime Prevention Act 2000 (renamed the Juvenile Justice Crime Prevention Act) agreement to participate in the Stanislaus Probation Departments' High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2002/2003.

#### CONSENT

10. Consider authorizing staff to negotiate a lease agreement and authorizing the City Manager to sign the agreement on behalf of the City for the Convention and Visitors Bureau.

?? Resolution authorizing staff to negotiate a lease agreement and authorizing the City Manager to sign the agreement on behalf of the City for the Convention and Visitors Bureau recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-378** (Sabatino/Fisher; unan.) authorizing staff to negotiate a lease agreement and authorizing the City Manager to sign the agreement on behalf of the City for the Convention and Visitors Bureau.

#### REMOVED FROM CONSENT

11. Consider awarding a contract for the project titled "2001-2002 Pavement Maintenance – West Orangeburg from Martin Avenue to McHenry Avenue" in accordance with Section 1307 of the Charter of the City of Modesto.

?? Resolution awarding a contract for the project titled "2001-2002 Pavement Maintenance – West Orangeburg from Martin Avenue to McHenry Avenue" in accordance with Section 1307 of the Charter of the City of Modesto recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-379** (Fisher/Frohman; unan.; Conrad, absent) awarding a contract for the project titled "2001-2002 Pavement Maintenance – West Orangeburg from Martin Avenue to McHenry Avenue" in accordance with Section 1307 of the Charter of the City of Modesto.

#### CONSENT

12. Consider accepting the improvements for The Renaissance subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: S&S Ventures, a California Limited Partnership).

?? Resolution accepting the improvements for The Renaissance subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-380** (Sabatino/Fisher; unan.) accepting the improvements for The Renaissance subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

13. Consider approving the final map of Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement with the subdividers (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, Partner).

?? Resolution approving the final map of Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-381** (Sabatino/Fisher; unan.) approving the final map of Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

14. Consider approving the final map of Orleans Estates Unit No. 2 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement with the subdividers (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, Partner).

?? Resolution approving the final map of Orleans Estates Unit No. 2 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

**ACTION: Res. No. 2002-382** (Sabatino/Fisher; unan.) approving the final map of Orleans Estates Unit No. 2 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

**WRITTEN COMMUNICATIONS**

15. Letter from Carl Jeverter regarding mil tax charges against rental properties.

**ACTION:** Refer to Finance Committee on August 26, 2002.



## HEARINGS

*Continued from 7/23/02*

16. Hearing to consider approving the original proposed TRRP use and fee policy, with the revision relating to the percentages of event gross revenue for fundraisers and rescinding Resolution No. 99-236; and Consider directing staff to notify all Tuolumne River regional Park facility users who were charged incorrect rental fees since July 1, 1999 and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park.

- ?? Resolution approving the original proposed TRRP use and fee policy, with the revision relating to the percentages of event gross revenue for fundraisers and rescinding Resolution No. 99-236 recommended.
- ?? Resolution directing staff to notify all Tuolumne River Regional Park facility users who were charged incorrect rental fees since July 1, 1999 and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park recommended.

*Parks, Recreation & Neighborhoods; Linda McDermott, 571-5863, [lmcdermott@modestogov.com](mailto:lmcdermott@modestogov.com)*

**ACTION: Res. No. 2002-383** (Jackman/O'Bryant; unan.) approving the original proposed TRRP use and fee policy, with the revision relating to the percentages of event gross revenue for fundraisers and rescinding Resolution No. 99-236.

**Res. No. 2002-384** (Jackman/O'Bryant; unan.) directing staff to notify all Tuolumne River Regional Park facility users who were charged incorrect rental fees since July 1, 1999 and provide them with information on how they can file a claim with the City for reimbursement of these rental fee overcharges or have their overcharges contributed to development of the Regional Park with a 60 day time limit to file the claim for reimbursement.

17. Hearing to consider approving the Design Development Report, and Master Plan included therein, for Ustach Neighborhood Park, and Consider finding that the Ustach Park Project is consistent with the Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181).

- ?? Resolution approving the Design Development Report, and Master Plan included therein, for Ustach Neighborhood Park recommended.
- ?? Resolution finding that the Ustach Park Project is within the scope of the previously certified Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181) and the Village I Specific Plan Program EIR as amended by the Supplemental EIR adequately describes the activity for the purposes of CEQA recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526, [nhoux@modestogov.com](mailto:nhoux@modestogov.com)*

**ACTION: Res. No. 2002-385** (Jackman/Fisher; unan.) approving the Design Development Report, and Master Plan included therein, for Ustach Neighborhood Park.

**Res. No. 2002-386** (Jackman/Fisher; unan.) finding that the Ustach Park Project is within the scope of the previously certified Village One Specific Plan Program EIR as modified by the Supplemental EIR (SCH No. 90020181) and the Village I Specific Plan Program EIR as amended by the Supplemental EIR adequately describes the activity for the purposes of CEQA.

## NEW BUSINESS

*Continued from 7/23/02*

18. Consider adopting a resolution to direct staff to arrange the most reasonable airfare and accommodations using funds already approved in the budget for representatives of the City to travel to Stuttgart, Germany from October 2<sup>nd</sup> to October 7<sup>th</sup>, 2002, to attend the Annual Nations in Bloom Conference and make the required presentations before the judging panels.

??Resolution directing staff to arrange the most reasonable airfare and accommodations using funds already approved in the budget for representatives of the City to travel to Stuttgart, Germany from October 2<sup>nd</sup> to October 7<sup>th</sup>, 2002 recommended.

*Operations & Maintenance; Peter Cowles; 342-2280; [pcowles@modestogov.com](mailto:pcowles@modestogov.com)*

**ACTION: Res. No. 2002-387** (Fisher/Frohman; majority; Conrad, Jackman, O'Bryant, no) directing staff to arrange the most reasonable airfare and accommodations using funds already approved in the budget for representatives of the City to travel to Stuttgart, Germany from October 2<sup>nd</sup> to October 7<sup>th</sup>, 2002, sending the Mayor as the City's representative with Councilmember Jackman as the alternate. The City will find airfare and hotel accommodations and any donations received will be used for the preparation of the presentation.

19. Consider staff report on the disposal capacity of the City's Water Quality Control Secondary Treatment Facility located on Jennings Road.

?? Resolution accepting staff report and directing staff to continue evaluation of impacts during dry year recommended.

*Operations & Maintenance; Robert Howard, 577-6224, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Res. No. 2002-388** (Frohman/Fisher; unan.) accepting staff report and directing staff to continue evaluation of impacts during dry year, with Staff also directed to conduct research for the short and long term solutions including advanced treatment, regionalization and examination of water rights.

20. Consider the Waste-to-Energy project and potential future options for increased diversion and energy production and response to allegations made by the County at their July 30 Board of Supervisors meeting.

??Resolution acknowledging receipt of report and directing staff to proceed with development of a proposal for a commercial food waste-composting program recommended.

?Resolution approving a feasibility study for a regional wastewater treatment facility to include an assessment of the potential of using methane from anaerobic digestion of manure/biosolids to provide electricity for tertiary treatment of wastewater recommended.

*Engineering & Transportation; Jocelyn Reed, 577-5494, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Res. No. 2002-389** (Frohman/Fisher; unan.) acknowledging receipt of report and directing staff to proceed with development of a proposal for a commercial food waste-composting program.

**Res. No. 2002-390** (Frohman/Fisher; unan.) approving a feasibility study for a regional wastewater treatment facility to include an assessment of the potential of using methane from anaerobic digestion of manure/biosolids to provide electricity for tertiary treatment of wastewater.

21. Consider amending the City's Cellular Phone Policy and, Consider authorizing reimbursement to former City Councilmember Mike Serpa for City business-related cellular phone calls on his personal cellular phone for the period June 2000 to February 2002 in the amount of \$1,370.66.

?Resolution amending existing Council policy for use of cellular phones, to allow City Councilmembers to use their personal cell phones on City business and receive reimbursement; or receive a Technology Allowance recommended.

?Resolution authorizing reimbursement to former City Councilmember Mike Serpa for City business-related cellular phone calls on his personal cell phone for the period June 2000 to February 2002 in the amount of \$1,370.66 recommended.

*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION: Res. No. 2002-391** (Fisher/Conrad; majority; Keating, no) amending existing Council policy for use of cellular phones, to allow City Councilmembers to use their personal cell phones on City business and receive reimbursement; or receive a Technology Allowance.

**Res. No. 2002-392** (Fisher/Conrad; majority; Keating, no) authorizing reimbursement to former City Councilmember Mike Serpa for City business-related cellular phone calls on his personal cell phone for the period June 2000 to February 2002 in the amount of \$1,370.66.

22. Consider introduction of an ordinance amending the Business License sections of the Modesto Municipal Code (Sections 6-1.101 through 6-1.135) and adding Administrative Provisions Section 6.1-401 through 6.1-440.

?Introduction of an ordinance amending the Business License sections of the Modesto Municipal Code (Sections 6-1.101 through 6-1.135) and adding Administrative Provisions Section 6.1-401 through 6.1-440 recommended.

*Finance; Cheryl Detmar, 571-5174, [cdetmar@modestogov.com](mailto:cdetmar@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3266–C.S.** amending the Business License sections of the Modesto Municipal Code (Sections 6-1.101 through 6-1.135) and adding Administrative Provisions Section 6.1-401 through 6.1-440

REMOVED FROM THE AGENDA

23. Consider an ordinance adding Chapter 10 entitled “Conflict Disclosure” to Title 2 of the Modesto Municipal Code.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** Removed from the Agenda.

*Mayor Sabatino absent due to conflict of interest.*

24. Consider the sale of a 44-space parking lot at the corner of 12<sup>th</sup> and I Streets to Stanislaus County for future construction of the “Renaissance Project” for a sales price of \$245,000.

?Resolution approving an agreement with Stanislaus County for the sale of a 44-space parking lot at the southeast corner of 12<sup>th</sup> & I Streets for the appraised price of \$245,000, and authorizing the City Manager to execute the sales agreement and all related escrow documents recommended.

*Economic & Community Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-393** (Fisher/Frohman; unan.; Sabatino, absent) approving an agreement with Stanislaus County for the sale of a 44-space parking lot at the southeast corner of 12<sup>th</sup> & I Streets for the appraised price of \$245,000, and authorizing the City Manager to execute the sales agreement and all related escrow documents.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:10 p.m.

# MINUTES

## Tuesday, August 27, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Evangelist Jerry Smith, Women of Faith Ministry

City Clerk’s Announcements: *Clerical error on project name for Item 11 amended.*  
*Clerical error on application amount for Item 27 amended.*

Declaration of Conflicts of Interest: *None*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation designating September 2002 as Suicide Prevention Awareness Month.

**ACTION:** Mayor Sabatino presented proclamation.

2. Presentation by the Operations & Maintenance Director about the second phase of the Airport Way Beautification Project being held on October 19 and October 26, 2002.

**ACTION:** Presentation made by Peter Cowles, Director of Operations & Maintenance.

### ORAL COMMUNICATIONS

- ?? Joan Ruttschow requested clarification on items 9 & 17 and commented on the improvement in traffic signal timing.
- ?? Richard Jacobs requested Item 10 be removed from Consent.
- ?? Vice Mayor Conrad requested a closed session regarding a storm drain easement for Village One at the September 3<sup>rd</sup> Council meeting, an item for written communications regarding timeline for the storm drain build out in Village One for the September 3<sup>rd</sup> Council meeting and an item regarding the Westland project on the September 10<sup>th</sup> meeting.

### COUNCIL COMMENTS & REPORTS

- ?? Mayor Sabatino commented on the Modesto Bee article regarding petty politics.

3. At the request of Councilmember Jackman consider submitting the Direct Growth Initiative to the voters at the next regular municipal election. Adopt three resolutions: (1) A resolution submitting the Direct Growth Initiative to the qualified electors of the City of Modesto (at the next regular municipal election). (2) A resolution directing the City Clerk to transmit a copy of the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure. (3) A resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County.

**ACTION: Res. No. 2002-394** (Jackman/Frohman; Conrad, Keating & O'Bryant, no) submitting the Direct Growth Initiative to the qualified electors of the City of Modesto (at the next regular municipal election).

**Res. No. 2002-395** (Jackman/Frohman; Conrad, Keating & O'Bryant, no) directing the City Clerk to transmit a copy of the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County to the City Attorney for the purpose of preparing an impartial analysis of said measure.

**Res. No. 2002-396** (Jackman/Frohman; Conrad, Keating & O'Bryant, no) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure proposing to advise the Stanislaus County Board of Supervisors to direct urban development into the incorporated cities of Stanislaus County.

4. At the request of Vice Mayor Conrad, discussion of road improvement initiative and measure.

**ACTION:** Presentation made by Vice Mayor Conrad. No action taken.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 5-8, 11-13, & 18-24  
*Items 9, 10, & 14-17 removed from Consent*

*ACTION Items 5-8, 11-13, & 18-24: Frohman/Conrad; unan.*

**ACTION Item 9: Frohman/Jackman; unan.**

**ACTION Item 10: Fisher/Conrad; unan; continued item to September 10, 2002.**

**ACTION Item 14: Fisher/Frohman; majority; Jackman, no**

**ACTION Item 15: Fisher/Frohman; majority; Jackman, no**

**ACTION Item 16: Jackman/Fisher; unan.; Conrad, absent**

**ACTION Item 17: Fisher/Frohman; unan.**

#### **CONSENT ITEMS**

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

#### **CONSENT**

6. Approval of the minutes of the special City Council meeting of August 8, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the minutes of August 8, 2002.

#### **CONSENT**

7. Final adoption of Ordinance 3266-C.S. an ordinance amending Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code and adding Article 4 thereto relating to administrative and procedural provisions.
- ?? Motion approving final adoption Ordinance 3266-C.S. an ordinance amending Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code and adding Article 4 thereto relating to administrative and procedural provisions recommended.

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the **final adoption of Ordinance 3266-C.S.** amending Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code and adding Article 4 thereto relating to administrative and procedural provisions.

CONSENT

8. Consider Annual Levy and Collection of Assessments.

?? Resolution authorizing Stanislaus County to levy and collect assessments for Improvement District #28 – Sewer Improvements recommended.

?? Resolution authorizing Stanislaus County to levy and collect assessments for Improvement District #29 – Street and Water System Improvements recommended.

?? Resolution authorizing Stanislaus County to levy and collect assessments for Improvement District #6 – Street and Water System Improvements recommended.

?? Resolution authorizing Stanislaus County to levy and collect assessments for Alley and Sidewalk construction recommended.

*Finance; Belinda Duerksen, 577-5376, [bduerksen@modestogov.com](mailto:bduerksen@modestogov.com)*

**ACTION: Res. No. 2002-397** (Frohman/Conrad; unan.) authorizing Stanislaus County to levy and collect assessments for Improvement District #28 – Sewer Improvements.

**Res. No. 2002-398** (Frohman/Conrad; unan.) authorizing Stanislaus County to levy and collect assessments for Improvement District #29 – Street and Water System Improvements.

**Res. No. 2002-399** (Frohman/Conrad; unan.) authorizing Stanislaus County to levy and collect assessments for Improvement District #6 – Street and Water System Improvements.

**Res. No. 2002-400** (Frohman/Conrad; unan.) authorizing Stanislaus County to levy and collect assessments for Alley and Sidewalk construction.

*Removed from Consent*

9. Consider authorizing the Purchasing Officer to formally solicit bids for a three-year agreement to purchase soft start starters for City of Modesto drinking water wells. Estimated annual cost is \$50,000. Funds are budgeted.

?? Resolution authorizing the Purchasing Officer to formally solicit bids for a three-contract to provide soft start starters for an estimated annual cost of \$50,000 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Res. No. 2002-401** (Frohman/Jackman; unan.) authorizing the Purchasing Officer to formally solicit bids for a three-contract to provide soft start starters for an estimated annual cost of \$50,000.

*Removed from Consent*

10. Consider authorizing the award of water quality testing services to various vendors for a combined estimated annual amount of \$350,000 for a period of three years. Funds are budgeted.



?? Resolution authorizing the award of water quality testing services to: BSK Labs; Sequoia Analytical; FGL Environmental; GeoAnalytical Laboratories Inc; and JL Analytical Services for a combined estimated annual amount of \$350,000 for a period of three years recommended.

*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) continued item to September 10, 2002.

CONSENT

11. Consider awarding a \$59,822.76 contract to Barham Inc. for 2 parks, "Eisenhut and Aqueduct 2002 Park Restroom Construction" project. Funds are budgeted.

?? Resolution awarding a \$59,822.76 contract to Barham Inc. for 2 parks, "Eisenhut and Aqueduct 2002 Park Restroom Construction" project recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-403** (Frohman/Conrad; unan.) awarding a \$59,822.76 contract to Barham Inc. for 2 parks, "Eisenhut and Aqueduct 2002 Park Restroom Construction" project.

CONSENT

12. Consider awarding a \$102,669 contract to Teichert Construction for the project titled "Coffee Claratina Park Road Improvements". Funds are budgeted.

?? Resolution awarding a \$102,669 contract to Teichert Construction for the project titled "Coffee Claratina Park Road Improvements" recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-404** (Frohman/Conrad; unan.) awarding a \$102,669 contract to Teichert Construction for the project titled "Coffee Claratina Park Road Improvements".

CONSENT

13. Consider accepting the improvements for Sundance Lake Unit No. 2 subdivision, in the Village One Specific Plan Area, and authorizing the City Clerk to final Notice of Completion and to release securities upon expiration of statutory periods.

?? Resolution accepting the improvements for Sundance Lake Unit No. 2 subdivision, in the Village One Specific Plan Area and authorizing the City Clerk to final Notice of Completion and to release securities upon expiration of statutory periods. Owners: Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, and Joseph Darwin Colby, trustee of the Joseph Darwin Colby Trust dated April 1, 1994 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-405** (Frohman/Conrad; unan.) accepting the improvements for Sundance Lake Unit No. 2 subdivision, in the Village One Specific Plan Area and authorizing the City Clerk to final Notice of Completion and to release securities upon expiration of statutory periods. Owners: Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, and Joseph Darwin Colby, trustee of the Joseph Darwin Colby Trust dated April 1, 1994

*Removed from Consent*

14. Consider accepting the improvements for Claratina Estates subdivision in the Coffee Claratina Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.
- ?? Resolution accepting the improvements for Claratina Estates subdivision in the Coffee Claratina Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended. Owners: Florsheim Bros., a California General Partnership, by its general partner, Florsheim Properties, a California Corporation.
- Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-406** (Fisher/Frohman; majority; Jackman, no) accepting the improvements for Claratina Estates subdivision in the Coffee Claratina Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended. Owners: Florsheim Bros., a California General Partnership, by its general partner, Florsheim Properties, a California Corporation.

*Removed from Consent*

15. Consider accepting the improvements for Monterey Bay Unit No. 1 subdivision in the Carver-Bangs Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owners: Bright Development, a California Corporation.
- ?? Resolution accepting the improvements for Monterey Bay Unit No. 1 subdivision in the Carver-Bangs Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.
- Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-407** (Fisher/Frohman; majority; Jackman, no) accepting the improvements for Monterey Bay Unit No. 1 subdivision in the Carver-Bangs Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

*Removed from Consent. Conrad absent due to conflict of interest.*

16. Consider awarding a professional services agreement to Stantec Consulting Inc. for development of a Citywide Comprehensive Storm Drainage Master Plan for a not to exceed amount of \$422,170. Funds are budgeted.

?? Resolution awarding a professional services agreement to Stantec Consulting Inc. for development of a Citywide Comprehensive Storm Drainage Master Plan for a not to exceed amount of \$422,170, and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Res. No. 2002-408** (Jackman/Fisher; unan.; Conrad, absent) awarding a professional services agreement to Stantec Consulting Inc. for development of a Citywide Comprehensive Storm Drainage Master Plan for a not to exceed amount of \$422,170, and authorizing the City Manager to execute the agreement.

*Removed from Consent*

17. Consider awarding a professional services agreement to CH2M Hill to conduct a vulnerability assessment of the City's water system facilities for a not to exceed amount of \$115,000. Funds are budgeted through a United States Environmental Protection Agency grant.

?? Resolution accepting the United States Environmental Protection Agency (U.S. EPA) grant for preparation of a Vulnerability Assessment.

?? Resolution awarding an agreement to CH2M Hill for professional services to prepare a Vulnerability Assessment of the City's water system facilities for a not to exceed amount of \$115,000, and authorize the City Manager to execute the agreement recommended.

?? Resolution amending the operational budget for revenue from the U.S. EPA, and to increase the appropriated consulting expense to implement a vulnerability assessment of the City's water system recommended.

*Engineering & Transportation; Jack Bond, 577-5424, [jbond@modestogov.com](mailto:jbond@modestogov.com)*

**ACTION: Res. No. 2002-409** (Fisher/Frohman; unan.) accepting the United States Environmental Protection Agency (U.S. EPA) grant for preparation of a Vulnerability Assessment.

**Res. No. 2002-410** (Fisher/Frohman; unan.) awarding an agreement to CH2M Hill for professional services to prepare a Vulnerability Assessment of the City's water system facilities for a not to exceed amount of \$115,000, and authorize the City Manager to execute the agreement.

**Res. No. 2002-411** (Fisher/Frohman; unan.) amending the operational budget for revenue from the U.S. EPA, and to increase the appropriated consulting expense to implement a vulnerability assessment of the City's water system.

CONSENT

18. Consider approving a change order in the amount of \$24,901.80 with On Grade Contracting for the excavation of the Village One Central Basin on Merle Avenue and authorizing the District Administrator to execute said change order.

?? Resolution approving a change order in the amount of \$24,901.80 with On Grade Contracting for the excavation of the Village One Central Basin on Merle Avenue and authorizing the District Administrator to execute necessary documents recommended.  
*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-412** (Frohman/Conrad; unan.) approving a change order in the amount of \$24,901.80 with On Grade Contracting for the excavation of the Village One Central Basin on Merle Avenue and authorizing the District Administrator to execute necessary documents.

#### CONSENT

19. Consider authorizing the CFD District Administrator to negotiate and execute contracts with Pacific Union Homes for the excavation of the West Basin and for installation of certain storm drainage infrastructure in Village One in the estimated amount of \$700,000 to \$775,000; and Consider adopting findings that this activity is within the scope of the program approved earlier and that the program EIR adequately describes the activity for the purposes of CEQA.

?? Resolution authorizing the CFD District Administrator to execute contracts with Pacific Union Homes for the excavation of the West Basin and for installation of certain storm drainage infrastructure in Village One for an estimated \$700,000 to \$775,000 recommended.

?? Resolution adopting findings that this activity is within the scope of the program approved earlier and that the program EIR adequately describes the activity for the purposes of CEQA recommended.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-413** (Frohman/Conrad; unan.) authorizing the CFD District Administrator to execute contracts with Pacific Union Homes for the excavation of the West Basin and for installation of certain storm drainage infrastructure in Village One for an estimated \$700,000 to \$775,000.

**Res. No. 2002-414** (Frohman/Conrad; unan.) adopting findings that this activity is within the scope of the program approved earlier and that the program EIR adequately describes the activity for the purposes of CEQA

#### CONSENT

20. Consider authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus for a total cost not to exceed \$348,706.76; and Consider declaring surplus property and authorizing the sale of a 1977 Van Pelt fire engine. Funds are budgeted.

?? Resolution authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus for a total cost not to exceed \$348,706.76 recommended.

?? Resolution declaring surplus property and authorizing the sale of a 1977 Van Pelt fire engine recommended.

*Fire; Lori Martinez, 577-5420, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-415** (Frohman/Conrad; unan.) authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus for a total cost not to exceed \$348,706.76

**Res. No. 2002-416** (Frohman/Conrad; unan.) declaring surplus property and authorizing the sale of a 1977 Van Pelt fire engine.

CONSENT

21. Consider recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor.
- ?? Resolution recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor recommended.

*Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351, [jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION: Res. No. 2002-417** (Frohman/Conrad; unan.) recognizing the Tuolumne River as a regional asset and pledging support to the Tuolumne River Coalition for the enhancement and stewardship of the Tuolumne River corridor.

CONSIDER

22. Consider amending an agreement with Modesto Sister Cities International to reflect a 5% decrease in MSCCI's budget, and authorizing the City Manager to execute the amendment.
- ?? Resolution amending an agreement with Modesto Sister Cities International to reflect a 5% decrease in MSCCI's budget, and authorizing the City Manager to execute the amendment recommended.

*Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, [dconder@modestogov.com](mailto:dconder@modestogov.com)*

**ACTION: Res. No. 2002-418** (Frohman/Conrad; unan.) amending an agreement with Modesto Sister Cities International to reflect a 5% decrease in MSCCI's budget, and authorizing the City Manager to execute the amendment.

CONSIDER

23. Consider approving changes to the Down Payment Assistance Program to require that the loan applicants reside and/or work in the City of Modesto for at least six consecutive months and to tie the sales price limit of homes eligible for the Down Payment Assistance to the FHA mortgage limit.
- ?? Resolution approving changes to the Down Payment Assistance Program to require that the loan applicants reside and/or work in the City of Modesto for at least six consecutive months and to tie the sales price limit of homes eligible for the Down Payment Assistance to the FHA mortgage limit recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-419** (Frohman/Conrad; unan.) approving changes to the Down Payment Assistance Program to require that the loan applicants reside and/or work in the City of Modesto for at least six consecutive months and to tie the sales price limit of homes eligible for the Down Payment Assistance to the FHA mortgage limit.

#### CONSIDER

24. Consider a grant application for \$200,000 in funding from the Federal Recreational Trails Program (RTP) for the construction of a non-motorized trail system in the Tuolumne River Regional Park Gateway Parcel and authorizing the City Manager to execute the application documents.

?? Resolution approving a grant application for \$200,000 in funding from the Federal Recreational Trails Program (RTP) under the Transportation Equity Act for the 21<sup>st</sup> Century, for the construction of a non-motorized trail system in the Tuolumne River Regional Park Gateway Parcel and authorizing the City Manager to execute the application documents recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, [dgould@modestogov.com](mailto:dgould@modestogov.com)*

**ACTION: Res. No. 2002-420** (Frohman/Conrad; unan.) approving a grant application for \$200,000 in funding from the Federal Recreational Trails Program (RTP) under the Transportation Equity Act for the 21<sup>st</sup> Century, for the construction of a non-motorized trail system in the Tuolumne River Regional Park Gateway Parcel and authorizing the City Manager to execute the application documents.

#### WRITTEN COMMUNICATIONS

25. Letter from Dale Gene Williams requesting recognition of Lora Lawrence of the Fire Prevention Unit of the Modesto Fire Department.

**ACTION:** Item was continued to September 3, 2002 under Acknowledgments & Presentations.

#### HEARINGS

26. Hearing to consider the application of Owens Design Consultants to rezone property located on the Southeast corner of Crows Landing Road and Winmoore Way from C-1 to P-D to allow for the development of a “Los Amigos Tire & Wheel” sales and service shop.  
??Introduction of an ordinance approving the rezoning from C-1 to P-D(554) recommended.

??Resolution approving a development plan for P-D(554) recommended.

??Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) **introduced Ordinance No. 3267–C.S.** approving the rezoning from C-1 to P-D(554)



**Res. No. 2002-421** (Fisher/Conrad; unan.) approving a development plan for P-D(554).

**Res. No. 2002-422** (Fisher/Conrad; unan.) finding the requested rezoning within the scope of the General Plan Master EIR.

27. Hearing to consider application for \$4,132,416 of Federal Transit Administration (FTA) funds to partially offset the capital and operating costs of the City's public transit program.  
?? Resolution approving the grant application in the amount of \$4,132,416 of Federal Transit Administration (FTA) funds to partially offset the capital and operating costs of the City's public transit program recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-423** (Frohman/Fisher; unan.) approving the grant application in the amount of \$4,132,416 of Federal Transit Administration (FTA) funds to partially offset the capital and operating costs of the City's public transit program.

### NEW BUSINESS

28. Consider designation of voting delegate (or alternate) for League of California Cities Annual Conference to be held in October.  
??Motion designating voting delegate (or alternate) for League of California Cities Annual Conference to be held in October recommended.

**ACTION:** By Motion (Sabatino/O'Bryant; unan.) designated Councilmember Fisher as a voting delegate for the League of California Cities Annual Conference to be held in October.

29. Consider accepting the Quarterly Strategic Plan Progress Report, and Consider amending the Strategic Plan.  
??Motion acknowledging receipt of report recommended.  
??Resolution amending the Strategic Plan recommended.  
*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** Continued to the Council Workshop on September 28, 2002..

30. Consider granting general public and service truck and vehicle access to the O'Briens Center and approving a hold-harmless and closure provision agreement (Pelendale Access Agreement) between the City of Modesto and O'Brien's Development.  
??Resolution granting general public and service truck and vehicle access to the O'Briens Center and approving a hold-harmless and closure provision agreement (Pelendale Access Agreement) between the City of Modesto and O'Brien's Development recommended.

*Engineering & Transportation; Robert Granberg, 577-5215, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-424** (Fisher/O’Bryant; unan.) granting general public and service truck and vehicle access to the O’Briens Center and approving a hold-harmless and closure provision agreement (Pelandale Access Agreement) between the City of Modesto and O’Brien’s Development.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 8:05 p.m.

### **CLOSED SESSION**

*Closed session heard prior to the Council meeting.*

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: Janra Enterprises, Inc. v. City of Modesto – United States District Court Eastern District of California, Case No. CV-F-97-5384 LJO



**MINUTES**  
**Tuesday, September 3, 2002, at 5:30 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner, Layman

City Clerk’s Announcements: *None*

Declaration of Conflicts of Interest: *Fisher, Item 10*

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

*Item continued from August 27, 2002 meeting*

1. Letter from Dale Gene Williams requesting recognition of Lora Lawrence of the Fire Prevention Unit of the Modesto Fire Department.

**ACTION:** Dale Williams acknowledged Lora Lawrence.

2. Introduction of Modesto’s most recently promoted Police Sergeant, Scott Heller.

**ACTION:** Police Chief Wasden introduced Scott Heller.

3. Presentation Modesto Irrigation District rebate check for the City’s installation of Light Emitting Diodes (LEDs).

**ACTION:** Jack Krieg from MID presented the City Council with the rebate check.

**ORAL COMMUNICATIONS**

None.

**COUNCIL COMMENTS & REPORTS**

4. At the request of Mayor Sabatino, update from staff regarding the demolition of vacant buildings on the south side of Scenic Avenue between Coffee Road and the County Hospital.

**ACTION:** No action taken. Informational item only.

5. At the request of Vice Mayor Conrad, consider directing the City Attorney to draft an ordinance to more fully disclose campaign contributions similar to the Stanislaus County disclosure ordinance.

**ACTION:** By Order of the Chair, this item, along with term limits for City Council, was referred to Safety and Communities Committee.

6. At the request of Vice Mayor Conrad, consider establishing a time line for the storm drain build-out in Village One.

**ACTION:** No action taken. Informational item only. Councilmember Conrad requested the mill tax for the Independent Physicians Association be placed on the September 23, 2002 Finance Committee meeting.

?? Mayor Sabatino announced that the State Theater Fund would be used toward new seats.

?? Mayor Sabatino commented on the Mayor's program on channel 23 every Thursday.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 7 through 15  
*Item 10 removed from Consent*

**ACTION Items 7-9, 11-15: Frohman/Keating; unan.**

**ACTION Item 10: Jackman/Frohman; unan.; Fisher, absent**

## CONSENT ITEMS

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

### CONSENT

7. Approval of the minutes of the regular City Council meeting of August 27, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Keating; unan.) approved the minutes of August 27, 2002.

### CONSENT

8. Final adoption of Ordinance 3267-C.S., an ordinance amending Section 9-4-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(554), property located on the East side of Crows Landing Road, South of Winmoore Way (Gary Mack/Owens Design Consultants).  
?? Motion approving final adoption of Ordinance 3267-C.S., an ordinance amending Section 9-4-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(554), property located on the East side of Crows Landing Road, South of Winmoore Way (Gary Mack/Owens Design Consultants).  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Keating; unan.) approved the **final adoption of Ordinance 3267-C.S.**; an ordinance amending Section 9-4-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(554), property located on the East side of Crows Landing Road, South of Winmoore Way (Gary Mack/Owens Design Consultants).

### CONSENT

9. Consider approving a Housing Maintenance Program loan for Manuel H. Cortez and Maria Hernandez P., secured by the home at 423 Pine Street, in the amount of \$49,143.58. This would be a 3%, 15-year amortized loan, with minimum monthly payments of \$339.37.  
?? Resolution approving a Housing Maintenance Program loan for Manuel H. Cortez and Maria Hernandez P., secured by the home at 423 Pine Street, in the amount of \$49,143.58 at a rate of 3%, 15-year amortized loan with minimum monthly payment of \$339.37 recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-425** (Frohman/Keating; unan.) approving a Housing Maintenance Program loan for Manuel H. Cortez and Maria Hernandez P., secured by the home at 423 Pine Street, in the amount of \$49,143.58 at a rate of 3%, 15-year amortized loan with minimum monthly payment of \$339.3

### *Fisher absent due to Conflict of Interest*

10. Consider an agreement with STANCO to provide \$657,000 in HOME funds and \$175,000 in HOME Community Development Housing Organization-designated funds for the development of 3333 Carver Road and authorizing the City Manager to execute the HOME agreement.

?? Resolution approving an agreement with STANCO to provide \$657,000 in HOME funds and \$175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road and authorizing the City Manager to execute the HOME agreement recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-426** (Jackman/Frohman; unan.; Fisher, absent) approving an agreement with STANCO to provide \$657,000 in HOME funds and \$175,000 in HOME CHDO-designated funds for the development of 3333 Carver Road and authorizing the City Manager to execute the HOME agreement.

#### CONSENT

11. Consider an agreement with the State Office of Traffic Safety for the grant project “MSTOP” – Modesto’s Safe Traffic Operations Program - for an amount of \$276,678, and authorizing the City Manager or his designee to execute the agreement; and Consider amending the 2002/2003 annual budget to estimate revenue and appropriate funds for the traffic safety program. The City’s match is \$79,340.

?? Resolution approving a comprehensive traffic safety program – “MSTOP” – Modesto’s Safe Traffic Operations Program, an authorizing the City Manager or his designee to execute an agreement with the State Office of Traffic Safety for the grant project recommended.

?? Resolution amending the 2002/2003 annual budget to estimate revenue and appropriate funds for the traffic safety program recommended.

*Police; Joel Broumas, 572-9821, [broumasj@modestopd.com](mailto:broumasj@modestopd.com)*

**ACTION: Res. No. 2002-427** (Frohman/Keating; unan.) approving a comprehensive traffic safety program – “MSTOP” – Modesto’s Safe Traffic Operations Program, an authorizing the City Manager or his designee to execute an agreement with the State Office of Traffic Safety for the grant project.

**Res. No. 2002-428** (Frohman/Keating; unan.) amending the 2002/2003 annual budget to estimate revenue and appropriate funds for the traffic safety program

#### CONSENT

12. Consider amending the 2002/2003 Budget in the amount of \$250,000 to fund equipment and services necessary for staff occupancy of the remodeled Field Operations Building for the Modesto Police Department.

?? Resolution amending the 2002/2003 Budget in the amount of \$250,000 to fund equipment and services necessary for staff occupancy of the remodeled Field Operations Building for the Modesto Police Department recommended.

*Police; Ron Sale, 572-9674, [saler@modestopd.com](mailto:saler@modestopd.com)*

**ACTION: Res. No. 2002-429** (Frohman/Keating; unan.) amending the 2002/2003 Budget in the amount of \$250,000 to fund equipment and services necessary for staff occupancy of the remodeled Field Operations Building for the Modesto Police Department.

CONSENT

13. Consider directing staff to proceed with an update to the City's Capital Facilities Fees that uses the proposed General Plan Master EIR Update Street Network as the basis for the streets fee, with adoption of the Capital Facilities Fees to occur immediately following adoption of the Master EIR Update.

?? Motion directing staff to proceed with an update to the City's Capital Facilities Fees that uses the proposed General Plan Master EIR Update Street Network as the basis for the streets fee, with adoption of the Capital Facilities Fees to occur immediately following adoption of the Master EIR Update recommended.

*Community & Economic Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** By Motion (Frohman/Keating; unan.) directed staff to proceed with an update to the City's Capital Facilities Fees that uses the proposed General Plan Master EIR Update Street Network as the basis for the streets fee, with adoption of the Capital Facilities Fees to occur immediately following adoption of the Master EIR Update.

*This item has been moved to September 10, 2002 Council meeting*

14. Consider an amendment to an agreement with Jones & Stokes Associates Inc. for an amount of \$39,576, for the provision of services related to the Modesto Master Environmental Impact Report.

?? Resolution authorizing the City Manager to approve an amendment to the agreement with Jones & Stokes Associates dated April 11, 2000 for the provision of services related to the Modesto Master Environmental Impact Report in an amount of \$39,576 recommended.

*Community & Economic Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION:** This item was continued to the September 10, 2002 meeting.

CONSENT

15. Consider an agreement with Cotton/Bridges/Associates to assist in the update of the Modesto Housing Element of the Urban Area General Plan, and authorize the City Manager to approve amendments to the agreement, if needed in the future; and Consider establishment of an Ad Hoc Housing Element Advisory Committee.

?? Resolution approving an agreement with Cotton/Bridges/Associates to assist in the update of the Modesto Housing Element of the Urban Area General Plan, and authorize the City Manager to approve amendments to the agreement, if needed in the future recommended.

?? Resolution approving establishment of an Ad Hoc Housing Element Advisory Committee recommended.

*Community & Economic Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Res. No. 2002-430** (Frohman/Keating; unan.) approving an agreement with Cotton/Bridges/Associates to assist in the update of the Modesto Housing Element of the Urban Area General Plan, and authorize the City Manager to approve amendments to the agreement, if needed in the future.

**Res. No. 2002-430A** (Frohman/Keating; unan.) approving establishment of an Ad Hoc Housing Element Advisory Committee.

## HEARINGS

16. Hearing to consider an appeal of a Public Convenience and Necessity Findings (ABC license denial for Angelita's Carniceria at 1601 Yosemite Boulevard).  
??Resolution denying the appeal of Angelita's Carniceria, 1601 Yosemite Boulevard, Suite G, for a finding of "Public Convenience and Necessity" in the matter of a Type 20 (Off-Sale – Beer & Wine) Alcoholic Beverage Control License recommended.  
*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** By Motion (Conrad/Fisher; unan.) item was continued to September 24, 2002.

17. Hearing to consider establishing a policy for roundabout use and installation so consistent guidelines are in place.  
?? Resolution finding that the proposed Roundabout Policy is within the scope of, and in conformance with, the City's Master Environmental Impact Report (MEIR) recommended.  
?? Resolution establishing a Roundabout Policy to ensure consistent guidelines for roundabout use and installation recommended.  
*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-431** (Frohman/Fisher; majority; Conrad & Keating, no) finding that the proposed Roundabout Policy is within the scope of, and in conformance with, the City's Master Environmental Impact Report (MEIR).

**Res. No. 2002-432** (Frohman/Fisher; majority; Conrad & Keating, no) establishing a Roundabout Policy to ensure consistent guidelines for roundabout use and installation subject to additional language to return to Council regarding an appeal process and the subject of retrofitting.

## NEW BUSINESS

18. Consider designation of voting delegate (or alternate) for National League of California Cities Annual Business Meeting to be held in December 2002.  
?Motion designating voting delegate (or alternate) for National League of California Cities Annual Business Meeting to be held in December recommended.

**ACTION:** By Motion (Fisher/Jackman; unan.) designated Councilmember Frohman as a voting delegate for National League of California Cities Annual Business Meeting.

## MISCELLANEOUS Legislation

19. Consider the proposed 2002-2003 Legislative Platform.  
?? Resolution approving the 2002-2003 Legislative Platform recommended.  
*City Manager; Beverly Hatcher, 577-5220, [bhatcher@modestogov.com](mailto:bhatcher@modestogov.com)*

**ACTION: Res. No. 2002-433** (Fisher/Jackman; majority; Conrad & O'Bryant, no) approving the 2002-2003 Legislative Platform.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:40 p.m.

## CLOSED SESSION

*Both Closed Session items were heard before the meeting and there was no reportable action.*

### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of case: City of Modesto v. Charleston Place  
Stanislaus County Superior Court Case No. 275278

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: Seven cases

**MINUTES**  
**Tuesday, September 10, 2002, at 5:30 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Layman Bill Witzke

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of proclamation honoring the police officers and firefighters who gave their lives assisting victims at the World Trade Center on September 11, 2001.

**ACTION:** Mayor Sabatino read proclamation into the record.



## ORAL COMMUNICATIONS

- ?? Eric Wardwell acknowledged the work completed on the handicapped ramps in the City.
- ?? Ron Jourdanais commented on Doctors Hospital
- ?? Raul Ortega acknowledged the veterans.

## COUNCIL COMMENTS & REPORTS

- ?? Mayor Sabatino invited everyone to a ceremony on 9/11 at 8:30 AM in the Plaza to honor civilians and veterans that were lost on September 11, 2001.
- ?? Mayor Sabatino announced a meeting scheduled with the Mayors in Stanislaus County on 9/12 to discuss transportation tax for Stanislaus County.
- ?? Councilmember Jackman gave an update on Sgt. Steve May's condition.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2-5 & 8-11  
*Items 6 & 7 removed from Consent*

**ACTION Items 2-5 & 8-11: Fisher/Jackman; unan.**

**ACTION Item 6: Fisher/Frohman; majority; Jackman, no**

**ACTION Item 7: Fisher/Frohman; majority; Jackman, no**

## CONSENT ITEMS

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

### CONSENT

2. Approval of the minutes of the regular City Council meeting of September 3, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Jackman; unan.) approved the minutes of September 3, 2002.

### CONSENT

3. Consider approving a two-year renewal agreement with California Federal Bank, expiring June 29, 2004, for deposit and check disbursement services used by the housing rehabilitation Revolving Loan Fund and authorizing the City Manager to execute the agreement.

?? Resolution approving a two-year renewal agreement with California Federal Bank, expiring June 29, 2004, for deposit and check disbursement services used by the housing rehabilitation Revolving Loan Fund and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-434** (Fisher/Jackman; unan.) approving a two-year renewal agreement with California Federal Bank, expiring June 29, 2004, for deposit and check disbursement services used by the housing rehabilitation Revolving Loan Fund and authorizing the City Manager to execute the agreement.

#### CONSENT

4. Consider authorizing the City Manager to execute an agreement with DMJM+HARRIS for construction management of the Kansas-Needham Overhead project for a not-to-exceed cost of \$998,046.

?? Resolution authorizing the City Manager to execute an agreement with DMJM+HARRIS from construction management of the Kansas-Needham Overhead project for a not-to-exceed cost of \$998,046 recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-435** (Fisher/Jackman; unan.) authorizing the City Manager to execute an agreement with DMJM+HARRIS from construction management of the Kansas-Needham Overhead project for a not-to-exceed cost of \$998,046.

#### CONSENT

5. Consider accepting the Roselle Avenue median closure for the Charleston Place subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owner: Charleston Place, a California Limited Partnership.

?? Resolution accepting the Roselle Avenue median closure for the Charleston Place subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-436** (Fisher/Jackman; unan.) accepting the Roselle Avenue median closure for the Charleston Place subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### REMOVED FROM CONSENT

6. Consider accepting the improvements for Monterey Bay Unit No. 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owners: Bright Development, a California Corporation.

?? Resolution accepting the improvements for Monterey Bay Unit No. 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-437** (Fisher/Frohman; majority; Jackman, no) accepting the improvements for Monterey Bay Unit No. 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### REMOVED FROM CONSENT

7. Consider accepting the improvements for Villa Francais Units No. 1 & 2 subdivisions in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owners: Taro Properties Arizona 1, LLC, an Arizona Limited Liability Company.

?? Resolution accepting the improvements for Villa Francais Units No. 1 & 2 subdivisions in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-438** (Fisher/Frohman; majority; Jackman, no) accepting the improvements for Villa Francais Units No. 1 & 2 subdivisions in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### CONSENT

8. Consider the renewal of the Federal Aviation Administration (FAA) lease for airport property used for the FAA's Medium-Intensity Approach Light System (MALSR), part of the airport's Instrument Landing System, as well as necessary utilities rights-of-way to the site, and authorizing the City Manager or his designated representative to execute the lease on behalf of the City.

?? Resolution approving the renewal of the Federal Aviation Administration (FAA) lease for airport property used for the FAA's Medium-Intensity Approach Light System (MALSR), part of the airport's Instrument Landing System, as well as necessary utilities rights-of-way to the site, and authorizing the City Manager or his designated representative to execute the lease on behalf of the City recommended.

*Engineering & Transportation; Howard Cook, 577-5318, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-439** (Fisher/Jackman; unan.) approving the renewal of the Federal Aviation Administration (FAA) lease for airport property used for the FAA's Medium-Intensity Approach Light System (MALSR), part of the airport's Instrument Landing System, as well as necessary utilities rights-of-way to the site, and authorizing the City Manager or his designated representative to execute the lease on behalf of the City.

CONSENT

9. Consider accepting the work for the “Upgrade Traffic Signals – City – 10<sup>th</sup> & J Streets, 11<sup>th</sup> & J Streets, College & Stoddard Avenue, and El Vista & Miller Avenues” project as complete and authorizing the City Clerk to file a Notice of Completion. Cost of completed work is \$262,530; funds are budgeted.

?? Resolution accepting the work for the “Upgrade Traffic Signals – City – 10<sup>th</sup> & J Streets, 11<sup>th</sup> & J Streets, College & Stoddard Avenue, and El Vista & Miller Avenues” as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-440** (Fisher/Jackman; unan.) accepting the work for the “Upgrade Traffic Signals – City – 10<sup>th</sup> & J Streets, 11<sup>th</sup> & J Streets, College & Stoddard Avenue, and El Vista & Miller Avenues” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

10. Consider an amendment to an agreement with Jones & Stokes Associates Inc. for an amount of \$39,576, for the provision of services related to the Modesto Master Environmental Impact Report.

?? Resolution authorizing the City Manager to approve an amendment to the agreement with Jones & Stokes Associates dated April 11, 2000 for the provision of services related to the Modesto Master Environmental Impact Report in an amount of \$39,576 recommended.

*Community & Economic Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Res. No. 2002-441** (Fisher/Jackman; unan.) authorizing the City Manager to approve an amendment to the agreement with Jones & Stokes Associates dated April 11, 2000 for the provision of services related to the Modesto Master Environmental Impact Report in an amount of \$39,576.

CONSENT

11. Consider an agreement between the City of Modesto and O’Brien’s Development relating to the reimbursement for the O’Brien’s Center Pelandale Avenue Expressway frontage improvements for an amount not to exceed \$150,600.

?? Resolution approving an agreement between the City of Modesto and O’Brien’s Development relating to the reimbursement for the O’Brien’s Center Pelandale Avenue Expressway frontage improvements recommended.

*Engineering & Transportation; Robert Granberg, 577-5215, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-442** (Fisher/Jackman; unan.) approving an agreement between the City of Modesto and O’Brien’s Development relating to the reimbursement for the O’Brien’s Center Pelandale Avenue Expressway frontage improvements.

## HEARINGS

12. Hearing to consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1; and calling an election (Annexation #9).  
?? Resolution calling an election (Annexation #9 to the Village One CFD No. 1996-1) recommended.  
*City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-443** (Fisher/Jackman; unan.) calling an election (Annexation #9 to the Village One CFD No. 1996-1).

## NEW BUSINESS

13. Consider approving an agreement with Aaron Read & Associates for lobbying efforts at the State level for an amount not to exceed \$69,300 annually and authorizing the City Manager to execute the agreement.  
?? Resolution approving an agreement with Aaron Read & Associates for lobbying efforts at the State level for an amount not to exceed \$69,300 annually and authorizing the City Manager to execute the agreement recommended.  
*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Res. No. 2002-444** (Fisher/Frohman; unan.) approving an agreement with Aaron Read & Associates for lobbying efforts at the State level for an amount not to exceed \$69,300 annually and authorizing the City Manager to execute the agreement.

14. Consider establishing the Roselawn Project, an area bounded by Dryden Municipal Golf Course to the East, Colorado Avenue on the West, Rouse on the North and Robertson Road on the South, as a neighborhood improvement project; and Consider amending the Fiscal Year 02-03 Operating Budget to appropriate \$15,000 from the General Fund Reserve to be re-allocated to fund the project.  
?? Resolution establishing the Roselawn Project recommended.  
?? Resolution amending the Fiscal Year 02-03 Operating Budget to appropriate \$15,000 from the General Fund Reserve be re-allocated to fund the project recommended.  
*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-445** (Fisher/O'Bryant; unan.; Fisher, absent) establishing the Roselawn Project.

**Res. No. 2002-446** (Fisher/O'Bryant; unan.; Fisher, absent) amending the Fiscal Year 02-03 Operating Budget to appropriate \$15,000 from the General Fund Reserve be re-allocated to fund the project

Councilmember Fisher had to leave the meeting prior to the roll call, but expressed his support of the project.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 7:30 p.m.

**CLOSED SESSION**

*All Closed Sessions were heard prior to the meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR:**

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 1603 8<sup>th</sup> Street for the New Bus Maintenance Facility Project

APN: 101-02-15 (portion) & 16, 2.1 acres

Negotiating parties: Steve Long, Cutler & Associates, as Property Agent on behalf of the City of Modesto

*John Varni, negotiating for Varni Brothers, et al., Owners*

David Ramos, negotiating for Don Clark dba, Don's RV, Tenant

Under negotiation: Price and terms of payment for property to be acquired

**MINUTES**  
**Tuesday, September 24, 2002, at 5:30 p.m.**

Roll Call –Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Bruce Lane, Village One Fellowship

City Clerk’s Announcements: Item 22 continued to the October 22, 2002 Council Meeting

Declaration of Conflicts of Interest: None

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation from the Anti-litter Committee on the November 2nd, Great American Cleanup Day.

**ACTION:** Presentation made by Chris Murphy.

2. Presentation of Certificate of Recognition to AT&T

**ACTION:** Presentation made by Renee Ledbetter and Mayor Sabatino.

**ORAL COMMUNICATIONS**

None.

**COUNCIL COMMENTS & REPORTS**

3. At the request of Councilmember O’Bryant, consider forming an Ad Hoc committee for the purposes of an immediate study on Safety Services, Fire and Police. The study will include items of personnel, equipment, training, salaries, and benefits as they relate to cities comparable to the City of Modesto. The study is for the purposes of demonstrating to the citizens of Modesto we are prepared for everyday business, emergency calls, potential disasters, safety of Citizens and our emergency employees.

**ACTION: Res. No. 2002-447** (O’Bryant/Keating; unan) appointing Councilmember Conrad, Keating and O’Bryant, and citizens John Rose, Gary Plummer, Susan Azevedo and

Ted Cook to an ad hoc committee. One additional citizen will be added to the committee and announced that the October 1, 2002 meeting.

?? Mayor Sabatino commented on parking garage complaints and requested the garage be striped

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4 through 19

**ACTION Items 4-19: Frohman/Fisher; unan.**

### CONSENT ITEMS

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

#### CONSENT

4. Approval of the minutes of the regular City Council meeting of September 10, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of September 10, 2002.

#### CONSENT

5. Biennial Update of Departmental Conflict of Interest Codes for City Attorney, City Clerk, City Manager, Finance, Community & Economic Development, Parks, Recreation & Neighborhoods, Operations & Maintenance, and Information & Technology.
  - ?? Resolution amending the Conflict of Interest Code for the City Attorney's Office recommended.
  - ?? Resolution amending the Conflict of Interest Code for the City Clerk's Office recommended.
  - ?? Resolution amending the Conflict of Interest Code for the City Manager's Office recommended.
  - ?? Resolution amending the Conflict of Interest Code for the Finance Department recommended.
  - ?? Resolution amending the Conflict of Interest Code for the Community & Economic Development Department (Community Development Department) recommended.
  - ?? Resolution amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department recommended.
  - ?? Resolution amending the Conflict of Interest Code for the Operations & Maintenance Department recommended.
  - ?? Resolution adopting the Conflict of Interest Code for the Information & Technology Department recommended.*City Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*



**ACTION: Res. No. 2002-448** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the City Attorney's Office.

**Res. No. 2002-449** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the City Clerk's Office.

**Res. No. 2002-450** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the City Manager's Office.

**Res. No. 2002-451** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the Finance Department.

**Res. No. 2002-452** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the Community & Economic Development Department (Community Development Department).

**Res. No. 2002-453** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department

**Res. No. 2002-454** (Frohman/Fisher; unan.) amending the Conflict of Interest Code for the Operations & Maintenance Department

**Res. No. 2002-455** (Frohman/Fisher; unan.) adopting the Conflict of Interest Code for the Information & Technology Department.

## CONSENT

6. Consider 1) entering into an agreement, in an amount not to exceed \$82,000, with Royston, Hanamoto, Alley & Abey for professional landscape architectural services to prepare construction documents for Ustach Neighborhood Park 2) Consider amending the Fiscal Year 2002-03 Capital Improvement budget to transfer \$35,000 in funds to fully fund the project, and amend the description of the project to include preparation of construction documents; and 3) Consider finding that the preparation of construction documents for Ustach Neighborhood Park is consistent with the scope of the final Program Environmental Impact Report for the Village One Specific Plan as modified by the Village One Supplemental EIR (SCH No. 90020181 and the Initial Study for Ustach Neighborhood Park entitled "Ustach Neighborhood Park (Village One – Precise Plan Areas #15" (EA No. PR&N 2002-04)
  - ?? Resolution approving an agreement, in an amount not to exceed \$82,000, with Royston, Hanamoto, Alley & Abey for professional landscape architectural services to prepare construction documents for Ustach Neighborhood Park recommended.
  - ?? Resolution amending the Fiscal Year 2002-03 Capital Improvement budget to transfer \$35,000 in funds to fully fund the project, and amend the description of the project to include preparation of construction documents recommended.
  - ?? Resolution finding that the preparation of construction documents for Ustach Neighborhood Park is consistent with the scope of the final Program Environmental Impact Report for the Village One Specific Plan as modified by the Village One Supplemental EIR (SCH No. 90020181 and the Initial Study for Ustach Neighborhood

Park entitled “Ustach Neighborhood Park (Village One – Precise Plan Areas #15” (EA No. PR&N 2002-04) recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353, [dcritchfield@modestogov.com](mailto:dcritchfield@modestogov.com)*

**ACTION: Res. No. 2002-456** (Frohman/Fisher; unan.) approving an agreement, in an amount not to exceed \$82,000, with Royston, Hanamoto, Alley & Abey for professional landscape architectural services to prepare construction documents for Ustach Neighborhood Park.

**Res. No. 2002-457** (Frohman/Fisher; unan.) amending the Fiscal Year 2002-03 Capital Improvement budget to transfer \$35,000 in funds to fully fund the project, and amend the description of the project to include preparation of construction documents.

**Res. No. 2002-458** (Frohman/Fisher; unan.) finding that the preparation of construction documents for Ustach Neighborhood Park is consistent with the scope of the final Program Environmental Impact Report for the Village One Specific Plan as modified by the Village One Supplemental EIR (SCH No. 90020181 and the Initial Study for Ustach Neighborhood Park entitled “Ustach Neighborhood Park (Village One – Precise Plan Areas #15” (EA No. PR&N 2002-04).

#### CONSENT

7. Consider 1) approving the recommendation of the Citizen’s Housing & Community Development Committee to allocate \$10,000 in Community Development Block Grant (CDBG) funds for a Little League Diamond at Orville Wright School; 2) Consider finding that this project is consistent with the Modesto Urban Area General Plan Master EIR (SCH #92052017); and 3) Consider approving an agreement with Orville Wright Baseball for Youth Program for expenditure of the CDBG funds to partially construct the Little League Diamond and authorizing the City Manager to execute the agreement.

?? Resolution approving the recommendation of the Citizen’s Housing & Community Development Committee to allocate \$10,000 in Community Development Block Grant (CDBG) funds for a Little League Diamond at Orville Wright School recommended.

?? Resolution finding that this project is consistent with the Modesto Urban Area General Plan Master EIR (SCH #92052017) recommended.

?? Resolution approving an agreement with Orville Wright Baseball for Youth Program for expenditure of the CDBG funds to partially construct the Little League Diamond and authorizing the City Manager to execute the agreement recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, [svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-459** (Frohman/Fisher; unan.) approving the recommendation of the Citizen’s Housing & Community Development Committee to allocate \$10,000 in Community Development Block Grant (CDBG) funds for a Little League Diamond at Orville Wright School.

**Res. No. 2002-460** (Frohman/Fisher; unan.) finding that this project is consistent with the Modesto Urban Area General Plan Master EIR (SCH #92052017).

**Res. No. 2002-461** (Frohman/Fisher; unan.) approving an agreement with Orville Wright Baseball for Youth Program for expenditure of the CDBG funds to partially construct the Little League Diamond and authorizing the City Manager to execute the agreement.

CONSENT

8. Consider approving submission of an application for \$200,000 in funding from the Habitat Conservation Fund Program for the removal of the remnants of Dennett Dam.

?? Resolution approving submission of an application for \$200,000 in funding from the Habitat Conservation Fund Program for the removal of the remnants of Dennett Dam recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, [dgould@modestogov.com](mailto:dgould@modestogov.com)*

**ACTION: Res. No. 2002-462** (Frohman/Fisher; unan.) approving submission of an application for \$200,000 in funding from the Habitat Conservation Fund Program for the removal of the remnants of Dennett Dam.

CONSENT

9. Consider amending the Fiscal Year 2002-03 operating budget to re-appropriate funds for activities not yet completed but approved in Fiscal Year 2001-02 for Parks, Recreation & Neighborhoods Department.

?? Resolution amending the Fiscal Year 2002-03 operating budget to re-appropriate funds for activities approved in Fiscal Year 2001-02 but not completed recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, [ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. No. 2002-463** (Frohman/Fisher; unan.) amending the Fiscal Year 2002-03 operating budget to re-appropriate funds for activities approved in Fiscal Year 2001-02 but not completed.

CONSENT

10. Consider approving the Animal Shelter Service agreement with Stanislaus County and authorizing the City Manager or his designee to execute the agreement.

?? Resolution approving the Animal Shelter Service agreement and authorizing the City Manager or his designee to execute the agreement recommended.

*Police; Ron Sale, 572-9674, [saler@modestomp.com](mailto:saler@modestomp.com)*

**ACTION: Res. No. 2002-464** (Frohman/Fisher; unan.) approving the Animal Shelter Service agreement and authorizing the City Manager or his designee to execute the agreement.

CONSENT

11. Consider authorizing the Purchasing Supervisor to purchase a 2002 Jacobsen High Production Rotary Mower, from HV Carter Company for a total cost of \$72,147.41. Funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to purchase a 2002 Jacobsen High Production Rotary Mower, from HV Carter Company for a total cost of \$72,147.41 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-465** (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to purchase a 2002 Jacobsen High Production Rotary Mower, from HV Carter Company for a total cost of \$72,147.41.

#### CONSENT

12. Consider authorizing the award of concrete picnic tables to Universal Precast Inc., for a total cost of \$85,487.81. Funds are budgeted.

?? Resolution authorizing the award of concrete picnic tables to Universal Precast Inc., for a total cost of \$85,487.81 recommended.

*Finance; Lori Martinez, 572-9660, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-466** (Frohman/Fisher; unan.) authorizing the award of concrete picnic tables to Universal Precast Inc., for a total cost of \$85,487.81.

#### CONSENT

13. Consider canvassing the results of the September 17 2002 election held within the territory proposed to be annexed (Village Highlands 7 subdivision, Village Highlands 8 subdivision, Banyon Estates subdivision) to Community Facilities District No. 1996-1 (Village One) and order annexation of said territory to the District (Annexation #9).

?? Resolution canvassing the results of the September 17 2002 election held within the territory proposed to be annexed (Village Highlands 7 subdivision, Village Highlands 8 subdivision, Banyon Estates subdivision) to Community Facilities District No. 1996-1 (Village One) and order annexation of said territory to the District (Annexation #9) recommended.

*City Manager; Tina Rocha, 577-5211, [trocha@modestogov.com](mailto:trocha@modestogov.com)*

**ACTION: Res. No. 2002-467** (Frohman/Fisher; unan.) canvassing the results of the September 17 2002 election held within the territory proposed to be annexed (Village Highlands 7 subdivision, Village Highlands 8 subdivision, Banyon Estates subdivision) to Community Facilities District No. 1996-1 (Village One) and order annexation of said territory to the District (Annexation #9)

#### CONSENT

14. Consider introducing an ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed.

?? Introduction of an ordinance amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3268–C.S.** amending Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed

CONSENT

15. Consider award of a \$92,427 contract for “Street Lighting Circuit Replacement – Roseburg Avenue” to Clayborn Contracting Group. Funds are budgeted.

?? Resolution awarding a \$92,427 contract for “Street Lighting Circuit Replacement – Roseburg Avenue” to Clayborn Contracting Group recommended.  
*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-468** (Frohman/Fisher; unan.) awarding a \$92,427 contract for “Street Lighting Circuit Replacement – Roseburg Avenue” to Clayborn Contracting Group.

CONSENT

16. Consider accepting the work of “Traffic Signal at Dale Road and Pelandale Avenue” by Tennyson Electric Inc. as complete and authorize the City Clerk to file a Notice of Completion. Cost of the project was \$96,942; funds are budgeted.

?? Resolution accepting the work of “Traffic Signal at Dale Road and Pelandale Avenue” by Tennyson Electric Inc. as complete and authorize the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-469** (Frohman/Fisher; unan.) accepting the work of “Traffic Signal at Dale Road and Pelandale Avenue” by Tennyson Electric Inc. as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

17. Consider approving a second amendment to an agreement with Dokken Engineering for professional design services for Replacement of the 9<sup>th</sup> Street Bridge Over Tuolumne River to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement. Cost of amendment, \$11,414.41; funds are budgeted through Agency Seismic Retrofit Program.

?? Resolution approving a second amendment to an agreement with Dokken Engineering for professional design services for Replacement of the 9<sup>th</sup> Street Bridge Over Tuolumne River to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement recommended.  
*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-470** (Frohman/Fisher; unan.) approving a second amendment to an agreement with Dokken Engineering for professional design services for

Replacement of the 9<sup>th</sup> Street Bridge Over Tuolumne River to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement.

CONSENT

18. Consider approving the issuance of a request for bids for a Type III (Wildland) Engine. The estimated cost is \$60,000.00.

?? Resolution approving the issuance of a request for bids for a Type III (Wildland) Engine recommended.

Fire; Lori Martinez, 572-9660; [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)

**ACTION: Res. No. 2002-471** (Frohman/Fisher; unan.) approving the issuance of a request for bids for a Type III (Wildland) Engine.

CONSENT

19. Consider amending the budget to change the name of an airport project from “Runway Pavement Evaluation” to “Airport Pavement Evaluation and Reconstruction”, and to appropriate an additional \$783,833 for the project, \$750,000 of which is provided by the airport federal FY02 grant and the remaining local match amount of \$33,833 from Airport Reserves. Approve a professional service agreement with Shutt Moen Associates in the amount of \$72,000 for the engineering design of the airport pavement reconstruction and authorize the City Manager, or his designated representative, to execute the agreement on behalf of the City.

?? Resolution amending the budget to change the airport project name of the Project “Runway Pavement Evaluation” to “Airport Pavement Evaluation and Reconstruction” and to appropriate an additional \$783,833, \$750,000 of which is being provided by the Federal FY02 Grant recommended.

?? Resolution approving a professional service agreement with Shutt Moen Associates in the amount of \$72,000 for the engineering design of the airport pavement reconstruction and authorize the City Manager, or his designee, to execute the agreement on behalf of the City recommended.

*Engineering & Transportation; Howard Cook; 577-5213; [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-472** (Frohman/Fisher; unan.) amending the budget to change the airport project name of the Project “Runway Pavement Evaluation” to “Airport Pavement Evaluation and Reconstruction” and to appropriate an additional \$783,833, \$750,000 of which is being provided by the Federal FY02 Grant.

**Res. No. 2002-473** (Frohman/Fisher; unan.) approving a professional service agreement with Shutt Moen Associates in the amount of \$72,000 for the engineering design of the airport pavement reconstruction and authorize the City Manager, or his designee, to execute the agreement on behalf of the City.

WRITTEN COMMUNICATIONS

20. Letter a letter from Del Valle Homes regarding the potential construction of Galas Brothers Subdivision.

**ACTION:** By Motion (Fisher/Sabatino; majority) staff was directed to develop in 30 days with the Developer a master plan for infrastructure including a dual use basin for the entire project and gearing the project for the local working market. This item will be reviewed by the Economic Development Committee on October 14, 2002.

## UNFINISHED BUSINESS

*Item continued from August 27, 2002 meeting*

21. Consider authorizing the award of water quality testing services to various vendors for a combined estimated annual amount of \$350,000 for a period of three years. Funds are budgeted.

?? Resolution authorizing the award of water quality testing services to: BSK Labs; Sequoia Analytical; FGL Environmental; GeoAnalytical Laboratories Inc; and JL Analytical Services for a combined estimated annual amount of \$350,000 for a period of three years recommended.

*Finance; Mark Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. No. 2002-474** (Jackman/Fisher; unan.) authorizing the award of water quality testing services to: BSK Labs; Sequoia Analytical; FGL Environmental; GeoAnalytical Laboratories Inc; and JL Analytical Services for a combined estimated annual amount of \$350,000 for a period of three years.

## HEARINGS

*Item continued from September 3, 2002*

22. Hearing to consider an appeal of a Public Convenience and Necessity Findings (ABC license denial for Angelita's Carniceria at 1601 Yosemite Boulevard).

?? Resolution denying the appeal of Angelita's Carniceria, 1601 Yosemite Boulevard, Suite G, for a finding of "Public Convenience and Necessity" in the matter of a Type 20 (Off-Sale – Beer & Wine) Alcoholic Beverage Control License recommended.

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.) item was continued to the October 22, 2002.

23. Hearing to consider approval of the Consolidated Annual Performance and Evaluation Report to the Housing and Urban Development Department of the Federal Government.

??Resolution approving the Consolidated Annual Performance and Evaluation Report and authorizing staff to submit the report to Housing and Urban Development (HUD) recommended.



*Parks, Recreation & Neighborhoods; Sherry Velarde; 577-5368;  
[svelarde@modestogov.com](mailto:svelarde@modestogov.com)*

**ACTION: Res. No. 2002-475** (Jackman/Fisher; unan.) approving the Consolidated Annual Performance and Evaluation Report and authorizing staff to submit the report to Housing and Urban Development (HUD).

### **NEW BUSINESS**

24. Recommendation from the Audit Committee for the selection of Vavrinek, Trine, Day & Co., LLP as the audit firm to perform the audits of the Community Facilities Districts and authorize negotiation of a contract with the selected firm.

?? Resolution approving the selection of Vavrinek, Trine, Day & Co., LLP as the audit firm to perform the audits of the Community Facilities Districts and authorize negotiation of a contract with the selected firm recommended.

*City Clerk/Auditor; Gary Nienhuis; 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION: Res. No. 2002-476** (Conrad/Fisher; majority; Frohman & Jackman, no) approving the selection of Vavrinek, Trine, Day & Co., LLP as the audit firm to perform the audits of the Community Facilities Districts and authorize negotiation of a contract with the selected firm.

Negotiation team will include Frank Zumwalt and Tom Bettencourt.



25. Consider adopting a resolution approving a purchase agreement with Dano Construction for approximately 5.5 acres for use as a trailhead and scenic overlook, contingent on City acceptance of the required environmental reports, and authorizing the City Manager to execute the purchase agreement and any related documents necessary to close escrow; and consider adopting a resolution amending the Fiscal Year 02-03 Capital Improvement Program budget to: a) establish a new CIP project titled "Scenic Avenue Trailhead"; b) amend the project to eliminate the development of the Peggy Mensinger Trail trailhead in the description; c) re-program \$182,000 to the new CIP project; and, d) transfer \$895,600 from the General Fund Reserve to the new CIP project, in the form of a loan to be re-paid from future Air Quality Capital Facilities Fees funds and Local Transportation, Non-Motorized, funds.

?? Resolution approving a purchase agreement with Dano Construction for approximately 5.5 acres on Scenic for use as a trailhead and scenic overlook, contingent on City acceptance of the required environmental reports, and authorizing the City Manager to execute the purchase agreement and any related documents necessary to close escrow recommended.

?? Resolution amending the Fiscal Year 02-03 Capital Improvement Program budget to: a) establish a new CIP project in Fund 1400 titled "Scenic Avenue Trailhead"; b) amend project 1430-310-3122 to eliminate the development of the Peggy Mensinger Trail trailhead in the description; c) re-program \$182,000 from project 1430-310-3122 to the new CIP project; and, d) transfer \$895,600 from the General Fund Reserve to the new CIP project, in the form of a loan to be re-paid from future Air Quality Capital Facilities Fees funds (Fund 1430) and Local Transportation, Non-Motorized, funds (Fund 0520) recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank; 577-5349;  
[ceubank@modestogov.com](mailto:ceubank@modestogov.com)*

**ACTION: Res. No. 2002-477** (Fisher/Frohman; majority; Conrad, Keating & O'Bryant, no) approving a purchase agreement with Dano Construction for approximately 5.5 acres on Scenic for use as a trailhead and scenic overlook, contingent on City acceptance of the required environmental reports, and authorizing the City Manager to execute the purchase agreement and any related documents necessary to close escrow.

**Res. No. 2002-478** (Fisher/Frohman; majority; Conrad, Keating & O'Bryant, no) amending the Fiscal Year 02-03 Capital Improvement Program budget to: a) establish a new CIP project in Fund 1400 titled "Scenic Avenue Trailhead"; b) amend project 1430-310-3122 to eliminate the development of the Peggy Mensinger Trail trailhead in the description; c) re-program \$182,000 from project 1430-310-3122 to the new CIP project; and, d) transfer \$895,600 from the General Fund Reserve to the new CIP project, in the form of a loan to be re-paid from future Air Quality Capital Facilities Fees funds (Fund 1430) and Local Transportation, Non-Motorized, funds (Fund 0520).

## MISCELLANEOUS

### Appointments

26. Consider appointment of Youth Commissioners.

?? Resolution approving appointment of the following Youth Commissioners recommended:

Beyer High—Daniel Thompson, Junior  
Central Catholic—Joseph Speaker, Junior  
Davis High—Jennica Dinnell, Junior  
Downey High—Jerad Prasad, Junior  
Johansen High—Jesse Dashe, Junior  
Modesto High—Okon Harris, Junior  
Modesto Christian—Connor Pearce, Junior

*Parks, Recreation & Neighborhoods; Jennifer Brinar, 571-5897, [jbrinar@modestogov.com](mailto:jbrinar@modestogov.com)*

**ACTION: Res. No. 2002-479** (Fisher/Frohman; unan.) approving appointment of Youth Commissioners.

27. Consider appointing two Councilmembers to the Ad Hoc Housing Element Advisory Committee.

?Resolution approving Councilmembers appointments to the Ad Hoc Housing Element Advisory Committee recommended.

*Community & Economic Development; Patrick Kelly, 577-5283, [pkelly@modestogov.com](mailto:pkelly@modestogov.com)*

**ACTION: Res. No. 2002-480** (Sabatino/O'Bryant; unan.) approving the appointments of Councilmembers Fisher and Jackman to the Ad Hoc Housing Element Advisory Committee.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

This meeting adjourned at 9:51 p.m.

**CLOSED SESSION**

*All Closed Session Items were heard prior to the Council Meeting.*

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager  
Robin Renwick, Personnel Director

Employee Organizations: Modesto Police Officers Association  
Modesto Police Management Association  
Unrepresented Management Employees

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Pursuant to Section 54956.8 of the Government Code)

**Property:** Purchase, sale or lease of real property located on the east side of Graphics Drive between Kansas Avenue and Woodland Avenue, in the City of Modesto, County of Stanislaus, California.

APN: 029-1313

FMC Corporation, Owner

**Negotiating Parties:** For Redevelopment Agency of the City of Modesto:

Linda Boston, Business Development Manager  
Jack R. Crist, Executive Director

Cedrick Jones of FMC Corporation, for Owner

**Under Negotiation:** Price and terms of payment for property to be acquired

## MINUTES

Tuesday, October 1, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, O’Bryant, Mayor Sabatino

Absent: Jackman, Keating

Pledge of Allegiance to the Flag

Invocation: Layman Bill Witzke

City Clerk’s Announcements: Item 9 removed from Consent  
Item 17 dropped and will be scheduled on the 11/15/02 agenda

Declaration of Conflicts of Interest: Fisher, Item 15

### ACKNOWLEDGEMENTS AND PRESENTATIONS

?? Boy Scout Troop 49 was introduced.

1. Presentation of proclamation for the Lights on After-School Program.

**ACTION:** Presentation made by Mayor Sabatino and Julie Hannon.

2. Presentation of proclamation naming October as “The Grapes of Wrath Month”.

**ACTION:** Presentation was made by Mayor Sabatino.

3. Presentation of the new Fire Marshal, Mike Payton, by Interim Fire Chief Jim Miguel.

**ACTION:** Introduction of Mike Payton as the new Fire Marshal by Chief Miguel.

4. Trees for Tots III - Discussion of October 12<sup>th</sup> event by city staff and the Greater Modesto Tree Foundation.

**ACTION:** Presentation made by Bill DuFrense and Wendy Ferache

5. Presentation of Certificate of Recognition to Travis Laughlin.

**ACTION:** Certificate presented by Mayor Sabatino.

## ORAL COMMUNICATIONS

- ?? Dale Williams requested to be contacted of the new staff member assigned to Angelita's Carniceria.
- ?? Emilio Vacca thanked the Council for supporting the Lights on After School Program.
- ?? Dick Dunlevy expressed his choice of Tim Fisher for Mayor.
- ?? Stan Cunningham thanked Council for supporting the Lights on After School Program.

## COUNCIL COMMENTS & REPORTS

6. At the request of Vice Mayor Conrad, discussion of the City's mil tax and specifically how it applies to the Independent Physicians Association.

**ACTION:** Item referred to the Finance Committee meeting of November 25, 2002.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 7, 8,10 – 14  
Items 9 & 15 removed from Consent

**ACTION Items 7, 8,10 - 14: Frohman/Fisher; unan.; Jackman & Keating, absent**

**ACTION Item 9: Fisher/Sabatino; majority, Frohman, no; Jackman & Keating, absent**

**ACTION Item 15: Frohman/Conrad; unan.; Jackman, Keating & Fisher, absent**

## CONSENT ITEMS

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

### CONSENT

7. Approval of the minutes of the regular City Council meeting of September 24, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.; Jackman & Keating, absent) approved the minutes of September 24, 2002.

### CONSENT

8. Consider authorizing the bid award for variable frequency drives (VFD's) to Wesco Distribution for an annual cost of \$69,130.00 and authorizing a three-year price agreement for \$207,390.00. VFD's are used to stabilize water pressure within the City's water system. Funds are budgeted.  
?? Resolution authorizing the bid award for variable frequency drives (VFD's) to Wesco Distribution for an annual cost of \$69,130.00 and authorizing a three-year price agreement for \$207,390.00 recommended.  
*Finance; Lori Martinez, 572-9660, [lmartinez@modestogov.com](mailto:lmartinez@modestogov.com)*

**ACTION: Res. No. 2002-481** (Frohman/Fisher; unan.; Jackman & Keating, absent authorizing the bid award for variable frequency drives (VFD's) to Wesco Distribution for an annual cost of \$69,130.00 and authorizing a three-year price agreement for \$207,390.00

### REMOVED FROM CONSENT

9. Consider authorizing the Purchasing Supervisor to purchase seventeen used sedan vehicles at wholesale auction for an estimated cost of \$272,000.00. Funds are budgeted.  
?? Resolution authorizing the Purchasing Supervisor to purchase seventeen used sedan vehicles at wholesale auction for an estimated cost of \$272,000.00 recommended.  
*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-482** (Fisher/Sabatino; majority; Frohman, no; Jackman & Keating, absent) authorizing the Purchasing Supervisor to purchase seventeen used sedan vehicles at wholesale auction for an estimated cost of \$272,000.00.

### CONSENT

10. Consider authorizing the Purchasing Supervisor to purchase two Combination Sewer and Storm Drain Cleaners from Municipal Maintenance Equipment for a cost of \$464,832.82 and three Broom Sweepers from Ricker Machinery for a cost of \$504,222.26. The total cost is \$969,055.08; Funds are budgeted.  
?? Resolution authorizing the Purchasing Supervisor to purchase two VAC-CON Combination Sewer and Storm Drain Cleaners from Municipal Maintenance Equipment

for a cost of \$464,832.82 and three Eligin Eagle F. Series Broom Sweepers from Ricker Machinery for a cost of \$504,222.26 recommended. The total cost is \$969,055.08.

*Finance; Tom Reddie, 577-5406, [trddie@modestogov.com](mailto:trddie@modestogov.com)*

**ACTION: Res. No. 2002-483** (Frohman/Fisher; unan.; Jackman & Keating, absent) authorizing the Purchasing Supervisor to purchase two VAC-CON Combination Sewer and Storm Drain Cleaners from Municipal Maintenance Equipment for a cost of \$464,832.82 and three Eligin Eagle F. Series Broom Sweepers from Ricker Machinery for a cost of \$504,222.26.

#### CONSENT

11. Consider funding a portion of a contract with Modesto Peace Life Center and Dr. Mae Jemison, in the amount of \$5,000, for the keynote speaker for the celebration of the 2003 Martin Luther King, Jr. holiday. Funds are budgeted.

?? Resolution affirming commitment to fund a portion of a contract, in the amount of \$5,000, for the keynote speaker for the celebration of 2003 Martin Luther King, Jr. holiday.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-484** (Frohman/Fisher; unan.; Jackman & Keating, absent) affirming commitment to fund a portion of a contract, in the amount of \$5,000, for the keynote speaker for the celebration of 2003 Martin Luther King, Jr. holiday.

#### CONSENT

12. Consider granting permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes in writing that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004.

?? Resolution granting permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes in writing that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-485** (Frohman/Fisher; unan.; Jackman & Keating, absent) granting permission for Betty Forbes, daughter of Laverne Shipman, and her extended family to remain in the home at 1920 Somerset Drive without legal action and authorizing staff to notify Ms. Forbes in writing that the Emergency Home Repair Loan made to Mrs. Shipman will be reviewed upon the loan's maturity, December 20, 2004.

CONSENT

13. Consider granting permission for Charles Tittle, son of Geneva Tittle to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan's maturity, March 10, 2006.

?? Resolution granting permission for Charles Tittle, son of Geneva Tittle to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan's maturity, March 10, 2006 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417, [jhannon@modestogov.com](mailto:jhannon@modestogov.com)*

**ACTION: Res. No. 2002-486** (Frohman/Fisher; unan.; Jackman & Keating, absent) granting permission for Charles Tittle, son of Geneva Tittle to remain in the home at 417 Yosemite Avenue without legal action and authorizing staff to notify Mr. Tittle in writing, that the Housing Maintenance Program Loan made to Mrs. Tittle will be reviewed upon the loan's maturity, March 10, 2006.

CONSENT

14. Consider authorizing staff to solicit RFQ's for the acquisition and implementation of the Day Facility for homeless individuals in Modesto, and consider amending the operating budget to establish a new project titled Homeless Day Facility, and to appropriate funding to the project.

?? Resolution authorizing staff to solicit RFQ's for the acquisition and implementation of the Day Facility for homeless individuals in Modesto recommended.

?? Resolution amending the operating budget to establish a new project in Fund 1130 titled Homeless Day Facility, and to appropriate funding to the project recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-487** (Frohman/Fisher; unan.; Jackman & Keating, absent) authorizing staff to solicit RFQ's for the acquisition and implementation of the Day Facility for homeless individuals in Modesto

**Res. No. 2002-488** (Frohman/Fisher; unan.; Jackman & Keating, absent) amending the operating budget to establish a new project in Fund 1130 titled Homeless Day Facility, and to appropriate funding to the project

*Fisher absent due to conflict of interest*

15. Consider approving the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village 1. There is \$245,000 available HOME funds earmarked for this project.

?? Resolution approving the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village 1 recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*



**ACTION: Res. No. 2002-489** (Frohman/Conrad; unan.; Fisher, Jackman & Keating, absent) approving the Housing Authority of the County of Stanislaus as the firm to develop an affordable housing development in Village 1.

### WRITTEN COMMUNICATIONS

16. Letter from Robin Baptiste regarding a group home at 1405 Suzanne Ave.

**ACTION:** Item was referred to the City Manager and the Safety & Communities Committee if necessary.

### UNFINISHED BUSINESS

*Item was continued to November 5, 1001.*

17. Consider submitting Farmland Stabilization Initiative to the voters.

?? Resolution submitting the Farmland Stabilization Initiative to the qualified electors of the City of Modesto at the next regular municipal election recommended.

?? Resolution transmitting a copy of the proposed Farmland Initiative to the City Attorney for an impartial analysis recommended.

?? Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the farmland Stabilization Initiative recommended.

?? Resolution determining that the action of placing the Farmland Stabilization Initiative before the voters is within the scope of the Master Environmental Impact Report (SCH No. 92052017) recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** Item was continued to November 5, 2002.

### MATTERS TOO LATE FOR THE AGENDA

None.

### ADJOURNMENT

This meeting adjourned at 7:00 p.m.

**CLOSED SESSION**

*The Closed Session Item was heard prior to the Council meeting:*

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

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organizations:	Modesto City Employees Association

**MINUTES**  
**Tuesday, October 8, 2002, at 5:30 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Keating, O’Bryant,  
Mayor Sabatino

Absent: Jackman

Pledge of Allegiance to the Flag

Invocation: Pastor Wayne Bridegroom, Central Baptist Church

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Certificate by Acting Fire Chief Jim Miguel to Shannon Slamon for her participation in the saving of a child from drowning on July 13, 2002.

**ACTION:** Presentation made by Acting Fire Chief Jim Miguel.

**ORAL COMMUNICATIONS**

- ?? Dale Williams commented on a dumpsite on East Coolidge behind Modesto Imaging Center.
- ?? Kathy Halsey from Pacific Bell shared information regarding Pacific Bell service to the Council.
- ?? Tim Spence, Village One resident, expressed concern with an affordable housing development in Village One and the amount of traffic on Roselle.
  - o Brad Kilger, Director of CED, offered to respond to Mr. Spence’s concerns.

**COUNCIL COMMENTS & REPORTS**

2. At the request of Vice Mayor Conrad, consider canceling the November 5, 2002 City Council meeting and scheduling a special City Council meeting on November 6, 2002.

**ACTION: Res. No. 2002-490** (Conrad/Fisher; unan.; Jackman, absent) canceling the November 5, 2002 Council meeting and scheduling a special meeting on Wednesday, November 6, 2002.

- 2A. At the request of Mayor Sabatino, consider adopting an ordinance requiring the disclosure of all financial interests in land use projects that come before the City Council for approval.

**ACTION:** At the request of Mayor Sabatino, this item was continued to a future meeting.

- ?? Mayor Sabatino commented on the letter received from Attorney Roger Brown regarding financial disclosure issues.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 3 through 10

**ACTION Items 3-10:** Fisher/Conrad; unan.; Jackman, absent

### CONSENT ITEMS

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

#### CONSENT

3. Approval of the minutes of the regular City Council meeting of October 1, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Fisher/Conrad; unan.; Jackman, absent) approved the minutes of October 1, 2002.

#### CONSENT

4. Consider authorizing staff to solicit a Request for Proposals (RFPs) for car rental services at Modesto City-County Airport.  
?? Resolution authorizing staff to solicit a Request for Proposals (RFPs) for car rental services at Modesto City-County Airport recommended.  
*Engineering & Transportation; Howard Cook, 577-5318, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-491** (Fisher/Conrad; unan.; Jackman, absent) authorizing staff to solicit a Request for Proposals (RFPs) for car rental services at Modesto City-County Airport.

#### CONSENT

5. Consider the addition of one bus to Modesto Area Express (MAX) Route 25, effective January 2003 at an operating cost of approximately \$191,000 annually.  
?? Resolution approving the addition of one bus to Modesto Area Express (MAX) Route 25, effective January 2003 at an operating cost of approximately \$191,000 annually recommended.  
*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-492** (Fisher/Conrad; unan.; Jackman, absent) approving the addition of one bus to Modesto Area Express (MAX) Route 25, effective January 2003 at an operating cost of approximately \$191,000 annually.

CONSENT

6. Consider increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project by \$85,000 for telephone and data cable installation.

?? Resolution authorizing increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project by \$85,000 for telephone and data cable installation recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-493** (Fisher/Conrad; unan.; Jackman, absent) authorizing increasing the Engineering & Transportation Director's authority to issue change orders on the "Renovation of Existing Police Headquarters Building – Bid Package No. 3" project by \$85,000 for telephone and data cable installation.

CONSENT

7. Consider accepting the work for the "New Police Headquarters Building – Bid Package No. 2" as substantially complete, and authorize the City Clerk to file a Notice of Completion.

?? Resolution accepting the work for the "New Police Headquarters Building – Bid Package No. 2" as substantially complete, and authorize the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-494** (Fisher/Conrad; unan.; Jackman, absent) accepting the work for the "New Police Headquarters Building – Bid Package No. 2" as substantially complete, and authorize the City Clerk to file a Notice of Completion.

CONSENT

8. Consider awarding a professional services contract to MBIA MuniServices Company to provide a utility users tax/franchise fee audit, compliance and revenue protection program on a fixed-fee basis changing current contract from a contingency fee basis. No immediate fiscal impact due to a credit of approximately \$175,000 for fees paid in previous years.

?? Resolution awarding a professional services contract to MBIA MuniServices Company to provide a utility users tax/franchise fee audit, compliance and revenue protection program on a fixed-fee basis changing current contract from a contingency fee basis recommended.

*Finance; Patrick Samsell, 577-5369, [psmasell@modestogov.com](mailto:psmasell@modestogov.com)*

**ACTION: Res. No. 2002-495** (Fisher/Conrad; unan.; Jackman, absent) awarding a professional services contract to MBIA MuniServices Company to provide a utility users

tax/franchise fee audit, compliance and revenue protection program on a fixed-fee basis changing current contract from a contingency fee basis.

#### CONSENT

9. Consider the Strategic Plan-Based Performance Measures for Parks, Recreation & Neighborhoods, and for the Police Department.

??Resolution approving the new Strategic Plan-Based Performance Measures for Parks, Recreation & Neighborhoods, and for the Police Department recommended.

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Res. No. 2002-496** (Fisher/Conrad; unan.; Jackman, absent) approving the new Strategic Plan-Based Performance Measures for Parks, Recreation & Neighborhoods, and for the Police Department

#### CONSENT

10. Consider transfer of funds for the purchase of five Police Canines.

??Resolution amending the 2002/2003 budget, estimating revenue of \$26,075 from Asset Forfeitures to fund the purchase of five police canines and associated costs.

*Police; Gene Balentine, 572-9505, [balentineg@modestopd.com](mailto:balentineg@modestopd.com)*

**ACTION: Res. No. 2002-497** (Fisher/Conrad; unan.; Jackman, absent) amending the 2002/2003 budget, estimating revenue of \$26,075 from Asset Forfeitures to fund the purchase of five police canines and associated costs.

### UNFINISHED BUSINESS

*Mayor Sabatino absent due to Conflict of Interest.*

11. Consider Parking Covenant Agreement guaranteeing public access to and use of a minimum of 44 parking spaces within the proposed Stanislaus County parking garage on 12<sup>th</sup> Street, between H and I Streets.

?? Resolution approving a Parking Covenant Agreement guaranteeing public access to and use of a minimum of 44 parking spaces within the proposed Stanislaus County parking garage on 12<sup>th</sup> Street, between H and I Streets recommended.

*Community & Economic Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-498** (Fisher/Frohman; unan.; Jackman & Sabatino, absent) approving a Parking Covenant Agreement guaranteeing public access to and use of a minimum of 44 parking spaces within the proposed Stanislaus County parking garage on 12<sup>th</sup> Street, between H and I Streets.

### NEW BUSINESS

12. Consider authorizing staff to solicit proposals for a five-year contract to operate the Modesto Area Dial-A-Ride (MADAR) system and authorizing staff to combine the MADAR procurement with the City of Ceres and County of Stanislaus transit operations contract procurements; Consider amending the existing Dial-A-Ride agreement with Storer Transit Systems to extend agreement by two weeks; and Consider appointing a member of the City Council to observe the proposer interview and evaluation panel meeting(s).
- ?? Resolution authorizing staff to solicit proposals for a five-year contract to operate the Modesto Area Dial-A-Ride (MADAR) system and authorizing staff to combine the MADAR procurement with the City of Ceres and County of Stanislaus transit operations contract procurements recommended.
- ?? Resolution amending the existing Dial-A-Ride agreement with Storer Transit Systems to extend agreement by two weeks recommended.
- ?? Resolution appointing a member of the City Council to observe the proposer interview and evaluation panel meeting(s) recommended.
- Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-499** (Frohman/Fisher; unan.; Jackman, absent) authorizing staff to solicit proposals for a five-year contract to operate the Modesto Area Dial-A-Ride (MADAR) system and authorizing staff to combine the MADAR procurement with the City of Ceres and County of Stanislaus transit operations contract procurements.

**Res. No. 2002-500** (Frohman/Fisher; unan.; Jackman, absent) amending the existing Dial-A-Ride agreement with Storer Transit Systems to extend agreement by two weeks

**Res. No. 2002-501** (Frohman/Fisher; unan.; Jackman, absent) appointing a member of the City Council and a citizen to observe the proposer interview and evaluation panel meeting(s).

13. Consider authorizing staff to proceed with a Request for Proposals for red light cameras for use at major intersections in the City of Modesto at no cost to City.

?? Resolution authorizing staff to proceed with a Request for Proposals for red light cameras for use at major intersections in the City of Modesto recommended.

*Police Department; Joel Broumas, 572-9821, [broumasj@modestopd.com](mailto:broumasj@modestopd.com)*

**ACTION: Res. No. 2002-502** (O'Bryant/Keating; unan.; Jackman, absent) authorizing staff to proceed with a Request for Proposals for red light cameras for use at major intersections in the City of Modesto with Councilmember Keating being appointed to work with staff to develop the Request for Proposals.

### **MATTERS TOO LATE FOR THE AGENDA**

None.

### **ADJOURNMENT**

This meeting adjourned at 7:25 p.m.

### **CLOSED SESSION**

#### **CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Confidential and Management Association (MCMA)

*The City Attorney returned at 8:25 p.m to report that no action was taken on the above item.*

*The following closed session items were heard prior to the meeting:*

#### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

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

Name of case: Terri Johnson-Davis v. City of Modesto, Liberty Property Management, Lauren Baltz, and Does 1 to 100 – Stanislaus County Superior Court Case No. 293348



**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**  
(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: City of Modesto v. National Medical Inc., et al.  
Stanislaus County Superior Court Case No. 292944

Name of case: City of Modesto v. John B. LaRocco; Carol Mosconi, Real Party in Interest.  
Stanislaus County Superior Court Case No. 312381

## **Tuesday, October 22, 2002, at 5:30 p.m.**

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Joel Richards, La Loma Grace Church

City Clerk’s Announcements: *Item 20 removed from the Agenda; Item 27 cancelled per a letter from ABC and applicants withdrawal of appeal.*

Declaration of Conflicts of Interest: *None.*

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

1. Presentation of a Proclamation to the Kiwanis for Contributions to the Nations in Bloom Video.

**ACTION:** Presentation made by Peter Cowles, Jim Niskanen, Councilmember Jackman, and Mayor Sabatino

2. Presentation of Proclamation proclaiming October 20-26, 2002 Second Chance Week.

**ACTION:** Presentation made by Mayor Sabatino.

3. Presentation of Certificate of Recognition to the Stanislaus Youth Soccer League.

**ACTION:** Presentation made by Mayor Sabatino.

### **ORAL COMMUNICATIONS**

?? Dale Williams commented on Item 27 and thanked the staff for the clean up of the area on East Coolidge.

?? Joan Ruttschow commented on an increase in test scores and the programs at Chatom Elementary.

?? Bob Shook expressed his concern of trees dying in Village One.

?? Eric Wardwell commented on the number of people present at the Council Meeting.

## COUNCIL COMMENTS & REPORTS

4. At the request of Vice Mayor Conrad consider purchase of software and related equipment for a Council vote system.

**ACTION: Res. No. 2002-503** (Conrad/Sabatino; majority; Fisher, no) approving the purchase of software and related equipment for a Council vote system not to exceed \$8,000.

5. At the request of Mayor Sabatino consider directing the City Attorney to prepare an ordinance requiring disclosure of all financial interests in land use entitlement applications.

**ACTION:** By Motion (Conrad/Jackman; majority; Fisher & O'Bryant, no) introduced Ordinance 3269-C.S. requiring financial disclosure on applications for land use entitlements and all agreements that come before the Council with the City Attorney to draft a universal form for all applicants.

6. At the request of Mayor Sabatino, consider directing City Attorney to research the legality of and draft a Charter amendment requiring any Councilmember to resign his/her office if they choose to seek election for the Office of "mid-term" Mayor. Said amendment to require such Councilmembers to resign prior to the 120<sup>th</sup> day before Election Day in order to meet the requirement of having their vacated seat published in the Notice of Election. Council resignations would become effective on the certification of election of his/her successor.

**ACTION:** By Motion (Fisher/Frohman; majority; Fisher, Keating & O'Bryant, no) referred this item to the Audit Committee.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 7 through 19, & 23  
*Items 20 removed from Agenda*  
*Items 21 & 22 removed from Consent*

**ACTION Items 7-19, & 23: Frohman/Fisher; unan.**

**ACTION 20: Removed from Agenda**

**ACTION 21: Conrad/Frohman; unan.; Fisher, absent**

**ACTION 22: Fisher/Conrad; unan.; Frohman & Jackman, no**

### CONSENT ITEMS

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

CONSENT

7. Approval of the minutes of the regular City Council meeting of October 8, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the minutes of October 8.

CONSENT

8. Consider excusing Councilmember Jackman's absence from the October 1 & 8, 2002 Council meetings due to representing Modesto in Germany.  
?? Motion excusing Councilmember Jackman's absence from the October 1 & 8, 2002 Council meetings recommended.

**ACTION:** By Motion (Frohman/Fisher; unan.) excusing Councilmember Jackman's absence from the October 1 & 8, 2002 Council meetings.

CONSENT

9. Consider final adoption of Ordinance No. 3268-C.S. - an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.  
*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Fisher; unan.) approved the **final adoption of Ordinance No. 3268-C.S.**- an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

CONSENT

10. Consider amending the Classification Plan to create the classifications of Operations & Maintenance Crewleader, Budget Analyst I/II, to amend Planning Assistant, Senior Planner and to delete Equipment Crewleader, Maintenance Mechanic Crewleader-Pumps, Wastewater Collection System Crewleader, Budget Analyst and Senior Budget Analyst, and Consider amending Class Range Tables to add the salary for Budget Analyst I/II and Operations & Maintenance Crewleader.  
?? Resolution amending the Classification Plan to create the classifications of Operations & Maintenance Crewleader, Budget Analyst I/II, to amend Planning Assistant, Senior Planner and to delete Equipment Crewleader, Maintenance Mechanic Crewleader-Pumps, Wastewater Collection System Crewleader, Budget Analyst and Senior Budget Analyst recommended.  
?? Resolution amending Class Range Tables to add the salary for Budget Analyst I/II and Operations & Maintenance Crewleader recommended.  
*Personnel; Cherree Platt, 577-5439, [cplatt@modestogov.com](mailto:cplatt@modestogov.com)*

**ACTION: Res. No. 2002-505** (Frohman/Fisher; unan.) amending the Classification Plan to create the classifications of Operations & Maintenance Crewleader, Budget Analyst

I/II, to amend Planning Assistant, Senior Planner and to delete Equipment Crewleader, Maintenance Mechanic Crewleader-Pumps, Wastewater Collection System Crewleader, Budget Analyst and Senior Budget Analyst.

**Res. No. 2002-506** (Frohman/Fisher; unan.) Class Range Tables to add the salary for Budget Analyst I/II and Operations & Maintenance Crewleader.

CONSENT

11. Consider amending the Classification Plan to create the classification of Security Officer and to revise the classification of Law Enforcement Academy Recruit, Police Officer Trainee and Police Officer, and Consider amending the Class Range Tables to establish a salary for Security Officer.

?? Resolution amending the Classification Plan to create the classification of Security Officer and to revise the classification of Law Enforcement Academy Recruit, Police Officer Trainee and Police Officer recommended.

?? Resolution amending the Class Range Tables to establish a salary for Security Officer recommended.

*Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

**ACTION: Res. No. 2002-507** (Frohman/Fisher; unan.) amending the Classification Plan to create the classification of Security Officer and to revise the classification of Law Enforcement Academy Recruit, Police Officer Trainee and Police Officer.

**Res. No. 2002-508** (Frohman/Fisher; unan.) amending the Class Range Tables to establish a salary for Security Officer.

CONSENT

12. Consider awarding the bid of Continental Landscape Inc for landscape maintenance services and authorizing the Purchasing Supervisor to issue an annual agreement to Continental for FY 2002-2003 in the amount of \$34,908.00, with an option of two additional one-year contract extension options. Funds are budgeted.

?? Resolution awarding the bid of Continental Landscape Inc for landscape maintenance services and authorizing the Purchasing Supervisor to issue an annual agreement to Continental for FY 2002-2003 in the amount of \$34,908.00, with an option of two additional one-year contract extension options recommended.

*Finance; Tom Reddie, 577-5406, treddie@modestogov.com*

**ACTION: Res. No. 2002-509** (Frohman/Fisher; unan.) awarding the bid of Continental Landscape Inc for landscape maintenance services and authorizing the Purchasing Supervisor to issue an annual agreement to Continental for FY 2002-2003 in the amount of \$34,908.00, with an option of two additional one-year contract extension options.

CONSENT

13. Consider accepting the work of Granite Construction Company for the project titled “Co-Compost Road Improvements” as complete and authorizing the City Clerk to file a Notice of Completion. Total project cost \$119,703.70.

?? Resolution accepting the work for the project titled “Co-Compost Road Improvements” as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, rsnell@modestogov.com*

**ACTION: Res. No. 2002-510** (Frohman/Fisher; unan.) accepting the work for the project titled “Co-Compost Road Improvements” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

14. Consider accepting the work of Diede Construction Inc. for the project titled Wastewater Collection Maintenance Building” as complete and authorizing the City Clerk to file a Notice of Completion. Total project cost \$1,475,743.00.

?? Resolution accepting the work of Diede Construction Inc. for the project titled Wastewater Collection Maintenance Building” as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, rsnell@modestogov.com*

**ACTION: Res. No. 2002-511** (Frohman/Fisher; unan.) accepting the work of Diede Construction Inc. for the project titled Wastewater Collection Maintenance Building” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

15. Consider awarding a \$297,261.99 contract to Cen-Cal Construction Inc. for the project titled “Replace Shade Structures at Beyer Park and Graceada Park. Funds are budgeted.

?? Resolution awarding a \$297,261.99 contract to Cen-Cal Construction Inc. for the project titled “Replace Shade Structures at Beyer Park and Graceada Park recommended.

*Engineering & Transportation; Dean Phillips, dphillips@modestogov.com*

**ACTION: Res. No. 2002-512** (Frohman/Fisher; unan.) awarding a \$297,261.99 contract to Cen-Cal Construction Inc. for the project titled “Replace Shade Structures at Beyer Park and Graceada Park.

CONSENT

16. Consider adopting an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects; and Consider authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP).

?? Resolution adopting an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects recommended.

?? Resolution authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) recommended.

*Engineering & Transportation; Dean Phillips, dphillips@modestogov.com*

**ACTION: Res. No. 2002-513** (Frohman/Fisher; unan.) adopting an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects.

**Res. No. 2002-514** (Frohman/Fisher; unan.) authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP)

CONSENT

17. Consider awarding a \$330,200 contract to Industrial Electrical Company for the Project titled "Installation of Emergency Generators at Well 57 and Tanks 6, 7, & 8"; and Consider amending the Fiscal Year 2002-2003 Capital Improvement Program Budget to establish two new CIP project funds.

?? Resolution awarding a \$330,200 contract to Industrial Electrical Company for the Project titled "Installation of Emergency Generators at Well 57 and Tanks 6, 7, & 8" recommended.

?? Resolution amending the Fiscal Year 2002-2003 Capital Improvement Program Budget to establish two new CIP project funds recommended.

*Engineering & Transportation; Dean Phillips, dphillips@modestogov.com*

**ACTION: Res. No. 2002-515** (Frohman/Fisher; unan.) awarding a \$330,200 contract to Industrial Electrical Company for the Project titled "Installation of Emergency Generators at Well 57 and Tanks 6, 7, & 8"

**Res. No. 2002-516** (Frohman/Fisher; unan.) amending the Fiscal Year 2002-2003 Capital Improvement Program Budget to establish two new CIP project funds.

CONSENT

18. Consider accepting the improvements for the Chateau Provence Phase I subdivision in the Pelandale-Snyder Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owner: Anderson Homes, a California Corporation).

?? Resolution accepting the improvements for the Chateau Provence Phase I subdivision in the Pelandale-Snyder Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-517** (Frohman/Fisher; unan.) accepting the improvements for the Chateau Provence Phase I subdivision in the Pelandale-Snyder Specific Plan Area and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

19. Consider accepting the improvements for the Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owner: Florsheim Bros., a California General Partnership by its general partner, Florsheim Properties, a California Corporation)  
?? Resolution accepting the improvements for the Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-518** (Frohman/Fisher; unan.) accepting the improvements for the Orleans Estates Unit No. 1 subdivision in the Village One Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Removed from Agenda.

20. Consider a written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto.  
?? Resolution adopting a written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto recommended.  
*Community & Economic Development; Laurie Smith, 577-5347, [lsmith@modestogov.com](mailto:lsmith@modestogov.com)*

**ACTION:** Removed from Agenda

*Fisher absent due to conflict of interest.*

21. Consider an agreement with the Housing Authority of Stanislaus County to provide \$250,000 in HOME funds for the development of Miller Pointe subdivision and authorizing the City Manager to execute the necessary documents; and Consider approving the Initial Study, Environmental Assessment No. EA/CDD 2002-02, which concludes that the project is within the scope of the General Plan Master EIR (SCH No. 92042017) and that pursuant to Section 21157.1 of Public Resources Code, no new environmental review is required.  
?? Resolution approving an agreement with the Housing Authority of Stanislaus County to provide \$250,000 in HOME funds for the development of Miller Pointe subdivision and authorizing the City Manager to execute the necessary documents recommended.  
?? Resolution approving the Initial Study, Environmental Assessment No. EA/CDD 2002-02, which concludes that the project is within the scope of the General Plan Master EIR (SCH No. 92042017) and that pursuant to Section 21157.1 of Public Resources Code, no new environmental review is required recommended.  
*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-519** (Conrad/Frohman; unan.; Fisher, absent) approving an agreement with the Housing Authority of Stanislaus County to provide \$250,000 in HOME funds for the development of Miller Pointe subdivision and authorizing the City Manager to execute the necessary documents.



**Res. No. 2002-520** (Conrad/Frohman; unan.; Fisher, absent) approving the Initial Study, Environmental Assessment No. EA/CDD 2002-02, which concludes that the project is within the scope of the General Plan Master EIR (SCH No. 92042017) and that pursuant to Section 21157.1 of Public Resources Code, no new environmental review is required

CONSENT

22. Consider an agreement with Vavrinek, Trine, Day & Company LLP to perform the Community Facilities District financial statement and performance audits for a cost of \$221,500, and authorizing the City Manager to execute the agreement.

?? Resolution approving an agreement with Vavrinek, Trine, Day & Company LLP to perform the Community Facilities District financial statement and performance audits for a cost of \$221,500, and authorizing the City Manager to execute the agreement recommended.

*City Clerk & Auditor; Gary Nienhuis, 571-5544, [gnienhuis@modestogov.com](mailto:gnienhuis@modestogov.com)*

**ACTION: Res. No. 2002-521** (Fisher/Conrad; majority; Frohman & Jackman, no) approving an agreement with Vavrinek, Trine, Day & Company LLP to perform the Community Facilities District financial statement and performance audits for a cost of \$221,500, and authorizing the City Manager to execute the agreement.

CONSENT

23. Consider a lease agreement with Scott Gifford and Meg Scherfee to lease city-owned property located at 4205 Gomes Road for \$1,400 per month, and authorize the City Manager to execute the appropriate documents.

?? Resolution approving a lease agreement with Scott Gifford and Meg Scherfee to lease city-owned property located at 4205 Gomes Road and authorize the City Manager to execute the appropriate documents recommended.

*Operations & Maintenance; Peter Cowles, 342-2284, [pcowles@modesto.gov](mailto:pcowles@modesto.gov)*

**ACTION: Res. No. 2002-522** (Frohman/Fisher; unan.) approving a lease agreement with Scott Gifford and Meg Scherfee to lease city-owned property located at 4205 Gomes Road and authorize the City Manager to execute the appropriate documents.

**WRITTEN COMMUNICATIONS**

24. Letter from Bishop Bergstrom regarding his concern of traffic safety at Franklin Elementary School on Emerald Avenue.

**ACTION:** No action taken. Mayor Sabatino confirmed the City would discuss Mr. Bergstrom's concerns with the school district.

**UNFINISHED BUSINESS**

25. Consider adopting land absorption analysis and land use assumptions and directing Goodwin Consulting Group to utilize this information when preparing its proposed Village One Financing Strategy; Consider adopting land use TEST alternative and directing Goodwin Consulting Group to utilize these alternatives for purposes of TESTING its proposed Village One Financing Strategy; Consider adopting the proposed Village One Facilities Prioritization List and provide administrative direction associated therewith; Consider providing staff direction with respect to the future funding of Grogan Park; and Consider adopting the proposed list of additional maintenance items and directing Goodwin Consulting Group to include said additional maintenance items in its Village One Financing Strategy.
  - ?? Motion adopting land absorption analysis and land use assumptions and directing Goodwin Consulting Group to utilize this information when preparing its proposed Village One Financing Strategy recommended.
  - ?? Motion adopting land use TEST alternative and directing Goodwin Consulting Group to utilize these alternatives for purposes of TESTING its proposed Village One Financing Strategy recommended.
  - ?? Motion adopting the proposed Village One Facilities Prioritization List and provide administrative direction associated therewith recommended.
  - ?? Motion providing staff direction with respect to the future funding of Grogan Park recommended.
  - ?? Motion adopting the proposed list of additional maintenance items and directing Goodwin Consulting Group to include said additional maintenance items in its Village One Financing Strategy recommended.

*City Manager; George Britton, 571-5101, gbritton@modestgov.com*

**ACTION:** By Motion (Frohman/Sabatino; unan.) Council approved the Economic Development Committee's recommendations of October 16, 2002 as per the attached exhibit.

*Removed from Agenda*

26. At the request of Mayor Sabatino, consider approving in connection with the purchase of the property owned by Dan Monteroso at the corner of Coffee and Scenic as required by the purchase agreement, the exceptions on the title report and the results of the hazardous materials investigation so that escrow can close.
  - ?? Resolution approving the exceptions on the title report and the results of the hazardous materials investigation so that escrow can close recommended.

**ACTION:** Removed from Agenda.

## HEARINGS

*This item has been cancelled due to the receipt of a letter from the Department of Alcoholic Beverage Control regarding the over-concentration of licenses in census tract 0019.*

27. Hearing to consider an appeal of a Public Convenience and Necessity Findings (ABC license denial for Angelita's Carniceria at 1601 Yosemite Boulevard). Item continued from September 24, 2002.

?Resolution denying the appeal of Angelita's Carniceria, 1601 Yosemite Boulevard, Suite G, for a finding of "Public Convenience and Necessity" in the matter of a Type 20 (Off-Sale – Beer & Wine) Alcoholic Beverage Control License recommended.  
*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION:** Hearing was canceled.

28. Hearing to consider the 2002 Local Law Enforcement Block Grant and authorizing the City Manager to execute said grant for police equipment and technology; and Consider amending the 2002/2003 Annual Budget estimating revenue and appropriating funds.

?? Resolution approving the 2002 Local Law Enforcement Block Grant and authorizing the City Manager to execute said grant for police equipment and technology recommended.

?? Resolution amending the 2002/2003 Annual Budget estimating revenue and appropriating funds recommended.

*Police Department; Roy Wasden, 572-9503, [wasdenr@modestopd.com](mailto:wasdenr@modestopd.com)*

**ACTION: Res. No. 2002-523** (Jackman/Frohman; unan) approving the 2002 Local Law Enforcement Block Grant and authorizing the City Manager to execute said grant for police equipment and technology.

**Res. No. 2002-524** (Jackman/Frohman; unan.) amending the 2002/2003 Annual Budget estimating revenue and appropriating funds.

29. Hearing to consider the expenditure of the City of Modesto's 2002/03 allocation of \$394,481.00 from the State of California Supplemental Law Enforcement Services Fund for the salaries and benefits of seven Police Clerks, one Property and Evidence Technician and one Systems Analyst.

?Resolution accepting the expenditure of the City of Modesto's 2002/03 allocation of \$394,481.00 from the State of California Supplemental Law Enforcement Services Fund, as recommended by the Police Chief, for the salaries and benefits of seven Police Clerks, one Property and Evidence Technician and one Systems Analyst recommended.

*Police; Judy Togonolini, 572-9523, [tognolinij@modestopd.com](mailto:tognolinij@modestopd.com)*

**ACTION: Res. No. 2002-525** (Jackman/Frohman; unan.) accepting the expenditure of the City of Modesto's 2002/03 allocation of \$394,481.00 from the State of California Supplemental Law Enforcement Services Fund, as recommended by the Police Chief, for the salaries and benefits of seven Police Clerks, one Property and Evidence Technician and one Systems Analyst.

30. Hearing to consider amendment to the Zoning Regulations to provide for residential developments in the C-1 and C-2 zones subject to Conditional Use Permits by the Board of Zoning Adjustment.

?? Introduction of an ordinance amending Section 10-2.1004(a) of the Modesto Municipal Code (Zoning Regulations) recommended.

*Community & Economic Development Department; Bob Cannell, 571-5539,  
[bcannell@modestogov.com](mailto:bcannell@modestogov.com)*

**ACTION:** By Motion (Jackman/Fisher; unan.) introduced Ordinance 3270-C.S. amending Section 10-2.1004(a) of the Modesto Municipal Code.

*Fisher absent due to Conflict of Interest*

31. Hearing to consider the application of Horizon Consulting Services to amend the General Plan Land Use Diagram by changing the designation of an approximate one-acre parcel from Residential to Mixed Use, to allow a 10,000 square-foot medical office development, property located at 810 Standiford Avenue, owner Lena Van Horn.

?Resolution approving the General Plan amendment recommended.

?Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Brad Wall, 571-5808, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: Res. No. 2002-526** (Conrad/Keating; unan.; Fisher, absent) approving the General Plan amendment.

**Res. No. 2002-527** (Conrad/Keating; unan.; Fisher, absent) finding the requested rezoning within the scope of the General Plan Master EIR.

*Fisher absent due to Conflict of Interest*

32. Hearing to consider the application of Horizon Consulting Services to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(555), to allow a 19,000 square-foot medical office development, property located at 810 Standiford Avenue, owner Lena Van Horn.

?Introduction of an ordinance approving rezoning from R-1 to P-D(555) recommended.

?Resolution approving a Development Plan for P-D(555) recommended.

?Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Brad Wall, 571-5808, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION:** By Motion (Conrad/Keating; unan.; Fisher, absent) introduced Ordinance 3271-C.S. approving rezoning from R-1 to P-D(555).

**Res. No. 2002-528** (Conrad/Keating; unan., Fisher, absent) approving a Development Plan for P-D(555).

**Res. No. 2002-529** (Conrad/Keating; unan.; Fisher, absent) finding the requested rezoning within the scope of the General Plan Master EIR.

## **NEW BUSINESS**

- 33. Consider issuing Multifamily Housing Refunding Revenue Bonds for the refinancing of the Westdale Commons Apartments project and approving other related documents and actions.  
??Resolution authorizing the issuance of Variable Rate Demand Multifamily Housing Refunding Revenue Bonds and the loan of the proceeds thereof for the refinancing of the Westdale Commons Apartments and approving other related documents and actions recommended.

Finance; Rob Stout, 577-5369, [rstout@modestogov.com](mailto:rstout@modestogov.com)

**ACTION: Res. No. 2002-530** (Frohman/Conrad; unan) authorizing the issuance of Variable Rate Demand Multifamily Housing Refunding Revenue Bonds and the loan of the proceeds thereof for the refinancing of the Westdale Commons Apartments and approving other related documents and actions.

- 34. Consider a professional services agreement with MBIA MuniServices Company to provide a property tax audit and review service on a contingency fee basis and authorizing the City Manager to execute necessary documents.  
??Resolution approving an agreement with MBIA MuniServices Company to provide a property tax audit and review service on a contingency fee basis and authorizing the City Manager to execute necessary documents recommended.

Finance; Rob Stout, 577-5369, [rstout@modestogov.com](mailto:rstout@modestogov.com)

**ACTION: Res. No. 2002-531** (Frohman/Conrad; unan.) approving an agreement with MBIA MuniServices Company to provide a property tax audit and review service on a contingency fee basis and authorizing the City Manager to execute necessary documents

- 34A. Consider granting an exception to the Downtown Exposed Aggregate Sidewalk & Streetscape Standard to the Downtown Arts Project for restoration of the sidewalk in front of the State theatre at 1307 J Street.  
?? Resolution granting an exception to the Downtown Exposed Aggregate Sidewalk & Streetscape Standard to the Downtown Arts Project for restoration of the sidewalk in front of the State theatre at 1307 J Street recommended.

Engineering & Transportation; Glen Lewis, 577-5213, [glewis@modestogov.com](mailto:glewis@modestogov.com)

**ACTION: Res. No. 2002-532** (Jackman/Keating; unan.) granting an exception to the Downtown Exposed Aggregate Sidewalk & Streetscape Standard to the Downtown Arts Project for restoration of the sidewalk in front of the State theatre at 1307 J Street.

**MATTERS TOO LATE FOR THE AGENDA**

None.

**ADJOURNMENT**

This meeting adjourned at 11:25 p.m.

**CLOSED SESSION**

*Closed Session Items were heard prior to the Council meeting.*

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

Agency Negotiators:        Jack R. Crist, City Manager  
   Robin Renwick, Personnel Director

Employee Organizations:    Modesto Confidential & Management Association (MCMA)

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case

Facts and Circumstances: W. H. Breshears Inc., contests the bid process used by the City to award a fuel contract for the City's petroleum product needs.

# MEMORANDUM

## City of Modesto

### Office of the City Manager

On Wednesday, October 16, 2002, the Economic & Development Committee (“Committee”) held a special meeting to discuss the policy guidance questions/issues regarding the Village One Specific Plan Area that will be before you on October 22, 2002. Following are the Committee’s recommendations.

#### LAND ABSORPTION ANALYSIS

The Committee concurred with staff’s recommendations.

#### LAND USE TEST ALTERNATIVES

The Committee recommended the following changes to staff’s recommended TEST alternatives:

**TEST Alternative #1:**

**Net Change From Base Case**

Land Use Category	<i>STAFF’S RECOMMENDATION</i>	<i>COMMITTEE’S RECOMMENDATION</i>
Village Residential	+ 15 ac.	<b>0</b>
Multi-Family	+ 9.5 ac.	<b>0</b>
Commercial	+ 23 ac	<b>19</b>
Business Park	- 47.5 ac	<b>-19</b>

**TEST Alternative #2:**

**Net Change From Base Case**

Land Use Category	<i>STAFF’S RECOMMENDATION</i>	<i>COMMITTEE’S RECOMMENDATION</i>
Village Residential	- 46 ac.	<b>-48</b>
Commercial	+ 46 ac.	<b>0</b>
Multi-Family	0	<b>+48</b>
		<b>(consisting of 4 – 12 acres</b>

sites)

**TEST Alternative #3:**

**Net Change From Base Case**

Land Use Category	<i>STAFF'S RECOMMENDATION</i>	<i>COMMITTEE'S RECOMMENDATION</i>
Very-Low Density Residential	- 8.3 ac.	<b>0</b>
Village Residential	+ 15 + 5 - 46 = -26 ac	<b>-48 + 5 = -43</b>
Multi-Family	+ 9.5 - 4.1 = + 5.4 ac.	<b>+48 + -4.1 = +43.9</b>
Commercial (/Office)	46 + 23 - 5 + 4.1 + 8.3 = + 76.4 ac.	<b>+19 + -5 + 4.1 = 18.1</b>
Business Park	- 47.5 ac.	<b>-19</b>

**PRIORITIZATION OF FACILITIES**

The Committee concurred with staff's facilities prioritization list with the exception of the prioritization of two of the Floyd Avenue segments. The Committee requested that the segment of Floyd between Oakdale and Roselle be moved from Priority 2 to Priority 1 and that the segment of Floyd between Roselle and Fine Avenue be moved from Priority 1 to Priority 2. Also, the issue of whether or not the soon-to-be-established facilities prioritization list should be adhered to strictly was raised. While the Committee expressed concern with linking the timing of reimbursements to an adopted prioritization list, it recognized that the checkerboard development and reimbursement that has occurred contributed to the current patchwork of infrastructure and agreed that a prioritization of facilities, and reimbursements, will allow the City to provide facilities in the order needed to serve the community.

**GROGAN COMMUNITY PARK FUNDING**

The Committee's recommendation was to fund Phases I & II of Grogan Park using the current CFD/CFF allocation, with the understanding that the Recreation and Neighborhood Department would actively pursue grant funding to offset a portion or all of the CFD's contribution, and explore alternative funding options (e.g. additional CFF contribution, Village Three contribution, etc.) for Phases III & IV.

**ADDITIONAL MAINTENANCE ITEMS**

The Committee directed Staff to prepare cost estimates for the maintenance of the basins, pump stations and collector street landscaping within the Village One Specific Plan Area.



## Wednesday, November 6, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,  
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Evangelist Linda Wade, Mighty Women of Modesto

City Clerk’s Announcements: *Item 10 removed from agenda*

Declaration of Conflicts of Interest: *O’Bryant, Item 8*  
*Fisher, Items 23 & 26*

### ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of the newly appointed Fire Chief, James Miguel.

**ACTION:** City Manager Jack Crist introduced Fire Chief James Miguel.

### ORAL COMMUNICATIONS

None.

### COUNCIL COMMENTS & REPORTS

None.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 2-9, 11-20  
Item 10 removed from Agenda

**ACTION Items 1-7, 9, 11-20:** Frohman/Conrad; unan.

**ACTION Item 8:** Frohman/Jackman; unan.; O’Bryant, absent

*ACTION Item 10: Removed from Agenda*

### CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 22, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the minutes of October 22, 2002.

CONSENT

3. Final adoption of Ordinance 3270-C.S. – an ordinance amending Section 10-2.1004 of Article 10 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Conditional Uses (C-1 Zone).  
?? Motion approving final adoption of Ordinance 3270-C.S. – an ordinance amending Section 10-2.1004 of Article 10 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Conditional Uses (C-1 Zone) recommended.  
*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the **final adoption of Ordinance 3270-C.S.** – an ordinance amending Section 10-2.1004 of Article 10 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Conditional Uses (C-1 Zone).

CONSENT

4. Consider a written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto.  
?? Resolution adopting a written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto recommended.  
*Community & Economic Development; Laurie Smith, 577-5347, [lsmith@modestogov.com](mailto:lsmith@modestogov.com)*

**ACTION: Res. No. 2002-533** (Frohman/Conrad; unan.) adopting a written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto.

CONSENT

5. Consider accepting as complete the work of Teichert Construction for the project titled “Rehabilitate Taxiways A & B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP Project No. 3-06-0153-22 and –23” and authorizing the City Clerk to file a Notice of Completion. Total cost of completed work, \$450,248.79. Funds are budgeted.  
?? Resolution accepting as complete the work of Teichert Construction for the project titled “Rehabilitate Taxiways A & B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP

Project No. 3-06-0153-22 and –23” and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-544** (Frohman/Conrad; unan.) accepting as complete the work of Teichert Construction for the project titled “Rehabilitate Taxiways A & B, Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, Modesto City-County Airport, AIP Project No. 3-06-0153-22 and –23” and authorizing the City Clerk to file a Notice of Completion.

#### CONSENT

6. Consider accepting as complete the work of Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacement” and authorizing the City Clerk to file a Notice of Completion. Total cost of completed work - \$749,362. Funds are budgeted.

?? Resolution accepting as complete the work of Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacement” and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-535** (Frohman/Conrad; unan.) accepting as complete the work of Soares Pipeline Inc. for the project titled “2002 Sanitary Sewer Replacement” and authorizing the City Clerk to file a Notice of Completion.

#### CONSENT

7. Consider accepting as complete the work of Cunningham & Sons Inc. for the project titled “2001-2002 Rockwell Catch Basin Replacement/Addition” and authorizing the City Clerk to file a Notice of Completion. Total cost of completed work, \$519,266.12. Funds are budgeted.

?? Resolution accepting as complete the work of Cunningham & Sons Inc. for the project titled “2001-2002 Rockwell Catch Basin Replacement/Addition” and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-536** (Frohman/Conrad; unan.) accepting as complete the work of Cunningham & Sons Inc. for the project titled “2001-2002 Rockwell Catch Basin Replacement/Addition” and authorizing the City Clerk to file a Notice of Completion.

*O’Bryant absent due to conflict of interest.*

8. Consider accepting as complete the work of Bond Blacktop Inc. for the project titled “2001 Slurry Seals” and authorizing the City Clerk to file Notice of Completion. Total cost of completed work, \$671,173.94. Funds are budgeted.

?? Resolution accepting as complete the work of Bond Blacktop Inc. for the project titled “2001 Slurry Seals” and authorizing the City Clerk to file Notice of Completion recommended.

*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-537** (Frohman/Jackman; unan.; O’Bryant, absent) accepting as complete the work of Bond Blacktop Inc. for the project titled “2001 Slurry Seals” and authorizing the City Clerk to file Notice of Completion.

#### CONSENT

9. Consider approving an amendment to an agreement with Dokken Engineering for professional design services for project titled “Replacement of the Carpenter Road Bridge Over Tuolumne River” for an amount of \$11,414.40 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement. Funds are budgeted.

?? Resolution approving an amendment to an agreement with Dokken Engineering for professional design services for project titled “Replacement of the Carpenter Road Bridge Over Tuolumne River” for an amount of \$11,414.40 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-538** (Frohman/Conrad; unan.) approving an amendment to an agreement with Dokken Engineering for professional design services for project titled “Replacement of the Carpenter Road Bridge Over Tuolumne River” for an amount of \$11,414.40 to process CEQA (California Environmental Quality Act) clearance as a mitigated negative declaration (MND) and authorizing the City Manager to execute said amendment to agreement.

*Item 10 removed from agenda*

10. Consider awarding a \$899,333.00 contract to George Reed Inc. for the project titled “Village One West Basin Road Improvements”. Funds are budgeted.

?? Resolution awarding a \$899,333.00 contract to George Reed Inc. for the project titled “Village One West Basin Road Improvements” recommended.

?? Resolution certifying the findings of an Initial Study to the Final Program EIR for the Village One Specific Plan recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Removed from agenda**

#### CONSENT

11. Consider the purchase of 14 buses from the Gillig Corporation at a cost of \$4,323,360. Nine of the 14 buses will replace nine existing buses that do not meet the California Air

Resources Board requirements, and two buses that have exceeded their useful life. The three remaining new buses will allow for service expansion. Federal Transit Administration (FTA) grants cover 83% (\$3,588,388.80) of the cost, with the local share of \$734,971.20 (17%) being covered by Local Transportation Funds (LTF) monies.

?? Resolution approving an agreement with the Gillig Corporation for the purchase of fourteen buses at a cost of \$4,323,360 and authorizing the City Manager to execute necessary documents recommended.

*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modesgov.com](mailto:fcavanah@modesgov.com)*

**ACTION: Res. No. 2002-539** (Frohman/Conrad; unan.) approving an agreement with the Gillig Corporation for the purchase of fourteen buses at a cost of \$4,323,360 and authorizing the City Manager to execute necessary documents.

CONSENT

12. Consider authorizing the purchase of a John Deere 410G Loader/Backhoe from Nortrax West for a total cost of \$76,977.23. Funds are budgeted.

?? Resolution authorizing the purchase of a John Deere 410G Loader/Backhoe from Nortrax West for a total cost of \$76,977.23 recommended.

*Finance; Tom Reddie, 577-5406, [treddie@modestogov.com](mailto:treddie@modestogov.com)*

**ACTION: Res. No. 2002-540** (Frohman/Conrad; unan.) authorizing the purchase of a John Deere 410G Loader/Backhoe from Nortrax West for a total cost of \$76,977.23.

CONSENT

13. Consider introduction of an ordinance amending Section 4-7.1103 of the Modesto Municipal Code relating to the Collection of Pruned Refuse.

?? Introduced an ordinance amending Section 4-7.1103 of the Modesto Municipal Code relating to the Collection of Pruned Refuse recommended.

*Operations & Maintenance; Bill Dufresne, 342-2231, [mdufresne@modestogov.com](mailto:mdufresne@modestogov.com)*

**ACTION: By Motion** (Frohman/Conrad; unan.) **introduced Ordinance 3272-C.S.** amending Section 4-7.1103 of the Modesto Municipal Code relating to the Collection of Pruned Refuse.

CONSENT

14. Consider changing the name of the Public Events Commission to the Public Events Advisory Committee, and Consider approving the bylaws of the Public Events Advisory Committee.

?? Resolution approving changing the name of the Public Events Commission to the Public Events Advisory Committee recommended.

?? Resolution approving the bylaws of the Public Events Advisory Committee recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, [bquintella@modestogov.com](mailto:bquintella@modestogov.com)*

**ACTION: Res. No. 2002-541**(Frohman/Conrad; unan.) approving changing the name of the Public Events Commission to the Public Events Advisory Committee.

**Res. No. 2002-542** (Frohman/Conrad; unan.) approving the bylaws of the Public Events Advisory Committee.

CONSENT

15. Consider establishing a deposit of \$20,000 to pay all City expenses connected with City's review of PG&E's application for a gas franchise.

?? Resolution establishing a deposit of \$20,000 to pay all City expenses connected with City's review of PG&E's application for a gas franchise in the City of Modesto and referring the application to the City Manager for his recommendation and report.

*City Manager; Jack Crist, 577-5224, [jcrist@modestogov.com](mailto:jcrist@modestogov.com)*

**ACTION: Res. No. 2002-543** (Frohman/Conrad; unan.) establishing a deposit of \$20,000 to pay all City expenses connected with City's review of PG&E's application for a gas franchise in the City of Modesto and referring the application to the City Manager for his recommendation and report.

CONSENT

16. Consider a Virginia Corridor Railbanking agreement with Union Pacific Railroad.

?Resolution approving an agreement with Union Pacific Railroad to railbank the Virginia Corridor property and authorize the City Manager to execute the necessary documents recommended.

?Resolution making a Finding of Conformance with the Non-Motorized Transportation Master Plan, Negative Declaration (EA 96-118), and Modesto Urban Area General Plan, Master Environmental Impact Report (SCH NO. 92042017) recommended.

*City Manager; Jana Coons, 571-5580, [jcoons@modestogov.com](mailto:jcoons@modestogov.com)*

**ACTION: Res. No. 2002-544** (Frohman/Conrad; unan.) approving an agreement with Union Pacific Railroad to railbank the Virginia Corridor property and authorize the City Manager to execute the necessary documents.

**Res. No. 2002-545** (Frohman/Conrad; unan.) making a Finding of Conformance with the Non-Motorized Transportation Master Plan, Negative Declaration (EA 96-118), and Modesto Urban Area General Plan, Master Environmental Impact Report (SCH NO. 92042017).

CONSENT

17. Consider accepting the improvements for the Fairmont Pointe #1 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owner: Dominion Developers LP, a California Limited Partnership.

?? Resolution accepting the improvements for the Fairmont Pointe #1 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-546** (Frohman/Conrad; unan.) accepting the improvements for the Fairmont Pointe #1 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### CONSENT

18. Consider accepting the improvements for the Fairmont Pointe #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owner: Dominion Developers LP, a California Limited Partnership.

?? Resolution accepting the improvements for the Fairmont Pointe #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-547** (Frohman/Conrad; unan.) accepting the improvements for the Fairmont Pointe #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### CONSENT

19. Consider approving the final map of the Village Highlands No. 7 Subdivision in the Village One Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code, and an agreement for the development and maintenance of a temporary storm drain basin (Owners: Inland Village, a California General Partnership).

?? Resolution approving the final map of the Village Highlands No. 7 Subdivision in the Village One Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code, and an agreement for the development and maintenance of a temporary storm drain basin recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-548** (Frohman/Conrad; unan.) approving the final map of the Village Highlands No. 7 Subdivision in the Village One Specific Plan Area, authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code, and an agreement for the development and maintenance of a temporary storm drain basin.

#### CONSENT



20. Consider accepting a grant in the amount of \$53,233 and approving State-funded grant program titled “Modesto Juvenile Impact Program”, and authorizing the City Manager to execute the necessary grant documents; and Consider amending the 2002/2003 budget to re-appropriate funds. City match for this project is \$5,915, for a total Program cost of \$59,148.

?? Resolution accepting a grant in the amount of \$53,233 and approving State-funded grant program titled “Modesto Juvenile Impact Program, and authorizing the City Manager to execute the necessary grant documents recommended.

?? Resolution amending the 2002/2003 budget to re-appropriate funds recommended.  
*Police Department; Ron Sale, 572-9674, [saler@modestopd.com](mailto:saler@modestopd.com)*

**ACTION: Res. No. 2002-549** (Frohman/Conrad; unan.) accepting a grant in the amount of \$53,233 and approving State-funded grant program titled “Modesto Juvenile Impact Program, and authorizing the City Manager to execute the necessary grant documents.

**Res. No. 2002-550** (Frohman/Conrad; unan.) amending the 2002/2003 budget to re-appropriate funds.

### WRITTEN COMMUNICATIONS

21. Letter from Bishop Bergstrom requesting income from one or two parking meters be set aside for aid to the homeless.

**ACTION:** No action taken.

### UNFINISHED BUSINESS

22. Final adoption of Ordinance 3269-C.S. – an ordinance adding Chapter 10 entitled “Conflict Disclosure” to Title 2 of the Modesto Municipal Code.

?? Motion approving final adoption of Ordinance 3269-C.S. – an ordinance adding Chapter 10 entitled “Conflict Disclosure” to Title 2 of the Modesto Municipal Code recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Conrad/Frohman; unan.) approved the **final adoption of Ordinance 3269-C.S.** – an ordinance adding Chapter 10 entitled “Conflict Disclosure” to Title 2 of the Modesto Municipal Code, with the condition that staff not enforce the ordinance until the disclosure form is approved by the Council.

*Fisher absent due to conflict of interest.*

23. Final adoption of Ordinance 3271-C.S. – an ordinance amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential zone, R-1, to Planned Development zone, P-D(555), property located at 810 Standiford Avenue (Horizon Consulting Services).

? Motion approving final adoption of Ordinance 3271-C.S. – an ordinance amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential zone, R-1, to



Planned Development zone, P-D(555), property located at 810 Standiford Avenue (Horizon Consulting Services) recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Jackman; unan.; Fisher, absent) approved **the final adoption of Ordinance 3271-C.S.** – an ordinance amending Section 8-3-9 of the Zoning Map to rezone from Low Density Residential zone, R-1, to Planned Development zone, P-D(555), property located at 810 Standiford Avenue (Horizon Consulting Services).

*This item was continued from the October 1, 2002 meeting*

24. Consider submitting Farmland Stabilization Initiative to the voters.

?? Resolution submitting the Farmland Stabilization Initiative to the qualified electors of the City of Modesto at the next regular municipal election recommended.

?? Resolution transmitting a copy of the proposed Farmland Initiative to the City Attorney for an impartial analysis recommended.

?? Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the farmland Stabilization Initiative recommended.

?? Resolution determining that the action of placing the Farmland Stabilization Initiative before the voters is within the scope of the Master Environmental Impact Report (SCH No. 92052017) recommended.

*City Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** Motion (Jackman/Frohman) failed to carry.

25. Consider approving exceptions #9, 10, 11 and 12 to the title set forth in the preliminary title report and accepting an environmental investigation prepared by North American Technical Services for approximately 5.5 acres the City is purchasing from Dano Construction for use as a trailhead and scenic overlook. Purchase price, \$1,050,000 plus environmental and closing costs for a total of \$1,077,600.

?? Resolution approving exceptions #9, 10, 11 and 12, to the title as set forth in the preliminary title report and accepting an environmental investigation prepared by North American Technical Services for approximately 5.5 acres the City is purchasing from Dano Construction for use as a trailhead and scenic overlook recommended.

*Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5349, [jniskanen@modestogov.com](mailto:jniskanen@modestogov.com)*

**ACTION: Res. No. 2002-551** (Frohman/Sabatino; majority; Conrad, no) approving exceptions #9, 10, 11 and 12, to the title as set forth in the preliminary title report and accepting an environmental investigation prepared by North American Technical Services for approximately 5.5 acres the City is purchasing from Dano Construction for use as a trailhead and scenic overlook.

## HEARINGS

*Fisher absent due to conflict of interest*

26. Hearing to consider the appeal of Claudia Newcorn to a decision by the Board of Zoning Adjustment denying the appeal of Claudia Newcorn to a staff decision to allow a second story addition to a home located at 1224 Brady Avenue.

?Resolution denying the appeal recommended.

*Community & Economic Development; Brad Wall, [bwall@modestogov.com](mailto:bwall@modestogov.com)*

**ACTION: Res. No. 2002-551** (Jackman/Sabatino; unan.; Fisher, absent) denying the appeal of Claudia Newcorn to a staff decision to allow a second story addition to a home located at 1224 Brady Avenue.

## NEW BUSINESS

27. Consider Stanislaus County Community Development “Bank” Loan funding for the Kansas Avenue Business Park project.

?Resolution approving an agreement between the City of Modesto, the Modesto Redevelopment Agency, and Stanislaus County, for a \$405,000 loan from the Stanislaus County Community Development “Bank” for funding of the Kansas Avenue Business Park Concept Master Planning and authorizing the City Manager to execute necessary documents.

*Community & Economic Development; Linda Boston, 571-5179, [lboston@modestogov.com](mailto:lboston@modestogov.com)*

**ACTION: Res. No. 2002-553** (Fisher/Jackman; majority; Sabatino, no) approving an agreement between the City of Modesto, the Modesto Redevelopment Agency, and Stanislaus County, for a \$405,000 loan from the Stanislaus County Community Development “Bank” for funding of the Kansas Avenue Business Park Concept Master Planning and authorizing the City Manager to execute necessary documents.

## MISCELLANEOUS

### Appointments

28. Consider appointment to Downtown Improvement District per the recommendation of the Economic Development Committee.

?Resolution appointing Dennis Wilson to the Downtown Improvement District.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-554** (Fisher/Frohman; unan.) appointing Dennis Wilson to the Downtown Improvement District.

29. Consider appointment to Economic Development Loan Committee per the recommendation of the Economic Development Committee.

?Resolution appointing Philip Tomlin to the Economic Development Loan Committee.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-555** (Fisher/Frohman; unan.) appointing Philip Tomlin to the Economic Development Loan Committee.

30. Consider appointment to Golf Courses Advisory Committee per the recommendation of the Economic Development Committee.

?Resolution appointing Patrick McHugh to the Golf Courses Advisory Committee.

*City Manager; George Britton, 577-5404, [gbritton@modestogov.com](mailto:gbritton@modestogov.com)*

**ACTION: Res. No. 2002-556** (Fisher/Frohman; unan.) appointing Patrick McHugh to the Golf Courses Advisory Committee.

31. Consider appointment of Dwight Bateman to observe the proceedings of the panel that will evaluate proposals for operation of the Modesto Area Dial-A-Ride (MADAR) system.

?Resolution appointing Dwight Bateman to observe the proceedings of the panel that will evaluate proposals for operation of the Modesto Area Dial-A-Ride (MADAR) system recommended.

*Engineering & Transportation; Fred Cavanah, 577-5295, [fcavanah@modestogov.com](mailto:fcavanah@modestogov.com)*

**ACTION: Res. No. 2002-557** (Fisher/Frohman; unan.) appointing Dwight Bateman to observe the proceedings of the panel that will evaluate proposals for operation of the Modesto Area Dial-A-Ride (MADAR) system.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 9:40 p.m.

## **CLOSED SESSION**

*This closed session item was heard prior to the meeting.*

### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

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

Name of case: City of Modesto v. Varni Bros., Don Clark, dba Don's RV of Modesto,  
Stanislaus County Superior Court Case No. 307039

Name of case: City of Modesto v. Varni Bros., Don Clark dba Don's RV of Modesto,  
Stanislaus County Superior Court Case No. 311367

*This closed session item was not heard:*

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

Agency Negotiators:        Jack R. Crist, City Manager  
   Robin Renwick, Personnel Director

Employee Organizations:    Modesto Police Officers Association  
   Modesto Police Management Association

# MINUTES

Tuesday, November 12, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Evangelist Linda Wade, Mighty Women of Modesto

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: None

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring November 15, 2002 to be American Recycles Day in the City of Modesto.

**ACTION:** This item was deferred to a future meeting.

- 1A. Police and Fire Department presentation and status reports from the November 7, 2002 Public Safety Ad Hoc Committee.

**ACTION:** Removed from Agenda.

## ORAL COMMUNICATIONS

None.

## COUNCIL COMMENTS & REPORTS

2. At the request of Councilmember Keating, consider approving a change in the order of the current agenda format, and any required steps for the City Attorney, to move Council Comments and Reports to the position after the Consent portion of the agenda.

**ACTION:** By Motion (Fisher/Jackman; majority; Frohman, no) directed the City Attorney to draft the change in the Ordinance.

3. At the request of Councilmember Keating, consider directing the City Attorney to draft an ordinance that requires that the economic interests of City officials be disclosed to the same extent as required by the recently adopted ordinance requiring full disclosure of economic interests by parties doing business with the City of Modesto.

**ACTION:** By Motion (Conrad/Fisher; majority; Frohman, no) directed this requested Ordinance along with the Tin Cup Ordinance to the Finance Committee.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:** Items 4-7, & 9  
*Item 8 removed from Consent*

**ACTION Items 4 - 7, & 9:** Jackman/Fisher; unan.

**ACTION Item 8:** Fisher/Keating; unan.; Conrad, absent

#### CONSENT ITEMS

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

#### CONSENT

4. Approval of the minutes of the regular City Council meeting of November 6, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By motion (Jackman/Fisher; unan.) approved the minutes of November 6, 2002.

#### CONSENT

5. Consider revisions to the Storm Drainage section of the Modesto City Standard Specifications, 2001 Edition.  
?? Resolution approving revisions to the Storm Drainage section of the Modesto City Standard Specifications, 2001 Edition recommended.  
*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-558** (Jackman/Fisher; unan.) approving revisions to the Storm Drainage section of the Modesto City Standard Specifications, 2001 Edition.

#### CONSENT

6. Consider accepting as complete the work of Southwest Recreational Industries Inc for the project titled "Roosevelt Park Tennis Courts Renovation", and authorizing the City Clerk to file a Notice of Completion. Total construction cost \$50,142.50.  
?? Resolution accepting as complete the work of Southwest Recreational Industries Inc for the project titled "Roosevelt Park Tennis Courts Renovation", and authorizing the City Clerk to file a Notice of Completion recommended.  
*Engineering & Transportation; Robert Snell, 577-5452, [rsnell@modestogov.com](mailto:rsnell@modestogov.com)*

**ACTION: Res. No. 2002-559** (Jackman/Fisher; unan.) accepting as complete the work of Southwest Recreational Industries Inc for the project titled “Roosevelt Park Tennis Courts Renovation”, and authorizing the City Clerk to file a Notice of Completion.

CONSENT

7. Consider awarding a \$899,333.00 contract to George Reed Inc. for the project titled “Village One West Basin Road Improvements”; Consider certifying Environmental Assessment No. EA/ET 2002-33 and adopting findings that (a) the contract is within the scope of the previously approved Final Program Environmental Impact Report for the Village One Specific Plan, as amended by the Supplemental EIR dated April 1994, (“Village One Program EIR”), and (b) the Village One Program EIR adequately describes the contract activity for purposes of CEQA.

?? Resolution awarding a \$899,333.00 contract to George Reed Inc. for the project titled “Village One West Basin Road Improvements” recommended.

?? Resolution certifying the findings of an Initial Study to the Final Program EIR for the Village One Specific Plan, as amended by the Supplemental EIR dated April 1994 recommended.

*Engineering & Transportation; Dean Phillips, 577-5215, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-560** (Jackman/Fisher; unan.) awarding a \$899,333.00 contract to George Reed Inc. for the project titled “Village One West Basin Road Improvements”

**Res. No. 2002-561** (Jackman/Fisher; unan.) certifying the findings of an Initial Study to the Final Program EIR for the Village One Specific Plan, as amended by the Supplemental EIR dated April 1994.

*Removed from Consent*

*Conrad absent due to conflict of interest*

8. Consider an agreement with Scenic Road Properties related to the Community Facilities Fee (CFF) reimbursement for the Scenic Road Properties frontage improvements and authorizing the City Manager to execute the necessary documents; Consider finding that this project is consistent with the Mitigated Negative Declaration prepared for this property.

?? Resolution approving an agreement with Scenic Road Properties related to the Community Facilities Fee (CFF) reimbursement for the Scenic Road Properties frontage improvements and authorizing the City Manager to execute the necessary documents recommended.

?? Resolution finding that this project is consistent with the Mitigated Negative Declaration prepared for this property recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-562** (Fisher/Keating; unan.; Conrad, absent) approving an agreement with Scenic Road Properties related to the Community Facilities Fee (CFF) reimbursement for the Scenic Road Properties frontage improvements and authorizing the City Manager to execute the necessary documents.

**Res. No. 2002-563** (Fisher/Keating; unan.; Conrad, absent) finding that this project is consistent with the Mitigated Negative Declaration prepared for this property

#### CONSENT

9. Consider approving a contract with the Modesto Bee (McClatchy Newspaper Group) at a 500-column-inch “no-commitment” rate in conjunction with a business-package advertising plan and authorizing the City Manager to execute the contract.

?? Resolution approving a contract with the Modesto Bee (McClatchy Newspaper Group) at a 500-column-inch “no-commitment” rate in conjunction with a business-package advertising plan and authorizing the City Manager to execute the contract recommended.

*Finance; Mark L. Averell, 577-5412, [maverell@modestogov.com](mailto:maverell@modestogov.com) 577-5412*

**ACTION: Res. No. 2002-564** (Jackman/Fisher; unan.) approving a contract with the Modesto Bee (McClatchy Newspaper Group) at a 500-column-inch “no-commitment” rate in conjunction with a business-package advertising plan and authorizing the City Manager to execute the contract.

#### NEW BUSINESS

10. Consider accepting three new Community Oriented Policing Services (COPS) grants: 1) COPS Universal Hiring Grant for six new Modesto Police Officers; 2) COPS in Schools for two new school community Police Officers; 3) COPS MORE 2002 for mobile data terminals and a LiveScan fingerprinting system, and authorize the City Manager to execute the necessary grant documents.



?Resolution approving a COPS Universal Hiring Grant for six new Modesto Police Officers and authorize the City Manager to execute the necessary grant documents recommended.

?Resolution approving a COPS in Schools for two new school community Police Officers and authorize the City Manager to execute the necessary grant documents recommended.

?Resolution approving a COPS MORE 2002 for mobile data terminals and a LiveScan fingerprinting system and authorize the City Manager to execute the necessary grant documents recommended.

*Police; Roy Wasden, 572-9501, [wasden@modestopd.com](mailto:wasden@modestopd.com)*

**ACTION: Res. No. 2002-565** (Fisher/Jackman; unan.) approving a COPS Universal Hiring Grant for six new Modesto Police Officers and authorize the City Manager to execute the necessary grant documents.

**Res. No. 2002-566** (Fisher/Jackman; unan.) approving a COPS in Schools for two new school community Police Officers and authorize the City Manager to execute the necessary grant documents.

**Res. No. 2002-567** (Fisher/Jackman; unan.) approving a COPS MORE 2002 for mobile data terminals and a LiveScan fingerprinting system and authorize the City Manager to execute the necessary grant documents.

11. Consider rejecting all bids for Fuel Cardlock Services and authorize re-bidding the services.

?? Resolution rejecting all bids for Fuel Cardlock Services and authorize re-bidding the services recommended.

*Finance; Mark Averell, 571-5164, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION:** By Motion (Fisher/Sabatino; unan.) continued to November 26 and Staff was directed to review a universal card system.

## **MATTERS TOO LATE FOR THE AGENDA**

None.

## **ADJOURNMENT**

This meeting adjourned at 7:45 p.m.

**CLOSED SESSION**

*This Closed Session item was heard prior to the meeting:*

**CONFERENCE WITH LABOR NEGOTIATOR:**

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organizations:	Modesto Police Officers Association Modesto Police Management Association

# MINUTES

Tuesday, November 26, 2002, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements: None

Declaration of Conflicts of Interest: *Conrad, Items 15 &16*  
*Fisher, Items 8 & 24*

## ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of the Solid Waste High School Recycling Scholarships awards to Downey High School and Elliot Continuation Education Center. Each school will receive \$300 to promote recycling on their campuses. Councilmember Denny Jackman to present award.

**ACTION:** Bev McCollough and Councilmember Denny Jackman made the presentations.

## ORAL COMMUNICATIONS

?? Joan Ruttschow commented on the Symphony strike.

## COUNCIL COMMENTS & REPORTS

2. At the request of Councilmember Frohman, consider rescinding the appointment of Dennis Wilson to Board of Directors of the Downtown Improvement District.

**ACTION:** .No action necessary due to the resignation of Dennis Wilson.

3. At the request of Mayor Sabatino, consider the following:
  - 1) Call a special election to submit a Charter amendment to the voters for the purpose of changing the run-off date from December to March. To implement this recommendation the following three resolution must be adopted:
    - ?? Resolution calling for a special election to be held on March 4, 2003 for the purpose of submitting to the voters an amendment to the Modesto City Charter changing the

runoff election date from December of odd-numbered years to March of even-numbered years.

?? Resolution directing the City Clerk to transmit a copy of the proposed Charter amendment to the City Attorney for the purpose of preparing an impartial analysis

?? Resolution authorizing members of the City Council to file written arguments in favor of, or in opposition to, the proposed Charter amendment.

- 2) In the event the Charter amendment is not approved by the voters, consider directing the City Clerk to issue an RFP for election services to conduct both the regular municipal and the run-off elections in 2003 by mail.
- 3) Alternatively, in the event that the Charter amendment is not approved by the voters, consider hiring former County Clerk Recorder, Karen Mathews, for election services to conduct both the regular municipal and the run-off elections in 2003 by mail.

**ACTION: Res. No. 2002-568** (Frohman/Conrad; unan.) requesting a measure be placed on the November 2003 election for the purpose of submitting to the voters an amendment to the Modesto City Charter changing the runoff election date from December of odd-numbered years to March of even-numbered years.

**Res. No. 2002-569** (Frohman/Conrad; unan.) directing the City Clerk to transmit a copy of the proposed Charter amendment to the City Attorney for the purpose of preparing an impartial analysis.

**Res. No. 2002-570** (Frohman/Conrad; unan.) authorizing members of the City Council to file written arguments in favor of, or in opposition to, the proposed Charter amendment.

**CONSENT ITEMS – ROLL CALL VOTE REQUIRED:**

**4 - 8, 10 - 12, & 16 –21**

**ACTION Items 4 - 8, 10 - 12, & 16 -21: Frohman/Conrad; unan.**

**ACTION Item 9: Jackman/Fisher; unan.**

**ACTION Item 13: Fisher/O’Bryant; majority; Frohman, no**

**ACTION Item 14 & 15: Fisher/O’Bryant; majority; Frohman, no; Conrad, absent**

**CONSENT ITEMS**

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

**CONSENT**

4. Approval of the minutes of the regular City Council meeting of November 12, 2002.  
(Motion approving recommended.)  
*Clerk; Rebecca Bartholomew, 577-5397, [rbartholomew@modestogov.com](mailto:rbartholomew@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the minutes of November 12, 2002.

**CONSENT**

5. Consider final adoption of Ord. 3272-C.S., an Ordinance amending Section 4-7.1103 of Article 11 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to collection of pruned refuse.  
?Motion to approve final adoption of Ord. 3272-C.S., an Ordinance amending Section 4-7.1103 of Article 11 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to collection of pruned refuse recommended.  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) approved the **final adoption of Ord. 3272-C.S.**, an Ordinance amending Section 4-7.1103 of Article 11 of Chapter 7 of Title 4 of the Modesto Municipal Code relating to collection of pruned refuse

**CONSENT**

6. Consider introduction of an ordinance amending Section 2-1.08 of the Modesto Municipal Code to move Council Comments & Reports so that it immediately follows the Consent Items portion of the agenda.  
?? Introduction of an ordinance amending Section 2-1.08 of the Modesto Municipal Code to move Council Comments & Reports so that it immediately follows the Consent Items portion of the agenda recommended.  
*Attorney; Mike Milich, 577-5284, [mmilich@modestogov.com](mailto:mmilich@modestogov.com)*

**ACTION:** By Motion (Frohman/Conrad; unan.) **introduced Ordinance No. 3273–C.S.** –an ordinance amending Section 2-1.08 of the Modesto Municipal Code to move Council Comments & Reports so that it immediately follows the Consent Items portion of the agenda.

#### CONSENT

7. Consider a Memorandum of Understanding with Modesto City Schools for the City of Modesto’s contribution of \$60,500 in funding to hire recreational leaders to help staff the after school learning and safe neighborhoods partnership programs, and to donate recreation supervision services valued at \$4,000.

?? Resolution approving a Memorandum of Understanding with Modesto City Schools for the City of Modesto’s contribution of \$60,500 in funding to hire recreational leaders to help staff the after school learning and safe neighborhoods partnership programs, and to donate recreation supervision services valued at \$4,000 recommended.

*Parks, Recreation & Neighborhoods; Jennifer O’Bryan, 571-5897, [jobryan@modestogov.com](mailto:jobryan@modestogov.com)*

**ACTION: Res. No. 2002-571** (Frohman/Conrad; unan.) approving a Memorandum of Understanding with Modesto City Schools for the City of Modesto’s contribution of \$60,500 in funding to hire recreational leaders to help staff the after school learning and safe neighborhoods partnership programs, and to donate recreation supervision services valued at \$4,000.

*Fisher absent due to conflict of interest*

8. Consider an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition and rehabilitation of a single family dwelling at 512 Vine Street, and authorizing the City Manager to execute the amendment to the HOME agreement.

?? Resolution approving an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition and rehabilitation of a single family dwelling at 512 Vine Street, and authorizing the City Manager to execute the amendment to the HOME agreement recommended.

*Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, [caharris@modestogov.com](mailto:caharris@modestogov.com)*

**ACTION: Res. No. 2002-572** (Frohman/Conrad; unan.; Fisher, absent) approving an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition and rehabilitation of a single family dwelling at 512 Vine Street, and authorizing the City Manager to execute the amendment to the HOME agreement.

#### REMOVED FROM CONSENT

9. Consider amending the existing City of Modesto Executive Management Money Purchase Plan and Trust created for the benefit of the City Manager administered by the ICMA Retirement Corporation to include all Charter Officers; Consider establishing a separate Money Purchase Plan for Executives and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements; Consider establishing a separate Money Purchase Plan for all unrepresented Management and Confidential employees and authorizing the Risk Manager to serve as the coordinator of

the Plan with authority to execute all necessary agreements; and Consider establishing the mandatory employee contribution for all plans and for the inclusion of non-sworn, unrepresented Management and Confidential employees in the plan, with a 1% City contribution.

- ?? Resolution amending the existing City of Modesto Executive Management Money Purchase Plan and Trust created for the benefit of the City Manager administered by the ICMA Retirement Corporation to include all Charter Officers recommended.
- ?? Resolution establishing a separate Money Purchase Plan for Executives and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements recommended.
- ?? Resolution establishing a separate Money Purchase Plan for all unrepresented Management and Confidential employees and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements recommended.
- ?? Resolution employees and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements; and Consider establishing the mandatory employee contribution for all plans and for the inclusion of non-sworn, unrepresented Management and Confidential employees in the plan, with a 1% City contribution recommended.

*Personnel; Don Norris, 577-5251, [dnorris@modestogov.com](mailto:dnorris@modestogov.com)*

**ACTION: Res. No. 2002-573** (Frohman/Conrad; unan.) amending the existing City of Modesto Executive Management Money Purchase Plan and Trust created for the benefit of the City Manager administered by the ICMA Retirement Corporation to include all Charter Officers

**Res. No. 2002-574** (Frohman/Conrad; unan.) establishing a separate Money Purchase Plan for Executives and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements

**Res. No. 2002-575** (Frohman/Conrad; unan.) establishing a separate Money Purchase Plan for all unrepresented Management and Confidential employees and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements

**Res. No. 2002-576** (Frohman/Conrad; unan.) employees and authorizing the Risk Manager to serve as the coordinator of the Plan with authority to execute all necessary agreements; and Consider establishing the mandatory employee contribution for all plans and for the inclusion of non-sworn, unrepresented Management and Confidential employees in the plan, with a 1% City contribution

#### CONSENT

10. Consider accepting a deed of avigation and hazard easement prepared by Tuolumne Properties L.L.C. that allows aircraft flight over residential property within the River Ranch Planned Community adjacent to Modesto City-County Airport, and authorizing the City Manager to sign the acceptance of this easement or other subsequent similar easements for other development on behalf of the City.

?? Resolution accepting a deed of avigation and hazard easement prepared by Tuolumne Properties L.L.C. that allows aircraft flight over residential property within the River Ranch Planned Community adjacent to Modesto City-County Airport, and authorizing the City Manager to sign the acceptance of this easement or other subsequent similar easements for other development on behalf of the City recommended.

*Engineering & Transportation; Howard Cook, 577-5318, [hcook@modestogov.com](mailto:hcook@modestogov.com)*

**ACTION: Res. No. 2002-577** (Frohman/Conrad; unan.) accepting a deed of avigation and hazard easement prepared by Tuolumne Properties L.L.C. that allows aircraft flight over residential property within the River Ranch Planned Community adjacent to Modesto City-County Airport, and authorizing the City Manager to sign the acceptance of this easement or other subsequent similar easements for other development on behalf of the City.

#### CONSENT

11. Consider accepting the improvements for the Lawsons Twenty subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release the securities upon expiration of statutory periods. Owners: Florsheim Bros., a California General Partnership, by Florsheim Properties, a California Corporation, Partner.

?? Resolution accepting the improvements for the Lawsons Twenty subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release the securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-578** (Frohman/Conrad; unan.) accepting the improvements for the Lawsons Twenty subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release the securities upon expiration of statutory periods.

#### CONSENT

12. Consider accepting the improvements for the Millbrook Estates Unit No. 4 subdivision in the Village one Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owners: Bright Development, a California Corporation.

?? Resolution accepting the improvements for the Millbrook Estates Unit No. 4 subdivision in the Village one Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-579** (Frohman/Conrad; unan.) accepting the improvements for the Millbrook Estates Unit No. 4 subdivision in the Village one Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.



*REMOVED FROM CONSENT*

13. Consider approving Final Map of Banyon Estates subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code. Owners: Greg Avery Inc., a California Corporation.

?? Resolution approving Final Map of Banyon Estates subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-580** (Fisher/O'Bryant; majority; Frohman, no) approving Final Map of Banyon Estates subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code.

*REMOVED FROM CONSENT*

*Conrad absent due to conflict of interest*

14. Consider approving Final Map of the Papatone West subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreements. Owners are Modesto Annex Developers L.P., a California Limited Partnership, by Modesto Annex Investors, LLC, a California Limited Liability Company.

?? Resolution approving Final Map of the Papatone West subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-581** (Fisher/O'Bryant; majority; Frohman, no; Conrad, absent) approving Final Map of the Papatone West subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

*REMOVED FROM CONSENT*

*Conrad absent due to conflict of interest.*

15. Consider approving Final Map of the Papatone East subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreements. Owners are Meritage Homes of Northern California Inc., a California Corporation.

?? Resolution approving Final Map of the Papatone East subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259, [rgranberg@modestogov.com](mailto:rgranberg@modestogov.com)*

**ACTION: Res. No. 2002-582** (Fisher/O'Bryant; majority; Frohman, no; Conrad, absent) approving Final Map of the Papatone East subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

16. Consider awarding a \$183,153 contract to Boyle Engineering Corporation for engineering design services for the project titled "Nitrate Treatment System for the Grayson Community Water Wells". Funds are budgeted.

?? Resolution awarding a \$183,153 contract to Boyle Engineering Corporation for engineering design services for the project titled "Nitrate Treatment System for the Grayson Community Water Wells" recommended.

*Engineering & Transportation; Dean Phillips, 577-5260, [dphillips@modestogov.com](mailto:dphillips@modestogov.com)*

**ACTION: Res. No. 2002-583** (Frohman/Conrad; unan.) awarding a \$183,153 contract to Boyle Engineering Corporation for engineering design services for the project titled "Nitrate Treatment System for the Grayson Community Water Wells."

CONSENT

17. Consider approving the 2002/2003 Waste-to-Energy Project Budget.

?? Resolution approving the 2002/2003 Waste-to-Energy Project Budget recommended.

*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Res. No. 2002-584** (Frohman/Conrad; unan.) approving the 2002/2003 Waste-to-Energy Project Budget.

CONSENT

18. Consider Amendment No. 1 to the agreement with County of Stanislaus for the administration of the Waste-to-Energy project.

?? Resolution approving Amendment No. 1 to the agreement with County of Stanislaus for the administration of the Waste-to-Energy project recommended.

*Engineering & Transportation; Jocelyn Reed, 577-5492, [jreed@modestogov.com](mailto:jreed@modestogov.com)*

**ACTION: Res. No. 2002-585** (Frohman/Conrad; unan.) approving Amendment No. 1 to the agreement with County of Stanislaus for the administration of the Waste-to-Energy project.

CONSENT

19. Consider implementing the best available control measures for particulate matter in order to attain the national PM-10 air quality standards.

?? Resolution implementing the best available control measures for particulate matter in order to attain the national PM-10 air quality standards recommended.

*Engineering & Transportation; Rich Ulm, 577-5215, [rulm@modestogov.com](mailto:rulm@modestogov.com)*

**ACTION: Res. No. 2002-586** (Frohman/Conrad; unan.) implementing the best available control measures for particulate matter in order to attain the national PM-10 air quality standards.



CONSENT

20. Consider authorizing the Purchasing Supervisor to formally solicit bids for the tire recapping and related services for FY 2002/2003 for a three-year period, with two one-year extension options, for an estimated annual cost of \$27,000. Funds are budgeted.

?? Resolution authorizing the Purchasing Supervisor to formally solicit bids for the tire recapping and related services for FY 2002/2003 for a three-year period, with two one-year extension options, for an estimated annual cost of \$27,000 recommended.

*Finance; Ken Masasso, 577-5420, [kmasasso@modestogov.com](mailto:kmasasso@modestogov.com)*

**ACTION: Res. No. 2002-587** (Frohman/Conrad; unan.) authorizing the Purchasing Supervisor to formally solicit bids for the tire recapping and related services for FY 2002/2003 for a three-year period, with two one-year extension options, for an estimated annual cost of \$27,000.

CONSENT

21. Consider accepting the City's National Pollution Discharge Elimination System (NPDES) stormwater permit.

??Resolution accepting the City's National Pollution Discharge Elimination System (NPDES) stormwater permit recommended.

*Operations & Maintenance; Robert Howard, 577-6224, [rhoward@modestogov.com](mailto:rhoward@modestogov.com)*

**ACTION: Res. No. 2002-588** (Frohman/Conrad; unan.) accepting the City's National Pollution Discharge Elimination System (NPDES) stormwater permit.

**WRITTEN COMMUNICATIONS**

22. Letter from Mack Wilson on behalf of the Parents Coalition of Stanislaus, regarding issues of hate, racism and terrorism confronting students at area schools.

**ACTION:** No action taken.

**UNFINISHED BUSINESS**

23. Consider rejecting all bids for Fuel Cardlock Services and authorize re-bidding the services.

??Resolution rejecting all bids for Fuel Cardlock Services and authorize re-bidding the services recommended.

*Finance; Mark Averell, 571-5164, [maverell@modestogov.com](mailto:maverell@modestogov.com)*

**ACTION: Res. No. 2002-589** (Fisher/Sabatino; unan.) rejecting all bids for Fuel Cardlock Services and authorize re-bidding the services.

*Fisher absent due to conflict of interest.*

24. Consider continued operation of AccessModesto.

??Resolution approving the Policies and Procedures for the operation of the AccessModesto recommended.

??Resolution amending the 2002-03 Annual Budget appropriating \$90,000 from the General Fund Reserves to the City Manager's Office for the establishment of an operating budget for AccessModesto recommended.

??Resolution authorizing the City Manager to execute a one-year agreement with Quality Video for the continued cablecast of its daily program entitled "Central Valley Reports" recommended.

?? Motion approving the terms of a five-year lease agreement with Civic Partners for space in Tenth Street Place for the establishment of a studio facility

?? Resolution authorizing the City Manager to execute the lease agreement recommended.

??Resolution authorizing staff to conduct an official Request for Proposal to identify actual construction costs of a public studio in Tenth Street Place recommended.

??Resolution directing staff to begin the process of establishing a 501c(3) for AccessModesto recommended.

*City Manager; Renee Ledbetter, 577-5222, rledbetter@modestogov.com*

**ACTION: Res. No. 2002-590** (Frohman/Jackman; unan.; Fisher, absent) approving the Policies and Procedures for the operation of the AccessModesto.

**Res. No. 2002-591** (Frohman/Jackman; unan.; Fisher, absent) amending the 2002-03 Annual Budget appropriating \$90,000 from the General Fund Reserves to the City Manager's Office for the establishment of an operating budget for AccessModesto

**Res. No. 2002-592** (Keating/Frohman; unan.; Fisher, absent) authorizing the City Manager to execute a one-year agreement with Quality Video for the continued cablecast of its daily program entitled "Central Valley Reports"

**Res. No. 2002-593** (Jackman/Frohman; unan.; Fisher, absent) directing staff to begin the process of establishing a 501c(3) for AccessModesto.

## HEARINGS

25. Hearing to consider the application of Granite Bay Holdings to rezone property located on the Southeast corner of Carson Oak Drive and Bridgewood Way from R-2 to P-D to allow for the development of a 24-unit townhouse project.

??Introduction of an ordinance rezoning from R-2 to P-D(556) recommended.

??Resolution approving a development plant for P-D(556) recommended.

??Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION: By Motion** (O'Bryant/Jackman; majority; Frohman, no) **introduced Ordinance No. 3274-C.S.** rezoning from R-2 to P-D(556)

**Res. No. 2002-594** (O'Bryant/Jackman; majority; Frohman, no) approving a development plant for P-D(556)

**Res. No. 2002-595** (O'Bryant/Jackman; majority; Frohman, no) finding the requested rezoning within the scope of the General Plan Master EIR.

26. Hearing to consider the application of Del Valle Capital Corporation for a First Amendment to the Development Agreement for the Galas Brothers Vesting Tentative Subdivision Map, and Consider finding the proposed First Amendment to Development Agreement to extend the life of the Galas Brothers Vesting Tentative Subdivision Map to June 30, 2003, and containing provisions related to the provision of affordable and accessible housing and infrastructure master planning.
- ??Resolution approving the application of Del Valle Capital Corporation for a First Amendment to the Development Agreement for the Galas Brothers Vesting Tentative Subdivision Map recommended.
- ??Resolution finding the proposed First Amendment to Development Agreement to extend the life of the Galas Brothers Vesting Tentative Subdivision Map to June 30, 2003, and containing provisions related to the provision of affordable and accessible housing and infrastructure master planning recommended.
- Community & Economic Development; Josh Bridegroom, 571-5808, [jbridegroom@modestogov.com](mailto:jbridegroom@modestogov.com)*

**ACTION:** By Motion (Fisher/O'Bryant; majority; Frohman, no) **introduced Ordinance No. 3275-C.S.** approving the application of Del Valle Capital Corporation for a First Amendment to the Development Agreement for the Galas Brothers Vesting Tentative Subdivision Map.

**Res. No. 2002-596** (Fisher/O'Bryant; majority; Frohman, no) finding the proposed First Amendment to Development Agreement to extend the life of the Galas Brothers Vesting Tentative Subdivision Map to June 30, 2003, and containing provisions related to the provision of affordable and accessible housing and infrastructure master planning.

## NEW BUSINESS

27. Consider returning \$500,000 in bond proceeds to the Redevelopment Agency from the Parking Fund as part of the 10<sup>th</sup> Street Place Capital Project Closure Process.
- ??Resolution approving returning \$500,000, plus an estimated \$99,000 of interest from the Parking Fund, to the Tenth Street Place Redevelopment Agency account recommended.
- Finance; Greg Baird, 577-5458, [gbaird@modestogov.com](mailto:gbaird@modestogov.com)*

**ACTION:** **Res. No. 2002-597** (Jackman/Fisher; majority; Keating, no) approving returning \$500,000, plus an estimated \$99,000 of interest from the Parking Fund, to the Tenth Street Place Redevelopment Agency account.

28. Consider proceeding with the implementation of the Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods.

?Resolution authorizing staff to proceed with the implementation of the Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods recommended.

?Resolution certifying Environmental Assessment No. EA/CDD 2002-61 and adopting findings that the portion of the Traffic Calming Plan consisting of the connection of Encina is consistent with the General Plan Master EIR recommended.

*Engineering & Transportation; Firoz Vohra, 577-5429, [fvohra@modestogov.com](mailto:fvohra@modestogov.com)*

**ACTION: Res. No. 2002-598** (Fisher/O'Bryant; majority; Conrad, no) authorizing staff to proceed with the implementation of the Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods with the deletion of the roundabout at the Encina and Las Palmas.

**Res. No. 2002-599** (Fisher/O'Bryant; majority; Conrad, no) certifying Environmental Assessment No. EA/CDD 2002-61 and adopting findings that the portion of the Traffic Calming Plan consisting of the connection of Encina is consistent with the General Plan Master EIR

#### **MATTERS TOO LATE FOR THE AGENDA**

None.

#### **ADJOURNMENT**

This meeting adjourned at 12:50 a.m.