

MINUTES, City Council Meeting
Tuesday, January 2, 2001, 5:15 pm

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino
Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Tom Roscoe, Modesto Fo ursquare Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2f, 3-6

ACTION: 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 regular City Council meeting of December 12, 2000 and the minutes of the special Council Budget Workshop of December 20, 2000.
City Clerk; Marilyn Romey, mromey@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan.) approved the minutes of the regular City Council meeting of December 12, 2000 and the minutes of the special Council Budget Workshop of December 20, 2000.

2. Final adoption:
City Clerk; Marilyn Romey, mromey@ci.modesto.ca.us

Item 2a removed from consent.

Councilmember Conrad excused due to conflict of interest.

- a. Ordinance No. 3193-C.S. adopting a Precise Plan for Area No. 14 of the Village One specific Plan, relating to property located on t he west side of Roselle Avenue south of Hillglen Drive (Omega Ventures).

ACTION: By motion (Friedman/Fisher; Conrad absent) approved final adoption of Ordinance No. 3193-C.S. adopting a Precise Plan for Area No. 14 of the Village One Specific Plan.

Item 2b removed from consent

Councilmembers Conrad excused due to conflict of interest.

- b. Ordinance No. 3194-C.S. rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan0-Overlay Zone, SP-O, for property located on the west side of Roselle Avenue south of Hillglen Drive (Precise Plan for Area No. 14 – Omega Ventures).

ACTION: By motion (Friedman/Fisher; Conrad absent) approved final adoption of Ordinance No. 3194-C.S. rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan0-Overlay Zone, SP-O.

Item 2c removed from consent.

Councilmembers Serpa and Smith absent from meeting, 12/5/00, wherein item was introduced.

- c. Ordinance No. 3195-C.S. of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 2000 -2 (Coffee-Claratina).

ACTION: By motion (Fisher/Friedman; Serpa & Smith, absent) approved final adoption of Ordinance No. 3195-C.S. of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 2000 -2.

Item 2d removed from consent.

Councilmember Smith absent meeting, 12/12/00, wherein item was introduced

- d. Ordinance No. 3196-C.S. amending Chapter 2 of Title 7 of the Modesto Municipal Code relating to street cuts.

ACTION: By motion (Fisher/Friedman; Frohman, no; Smith, absent) approved final adoption of Ordinance No. 3196-C.S. amending Chapter 2 of Title 7 of the Modesto Municipal Code relating to street cuts.

Item 2e removed from consent.

Councilmember Smith absent meeting, 12/12/00, wherein item was introduced

- e. Ordinance No. 3197-C.S. amending Ordinance No. 2293-C.S. entitled “An Ordinance Granting to Cable One. Inc., a Nonexclusive Franchise to Construction, Operate and Maintain a Cable Communication System Within the City of Modesto” to the term to permit resolution of breach and compliance issues.

ACTION: By motion (Friedman/Conrad; Smith, absent) approved final adoption of Ordinance No. 3197-C.S. amending Ordinance No. 2293-C.S. entitled “An Ordinance Granting to Cable One. Inc., a Nonexclusive Franchise to Construct, Operate and Maintain a Cable Communication System Within the City of Modesto” to extend the term to permit resolution of breach and compliance issues.

CONSENT

- f. Ordinance 3198-C.S. amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential zone, R-1, to Planned Development zone, P-D(544), property

located on the east side of Coffee Road south of East Orangeburg Avenue at 1332 Coffee Road (Don & Annette Baker).

ACTION: By motion (Friedman/Fisher; unan.) approved final adoption of Ordinance 3198-C.S. amending Section 22-3-9 of the Zoning Map to rezone from Low Density Residential zone, R-1, to Planned Development zone, P-D(544)

CONSENT

3. Consider accepting as complete the project titled “Ninth Street Outfall” by Mozingo Construction Inc., and authorize the City Clerk to file a Notice of Completion. Final cost of project was \$660,651.81; funds are budgeted.
Engineering & Transportation Department; Rich Ulm, rulm@ci.modesto.ca.us

ACTION: Res. 2001-1 (Friedman/Fisher; unan.) adopted accepting Ninth Street Outfall project as complete and authorizing City Clerk to file Notice of Completion.

CONSENT

4. Consider accepting as complete the project titled “Downey Park and Modesto High School Tennis Court Renovation” by Southwest Recreational Industries Inc. as complete and authorize the City Clerk to file a Notice of Completion. Final cost of project was \$73,386.00; funds are budgeted.
Engineering & Transportation Department; Rich Ulm, rulm@ci.modesto.ca.us

ACTION: Res. 2001- 2 (Friedman/Fisher; unan.) adopted accepting Downey Park and Modesto High School Tennis Court Renovation project as complete and authorizing City Clerk to file Notice of Completion.

CONSENT

5. Consider accepting as complete the project titled “Pavement Maintenance (Cape Seal 2000)” by Western States Surfacing Inc. as complete and authorize the City Clerk to file a Notice of Completion. Final cost of project was \$180,890.68; funds are budgeted.
Engineering & Transportation Department; Rich Ulm, rulm@ci.modesto.ca.us

ACTION: Res. 2001-3 (Friedman/Fisher; unan.) adopted accepting Pavement Maintenance (Cape Seal 2000) project as complete and authorizing City Clerk to file Notice of Completion.

CONSENT

6. Consider accepting as complete the project titled “Tuolumne River Bicycle Path” by Fagundes & Son Inc. as complete and authorize the City Clerk to file a Notice of Completion; Consider approving appropriation transfer to fully fund the project. Final cost of project was \$230,710.98; funds are budgeted.
Engineering & Transportation Department; Rich Ulm, rulm@ci.modesto.ca.us

ACTION: **Res. 2001-4 (Friedman/Fisher; unan.)** adopted accepting as complete the project titled "Tuolumne River Bicycle Path" as complete and authorize the City Clerk to file a Notice of Completion.

ACTION: **Res. 2001-5 (Friedman/Fisher; unan.)** adopted approving appropriation transfer to fully fund the project.

ORAL COMMUNICATIONS

Jose Lugo spoke regarding the re-regulation of the electrical industry. Council requested that this item be placed on the 01/09/01 agenda.

Stephanie Epinoza from PG&E commented that she mailed a packet of information to the council regarding the current energy situation.

Bill Cameron thanked the council for the traffic light at Dallas & Hatch but noted that the lights were not in operation. Staff will follow up on the status of the project on 1/3/00.

WRITTEN COMMUNICATIONS

7. Letter from Mack Wilson regarding noise made by school bus during pick up of children on Elm Avenue.

ACTION: Mayor Sabatino noted that follow-up would take place.

UNFINISHED BUSINESS

8. Consider Fiscal Year 2000-01 Budget first quarter status report, and proposed adjustments.
Finance; Debra Eggerman, deggerman@ci.modesto.ca.us

ACTION: **By Motion (Friedman/Smith; Serpa, no)** acknowledged receipt of report.

Res. 2001-6 (Friedman/Smith; Serpa, no) adopted Resolution amending Fiscal Year 2000-01 budget and re-estimating revenue.

NEW BUSINESS

9. Consider selecting a Vice-Mayor for 2001.
City Attorney; Mike Milich, mmilich@ci.modesto.ca.us

ACTION: **Res. 2001-7 (Sabatino/Friedman; unan.)** adopted appointing Tim Fisher to the position of Vice Mayor for 2001.

10. Consider declaring an urgent ne cessity for the preservation of life, health and property, relating to repairs of a main sewer outfall line at the primary water quality control plant, and authorizing expenditure of up to \$300,000.00 for repairs of the line, and waiving formal bid procedures due to the urgency of the project.
Operations & Maintenance;Peter Cowles, pcowles@ci.modesto.ca.us

ACTION: **Res. 2001-8 (Sabatino/Smith; unan.)** adopted authorizing expenditure of up to \$300,000.00 and waiving formal bid procedures.

MISCELLANEOUS

Appointments/Reappointments

City Manager;Esther Puckett, epuckett@ci.modesto.ca.us

11. Community Qualities Forum

ACTION: **Res. 2001-9 (Serpa/Friedman; unan.)** adopted appointing Mr. David F. Geer. To the Community Qualities Forum.

12. Culture Commission

ACTION: **Res. 2001-10 (Serpa/Friedman; unan.)** adopted reappointing Ms. Grace Lieberman to the Culture Commission.

13. Citizens Housing & Community Development

ACTION: **Res. 2001-11 (Serpa/Friedman; unan.)** adopted reappointing Mr. Ricardo Cordova to the Citizens Housing & Community Development.

14. Landmark Preservation Commission

ACTION: **Res. 2001-12 (Serpa/Friedman; unan.)** adopted reappointing Ms. Barbara Parrill to the Landmark Preservation Commission.

15. Downtown Improvement District

ACTION: **Res. 2001-13 (Serpa/Friedman; unan.)** adopted reappointing Mr. Eric Benson and Mr. Francis Ruggieri to the Downtown Improvement District.

16. Housing Rehabilitation Loan Committee

ACTION: **Res. 2001-14 (Serpa/Friedman; unan.)** adopted reappointing Mr. Chris Davidson to the Housing Rehabilitation Loan Committee.

COUNCIL COMMENTS AND REPORTS

- Councilmember Frohman commented on the Police Ride-Alongs he attended and recommended technology enhancements such as cameras. He noted the need for thermal detection equipment and suggested that officers be allowed to give reports orally. He supported the Police Chief's decision to hire five additional officers.
- Councilmember Conrad commented on the new agenda format with email addresses included, and requested that phone numbers be added.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 7:00 p.m.

CLOSED SESSION

Closed Session, originally scheduled to follow regular council meeting, was posted as a special meeting and held prior to the council meeting at 4:00 p.m.

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

Name of Case: Chuck Cahoone v. City of Modesto
Workers Compensation Appeal Board Case No. STK 155203

The City Attorney returned at 5:10 p.m. to report no action had been taken.

MINUTES, City Council Meeting
Tuesday, January 9, 2001, at 5:15 p.m.

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

Absent: Serpa arrived at 5:41 p.m.

Pledge of Allegiance to the Flag

Invocation: The Reverend Joe Tyler, Progressive Baptist Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 & 2

ACTION: Fisher/Smith; unan., Serpa, 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 January 2, 2001 .
(Motion approving needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Fisher/Smith; unan., Serpa, absent) approved the minutes of the regular City Council meeting of January 2, 2001.

CONSENT

2. Consider authorizing the City Manager to execute an amendment to the original agreement with SaveMart Supermarkets Inc. and ICI Development Company to fund additional improvements at the intersection of Oakdale Road and Scenic Drive; Consider approving increasing the Engineering and Transportation Director’s authority to issue Change Orders from 10% to 18% for the project titled “Oakdale Road and Scenic Drive Improvements to fund improvements not included in the original agreement; Consider amending the budget, recognizing additional revenue from the developer.
(Resolution authorizing the City Manager to execute an amendment to the original agreement with Save Mart Supermarkets Inc. and ICI Development Company needed; Resolution increasing the E&T Director’s authority to issue Change Orders needed; and Resolution amending the budget to appropriate \$79,270.00 in additional CIP expense and equivalent revenue needed.)
Engineering & Transportation Department; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. 2001-15 (Fisher/Smith; unan., Serpa, absent) authorizing the City Manager to execute an amendment to the original agreement with Save Mart Supermarkets Inc. and ICI Development Company.

Res. 2001-15A (Fisher/Smith; unan., Serpa, absent) increasing the E&T Director's authority to issue Change Orders.

Res. 2001-16 (Fisher/Smith; unan., Serpa, absent) amending the budget to appropriate \$79,270.00 in additional CIP expense and equivalent revenue.

ORAL COMMUNICATIONS

- Daniel Sabala, a resident of Prescott Estates, expressed concern over receiving a Notice and Order.
- Oliver Sheldon stated that he was Daniel Sabala's landlord and discussed repair status with council and staff.
- Carol Lawson, a resident living on the perimeter of Prescott Estates, expressed concern about the danger and health issues in Prescott Estates.
- Dale Williams spoke regarding the Notice and Orders being issued in Prescott Estates.

HEARINGS

3. Hearing to consider amending the schedule of fees in connection with encroachment permits and inspections required by the City of Modesto relating to trench cuts. (Resolution amending the schedule of fees in connection with encroachment permits and inspections relating to trench cuts needed.

Engineering & Transportation Department; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. 2001-17 (Fisher/Friedman; Serpa, no) amending the schedule of fees in connection with encroachment permits and inspections relating to trench cuts. Staff is further directed to report to Council no later than February 1, 2002 regarding the effectiveness of Ordinance 3196-C.S., and annually thereafter, after first having reported its findings to the Audit Committee.

4. Hearing to consider the application of Jaguar Investment Corp. for a Precise Plan for Area No. 31 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the east side of Roselle Avenue south of Merle Avenue.

(Introduction of an ordinance approving Precise Plan No. 31 needed; Introduction of an ordinance rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone needed; and Resolution finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR needed.)

*Community Development Department; Steve Mitchell, 577-5287,
smitchell@ci.modesto.ca.us*

ACTION: By Motion (Serpa/Fisher, unan.) introduced Ordinance 3199 approving Precise Plan No. 31

By Motion (Serpa/Fisher, unan.) introduced Ordinance 3200 rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone

Res. 2001-18 (Serpa/Fisher, unan.) finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR.

NEW BUSINESS

5. Consider FY 2000-2001 budget for the Stanislaus Resource Recover Facility and reduction in tipping fees.
(Resolution approving the FY 2000-2001 budget for Stanislaus Resource Recover Facility and concurring with Solid Waste-to-Energy Committee recommendation to decrease tipping fees at the facility from \$40.25 per ton to \$34.00 per ton needed.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@ci.modesto.ca.us

ACTION: Res. 2001-19 (Fisher/Smith; Serpa, no) approving the FY 2000-2001 budget for Stanislaus Resource Recover Facility and concurring with Solid Waste -to-Energy Committee recommendation to decrease tipping fees at the facility from \$40.25 per ton to \$34.00 per ton subject to review of the lease agreement terms. Effective as of the date determined by the Board of Supervisors.

6. Consider a joint proposal by Stanislaus County and six cities to apply for a Jobs Housing Balance Improvement Program (JHBIP) grant in the amount of \$500,000.00 with the City's share of the matching funds in the amount of \$7,779.00.
(Resolution authorizing City Manager to negotiate an MOU with Stanislaus County and supporting SCEDCO'S submission of grant application needed.)
Community Development Department; Phil Testa, 577-5218, ptesta@ci.modesto.ca.us

ACTION: Res. 2001-20 (Frohman/Friedman) authorizing City Manager to negotiate an MOU with Stanislaus County and supporting SCEDCO'S submission of grant application

7. At the request of Jose Lugo at the January 2, 2001 Council meeting, consider discussion of re-regulation of the electrical industry.
Finance; Rob Stout, 577-5369, rstout@ci.modesto.ca.us

ACTION: No action taken.

COUNCIL COMMENTS AND REPORTS

- Councilmember Serpa reported on the Methamphetamine Summit he attended in Fresno.
- Councilmember Conrad complemented the City Manager on hiring Chief Wasden. He noted that he was looking forward to working with the Council in 2001 and noted Community Development & Housing Committee plans for 2001.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:35 pm to the Conference Room for a Closed Session as follows:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNCIL—ANTICIPATED LITIGATION

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

The City Attorney returned at 9:15 p.m. to report no action had been taken.

The following Closed Session, originally scheduled to follow the regular Council meeting, was posted as a special meeting and held prior to the Council meeting at 4:00 p.m.

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

Name of case: Claim of Moises Sepulveda, et al. V. City of Modesto, et al.

The City Attorney returned at 5:10 p.m. to report no action had been taken.

City Council Meeting
Tuesday, January 16, 2001, at 5:15 p.m.

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

Absent:

Pledge of Allegiance to the Flag

Invocation: Pastor Eric Chapman, Modesto Foursquare Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3
Items 4a and 4b removed from Consent.

ACTION: Conrad/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 9, 2001
(Motion approving needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By motion (Conrad/Fisher; unan.) approved the minutes of the regular City Council meeting of January 9, 2001.

CONSENT

2. Consider awarding contract to Clayborn Contracting Construction Group, Inc., for the installation of traffic signals at Oakdale Road/Mable Ave; Coffee Road/Mable Ave; and Hatch Road/Ustick Road for \$346,357.
(Resolution awarding contract to Clayborn Contracting Construction Group, Inc. needed. Total estimated cost: \$406,357 (contract \$346,357; contingency and construction administration \$60,000)
Engineering & Transportation; Firoz Vohra, 577-5429; fvohra@ci.modesto.ca.us

ACTION: Res. No. 2001-21 (Conrad/Fisher; unan.) awarding contract to Clayborn Contracting Construction Group, Inc.

CONSENT

3. Consider authorizing Staff to proceed with securing professional services for construction management for the 9th Street Bridge Replacement Project. Authorization would include advertising for professional services, selecting the consulting firm deemed most qualified, and negotiating an agreement with the selected firm prior. City Staff will then recommend authorization of the negotiated agreement to the City Council.
(Resolution authorizing Staff to proceed with securing professional services needed)
Engineering & Transportation; Dean Phillips, 577-5215, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-22(Conrad/Fisher; unan.) authorizing Staff to proceed with securing professional services.

Removed from Consent

4. Final adoption of:
 - a. Ord. No. 3199-C.S. approving Precise Plan No. 31.

ACTION: By Motion (Frohman/Smith; unan.) approved final adoption of Ordinance No. 3199—C.S. approving Precise Plan No. 31

- b. Ord. No 3200-C.S. rezoning from Specific Plan-Holding Zone to Specific Plan Overlay Zone
(Motion adopting needed)
City Clerk; Marilyn Romey, mromey@ci.modesto.ca.us

ACTION: By Motion (Frohman/Smith; unan.) approved final adoption of Ordinance No. 3200-C.S. rezoning from Specific Plan-Holding Zone to Specific Plan Overlay Zone.

ACKNOWLEDGMENTS AND PRESENTATIONS

5. Presentation of a Proclamation designating January 2001 as National Volunteer Blood Donor Month.

ACTION: Mayor Sabatino presented the proclamation to Lorraine Kohr.

6. Presentation to the Fire Department from the residents of Prescott Estates.

ACTION: Presentation made by resident of Prescott Estates. A poster was presented to the Fire Chief.

Introduction of New Employee

Rich Ulm introduced Bob Grandberg, the new Senior Civil Engineer in Engineering and Transportation.

ORAL COMMUNICATIONS

- *Daniel Marsh noted legal requirements regarding notification of plan closure for the Tri Valley known as the WARN Act, Worker Adjustment and Retraining Act.*
- Miguel Donoso commented regarding the Police Chief's report on the Alberto Sepulveda shooting.
- Raul Ortega noted the Police Chief's report, and expected reports from the Sheriffs Department and FBI.
- Moises Sepulveda Jr. noted he was not satisfied with the Police Chief's report.
- Bishop Bergstrom questioned what action would be taken to avoid a situation like the Alberto Sepulveda incident happening again.
- Chief Wasden, the Mayor, and Councilmember Fisher answered Mr. Bergstrom's question.
- Chief Wasden responded to Alberto's cousin regarding the Federal search warrant and changes in procedures regarding assisting other agencies in search warrants.
- Rosinda Mataka noted her disappointment in the Police Chief's report.
- A neighbor of the Sepulveda's noted his concern of unanswered questions.
- John Mataka reviewed the report and suggested other methods to investigate whether children are present in the home subject to a search warrant.
- Dale Williams commented on the possibility of equipment interfering with the trigger guard.
- Bob Shook noted he was still waiting on the outside investigation to be completed.
- Dale Williams thanked the City staff for holding a rental assistance meeting. He also questioned the status of the La Loma homeless issue and the condemnation of Prescott Estates units. He thanked the Fire Department for their efforts in Prescott Estates.
- Daniel Marsh suggested that the Humans Relation Commission investigate the Alberto Sepulveda shooting.
- Mrs. Deepak Paul Singh, owner of the Indian Oven Restaurant, noted vandalism at their home and rental property. The Mayor requested Detective Ridenour to assist Mrs. Singh.

WRITTEN COMMUNICATIONS

7. Letter from Daniel C. Hopkins regarding the Gallo Performing Arts Center.

ACTION: Resolution No. 2001-23 (Sabatino/Frohman; unan.) endorsing the Central Valley Center for the Arts Committee for their efforts to raise money for the Gallo Performing Arts Center.

Resolution No. 2001-24 (Fisher/Friedman; Conrad, Serpa, and Sabatino, no) designating Councilmembers Friedman & Frohman to attend the meetings of the Central Valley Center for the Arts Committee as non-voting representatives of the City of Modesto.

Resolution No. 2001-25 (Frohman/Sabatino; Fisher, Friedman, and Smith, no) designating Councilmember Frohman & Mayor Sabatino to attend the meetings of the Sixth and "I" Street Performing Arts Center Committee as non-voting representatives of the City of Modesto.

Resolution No. 2001-26 (Frohman/Smith; Conrad, no) thanking the major contributors to the Gallo Performing Arts Center, including the Gallo Family, the Modesto Bee, Bank of America, and the Mary Stuart Rogers Foundation..

Resolution No. 2001-27 (Frohman/Smith; Conrad, Serpa, Sabatino, no) thanking the County of Stanislaus for their willingness to contribute \$15 million in land and financing to help fund the Gallo Performing Arts Center.

8. Letter from Wenfu Shieh protesting Ordinance No. 3199 C.S.—Precise Plan Area 31.

ACTION: No Action taken.

NEW BUSINESS

9. a. Consider staff report on progress of Business Park Development.
- b. Update on the contract with Bohl Corporation for the FMC project.
(Motion acknowledging receipt of report needed.)
Community Development Department; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

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

COUNCIL COMMENTS AND REPORTS

- Councilmember Serpa noted that he would propose a resolution at the January 23rd meeting acknowledging Dick Ridenour for 31 years of service. Also requested that the CEO of MID make a presentation regarding electrical rates.
- Councilmember Friedman requested a status report on the Cannery Segregation issue.
- City Manager Crist noted that a staff report and resolution regarding energy savings would be presented at the January 23rd meeting.
- Councilmember Smith reviewed ideas to conserve energy.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9: 26 p.m. to the Conference Room for a Closed Session as follows:

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiator: Jack Crist, City Manager
 Robin Renwick, Personnel Director

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 11:10 p.m. to report that no action had been taken.

MINUTES, Tuesday, January 23, 2001, 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 Charlie Crane, First Baptist Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3, & 4
Item 2 removed from consent

ACTION: 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 16 , 2001.

ACTION: By motion (Frohman/Fisher; unan.) approved the minutes of the regular City Council meeting of January 16, 2001.

Removed from Consent

2. Consider authorizing City Manager, or his authorized designee, to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City.
Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

ACTION: Res. No.2001-28 (Fisher/Friedman; unan.) authorizing City Manager, or designee, to apply for CMAQ funds

CONSENT

3. Consider authorizing the purchase of one Pierce Quantum Fire Engine from Golden State Fire Apparatus, for a total cost of \$323, 506.91; and approving the use of the City of Berkeley’s contract for Pierce fire engines for two additional fiscal years with budgetary and Council approval in each fiscal year; and authorizing the trade -in of a 1977 Van Pelt fire engine, #34.
Finance; Lori Martinez, 577-5420, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-29 (Frohman/Fisher; unan.) authorizing purchase of one Pierce Quantum Fire Engine.

Res. No. 2001-30 (Frohman/Fisher; unan.) authorizing the trade - in of a 1977 Van Pelt fire engine.

CONSENT

4. Consider awarding a contract to BDS Construction, Inc. for the project titled “La Loma Avenue Traffic Circle” for \$224,950.00; consider approving an appropriation transfer to fully fund the budget. Total estimated cost: \$260,950.00 (contract \$224,950; contingency and construction administration \$36, 000.00).

Engineering & Transportation; Dean Phillips, 577-5215, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-31 (Frohman/Fisher; unan.) awarding the contract to BDS Construction, Inc.

Res. No. 2001-32 (Frohman/Fisher; unan.) amending the budget.

ACKNOWLEDGEMENTS AND PRESENTATIONS

5. Presentation to the Modesto 49ers for their victory of the Novice Delta Youth Football League Super Bowl at Johansen High School last month.

ACTION: Presentation made by Councilmember Smith.

6. Presentation by Solid Waste staff acknowledging the CIWMB 2000 Waste Reduction Award Program winners.

ACTION: Presentation made by Bev McCollough, City of Modesto Code Enforcement Officer.

7. Presentation acknowledging Dick Ridenour for 31 years of service with the City of Modesto.

Councilmember Serpa

ACTION: Proclamation presented by Mayor Sabatino

Res. No. 2001-33 (Serpa/Frohman; unan.) acknowledging Dick Ridenour for 31 years of service with the City of Modesto presented by Councilmember Serpa.

8. Presentation of Proclamation to Michael Dufour, Band Director, and the Beyer High School Marching Band recognizing recent achievements.

ACTION: Presentation made by Mayor Sabatino

ORAL COMMUNICATIONS

- Matthew Fransconi expressed his concern regarding the change in the development on Pelendale Ave.
- Councilmember Serpa requested staff to review co-sponsoring the Sund-Carrington memorial event and report back to Council in February.

UNFINISHED BUSINESS

- 9a. Oral presentation from MID representative, Jack Krieg, regarding the energy supply situation, as requested by Councilmember Serpa.

ACTION: Council received an oral presentation from Jack Krieg.

9. Consider staff report on electricity supply and energy conservation efforts. (Resolution directing City staff to reduce electricity usage by five percent immediately, to develop strategies for ongoing reductions of seven per cent, and to encourage residents and businesses to reduce energy usage by seven percent.)
City Manager; Jack Crist, 577-5224, jcrist@ci.modesto.ca.us

ACTION: Res. No. 2001-34 (Frohman/Friedman; unan.) directing City staff to reduce electricity usage by five percent immediately, to develop strategies for ongoing reductions of seven percent, and to encourage residents and businesses to reduce energy usage by seven percent.

By order of the Chair, the City Manager was directed to draft and send a letter supporting Assemblymember Cardoza's emergency legislation.

10. Oral update on the Cannery Segregation Issue.
Operations & Maintenance Dept.; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: No action taken.

HEARINGS

11. Hearing to consider Bertolotti Disposal's request to enter into a service agreement for solid waste collection services, and consider recommendation to adopt a formal policy on service providers for solid waste collection in former County areas that are annexed to the City. Item was continued from December 12, 2000 meeting.
Engineering & Transportation Department

ACTION: Res. No. 2001-35 (Fisher/Friedman; Conrad, Serpa, & Sabatino, no) authorizing the City Manager to negotiate a service agreement for solid waste collection services with Bertolotti Disposal using the existing map. Staff is directed to begin negotiations with Gilton & Modesto Disposal to address the impact fee. After successful completion of negotiations, Map 2, in which new customers at buildout are serviced by a 40:40:20 split, with Gilton, and Modesto Disposal servicing 40%, and Bertolotti servicing 20%, will be adopted.

12. Hearing to consider whether Cable One has developed a binding plan satisfactory to the City to bring the system into full compliance or to otherwise cure any and all breaches and of the franchise agreement, to consider the proposed transfer from Cable One to A.T.&T., and initial consideration of franchise renewal.

City Manager; Donna Hansen, 571-5125, dhansen@ci.modesto.ca.us

ACTION: Res. No. 2001-36 (Friedman/Frohman; unan.) deferring consideration of the request to transfer the Cable One franchise to United Cable Television, a subsidiary of AT&T Corp. from January 30, 2001 to no later than February 13, 2001.

13. Hearing to consider the Planning Commission's recommendation to amend P-D(109), Vintage Faire Regional Mall, property located on the east side of Sisk Road, north of Standiford Ave.
(An Ordinance amending "Section 2, Uses", deleting number 4. —A 16 screen theater complex and two restaurants; A Resolution approving an amended development plan or P-D(109); A Resolution with windings, provided by Environmental Assessment No. CDD 2000-70, judging the amendment to P-D(109) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017))
Continuance to February 13, 2001 is requested.

Community Development Dept.; Steve Mitchell, 577-5287, smitchell@ci.modesto.ca.us

ACTION: By motion (Friedman/Conrad; unan.) hearing continued to February 13, 2001.

NEW BUSINESS

14. Staff update on Prescott Estates.
(Motion acknowledging receipt of report needed.)

ACTION: By motion (Fisher/Conrad; unan.) acknowledged receipt of report.

15. Consider authorizing agreement with Aaron Read & Associates to provide State legislative services regarding transportation issues.
(Resolution authorizing City Manager to execute agreement needed; Resolution amending the City Manager budget to appropriate funds from the general fund to the contingency reserve needed.)

City Manager's Office; Paul Baxter, 571-5101, pbaxter@ci.modesto.ca.us

ACTION: Res. No. 2001-37 (Frohman/Friedman; unan.) authorizing City Manager to execute agreement with Aaron Read & Associates.

Res. No. 2001-37A (Frohman/Friedman; unan.) amending the budget

MISCELLANEOUS

Reappointment

16. Planning Commission
(Resolution approving reappointment needed.)
City Manager; Esther Puckett, epuckett@ci.modesto.ca.us

ACTION: Res. No. 2001-38 (Serpa/Conrad; unan.) reappointing Michael Pratt to the Planning Commission.

COUNCIL COMMENTS AND REPORTS

- Councilmember Frohman suggested adding two additional sites to the Business Park Plan.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 11:45 p.m. to the Council Chambers for a Closed Session as follows :

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

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

The City Attorney returned at 11:53 p.m. to report that the City Council authorized the City Attorney to initiate litigation. The action, the defendants, and other particulars will be disclosed upon inquiry once the action has been formally commenced.

MINUTES, City Council Meeting
Tuesday, February 6, 2001, 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: Mike Douglass, Big Valley Grace Community Church

Declare Conflicts of Interest: Sabatino—Item 4
Fisher—Item 15

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 4-8
Items 2, 3, 9, & 10 removed from Consent

ACTION: Fisher/Friedman; 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 23, 2001, the minutes of the Special Budget Workshop of January 27, 2001, and the minutes of the Special Budget Process Review Meeting of January 29, 2001.

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of the regular City Council meeting of January 23, 2001, the minutes of the Special Budget Workshop of January 27, 2001, and the minutes of the Special Budget Process Review Meeting of January 29, 2001.

Item 2 Removed from Consent

2. Annual Capital Facilities Fees (CFF) Fund Summaries
Finance; Stan Feathers, 577-5458, sfeathers@ci.modesto.ca.us

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

Item 3 Removed from Consent

3. Consider approving a lease agreement with Atmospheric, Inc. for the use of a small parcel of land at the Airport for the placement of weather equipment, and authorize the City Manager to sign the lease on behalf of the City.

Engineering & Transportation.—Airport; Howard Cook, 577-5213, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-39 (Smith/Fisher; unan.) approving a lease agreement with Atmospheric, Inc. for the use of a small parcel of land at the Airport for the placement of weather equipment, and authorizing the City Manager to sign the lease on behalf of the City.

Mayor Sabatino excused due to Conflict of Interest

CONSENT

4. Consider awarding a contract to Soares Pipeline, Inc. for the project titled “Annual Sewer Rehabilitation—Phase 2 99/00” for \$334,174.00. Funds are budgeted. Total estimated cost: \$394,325.32 (Contract \$334,174.00, Administration & Contingency Costs \$60,151.32)

Engineering & Transportation; Steve Pace, 577-5265, space@ci.modesto.ca.us

ACTION: Res. No. 2001-40 (Friedman/Frohman; Sabatino, absent) awarding a contract to Soares Pipeline, Inc. for the project titled “Annual Sewer Rehabilitation —Phase 2 99/00” for \$334,174.00.

CONSENT

5. Consider amending the budget for the project titled “Village One Subtrunk Sewer” and appropriate \$34,184 from the Wastewater Reserve Fund to fund the project.

Engineering & Transportation; Robert C. Meleg, 571-5179, bmeleg@ci.modesto.ca.us

ACTION: RES. NO. 2001-41 (Fisher/Friedman; unan.) amending the budget for the project titled “Village One Subtrunk Sewer” and appropriate \$34,184 from the Wastewater Reserve Fund to fund the project.

CONSENT

6. Consider a request by the Surface Transportation Policy Project to support a Pedestrian Safety Summit in the City of Modesto on March 10, 2001.

Engineering & Transportation; Van Switzer; 571-5214, vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-42 (Fisher/Friedman; unan.) supporting the Pedestrian Safety Summit.

CONSENT

7. Consider amending the Position Classification Plan to delete the classifications of Fire Plans Checker and Purchasing Officer, to create the classifications of Deputy Fire Marshal,

SCADA Supervisor and Purchasing Supervisor. Consider amending the job description for the classification of Urban Forestry Superintendent. Consider amending the Class Range Tables for the above.

Personnel; Cherree Platt, 577-5402; cplatt@ci.modesto.ca.us

ACTION: Res. No. 2001-43 (Fisher/Friedman; unan.) amending the Position Classification Plan to delete the classifications of Fire Plans Checker and Purchasing Officer, to create classifications of Deputy Fire Marshal, SCADA Supervisor and Purchasing Supervisor.

Res. No. 2001-43A (Fisher/Friedman; unan.) amending the job description of Urban Forestry Superintendent.

CONSENT

8. Consider approving an agreement with Second Harvest Food Bank of San Joaquin and Stanislaus Counties, Inc. for the allocation of \$32,100 in CDBG Public Service funds, and authorize the City Manager to execute agreement documents.

Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@ci.modesto.ca.us

ACTION: Res. No. 2001-44 (Fisher/Friedman; unan.) approving an agreement for the allocation of \$32,100 in CDBG Public Service funds with Second Harvest Food Bank.

Item 9 Removed from Consent

9. Consider adopting a resolution approving an agreement for the allocation of \$30,000 in CDBG Public Service funds with Community Housing and Shelter Services to provide additional Emergency Shelter slots and Housing Counseling services to families who are homeless or at risk of becoming homeless, and authorizing the City Manager to execute agreement documents.

Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@ci.modesto.ca.us

ACTION: RES. NO. 2001-45 (Friedman/Fisher; unan.) approving agreement for the allocation of \$30,000 in CDBG Public Service funds with Community Housing and Shelter Services.

Item 10 Removed from Consent

10. Consider revising the truck route around Modesto High School necessitated by the closure of Washington Street.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@ci.modesto.ca

ACTION: Res. No. 2001-46 (Friedman/Fisher; unan.) authorizing staff to revise the truck route around Modesto High School necessitated by the closure of Washington Street.

ACKNOWLEDGEMENTS AND PRESENTATIONS

11. Proclamation declaring February as Reconciliation Month.

ACTION: Mayor Sabatino presented the Proclamation to Michelle & Joe Williams.

12. Recognition of various Modesto Police Officers and their Canines for their honors at the Western States Police Canine Competition, Y2K9 Challenge, on November 10, 2000 at the California Highway Patrol Academy in Sacramento.

ACTION: Mayor Sabatino presented Proclamations to Officers and their Canines.
Captain Atchley reported on the accomplishments of the Officers and their Canines.

ORAL COMMUNICATIONS

- Francis O'Brien commented on the increase in gas costs due to the energy crisis.
- Janice Keating commented on the increased costs due to the energy crisis.

WRITTEN COMMUNICATIONS

13. Letter from Greg Opinski Construction regarding request for payment for the Modesto Police Department project.

ACTION: Mayor Sabatino offered that he and an attorney from the City Attorney's office will meet with Mr. Opinski and his attorney tomorrow morning.

14. Letter from concerned citizens regarding the use of tax money for the Gallo Performing Arts Center.

ACTION: A **motion** was made (Conrad/Sabatino; Fisher, Friedman, Frohman, Serpa, Smith, no) to adopt a Resolution urging the County to place a measure on the ballot allowing the tax payers of Stanislaus County to vote on a Performing Arts. **Motion failed to carry.**

HEARINGS

Councilmember Fisher excused due to Conflict of Interest

15. Hearing to consider the application of Redev, Inc. for an amendment to the General Plan to re-designate property located on the East side of Dale Road opposite Nightingale drive from Residential to Mixed Use, and to Rezone the property from Low Density Residential Zone to Professional Office Zone.

ACTION: Res. No. 2001-47 (Frohman/Friedman; Fisher, absent) amending the General Plan to re-designate fifteen acres located on the east side of Dale Road opposite Nightingale Drive from Residential to Mixed Use.

By Motion (Frohman/Friedman; Fisher, absent) introduced Ordinance No. 3201-C.S. rezoning property located on the east side of Dale Road opposite Nightingale Drive from R-1 to P-O.

Res. No. 2001-48 (Frohman/Friedman; Fisher, absent) finding the proposed General Plan Amendment and rezoning within the scope of the General Plan Master EIR.

16. Hearing to consider the application of Randall O'Dell to rezone from P-D(539) to a new Planned Development Zone to allow for a single-story office complex, for property located on the North side of the Scenic Drive west of Coffee Road.

ACTION: By Motion (Frohman/Fisher; unan.) introduced Ordinance No.3202-C.S. rezoning the property from P-D(539) to P-D(545).

Res. No. 2001-49 (Frohman/Fisher; unan.) approving a development plan for P-D(545).

Res. No. 2001-50 (Frohman/Fisher; unan.) finding the rezoning within the scope of the General Plan Mater EIR.

17. Hearing to consider the request of Dennis E. Wilson of Horizon Consulting Services to appeal staff decision regarding traffic issues related to the O'Brien's Center Project at Dale and Pelandale.

ACTION: At the request of Dennis Wilson, item continued (Friedman/Fisher; unan.) to the meeting of February 27, 2001.

NEW BUSINESS

18. Consider approving a Letter of Agreement with Modesto City School District regarding the roles and responsibilities in conducting the Search Institute Profiles of Student Life Survey and in implementing the 40 Developmental Asset Training and Awareness programs for students, staff and community members.

Recreation & Neighborhoods; Linda McDermott, 571-5863, lmcdermott@ci.modesto.ca.us

ACTION: By Motion (Fisher/Sabatino; unan.) referred item to Human Services and Financial Policy Committees, and directed staff to spend no additional funds on the program.

MISCELLANEOUS

Appointments

19. Modesto Youth Commission

Recreation & Neighborhoods; Jennifer Brinar, 571-5897, jbrinar@ci.modesto.ca.us

ACTION: Res. No. 2001-51 (Frohman/Smith; unan.) appointing Alicia Oliver and Rebecca Perry to the Modesto Youth Commission.

COUNCIL COMMENTS AND REPORTS

- Mayor Sabatino requested that future Council items not be those of symbolism.
- Vice Mayor Fisher requested that County staff focus on solving City-County partnership issues.
- Mayor Sabatino requested the Council consider, at the February 13, 2001 meeting, adopting a resolution requesting the County to return the 5% sales tax.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:04 p.m.

MINUTES City Council Meeting

Tuesday February 13, 2001, 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: Councilmember Conrad

Declare Conflicts of Interest: Councilmember Conrad—*item 7*
Councilmember Fisher—*items 15 & 16*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 11

ACTION: Fisher/Friedman; 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 February 6, 2001 and the minutes from the Special Closed Session of February 6, 2001.
(Motion approving needed.)

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of the regular City Council meeting of February 6, 2001 and the minutes from the Special Closed Session of February 6, 2001.

CONSENT

2. Final adoption:
(Motion approving final adoption needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us
 - a. Ordinance 3201-C.S. amending Section Map 12-3-8 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon.

ACTION: By Motion (Fisher/Friedman; unan.) approved the final adoption of Ordinance 3201-C.S. amending Section Map 12-3-8 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon.

- b. Ordinance 3202-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(529), to Planned Development Zone, P -D(545),

property located on the north side of Scenic Drive west of Coffee Road (Randall O'Dell).

ACTION: By Motion (Fisher/Friedman; unan.) approved the final adoption of Ordinance 3202 - C.S. amending Section 28-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(529), to Planned Development Zone, P-D(545), property located on the north side of Scenic Drive west of Coffee Road (Randall O'Dell).

CONSENT

3. Consider notifying the California Air Resources Board (CARB) that the City of Modesto will follow the "diesel path" to meet CARB's new rules that apply to urban bus operators. (Resolution notifying CARB of intention to comply needed.)
Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@ci.modesto.ca.us

ACTION: Res. No. 2001-52 (Fisher/Friedman; unan.) notifying CARB of intention to comply.

CONSENT

4. Consider authorizing the submittal of a City application for collection of \$124,180 in Passenger Facility Charges (PFCs) to the Federal Aviation Administration (FAA) and authorize the City Manager, or designee, to sign the application on behalf of the City of Modesto.
(Resolution authorizing submittal of City application for collection of PFCs to the FAA needed.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-53 (Fisher/Friedman; unan.) authorizing submittal of City application for collection of PFCs to the FAA.

CONSENT

5. Consider approving a lease agreement between the City of Modesto and the California State Lands Commission for property for replacement of the existing 9th Street Bridge across the Tuolumne River and authorizing execution of the lease agreement by the City Manager.
(Resolution approving a lease agreement between the City of Modesto and the California State Lands Commission and authorizing execution of the lease agreement by the City Manager needed.)
Engineering & Transportation; Dean Phillips; 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-54 (Fisher/Friedman; unan.) approving a lease agreement between the City of Modesto and the California State Lands Commission and authorizing execution of the lease agreement by the City Manager..

CONSENT

6. Consider awarding a \$451,604.00 contract to Fagundes & Son, Inc. for the project titled “Pelandale/McHenry Intersection Improvements”; and approve an appropriation transfer to fully fund the project.
(Resolution awarding a \$451,604.00 contract to Fagundes & Son, Inc. for the project titled “Pelandale/McHenry Intersection Improvements” needed. Resolution to approve an appropriation transfer to fully fund the project needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-55 (Fisher/Friedman; unan.) awarding a \$451,604.00 contract to Fagundes & Son, Inc. for the project titled “Pelandale/McHenry Intersection Improvements”

ACTION: Res. No. 2001-56 (Fisher/Friedman; unan.) approving an appropriation transfer to fully fund the project.

Councilmember Conrad excused due to Conflict of Interest

CONSENT

7. Consider accepting the improvements for Arbor Lane No. 1 Subdivision, in the Coffee - Claratina Specific Plan Area and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owners: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation)
(Resolution accepting improvements for Arbor Lane No. 1 Subdivision needed.)
Engineering & Transportation—Development; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-57 (Fisher/Friedman; Conrad, absent) accepting improvements for Arbor Lane No. 1 Subdivision.

CONSENT

8. Consider awarding a \$101,830.00 contract to Silveira General Construction for the project titled “Water Quality Control Building Laboratory Remodel.” Consider approving an appropriation transfer to fully fund the project.
(Resolution awarding a \$101,830.00 contract to Silveira General Construction needed. Estimated total: \$126,268.00 (Contract \$101,830.00; Administration & Contingency \$24,438.00) Resolution approving appropriation transfer needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-58 (Fisher/Friedman; unan.) awarding a \$101,830.00 contract to Silveira General Construction.

ACTION: Res. No. 2001-59 (Fisher/Friedman; unan.) approving appropriation transfer.

CONSENT

9. Consider accepting Miller Pipeline Corporation's contract for the project titled "Annual Sewer Rehabilitation—Phase 1 99/00" as complete, and authorize the City Clerk to file a Notice of Completion.
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion needed.)
Engineering & Transportation; Robert Granberg, 577-5215, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-60 (Fisher/Friedman; unan.) accepting work as complete and authorizing City Clerk to file Notice of Completion.

CONSENT

10. Consider awarding a \$153,650 contract to HJW, Inc. for Digital Ortho -Rectified Aerial Photos; and consider a resolution amending the budget to appropriate additional funds from the Engineering and Transportation budget by \$72,000; funded by \$36,000 from the Water Fund Reserve and \$36,000 from Engineering & Transportation's ABS Carryover Savings.
(Resolution approving an agreement with HJW, Inc. for Digital Ortho -Rectified Aerial Photos and authorize the City Manager to execute the agreement needed. Resolution amending the Engineering & Transportation budget by \$72,000; funded by \$36,000 from Water Fund Reserve, and \$36,000 from Engineering & Transportation's ABS Carryover Savings needed.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-61 (Fisher/Friedman; unan.) approving an agreement with HJW, Inc. for Digital Ortho-Rectified Aerial Photos and authorizing the City Manager to execute the agreement.

ACTION: Res. No. 2001-62 (Fisher/Friedman; unan.) amending the Engineering & Transportation budget by \$72,000.

CONSENT

11. Consider authorizing Request for Proposals to be opened March 20, 2001 at 11:00 a.m. for traffic signal equipment for Engineering and Transportation Department—Transit Engineering Services Division.
(Resolution authorizing Request for Proposals to be opened March 20, 2001 at 11:00 a.m. for traffic signal equipment for Engineering and Transportation Department—Transit Engineering Services Division needed.)
Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-63 (Fisher/Friedman; unan.) authorizing Request for Proposals to be opened March 20, 2001 at 11:00 a.m. for traffic signal equipment for Engineering and Transportation Department—Transit Engineering Services Division.

ACKNOWLEDGEMENTS AND PRESENTATIONS

12. Presentation by John Irwin, a representative of Modesto City Schools , regarding the After School Program.

ACTION: No presentation given. John Irwin was absent from the meeting.

ORAL COMMUNICATIONS

- Mr. Wood commented on the development of the West Side, and the trash and the negative environment in the 4th Street Park caused by a food court for the homeless. He complimented the Police Department for their quick response time when calls are placed.
- Joseph Dias also expressed a safety concern for children in the 4th Street Park and noted an undesirable element in the park. He also noted concerns at 619 5th Street and the 5th Street Project. He requested additional police presence in the neighborhood.

HEARINGS

13. Hearing to consider the Planning Commission's recommendation to amend P-D(109), Vintage Faire Regional Mall, property located on the east side of Sisk Road, north of Standiford Ave.
(An Ordinance amending "Section 2, Uses", deleting number 4. —A 16 screen theater complex and two restaurants; A Resolution approving an amended development plan or P-D(109); A Resolution with findings, provided by Environmental Assessment No. CDD 2000-70, judging the amendment to P-D(109) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017))
Continuance to February 27, 2001 is requested.
Community Development Dept.; Steve Mitchell, 577-5287, smitchell@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) item was continued to the 27th of February, 2001.

14. Hearing to determine whether Cable One has developed a binding plan satisfactory to the City to bring the system into full compliance or to otherwise cure any and all breaches of the franchise agreement, to consider the proposed transfer from Cable One to AT&T, and initial consideration of franchise renewal.
(Resolution approving the proposed settlement with Cable One resolving all areas of non-compliance with the terms of the franchise needed. Adopt, or Modify and Adopt the attached ordinance amending Ordinance No. 2293-C.S., as amended, approving the transfer of the cable television from Cable One to United Television Corporation.)
City Manager's Office; Donna Hansen, 571-5125, dhansen@ci.modesto.ca.us

ACTION: Res. No. 2001-64 (Frohman/Smith; unan.) approving the proposed settlement with Cable One resolving all areas of non-compliance with the terms of the franchise.

ACTION: Introduction of Ordinance No. 3203–C.S. (Frohman/Smith; unan.) amending Ordinance No. 2293-C.S. approving transfer of Cable T.V. from Cable One to United Television Corp.

Councilmember Fisher absent due to Conflict of Interest

15. Hearing to consider the application of Tim Fisher/Architecture Plus to rezone a portion of P-D(363) to a new Planned Development Zone to allow a Single -Story Senior Housing Complex, property located on the West side of Nelson Ave, South of East Orangeburg Ave.

ACTION: Introduction of Ordinance No. 3204–C.S (Friedman/Smith; Fisher, absent) rezoning a portion of P-D(363) to P-D(546).

ACTION: Res. No. 2001-65 (Friedman/Smith; Fisher, absent) approving a development plan for P-D(546).

ACTION: Res. No. 2001-66 (Friedman/Smith; Fisher, absent) finding the proposed rezoning the proposed rezoning within the scope of the General Plan Master EIR.

Councilmember Fisher excused due to Conflict of Interest

16. Hearing to consider approving the allocation of \$937,000 in HOME funds and authorize the City Manager to execute related documents.

(Resolution of approving allocation and authorizing the City Manager to execute documents needed.)

Recreation & Neighborhoods; Kenneth Horrillo, 577-5419, khorrillo@ci.modesto.ca.us

ACTION: Res. No. 2001-67 (Conrad/Serpa; Fisher, absent) approving allocation and authorizing the City Manager to execute documents.

NEW BUSINESS

17. Consider adopting a resolution supporting the concepts and efforts of the California Highway Patrol in a statewide traffic stop demographic data collection grant program and authorizing the City Manager to execute an agreement with the California Highway Patrol, allowing the Police Department to participate in the grant program.

(Resolution supporting the concepts and efforts of the California Highway Patrol in data collection grant program and authorizing City Manager to sign agreement allowing Police Department to participate in the grant program needed.)

Police Department; Chief Roy Wasden, 572-9501, rwasden@ci.modesto.ca.us

ACTION: Res. No. 2001-68 (Fisher/Serpa; unan.) supporting the concepts and efforts of the California Highway Patrol in data collection grant program and authorizing City Manager to sign agreement allowing Police Department to participate in the grant program.

18. Consider approving the submittal of an ACIP and an AIP application to the Federal Aviation Administration in the amount of \$10,560,100 and authorize the City Manager, or designee, to sign the application on behalf of the City of Modesto.
(Resolution approving the submittal of an ACIP and an AIP application to the Federal Aviation Administration, and authorize the City Manager to sign the application on behalf of the City of Modesto needed)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-69 (Fisher/Friedman; unan.) approving the submittal of an ACIP and an AIP application to the Federal Aviation Administration, and authorize the City Manager to sign the application on behalf of the City of Modesto.

19. Consider accepting the payoff of an outstanding loan made to Charlie Crane of Uncle Charlie's Group Home, secured by 523 North Martin Luther King Drive, as based on the fair market value of \$137,000 as listed in the property appraisal dated January 2, 2001 prepared by Gerald L. Regalia. The payoff is to be made by February 28, 2001.
(Resolution accepting payoff of outstanding loan made to Charlie Crane of Uncle Charlie's Group Home needed.)
Recreation & Neighborhoods; Miguel Galvez, 571-5506, mgalvez@ci.modesto.ca.us

ACTION: Res. No. 2001-70 (Fisher/Friedman; unan.) accepting payoff of outstanding loan made to Charlie Crane of Uncle Charlie's Group Home.

MISCELLANEOUS

Legislation

20. 2001 Legislative Platform
(Resolution approving the City of Modesto 2001 Legislative Platform)
City Manager; Paul Baxter, 577-5224, pbaxter@ci.modesto.ca.us

ACTION: Res. No. 2001-71 (Serpa/Smith; unan.) approving the City of Modesto 2001 Legislative Platform. **Items 2b**—oppose efforts which would reduce local control over public employee disputes and impose regulations of an outside agency—**11j**—encourage banning of fire works on county-wide basis--**and 14i**, constitutional amendment subject to majority approval of electorate allowing statewide ½ cent sales tax for transportation, **were removed and returned to the appropriate committees. Added to the platform** was support to reduce building permits outside the City's sphere of influence and support to require the County to be subject to LAFCO for new development

COUNCIL COMMENTS AND REPORTS

21. At the request of Mayor Sabatino, consider adopting a resolution requesting the County to return the 5% sales tax to the participating Cities.

ACTION: Dropped from Agenda. Moved to 2/20/01 meeting.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:25 p.m.

MINUTES City Council Meeting

Tuesday, February 20, 2001, 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 Thompson, Big Valley Grace Community

Declare Conflicts of Interest: Vice Mayor Fisher, Item 2b

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1,2, 4, & 5
Item 3 Removed from Consent

ACTION: Friedman/Frohman; 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 13, 2001

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of the regular City Council meeting of January 13, 2001

CONSENT

2. Final Adoption:
City Clerk; Marilyn Romey, 577-5396; mromey@ci.modesto.ca.us
 - a. Ordinance No. 3203-C.S. amending Ordinance No. 2293-C.S., as amended, approving the transfer of the cable television franchise from Cable One, Inc. to United Cable Television Corporation.

ACTION: By Motion (Friedman/Frohman; unan.) approved the final adoption of Ordinance No. 3203-C.S. amending Ordinance No. 2293-C.S., as amended, approving the transfer of the cable television franchise from Cable One, Inc. to United Cable Television Corporation.

Vice-Mayor Fisher excused from Item 2b due to Conflict of Interest

- b. Ordinance No. 3204-C.S. amending Section 21-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), property located on the West side of Nelson Avenue South of East Orangeburg Avenue (Tim Fisher/Architecture Plus).

ACTION: By Motion (Friedman/Frohman; Fisher, absent) approved the final adoption of Ordinance No. 3204-C.S. amending Section 21-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(363), to Planned Development Zone, P-D(546), property located on the West side of Nelson Avenue South of East Orangeburg Avenue (Tim Fisher/Architecture Plus).

Item 3 Removed from Consent

3. Consider authorizing the City Manager to execute an application under the 2000 Juvenile Accountability Incentive Block Grant for \$50,340 in federal funds.
Police Dept.; Michael Perine, Police Sergeant ,572-9162, mperine@ci.modesto.ca.us

ACTION: Res. No. 2001-72 (Frohman/Friedman; unan.) authorizing the City Manager to execute an application under the 2000 Juvenile Accountability Incentive Block Grant for \$50,340 in federal funds.

CONSENT

4. Consider acceptance of George Reed, Inc.'s contract for the project titled "Pelandale Expressway—Phase 1B & 1C" as complete and authorize the City Clerk to file a Notice of Completion.
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-73 (Friedman/Frohman; unan.) accepting George Reed, Inc.'s contract for the project titled "Pelandale Expressway—Phase 1B & 1C" as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Quarterly Treasurer's Report—December 29, 2000
Finance; Belinda Duerksen; 577-5376; bduerksen@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; unan.) accepted Quarterly Treasurer's Report.

ACKNOWLEDGMENTS & PRESENTATIONS

6. Presentation from Krispy Kreme Donuts regarding their Ground Breaking Ceremony on Wednesday, February 21, 2001.

ACTION: Brad Breckman announced the groundbreaking ceremony and presented the Council with donuts.

ORAL COMMUNICATIONS

- Bishop Bergstrom expressed his concern of stray dogs in the Franklin and Peirson Schools areas.
- Councilmember Frohman, City Manager Crist, Councilmember Serpa announced that the issue has been referred to the Police Chief and additional enforcement will be requested in the school areas mentioned.

HEARINGS

7. Hearing to consider an ordinance amending Ordinance No. 2293-C.S. entitled “An Ordinance Granting Cable One, Inc., a Nonexclusive Franchise to Construct, Operate, and Maintain a Cable Communication System within the City of Modesto,” to extend the term to permit the transfer of the Franchise from Cable One to United Cable Television Corporation, a subsidiary of AT&T Broadband, and to continue the franchise renewal negotiations.

City Manager’s Office; Donna Hansen, 571-5125, dhansen@ci.modesto.ca.us

ACTION: By Motion (Friedman/Smith; unan.) introduced Ordinance No. 3205 amending Ordinance No. 2293-C.S., as amended, to extend the term of the franchise agreement to permit transfer of the franchise from Cable One to United Cable Television Corporation, a subsidiary of AT&T Broadband, and continue the franchise renewal negotiations.

COUNCIL COMMENTS AND REPORTS

- Rob Stout, Finance Director, reviewed previous and upcoming budget workshops for this year’s budget process.
8. At the request of Mayor Sabatino, consider adopting a resolution requesting the County to return the 5% sales tax to the participating Cities. Moved from the 13th of February, 2001.

ACTION: Res. No. 2001-74 (Fisher/Smith; unan.) resolution requesting the County to return the 5% sales tax to the participating Cities.

By Order of the Chair item was referred to Financial Policy Committee to discuss the possibility of an economic development bank with City and County Representatives.

9. At the request of Vice Mayor Fisher, consider appointing a committee to meet with the Board of Supervisors to address issues of mutual economic development benefits. Discussion to include but not limited to:

- a. Tax Sharing/Land Use
- b. Transportation
- c. Business Attraction/Retention

ACTION: By Order of the Chair Vice Mayor Fisher, Councilmember Conrad, Mayor Sabatino, City Manager Crist, and City Attorney Milich were appointed to meet with the County.

- Councilmember Smith noted Modesto's rating of A1 in the Moody's Rating Scale dated August 2000.

10. At the request of Councilmember Conrad, discussion of the Urban Growth Policy Review. (Informational Item Only)

ACTION: No Action Taken.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 6.25 p.m.

MINUTES City Council Meeting

Tuesday, February 27, 2001, 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 Cowles, Director of Operations & Maintenance

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 10

ACTION: Frohman/Friedman; 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 February 20, 2001.

ACTION: By Motion (Frohman/Friedman; unan.) approved the minutes of the regular City Council meeting of February 20, 2001.

CONSENT

2. Final adoption of Ordinance No. 3205-C.S. amending Ordinance No. 2293-C.S., as amended, to extend the term of the franchise agreement to permit transfer of the franchise from Cable One to United Cable Television Corporation, a subsidiary of AT&T Broadband, and continue the franchise renewal negotiations.

ACTION: By Motion (Frohman/Friedman; unan.) approved the final adoption of Ordinance No. 3205-C.S. amending Ordinance No. 2293-C.S., as amended, to extend the term of the franchise agreement to permit transfer of the franchise from Cable One to United Cable Television Corporation, a subsidiary of AT&T Broadband, and continue the franchise renewal negotiations.

CONSENT

3. Consider affirming the City's sponsorship of "Earth Day in the Park Festival, 2001!" at Graceada Park and allow the sale of merchandise in the Park during the event.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@ci.modesto.ca.us

ACTION: Res. No. 2001-75 (Frohman/Friedman; unan.) affirming the City's sponsorship and allowing the sale of merchandise during the event.

CONSENT

4. Consider approval of final map of Monterey Bay, Unit No. 1 Subdivision in the Carver-Bangs Specific Plan Area and authorize the City Manager to sign an agreement with the Subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Bright Development, A California Corporation)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-76 (Frohman/Friedman; unan.) approving the final map of Monterey Bay, Unit No. 1 Subdivision and authorizing the City Manager to execute subdivision agreement.

CONSENT

5. Consider approval of final map of Villa Francais Unit No. 1 Subdivision in the Carver - Bangs Specific Plan Area and authorize the City Manager to sign an agreement with the Subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Taro Properties Arizona 1, an Arizona Limited Liability Company)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-77 (Frohman/Friedman; unan.) approving the final map of Villa Francais Unit No. 1 Subdivision and authorizing the City Manager to sign subdivision agreement.

CONSENT

6. Consider approval of final map of Villa Francais Unit No. 2 Subdivision in the Carver - Bangs Specific Plan Area and authorize the City Manager to sign an agreement with the Subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Taro Properties Arizona 1, an Arizona Limited Liability Company)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-78 (Frohman/Friedman; unan.) approving the final map of Villa Francais Unit No. 2 Subdivision and authorizing the City Manager to sign subdivision agreement.

CONSENT

7. Consider accepting the improvements for Madison Pointe Subdivision, in the Pelandale - Snyder Specific Plan Area, and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods (Owners: Western Pacific Housing—Windsor Point, LLC, a Delaware Limited Liability Company)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-79 (Frohman/Friedman; unan.) accepting the improvements for Madison Pointe Subdivision, in the Pelandale-Snyder Specific Plan Area, and authorize the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

8. Consider authorizing the City manager to sign an application in response to a Request for Proposal from the Stanislaus County Workforce Investment Board (WIB). The application, "Beautification Efforts Along Highway 99," proposes to fund clean -up and landscaping along two areas of State Highway 99 within the city limits of Modesto.
Operations & Maintenance; Peter Cowles, 342-2279, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-80 (Frohman/Friedman; unan.) authorizing the City Manager to sign an application to the Stanislaus WIB for "Beautification Efforts Along Highway 99" to fund clean-up and landscaping along two areas of State Highway 99 within the city limits of Modesto.

CONSENT

9. Consider acceptance of Duley's Landscape contract for the project titled "Mark Twain Neighborhood Park" as complete and authorize the City Clerk to file a Notice of Completion.
Engineering & Transportation; Terry Parmer, 577-5215, tparmer@ci.modesto.ca.us

ACTION: Res. No. 2001-81 (Frohman/Friedman; unan.) accepting George Reed, Inc's contract for the project titled "Mark Twain Neighborhood Park" as complete.

CONSENT

10. Consider authorizing staff to solicit RFP's for development, improvement or preservation of low and moderate income affordable housing units.
Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@ci.modesto.ca.us

ACTION: Res. No. 2001-82 (Frohman/Friedman; unan.) authorizing staff to solicit RFP's for development, improvement or preservation of low and moderate income affordable housing units.

ACKNOWLEDGEMENTS AND PRESENTATIONS

11. Consider recognizing Kyle Weinheimer, Amanda Xavier, and Andrew Dignan as Outstanding Youth for 2000.
Recreation & Neighborhoods; Jennifer Brinar, 571-5897, jbrinar@ci.modesto.ca.us

ACTION: Presentation made by Mayor Sabatino.

ORAL COMMUNICATIONS

- Bishop Bergstrom commented regarding the Federal Government's involvement in the Sepulveda search warrant.
 - City Attorney Milich responded to Mr. Bergstrom's questions.

HEARINGS

12. Hearing to consider the request of Dennis E. Wilson of Horizon Consulting Services to appeal staff decision regarding traffic issues related to the O'Brien's Center Project at Dale and Pelandale.

ACTION: By Motion (Friedman/Fisher; unan.) hearing was continued to March 6, 2001.

13. Hearing to consider the Planning Commission Recommendation to Amend P-D(109), Vintage Faire Regional Mall, Property Located on the East Side of Sisk Road North of Standiford Ave.

Community Development; Steve Mitchell, 577-5283, smitchell@ci.modesto.ca.us

ACTION: By Motion (Fisher/Smith; Conrad, no) introduced Ordinance No 3206-C.S. amending Ordinance 3097-C.S. to delete the 16 screen theater complex as an allowed use.

By Motion (Fisher/Smith; Conrad, no) introduced Ordinance No 3207-C.S. rescinding Ordinance 3098-C.S. which approved the development agreement.

Res. No. 2001-83 (Fisher/Smith; Conrad, no) amending Resolution 98-509 to delete Conditions of Approval Nos. 1 & 2, and to modify Condition No. 6 and the time of any discretionary land use approval in the future with respect to the Vintage Faire Regional Shopping Center and/or the property immediately in the north, the City may in its discretion seek to impose reciprocal access ways between said properties.

Res. No. 2001-84 (Fisher/Smith; Conrad, no) judging the amendment to P-D(109) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017).

14. Hearing to consider the application of Michael Purnell, M.D. to rezone a 1.3 -acre site from Low Density Residential zone (R -1) to Planned Development, P-D(547) to allow for a two -story Orthopedic Medical/Surgical Center and parking area on the West side of Coffee Road, East of Allen Drive, and South of East Orangeburg Ave.

Community Development—Planning Division; Barbara Denlis, 577-5267, bdenlis@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) hearing was continued to March 6, 2001.

15. Hearing to consider adding a third run in the morning and afternoon to the Modesto Area Express (MAX) bus route that connects with the Altamont Commuter Express train station in Lathrop.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@ci.modesto.ca.us

ACTION: Res. No. 2001-85 (Friedman/Smith; Conrad, Sabatino, no) approving adding a third run in the morning and afternoon to the Modesto Area Express (MAX) bus route that connects with the Altamont Commuter Express train station in Lathrop.

Item was returned to Transportation Policy Committee for rate review.

NEW BUSINESS

16. Consider staff report on the development of an outdoor firing range at the new Police Department Tactical Training Site.

Police Department; Ron Sale, 572-9674, rsale@ci.modesto.ca.us

ACTION: By Motion (Conrad/Serpa; unan.) acknowledge receipt of report.

COUNCIL COMMENTS AND REPORTS

17. At the request of Councilmember Conrad, consider rescinding Resolution 2001 -71, adopted at the February 13, 2001 council meeting, that approved the 2001 Legislative Platform.

ACTION: Res. No. 2001-86 (Conrad/Frohman; unan.) rescinding Res. No. 2001 -71

18. At the request of Mayor Sabatino, discussion of Mayor's response to the Modesto Bee Editorial of February 22, 2001.

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:25 p.m. to the Chambers Conference Room for the Closed Session as follows:

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR:
(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Robin Renwick, Personnel Director
Jack Crist, City Manager

Employee Organization: Modesto City Fire Fighters Association

The City Attorney returned at 9:45 pm to report that no action had been taken.

Tuesday, March 6, 2001, 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. Mark Rindal, Big Valley Grace Community

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3, 4, 6, 7, 8, & 9
Items 2, 5, & 10 removed from consent

ACTION: Conrad/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 February 27, 2001, and the Special Budget Process Review of February 22, 2001.
(Motion approving needed.)

ACTION: By Motion (Conrad/Fisher; unan.) approved the minutes of the regular City Council meeting of February 27, 2001, and the Special Budget Process Review of February 22, 2001.

Item 2 removed from consent

2. Final adoption:
(Motion approving final adoption needed)
 - a. Ordinance No 3206-C.S. amending Ordinance 3097-C.S. to delete the 16 screen theater complex as an allowed use in P-D(109).

ACTION: By Motion (Fisher/Friedman; Conrad, no) approved the final adoption of **Ordinance No 3206-C.S.** amending Ordinance 3097-C.S. to delete the 16 screen theater complex as an allowed use in P-D(109).

- b. Ordinance No 3207-C.S. rescinding Ordinance 3098-C.S. which approved the development agreement for P-D(109).

ACTION: By Motion (Fisher/Friedman; Conrad, no) approved the final adoption of **Ordinance No 3207-C.S.** rescinding Ordinance 3098-C.S. which approved the development agreement for P-D(109).

CONSENT

3. Accept with regret letter of resignation from Joseph Martinez of the Equal Opportunity Commission.
(Motion accepting resignation with regret needed)
City Manager; Esther Puckett, 571-5101, epuckett@ci.modesto.ca.us

ACTION: Res. No. 2001-87 (Conrad/Fisher; unan.) accepting with regret letter of resignation from Joseph Martinez of the Equal Opportunity Commission.

CONSENT

4. Approve a lease agreement with William Rose for the use of a small office in the airport's old administration building and authorize the City Manager to sign the lease on behalf of the City.
(Resolution approving lease agreement needed)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-88 (Conrad/Fisher; unan.) approving a lease agreement with William Rose for the use of a small office in the airport's old administration building and authorize the City Manager to sign the lease on behalf of the City.

Item 5 removed from consent

5. Consider a staff recommendation to update speed limits on various streets based on a new speed surveys and engineering traffic studies.
(Motion introducing an Ordinance amending Municipal Code Sections 3-2.1401.1(Radar) and 3-2.1401 (Non-Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed needed.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@ci.modesto.ca.us

ACTION: By Motion (Frohman/Friedman) introduced **Ordinance No.3208** amending Municipal Code Sections 3-2.1401.1(Radar) and 3-2.1401 (Non-Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed.

CONSENT

6. Consider authorizing the use of Community Development funds to cover the cost of five (5) non-City employees to attend the third and final convening of the National League of Cities' (NLC) Workforce Development for Poverty Reduction Project in Washington, D.C., March 23-24, 2001.

(Resolution authorizing the City Manager to approve the cost of five (5) non-City employees to attend the Workforce Development for Poverty Reduction Project in Washington, D.C., March 23-24, 2001 needed)

Community Development; Laurie Smith, 571-5566, lsmith@ci.modesto.ca.us

ACTION: Res. No. 2001-89 (Conrad/Fisher; unan.) authorizing the use of Community Development funds to cover the cost of five (5) non-City employees to attend the third and final convening of the National League of Cities' (NLC) Workforce Development for Poverty Reduction Project in Washington, D.C., March 23-24, 2001.

CONSENT

7. Consider waiving formal bid procedures by five (5) affirmative votes and authorizing the purchase of three Gillig low floor transit coaches from the Gillig Corporation of Hayward, California for \$906,948.81 for use in the Modesto Area Express (MAX) bus service. (Resolution waiving formal bid procedures needed)

Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-90 (Conrad/Fisher; unan.) waiving formal bid procedures by five (5) affirmative votes and authorizing the purchase of three Gillig low floor transit coaches from the Gillig Corporation of Hayward, California for \$906,948.81 for use in the Modesto Area Express (MAX) bus service.

CONSENT

8. Consider authorizing the Purchasing Officer to issue a Request for Proposal for Liquid Ferric Chloride to be used by the Operations and Maintenance Department - Water Quality Control (WQC) for FY 2001/2002 with three one-year extensions. (Resolution authorizing the Purchasing Officer to issue a Request for Proposals for liquid Ferric Chloride Bids needed.)

Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-91 (Conrad/Fisher; unan.) authorizing the Purchasing Officer to issue a Request for Proposal for Liquid Ferric Chloride to be used by the Operations and Maintenance Department-Water Quality Control (WQC) for FY 2001/2002 with three one-year extensions.

CONSENT

9. Consider joinder in amicus briefs in: San Remo Hotel v. City and County of San Francisco; Robinson v. County of Solano; Flying Dutchman Park v. City and County of San Francisco; Filarsky V. Superior Court; and Medrano v. Ventura County.

(Motion authorizing the City to join in the amicus briefs named above and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs needed.)

City Attorney; Michael Milich, 577-5343, mmilich@ci.modesto.ca.us

ACTION: By Motion (Conrad/Fisher; unan.) authorized the City to join in the amicus briefs named above and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

Item 10 Removed from Consent

10. Consider adoption of City Council Calendar for 2001.
(Motion approving City Council Calendar for 2001 needed.)
City Clerk; Jean Zahr, 577-5396, jzahr@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; Frohman, Serpa, no) approving City Council Calendar for 2001.

ACKNOWLEDGEMENTS AND PRESENTATIONS

11. Introduction of new management employees.
Community Development Department:

- Patrick Kelly, Principal Planner
- Brad Wall, Associate Planner
- Barbara Denlis, Associate Planner
- Melissa Hardy, Assistant Planner

Finance Department

- Patrick Samsell, Acting Deputy Finance Director
- Leslie Curtin, Customer Services Supervisor

City Manager

- Donna Hansen, Deputy City Manager

- Mayor Sabatino acknowledged the Modesto Eagles Cheerleaders on their first place award in the Jamz Cheer & Dance National Championships.

ORAL COMMUNICATIONS

- Denny Jackman thanked Council and staff for supporting efforts for pedestrian safety.

HEARINGS

Councilmember Fisher excused due to conflict of interest

12. Hearing to consider the request of Dennis E. Wilson of Horizon Consulting Services to appeal staff decision regarding traffic issues related to the O'Brien's Center Project at Dale and Pelandale.

Continued from meetings of February 6, 2001 and February 27, 2001.

ACTION: By Motion (Sabatino/Conrad; Fisher, absent) item continued to March 20, 2001.

13. Hearing to consider the application of Michael Purnell, M.D. to rezone a 1.3-acre site from Low Density Residential zone (R -1) to Planned Development, P-D(547) to allow for a two-story Orthopedic Medical/Surgical Center and parking area on the West side of Coffee Road, East of Allen Drive, and South of East Orangeburg Ave.

(An Ordinance rezoning a 1.3-acre site from R-1 to P-D(547) needed. A resolution approving a development plan for P-D(547) needed. A resolution finding the rezoning within the scope of the General Plan Master EIR needed.)

Community Development—Planning Division; Barbara Denlis, 577-5267,

bdenlis@ci.modesto.ca.us

Continued from the meeting of February 27, 2001.

ACTION: By Motion (Friedman/Fisher; unan.) introducing **Ordinance No. 3209** rezoning a 1.3-acre site from R-1 to P-D(547) needed. A resolution approving a development plan for P-D(547).

Res. No. 2001-92 (Friedman/Frohman; unan.) approving a development plan for P-D(547) needed.

Res. No. 2001-93 (Friedman/Frohman; unan.) finding the rezoning within the scope of the General Plan Master EIR.

NEW BUSINESS

14. Consider a staff report regarding an upcoming Public Information Meeting relating to changes in Flood Boundaries and Flood Insurance Rate Maps for the Tuolumne River and Dry Creek.

(Motion acknowledging receipt of report needed.)

Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

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

15. Consider a staff report discussing progress of Business Park Development.
(Motion acknowledging receipt of report needed.)

Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

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

16. Consider approving the draft timeline for Public Service Grants and the Annual Action Plan for 2001-2002/Citizen Participation Calendar of Events for CBDG.
(Resolution approving timeline and calendar needed.)
Recreation & Neighborhoods; Sherry Teague, 577-5368, steague@ci.modesto.ca.us

ACTION: Res. No. 2001-94 (Friedman/Conrad; unan.) approving the timeline for Public Service Grants and the Annual Action Plan for 2001 -2002/Citizen Participation Calendar of Events for CBDG.

MISCELLANEOUS

Appointments

(Resolutions approving appointments needed.)
City Manager; Esther Puckett, epuckett@ci.modesto.ca.us

17. Airport Advisory Committee

ACTION: Res. No. 2001-95 (Smith/Sabatino; Frohman, no) appointing John Rogers to the Airport Advisory Committee.

18. Board of Building Appeals

ACTION: Res. No. 2001-96 (Smith/Sabatino; Frohman, no) appointing Stephen Kellog to the Board of Building Appeals.

19. Citizens Advisory Committee on Recycling

ACTION: Res. No. 2001-97 (Smith/Sabatino; Frohman, no) appointing Jack Jacques, Doug Moore, Jeff Mountain, and Jim Patton to the Citizens Advisory Committee on Recycling.

20. Golf Course Advisory Committee

ACTION: Res. No. 2001-98 (Smith/Sabatino; Frohman, no) appointing Mike Burns and John Nyberg to the Golf Course Advisory Committee.

21. Housing Rehabilitation Loan Committee

ACTION: Res. No. 2001-99 (Smith/Sabatino; Frohman, no) appointing Mike Content, Carlos de la Fuente, and Linda Ohlson to the Housing Rehabilitation Loan Committee.

22. Human Relations Committee

ACTION: Res. No. 2001-100 (Smith/Sabatino; Frohman, no) appointing Traci Miller to the Human Relations Committee.

23. Local Cable Programming Committee

ACTION: Res. No. 2001-101 (Smith/Sabatino; Frohman, no) appointing Michael Birch and Kathy Fastenau to the Local Cable Programming Committee.

24. Planning Commission

ACTION: Res. No. 2001-102 (Smith/Fisher; Frohman, Serpa, no) appointing Ken Newswander to the Planning Commission.

25. Disabled Access Appeals Board.

ACTION: Res. No. 2001-103 (Smith/Sabatino; Frohman, no) appointing Robert Moore to the Disabled Access Appeals Board.

COUNCIL COMMENTS AND REPORTS

26. At the request of Mayor Sabatino, consider directing staff to prepare a Charter Amendment for submission to the voters at the November 6, 2001 election to take effect only in the event the original "The Term Limits Act of 2000" Charter Amendment is approved by the voters at the same election. This new Charter Amendment will move the change in election date to March 2004, rather than 2002 and the December 2001 run off election would remain in place to eliminate the possibility of three elections as explained in the July 25th memorandum from the City Clerk and the City Attorney.

ACTION: No Action Taken

27. At the request of Councilmember Serpa, consider reducing the Utility User Tax.

ACTION: By Motion (Serpa/Fisher; unan.) staff was directed to review expansion of refund program and to maintain a revenue neutral status, and return the item March 13, 2001 meeting

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:40 p.m.

Tuesday, March 13, 2001, at 5:15 p.m.

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

Absent: None

Presentation of the Colors—Girl Scout Troop 166

Pledge of Allegiance to the Flag

Invocation: Rev. Cliff Sexton, First Baptist Church

Declare Conflicts of Interest: *Mayor Sabatino, item 6*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5, 7,8, 11-19
Item 9 removed from agenda
Items 4, 6, 10 removed from consent

ACTION: 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 regular City Council meeting of March 6, 2001.
(Motion approving needed.)

ACTION: By Motion (Friedman/Fisher; unan.) approved the minutes of March 6, 2001.

CONSENT

2. Final adoption of Ordinance 3209-C.S. rezoning a 1.3-acre site from Low Density Residential zone, R-1 to Planned Development, P-D(547) to allow for a two -story orthopedic medical/surgical center and parking area on the West side of Coffee Road, “East of Allen Drive, and South of East Orangeburg Avenue.
(Motion to approve needed.)
Community Development, Planning Division; Barbara Denlis, 577-5267,
bdenlis@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan.) approved final adoption of **Ordinance No. 3209-C.S.** rezoning a 1.3-acre site from Low Density Residential zone, R -1 to Planned Development, P-D(547) to allow for a two -story orthopedic medical/surgical center and parking area on the West side of Coffee Road, “East of Allen Drive, and South of East Orangeburg Avenue.

CONSENT

3. Consider approving an agreement with Mary A Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the acquisition of right of way located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project; and consider authorizing City Manager to accept the Grant deed for this acquisition.

(Resolution approving agreement needed. Resolution authorizing the City Manager to accept the Grant deed needed.)

Community Development; William Harper, 577-5324, bharper@ci.modesto.ca.us

ACTION: Res. No. 2001-104 (Friedman/Fisher; unan.) approved agreement with Mary A Kruse and the Allen R. Grant and Carolyn M. Grant Family 1996 Trust for the acquisition of right of way located at the northeast corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project.

Res. No. 2001-105 (Friedman/Fisher; unan.) authorizing City Manager to accept the Grant deed.

Removed from consent

4. Consider selling excess land to Luis J. Arellano, property at 208 Leon Avenue, and authorizing the City Manager to take appropriate action to complete the transfer of land. (Resolution approving sale of excess land, and authorizing City Manager to take appropriate actions to complete transfer of land needed.)

Community Development; William Harper, 577-5324, bharper@ci.modesto.ca.us

ACTION: Res. No. 2001-106 (Conrad/Frohman; unan.) authorizing advertisement for bids for property at 208 Leon Ave.

CONSENT

5. Consider approving an agreement with Burchell Nursery, Inc. for the acquisition of right of way located on the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project; and consider authorizing the City Manager to accept the Grant Deeds for the acquisition.

(Resolution approving agreement needed. Resolution authorizing City Manager to accept Grant Deeds needed.)

Community Development; William Harper, 577-5324, bharper@ci.modesto.ca.us

ACTION: Res. No. 2001-107 (Friedman/Fisher; unan.) approving an agreement with Burchell Nursery, Inc. for the acquisition of right of way located on the southwest corner of McHenry Avenue and the Pelandale Expressway for the McHenry/Pelandale Intersection Project.

Res. No. 2001-108 (Friedman/Fisher; unan.) authorizing the City Manager to accept Grant Deeds.

Removed from consent

Mayor Sabatino excused due to conflict of interest

6. Consider approval of Amendment No. 2 to the Master Agreement for the Tenth Street Place Project.

(Resolution approving Amendment No. 2 needed.)

Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: By Motion (Conrad/Friedman; Sabatino, absent) **continued item** to March 20, 2001.

CONSENT

7. Consider approving request from Overcoming the Odds for \$4,700 in Direct City Assistance for a conference to be held at Mellis Parks and King-Kennedy Memorial Center on May 19, 2001 and consider amending the budget to transfer \$4,700 from the General Fund Reserve to King-Kennedy Memorial Center.

(Resolution approving request and amending budget needed.)

Recreation & Neighborhoods; Doug Lemcke, 577-5355, dlemcke@ci.modesto.ca.us

ACTION: Res. No. 2001-109 (Friedman/Fisher; unan.) approving request from Overcoming the Odds for \$4,700 in Direct City Assistance for a conference to be held at Mellis Parks and King-Kennedy Memorial Center on May 19, 2001 and amending budget to transfer \$4,700 from the General Fund Reserve to King-Kennedy Memorial Center

Res. No. 2001-110 not used

CONSENT

8. Consider endorsement of Modesto City Schools Character Education Program.

(Resolution endorsing Education Program needed.)

Recreation & Neighborhoods;

ACTION: Res. No. 2001-111 (Friedman/Fisher; unan.) endorsing Character Education Program.

Removed from agenda

9. Consider awarding a contract to Pacific Design Associates Inc. for professional architectural services for Maddux Youth Center Improvements and authorizing City Manager to execute necessary documents.

(Resolution awarding contract and authorizing City Manager to execute documents needed.)

Recreation & Neighborhoods; Bob Ford, 577-5437, bford@ci.modesto.ca.us

ACTION: No action taken—removed from agenda.

Removed from consent

10. Consider amending the Fiscal Year 2000-01 Capital Improvement Plan to amend project 6600-310-M264, Golf Course Wells, and estimating \$135,020 in revenue from the General Fund 0100 Reserve and estimating \$135,020 in expenditures to the Golf Fund 6600 Golf Course Wells Project.

(Resolution amending budget needed.)

Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-112 (Serpa/Fisher; unan.) amending the Fiscal Year 2000 -01 Capital Improvement Plan to amend project 6600-310-M264, Golf Course Wells.

CONSENT

11. Consider approving agreement with HLA Group for professional landscape architectural services for Sutton Community Park and amending the CIP to transfer \$5,000 from the Fund 1350 Reserve to 1350-310-M178-6010, Sutton Community Park.

(Resolution approving agreement and authorizing City Manager to execute documents needed; Resolution amending budget needed.)

Recreation & Neighborhoods; Bob Ford, 577-5437, bford@ci.modesto.ca.us

ACTION: Res. No. 2001-113 (Friedman/Fisher; unan.) approving agreement with HLA Group for professional landscape architectural services for Sutton Community Park and amending the CIP to transfer \$5,000 from the Fund 1350 Reserve to 1350 -310-M178-6010, Sutton Community Park.

CONSENT

12. Consider authorizing the City Manager to execute an agreement with Stanislaus County for inmate security services.

(Resolution authorizing City Manager to execute an agreement needed.)

Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-114 (Friedman/Fisher; unan.) authorizing City Manager to execute and agreement with Stanislaus County for inmate security services.

CONSENT

13. Consider authorizing the City Manager to submit an application and negotiate an agreement for Transportation Enhancement Act (TEA) funds for a landscape beautification project at the Briggsmore gateway.

(Resolution authorizing submission of application and agreement negotiation needed.)

Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-115 (Friedman/Fisher; unan.) authorizing the City Manager to submit an application and negotiate an agreement for Transportation Enhancement Act (TEA) funds for a landscape beautification project at the Briggsmore gateway.

CONSENT

14. Consider approval of final map of Fernwood Phase 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. (Owners: Fernwood Properties LLC, a California Limited Liability Company, by its manager member, Bennett Development Inc. a California Corporation)
(Resolution approving final map and authorizing the City Manager to execute subdivision agreement needed.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-116 (Friedman/Fisher; unan.) approving final map of Fernwood Phase 2 and authorizing the City Manager to execute subdivision agreement

CONSENT

15. Consider approving a Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning, implementation, maintenance, and right-of-way acquisition for the 9th Street Bridge Replacement Project and authorizing execution of the agreement by the City Manager.
(Resolution approving Joint Powers Agreement and authorizing execution of agreement by the City Manager needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-117 (Friedman/Fisher; unan.) approving Joint Powers Agreement and authorizing execution of agreement.

CONSENT

16. Consider accepting as complete the J.W. Ebert Corporation's contract for the project titled Outfall Rehabilitation – Phase 1 and authorizing the City Clerk to file a Notice of Completion.
(Resolution accepting work as complete needed.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-118 (Friedman/Fisher; unan.) accepting as complete the J.W. Ebert Corporation's contract for the project titled Outfall Rehabilitation – Phase 1 and authorizing the City Clerk to file a Notice of Completion.

CONSENT

17. Consider authorizing the transfer of \$137,000 in asset forfeiture monies to the Police Department budget to fund the equipment and operating expenses for a Street Level Narcotics Unit, the Modesto Narcotics Enforcement Team (MNET).
(Resolution authorizing transfer of monies needed.)
Police Department; Captain David Young, 572-9690, youngd@modestopd.com

ACTION: Res. No. 2001-119 (Friedman/Fisher; unan.) authorizing transfer of \$137,000 in asset forfeiture monies to the Police Department budget to fund the equipment and operating expenses for a Street Level Narcotics Unit, the Modesto Narcotics Enforcement Team.

CONSENT

18. Consider declaring Quality Control Inspection Inc. lowest bidder and authorize the purchase of construction material testing services for the initial period of March 14, 2001 – June 30, 2002 for an estimated total of \$34,375.00, and approving the purchase of construction material testing services for an additional two years up to and including June 30, 2004 for an estimated cost of \$27,500.00 per fiscal year. Total estimated cost is \$89,375.00. Funds are budgeted.

(Resolution approving low bidder and authorizing purchase, with an additional two year option needed.)

Finance; Lori Martinez, 577-5420, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-120 (Friedman/Fisher; unan.) declaring Quality Control Inspection the lowest bidder and authorizing the purchase of construction material testing services for the initial period of March 14, 2001 – June 30, 2002 for an estimated total of \$34,375.00, and approving the purchase of construction material testing services for an additional two years up to and including June 30, 2004 for an estimated cost of \$27,500.00 per fiscal year.

CONSENT

19. Consider authorizing the purchase of software licensing from H.T.E. Inc. for a total cost of \$88,392.00, and approving the future purchases of software licensing from H.T.E. Inc. (Resolution authorizing the purchase of software needed.)

Finance; Lori Martinez, 577-5420, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-121 (Friedman/Fisher; unan.) authorizing the purchase of software licensing from H.T.E Inc for a total of cost of \$88,392.00

ACKNOWLEDGEMENTS AND PRESENTATIONS

20. Presentation to Girl Scout Troop 166 of Proclamation declaring March 11 -17, 2001 as Girl Scout Week, and March 12,2001 as Girl Scout Day.

ACTION: Presentation made by Mayor Sabatino

21. Presentation of California Redevelopment Association Award of Excellence for Mixed Use Development in Redevelopment Areas to the City Council and the Redevelopment Agency.

ACTION: Presentation made by Phil Testa, Community Development Dept. Director

22. Presentation by Lowes of a \$1,000.00 check to the City/Fire Department for fire prevention programs.

ACTION: Presentation made by Lowes to the Fire Dept.

ORAL COMMUNICATIONS

None

UNFINISHED BUSINESS

23. Continue discussions on options regarding allocation of the additional revenue received from the Utility Users Tax on natural gas.

ACTION: By Motion (Serpa/Fisher; unan) directed staff to draft an ordinance to utilize the P.G.&E. CARE program and review the remainder of the additional revenue at the March 20th meeting. Staff was also directed to review the possibility of transferring funds to P.G.&E. to utilize the CARE program.

NEW BUSINESS

24. Consider approval of Exclamation Fest 2001.
(Resolution approving event needed.)
Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-122 (Friedman/Frohman; unan.) approving Exclamation Fest 2001.

COUNCIL COMMENTS AND REPORTS

25. General discussion of decorum at Council meetings, at the request of Councilmember Friedman.

ACTION: Motion failed (Smith/Fisher; Conrad, Frohman, Serpa, Sabatino, no) to return this item to the Economic Development, Community and Intergovernmental Relations Committee for review of the parliamentary process.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 10:05 p.m.

Tuesday, March 20, 2001, 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. Jeff Norman, Modesto Covenant Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1
Items 2 & 3 removed from consent

ACTION: Conrad/Frohman; 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 March 13, 2001.
(Motion approving needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Conrad/Frohman; unan.) approved the minutes of March 13, 2001.

Item 2 removed from consent

2. Consider declaring Complete Coach Works the lowest responsive and responsible bidder for the rebuilding of nine Gillig Transit buses for a total cost of \$1,619,339.40, and approving an appropriation transfer to fully fund the project for the Engineering & Transportation Department, Transit Division. Federal Transit Administration funds will cover \$1,327,471.52, State funds will cover \$60,000 through a transit capital improvement grant, the City will cover \$271,867.88 with money from the Local Transportation Fund, and a recommended \$40,000 contingency, for a total project budget of \$1,659,339.40. (Resolution approving Complete Coach Works the low bidder and approving appropriation transfer needed.)
Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-123 (Fisher/Frohman; unan) approving Complete Coach Works the low bidder and approving appropriation transfer.

Item 3 removed from consent

3. Consider approving recommendation to amend Resolutions 99-385 and 98-27 to allow for the exemption and deferral of capital facilities fees for single- and multi-family affordable housing projects that provide housing units to households earning from 55% up to 60% of the Area Median Income.
(Resolution approving amending Resolutions 99-385 and 98-27 needed.)
Community Development; Laurie Smith, 577-5347, lsmith@ci.modesto.ca.us

ACTION: Res. No. 2001-124 (Fisher/Friedman; unan) amending Resolutions 99-385 and 98-27.

ORAL COMMUNICATIONS

- Dave Geer commented on the Community Qualities Forum, a meeting scheduled at Mark Twain School on March 24th regarding gangs and the Police Department's vehicle pursuit policy.
- Dale Williams commented on building seizures in Prescott Estates
- City Attorney, City Manager, Councilmembers Fisher and Serpa responded to Mr. Williams

UNFINISHED BUSINESS

4. Consider approval of Amendment No. 2 to the Master Agreement for the Tenth Street Place Project. This Amendment will release the construction items for the Parcel located at 1020 Tenth Street from the JPA and be assumed by the RDA. The RDA will pay Civic Partners Inc. to complete the Plaza/Sidewalk improvements, consisting of installation of brick pavers, planters, street lights and sidewalks abutting the now -constructed three-story building at the corner of 10th & K Streets. Funds are budgeted.
(*Item continued from March 13, 2001*)
(Resolution approving Amendment No. 2 needed.)
Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: Continued to March 22, 2001 (Fisher Friedman, unan.)

5. Continued discussion regarding possible uses of additional revenue received from the Utility Users Tax on natural gas due to rapidly increasing gas prices, and consider introduction of an ordinance amending the Municipal Code to provide for an exemption from payment of the gas users tax for those persons who qualify for PG&E's California Alternate Rate for Energy (CARE) program.

ACTION: Continued to March 22, 2001 (Fisher Friedman, unan.)

HEARINGS

Fisher absent due to conflict of interest

6. Hearing to consider the request of Dennis E. Wilson of Horizon Consulting Services to appeal staff decision regarding traffic issues related to the O'Brien's Center Project at Dale and Pelandale.

Continued from meetings of February 6, 2001, February 27, 2001, and March 6, 2001. Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@ci.modesto.ca.us

ACTION: The appeal was granted with respect to the traffic signal as follows:

Res 2001-125 (Friedman/Frohman; Serpa & Sabatino, no; Fisher, absent) adopted requiring the developer at his sole cost and expense to install the infrastructure necessary for the future installation of the requested signal, including two left turn lanes from the southbound direction on Dale, and provide security in the form of a letter of credit or certificate of deposit for the future installation costs. The timing of the signal installation will be at the City's discretion.

The **appeal was denied** with respect to the deceleration lane on Pelandale.

NEW BUSINESS

7. At the request of the Transportation Policy Committee (Chair Frohman, Fisher, and Friedman), consider forwarding as transportation project priorities to StanCOG for inclusion in the discussion at the March 26, 2001 Regional Transportation Plan Forum:
 - a. Highway 132 improvements
 - b. Pelandale Interchange redesign
 - c. Kiernan/Claribel improvements

ACTION: By Motion (Friedman/Fisher, unan.) all three priorities were sent to StanCOG

COUNCIL COMMENTS AND REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

MINUTES

Thursday, March 22, 2001, at 4:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Smith, Mayor Sabatino
Serpa arrived at 5:00 p.m.

Absent: None

1. Consider Mid-year Budget Status Report for FY 2000-2001
(Motion acknowledging receipt of report needed; Resolution approving changes needed.)

Finance, Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; Serpa, no) acknowledged receipt of report

Res. No. 2001-126 (Fisher/Friedman; Serpa, no) approving revisions to the Fiscal Year 2000-2001 budget of the City of Modesto.

Adjourned at 5:01 p.m.

Reconvened at 7:46 p.m.

Fisher & Smith, absent.

Serpa left the meeting at 7:50 p.m.

2. Budget Workshop for FY 2001-2002—
 - Capital Improvement Projects (carried over from Feb 22nd meeting)
 - Risk/self-insurance
 - Federal & State Grants—Airport, Transit, CDBG & Police

ACTION: No action required.

ADJOURNMENT

This meeting adjourned at 8:47 p.m.

Thursday, March 22, 2001, at 5:00 p.m.

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

Absent: None

UNFINISHED BUSINESS

Sabatino absent due to conflict of interest.

Continued from March 20, 2001

4. Consider approval of Amendment No. 2 to the Master Agreement for the Tenth Street Place Project. This Amendment will release the construction items for the Parcel located at 1020 Tenth Street from the JPA and be assumed by the RDA. The RDA will pay Civic Partners Inc. to complete the Plaza/Sidewalk improvements, consisting of installation of brick pavers, planters, street lights and sidewalks abutting the now -constructed three-story building at the corner of 10th & K Streets. Funds are budgeted.

(Item continued from March 13, 2001)

(Resolution approving Amendment No. 2 needed.)

Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: Res. No. 2001-127 (Friedman/Smith; Serpa, no; Sabatino, absent) approving Amendment No. 2 to the Master Agreement for the Tenth Street Place Project.

Continued from March 20, 2001

5. Continued discussion regarding possible uses of additional revenue received from the Utility Users Tax on natural gas due to rapidly increasing gas prices, and consider introduction of an ordinance amending the Municipal Code to provide for an exemption from payment of the gas users tax for those persons who qualify for PG&E's California Alternate Rate for Energy (CARE) program.

ACTION: By Motion (Conrad/Smith; Friedman, Frohman, Serpa, no) adopted using the additional revenue to fund road improvements.

ADJOURNMENT

This meeting adjourned at 7:40 p.m.

Tuesday, March 27, 2001, 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. Lonnie Skiles, Big Valley Grace Community Church

Declare Conflicts of Interest—*Conrad, Item 4*

Items 27 & 28 dropped from the agenda and continued to the regular meeting of April 3, 2001

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5, 6, 9, 11-16, 18-19a
Items 7 & 8 dropped from agenda
Items 10 & 17 removed from consent
Item 4—Conrad absent

ACTION: 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 March 20, 2001.
(Motion approving needed.)
Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of March 20, 2001.

CONSENT

2. Consider final adoption of Ordinance No. 3208-C.S. amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.
(Motion approving final adoption needed.)

ACTION: By Motion (Frohman/Fisher, unan.) approved **the final adoption of Ordinance No. 3208-C.S.** 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

3. Consider accepting the improvements for Chateau Maison subdivision in the Pelandale-Snyder Specific Plan Area and authorize the City Clerk to file Notice of Completion and to

release securities upon expiration of statutory periods (Owners: Western Pacific Housing – Windsor Pointe, LLC, a Delaware Limited Liability Company).

(Resolution accepting improvements needed.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-127A (Frohman/Fisher, unan.) accepting the improvements for Chateau Maison subdivision in the Pelandale -Snyder Specific Plan Area.

Conrad excused due to conflict of interest

4. Consider approval of final map of Eastport Unit No. 2 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: Corn and Harris Development, LLC, a California Limited Liability Company).

(Resolution approving the final map, accepting the public improvements and authorizing the City Manager to execute subdivision agreement needed.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-128 (Fisher/Friedman; Conrad, absent) approving the final map of Eastport Unit No. 2 subdivision in the Pelandale -Snyder Specific Plan Area, accepting the public improvements.

CONSENT

5. Consider approval of final map of Atherton Place 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: John T. Verner and Kathleen M. Verner, and Edward A. Machado).

(Resolution approving the final map and authorizing the City Manager to execute subdivision agreement needed)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-129 (Frohman/Fisher; unan.) approving the final map of Atherton Place subdivision in the Village One Specific Plan Area.

CONSENT

6. Consider approval of final map of Crawford Estates subdivision 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: Sherwood Forest Estates Inc., a California Corporation, Kent W. Crawford and Lisa Crawford, and Phillip Austin and Ida Austin).

(Resolution approving the final map and authorizing the City Manager to execute subdivision agreement needed.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-130 (Frohman/Fisher; unan.) approving the final map of Crawford Estates subdivision.

Item 7 removed from agenda

7. Consider awarding a \$653,551.00 contract to George Reed Inc. for the project titled “Coldwell Avenue and Ninth Street Improvements”; and consider amending the budget to recognize additional Local Transportation Funds and to allocate to CIP projects. Funds are budgeted.
(Resolution awarding contract needed; Resolution amending budget needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: No action taken

Item 8 removed from agenda

8. Consider awarding an \$82,070.00 contract to Robison-Prezioso Inc. for the project titled “Recoat Tank Interior – Water Tank 5” located at 2404 Merle Avenue. Funds are budgeted.
(Resolution awarding contract needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: No action taken

CONSENT

9. Consider approving an ordinance amending Section 2-3.302 of Article 3 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to the Office of the City Clerk and Auditor – Creation and Functions to establish the position of an internal auditor.
(Introduction of an ordinance amending the Municipal Code to establish an internal auditor needed.)
City Clerk & Audit Committee; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan) **introduced Ordinance No. 3210–C.S.** amending Section 2-3.302 of Article 3 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to the Office of the City Clerk and Auditor – Creation and Functions to establish the position of an internal auditor.

Removed from consent

10. Consider establishing a mulching lawnmower incentive program – “Clean Green Yard Machines”.
(Resolution establishing program needed.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@ci.modesto.ca.us

ACTION: Res. No. 2001-131 (Friedman/Smith; majority; Conrad, no) establishing a mulching lawnmower incentive program—“Clean Green Yard Machines”.

CONSENT

11. Letter of resignation from Ken Westervelt, a member of the Citizen's Advisory Committee on Recycling.
(Resolution accepting resignation with regret needed.)
Manager; Esther Puckett, 571-5101, epuckett@ci.modesto.ca.us

ACTION: Res. No. 2001-132 (Frohman/Fisher; unan) accepting with regret the resignation of Ken Westervelt from the Citizen's Advisory Committee on Recycling.

CONSENT

12. Letter of resignation from Edward Lotko, a member of the Citizen's Advisory Committee on Recycling.
(Resolution accepting resignation with regret needed.)
Manager; Esther Puckett, 571-5101, epuckett@ci.modesto.ca.us

ACTION: Res. No. 2001-133 (Frohman/Fisher; unan) accepting with regret the resignation of Edward Lotko from the Citizen's Advisory Board on Recycling.

CONSENT

13. Consider approving the use and execution of the Legal Department's "Standard Agreement for Legal Services" with the law firm of Davidovitz & Bennett with respect to various issues, controversies, cases, arbitrations, and/or contentions arising from or relating to the City's defense in construction/public works related matters. The Agreement is necessitated by several public works controversies simultaneously becoming active to the point that Law Department staff infrastructure cannot efficiently handle them.
(Resolution approving the use and execution of the "Standard Agreement for Legal Services" with the law firm of Davidovitz & Bennett needed.)
Attorney; Rolly Stevens, 577-7547, rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-134 (Frohman/Fisher; unan) approving the use and execution of the "Standard Agreement for Legal Services" with the law firm of Davidovitz Bennett.

CONSENT

14. Consider approving the refunding of the 1992 Issue A Variable Rate Multi-family Revenue Bonds – Shadowbrook Apartments.
(Resolution authorizing the issuance of multi-family housing revenue bonds for the refinancing of and financing of improvements to the Shadowbrook apartments in an amount not to exceed \$11,000,000.00, and rescinding Resolution 2000-577 needed.)
Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: Res. No. 2001-135 (Frohman/Fisher; unan) authorizing the issuance of multi-family housing revenue bonds for the refinancing of and financing of improvements to the Shadowbrook apartments in an amount not to exceed \$11,000,000.00 and rescinding Resolution 2000-577.

CONSENT

15. Consider authorizing that further changes to Cash-on-Hand be handled by the Finance Director, without requiring a Council resolution.
(Resolution authorizing that further changes to Cash-on-Hand be handled at the Department Director level needed.)
Finance; Jo Ann Bertolotti, 571-5871, jbertolo@ci.modesto.ca.us

ACTION: Res. No. 2001-136 (Frohman/Fisher; unan) authorizing that further changes to Cash-on-Hand be handled by the Finance Director, without requiring a Council resolution.

CONSENT

16. Consider authorizing the City Manager to sign a new utility pay station agreement with Mi Pueblo, San Jose, Inc. located at 1612 Crows Landing Road (the former New Deal Market).
(Resolution authorizing City Manager to sign new utility pay station needed.)
Finance; Jo Ann Bertolotti, 571-5871, jbertolo@ci.modesto.ca.us

ACTION: Res. No. 2001-137 (Frohman/Fisher; unan) authorizing City Manager to sign new utility pay station.

Removed from consent

17. Consider authorizing the Purchasing Officer to issue a Request for Proposal for removal and beneficial reuse of Primary Wastewater Biosolids for Operations & Maintenance Department, Water Quality Control division, for FY 2001.2002.
(Resolution authorizing the Request for Proposals needed.)
Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-138 (Friedman/Fisher; unan) authorizing the Purchasing Officer to issue a Request for Proposal for removal and beneficial reuse of Primary Wastewater Biosolids for Operations and Maintenance.

CONSENT

18. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for shooting range equipment to be used by the Police Department as part of the new Police training facility.
(Resolution authorizing Request for Bids needed.)
Finance; Lori Martinez, 577-5420, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-139 (Frohman/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Bids for shooting range equipment to be used by the Police Department.

CONSENT

19. Consider authorizing the Purchasing Supervisor to issue a Request for Qualifications and Proposals to be issued for weed control services for Fiscal Year 2001 -2002 with options for two one-year extensions up to and including June 30, 2004.
(Resolution authorizing the issuance of Request for Qualifications and Proposals needed.)
Finance; Lori Martinez, 577-5420, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-140 (Frohman/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Qualifications and Proposals to be issued for weed control services for FY 2001-2002.

- 19a. Consider supporting Senate Bill 10 (Soto) which reauthorizes the Safe Routes to School Program.
(Resolution supporting Senate Bill 10 needed.)
Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-141 (Frohman/Fisher; unan) supporting Senate Bill 10 (Soto).

ACKNOWLEDGEMENTS AND PRESENTATIONS

20. Presentation of Proclamation declaring March 25, 2001 Greek Independence Day.

ACTION: Mayor Sabatino presented proclamation.

21. Presentation of a plaque from Equal Opportunity Disability Commission recognizing a former member of the Commission, Robert Andrews.

ACTION: Mayor Sabatino presented plaque to the family of Robert Andrews.

ORAL COMMUNICATIONS

- Miguel Donoso commented on the public comment period during the Arts Committee Meeting and the StanCOG meeting of March, 26, 2001.
- Vice Mayor Fisher responded to Mr. Donoso and invited him to the next StanCOG meeting.
- Michael Garcia reported on the Workforce Development Team.
- Councilmember Friedman responded to Mr. Garcia and noted Councilmember Smith's and her attendance at the NLC meeting which addressed workforce development.

WRITTEN COMMUNICATIONS

22. Letter from Ed Taczanowsky, Executive Vice President of the Building Industry Association of Central California, requesting that the concept of a Chief Economic Development Officer (CEDO) for the City of Modesto be considered.

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

HEARINGS

23. Hearing to consider designation of Muni Golf Course as a Landmark Preservation Site. Muni Golf Course is located at 400 Tuolumne Boulevard. The Human Services Committee supports the Landmark Preservation Commission's recommendation.
(Resolution designating Muni Golf Course as a Landmark Preservation Site needed.)
Recreation & Neighborhoods; Wayne Mathes, 577-5335, wmathes@ci.modesto.ca.us

ACTION: Res. No. 2001- 142 (Fisher/Friedman; majority; Conrad, Frohman, Serpa, no) designating Muni Golf Course as a Landmark Preservation Site.

24. Hearing to (1) consider introducing annual pass program and adopting related fees, amending the 9-hole fee policy at Dryden and Creekside to be effective all day, changing the minimum number of players for shotgun tournaments from 144 to 120, introducing a family tee program at Muni and adopting related fees, introducing a "play one round, get the second round at the same course on the same day for half -price" policy, permitting fivesome play, and rescinding Resolution 2000-188; (2) consider approving an agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto Annual Pass Program and co-marketing with the SOS Club on the City's annual pass and their membership program, and authorizing the City Manager to execute agreement.
(Resolution introducing changes needed; Resolution approving agreement needed.)
Recreation & Neighborhoods, Golf Courses Committee; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-143 (Friedman/Fisher; majority; Conrad, no) introducing the changes.

By Motion (Fisher/Sabatino; majority; Conrad, Frohman, no) discussion regarding agreement with the Sportsmen of Stanislaus Club to provide services was moved to the April 3, 2001 meeting.

25. Hearing to consider the application of Leonard Soranno to rezone a 2.1 -acre site from Single-Family Residential (R-1) to Planned Development P-D(478) to allow for a medical clinic, county offices and landscaped parking area on the South side of Briggs Avenue, and West of Martin Luther King Drive.
(Motion introducing ordinance rezoning a 2.1 acre site from R-1 to P-D(478) needed; Resolution approving a revised development plan for P-D(478) needed; Resolution finding the rezoning within the scope of the General Plan Master EIR needed.)
Community Development; Barbara Denlis, 577-5267, bdenlis@ci.modesto.ca.us

ACTION: By Motion (Serpa/Conrad; unan) **introduced Ordinance No. 3211-C.S.** rezoning a 2.1 acre site from R-1 to P-D(478).

Res. No. 2001-144 (Serpa/Conrad; unan) approving a revised development plan for P-D(478).

Res. No. 2001-145 (Serpa/Conrad; unan) finding the rezoning within the scope of the General Plan Master EIR.

By Motion (Serpa/ Conrad; unan) directed staff to research financing options for offsite street improvements in front of Assessor's Parcel Number 30 -20-08 on Briggs Ave, west of Martin Luther King Drive. The costs for these improvements will not be funded the developer.

26. Hearing to consider the appeal of Timothy Murphy to the Planning Commission's decision to deny an application by Timothy Murphy to amend Planned Development Zone P -D(501) to allow for a two-story mini-storage facility in place of a previously approved retail/drug store. The site is located on the Northeast corner of Sylvan Avenue and Carson Oak Drive. *Community Development; George Osner, 577-5273, gosner@ci.modesto.ca.us*

ACTION: By Motion (Fisher/Friedman; unan) item continued to the meeting of April 10, 2001.

NEW BUSINESS

Item moved to the meeting of April 3, 2001

27. Consider approving a policy for ultralight operators to use Modesto City-County Airport; and consider introducing an ordinance amending the Modesto Municipal Code to allow ultralight operations at the Airport.
(Resolution approving policy needed; Motion introducing ordinance needed.)
Engineering & Transportation, Transportation Policy Committee; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: No action taken.

Item moved to the meeting of April 3, 2001

28. Consider introducing an ordinance repealing Chapter 10 of Title 3 of the Modesto Municipal Code relating to tow service; and consider authorizing the City of Modesto to enter into agreements with companies who desire to provide non-consensual tow services to the City of Modesto and to be placed on the City's Rotation List, and authorizing the City Manager to execute said agreements.
(Introduction of an ordinance needed; Resolution needed.)
Police Department, Public Safety Committee; Ron Sale, 572-9674, saler@modestopd.com

ACTION: No action taken.

COUNCIL COMMENTS AND REPORTS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Tuesday, April 3, 2001, 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. David Olsen, Big Valley Grace

Declare Conflicts of Interest: *Conrad, Item 9*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-7
Item 8 removed from consent

Item 9 removed from consent

ACTION: Fisher/Friedman; 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 adjourned City Council meeting & special City Council Workshop of March 22, 2001, and the regular City Council meeting of March 27, 2001. (Motion approving minutes needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of the March 22, 2001 meetings, and the minutes of the March 27, 2001 meetings.

CONSENT

2. Final adoption of:
 - a. Ordinance No. 3210-CS amending Section 2-3.302 of Article 3 of Chapter 3 of title 2 of the Modesto Municipal Code relating to Office of the City Clerk and Auditor – Creation and Functions.
(Motion approving final adoption needed.)

ACTION: By Motion (Fisher/Friedman; unan.) approved the final adoption of **Ordinance No. 3210-CS**

- b. Ordinance No. 3211-CS amending Section 31-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(478), as an addition to P-D(478) property located on the south side of Briggs Avenue, west of Martin Luther King Drive (Leonard Soranno)
(Motion approving final adoption needed.)

ACTION: By Motion (Fisher/Friedman; unan.) approved the final adoption of **Ordinance No. 3211-CS**

CONSENT

3. Consider extending the provisional appointment of Recreation Supervisor II position for 60 days.
(Resolution extending provisional appointment needed.)
Personnel; Janice Stewart, 577-5466, jstewart@ci.modesto.ca.us

ACTION: Res. No. 2001-146 (Fisher/Friedman; unan.) extending provision appointment of Recreation Supervisor II.

CONSENT

4. Consider authorizing the City Manager to execute an operations and maintenance agreement with the State of California, acting by and through the Department of Transportation, CalTrans, to share the operation and maintenance costs of the proposed traffic signal at Pelandale Avenue and State Route 108 (McHenry Avenue). Total annual average cost is \$2000, to be shared between the City, County, and State. The City's portion will be approximately \$500 annually. Funds are budgeted.
(Resolution authorizing City Manager to execute an operations and maintenance agreement needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-147 (Fisher/Friedman; unan.) authorizing the City Manager to execute an operations and maintenance agreement with the State of California.

CONSENT

5. Consider awarding an \$82,070.00 contract to Robison-Prezioso Inc. for the project titled "Recoat Tank Interior – Water Tank 5" located at 2404 Merle Avenue. Contract cost, \$82,070.00; funds are budgeted.
(Resolution awarding contract needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-148 (Fisher/Friedman; unan.) awarding an \$82,070.00 contract to Robinson-Prezioso Inc.

CONSENT

6. Consider awarding a \$653,551.00 contract to George Reed Inc. for the project titled "Coldwell Avenue and Ninth Street Improvements"; and consider amending the budget to recognize additional Local Transportation Funds and to allocate to CIP projects. Contract cost, \$653,551.00, funds are budgeted.
(Resolution awarding the contract needed; Resolution amending the budget needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-149 (Fisher/Friedman; unan.) awarding a \$653,551.00 contract to George Reed Inc.

Res. No. 2001-150 (Fisher/Friedman; unan.) amending the budget.

CONSENT

7. Consider authorizing the City Manager to execute two Consent to Common Use Agreements with the Modesto Irrigation District, to allow two canal crossings within the Monterey Bay Subdivision. One crossing would be located at Lighthouse Avenue and the other at Peninsula Drive.
(Resolution approving two agreements with MID needed.)
*Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us
Planning Commission approved*

ACTION: Res. No. 2001-151 (Fisher/Friedman; unan.) approving a Consent to Common Use Agreement for Lighthouse Ave at MID Lateral 6 Canal Crossing for Monterey Bay Subdivision Improvements.

ACTION: Res. No. 2001-151A (Fisher/Friedman, unan.) approving a Consent to Common Use Agreement for Peninsula Drive at MID Lateral 6 Canal Crossing for Monterey Bay Subdivision Improvements.

Item 8 removed from consent

8. Consider opposing Senate Bill 910 (Dunn) pertaining to the housing element review and the consequences to local governments for failure to comply with the State reviewer. Findings of non-compliance by the state can result in substantial legal and financial penalties to local governments.
(Resolution opposing Senate Bill 910 needed.)
City Manager; Paul Baxter, 577-5244, pbaxter@ci.modesto.ca.us

ACTION: Res. No. 2001-152 (Friedman/Fisher; majority; Conrad, no) opposing Senate Bill 910.

Conrad absent due to conflict of interest

9. Consider approval of final map of Legacy Unit No. 2 subdivision in the Carver -Bangs 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: The Fitzpatrick Company, a California Corporation)
(Resolution approving the final map, accepting the public improvements, and authorizing the execution of the subdivision agreement needed.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-153 (Friedman/Fisher; majority; Conrad, absent) approving the final map of Legacy Unit No. 2, accepting the public improvements, and authorizing the execution of the subdivision agreement.

ORAL COMMUNICATIONS

- Dale Williams commented on the increasing electrical rates.
- Boy Scout Troop 3 was recognized by the Mayor and City Council.
- Sean del Solar requested a cement barrier on Highway 99 to prevent future traffic accidents.
 - Mayor Sabatino directed staff to draft a letter to Cal Trans regarding safety issues on Highway 99.

UNFINISHED BUSINESS

10. Oral report on City's energy conservation effort.
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) accepted report.

11. Consider approving an agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto Annual Pass Program and co-marketing with the SOS Club on the City's annual pass and their membership program, and authorizing the City Manager to execute agreement. *Item continued from March 27, 2001.*
(Resolution approving agreement needed.)
Recreation & Neighborhoods, Golf Courses Committee; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-154 (Fisher/Smith; unan.) approving a nonexclusive agreement with Sportsmen of Stanislaus Club.

Staff was directed to place an item on the April 10, 2001 agenda to consider authorizing execution of a nonexclusive agreement with the YMCA.

NEW BUSINESS

12. Consider approving a policy for ultralight vehicle operation at the Modesto City-County Airport; consider certifying the filing of a mitigated negative declaration relating to ultralight vehicle operation at the Airport; and consider introducing an ordinance amending the Modesto Municipal Code to allow ultralight vehicle operations at the Airport.
(Resolution approving policy needed; Resolution adopting a negative declaration; Motion introducing ordinance needed.)
Engineering & Transportation, Transportation Policy Committee; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-155 (Fisher/Conrad, unan.) approving ultralight policy with an inclusion of a requirement to place identifying numbers on the bottom of the wings.

Res. No. 2001-156 (Fisher/Conrad, unan.) adopting a negative declaration related to ultralight vehicle operation at the airport.

By Motion (Fisher/Conrad, unan.) **introduced Ordinance No. 3212–CS** amending the Modesto Municipal Code to allow ultralight vehicle operations at the Airport.

13. Consider introducing an ordinance repealing Chapter 10 of Title 3 of the Modesto Municipal Code relating to tow service; and consider authorizing the City of Modesto to enter into agreements with companies who desire to provide non-consensual tow services to the City of Modesto and to be placed on the City’s Rotation List, and authorizing the City Manager to execute said agreements.

(Introduction of an ordinance needed; Resolution needed.)

Police Department, Public Safety Committee; Ron Sale, 572-9674, saler@modestopd.com

ACTION: By Motion (Serpa/Fisher, unan.) introduced Ordinance No. 3213-CS repealing Chapter 10 of Title 3 of the Modesto Municipal Code relating to tow service

Res. No 2001-156A (Serpa/Fisher, unan) approved authorizing the City Manager to execute agreements with companies who desire to provide non-consensual tow services to the City of Modesto and to be placed on the City’s Rotation List.

14. Consider authorizing an additional Deputy City Manager position in the City Manager’s Office, deletion of the Assistant to the City Manager position, and organizational realignment reflecting the City’s vision; and introduction of an amending Section 2 -3.103 of the Municipal Code to include two Deputy City Managers.

(Resolution approving additional position of a second Deputy City Manager and eliminating the Assistant to the City Manager position needed; Introduction of ordinance to amend Municipal Code to reflect two Deputy City Manager positions needed.)

Manager; Jack Crist, 577-5224, jcrist@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher, unan.) introduced Ordinance No. 3214-CS amending the Modesto Municipal Code to reflect two Deputy City Manager positions.

Res. No. 2001-157 (Frohman/Fisher, unan.) approving additional position of a second Deputy City Manager and eliminating the position of Assistant to the City Manager.

15. Consider authorizing, by five affirmative votes, a resolution of urgent necessity for the preservation of life, health, and property (Charter Section 1307) related to repairs of a main sewer line located at Washington Street at Paradise Road and authorizing the expenditure of up to \$300,000 for repairs of the line and waiving formal bid procedures due to the urgency of the project.

(Resolution authorizing sewer line repairs not to exceed \$300,000 needed.)

Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-158 (Frohman/Smith, unan.) authorizing sewer line repairs at Washington Street at Paradise Road not to exceed \$300,000.

16. Consider introducing an ordinance amending Modesto Municipal Code to provide for exception from public bidding requirements for emergency repair work up to \$300,000. (Introduction of an ordinance needed.)

City Attorney; Mike Milich, 577-5284, mmilich@ci.modesto.ca.us

Utility Services & Franchise Committee

ACTION: By Motion (Fisher/Sabatino, unan.) **introduced Ordinance No. 3215-CS** amending the Modesto Municipal Code to provide for exception from public bidding requirements for emergency repair work up to \$200,000.

COUNCIL COMMENTS AND REPORTS

Item 17 dropped from the agenda

17. At the request of Mayor Sabatino, consider recommendations of dual use basins in Village One.

ACTION: No action taken.

- Councilmember Serpa requested a report on the status of the Washington Street closure and requested staff to review golf cart fees and the cleanliness of the restrooms at the golf course.

18. At the request of Councilmember Serpa, consider amending Res. 2001-143 with respect to the ability to change available play times of the annual pass purchasers.

ACTION: Res. No. 2001-159 (Frohman/Fisher; majority; Serpa, no) amending Resolution No. 2001-143 with respect to limiting playtime for annual pass purchasers by disallowing Saturday, Sunday and holiday play prior to 1:00 p.m.

19. At the request of Councilmember Conrad, consider rescinding Res. 2001-143 that was adopted on March 27, 2001 that addressed: (a) introducing an annual pass program and adopting related fees; (b) amending the 9-hole fee policy at Dryden and Creekside to be effective all day; (c) changing the minimum number of players for shotgun tournaments from 144 to 120; (d) introducing a family tee program at Muni and adopting related fees; (e) introducing a “play one round, get the second round at the same course on the same day for half-price” policy; (f) permitting fivesome play; and (g) rescinding Resolution No. 2000-188.

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 11:00 p.m.

Tuesday, April 10, 2001, 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. Wade Estes, First Baptist Church of Modesto

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2a-c, 4, 5, & 7
*Items 2d, 3, & 6 removed from
consent*

ACTION: Friedman/Frohman; 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 April 3, 2001.
(Motion approving needed.)
Clerk's Office; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of April 3, 2001.

CONSENT

2. Final adoption of:
(Motion approving final adoption needed.)
 - a. Ordinance No. 3212-C.S. amending Sections 7-3.106.1, 7-3.204, 7-3.206 and 7-3.401
of Chapter 3 of Title 7 of the Modesto Municipal Code relating to ultralight vehicles

ACTION: By Motion (Friedman/Frohman; unan) approved **final adoption of Ordinance No. 3212-CS** amending Sections 7-3.106.1, 7-3.204, 7-3.206 and 7-3.401 of Chapter 3 of Title 7 of the Modesto Municipal Code relating to ultralight vehicles.

- b. Ordinance No. 3213-C.S. repealing Chapter 10 of Title 3 of the Modesto Municipal
Code relating to towing services

ACTION: By Motion (Friedman/Frohman; unan) approved **final adoption of Ordinance No. 3213-CS** repealing Chapter 10 of Title 3 of the Modesto Municipal Code relating to towing services.

- c. Ordinance No. 3214-C.S. amending Section 2-3.103 of Article 1 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Office of the City Manager – Acting City Manager

ACTION: By Motion (Friedman/Frohman; unan) approved **final adoption of Ordinance No. 3214-CS** amending Section 2-3.103 of Article 1 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Office of the City Manager – Acting City Manager.

Removed from consent

- d. Ordinance No. 3215-C.S. amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority

ACTION: By Motion (Fisher/Friedman; majority; Frohman, no) approved **final adoption of Ordinance No. 3214-CS** amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts – Contracting Authority.

Removed from consent

- 3. Consider approving a project priority list that will provide direction to the City’s Transportation Advocates, Aaron Read & Associates.
(Resolution approving project priority list needed.)
Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-160 (Fisher/Friedman; majority, Frohman, Serpa, no) approving a project priority list with the addition of Kansas/99 project that will provide direction to the City’s Transportation Advocates, Aaron Read & Associates.

CONSENT

- 4. Consider accepting as complete the contract of Duley’s Landscape Inc. for the project titled “Stockard Coffee Park”, and authorize the City Clerk to file a Notice of Completion. Total cost of project, \$337,494.39; funds are budgeted. Park located at the southwest corner of Palmwood Drive and Mable Avenue.
(Resolution accepting Stockard Coffee Park as complete and authorize City Clerk to file a Notice of completion needed.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-161 (Friedman/Frohman; unan) accepting as complete the contract of Duley’s Landscape Inc. for the project titled “Stockard Coffee Park”, and authorizing the City Clerk to file a Notice of Completion.

CONSENT

5. Consider authorizing the City Manager to execute an application for a 2001 COPS MORE grant for \$500,000 for 30 Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System. The matching funding for the project will be through the State of California Law Enforcement Equipment Purchase Program.
(Resolution authorizing the City Manager to execute the application needed.)
Police; Ron Sale, 572-9674, saler@modestopd.com

ACTION: Res. No. 2001-162 (Friedman/Frohman; unan) authorizing the City Manager to execute an application for a 2001 COPS MORE grant for \$500,000 for 30 Mobile Data Computers for police vehicles and for a LiveScan Fingerprint System.

Removed from consent

6. Consider authorizing the City Manager to issue a Request for Qualifications (RFQ) for management and operation of a Public Education Government (PEG) studio, to produce local programming and train volunteers and students to use the video equipment and studio on the cable network.
(Resolution authorizing Request for Qualifications needed.)
City Manager; Donna Hansen, 571-5125, dhansen@ci.modesto.ca.us

ACTION: Res. No. 2001-163 (Frohman/Friedman; unan.) authorizing the City Manager to issue a Request for Qualifications (RFQ) for management and operation of a Public Education Government (PEG) studio, to produce local programming and train volunteers and students to use the video equipment and studio on the cable network.

CONSENT

7. Consider authorizing the City Manager to execute a contract between the City of Modesto and Gillig Corporation for the purchase of three new transit buses that were approved for purchase by the City Council on March 6, 2001. Contract amount: \$906,948.81; funds are budgeted.
(Resolution authorizing execution of contract needed.)
Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us
Transportation Policy Committee

ACTION: Res. No. 2001-164 (Friedman/Frohman; unan) authorizing the City Manager to execute a contract between the City of Modesto and Gillig Corporation for the purchase of three new transit buses.

ACKNOWLEDGEMENTS AND PRESENTATIONS

8. Presentation by John Katz of the Modesto A's to Council regarding the Modesto A's opening season.

ACTION: Presentation made by John Katz and the Modesto A's Staff

9. Introduction of a French delegation visiting from Leval, France.

ACTION: Introduction made by Mayor Sabatino and Vice Mayor Fisher.

10. Presentation of proclamation to Modesto Christian High School Boy's Basketball Team.

ACTION: Presentation made by Mayor Sabatino

ORAL COMMUNICATIONS

- Sean del Solar thanked the Council for efforts extended for Highway 99 safety. He presented a petition to the Council for signature to submit to CalTrans.

HEARINGS

11. Hearing to consider the appeal of Timothy Murphy to the Planning Commission's decision to deny an application by Timothy Murphy to amend Planned Development Zone P -D(501) to allow for a two-story mini-storage facility in place of a previously approved retail/drug store. The site is located on the Northeast corner of Sylvan Avenue and Carson Oak Drive. Item continued from March 27, 2001.

Community Development; George Osner, 577-5273, gosner@ci.modesto.ca.us

ACTION: By Motion (Conrad/Smith; unan.) returned the item to the Planning Commission.

12. Hearing to consider National Med Inc's appeal of the Finance Director's decision dated February 16, 2001 regarding calculation of business license tax.

Finance; Rob Stout, 577-5369, rstout@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; majority; Conrad, no) denied National Med Inc's request for continuance to May 15, 2001.

Res. No. 2001-165 (Friedman/Smith; majority; Conrad, no) dismissed the appeal for National Med Inc's failure to appear.

NEW BUSINESS

13. At the request of Councilmember Frohman, consider directing staff to prepare the necessary documents to place a measure on the November 6, 2001 ballot posing the following question: "The City Council shall not permit the addition of fluoride, fluoride compounds, or arsenic to the city water supply." Yes No.

ACTION: Motion introduced (Conrad/Frohman; Fisher, Friedman, Serpa, Smith, no) directing the City Attorney to draft language for a ballot measure relative to fluoridating the City's water. Motion failed to carry.

14. Consider setting a public hearing for June 12, 2001 with intent to consider the proposed water rate increase of up to 2% across-the-board in water zones 1, 2, and that portion of zone 3 that will receive fluoridated water, to fund operations and maintenance costs related to fluoridation of the water; and consider authorizing staff to send notices, as provided by law, of the proposed water rate increase.

(Resolution setting a public hearing and authorizing staff to send notices for proposed water rate increase needed.)

Engineering & Transportation; Rich Ulm, 577-5215, rulm@ci.modesto.ca.us

ACTION: Res. No. 2001-166 (Fisher/Smith; majority; Conrad, Fisher, no) setting a public hearing for June 26, 2001 with intent to consider the proposed water rate increase of up to 2% across-the-board in water zones 1, 2, and that portion of zone 3 that will receive fluoridated water and authorizing staff to send notices for proposed water rate increase.

15. Consider an appropriation transfer to appropriate \$195,372 from the Storm Drain Fund CIP to the Storm Drain Fund Operating Budget for construction of new rockwells. The 130 additional rockwells will result in significant drainage improvements at 135 street segments.

(Resolution approving appropriation transfer needed.)

Operation & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-167 (Frohman/Fisher; unan.) approving an appropriation transfer to appropriate funds from the Storm Drain Fund CIP to the Storm Drain Fund Operating Budget for construction of new rockwells. Appropriation transfer in the amount of \$195,372

MISCELLANEOUS

Appointments

16. Consider appointing a new member to the Community Qualities Forum.
(Resolution appointing new member needed.)

ACTION: Res. No. 2001-168 (Frohman/Fisher; unan.) appointing Susan Johnsen to the Community Qualities Forum.

COUNCIL COMMENTS AND REPORTS

Removed from agenda

17. At the request of Mayor Sabatino, consider authorizing execution of a non-exclusive agreement with the YMCA to provide services in administering the City of Modesto Annual Golf Pass Program and co-marketing with the YMCA on the City's annual golf pass and their membership program, and authorizing the City Manager to execute agreement.

(Resolution approving agreement needed.)

Recreation & Neighborhoods, Golf Courses Committee; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: No action taken.

18. At the request of Councilmember Friedman, consider adopting the League of California Cities criteria regarding energy issues.

(Resolution adopting LCC criteria regarding energy issues needed.)

Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-169 (Friedman/Smith; unan.) adopting the League of California Cities criteria regarding energy issues.

19. At the request of Councilmember Serpa, consider staff report on Washington Street closure.

Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 10:25 p.m.

Tuesday, April 17, 2001, 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 Allen Peters, Destiny Christian Center

Declare Conflicts of Interest *Conrad, item 3*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 6
Item 1 removed from consent

ACTION: Frohman/Friedman; unan.

CONSENT ITEMS

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

Item 1 removed from consent

1. Approval of the minutes of the regular City Council meeting of April 10, 2001.
(Motion approving needed.)
Clerk's Office; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Frohman/Friedman; unan.) approved the minutes of April 10, 2001 as amended on Item 14 showing Fisher voting yes and Frohman voting no.

CONSENT

2. Consider approving the assignment of the Foster Farms ground lease for their hanger at 829 Airport Way to Modesto Executive Air Charter, dba Sky Trek Aviation, and authorize the City Manager to execute the assignment on behalf of the City.
(Resolution approving the assignment and authorizing City Manager to execute the assignment needed.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-170 (Frohman/Friedman; unan.) approving the assignment of the Foster Farms ground lease for their hanger at 829 Airport Way to Modesto Executive Air Charter, dba Sky Trek Aviation and authorizing the City Manager to execute the assignment.

Conrad absent due to conflict of interest

3. Consider approval of Final Map of Arbor Lane No. 2 subdivision in the 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 (Owners: Florsheim Bros., a California General Partnership, by Florsheim Properties, a California Corporation, Partner).

(Resolution approving the final map of Arbor Lane No. 2 and authorizing the City Manager to execute subdivision agreement needed.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-171 (Frohman/Friedman; Conrad, absent) approving the final map of Arbor Lane No. 2 and authorizing the City Manager to execute subdivision agreement

CONSENT

4. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for concrete boxes and covers, cast iron and ductile iron fittings and related accessories for FY 2001/2002 with three one-year extensions.

(Resolution authorizing Request for Bids for concrete boxes and covers, cast iron and ductile iron fittings and related accessories for FY 2001/2002 with three one -year extensions needed.)

Finance; Tom Reddie, 577-5406, treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-172 (Frohman/Friedman; unan.)authorizing Request for Bids for concrete boxes and covers, cast iron and ductile iron fittings and related accessories for FY 2001/2002 with three one-year extensions

CONSENT

5. Consider authorizing the City Manager to execute a new utility pay station agreement with New Deal Market, located at 832 Oakdale Road.

(Resolution authorizing City Manager to execute a utility pay station agreement with New Deal Market at 832 Oakdale Road.)

Finance; Jo Ann Bertolotti, 571-5871, jbertolotti@ci.modesto.ca.us

ACTION: Res. No. 2001-173 (Frohman/Friedman; unan.)authorizing City Manager to execute a utility pay station agreement with New Deal Market at 832 Oakdale Road

CONSENT

6. Consider authorizing the City Manager to execute a new utility pay station agreement with Flamingo Video, located at 2549 Yosemite Boulevard.

(Resolution authorizing City Manager to execute a utility pay station agreement with Flamingo Video at 2549 Yosemite Blvd.)

Finance; Jo Ann Bertolotti, 571-5871, jbertolotti@ci.modesto.ca.us

ACTION: Res. No. 2001-174 (Frohman/Friedman; unan.)authorizing City Manager to execute a utility pay station agreement with Flamingo Video at 2549 Yosemite Blvd.

ACKNOWLEDGEMENTS AND PRESENTATIONS

7. Recognition of Community Development Block Grant week, April 16 -20, 2001.
(Motion recognizing CDBG week needed.)

ACTION: By Motion (Frohman/Fisher; unan.) recognized April 16-20, 2001 as CDBG week.

ORAL COMMUNICATIONS

- Bishop Bergstrom commented regarding a possible program for citizens to be able to surrender unwanted firearms.
 - Staff was directed to review a possible program for gun surrender.
- Jim Reed commented regarding the article that appeared in the April 17th edition of the Bee regarding the Chamber of Commerce and Convention & Visitors Bureau. Mr. Reed thanked the City Manager for considering the use of generators to power traffic signals during electrical blackout periods.
- Dale Williams commented regarding Prescott Estates Notice and Orders.
 - Councilmember Serpa, Julie Hannon, and City Manager responded to Mr. Williams
- Ora Scruggs expressed concern regarding the short length of the light for the pedestrian crossing at Coffee and Sylvan.

WRITTEN COMMUNICATIONS

8. Letter received from the Workforce Investment Board regarding the merger of SCEDCO and the newly formed Workforce Investment Board. Charline Speck of SCEDCO will make a presentation.

ACTION: No action taken.

HEARINGS

9. Hearing to consider an amendment to the City's 2000/01 Annual Action Plan, reallocating \$1,824,000.00 in Community Development Block Grant (CDBG) funds, and consider amending the FY 2000-01 operating budget and FY 2000-01 CIP budget to reflect changes. (Resolution approving amendment needed; Resolution amending budget and amending CIP needed.)

ACTION: Res. No. 2001-175 (Conrad/Fisher; unan.) approving amendment to the City's 2000/01 Annual Action Plan, reallocating \$1,824,000.00 in Community Development Block Grant (CDBG) funds.

Res. No. 2001-176 (Conrad/Fisher; unan.) amending the FY 2000-01 operating budget and FY 2000-01 CIP budget to reflect changes.

NEW BUSINESS

10. Consider request from Stanislaus County Youth for Christ for amplified music at Graceada Park on April 29, 2001 for the Second Annual "Gathering" Celebration.

(Resolution approving request needed.)

Recreation & Neighborhoods; Linda McDermott, 571-5863, lmcdermott@ci.modesto.ca.us

ACTION: Res. No. 2001-177 (Friedman/Frohman; unan.) approving request from Stanislaus County Youth for Christ for amplified music at Graceada Park on April 29, 2001 for the Second Annual “Gathering” Celebration.

By Motion (Smith/Conrad; unan.) item was referred to Human Services Committee to poll neighborhood surrounding Graceada Park to gather feedback on how well the Modesto Municipal Code section 12-4.202, General Regulations Governing Use of Parks, is working.

Item 11 removed from Agenda

11. Consider authorizing and approving the borrowing of funds for Fiscal Year 2001, the issuance and sale of the City’s 2001 Tax and Revenue Anticipation Notes (TRANS), and participation in the California Communities Cash Flow Financing Program.

ACTION: No action taken.

11A. Consider approving proposed Memorandum of Understanding (MOU) for FMC Business Park Site.

(Resolution approving the MOU between the City of Modesto, the Modesto Redevelopment Agency, and the FMC Corporation and authorizing the City Manager to execute the MOU on behalf of the City of Modesto.

Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: Res. No. 2001-178 (Fisher/Friedman; unan.) approving the MOU between the City of Modesto, the Modesto Redevelopment Agency, and the FMC Corporation and authorizing the City Manager to execute the MOU on behalf of the City of Modesto.

11B. Consider the deletion of policy issues from the Draft 2001 Legislative Platform and adoption of an Interim Platform.

(Resolution authorizing an Interim Platform needed.)

City Manager; Paul Baxter, 577-5404, pbaxter@ci.modesto.ca.us

ACTION: Item continued to May 1, 2001.

COUNCIL COMMENTS AND REPORTS

- Councilmember Serpa requested that the RDA review at their next meeting the removal of the City Manager, except for emergency matters, from the Tenth Street Place Management Committee.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

Tuesday, April 24, 2001, 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 Jeff Kreiser, Living Faith Community Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6, 8, 12, 14
Items 5, 7, 9, 10, 11, 13 removed from consent

ACTION: Fisher/Friedman; 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 April 17, 2001.
(Motion approving needed.)
City Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of April 17, 2001.

CONSENT

2. Consider approving a Resolution of Intention to amend the contract between the City and the California Public Employees' Retirement System (CalPERS) to provide Section 2136.2 and Section 21574.5 for police safety members, authorizing the City Clerk to certify the Council's action, and to certify compliance with Government Code Section 7507; consider an agreement to pool 1959 Survivor Benefits between the City and CalPERS; and consider introducing an ordinance and set forth adoption on May 15, 2001 to amend the contract between the City and CalPERS to provide for 3% at 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for police safety members.
(Resolution of Intention to amend the contract needed; Resolution to adopt an agreement to pool 1959 Survivor Benefits needed, Introduction of ordinance needed.)
Personnel; Don Norris, 577-5251, dnorris@ci.modesto.ca.us

ACTION: Res. No. 2001-179 (Fisher/Friedman; unan.) amending the contract contract between the City and the California Public Employees' Retirement System (CalPERS) to provide Section 2136.2 and Section 21574.5 for police safety members

Res. No. 2001-180 (Fisher/Friedman; unan.) adopting an agreement to pool 1959 Survivor Benefits between the City and CalPERS

By Motion (Fisher/Friedman; unan) **introduced Ord No. 3216–C.S.** to amend the contract between the City and CalPERS to provide for 3% at 50 retirement formula and Indexed Level of 1959 Survivor's Benefits for police safety members.

CONSENT

3. Consider amending Chapter 10, Title 5 of the Modesto Municipal Code relating to stormwater management and discharge controls; Consider adopting the proposed Guidance Manual for New Development Stormwater Quality Control Measures.
(Motion introducing ordinance amending the Modesto Municipal Code relating to stormwater management and discharge controls needed; Resolution adopting Guidance Manual needed.)
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan) **introduce Ord. No. 3217–C.S.** relating to stormwater management and discharge controls

Res. No. 2001-181 (Fisher/Friedman; unan) adopting Guidance Manual for New Development Stormwater Quality Control Measures.

CONSENT

4. Consider amending the budget to appropriate additional revenue and additional expense to fully fund the project titled "Traffic Signal at Hatch Road and Dallas Street."
(Resolution amending the budget needed.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-182 (Fisher/Friedman; unan) amending the budget to appropriate additional revenue and additional expense to fully fund the project titled "Traffic Signal at Hatch Road and Dallas Street."

Item 5 removed from consent

5. Consider awarding a \$386,332.00 contract to Paul Anderson Construction for the project titled "Modesto City/County Airport T-Hangar K Construction"; consider amending the budget to estimate additional revenue to fully fund the project; and consider finding that the project is within the scope of the Modesto City/County Airport Final EIR/EA (SCH90020512).
(Resolution awarding contract needed; Resolution amending the budget needed; Resolution finding the project within the scope of the Modesto City/County Airport Final EIR/EA needed.)

Engineering & Transportation; Dean Phillips, 5775215, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-183 (Smith/Fisher; unan.) awarding a \$386,332 contract to Paul Anderson Construction for the project titled “Modesto City/County Airport T-Hangar K Construction”

Res. No. 2001-184 (Smith/Fisher; unan.) amending the budget to estimate additional revenue to fully fund the project

Res. No. 2001-185 (Smith/Fisher; unan.) finding the project within the scope of the Modesto City/County Airport Final EIR/EA

CONSENT

6. Consider application to the Fire Sa fety Campaign Grant Program for two grants for a total of \$159,675 and authorizing the City Manager to execute necessary documents. One grant would allow the purchase of a mobile compressor for breathing air, the second grant would enhance the ability to deliver fire prevention programs to community youth. The Fire Department’s ABS savings will be used to fund 30% of the project budget total. (Resolution approving grant application and authorizing City Manager to execute necessary documents needed.)

Fire Department; Doug Hannink, 572-9590, dhannink@ci.modesto.ca.us

ACTION: Res. No. 2001-186 (Fisher/Friedman; unan) approving application to the Fire Safety Campaign Grant Program for two grants for a total of \$15 9,675

Item 7 removed from consent

7. Consider annexation of additional territory to the Village One Mello -Roos Community Facilities District No. 1996-1 (Annexation #5). (Resolution of Intention to annex territory needed.)

Attorney; Roland Stevens, 577-5290, rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-187 (Friedman/Fisher; unan.) declaring intention to annex additional territory to the Village One Mello -Roos Community Facilities District No. 1996-1 (Annexation #5).

CONSENT

8. Consider approving application for \$27,500.00 in funding from the Federal Land and Water Conservation Fund for a picnic area/shade structure at Mark Twain Neighborhood Park. Total project costs are estimated at \$55,000; LWCG grants require a 50% local match, which will come from the City’s Capital Facilities Fees -Parks. (Resolution approving application and authorizing City Manager to execute agreement needed.)

Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@ci.modesto.ca.us

ACTION: Res. No. 2001-188 (Fisher/Friedman; unan) approving application for \$27,500.00 in funding from the Federal Land and Water Conservation Fund for a picnic area/shade structure at Mark Twain Neighborhood Park.

Item 9 removed from consent

9. Consider defining the terms of an agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto Annual Golf Pass Program. (Resolution adopting terms of agreement needed.)
Recreation & Neighborhoods; Bob Quintella, 577-5644, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-189 (Sabatino/Fisher; majority; Conrad, Frohman, no) adopting the terms of an agreement with the Sportsmen of Stanislaus (SOS) Club to provide services in administering the City of Modesto Annual Golf Pass Program.

Item 10 removed from consent

10. Consider amending the budget to allocate \$18,000 from General Fund Reserve to Cultural Promotions, to provide Direct City Assistance to the Convention & Visitors Bureau (CVB) for the West Coast-National Softball Association Girls Fastpitch World Series to be held in Modesto July 14-22, 2001. (Resolution approving request for funding and amending the budget needed.)
Recreation & Neighborhoods; Bob Quintella, 577-5644, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-190 (Friedman/Smith; majority; Conrad, no) amending the budget to allocate \$18,000 from General Fund Reserve to Cultural Promotions, to provide Direct City Assistance to the Convention & Visitors Bureau (CVB) for the West Coast-National Softball Association Girls Fastpitch World Series to be held in Modesto July 14-22, 2001.

Item 11 removed from consent

11. Consider amending the budget to estimate approximately \$350 in revenue to Miscellaneous Revenue, and appropriating the same amount to Cultural Promotions to provide Direct City Assistance to the Modesto Sunrise Rotary equal to the \$.35 per person attendance charge John Thurman Field for the 12th Annual Modesto Sunrise Rotary High School All-Star Baseball Classic scheduled for Saturday, June 2, 2001 at John Thurman Field. (Resolution amending the budget needed.)
Recreation & Neighborhoods; Bob Quintella, 577-5644, bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-191 (Serpa/Friedman; unan.) amending the budget to estimate approximately \$350 in revenue to Miscellaneous Revenue, and appropriating the same amount to Cultural Promotions to provide Direct City Assistance to the Modesto Sunrise Rotary.

CONSENT

12. Consider awarding contract to Callander Associates for professional landscape architectural services to prepare a master plan, design development report, and construction documents for Orville Wright Neighborhood Park and school, authorizing staff to negotiate an agreement with Modesto City Schools to develop school property and amend the Capital Improvement Plan to appropriate \$60,000 from the Parks Fund Reserve to fully fund the budget.

(Resolution awarding contract to Callander Associates, authorizing negotiation of an agreement to Modesto City Schools, and amending the CIP needed.)

Recreation & Neighborhoods; Nathan Houx, 571-5526, nhoux@ci.modesto.ca.us

ACTION: Res. No. 2001-192 (Fisher/Friedman; unan) awarding contract to Callander Associates for professional landscape architectural services to prepare a master plan, design development report, and construction documents for Orville Wright Neighborhood Park and school and authorizing staff to negotiate an agreement with Modesto City Schools to develop school property and amend the Capital Improvement Plan to appropriate \$60,000 from the Parks Fund Reserve to fully fund the budget.

Item 13 removed from consent

13. Consider authorizing staff to solicit Requests for Proposals for architectural services for a West Side Community Service Center to be located at the southwest corner of Sutter and Chicago Avenues, on the site of an existing City park. Estimated completion costs of the project are \$1,439,000; funds are budgeted.

(Resolution authorizing Request for Proposals needed.)

Recreation & Neighborhoods; Bob Ford, 577-5437, bford@ci.modesto.ca.us

ACTION: Res. No. 2001-193 (Serpa/Smith; unan.) authorizing staff to solicit Requests for Proposals for architectural services for a West Side Community Service Center to be located at the southwest corner of Sutter and Chicago Avenues, on the site of an existing City park.

CONSENT

14. Consider approving Amendment No 1 to an agreement with Jones & Stokes Associates Inc. for the provision of services related to the Modesto Master Environmental Impact Report for an amount of \$11,535, and authorizing the City Manager to approve amendments to the agreement, if needed in the future, in an amount not to exceed \$13,000.

(Resolution approving Amendment No. 1 and authorize the City Manager to approve amendments to the agreement, if needed in the future, in an amount not to exceed \$13,000 needed.)

Community Development; George Osner, 577-5273, gosner@ci.modesto.ca.us

ACTION: Res. No. 2001-194 (Fisher/Friedman; unan) approving Amendment No 1 to an agreement with Jones & Stokes Associates Inc. for the provision of services related to the Modesto Master Environmental Impact Report for an amount of \$11,535, and authorizing the City Manager to approve amendments to the agreement, if needed in the future, in an amount not to exceed \$13,000.

ACKNOWLEDGEMENTS AND PRESENTATIONS

15. Presentation of Certificate of Recognition to Derald Weaver, for his 42 -year career of dedicated service and valuable contribution to the Community Forestry Division of the Operations & Maintenance Department.

ACTION: Mayor Sabatino presented certificate to Derald Weaver.

16. Presentation of a flag from the California Dept. of Forestry recognizing the City of Modesto as a Tree City USA.

ACTION: Presentation made by Tom Francis of California Department of Forestry to the City Council.

17. Presentation of a proclamation celebrating April 27, 2001 as National Arbor Day.

ACTION: Proclamation presented to Bill Dufresne by Mayor Sabatino.

ORAL COMMUNICATIONS

- Miguel Donoso commented on the loss of jobs and expressed concern over the use of alcohol in the City parks. Mr. Donoso also requested answers to RDA questions and submitted a letter to the City Manager.

WRITTEN COMMUNICATIONS

18. Letter from Dale Gene Williams regarding Prescott Estates' tenant notification of substandard housing conditions and violation of Modesto Municipal Code and Building Codes.

ACTION: Staff was directed to provide a memo from Chief Building Official regarding the noticing status and legal requirements of property owners by the City Attorney.

19. Consider letter from Michael Brady, Modesto Citizens for Safe Drinking Water, asking the City Council to not, without voter approval, permit or allow (A) our public water supplies to be supplemented by any substance that is not required to meet current established Federal or State SDWA standards; (B) our public water supplies to be used as a delivery source for medication of any kind, unless the following conditions are satisfied: (1) no other alternative sources or choices are reasonably available, so as to permit individual

choice; (2) it is mandated, as well as funded, by the federal or state government; (3) it is deemed to be a national and/or local public health emergency.

ACTION: By Motion (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) denied request of Michael Brady, Modesto Citizens for Safe Drinking Water.

HEARINGS

Councilmember Friedman excused due to conflict of interest

20. Hearing to consider the application of Memorial Hospital Association to amend P-D(730 to allow the addition of a seven-story tower, one-story birthing center, and one-story physical plant to the Memorial Hospital campus, property located on the East side of Coffee Road, North of Briggsmore Avenue.

(Introduce an ordinance amending P-D(73) to allow the proposed additions needed; Resolution approving a revised development plan and conditions of approval needed; Resolution finding the proposed amendment within the scope of the General Plan Master EIR needed.)

Community Development; Steve Mitchell, 577-5267, smitchel@ci.modesto.ca.us

ACTION: By Motion (Smith/Frohman; Friedman, absent) **introduce Ord. No. 3218–C.S.** amending P-D(73) to allow the proposed additions.

Res. No. 2001-195 (Smith/Frohman; Friedman, absent) approving a revised development plan and conditions of approval.

Res. No. 2001-196 (Smith/Frohman; Friedman, absent) finding the proposed amendment within the scope of the General Plan Master EIR.

Councilmember Fisher excused due to conflict of interest

21. Hearing to consider granting exemption of Capital Facilities Fees to the Housing Authority of the County of Stanislaus, on behalf of Woodstone Associates, to exempt a 56-unit multi-family housing unit, Woodstone Apartments, at the southwest corner of Tully Road and Pelandale Avenue in the amount of \$143,136.00.

(Resolution granting exemption and authorizing the City Manager to execute the agreement needed.)

Recreation & Neighborhoods; Miguel Galvez, 571-5506, mgalvez@ci.modesto.ca.us

ACTION: **Res. No. 2001-197** (Friedman/Serpa; Fisher, absent) granting exemption and authorizing the City Manager to execute the agreement.

NEW BUSINESS

22. Consider independent accountant's report on the Convention & Visitor's Bureau Fund of the Greater Modesto Chamber of Commerce.
(Motion acknowledging receipt of report needed.)
Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

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

23. Oral report on the status of repairs to the cannery segregation line.
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: No action taken.

24. Consider introducing an ordinance amending Chapter 2 of Title 5 of the Modesto Municipal Code to regulate massage and bodywork businesses.
(Motion introducing amendment to Municipal Code needed.)
Police; Ron Sale, 572-9674, saler@modestopd.com

ACTION: By Motion (Fisher/Smith; majority; Conrad, Frohman, no) **introduced Ord. No. 3219-C.S.** amending Chapter 2 of Title 5 of the Modesto Municipal Code to regulate massage and bodywork businesses.

MISCELLANEOUS Appointments

25. Human Relations Committee re-appointment
(Resolution re-appointing a Committee member needed)
Above item is in error. Item should read: Housing Rehabilitation Loan Committee re-appointment.

ACTION: Res. No. 2001-198 (Friedman/Conrad; unan.) appointing Tim Fisher to the Housing Rehabilitation Loan Committee.

COUNCIL COMMENTS AND REPORTS

26. At the request of Councilmember Frohman, consider amending the committee appointment system.

ACTION: Continued to May 1, 2001.

- Mayor Sabatino reviewed a letter to Board of Supervisors regarding the County Clerk Recorder remaining an elected official.

Item 27 dropped from agenda

27. At the request of Mayor Sabatino, consider authorizing execution of a non-exclusive agreement with the YMCA to provide services in administering the City of Modesto Annual Golf Pass Program and co-marketing with the YMCA on the City's annual golf pass and their membership program, and authorizing the City Manager to execute agreement.

(Resolution approving agreement needed.)

Recreation & Neighborhoods, Golf Courses Committee; Bob Quintella, 577-6444, bquintella@ci.modesto.ca.us

ACTION: No action taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Tuesday, May 1, 2001, 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 Renaldo Mora, Centro Comunitaro Hispano Vino Nuevo

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, 7, 8
Item 6 dropped from agenda

Items 1, 3-5, 7, 8 ACTION: Fisher/Friedman; unan.
Item 2b ACTION: Fisher/Frohman; Friedman, absent
Item 2c ACTION: Fisher/Friedman; majority; Conrad, Frohman, no

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 April 24, 2001.
(Motion approving needed.)
Clerk; Marilyn Romey, 577-5487, mromey@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of April 24, 2001.

CONSENT

2. Final adoption of:
(Motion approving final adoption needed.)
 - a. Ordinance No. 3217-C.S. amending Section 5-10.304 of Article 3 of Chapter 10 of Title 5 of the Modesto Municipal Code relating to Discharge Regulations and Requirements – Construction Activities, New Development and Redevelopment, and Best Management Practices

ACTION: By Motion (Fisher/Friedman; unan) approved **final adoption of Ordinance No. 3217-C.S.** amending Section 5-10.304 of Article 3 of Chapter 10 of Title 5 of the Modesto Municipal Code

Councilmember Friedman absent due to conflict of interest

- b. Ordinance No. 3218-C.S. amending Section 2 of Ordinance No. 1048-C.S. entitled “An Ordinance Amending Section Map 15-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Memorial Hospital Association of Stanislaus County)”, as amended by Ordinance Nos. 1795-C.S. and 2330-C.S. (Memorial Hospital Association)

ACTION: By Motion (Fisher/Frohman; Friedman, absent) approved **final adoption of Ordinance No. 3218-C.S.** amending Section 2 of Ordinance No. 1048-C.S. entitled “An Ordinance Amending Section Map 15-3-9 of the Zoning Map of the City of Modesto, Reclassifying Certain Property Located Thereon. (Memorial Hospital Association of Stanislaus County)”, as amended by Ordinance Nos. 1795-C.S. and 2330-C.S. (Memorial Hospital Association)

- c. Ordinance No. 3219-C.S. amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments

ACTION: By Motion (Fisher/Friedman; majority; Conrad, Frohman, no) approved **final adoption of Ordinance No. 3219-C.S.** amending Chapter 2 of Title 5 of the Modesto Municipal Code relating to Massage Establishments

CONSENT

- 3. Consider amending the Classification Plan to create the classifications of Identification Technician I & II; and consider amending the Class Range Table to establish a salary for the Identification Technician I & II.
(Resolution amending the Position Classification Plan needed; Resolution revising the Class Range Tables for General Non-Sworn needed.)
Personnel; Janice Stewart, 577-5466, jstewart@ci.modesto.ca.us

ACTION: Res. No. 2001-199 (Fisher/Friedman; unan) amending the Position Classification Plan.

Res. No. 2001-200 (Fisher/Friedman; unan) revising the Class Range Tables for General Non-Sworn

CONSENT

- 4. 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 preparation and filing of Annual Report needed.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-201 (Fisher/Friedman; unan.) ordering preparation and filing of Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Nos. 1 through 6.

CONSENT

5. 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 and 2.
(Resolution ordering preparation and filing of Annual Report needed.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-202 (Fisher/Friedman; unan.) ordering preparation and filing of 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 and 2.

Removed from agenda

6. Consider authorizing the City Manager to execute a City Park Soda Vending Machine License Agreement with the Pepsi Bottling Company to install coin-operated soft drink vending machines in the following City park facilities near tennis courts, ballfields and picnic areas: Chrysler, Davis, Downey, East LaLoma, Eisenhut, Enslin, Garrison, Graceada, John Thurman Soccer Field, Kewin, Muncy, Orchard, Roosevelt, Sherwood, Sipherd, Sutter, Sylvan, and Whitmore.
(Resolution authorizing the City Manager to execute the agreement needed.)
Operations & Maintenance; Duane Frederick, 342-2275, dfrederick@ci.modesto.ca.us

ACTION: No Action Taken.

CONSENT

7. Consider introduction of an ordinance regulating funeral processions and establishing the requirements for those individuals seeking to do business as a “private funeral escort service”.
(Motion introducing ordinance needed.)
Police; Roy Wasden, 572-572-9501, wasdenr@modestopd.com

ACTION: By Motion (Fisher/Friedman; unan.) **introduce Ordinance No. 3220–C.S.** regulating funeral processions and establishing the requirements for those individuals seeking to do business as a “private funeral escort service”.

CONSENT

8. Consider authorizing staff to solicit Requests for Proposals for professional architectural services for Maddux Youth Center Improvements.
(Resolution authorizing staff to solicit Requests for Proposals needed.)

Recreation & Neighborhoods; Bob Ford, 577-5437, bford@ci.modesto.ca.us

ACTION: Res. No. 2001-203 (Fisher/Friedman; unan.) authorizing staff to solicit Request for Proposals for professional architectural services for Maddux Youth Center Improvements.

ORAL COMMUNICATIONS

- Bishop Bergstrom commented on a recent school lockdown and noted his concerns of the lack of uniformity in other area schools' lockdown process.
- Nancy Litt commented on the proposed Claratina Avenue name, requesting that the name remain Claratina Ave.
- Al Sisk commented regarding the tow ordinance.
- Bill Cameron requested that a speed bump be installed on Crater Ave to reduce speed. He noted his concern over the increasing insurance rates for property owners located in the flood zone.
 - City Manager Crist responded to Mr. Cameron.

NEW BUSINESS

9. Consider staff report on National Pollution Discharge Elimination System (NPDES) permit.
(Motion accepting staff report and directing staff regarding the finalization of the permit needed.)
Operations & Maintenance; Peter Cowles, 342-2279, pcowles@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) accepted staff report and appealed certain elements of the permit including ammonia, copper, and molybdenum, and directed staff to proceed with regionalization.

By Amending Motion (Serpa/Frohman; unan.) returned the item to the Utility Services and Franchise Committee to review an ordinance prohibiting businesses from discharging into the City's system.

10. Consider the completed Draft of the Business Park Development Action Plan to use as a Cost Benefit Analysis in the development of business parks throughout Modesto. This Draft was prepared in conjunction with Willdan Engineers and Sutro Financial.
(Motion approving Draft Business Park Development Program Action Plan and directing staff to distribute the Draft Action Plan to the public for information and input for a period of 45 days needed.)
Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved Draft Business Park Development Program Action Plan and directing staff to distribute the Draft Action Plan to the public for information and input for a period of 45 days

11. Consider entering into an agreement with Minagar & Associates to provide consultant services for the project entitled "Traffic Signal Retiming Project Outside the Central Business District."
(Resolution authorizing the City Manager to execute an agreement needed.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvorha@ci.modesto.ca.us

ACTION: Res. No. 2001-204 (Fisher/Smith; unan.) authorizing the City Manager to execute an agreement with Minagar & Associates to provide consultant services for the project entitled "Traffic Signal Retiming Project Outside the Central Business District."

COUNCIL COMMENTS AND REPORTS

Dropped from the agenda

12. At the request of Mayor Sabatino, discussion of Title 4, Chapter 15, Article 1, Section 4-15.101 through 4-15.402 of the Municipal Code permitting outdoor dining in the public rights-of-way.

ACTION: No Action Taken.

13. At the request of Mayor Sabatino, discussion of Title 2, Chapter 1, Section 2-1.08 of the Municipal Code pertaining to the order of business on City Council agendas.

ACTION: By Motion (Conrad/Frohman; majority; Smith, no) directed the City Attorney to draft an ordinance and return it to Council for consideration.

- Councilmember Frohman commented on the Urban Growth Review and Capital Facilities Fees Collection.
- Mayor Sabatino commented regarding a letter from the Board of Supervisors pertaining to the County Clerk/Recorder.

Item 14 was dropped from the agenda.

14. At the request of Councilmember Conrad, consider changing the name of Claratina Ave to Pelandale Ave.

ACTION: No Action Taken.

15. At the request of Councilmember Serpa, consider amending the Standard Tow Service Agreement previously approved by the City Council to allow owners or operators who have three years experience to enter into the agreement. Currently the Standard Agreement provides that the requirement is that a prospective contractor must have three years of experience as an owner and operator to qualify.

ACTION: By Motion (Serpa/Smith; unan) amended the agreement to allow those on the current list to remain owners or operators, but future companies will be required to be owners and operators.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:25 p.m.

MINUTES

Tuesday, May 8, 2001, 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 Tom Roscoe, First Foursquare Gospel Church

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 4-8
Item 3 removed from consent

ACTION: Frohman/Fisher

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 May 1, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of May 1, 200 1.

CONSENT

2. Final adoption of Ordinance 3220-C.S. adding Chapter 12 entitled “Funeral Processions” to Title 3 of the Modesto Municipal Code.
(Motion to final adopt needed.)

ACTION: By Motion (Frohman/Fisher; unan) approved the **final adoption of Ordinance 3220-C.S.** adding Chapter 12 entitled “Funeral Processions” to Title 3 of the Modesto Municipal Code.

Item 3 removed from consent

3. Consider authorizing the City Manager to execute a License Agreement with the Modesto Irrigation District to install a 10' wide bicycle/pedestrian path on Lateral No. 6 right -of-way – Bangs Avenue from Dale Road to American Avenue.

(Resolution authorizing City Manager execute an agreement with MID needed.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-205 (Conrad/Frohman; unan.) authorizing the City Manager to execute and agreement with MID to install a 10' wide bicycle/pedestrian path on Lateral No. 6 right-of-way—Bangs Ave from Dale Road to American Avenue.

CONSENT

4. Consider an amendment to lease agreement with Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California general Partnership, for the lease of office space for the Northwest Area Command Office located at 2005 Evergreen Avenue, Suite 600, Modesto.
(Resolution approving amendment to lease agreement needed.)
Community Development; Bill Harper, 577-5324, bharper@ci.modesto.ca.us

ACTION: Res. No. 2001-206 (Frohman/Fisher; unan.) approving an amendment to lease agreement with Oates, Sierra Pacific-Sacramento, LLC and Houlihan; and Sierra Pacific-Sacramento, LLC, a California general Partnership, for the lease of office space for the Northwest Area Command Office located at 2005 Evergreen Avenue, Suite 600, Modesto.

CONSENT

5. Consider amending the Capital Improvement Plan budget to estimate and appropriate \$422,000 in Federal Transportation Enhancement Act funding for the Class I Mensinger Bicycle Path through Dry Creek Regional Park. The City's 20% match has been allocated from Local Transportation Funds-Non-Motorized.
(Resolution amending the CIP budget needed.)
Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@ci.modesto.ca.us

ACTION: Res. No. 2001-207 (Frohman/Fisher; unan) amending the Capital Improvement Plan budget to estimate and appropriate \$422,000 in Federal Transportation Enhancement Act funding for the Class I Mensinger Bicycle Path through Dry Creek Regional Park.

CONSENT

6. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for janitorial services for the Modesto Centre Plaza. Estimated cost of these services for fiscal year 2001-2002 is \$73,000.00. Funds will be budgeted during the FY 2001-2002 budget process.
(Resolution authorizing issuance of Request for Bids needed.)
Finance; Lori Martinez, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-208 (Frohman/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Bids for janitorial services for the Modesto Centre Plaza.

CONSENT

7. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for a directional boring unit for the Water Division of the Operations & Maintenance Department.
Estimated cost is \$60,000.00. Funds are budgeted.
(Resolution authorizing issuance of Request for Bids needed.
Finance; Lori Martinez, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-209 (Frohman/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Bids for a directional boring unit for the Water Division of the Operations & Maintenance Department.

CONSENT

8. Consider authorizing the upgrade of the Fire Department's Records Management System (RMS) and approving the purchase of the SunPro software system upgrade. Total cost for the upgrade is \$40,735.00. Funds are budgeted.
(Resolution authorizing upgrade of RMS and approving purchase of SunPro needed.
Finance; Lori Martinez, lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-210 (Frohman/Fisher; unan) authorizing the upgrade of the Fire Department's Records Management System (RMS) and approving the purchase of the SunPro software system upgrade.

ACKNOWLEDGEMENTS AND PRESENTATIONS

9. Proclamation of May 6-12, 2001 as Arson Awareness Week.

ACTION: Mayor Sabatino presented proclamation to the Fire Department

10. Presentation of certificates in recognition of Winter Percussion Ensemble of Modesto High School.

ACTION: Mayor Sabatino presented certificates to the ensemble.

11. Consider proclaiming May 13 – 19, 2001 as “Bike Commute Week 2001”.
(Resolution proclaiming May 13 – 19, 2001 as Bike Commute Week 2001 needed.)
Community Development; Barbara Denlis, 577-5276, bdenlis@ci.modesto.ca.us

ACTION: Res. No. 2001-211 (Fisher/Smith; unan.) proclaiming May 13-19, 2001 “Bike Commute Week 2001.

ORAL COMMUNICATIONS

- Bishop Bergstrom commented on the recent fire at Prescott Estates and requested Prescott Estates be shut down or brought up to code.
- Jim DeMartini commented on the Mayor's lawsuit with the State.
- Dale Williams spoke regarding Prescott Estates.
- Bob Shook spoke regarding the need for affordable housing.
 - Councilmember Conrad responded to Mr. Shook.

UNFINISHED BUSINESS

12. Consider introducing an ordinance amending Section 2-1.08 of Modesto Municipal Code amending the Council's order of business to add a new item for City Clerk's announcements and moving oral communications and council comments and report to follow acknowledgments and presentations.
(Motion introducing ordinance needed.)
City Attorney; Mike Milich, 577-5284, mmilich@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3221-C.S.** amending Section 2-1.08 of Modesto Municipal Code amending the Council's order of business to add a new item for City Clerk's announcements and moving oral communications and council comments and report to follow acknowledgments and presentations.

NEW BUSINESS

13. Consider report on status of Urban Growth Policy Review.
(Motion acknowledging receipt of report needed.)
Community Development; Patrick Kelly, 577-5268, pkelly@ci.modesto.ca.us

ACTION: By Motion (Conrad/Fisher; unan.) acknowledged receipt of report on status of Urban Growth Policy Review.

MISCELLANEOUS Appointments

14. Consider an appointment to the Community Qualities Forum.

ACTION: Res. No. 2001-212 (Smith/Frohman; unan.) appointing Fred Herman to the Community Qualities Forum.

COUNCIL COMMENTS & REPORTS

- Councilmember Serpa requested the CD&H committee agenda be revised. He did not request the Tenth Street JPA committee membership to be agendaized.

- Councilmember Fisher announced the Redevelopment Workshop scheduled for May 9th at the Centre Plaza.
- Councilmember Conrad commented to the Mayor that he was doing a good job.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

MINUTES

Tuesday, May 15, 2001, at 5:15 p.m.

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

Absent: Councilmembers: None

Pledge of Allegiance to the Flag

Invocation: Mayor Sabatino led the Lord's Prayer

Declare Conflicts of Interest

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1–3, 5-8
Item 4 removed from consent

ACTION: Fisher/Friedman; 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 May 8, 2001.
(Motion approving needed.)
City Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of May 8, 2001.

CONSENT

2. Final adoption of:
(Motion approving final adoption needed.)

- a. Ordinance No. 3216-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/Friedman; unan) approved the final adoption of Ordinance No. 3216-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 No. 3221-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.

ACTION: By Motion (Fisher/Friedman; unan) approved the final adoption of Ordinance No. 3221-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.

CONSENT

3. Consider amending the Class Range Table for the classification of Land Surveyor to make it commensurate with similarly licensed professional positions in the City.
(Resolution amending the Class Range Table needed.)
Personnel; Janice Stewart, 577-5466, jstewart@ci.modesto.ca.us

ACTION: Res. No. 2001-213 (Fisher/Friedman; unan) amending the Class Range Table for the classification of Land Surveyor to make it commensurate with similarly licensed professional positions in the City.

Item 4 removed from consent

4. Consider supporting Caltrans' efforts to install a median barrier on State Route 99 through Modesto and encouraging completion of the project at the earliest possible date. Further, that the above-referenced resolution be adopted in recognition of Gerald Medina.
(Resolution supporting Caltrans' efforts and do so in recognition of Gerald Medina needed.)
Engineering & Transportation; Van Switzer, 577-5214, vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-214 (Friedman/Fisher; unan.), in recognition of Gerald Medina, supporting Caltrans efforts to install a median barrier on State Route 99 through Modesto and encouraging completion of the project at the earliest possible date.

CONSENT

5. Consider approving the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City-County Airport on June 9, 2001 for their 7th Annual Modesto Airport Day.
(Motion approving use needed.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan) approved the Stanislaus County Sheriff Aero Squadron's request to use the Modesto City County Airport on June 9, 2001 for their 7th Annual Modesto Airport Day.

CONSENT

6. Consider amending the budget to provide \$80,000.00 from the Sewer Fund Reserves to fund costs related to the settlement of a construction claim filed on the Ranch Cannery Pump Station Project by Rutherford and Smith Construction, Inc.

(Resolution amending the budget needed.)

Engineering & Transportation; Robert Granberg, 577-5423, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-215 (Fisher/Friedman; unan) amending the budget to provide \$80,000.00 from the Sewer Fund Reserves to fund costs related to the settlement of a construction claim filed on the Ranch Cannery Pump Station Project by Rutherford and Smith Construction, Inc.

CONSENT

7. Consider authorizing the City Manager to execute a City Park Soda Vending Machine License Agreement with the Pepsi Bottling Company. If approved, coin-operated soft drink vending machines will be installed in the following City park facilities near tennis courts, ballfields and picnic areas: Chrysler, Davis, Downey, East LaLoma, Eisenhut, Enslin, Garrison, Graceada, John Thurman Soccer Field, Kewin, Muncy, Orchard, Roosevelt, Rose, Sherwood, Siphord, Sutter, Sylvan, Whitmore.

(Resolution approving authorizing the City Manager to execute agreement needed.)

Operation & Maintenance; Duane Frederick, 342-2275, dfrederick@ci.modesto.ca.us

ACTION: Res. No. 2001-216 (Fisher/Friedman; unan) authorizing the City Manager to execute a City Park Soda Vending Machine License Agreement with the Pepsi Bottling Company.

CONSENT

8. Consider Treasurer's Report, March 31, 2001.

(Motion acknowledging receipt of report needed.)

Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan) acknowledged receipt of Treasurer's Report, March 31, 2001.

ACKNOWLEDGEMENTS AND PRESENTATIONS

9. Proclamation welcoming Krispy Kreme Donuts as a new member of the business community.

ACTION: Mayor Sabatino presented the proclamation to Krispy Kreme representatives.

ORAL COMMUNICATIONS

- Frank Cousineau noted his concern with the notice regarding the 2% water rate increase sent to property owners.

- Charles Duncan noted concerns with the wording on the 2% water rate increase notice sent to property owners.

WRITTEN COMMUNICATIONS

10. Letter from NMI regarding Council's action on April 10, 2001 denying National Med Inc's request for continuance of hearing to May 15, 2001 and dismissal of the appeal due to NMI's failure to appear.

ACTION: NMI did not appear. No action was taken.

NEW BUSINESS

11. Consider Proposed 2001-2002 Operating Budget and Proposed 2001-2002 Capital Improvement Program.
(Motion acknowledging receipt of report and referring the Proposed Operating Budget and CIP to the Financial Policy Committee needed.)
Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: By Motion (Sabatino/Frohman; unan.) acknowledged receipt of report and referring the Proposed Operating Budget and CIP to the Financial Policy Committee.

MISCELLANEOUS Appointments

12. Consider appointments to the Community Qualities Forum.

ACTION: Res. No. 2001-217 (Serpa/Fisher; unan.) appointing James Dorroh, Larry Dovichi, Peter Gartner, Elizabeth Graham, Steve Olson, Donna Polite, Bob Schmal, and George Shoemaker, to the Community Qualities Forum, each with a term expiration date of 1/1/05.

Placed on the 5/22/01 agenda a review the Community Qualities Forum committee structure as set as established by Resolution No. 1992-541 and as amended by Resolution No. 2001-184

COUNCIL COMMENTS AND REPORTS

- Mayor Sabatino commented on the need to identify a location for a new courthouse site near the downtown jail.
- Councilmember Serpa questioned the need to have an account number on the water rate increase notice.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 6:45 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 attorney returned at 7:45 p.m. to report that no action had been taken.

MINUTES

Special City Council Workshop

Monday, May 21, 2001, at 5:00 p.m.

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

Mayor Sabatino left the meeting at 6:15 p.m.

Absent: Councilmembers: Fisher, Friedman

- Staff rescheduled the May 24, 2000 meeting to 4:00 p.m.
- Staff discussed the Budget Calendar
- Staff discussed special events support for the following events: Downtown events, events occurring at Tenth Street Place, events occurring at Thurman F field
- Staff discussed Business Parks and proposed funding for FMC and funding for a second site.
- Staff discussed the California Conservation Corps including the Honor Farm, the Beautification Fund, and proposed Utility Rates for water, sewer and storm drain age.
- Staff reviewed sales tax distribution

ORAL COMMUNICATIONS

None

ADJOURNMENT

The meeting adjourned at 6:35 p.m.

MINUTES

Tuesday, May 22, 2001, 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 Brad Hawn, First Baptist Church

Declare Conflicts of Interest

*CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5, 9, 11
Items 6, 7, 8, 10, 12, 13 Removed from consent*

ACTION: 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 regular City Council meeting of May 15, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan.) approved the minutes of May 15, 2001.

CONSENT

2. Consider authorizing the City Manager to execute an agreement with Modesto Swim Team for use of swimming pools at no or reduced cost, payment of national dues, and financial support for equipment, awards, etc.
(Resolution authorizing City Manger to execute an agreement needed.)
Recreation & Neighborhoods; Sam Dickerson, 577-5339, sdickerson@ci.modesto.ca.us

ACTION: Res. No. 2001-217 (Friedman/Fisher; unan.) authorizing the City Manager to execute an agreement with the Modesto Swim Team for use of swimming pools at no or reduced cost, payment of national dues, and financial support for equipment, awards, etc.

CONSENT

3. Consider authorizing the City Manager to execute an agreement with Modesto Stanislaus Water Polo. The terms of the agreement state that the City will provide use of swimming pools at no or reduced cost.
(Resolution authorizing City Manger to execute an agreement needed.)
Recreation & Neighborhoods; Sam Dickerson, 577-5339, sdickerson@ci.modesto.ca.us

ACTION: Res. No. 2001-218 (Friedman/Fisher; unan.) authorizing the City Manager to execute an agreement with Modesto Stanislaus Water Polo.

CONSENT

4. Consider accepting \$20,000 from the Great Valley Center in Grant Funding for Phase I Design Services for the Tuolumne River Regional Park, and authorizing the City Manager to sign the letter of acceptance; and consider amending the Capital Improvement Program (CIP) budget to estimate new revenue and appropriate the revenue received from the grant.
(Resolution accepting the grant and authorizing the City Manager to execute necessary documents; Resolution amending CIP needed.)
Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@ci.modesto.ca.us

ACTION: Res. No. 2001-219 (Friedman/Fisher; unan.) accepting a \$20,000 grant from the Great Valley Center in Grant Funding for Phase I Design Services for the Tuolumne River Regional Park, and authorizing the City Manager to sign the letter of acceptance.

Res. No. 2001-220 (Friedman/Fisher; unan.)amending the Capital Improvement Program (CIP) budget to estimate new revenue and appropriate the revenue received from the grant.

CONSENT

5. Consider approving a request from the Juneteenth Celebration Chairperson for \$4,760 in direct City assistance for the 2001 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center to be held June 14, 15, and 16, 2001; and consider amending the budget to appropriate \$4,760 from the General Fund Reserve to the King - Kennedy Center Professional Services fund.
(Resolution approving request for \$4,760 needed; Resolution amending budget needed.)
Recreation & Neighborhoods; Doug Lemcke, 577-5355, dlemcke@ci.modesto.ca.us

ACTION: Res. No. 2001-221 (Friedman/Fisher; unan.)approving a request from the Juneteenth Celebration Chairperson for \$4,760 in direct City assistance for the 2001 Juneteenth Celebration to be held at Mellis Park and King-Kennedy Memorial Center to be held June 14, 15, and 16, 2001

Res. No. 2001-222 (Friedman/Fisher; unan.)amending the budget to appropriate \$4,760 from the General Fund Reserve to the King -Kennedy Center Professional Services fund.

Item 6 removed from consent

6. Consider request for \$1,000 for scholarships from a Hispanic coalition, for Noche de Becas/Evening of Scholarships. A coalition of Hispanic organizations from throughout Stanislaus County is requesting the funds which will be used for scholarships to worthy student candidates to help further their college education.

(Resolution approving the \$1,000 request needed; Resolution amending the budget needed.)

Recreation & Neighborhoods; Jim Niskanen, 577-5351, jniskanen@ci.modesto.ca.us

ACTION: Res. No. 2001-223 (Sabatino/Fisher; unan.) approving the \$1,000 request for scholarships from a Hispanic coalition, for Noche de Becas/Evening of Scholarships.

Res. No. 2001-224 (Sabatino/Fisher; unan.) amending the budget.

Item 7 removed from consent

7. Consider accepting the improvements for Legends Village Unit No. 2 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: JKB Homes, Corp., a California Corporation).

(Resolution accepting improvements and authorizing City Clerk to file Notice of Completion and release securities upon expiration of statutory periods needed.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-225 (Fisher/Friedman; unan.) accepting the improvements for Legends Village Unit No. 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 (Owners: JKB Homes, Corp., a California Corporation).

Item 8 removed from consent

8. Consider approving an appropriation transfer of \$11,000.00 from Intersection Upgrades Various to Centralized Traffic Signal Control to fully fund the project titled "Construction of Advanced Traffic Management System".

(Resolution approving appropriation transfer needed.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-226 (Fisher/Friedman; unan.) approving an appropriation transfer of \$11,000.00 from Intersection Upgrades Various to Centralized Traffic Signal Control to fully fund the project titled "Construction of Advanced Traffic Management System".

CONSENT

9. Consider approving support of Assembly Bill 30 (1st Extraordinary Session), emergency legislation that would require public safety notification by electrical suppliers of loss of

power as soon as the planned loss becomes known as to when and where that power loss will occur.

(Resolution approving Assembly Bill 30 (1st Extraordinary Session) needed.)

Police; Roy Wasden, 572-9501, rwasden@ci.modesto.ca.us

ACTION: Res. No. 2001-227 (Friedman/Fisher; unan.) approving support of Assembly Bill 30 (1st Extraordinary Session), emergency legislation that would require public safety notification by electrical suppliers of loss of power as soon as the planned loss becomes known as to when and where that power loss will occur.

Item 10 removed from consent

10. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #6). Proposed annexation of subdivisions entitled Fairmont Pointe and Fairmont Point II; property owned by Frank E. Sorrentino, Anna N. Dixon, and Isabella Chiappone.

(Resolution of Intention needed.)

CFD Directors; Roland Stevens, 577-5290, rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-228 (Fisher/Smith; unan) stating intent to annex additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #6). Proposed annexation of subdivisions entitled Fairmont Pointe and Fairmont Point II; property owned by Frank E. Sorrentino, Anna N. Dixon, and Isabella Chiappone.

CONSENT

11. Consider authorizing the City Manager to issue a Request for Qualifications (RFQ) to consider individuals/firms to perform Federal Legislative Lobbying Services.

(Resolution authorizing issuing RFQ needed.)

Manager's Office; Jana Coons, 571-5580, jcoons@ci.modesto.ca.us

ACTION: Res. No. 2001-229 (Friedman/Fisher; unan.) authorizing the City Manager to issue a Request for Qualifications (RFQ) to consider individuals/firms to perform Federal Legislative Lobbying Services.

Item 12 removed from consent

12. Consider approving and authorizing submission of the City of Modesto's Fiscal Year 2001/2002 Annual Local Transportation Claim for transit funds.

(Resolution approving and authorizing claim for transit funds needed)

Finance; Tom Douglas; 571-5574, tdouglas@ci.modesto.ca.us

ACTION: Res. No. 2001-230 (Fisher/Friedman; unan.) approving and authorizing submission of the City of Modesto's Fiscal Year 2001/2002 Annual Local Transportation Claim for transit funds.

Item 13 removed from consent

13. Consider approving and authorizing the submission of the City of Modesto's Annual Local Transportation Claim and de-obligating a FY 99/2000 supplemental allocation originally apportioned to transit purposes, reallocating for street purposes.
(Resolution approving and authorizing the claim for street purposes needed.)
Finance; Tom Douglas; 571-5574, tdouglas@ci.modesto.ca.us

ACTION: Res. No. 2001-231 (Fisher/Friedman; unan.) approving and authorizing the submission of the City of Modesto's Annual Local Transportation Claim and de-obligating a FY 99/2000 supplemental allocation originally apportioned to transit purposes, reallocating for street purposes.

ACKNOWLEDGEMENTS AND PRESENTATIONS

14. Presentation of four awards received by the City for Trees for Tots 2000 Millennium Green, Modesto Skate Park Magna Event and International Festival.
Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@ci.modesto.ca.us

ACTION: Presentations made by Mayor Sabatino and Jim Niskanen.

15. Presentation to Peter Cowles in recognition of his generous contribution of time and energy to restore the McClure Mansion and its grounds.

ACTION: Presentation made by Mayor Sabatino.

16. Presentation of a proclamation in recognition of Public Works Week, May 21 - May 25, 2001.

ACTION: Proclamation presented by Mayor Sabatino.

17. Presentation of a proclamation in recognition of National Teen Pregnancy Prevention Month, May 2001.

ACTION: Proclamation presented by Mayor Sabatino.

ORAL COMMUNICATIONS

- Charles Duncan spoke regarding questions pertaining to fluoride on the City's website.
 - Renee Ledbetter, Glen Lewis, and Mayor Sabatino responded to Mr. Duncan's questions.

WRITTEN COMMUNICATIONS

18. Consider a letter from Citizens for Safe Water in Habitats in and around Modesto, CA/ Stanislaus County/ USA regarding the Notice of Intention to Increase Water Rates

ACTION: No Action Taken.

HEARINGS

19. Hearing to consider establishing Website Link Fees and amending the City's Master Fees Guide, and authorizing staff to implement fees related to an interactive Web Business Directory on the City's Website; consider adopting a Website External Link Policy and authorizing the City Manager to implement the policy.
(Resolution establishing Website Link Fees and amending the City's Master Fees Guide, and authorizing staff to implement fees related to an interactive Web Business Directory on the City's Website needed; Resolution adopting a Website External Link Policy and authorizing the City Manager to implement the policy needed.)
City Manager; Renee Ledbetter, 577-5463, rledbetter@ci.modesto.ca.us

ACTION: Res. No. 2001-232 (Fisher/Friedman; unan.) establishing Website Link Fees and amending the City's Master Fees Guide, and authorizing staff to implement fees related to an interactive Web Business Directory on the City's Website.

Res. No. 2001-233 (Fisher/Friedman; unan.) adopting a Website External Link Policy and authorizing the City Manager to implement the policy.

20. Hearing to consider approving the Franchise Renewal Agreement with United Cable Television, a subsidiary of AT&T and amending Article 11, Chapter 4 of the City of Modesto Municipal Code.
(Motion introducing an ordinance approving Franchise Renewal Agreement needed; Motion introducing an ordinance to amend the Municipal Code pertaining to the Cable Television Franchise needed.)
Manager's Office; Donna Hansen, 571-5125, dhansen@ci.modesto.ca.us

ACTION: By Motion (Frohman/Smith; unan.) **introduced Ordinance No. 3222-C.S** amending the Modesto Municipal Code pertaining to the Cable Television Franchise.

By Motion (Frohman/Smith; unan.) **introduced Ordinance No. 3223-C.S** approving Franchise Renewal Agreement.

21. Hearing to consider the application of Michael E. Beckwith to amend P-D(247) to allow a mini-storage facility and other non-agricultural industrial/commercial uses, property located on the west side of Crows Landing Road north of Whitmore Avenue.
(Introduction of an ordinance amending P-D(247) to allow the proposed land use additions needed; Resolution approving a Revised Development Plan and conditions of approval needed; Resolution finding the proposed amendment within the scope of the General Plan Master EIR needed.)

Community Development; Bob Cannell, 577-5274, bcannell@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) **introduced Ordinance No. 3224-C.S** amending P-D(247) to allow the proposed land use additions

Res. No. 2001-234 (Fisher/Friedman; unan.) approving a Revised Development Plan and conditions of approval.

Res. No. 2001-235 (Fisher/Friedman; unan.) approving finding the proposed amendment within the scope of the General Plan Master EIR

22. Hearing to consider approving increases to the general aviation rents and fees for aircraft hangars, offices, and aircraft tie-downs by 6.8%. If approved, the new rents and fees will become effective on July 1, 2001. The current rent and fees were last increased in July 1999. Staff is recommending the new rents and fees cover a two -year period. (Resolution increasing rents and fees needed.)

Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-236 (Smith/Fisher; unan.) approving increases to the general aviation rents and fees for aircraft hangars, offices, and aircraft tie -downs by 3.6%. The new rents and fees will become effective on July 1, 2001 for a six (6) month time period.

The City Manager was authorized to reduce tie down fees if deemed necessary.

23. Hearing to consider the proposed Operating Budget for Fiscal Year 2001 -2002 and Proposed 2001-2002 through 2010-2011 Capital Improvement Program Budget. (No action required.)

Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) **item was continued to June 5, 2001** meeting.

NEW BUSINESS

Councilmember Fisher excused due to conflict of interest.

24. Consider approving funding recommendations of the Citizens Housing & Community Development Committee on allocation of the 2001-2002 Community Development Block Grant/Emergency Shelter Public Service Funds, and authorizing the City Manager to sign and execute the agreements to implement the approved programs. (Resolution authorizing City Manger to execute an agreement needed.)

Recreation & Neighborhoods; Sherry Velarde; 577-5368, svelarde@ci.modesto.ca.us

ACTION: Res. No. 2001-237 (Friedman/Frohman; Fisher, absent) authorizing the City Manager to execute the agreements to implement the approved recommendations of the Citizens Housing & Community Development Committee.

25. Consider setting a public hearing to be held on August 14, 2001 with the intent to consider the proposed Sewer Rate increases of 5%, effective October 2, 2001, 4% effective October 2, 2002, 4% effective October 1, 2003, and 3% effective October 1, 2004; and authorize staff to mail notices of the proposed rate increase as provided by law; and consider approving an appropriation transfer to fund printing and mailing of the notices. (Resolution setting public hearing on August 14, 2001 and authorizing staff to mail notices needed; Resolution approving appropriation transfer needed.)
Engineering & Transportation; Richard Ulm, 577-5215, rulm@ci.modesto.ca.us

ACTION: Res. No. 2001-238 (Fisher/Friedman; unan.) setting a public hearing to be held on August 14, 2001 with the intent to consider the proposed Sewer Rate increases of 5%, and authorizing staff to mail notices.

ACTION: Res. No. 2001-239 (Fisher/Friedman; unan.) approving an appropriation transfer to fund the printing and mailing costs of the proposed Sewer Rate increase notices.

Councilmember Conrad excused due to conflict of interest.

26. Consider authorizing staff to proceed with design, bid and land acquisition, decommissioning existing temporary basins, bond financing, amendment to Municipal Code regarding tax credits, Precise Plan amendment, park design, agreement with MID to pump water into cavil drain, and agreements with developers all necessary for the completion of the 1996-1 Village One Community Facilities District West Basin (dual-use). (Resolution authorizing staff to proceed needed.)
City Manager, Jack Crist, 577-5284, jcrist@ci.modesto.ca.us

ACTION: Res. No. 2001-240 (Fisher/Serpa; Conrad, absent) authorizing staff to proceed with design, bid and land acquisition, decommissioning existing temporary basins, bond financing, amendment to Municipal Code regarding tax credits, Precise Plan amendment, park design, agreement with MID to pump water into cavil drain, and agreements with developers all necessary for the completion of the 1996 -1 Village One Community Facilities District West Basin (dual-use).

COUNCIL COMMENTS AND REPORTS

27. At the request of Councilmember Frohman, review the Community Qualities Forum committee structure.

ACTION: Item was continued to the meeting of June 5, 2001.

28. At the request of Councilmember Serpa, consider providing financial assistance to those owner-occupants in Prescott Estates who may be evicted due to the City's nuisance abatement process that is currently under way in Prescott Estates.

ACTION: By Motion (Serpa/Conrad; unan) staff was directed to take the necessary steps to ensure the owner-occupant that has been red tagged in Prescott Estates not be evicted. Councilmembers Serpa and Conrad were appointed to an ad hoc committee to review options for the remaining owner -occupants.

- Mayor Sabatino requested that Council consider condemnation of Prescott Estates at the next council meeting.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 11:36 p.m.

MINUTES

Special City Council Workshop

Monday, May 24, 2001, at 4:00 p.m.

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

Councilmember Friedman left the meeting at 4:30 p.m.

Absent: Councilmembers: Fisher, Serpa

- Staff reviewed the budget calendar
- Staff and Council discussed the following:
- Contributions to outside groups
- Community Development Department (CDD) funding items
- Downtown Improvement District (DID) funding items
- Community Development Block Grant (CDBG) funding items
- Community Groups funding
- Parks, Recreation & Neighborhoods Department programs and events
- Misc. programs and events
- Staffing levels

ORAL COMMUNICATIONS

None

ADJOURNMENT

The meeting adjourned at 5:00 p.m.

MINUTES

Tuesday, June 5, 2001, 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. Bruce Williams, Modesto Gospel Mission

Declare Conflicts of Interest: *Councilmember Conrad—Item 13*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6-11, 13-17, & 19
*Items 5, 12, & 18 removed from
consent*

ACTION: Fisher/Friedman; 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 May 22, 2001, and the minutes of the special City Council workshops of May 21 and May 24, 2001.
(Motion approving needed.)
City Clerk; Rebecca Bartholomew; 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of May 21, 22 & 24, 2001.

CONSENT

2. Final adoption of:
(Motion approving final adoption needed)
 - a.) Ordinance No. 3222-C.S. amending the Modesto Municipal Code pertaining to the Cable Television Franchise.

ACTION: By Motion (Fisher/Friedman; unan.) approved **final adoption of Ordinance No. 3222-C.S.** amending the Modesto Municipal Code pertaining to the Cable Television Franchise.

- b.) Ordinance No. 3223-C.S. approving the Cable Franchise Renewal Agreement.

ACTION: By Motion (Fisher/Friedman; unan.) approved **final adoption of Ordinance No. 3223-C.S.** approving the Cable Franchise Renewal Agreement.

c.) Ordinance No. 3224-C.S. amending P-D(247) to allow proposed land use additions.

ACTION: By Motion (Fisher/Friedman; unan.) approved **final adoption of Ordinance No. 3224-C.S.** amending P-D(247) to allow proposed land use additions

CONSENT

3. Consider approving an Agreement with Bradford & Bradford, a General Partnership, for the acquisition of property located at 300-310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project; and consider authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.
(Resolution approving Agreement needed. Resolution authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.)
Community Development; William Harper; 577-5324, wharper@ci.modesto.ca.us

ACTION: Res. No. 2001-241 (Fisher/Friedman; unan.) approving agreement with Bradford & Bradford for the acquisition of property located at 300 -310 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

Res. No. 2001-242 (Fisher/Friedman; unan.) authorizing the City Manager to sign an acceptance form for the Grant Deed.

CONSENT

4. Consider approving an Agreement with Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1 -2-00 for the acquisition of a portion of their property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing project; consider authorizing the City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.
(Resolution approving Agreement; and Resolution authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.)
Community Development; William Harper; 577-5324, wharper@ci.modesto.ca.us

ACTION: Res. No. 2001-243 (Fisher/Friedman; unan.) approving an Agreement with Ray Wade Christiansen, John Robert Christiansen, and the Bradford Family Trust Dated 1-2-00 for the acquisition of a portion of their property located at 309 Beech Street, Modesto, for the Kansas/Needham Overcrossing project.

Res. No. 2001-244 (Fisher/Friedman; unan.) authorizing the City Manager to sign an acceptance form for the Grant Deed.

Item 5 Removed from Consent

5. Consider accepting Third Quarter Financial Report—Fiscal Year 2000-01 Budget.
(Motion acknowledging receipt of report needed. Resolution amending the Fiscal Year 2000-01 Annual Budget and re-estimating revenue for Fiscal Year 2000-01 needed.)
Finance; Stan Feathers; 577-5458, sfeather@ci.modesto.ca.us

ACTION: By Motion (Smith/Conrad; unan.) acknowledged receipt of Third Quarter Financial Report—Fiscal Year 2000-01 Budget and Department performance measures were returned to the appropriate committee.

Res. No. 2001-245 (Smith/Conrad; unan.) amending the Fiscal Year 2001-02 Annual Budget and re-estimating revenue for Fiscal Year 2001-02.

CONSENT

6. Consider waiving formal bid procedures by five (5) affirmative votes and authorizing purchase of the following equipment: 1) one 950G 1999 Loader and one 140H 1997 Motor Grader from Holt of California, of Stockton, California for a total amount of \$268,894.24; 2) one 330 BL 1996 Excavator from Shepherd Machinery Company of Whittier, California for a total amount of \$128,550.00. The total cost of this procurement is \$397,444.24. (Resolution authorizing the Purchasing Officer to issue purchase orders to Holt of California of Stockton, California for a total cost of \$268,894.24 and Shepherd Machinery Company of Whittier, California for a total cost of \$128,550.00 for Operations & Maintenance Department-Secondary Water Quality Control.)
Finance; Tom Reddie; 577-5406; treddie@ci.modesto.ca.us

ACTION: Res. No. 2001-246 (Fisher/Friedman; unan.) authorizing the Purchasing Officer to issue purchase order to Holt of California and Shepherd Machinery Co. in the amount of \$397,444.24.

CONSENT

7. Consider amending the Position Classification Plan for Police Officer/Police Officer Trainee.
(Resolution amending the Position Classification Plan for Police Officer/Police Officer Trainee needed.)
Personnel; Cherree Platt; 577-5439; cplatt@ci.modesto.ca.us

ACTION: Res. No. 2001-247 (Fisher/Friedman; unan.) amending the Position Classification Plan for Police Officer/Police Officer Trainee.

CONSENT

8. Consider approving the Joint Powers Agreement establishing the Stanislaus Council of Governments and authorizing the City Manager to execute a Joint Agreement with Stanislaus County and the other cities in Stanislaus County.
(Resolution approving Joint Powers Agreement and authorizing the City Manager to execute the agreement needed.)
Engineering & Transportation; Van Switzer; 577-5214; vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-248 (Fisher/Friedman; unan.) approving the Joint Powers Agreement with Stanislaus County and other cities in Stanislaus County.

CONSENT

9. Consider adopting a resolution withdrawing the Fleur de Ville subdivision from the Salida Highway Lighting District and assuming responsibility for 14 street lights along Dale Road and Pelandale Avenue.

(Resolution withdrawing the Fleur de Ville subdivision from the Salida Highway Lighting District and assuming responsibility for 14 street lights along Dale Road and Pelandale Avenue needed.)

Engineering & Transportation; Van Switzer; 577-5214; vswitzer@ci.modesto.ca.us

ACTION: Res. No. 2001-249 (Fisher/Friedman; unan.) withdrawing the Fleur de Ville subdivision from the Salida Highway Lighting District and assuming responsibility for 14 street lights along Dale Road and Pelandale Avenue.

CONSENT

10. Consider awarding a \$196,214.01 contract to Dell Engineering for the project titled “Airport Neighborhood Replace Water Mains.” Contract amount: \$196,214.01; Construction Admin costs: \$25,507.82; Total Estimated Cost: \$221,721.83.

(Resolution awarding contract to Dell Engineering needed.)

Engineering & Transportation; Dean Phillips; 577-5260; dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-250 (Fisher/Friedman; unan.) awarding a \$196,214.01 contract to Dell Engineering for the project titled “Airport Neighborhood Replace Water Mains.”

CONSENT

11. Consider approving angle parking on 15th Street between K Street and H Street, angle parking on 10th Street between G Street and F Street, and angle parking on F Street between 10th and 11th Streets to maximize parking stall yields.

(Resolution approving angle parking needed.)

Engineering & Transportation; Firoz Vohra; 577-5430, fvohra@ci.modesto.ca.us

ACTION: Res. No. 2001-251 (Fisher/Friedman; unan.) approving angle parking on 15th Street between K & H Streets, angle parking on 10th Street between G & F Streets, and angle parking on F Street between 10th & 11th Streets.

Item 12 Removed from Consent

12. Consider staff recommendation to update speed limits on various streets based on new speed surveys and engineering traffic studies.

(Introduction of an ordinance amending the Municipal Code Sections 3-2.1401.1 (Radar) and 3-2.1401 (Non-Radar) to determine and designate speed limit changes which designation shall become effective when appropriate signs are placed needed.)

Engineering & Transportation; Firoz Vohra; 577-5430; fvohra@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher) introduce Ordinance No. 3225–C.S. amending the Municipal Code Sections 3-2.1401.1 (Radar) and 3-2.1401(Non-Radar) to determine

and designate speed limit changes which designation shall become effective when appropriate signs are placed.

Councilmember Conrad excused due to Conflict of Interest

13. Consider approval of Final Map of Generations Subdivision and authorize the City Manager to sign an agreement with the Subdividers as required by Section 4-5.6049(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 Generations Subdivision and authorizing the City Manager to execute the subdivision agreement needed.)
Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-252 (Fisher/Friedman; Conrad, absent.) approving the final map of Generations Subdivision.

CONSENT

14. Consider authorizing the City Manager to execute a Consent to Common Use Agreement with the Modesto Irrigation District, allowing the Kansas Avenue Overcrossing to use a portion of the District Right-of-Way (ROW) at Lateral No. 4.
(Resolution authorizing the City Manager to execute a Consent to Common Use Agreement with the Modesto Irrigation District, allowing the City's Kansas Avenue Overcrossing Project to use a portion of the District's Lateral No. 4 ROW needed.)
Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-253 (Fisher/Friedman; unan.) authorizing a Consent to Common Use Agreement with MID, allowing the City's Kansas Avenue Overcrossing Project to use a portion of the District's Lateral No. 4 Right-of-Way.

CONSENT

15. Consider approval of final map of Monterey Bay Unit No. 2 Subdivision in the Carver - Bangs Specific Plan Area and authorize the City Manager to sign an agreement with the subdividers as required by section 4-4.604(c) of the Municipal Code. (Owners: Bright Development, a California Corporation)
(Resolution approving the final map of Monterey Bay Unit No. 2 Subdivision and authorizing the City Manager to execute subdivision agreement needed.)
Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-254 (Fisher/Friedman; unan.) approving the final map of Monterey Bay Unit No. 2 Subdivision.

CONSENT

16. Consider accepting the public Subdivision Improvements for the Bluff at Seven Falls Subdivision and authorize the City Clerk to file Notice of Completion and to release

securities upon expiration of the statutory periods. (Owners: Wellington Cove Development, LLC, a California Limited Liability Company)
(Resolution approving off-site improvements only and authorizing the City Clerk to file Notice of Completion needed.)

Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-255 (Fisher/Friedman; unan.) approving off-site improvements for the Bluff at Seven Falls Subdivision.

CONSENT

17. Consider applying for \$4,669,132 in federal transit assistance funds to help offset the operation and capital costs of the City's public transit program.
(Resolution approving the grant application and authorizing the City Manager to execute all grant application and agreement documents needed.)

Engineering & Transportation; Fred Cavanah; 577-5298; fcavanah@ci.modesto.ca.us

ACTION: Res. No. 2001-256 (Fisher/Friedman; unan.) approving the application for \$4,669,132 in federal transit assistance funds.

Item 18 Removed from Consent

18. Consider joinder in amicus briefs in: City of Los Angeles v. Superior Court (Brandon); Loewenstein v City of Lafayette; and City and County of San Francisco v. Servantes.
(Motion authorizing the City to join in the amicus briefs named above and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs needed.)

City Attorney; Mike Milich; 577-5284; mmilich@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) authorized the city to join in the amicus briefs in City of Los Angeles v. Superior Court (Brandon); Loewenstein v City of Lafayette; and City and County of San Francisco v. Servantes.

CONSENT

19. Consider awarding a \$150,000 professional services contract to Larry Walker Associates to develop constituent studies as required by the National Pollution Elimination Discharge System (NPDES) Permit and guidelines for source control.
(Resolution awarding contract and authorizing the City Manager to execute contract needed.)

Operations & Maintenance; Peter Cowles; 342-2279; pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-257 (Fisher/Friedman; unan.) awarding a \$150,000 professional services contract to Larry Walker Associates to develop constituent studies as required by the National Pollution Elimination Discharge System Permit and guidelines for source control.

ACKNOWLEDGEMENTS AND PRESENTATIONS

20. Karen Servas, General Director of YMCA of Stanislaus County, will be present to receive a proclamation declaring June 2, 2001 as YMCA Day.

ACTION: Mayor Sabatino presented the proclamation to Karen Servas.

Mayor Sabatino acknowledged Boy Scout Troop 143.

ORAL COMMUNICATIONS

- Allison Boucher spoke on behalf of the Tuolumne River Regional Park and noted a concern with using the Park for Social Services as proposed by Tuolumne Elementary School.

HEARINGS

21. Hearing to consider the proposed Operating Budget for Fiscal Year 2001 -2002 and Proposed 2001-2002 through 2010-2011 Capital Improvement Program Budget.
(No action required.)

Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: No Action taken. Financial Policy Committee recommendations will be considered at the June 12, 2001 Council Meeting.

22. Hearing to consider the annexation of territory to the Village One Community Facilities District No. 1996-1(5) for the purposes of financing certain public facilities and services.
(Resolution calling election needed.)

Attorney; Rolly Stevens; 577-5471; rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-258 (Friedman/Fisher; unan.) calling election.

NEW BUSINESS

23. Consider staff recommendation to install battery backup systems for traffic signals at the top fifteen critical intersections in the City of Modesto. Consider adopting Caltrans' specifications for battery backup systems as the City Standard. Amend the budget to include \$200,000 for this project, and authorize the initiation and resolution of the bidding process.

(Resolution authorizing the installation of battery backup systems for traffic signals at the top fifteen critical intersections in the City of Modesto and initiation of the bidding process for the purchase of backup equipment needed. Resolution amending the budget in the amount of \$200,000 to fund the project needed. Resolution adopting Caltrans' specifications for battery backup system for traffic signals as the City Standard needed.)

Engineering & Transportation; Firoz Vohra; 577-5430; fvohra@ci.modesto.ca.us

ACTION: Res. No. 2001-259 (Friedman/Conrad; majority; Serpa, no) authorizing the installation of battery backup systems for traffic signals at the top fifteen critical intersections in the City of Modesto.

Res. No. 2001-260 (Friedman/Conrad; majority; Serpa, no) amending the budget in the amount of \$200,000 to fund the project.

Res. No. 2001-261 (Friedman/Conrad; majority; Serpa, no) adopting Caltrans' specifications for battery backup system for traffic signals.

COUNCIL COMMENTS AND REPORTS

24. At the request of Councilmember Frohman, review the Community Qualities Forum committee structure.

ACTION: By Motion (Frohman/Fisher; unan.) item was returned to Human Services Committee for review of the Community Qualities Forum Structure

25. At the request of Mayor Sabatino, consider directing staff to prepare plans and specifications for office addition to Centre Plaza for the purpose of providing office space for the Convention and Visitor's Bureau.
(Motion directing staff to prepare plans and specifications needed.)

ACTION: Item was continued to the June 12, 2001 Council meeting.

26. At the request of Mayor Sabatino, consider directing City Attorney to prepare the necessary documents to form a non-profit corporation for the purpose of operating the Convention and Visitor's Bureau.
(Motion directing City Attorney to prepare documents needed.)

ACTION: By Motion (Smith/Sabatino; majority; Fisher, Friedman, Serpa, no) directed the City Attorney to prepare the necessary documents to form a non-profit corporation for the purpose of operating the CVB.

27. At the request of Vice Mayor Fisher, consider extending the contract with the Modesto Chamber of Commerce for one year (from 7/1/01 to 6/30/02) for the operation of the Convention and Visitors Bureau.

ACTION: Res. No. 2001-262 (Fisher/Friedman; majority; Conrad, Sabatino, no) extending contract with the Modesto Chamber of Commerce for one year with a 90 -day termination clause. The Contract will be considered for ratification at the June 12, 2001 Council meeting. Benchmark and performance criteria is to be included in the contract.

Staff was directed to research the possibility of a County-wide Convention & Visitor's Bureau

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Minutes

Tuesday, June 12, 2001, 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 Bill Boling, First Foursquare Gospel

Declare Conflicts of Interest- *Fisher, Item 15*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8
Items 17 & 18 moved to Consent

ACTION: 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 regular City Council meeting of June 5, 2001
(Motion approving recommended.)
Rebecca Bartholomew; City Clerk; 577-5397; rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan) approved the minutes of June 5, 2001.

CONSENT

2. Final adoption of Ordinance No. 3225-C.S. amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits.
(Motion approving final adoption recommended.)

ACTION: By Motion (Friedman/Fisher; unan) approved final adoption of Ordinance No. 3225-C.S.

CONSENT

3. Consider amending the Conflict of Interest Codes for various departments.
(Resolutions amending Conflict of Interest Code for the Office of the City Attorney, the Office of the City Manager, the Community Development Department, the Engineering & Transportation Department, the Fire Department, the Operations & Maintenance

Department, the Police Department, and the Parks, Recreation & Neighborhoods Department recommended.)

City Clerk; Marilyn Romey; 577-5487; mromey@ci.modesto.ca.us

ACTION: Res. No. 2001-262A (Friedman/Fisher; unan) amending Conflict of Interest Code for the Office of the City Attorney

Res. No. 2001-262B (Friedman/Fisher; unan) amending Conflict of Interest Code for the Office of the City Manager

Res. No. 2001-262C (Friedman/Fisher; unan) amending Conflict of Interest Code for the Finance Department

Res. No. 2001-263 (Friedman/Fisher; unan) amending Conflict of Interest Code for the Community Development Department

Res. No. 2001-264 (Friedman/Fisher; unan) amending Conflict of Interest Code for the Engineering & Transportation Department

Res. No. 2001-265 (Friedman/Fisher; unan) amending Conflict of Interest Code for Fire Department

Res. No. 2001-266 (Friedman/Fisher; unan) amending Conflict of Interest Code for the Police Department

Res. No. 2001-266A (Friedman/Fisher; unan) amending Conflict of Interest Code for the Operations & Maintenance Department, the Police Department.

Res. No. 2001-267 (Friedman/Fisher; unan) amending Conflict of Interest Code for the Parks, Recreation & Neighborhoods Department

CONSENT

4. Consider approving a Second Amendment to an agreement with Vanir Construction Management, Inc. for construction management services during construction of the Modesto Police Building Expansion Project and authorizing the City Manager to execute said amendment to agreement.
(Resolution approving Second Amendment with Vanir Construction Management, Inc. and authorizing the City Manager to execute said amendment recommended.)
Engineering & Transportation; Robert Granberg; 577-5215; rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-268 (Friedman/Fisher; unan) approving Second Amendment with Vanir Construction Management, Inc. and authorizing the City Manager to execute said amendment.

CONSENT

5. Consider acceptance of L.K. Comstock & Company, Inc.'s contract for the project titled "Construction of Advanced Traffic Management System" as complete and authorize the City Clerk to file Notice of Completion.
(Resolution accepting work as complete recommended.)
Engineering & Transportation; Robert Granberg; 577-5215; rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-269 (Friedman/Fisher; unan) accepting L.K. Comstock & Company, Inc.'s contract for the project titled "Construction of Advanced Traffic Management System" as complete.

CONSENT

6. Consider salary and benefit changes for unrepresented Management and Confidential employees.
(Resolution amending the Salary Schedule and authorizing benefit changes for Fiscal Year 2001-02 recommended. Resolution amending the policy on Vehicle Allowances for Executive and Management positions recommended.)
Personnel; Robin Renwick; 577-5400, rrenwick@ci.modesto.ca.us

ACTION: Res. No. 2001-270 (Friedman/Fisher; unan) amending the Salary Schedule and authorizing benefit changes for Fiscal Year 2001-02

Res. No. 2001-271 (Friedman/Fisher; unan) amending the policy on Vehicle Allowances for Executive and Management positions

CONSENT

7. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for the remodel of Fire Station No. 5.
(Resolution authorizing the Purchasing Supervisor to issue Request for Bids for the remodel recommended.)
Finance; Lori Martinez; 577-5420; lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-272 (Friedman/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Bids for the remodel of Fire Station No. 5.

CONSENT

8. Consider waiving the formal bid procedures by five (5) affirmative votes and authorizing the purchase of a used, 1997 – 14-ton crane truck from United Rentals for a total cost of \$57,847.50.
(Resolution waiving formal bid procedures and authorizing purchase of crane truck recommended.)
Finance; Lori Martinez; 577-5420; lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-273 (Friedman/Fisher; unan) waiving the formal bid procedures by five (5) affirmative votes and authorizing the purchase of a used, 1997 – 14-ton crane truck from United Rentals for a total cost of \$57,847.50.

ACKNOWLEDGEMENTS AND PRESENTATIONS

9. Presentation of *the arch*, by Poet Laureate debee lloyd

ACTION: Poem presented by debee lloyd.

10. Certificate of Recognition from Mothers Against Drunk Driving (MADD) presented to Captain John George of the Modesto Fire Department.

ACTION: Certificates presented by Mayor Sabatino and Vice Mayor Fisher.

11. Presentation of Proclamation declaring June 11 – June 17, 2001 “United States Army Week” presented to Sergeant 1st Class Todd.

ACTION: Proclamation presented by Mayor Sabatino.

Boy Scout Troops 49 and 117 was acknowledged by Mayor Sabatino.

ORAL COMMUNICATIONS

- Jim Reed encouraged the City to continue with the development of the City’s web page.
- Chris Murphy offered a suggestion to promote gatherings on the plaza in place of the water feature.
- Dan Hopkins noted a concern of taking items out of order on the Council Agenda.
- Rob Ellett spoke regarding the budget and encouraged Council to promote and adequately fund economic development. He advised Council to be cautious in funding non-profit organizations.

UNFINISHED BUSINESS

12. Review of Financial Policy Committee’s May 31, 2001 recommendations regarding the Modesto Convention & Visitors Bureau.
(Resolution approving a one-year agreement with the Modesto Chamber of Commerce & authorizing the City Manager to execute the agreement recommended. Resolution approving the concept of establishing a non-profit organization to perform Convention & Visitors Bureau functions, agreeing in principle to issues related to the transfer in responsibilities raised by the Modesto Chamber of Commerce, establishing a Mayor-appointed Ad Hoc Committee to address the logistics and details of issues identified in

establishing a non-profit organization, providing legal support to prepare Articles of Incorporation and By-laws, and providing staff support for all other details, and, based on the findings of the Ad -Hoc Committee, directing staff to prepare plans and specifications and a budget for creation of additional office space at the Modesto Centre Plaza for staff of the newly created organization recommended.)

Parks, Recreation & Neighborhoods; Bob Quintella; 577-6444;
bquintella@ci.modesto.ca.us

ACTION: Res. No. 2001-274 (Fisher/Friedman; unan.) approving a one-year agreement with the Modesto Chamber of Commerce & authorizing the City Manager to execute the agreement changing the contribution amount to 13.33% of the TOT, changing *develop* Countywide CVB to *explore* Countywide CVB, and strike the words “except in unusual circumstances” from Page 2, Item 4.

Res. No. 2001-275 (Sabatino/Fisher; majority; Fisher, no) approving the concept of establishing a non-profit organization to perform Convention & Visitors Bureau functions.

Res. No. 2001-276 (Sabatino/Fisher; majority; Conrad, Frohman, Serpa, no) establishing an Ad Hoc Committee of City Manager Jack Crist, City Attorney Mike Milich, Deputy Director of Parks Recreation & Neighborhoods Bob Quintella, Chamber of Commerce Representative Gary Plummer, and Convention & Visitors Bureau Representative Cindy T’Souvas to develop bylaws and articles of incorporation for a non-profit organization for the Convention & Visitors Bureau.

Res. No. 2001-277 (Sabatino/Fisher; majority; Frohman, no) directing staff to include \$20,000 in the budget for a site feasibility study for the location of the Convention & Visitors Bureau.

13. Consider authorizing the City Manager to sign an agreement between the City of Modesto and the Modesto Chamber of Commerce to provide funding to the Convention and Visitors Bureau for a one (1) year period.
(Resolution approving an agreement between the City and the Chamber of Commerce to provide funding for the CVB for a one year period recommended.)
City Attorney; Mike Milich; 577-5322; mmilich@ci.modesto.ca.us

ACTION: Included in item 12 as Resolution No. 2001-274

14. Consider Financial Policy Committee recommendations on the proposed Operating Budget for Fiscal Year 2001-2002 and Proposed 2001-2002 through 2010-2011 Capital Improvement Program Budget.
(Motion acknowledging receipt of FPC’s report and directing staff to incorporate Council recommendations into the final budget document recommended.)
Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) acknowledging receipt of FPC's report and directing staff to incorporate Council recommendations into the final budget document.

HEARINGS

Fisher absent due to conflict of interest on Emergency Shelter Grant portion.

15. Public Hearing to consider approval of the 2001 -2002 Annual Action Plan for the use of Community Development Block Grant, HOME Investment Partnership Grant and Emergency Shelter Grant Funds.

(Resolution approving the Annual Action Plan and authorizing the City Manager to sign and execute grant agreements with the Department of Housing and Urban Development recommended.)

Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417; jhannon@ci.modesto.ca.us

ACTION: Res. No. 2001-278 (Friedman/Fisher; unan.) approving the Annual Action Plan for Community Development Block Grant and Home Grants, and authorizing the City Manager to sign and execute grant agreements with the Department of Housing and Urban Development.

Res. No. 2001-279 (Friedman/Frohman; Fisher, absent) approving Emergency Shelter Grants.

Conrad absent due to conflict of interest

16. Public hearing to consider approving schedule of maximum rates for solid waste collection services.

(Resolution approving a revised schedule of maximum rates and charges for the collection of garbage in the City of Modesto recommended.)

Engineering & Transportation; Jocelyn Reed; 577-5492; jreed@ci.modesto.ca.us

ACTION: Res. No. 2001-280 (Fisher/Friedman; Conrad, absent) approving a revised schedule of maximum rates and charges for the collection of garbage in the City of Modesto.

NEW BUSINESS

Items 17 & 18 were included in Consent Items

CONSENT

17. Consider approving the City Engineer's Annual 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. Consider adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment.

(Motion approving the Annual Report recommended. Resolution of Intention setting a hearing on the levy of the proposed assessment to be held on July 17, 2001 at 5:15 p.m. in the Joint Chambers at 1010 Tenth Street recommended.)

Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan) approved the Annual Report.

Res. No. 2001-281 (Friedman/Fisher; unan) setting a hearing on the levy of the proposed assessment to be held on July 17, 2001 at 5:15 p.m. in the Joint Chambers at 1010 Tenth Street.

CONSENT

18. Consider approving the City Engineer's Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, and adopt a Resolution of Intention setting a public hearing on the levy of the proposed assessment.
(Motion approving the Annual Report recommended. Resolution of Intention setting a public hearing on the levy of the proposed assessment to be held July 17, 2001 at 5:15 p.m.. in the Joint Chambers at 1010 Tenth Street recommended.)
Engineering & Transportation; Kevin Becker; 577-5259; kbecker@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan) approved Annual Report.

Res. No. 2001-282 (Friedman/Fisher; unan) setting a public hearing on the levy of the proposed assessment to be held July 17, 2001 at 5:15 p.m.. in the Joint Chambers at 1010 Tenth Street.

COUNCIL COMMENTS AND REPORTS

19. At the request of Mayor Sabatino, consider directing staff to prepare plans and specifications for office addition to Centre Plaza for the purpose of providing office space for the Convention and Visitor's Bureau.
(Motion directing staff to prepare plans and specifications recommended.)
Continued from June 5, 2001

ACTION: Included in item 12 as Resolution No. 2001 -277.

Mayor Sabatino commented on an article in the Modesto Bee regarding his comments on reaching consensus.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:30 p.m.

MINUTES

Tuesday, June 19, 2001, 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 Dean McFalls, Our Lady of Fatima Parish

City Clerk's Announcements: *Item 3 Removed from Agenda*

Declaration of Conflicts of Interest: *Fisher; Item 5*

ACKNOWLEDGEMENTS & PRESENTATIONS

- Certificate of Appreciation presented to Creekwood Park Fund Raising Committee by Bev McCollough

ORAL COMMUNICATIONS

None

COUNCIL COMMENTS & REPORTS

1. At the request of Councilmember Fisher, consider adopting a resolution in support of amendments to the Ozone Transportation Mitigation Regulations. Proposed resolution attached.
(Resolution approving support recommended.)

ACTION: Res. No. 2001-283 (Friedman/Sabatino; unan.) approving support for Ozone Transportation Mitigation Regulations.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 16
Item 3 removed from Agenda
Items 7 & 16 removed from Consent

ACTION: Frohman/Friedman; 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 June 12, and the Special Council Workshop of June 13, 2001.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Friedman; unan.) approved the minutes of June 12 and June 13, 2001.

REMOVED FROM AGENDA

3. Consider authorizing the award of the shooting range to be used by the Modesto Police Department as part of the new Police Training Facility to Action Target, Inc. for a total cost of \$95,134.25. Funds are budgeted.
(Resolution awarding contract to Action Target, Inc. recommended.)
Finance; Lori Martinez; 577-5420; lmartinez@ci.modesto.ca.us

ACTION: Removed from Agenda

CONSENT

4. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for a performance stage for the Centre Plaza.
(Resolution authorizing Purchasing Supervisor to issue Request for Bids for a performance stage recommended.)
Finance; Lori Martinez; 577-5420; lmartinez@ci.modesto.ca.us

ACTION: Res. No. 2001-284 (Frohman/Friedman; unan.) authorizing Purchasing Supervisor to issue Request for Bids for a performance stage.

Fisher Absent Due to Conflict of Interest

5. Consider HOME agreement with Housing Authority of Stanislaus County for the Pine Meadows Project. This project will provide funding for the Housing Authority to acquire and rehabilitate an existing 36-unit apartment complex at 608 E. Granger Avenue. The project is targeted at very-low- and low- income tenants.
(Resolution authorizing the City Manager to execute the agreement recommended.)
Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@ci.modesto.ca.us

ACTION: Res. No. 2001-285 (Serpa/Friedman; Fisher, absent) authorizing the City Manager to execute an HOME agreement with Housing Authority of Stanislaus County for the Pine Meadows Project.

CONSENT

6. Consider amendment to facility maintenance and repair agreement with Modesto City Schools to increase contribution from \$54,000 to \$104,000 annually for the remaining seven years of the agreement to provide funds to renovate Modesto High School swimming pool, and consider new Capital Improvement Plan Agreement with Modesto City Schools for maintenance and repair of tennis courts.
(Resolution authorizing amendment to facility maintenance and repair agreement recommended; Resolution authorizing new Capital Improvement Plan Agreement recommended.)
Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@ci.modesto.ca.us

ACTION: Res. No. 2001-286 (Frohman/Friedman; unan.) authorizing amendment to facility maintenance and repair agreement.

Res. No. 2001-287 (Frohman/Friedman; unan.) authorizing new Capital Improvement Plan Agreement.

Removed from Consent

7. Consider League of California Cities Bylaws Amendment—Grassroots Network Initiative.
(Resolution supporting the League of California Cities Grassroots Network Initiative recommended.)
City Manager; Donna Hansen; 571-5125; dhansen@ci.modesto.ca.us

ACTION: Res. No. 2001-288 (Smith/Fisher; unan.) supporting the League of California Cities Grassroots Network Initiative.

CONSENT

8. Consider authorizing the City Manager to begin contract negotiations with Yosemite Community College District for management of the Public, Education, and Government (PEG) studio and programming on the cable network.
(Resolution authorizing the City Manager to begin contract negotiations with Yosemite Community College District for management of the Public, Education, and Government (PEG) studio and programming on the cable network recommended.)
City Manager; Renee Ledbetter, 577-5463, rledbetter@ci.modesto.ca.us

ACTION: Res. No. 2001-289 (Frohman/Friedman; unan.) authorizing the City Manager to begin contract negotiations with Yosemite Community College District for management of the Public, Education, and Government (PEG) studio and programming on the cable network.

CONSENT

9. Consider an extension of Modesto Area Dial-A-Ride (MDAR) service area boundary to include recently developed neighborhoods contiguous to the existing MDAR boundary.
(Resolution approving extension of Modesto Area Dial-A-Ride (MDAR) service area boundary to include recently developed neighborhoods contiguous to the existing MDAR boundary recommended.)
Engineering & Transportation; Fred Cavanah, 577-5298, fcavanah@ci.modesto.ca.us

ACTION: Res. No. 2001-290 (Frohman/Friedman; unan.) approving extension of Modesto Area Dial-A-Ride (MDAR) service area boundary to include recently developed neighborhoods contiguous to the existing MDAR boundary.

CONSENT

10. Consider awarding a \$177,062.00 contract to Barham Inc. for the project titled "Park Site Restroom Construction", and consider a resolution amending the budget to fully fund the project. This project will install restrooms at the following parks: Mildred Perkins, Floyd No. 2, Orchard, Robertson Road, and Riverside. The project will also replace the existing restroom at Bellenita Park.
(Resolution awarding a \$177,062.00 contract to Barham Inc. for the project titled "Park Site Restroom Construction" recommended; Resolution amending the budget to fully fund the project recommended.)
Engineering & Transportation; Dean Phillips, 57-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-291 (Frohman/Friedman; unan.) awarding a \$177,062.00 contract to Barham Inc. for the project titled "Park Site Restroom Construction."

Res. No. 2001-292 (Frohman/Friedman; unan.) amending the budget to fully fund the project.

CONSENT

11. Consider final map of Millbrook Estates Unit No. 4 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: Bright Development, a California Corporation).

(Resolution approving the final map of Millbrook Estates Unit No. 4 subdivision and authorizing the City Manager to execute subdivision agreement recommended.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-293 (Frohman/Friedman; unan.) approving the final map of Millbrook Estates Unit No. 4 subdivision and authorizing the City Manager to execute subdivision agreement.

CONSENT

12. Consider accepting the remainder of the Street Improvements for Chateau Maison subdivision in the Pelandale -Snyder Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (Owners: Western Pacific Housing – Windsor Point, LLC, a California Limited Liability Company).

(Resolution accepting the remainder of the street improvements recommended.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-294 (Frohman/Friedman; unan.) accepting the remainder of the Street Improvements for Chateau Maison subdivision in the Pelandale -Snyder Specific Plan Area.

CONSENT

13. Consider approval of Final Map of The Renaissance 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: S&S Ventures, a California General Partnership, by the Jaguar Investment Corporation, General Partner).

(Resolution approving the final map of The Renaissance subdivision and authorizing the City Manager to execute subdivision agreement.

ACTION: Res. No. 2001-295 (Frohman/Friedman; unan.) approving the final map of The Renaissance subdivision and authorizing the City Manager to execute subdivision agreement.

CONSENT

14. Consider authorizing the City Manager to make application for participation in the Department of Justice, Office of Justice Program on Domestic Preparedness as specified in the Nunn-Lugar-Domenici legislation.

(Resolution authorizing the City Manager to make application for participation in the Department of Justice, Office of Justice Program on Domestic Preparedness as specified in the Nunn-Lugar-Domenici legislation recommended.)

Fire; Gary Hinshaw, 572-9590, ghinshaw@ci.modesto.ca.us

ACTION: Res. No. 2001-296 (Frohman/Friedman; unan.) authorizing the City Manager to make application for participation in the Department of Justice, Office of Justice Program on Domestic Preparedness as specified in the Nunn-Lugar-Domenici legislation.

CONSENT

15. Consider approving the canvassing of the election for Village One Community Facilities District No. 1996-1, Annexation # 5, and ordering annexation of territory to the Village One Community Facilities District No. 1996-1.

(Resolution approving canvassing of the election for Village One Community Facilities District No. 1996-1, Annexation # 5, and ordering annexation of territory to the Village One Community Facilities District No. 1996-1 recommended.)

Attorney; Roland Stevens, 577-5290, rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-297 (Frohman/Friedman; unan.) approving canvassing of the election for Village One Community Facilities District No. 1996-1, Annexation # 5, and ordering annexation of territory to the Village One Community Facilities District No. 1996-1.

Removed from Consent

16. Consider authorizing the City Manager to sign a cable grant agreement with Fred Eichel on behalf of Citizens Leading Effective Action Now (C.L.E.A.N.)

(Resolution authorizing City Manager to sign cable grant agreement with Fred Eichel on behalf of Citizens Leading Effective Action Now (C.L.E.A.N.) recommended).

City Manager; Renee Ledbetter, 5775463, rl Ledbetter@ci.modesto.ca.us

ACTION: Res. No. 2001-298 (Smith/Fisher; majority; Conrad, Frohman, no) authorizing City Manager to sign cable grant agreement with Fred Eichel on behalf of Citizens Leading Effective Action Now (C.L.E.A.N.).

UNFINISHED BUSINESS

17. Consider adoption of Fiscal Year 2001-2002 Operating Budget and Capital Improvement Program Budget.

(Motion acknowledging receipt of report recommended; Ordinance approving the 2001 - 2002 Operating Budget and first year of the 2001 -2002 through 2010-2011 Capital

Improvement Program budget recommended; Resolution establishing the 2001 -2002 Fiscal

Year appropriation limit, including the price and population factors to be used in the calculation recommended.)

Finance; Stan Feathers, 577-5458, sfeathers@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) acknowledged receipt of report.

By Motion (Fisher/Friedman; Conrad, absent) approved Infrastructure Preservation in the Parks Category of the Capital Improvement Program Budget

By Motion (Friedman/Fisher; Sabatino, absent) approved Non-Motorized Trail System Improvements in the Traffic Category of the Capital Improvement Program Budget.

By Motion (Friedman/Fisher; Conrad, absent) approved 2001-2002 Federal Funding Pavement Maintenance in the Traffic Category of the Capital Improvement Program Budget.

By Motion (Friedman/Fisher; Smith, Serpa, absent) approved 2002-2003 Federal Funding Traffic Category in the Parks Category of the Capital Improvement Program Budget.

By Motion (Friedman/Fisher; Sabatino, absent) approved Traffic Signal Modification (CFF Streets) in the Traffic Category of the Capital Improvement Program Budget.

By Motion (Friedman/Fisher; Smith, absent) approved 9th Street Railroad Relocation in the Traffic Category of the Capital Improvement Program Budget.

By Motion (Friedman/Fisher; Smith, Sabatino, absent) approved the 9th Street Storm Drainage Project Design in the Storm Drainage Category of the Capital Improvements Program Budget.

By Motion (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) **introduced Ordinance No. 3226–C.S.** approving the 2001-2002 Operating Budget and First year of the 2001-2002 through 2010-2011 Capital Improvement Program budget with amendments.

Res. No. 2001-299 (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) establishing the 2001-2002 Fiscal Year appropriation limit, including the price and population factors to be used in the calculation.

Res. No. 2001-300 (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) adopted amending Fiscal Year 2000-2001 Annual Budget.

18. Consider oral report on Cash Balances.
(Motion acknowledging receipt of report recommended.)

Finance; Stan Feathers, 577-5458, sfeathers@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) acknowledged receipt of report.

HEARINGS

19. Hearing to consider appeal from Alex & Son's Market, 515 N. Martin Luther King Drive, regarding denial of an ABC Type 21 (hard liquor) license.

ACTION: Res. No. 2001-301 (Frohman/Friedman; unan.) denying appeal from Alex & Sons's Market regarding denial of an ABC Type 21 (hard liquor) license.

NEW BUSINESS

20. Consider awarding a \$675,535.27 contract to Bond Blacktop Inc. for the project titled "2001 Slurry Seals".
(Resolution awarding a \$675,535.27 contract to Bond Blacktop Inc. for the project titled "2001 Slurry Seals" recommended.)
Engineering & Transportation; Dean Phillips, 57-5260, dphillips@ci.modesto.ca.us

ACTION: Res. No. 2001-302 (Frohman/Fisher; unan.) awarding a \$675,535.27 contract to Bond Blacktop Inc. for the project titled "2001 Slurry Seals."

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

MINUTES

Tuesday, June 26, 2001, 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 Graydon Frazier, 1st Foursquare Gospel

City Clerk's Announcements: Items 7, 8, and 13 removed from Consent

Declaration of Conflicts of Interest: *Conrad, Item 15*
Fisher, Item 16

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of new Personnel employees Jo LeBlanc, Personnel Analyst and Jason Mauga, Equal Opportunity Officer.

ACTION: Introduction made by Personnel Director

2. Presentation of Certificates of Recognition to Dan Sabados, Amber Baker, Leah Gordon, and Mikayla Curtis for their heroic actions which resulted in saving the life of Tyler Mora.

ACTION: Certificates distributed by Vice Mayor Fisher

- Boy Scout Troop 117 acknowledged.

ORAL COMMUNICATIONS

- Stephanie Espinoza from PG&E distributed informational packets to Council.
- Dave Geer member of Community Quality Forum noted the Community Quality Forum vote regarding the Senior Housing project at Scenic and Coffee.
 - Vice Mayor Fisher responded and Mayor Sabatino referred the issue to staff.
- Bishop Bergstrom noted his concern of training and housing Pitbull dogs for attacking police officers and citizens.
- Miguel Donoso and students requested park patrol and speed humps to reduce traffic speed and lights after dark at Roberts on Road Park.
- Peter Stavrianoudakis noted his opposition to Fluoride.

COUNCIL COMMENTS & REPORTS

3. At the request of Mayor Sabatino, consider rescinding Res. 2001 -298 that authorized the City Manager to sign a cable grant agreement with Fred Eichel on behalf of Citizens Leading Effective Action Now (C.L.E.A.N.)
City Manager; Renee Ledbetter, 577-5463, rledbetter@ci.modesto.ca.us

ACTION: Res. No. 2001-303 (Sabatino/Fisher) commending C.L.E.A.N. on past and future accomplishments.

C.L.E.A.N. withdrew application for grant monies.

- Councilmember Frohman commented on the additions he would like to see in the budget and felt that the additions mentioned at the last Council meeting could have been addressed at a later date rather than at budget adoption.
- 3A. At the request of Councilmember Serpa, further discussion and action on Council policies related to the adoption of the 2001-2002 budget as follows:
 - a. A policy requiring each City Department that approve s plans and specifications for any public works facility to have budgetary responsibility for ensuring that the facility is properly constructed.
 - b. A policy requiring that a City employee contract administrator be named for every contract recommended to the Council for approval.
 - c. A City policy requiring the budget document to reflect both allocated and filled public safety positions.
 - d. Discussion of the derivation of the budget reserve policy.
 - e. Direction to staff to prepare a “user friendly” budget syllabus for u se by citizens, including specific page references in the budget document to Council policy issues.

ACTION: Item continued at the request of Councilmember Serpa

- At the request of Councilmember Conrad, an item to reduce the budget by \$100,000 was referred to the Financial Policy Committee.
- At the request of Councilmember Serpa, an item to expand the Community Qualities Forum by one youth member was referred to the Human Services Committee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 17
Items 7, 8, & 13 removed from Consent

ACTION: Fisher/Friedman; 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 special City Council meeting of June 18, 2001 and the regular City Council meeting of June 19, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of June 18 and June 19, 2001.

CONSENT

5. Consider amending the Classification Plan to Create the classification of Business Development Manager and to delete the classification of Senior business Analyst; Consider amending the Class Range Tables to add the salary for Business Development Manager and delete the salary for Senior Business Analyst.
(Resolution amending the Position Classification Plan to add the position of Business Development Manager and to delete the classification of Senior Business Analyst recommended; Resolution to amend the Class Range Tables to add the salary for business Development Manager and delete the salary for Senior Business Analyst recommended.)
Personnel; Janice Stewart, 577-5466, jstewart@ci.modesto.ca.us

ACTION: Res. No. 2001-304 (Fisher/Friedman; unan.) amending the Position Classification Plan to add the position of Business Development Manager and to delete the classification of Senior Business Analyst.

Res. No. 2001-305 () amending the Class Range Tables to add the salary for business Development Manager and delete the salary for Senior Business Analyst.

CONSENT

6. Consider approving Employee Health, Dental & Vision Plans for FY 2002, and authorizing the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements.

(Resolution approving agreements with National Health, PacifiCare, Kaiser Permanente, American Specialty Health Plans (chiropractic coverage) and PacifiCare Behavioral Health and continuation of dental and vision coverage through the City's self-insured program, and authorizing the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements recommended.)

Personnel; Donald Norris, 577-5251, dnorris@ci.modesto.ca.us

ACTION: Res. No. 2001-306 (Fisher/Friedman; unan.) approving agreements with National Health, PacifiCare, Kaiser Permanente, American Specialty Health Plans, and PacifiCare Behavioral Health, and continuation of dental and vision coverage through the City's self-insured program, and authorizing the Risk Manager to serve as the coordinator for the various plans with authority to execute all necessary agreements.

Removed from Consent

7. Consider requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidate's statements for the November 6, 2001 Municipal Election.

(Resolution requiring candidates to pay the cost of candidate statements recommended.)

City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: By Motion (Friedman/Sabatino; unan.) referred the item to the Economic Development, Community & Intergovernmental Relations Committee on a July 2, 2001 Special Meeting and item will be placed on the July 3, 2001 Council Agenda for reconsideration.

Removed from Consent

8. Consider requiring Modesto City Council candidates to pay the cost of candidates statements for the March 5, 2002 Municipal Election. This action is being requested in the event the Charter Amendment known as "Term Limits Act of 2000" is approved at the November 6, 2001 election . If approved, this amendment would change the Municipal Election to March 2002.

(Resolution requiring candidates to pay the cost of candidate statements recommended.)

City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: By Motion (Friedman/Sabatino; unan.) referred the item to the Economic Development, Community & Intergovernmental Relations Committee on a July 2, 2001 Special Meeting and item will be placed on the July 3, 2001 Council Agenda for reconsideration.

CONSENT

9. Consider indicating that the December 11, 2001 run-off election, if needed, will be conducted by mail.

(Resolution indicating the Council's intention to conduct the run-off election, if needed, by mail recommended.)

City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-307 (Fisher/Friedman; unan.) indicating the Council's intention to conduct the December 11, 2001 run-off election, if needed, by mail.

CONSENT

10. Consider indicating that the May 8, 2002 run-off election, if needed, will be conducted by mail. This action is being requested in the event the Charter Amendment known as "Term Limits Act of 2000" is approved at the November 6, 2001 election. If approved, this amendment would change the Muni Election to March 2002 and the run-off to May 2002. (Resolution indicating the Council's intention to conduct the run-off election, if needed, by mail recommended.)

City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-308 (Fisher/Friedman; unan.) indicating the Council's intention to conduct the May 8, 2002 run-off election, if needed, by mail.

CONSENT

11. Consider approving an agreement between the City of Modesto and Anderson Homes related to the reimbursement for right-of-way for the Pelandale Avenue Expressway. The negotiated amount of the reimbursement is \$59,150; funds are budgeted. (Resolution approving agreement between the City of Modesto and Anderson Homes related to the reimbursement for right-of-way for the Pelandale Avenue Expressway recommended.)

Engineering & Transportation; Rich Ulm, 577-5261, rulm@ci.modesto.ca.us

ACTION: Res. No. 2001-309 (Fisher/Friedman; unan.) approving an agreement between the City of Modesto and Anderson Homes related to the reimbursement for right-of-way for the Pelandale Avenue Expressway.

CONSENT

12. Consider approving acquisition of 45.46 acres of land for a total purchase price of \$2,743,741.00 from the Watson Family Ranch Limited Partnership for Mary E. Grogan Community Park; consider approving Initial Study for the park; and consider amending the FY 00-01 Capital Improvement Plant Budget to appropriate \$8,000 from Parks Facilities Fees Reserve to Grogan Community Park.

(Resolution approving the acquisition of 45.46 acres of land for a total purchase price of \$2,743,741.00 from the Watson Family Ranch Limited Partnership for Mary E. Grogan Community Park recommended; Resolution approving Initial Study for the park recommended; Resolution approving appropriation transfer recommended.)

Parks & Recreation Department; Fred Allen, 577-5353, fallen@ci.modesto.ca.us

ACTION: Res. No. 2001-310 (Fisher/Friedman; unan.) approving the acquisition of 45.46 acres of land for a total purchase price of \$2,743,741.00 from the Watson Family Ranch Limited Partnership for Mary E. Grogan Community Park.

Res. No. 2001-311 (Fisher/Friedman; unan.) approving Initial Study for the park.

Res. No. 2001-312 (Fisher/Friedman; unan.) approving appropriation transfer.

Removed from Consent

13. Consider designating the Stanislaus Housing & Support Services Collaborative as the planning and coordinating agency for homeless issues in Stanislaus County.
(Resolution designating the Stanislaus Housing & Support Services Collaborative as the planning and coordinating agency for homeless issues in Stanislaus County recommended.)
Recreation & Neighborhoods; Miguel Galvez, 571-5506, mgalvez@ci.modesto.ca.us

ACTION: Res. No. 2001-313 (Frohman/Smith; unan.) designating the Stanislaus Housing & Support Services Collaborative as the planning and coordinating agency for homeless issues in Stanislaus County.

CONSENT

14. Consider accepting the financial program review and reconciliation of U.S. Department of Housing and Urban Development Funds performed by Macias, Gini and Company.
(Resolution accepting report recommended.)
Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@ci.modesto.ca.us

ACTION: Res. No. 2001-314 (Fisher/Friedman; unan.) accepting the financial program review and reconciliation of U.S. Department of Housing and Urban Development Funds performed by Macias, Gini, and Company.

Conrad Excused Due to Conflict of Interest

15. Consider authorizing the City's representatives on the Waste-to-Energy Executive Committee Authority to execute Amendment #4 (Mercury Vapor Retrofit) to the Service Agreement with Covanta Stanislaus for the operation of the Waste-to-Energy facility.
(Resolution authorizing the City's representatives on the Waste-to-Energy Executive Committee Authority to execute Amendment #4 (Mercury Vapor Retrofit) to the Service Agreement with Covanta Stanislaus for the operation of the Waste-to-Energy facility recommended.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@ci.modesto.ca.us

ACTION: Res. No. 2001-315 (Fisher/Friedman; unan.; Conrad; absent) authorizing the City's representatives on the Waste-to-Energy Executive Committee Authority to execute Amendment #4 (Mercury Vapor Retrofit) to the Service Agreement with Covanta Stanislaus for the operation of the Waste-to-Energy facility.

Fisher Excused Due to Conflict of Interest

16. Consider approval of final map of Davante Villas Unit No. 2 subdivision in the Village One Specific Plan area and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code (Owners: Roberto D. Calcagno, an unmarried man, and Davante Villas LP, a California Limited Partnership by NOVA Development Group LLC, a California Limited Liability Company, General Partner).

(Resolution approving the final map of Davante Villas Unit No. 2 subdivision in the Village One Specific Plan area and authorizing the City Manager to execute subdivision agreement recommended.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@ci.modesto.ca.us

ACTION: Res. No. 2001-316 (Freidman/Frohman; unan.; Fisher; absent) approving the final map of Devante Villas Unit No. 2 subdivision in the Village One Specific Plan area and authorizing the City Manager to execute subdivision agreement.

CONSENT

17. Consider an agreement with Goodwin Consulting Group in the amount of \$57,800.00 for consultant services to conduct an Infrastructure Financing Study for the Village One Specific Plan.

(Resolution approving agreement with Goodwin Consulting Group recommended.)

Finance; Rob Stout, 577-5370, rstout@ci.modesto.ca.us

ACTION: Res. No. 2001-317 (Fisher/Friedman; unan.) approving agreement with Goodwin Consulting Group.

WRITTEN COMMUNICATIONS

18. Letter from Boyd Wilson regarding booking outside groups into Centre Plaza .

ACTION: No Action Taken.

- 18A. Letter received from George Petrulakis regarding an April 10, 2001 Council action on an appeal from Timothy Murphy. This appeal was brought to the a Council due to the Planning Commission's decision to deny an application for an amendment to PD(501) to allow for a two -story mini-storage facility in place of a previously approved retail/drug store. City Council's decision at the April 10 hearing was to return the item to the Planning Commission.

ACTION: By Motion (Fisher/Sabatino; unan.) directed staff to carry the City Council's intent of using the same set back as the existing restaurant and gas station to the Planning Commission on July 2, 2001

HEARINGS

19. Hearing to consider appeal of staff decision regarding the planting of the Hesse Ash tree at the home of Tim Fritangela, 1917 Destiny Way, Modesto.

ACTION: Res. No. 2001-318 (Friedman/Smith; unan.) denying appeal.

20. Hearing to consider proposed water rate increase of 2% “across-the-board” in Water Zones 1, 2, and that portion of Zone 3 that will receive fluoridated water, to fund operations and maintenance costs related to fluoridation of the water, effective January 1, 2003.
Engineering & Transportation; Glen Lewis, 577-5215, glewis@ci.modesto.ca.us

ACTION: By Motion (Serpa/Frohman; majority; Fisher, Friedman, Smith, no) continued hearing to November 13, 2001 and staff was directed to place on the July 3, 2001 Council meeting a resolution placing an advisory measure on the November 6 election asking the question: For the purpose of dental health shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the State of California?

21. Hearing to consider annexation of additional territory to the Village One -Mello Roos Community Facilities District No. 1996-1 and consider resolution calling election (Annexation #6).
(Resolution calling election recommended.)
Attorney; Rolly Stevens, 577-5284, rstevens@ci.modesto.ca.us

ACTION: Res. No. 2001-319 (Friedman/Frohman; unan.) calling election (Annexation #6).

22. Hearing to consider the Public Health Goals Report as required by the California Health & Safety Code, Title 22.
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-320 (Frohman/Fisher; unan.) accepting Public Health Goals Report.

NEW BUSINESS

23. Consider approving a grant agreement with Fluoridation 2000 in the amount of \$796,000 related to the design, purchase, and installation of equipment to fluoridate the water system; consider approving a grant agreement with Sierra Health Foundation in the amount of \$213,332 related to the purchase and installation of equipment to fluoridate the water system.
(Resolution approving a grant agreement with Fluoridation 2000 in the amount of \$796,000 related to the design, purchase, and installation of equipment to fluoridate the water system recommended; Resolution approving a grant agreement with Sierra Health Foundation in

the amount of \$213,332 related to the purchase and installation of equipment to fluoridate the water system recommended.)

Engineering & Transportation; Rich Ulm, 577-5215, rulm@ci.modesto.ca.us

ACTION: Item Continued to November 13, 2001

24. Consider approving the 2001/2002 Waste-to-Energy Project Budget.
(Resolution approving the 2001/2002 Waste-to-Energy Project Budget recommended.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@ci.modesto.ca.us

ACTION: Res. No. 2001-321 (Friedman/Frohman; unan.) approving the 2001/2002 Waste-to-Energy Project Budget.

25. Consider placement of a Charter Amendment to Amend Article 3, Section 300 – Regular Municipal Elections and adding Section 506 to Article 5, Limitations of Terms of Office on the November 6, 2001 Municipal Election.
(Resolution placing Charter Amendment to Amend Article 3, Section 300 – Regular Municipal Elections and adding Section 506 to Article 5, Limitations of Terms of Office on the November 6, 2001 Municipal Election recommended. Resolution transmitting the ballot measure to the City Attorney to prepare an impartial analysis recommended.)

ACTION: Res. No. 2001-322 (Conrad/Frohman; unan.) placing Charter Amendment to Amend Article 3, Section 300—Regular Municipal Elections and adding Section 506 to Article 5, Limitations of Terms of Office on the November 6, 2001 Municipal Election.

Res. No. 2001-323 (Conrad/Frohman; unan.) transmitting the ballot measure to the City Attorney to prepare an impartial analysis.

OPTIONAL:

(Resolution authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election recommended.)

City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-324 (Conrad/Frohman; unan.) authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election.

By Order of the Chair, Staff was directed to place on the July 3, 2001 Council agenda consideration of placing a charter amendment regarding district elections on the November 6, 2001 election ballot.

MISCELLANEOUS
Appointments

26. Consider appointment to Community Qualities Forum

ACTION: Res. No. 2001-325 (Sabatino/Frohman; unan.) appointing Janice E. Keating to the Community Qualities Forum

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

MINUTES

Tuesday, July 3, 2001, 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 Eric Chapman, First Foursquare Church

City Clerk’s Announcements: *Item 20 removed from Agenda*

Declaration of Conflicts of Interest: *Councilmember Fisher—Item 11*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of Purchasing Supervisor Mark Averell by the Finance Director.

ACTION: Introduction made by Rob Stout, Finance Director.

2. Presentation of special recognition plaques for co-sponsors of City’s 2000 and 2001 recreation programs.

ACTION: Presentation made by Mayor Sabatino, Chris Elms, and Jennifer Brinar.

3. Consider recognizing “July is Recreation and Parks Month”.

(Resolution recognizing July is Recreation and Parks Month recommended.)

Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Res. No. 2001-326 (Frohman/Friedman; unan.) recognizing “July is Recreation and Parks Month.”

ORAL COMMUNICATIONS

- Tim Dunaway noted his concern that low income disabled individuals must produce a credit report to apply for rental facilities.
- Constance Therman noted his concern of the upcoming consideration by the Council regarding the annexation of county islands.
- Bishop Bergstrom noted his concern with panhandling and expressed a desire for improved handicap access on sidewalks.
- Eric Wardwill expressed his concern of inadequate handicap access and sidewalk access for individuals in wheelchairs.

- Mr. Wardwill was invited to attend a Community Development and Housing Committee meeting to discuss his concerns.
- Barbara Shiti noted the increasing costs for housing and the need for multifamily housing.

COUNCIL COMMENTS & REPORTS

4. Consider a resolution placing an advisory measure on the November 6, 2001 election asking the following question: For the purpose of dental health, shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the State of California guidelines?
(Resolution placing an advisory measure on the November 6, 2001 ballot recommended; Resolution transmitting ballot measure to City Attorney to prepare impartial analysis recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-327 (Fisher/Serpa; majority; Friedman, no) placing an advisory measure on the November 6, 2001 ballot.

Res. No. 2001-328 (Fisher/Serpa; majority; Friedman, no) transmitting ballot measure to City Attorney to prepare impartial analysis.

OPTIONAL:

(Resolution authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-329 (Fisher/Serpa; majority; Friedman, no) authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election.

5. At the request of Mayor Sabatino, consider adopting a resolution placing a charter amendment on the November 6, 2001 ballot providing for election of councilmembers by district and changing the date of the regular Municipal election from November of odd years to March of even years.
(Resolution placing charter amendment on the ballot recommended; Resolution transmitting ballot measure to City Attorney to prepare impartial analysis recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2000-330 (Smith/Conrad; majority; Fisher, Friedman, Serpa, no) placing a charter amendment on the ballot.

Res. No. 2001-331 (Smith/Conrad; majority; Fisher, Friedman, Serpa, no) transmitting ballot measure to City Attorney to prepare an impartial analysis.

OPTIONAL:

(Resolution authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-332 (Smith/Conrad; majority; Fisher, Friedman, Serpa, no) authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 16

ACTION: Frohman/Friedman; 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 June 26, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Friedman; unan.) approved the minutes of June 26, 2001.

CONSENT

7. Consider approving an agreement with Melton & Olmsted Enterprises Inc., for the acquisition of property located at 400 Kansas Avenue, for the Kansas/Needham Overcrossing project; and consider authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.
(Resolution approving agreement; and Resolution authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition recommended.)
Community Development; Bill Harper, 577-5324, wharper@ci.modesto.ca.us

ACTION: Res. No. 2001-333 (Frohman/Friedman; unan.) approving an agreement with Melton & Olmsted Enterprises Inc., for the acquisition of property located at 400 Kansas Avenue, for the Kansas/Needham Overcrossing project.

Res. No. 2001-334 (Frohman/Friedman; unan.) authorizing City Manager to sign an acceptance form for the Grant Deed involved in this acquisition.

CONSENT

8. Consider acceptance of Soares Pipeline, Inc.'s contract for the project titled "Annual Sewer Rehabilitation – Phase 2 99/00" as complete and authorize the City Clerk to file a Notice of Completion.
(Resolution accepting work as complete and authorizing City Clerk to file Notice of Completion recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-335 (Frohman/Friedman; unan.) accepting Soares Pipeline, Inc.'s contract for the project titled "Annual Sewer Rehabilitation – Phase 2 99/00" as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

9. Consider acceptance of George Reed Inc.'s contract as complete for the project titled "Kansas Avenue Reconstruction" and authorize the City Clerk to file a Notice of Completion. Total cost: \$755,454.80; funds are budgeted.
(Resolution accepting work as complete and authorizing the City Clerk to file a Notice of Completion recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@ci.modesto.ca.us

ACTION: Res. No. 2001-336 (Frohman/Friedman; unan.) accepting George Reed Inc.'s contract as complete for the project titled "Kansas Avenue Reconstruction" and authorize the City Clerk to file a Notice of Completion.

CONSENT

10. Consider accepting with regret the resignation of Robert Hauff from the Airport Advisory Committee, effective July 3, 2001.
(Resolution accepting with regret the resignation of Robert Hauff from the Airport Advisory Committee, effective July 3, 2001 recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@ci.modesto.ca.us

ACTION: Res. No. 2001-337 (Frohman/Friedman; unan.) accepting with regret the resignation of Robert Hauff from the Airport Advisory Committee.

Councilmember Fisher excused due to Conflict of Interest

11. Consider a HOME agreement with Stanislaus County Affordable Housing Corporation for the Bennett Place Project. Funds previously approved by Council in the amount of \$25,000.
(Resolution approving agreement and authorizing City Manager to execute recommended.)
Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@ci.modesto.ca.us

ACTION: Res. No. 2001-338(Friedman, Frohman; unan; Fisher, absent) approving agreement with Stanislaus County Affordable Housing Corporation for Bennett Place Project.

CONSENT

12. Consider approving request from Hmong Association of Stanislaus County for waiver of fees for annual New Year Celebration on November 17 and 18, 2001, and consider amending the FY 01-02 budget to appropriate \$1,015 in funding from the General Fund Reserve.

(Resolution approving waiving fees for the Hmong Association of Stanislaus County annual New Year Celebration on November 17 and 18, 2001 recommended; Resolution amending the FY 01-02 budget to appropriate \$1,015 in funding from the General Fund Reserve recommended.)

Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@ci.modesto.ca.us

ACTION: Res. No. 2001-339 (Frohman/Friedman; unan.) approving waiving fees for the Hmong Association of Stanislaus County annual New Year Celebration on November 17 and 18, 2001.

Res. No. 2001-340 (Frohman/Friedman; unan.) amending the FY 01-02 budget to appropriate \$1,015 in funding from the General Fund Reserve.

CONSENT

13. Consider approving request from International Festival for additional Direct City Assistance in the amount of \$6,950 for the October 6, and possibly October 7, 2001 International Festival.

(Resolution approving \$6,950 additional Direct City Assistance funding recommended; Resolution amending FY 01-02 budget to fund the additional assistance recommended.)

Recreation & Neighborhoods; Chris Elms, 577-5336, celms@ci.modesto.ca.us

ACTION: Res. No. 2001-341 (Frohman/Friedman; unan.) approving \$6,950 additional Direct City Assistance in the amount of \$6,950 for the International Festival.

Res. No. 2001-341A (Frohman/Friedman; unan.) amending FY 01-02 budget to fund the additional assistance.

CONSENT

14. Consider introduction of an ordinance amending Article 7 of Chapter 3 of Title 2, and the title of Title 12 of the Modesto Municipal Code changing the name of the Recreation & Neighborhoods Department to Parks, Recreation & Neighborhoods Department.

(Motion introducing an ordinance amending Article 7 of Chapter 3 of Title 2, and the title of Title 12 of the Modesto Municipal Code changing the name of the Recreation & Neighborhoods Department to Parks, Recreation & Neighborhoods Department recommended.)

Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: By Motion (Frohman/Friedman; unan.) **introduced Ordinance No. 3227–C.S.** amending Article 7 of Chapter 3 of Title 2, and the title of Title 12 of the Modesto

Municipal Code changing the name of the Recreation & Neighborhoods Department to Parks, Recreation & Neighborhoods Department.

CONSENT

15. Consider approving a lease agreement with Modesto Garden Club for 622 14th Street and non-structural portions of 618 14th Street. Modesto Garden Club will use the 622 14th Street property as their headquarters and will maintain the landscaping on both properties. (Resolution approving lease agreement and authorizing the City Manager to execute necessary documents recommended.)
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Res. No. 2001-342 (Frohman/Friedman; unan.) approving lease agreement with Modesto Garden Club for 622 14th Street and non-structural portions of 618 14th Street.

CONSENT

16. Consider approving the extension of a financial management services agreement with L. Patrick Samsell and authorizing the City Manager to execute said agreement. (Resolution approving the extension of a financial management services agreement with L. Patrick Samsell and authorizing the City Manager to execute said agreement recommended.)
Finance Department; Robert Stout, 577-5679, rstout@ci.modesto.ca.us

ACTION: Res. No. 2001-343 (Frohman/Friedman; unan.) approving the extension of a financial management services agreement with L. Patrick Samsell.

WRITTEN COMMUNICATIONS

17. Letter from Jim Reed regarding donated battery back -up systems and recognition signs for traffic signal and intersections.
(If Mr. Reed's recommendations are approved, the following Council action is needed: Motion acknowledging receipt of report; Resolution authorizing staff to develop policy guidelines relating to donations of battery back-up systems, recognition signage for traffic signals at all locations throughout the City, and equipment specifications and; Resolution authorizing City Manager to establish contract "deal points" with Safer Intersections for final approval of the Modesto City Council).

ACTION: By Motion (Frohman/Fisher; unan.) acknowledged receipt of report.

Res. No. 2001-344 (Frohman/Fisher; unan.) authorizing staff to develop policy guidelines relating to donations of battery back-up systems, recognition signage for traffic signals at all locations throughout the City, and equipment specifications.

Res. No. 2001-345 (Frohman/Fisher; unan.) authorizing City Manager to establish contract "deal points" with Safer Intersections for final approval of the Modesto City Council.

UNFINISHED BUSINESS

18. Consider requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidate's statements for the November 6, 2001 Municipal Election. Continued from June 26, 2001 meeting.
(Resolution requiring candidates to pay the cost of candidate statements recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-346 (Frohman/Smith; unan.) requiring candidates to pay the cost of candidate statements, charging a \$500 deposit.

19. Consider requiring Modesto City Council candidates to pay the cost of candidates statements for the March 5, 2002 Municipal Election. This action is being requested in the event the Charter Amendment known as "Term Limits Act of 2000" is approved at the November 6, 2001 election . If approved, this amendment would change the Municipal Election to March 2002. Continued from June 26, 2001 meeting.
(Resolution requiring candidates to pay the cost of candidate statements recommended.)
City Clerk; Jean Zahr, 577-5398, jzahr@ci.modesto.ca.us

ACTION: Res. No. 2001-347 (Frohman/Smith; unan.) requiring candidates to pay the cost of candidate statements, charging a \$500 deposit.

NEW BUSINESS

20. Oral report on the status of the Washington Street Project.
(Acknowledge receipt of report recommended.)
Operation & Maintenance; Peter Cowles, 342-2280, pcowles@ci.modesto.ca.us

ACTION: Removed from Agenda

21. Consider the City's response to the Findings and Recommendations of the Grand Jury Report relating to the Housing Maintenance Program.
(Resolution approving staff's proposed response to the findings, recommendations and conclusions of the Grand Jury Report relating to the Housing Maintenance Program and authorizing the City Manager to submit said response recommended; Resolution authorizing the City Clerk & Auditor to conduct a program and practices audit of the City's Federal Housing & Urban Development funded programs recommended.)
Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@ci.modesto.ca.us

ACTION: Res. No. 2001-348 (Frohman/Fisher; unan.) approving staff's proposed response to the findings, recommendations and conclusions of the Grand Jury Report relating to the Housing Maintenance Program and authorizing the City Manager to submit said response. Motion included a deletion of the last sentence of item 9 on page 8 of the staff report. The deleted sentence read: A criminal background search or investigation would constitute an unnecessary invasion of privacy since the information would not otherwise disqualify an applicant from financial assistance.

Res. No. 2001-349 (Frohman/Fisher; unan.) authorizing the City Clerk & Auditor to conduct a program and practices audit of the City's Federal Housing & Urban Development funded programs.

22. Discussion of multi-family housing issues.
(No action required.)
Community Development; Patrick Kelly, 577-5268, pkelly@ci.modesto.ca.us

ACTION: No Action Required.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 9:31 p.m.

MINUTES

Tuesday, July 10, 2001, 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. Mark Quigley, First Foursquare Gospel

City Clerk's Announcements: *Correction to the Minutes of July 3, 2001*
Item 10 removed from Agenda

Declaration of Conflicts of Interest: *Fisher: Items 12 & 14*
Conrad: Items 14 & 16

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Mayor's proclamation for National Night Out, to be held August 7, 2001.
2. The 2001 National Night Out Committee's selections for Youth of the Year winners.
 - Councilmember Conrad presented Mayor Sabatino with an award from Modesto High School.

ORAL COMMUNICATIONS

- County Counsel Mick Krausnick spoke regarding the elections office petition qualifications.
- Ray Simon spoke regarding the elections office.
- Reagan Wilson spoke regarding staffing within the elections office.
- Loretta Carhart invited citizens from Modesto with epilepsy to join her at the upcoming conference to be held in Las Vegas.

COUNCIL COMMENTS & REPORTS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3-9, & 11

ACTION: Friedman/Frohman; unan.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 12

ACTION: Friedman/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

3. Approval of the minutes of the regular City Council meeting of July 3 , 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of July 3, 2001.

CONSENT

4. Consider approval of final map of Legends Village Unit No. 5 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: Billie C. Holloman and JKB Homes, Corporation, a California Corporation.
(Resolution approving the final map of Legends Village Unit No. 5 subdivision and authorizing the City Manager to execute subdivision agreement recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-350 (Friedman/Frohman; unan.) approving the final map of Legends Village Unit No. 5 Subdivision and authorizing the City Manager to execute subdivision agreement.

CONSENT

5. Consider approving an agreement with County of Stanislaus Probation Department to participate in the High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program, and authorize City Manager to execute necessary documents. Federal grant monies have been received and are budgeted for this project.
(Resolution approving agreement and authorizing City Manager to execute agreement with County of Stanislaus Probation Department to participate in the High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program recommended.)
Police Department; David Young, 572-9690, youngd@modestopd.com

ACTION: Res. No. 2001-351 (Friedman/Frohman; unan.) approving agreement and authorizing City Manager to execute agreement with County of Stanislaus Probation Department to participate in the High Risk Offender Supervision and Juvenile Court Warrant Enforcement Program.

CONSENT

6. Consider approving the canvass of election for the Village One Community Facilities District No. 1996-1 (Village One Annexation #6) and ordering annexation of territory to the Village One Community Facilities District No. 1996-1.
(Resolution canvassing the results of the July 3, 2001 election held within the territory to be annexed to the Village One Community Facilities District 1996-1 and order the annexation of certain territory to the District (Annexation #6) recommended.)
Attorney's Office; Rolly Stevens, 577-5471, rstevens@modestogov.com

ACTION: Res. No. 2001-352 (Friedman/Frohman; unan.) canvassing the results of the July 3, 2001 election held within the territory to be annexed to Village One Community Facilities District 1996-1 and order the annexation of certain territory to the District (Annexation #6).

CONSENT

7. Consider staff recommendation to apply for a California Energy Commission low interest loan for \$267,500.00 to purchase LED traffic signal indications. Through this loan program, staff is proposing to fund the purchase of all 12" and 8" green circular indications, all 12" green arrow indications, and all 8" green and red indications.
(Resolution authorizing the City Manager to apply for a California Energy Commission low interest loan for \$267,500 to purchase LED traffic signal indications recommended.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2001-353 (Friedman/Frohman; unan.) authorizing the City Manager to apply for a California Energy Commission low interest loan for \$267,500 to purchase LED traffic signal indications.

CONSENT

8. Consider awarding a \$502,525.00 contract to George Reed Inc. for the project titled “Peggy Mensinger Bicycle Path Along Dry Creek”; consider approving an inter-fund transfer, change in estimated revenue, and amendment to Capital Improvement Program (CIP) to fully fund the project.

(Resolution awarding contract to George Reed Inc.; Resolution approving an inter -fund transfer, change in estimated revenue, and amendment to Capital Improvement Program to fully fund the project recommended.)

Engineering & Transportation; Steve Pace, 577-5265, space@modestogov.com

ACTION: Res. No. 2001-354 (Friedman/Frohman; unan.) awarding contract to George Reed, Inc.

Res. No. 2001-355 (Friedman/Frohman; unan.) approving an inter -fund transfer, change in estimated revenue and amendment to Capital Improvement Program to fully fund the project.

CONSENT

9. Consider acceptance of Auburn Constructors Inc. contract for the project titled “Primary Clarifier No. 1 and 2 Renewal Project” as complete and authorize the City Clerk to file a Notice of Completion.

(Resolution accepting work as complete and authorizing City Clerk to file a Notice of Completion recommended.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-356 (Friedman/Frohman; unan.) acceptance of Auburn Constructors, Inc.’s contract for the project titled “Primary Clarifier No. 1 and 2 Renewal Project” as complete and authorizing the City Clerk to file a Notice of Completion.

Item 10 Removed from Agenda

10. Consider approving an amendment to an agreement with Minagar & Associates to provide consultant services for the project entitled “Traffic Signal Retiming Project Outside the Central Business District”, and authorize an appropriation transfer in the amount of \$20,00 to fund the additional work.

(Resolution approving amendment to agreement and authorizing the City Manager to execute necessary documents recommended; Resolution authorizing \$20,000 appropriation transfer recommended.)

Engineering & Transportation; Van Switzer, 577-5214, vswitzer@modestogov.com

ACTION: Removed from Agenda

CONSENT

11. Consider introduction of an ordinance amending Sections 2-4.201 and 2-4.202 of Chapter 4 of Title 2 of the Modesto Municipal Code relating to fiscal administration.

(Introduce an ordinance amending Sections 2-4.201 and 2-4.202 of Chapter 4 of Title 2 of the Modesto Municipal Code relating to fiscal administration recommended.)

Attorney's Office; Rolly Stevens, 577-5290, rstevens@modestogov.com

ACTION: By Motion (Friedman/Frohman; unan.) **introduced Ordinance No. 3228-C.S.** amending Sections 2-4.201 and 2-4.202 of Chapter 4 of Title 2 of the Modesto Municipal Code relating to fiscal administration.

Fisher excused due to Conflict of Interest

12. Consider approving a \$1.00 one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust Street. (Resolution approving lease renewal and authorizing the City Manager to execute said lease agreement recommended.)

Recreation & Neighborhoods; Ernie Richardson, 577-5392,
erichardson@modestogov.com

ACTION: Res. No. 2001-357 (Friedman/Frohman; unan.; Fisher, absent) approving a lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust Street.

WRITTEN COMMUNICATIONS

13. Letter from Alicia Miller asking for a status update on Prescott Estates from the receiver, Richard Huber.

ACTION: No Action Taken

HEARINGS

Fisher and Conrad excused due to Conflict of Interest

14. Hearing to consider the application of Renee Ellis -Singleton for a precise plan for Area No. 24 of the Village One Specific Plan and for concurrent re zoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the south side of (future) Floyd Avenue and on the west side of Claus Road.

(Introduce ordinance approving Precise Plan No. 24 recommended; Introduce ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended; Resolution finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.)

Community Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: By Motion (Friedman/Smith; unan.; Conrad & Fisher, absent) to approve as to staff recommendation with the condition to proceed with the amendment to the Specific Plan failed with a Friedman, Serpa, Smith, yes; and Frohman, Sabatino, no vote. (Item needed four affirmative votes.)

By Motion (Sabatino/Frohman; unan. Conrad & Fisher, absent) item to be reconsidered.

Res. 2001-358 (Frohman/Sabatino, majority; Serpa, no, Conrad & Fisher, absent), to refer PPA 24, including amendment to Specific Plan, back to Planning Commission.

15. Hearing to consider the application of Warren Smith Lawson Family Inc. for a precise plan for the northeast quadrant of Area No. 20 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 Floyd Avenue and east of Roselle Avenue. (Introduce ordinance approving Precise Plan No. 20, northeast quadrant recommended; Introduce ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended; Resolution finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.)
Community Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: By Motion (Fisher/Friedman; unan., Conrad, absent) **introduced Ordinance No. 3229–C.S.** approving Precise Plan No. 20, northeast quadrant.

By Motion (Fisher/Friedman; unan., Conrad, absent) **introduced Ordinance No. 3230–C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone

Res. No. 2001-359 (Fisher/Friedman; unan., Conrad, absent) finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR

16. Hearing to consider establishing the Funeral Escort Permit Application Fee. (Resolution establishing the Funeral Escort Permit Application Fee recommended.)
Police Department; Ron Sale, 572-9674, saler@modestopd.com

ACTION: Res. No. 2001-360 (Sabatino/Serpa; unan.) establishing the Funeral Escort Permit Application Fee.

17. Hearing to consider reducing the charge for temporary street closure permits from \$20 to \$12.50 and to exempt certain holidays from charges for temporary residential street closure permits. (Resolution reducing the charge for temporary street closure permits from \$20 to \$12.50 and to exempt certain holidays from charges for temporary residential street closure permits recommended.)
Police Department; Michael Harden, 572-9521, hardenm@modestopd.com

ACTION: Res. No. 2001-361 (Smith/Serpa; unan.) reducing the charge for temporary street closure permits from \$20 to \$12.50 and to exempt certain holidays from charges for temporary residential street closure permits.

18. Hearing to consider establishing license application fees for massage establishment license applications and massage practitioners license applications.
(Resolution establishing fees recommended.)
Police Department; Ron Sale, 572-9674, saler@modestopd.com

ACTION: Res. No. 2001-362 (Smith/Fisher; unan.) establishing license application fees for massage establishment license application and massage practitioners license applications.

19. Hearing to consider 2001 Urban Area Growth Policy Review.
(Resolution amending the Modesto Citizen's Advisory Growth Management Act of 1995; Resolution calling for an Advisory Growth election in November 2001 for all unincorporated "island" areas within the Modesto City limits and not currently served by a sewer district, excluding the "island" areas that previously received an Advisory Growth election; Resolution calling for an Advisory Growth election in November 2001 for the 480 acre southwest quadrant of the Roselle/Claribel CPD, Johansen and Empire North CPDs, and the remaining Village Residential portion of the Kiernan/Carver CPD to be consolidated with a municipal Election and that election costs associated with the above CPDs be paid by the City of Modesto; and a Resolution finding the 2001 Urban Growth Policy Review and proposed Advisory Growth ballot measures for Roselle/Claribel, Johansen/Empire North, Kiernan/Carver, and infill area are within the Scope of the general Plan covered by a Master Environmental Impact Report (SCH#92052017) and no new environmental document nor findings pursuant to Section 21081 of the Public Resource Code shall be required by the California Environmental Quality Act (per section 21157.1).
Community Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

ACTION: Res. No. 2001-363 (Serpa/Friedman, majority; Frohman, no) directing the City Clerk to submit to the voters at the next Regular Municipal Election an advisory measure relating to the extension of sewer service to a portion of the Roselle/Claribel Comprehensive Planning District.

Res. No. 2001-364 (Serpa/Friedman, majority; Frohman, no) finding that the following projects are within the scope of the project covered by the Modesto Urban Area General Master Plan EIR (SCH#92052017): 2001 Urban Growth Policy Review and submitting an advisory measure with respect to providing sewer service to a portion of the Roselle/Claribel Comprehensive Planning District voters at the next Regular Municipal Election.

Res. No. 2001-365 (Frohman/Conrad, majority; Serpa, no) directing the City Clerk to submit to the voters at the next Regular Municipal Election an advisory measure relating to the extension of sewer service to the unincorporated area generally located south of Maze Boulevard, west of State Route 99, north of the Tuolumne River, and east of Carpenter Road, and the area generally located south of Shoemake Avenue, west of Carver Road and Emerald Avenue, north of Maze Boulevard, and east of Morse Road.

Res. No. 2001-366 (Serpa/Friedman, majority; Frohman, no) finding that the following projects are within the scope of the project covered by the Modesto Urban Area General Master Plan EIR (SCH#92052017): 2001 Urban Growth Policy Review as required by the adopted Modesto Urban Area General Plan, "Community Growth Strategy."

Motion (Conrad/Sabatino; minority; Fisher, Friedman, Frohman, Serpa, & Smith, no) to include Johansen/North Empire failed to carry.

Motion by Conrad to include Kiernan/Carver CPD failed due to lack of a second.

Motion (Conrad/Sabatino; minority; Fisher, Friedman, Serpa & Smith, no) to include Waterman/Luchessa 80 acre piece failed to carry.

Consider at the next Council meeting, a resolution transmitting the Advisory Growth Management ballot measures to the City Attorney to prepare an impartial analysis.

NEW BUSINESS

20. Oral report on the status of the Washington Street Project.

ACTION: No Action Taken.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 12:30 a.m., Wednesday July 11, 2001

MINUTES

Tuesday, July 17 , 2001, 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: Recitation of the Lord's Prayer

City Clerk's Announcements: None

Declaration of Conflicts of Interest: *Conrad, Items 1 &16*
Fisher, Item 12

ORAL COMMUNICATIONS

- Cliff Meyer commented on his concerns regarding media abuse of street parking time limits.
- Dave Geer encouraged Council to carefully review any tree ordinances being considered.
- An anonymous audience member commented on elderly care and education of children.
- Constance Flierman commented regarding water fluoridation outside the city limits.

COUNCIL COMMENTS & REPORTS

Councilmember Conrad Excused Due to Conflict of Interest

1. At the request of Mayor Sabatino, consider directing staff to evaluate and determine whether or not the structures on the South side of Scenic between Oakdale and the County Hospital violate the dangerous building code or any other provision of the Modesto Municipal Code.

ACTION: By Motion (Frohman/Sabatino; majority; Friedman, no) staff was directed to work with the developer on the development of parcel 8 and to work with the developer on the removal of the buildings and review possible loan opportunities. Fire inspections will be done as normally scheduled.

2. At the request of Councilmember Frohman, consider an ordinance to prohibit the commencement of discussion of any City Council or Planning Commission Public Meeting Agenda Item after 10:00 p.m. Should all items on the agenda not be completed, the balance of the items shall be carried over until the next meeting as ordered by the Mayor for the Council or the Chair of the Planning Commission. Consider asking the City Attorney to draft an ordinance to make these changes.

ACTION: Motion (Frohman/Conrad; minority; Fisher, Friedman, Serpa, Sabatino, no) directing City Attorney to draft an ordinance prohibiting commencement of discussion of any City Council or Planning Commission Public Meeting Agenda Item after 10:00 p.m. failed to carry.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3- 9, 11
Item 10 removed from Consent

ACTION: Friedman/Frohman; 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 July 10, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of July 10, 2001.

CONSENT

4. Final adoption of:
(Motion approving final adoption recommended.)
 - a. Ordinance No. 3227-C.S. amending Article 7 of Chapter 3 of Title 2 of the Modesto Municipal Code to change the title of the Recreation and Neighborhoods Department to Parks, Recreation and Neighborhoods Department, and amending the title of Title 12 of the Modesto Municipal Code to eliminate reference to the “Recreation and Neighborhoods Department” and to create the “Parks, Recreation and Neighborhoods Department”.

ACTION: By Motion (Friedman/Frohman; unan.) approved **final adoption of Ordinance No. 3227-C.S.** amending Article 7 of Chapter 3 of Title 2 of the Modesto Municipal Code to change the title of the Recreation and Neighborhoods Department to Parks, Recreation and Neighborhoods Department, and amending the title of Title 12 of the Modesto Municipal Code to eliminate reference to the “Recreation and Neighborhoods Department” and to create the “Parks, Recreation and Neighborhoods Department”.

- b. Ordinance No. 3228-C.S. amending Sections 2-4.201 and 2-4.202 of Chapter 4 of Title 2 of the Modesto Municipal Code relating to fiscal administration.

ACTION: By Motion (Friedman/Frohman; unan.) approved **final adoption of Ordinance No. 3228-C.S.** amending Sections 2-4.201 and 2-4.202 of Chapter 4 of Title 2 of the Modesto Municipal Code relating to fiscal administration.

- c. Ordinance No. 3229-C.S. adopting a Precise Plan for the Northeast Quadrant of Area No. 20 of the village One Specific Plan, relating to property located on the north side of Floyd Avenue east of Roselle Avenue (Warren Smith Lawson Family Inc.).

ACTION: By Motion (Friedman/Frohman; unan.) approved **final adoption of Ordinance No. 3229-C.S.** adopting a Precise Plan for the Northeast Quadrant of Area No. 20 of the village One Specific Plan, relating to property located on the north side of Floyd Avenue east of Roselle Avenue (Warren Smith Lawson Family Inc.).

- d. Ordinance No. 3230-C.S. 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 Floyd Avenue east of Roselle Avenue (Precise Plan for the northeast quadrant of Area No. 20 – Warren Smith Lawson Family Inc.).

ACTION: By Motion (Friedman/Frohman; unan.) approved **final adoption of Ordinance No. 3230-C.S.** 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 Floyd Avenue east of Roselle Avenue (Precise Plan for the northeast quadrant of Area No. 20 – Warren Smith Lawson Family Inc.).

CONSENT

- 5. Consider authorizing the purchase of Oracle site licensing from Oracle for a total cost of \$225,000.00 to be paid over five years, and authorizing the City Manager to execute the necessary documents. The first fiscal year costs will be \$66,000.00 subsequent fiscal year licensing fee costs will be \$39,750.00 each fiscal year, for four additional fiscal years. (Oracle's database system is similar to an electronic filing cabinet that allows for easy access and retrieval of the City's departmental information.) (Resolution authorizing the purchase and authorizing City Manager to execute the necessary documents recommended.)

Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-367 (Friedman/Frohman; unan.) authorizing the purchase of Oracle site licensing from Oracle and authorizing the City Manager to execute the loan agreements.

CONSENT

6. Consider authorizing the purchase of a directional-boring unit to Ditch Witch Central California for a total cost of \$65,281.97. Use of this equipment by the City's Water Division will result in reduced impact to City streets, reduced street pavement replacement costs, and will extend the pavement life expectancy. Funds are budgeted.
(Resolution authorizing purchased recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-368 (Friedman/Frohman; unan.) authorizing the purchase of a directional boring unit to Ditch Witch Central California for a total cost of \$65,281.97.

CONSENT

7. Consider authorizing the Purchasing Supervisor to issue a purchase order to Brisco Enterprises for removal and transportation of primary wastewater bio-solids for Operations & Maintenance Department – Water Quality Control for FY 2001/2002 in the amount of \$68,062.00 per year, with three one-year extensions. Funds are budgeted.
(Resolution authorizing the Purchasing Supervisor to issue a purchase order to Brisco Enterprises for removal and transportation of primary wastewater bio-solids for Operations & Maintenance Department – Water Quality Control for FY 2001/2002 with three one-year extensions recommended.)
Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2001-369 (Friedman/Frohman; unan.) authorizing the Purchasing Supervisor to issue a purchase order to Brisco Enterprises for removal and transportation of primary wastewater bio-solids for Operations & Maintenance Department – Water Quality Control for FY 2001/2002 with three one-year extensions

CONSENT

8. Consider a change in the weekday opening hours for Modesto Area Dial -A-Ride from 6:15 a.m. to 4:45 a.m. This time change would be used primarily by dialysis patients, but would be open to other eligible MDAR riders if space is available.
(Resolution approving time change recommended.)
Engineering & Transportation; Fred Cavanah, 577-5298, fcavanah@modestogov.com

ACTION: Res. No. 2001-370 (Friedman/Frohman; unan.) approving a change in the weekday opening hours for Modesto Area Dial-A-Ride from 6:15 a.m. to 4:45 a.m.

CONSENT

9. Consider amending the Classification Plan to create the classifications of Airport Maintenance Crewleader and Streets Engineer and delete the classification of Airport Operations and Maintenance Supervisor and Streets Superintendent; Consider amending the Class Range Tables for the above and for Neighborhood Preservation Supervisor.
(Resolution amending the Classification Plan to create the classifications of Airport Maintenance Crewleader and Streets Engineer and delete the classification of Airport

Operations and Maintenance Supervisor and Streets Superintendent recommended; Resolution revising the Class Range Tables for Management/Confidential and General Non-Sworn for the above classifications and for Neighborhood Preservation Supervisor recommended.)

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-371 (Friedman/Frohman; unan.) amending the Classification Plan to create the classifications of Airport Maintenance Crewleader and Streets Engineer and delete the classification of Airport Operations and Maintenance Supervisor and Streets Superintendent.

Res. No. 2001-372 (Friedman/Frohman; unan.) revising the Class Range Tables for Management/Confidential and General Non-Sworn for the above classifications and for Neighborhood Preservation Supervisor.

Item 10 Removed from Consent

10. Consider salary adjustments for the City Manager, City Attorney and City Clerk/Auditor. (Resolution authorizing 5% salary increases for City Manager, City Attorney and City Clerk/Auditor recommended.)

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Res. No. 2001-373 (Friedman/Fisher; majority; Serpa, no) authorizing a 5% salary increases for the City Manager, City Attorney, and City Clerk/Auditor.

CONSENT

11. Consider a resolution transmitting the advisory measures to the City Attorney to prepare an impartial analysis.

(Resolution transmitting the advisory measures to the City Attorney to prepare an impartial analysis recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2001-374 (Friedman/Frohman; unan.) transmitting the advisory measures to the City Attorney to prepare an impartial analysis.

OPTIONAL:

Consider authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against such measures.

(Resolution authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2001-375 (Friedman/Frohman; unan.) authorizing a member of the City Council or a group of member of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election.

HEARINGS

Vice Mayor Fisher Excused Due to Conflict of Interest

12. Hearing to consider a request for Deferral of Capital Facilities Fees from Stanislaus County Affordable Housing Corporation for five properties located outside of the Modesto City Limits, but within the City's Sphere of Influence, and authorizing the City Manager to execute related documents.

(Resolution approving Deferral of Capital Facilities Fees for Stanislaus County Affordable Housing Corporation for five properties located outside of the Modesto City Limits, but within the City's Sphere of Influence, and authorizing the City Manager to execute related documents.)

Parks, Recreation & Neighborhoods; Miguel Galvez, 571-5506,

mgalvez@modestogov.com

ACTION: Res. No. 2001-376 (Conrad/Friedman; majority; Fisher, absent.) approving Deferral of Capital Facilities Fees for Stanislaus County Affordable Housing Corporation for five properties located outside the Modesto City Limit, but within the City's Sphere of Influence, and authorizing the City Manger toe execute related documents.

13. Hearing to consider confirming the diagram and assessment, and levying the proposed assessment for Landscape District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6. (Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6 recommended.)
Engineering & Transportation; Kevin Becker, 571-5569, kbecker@modestogov.com

ACTION: Res. No. 2001-377 (Frohman/Friedman, unan.) confirming the diagram and assessment, and levying the proposed assessment for Landscape District No. 1 for Dry Creek Meadows Subdivision Nos. 1-6.

14. Hearing to consider confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Unit 1 & 2. (Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Unit 1 & 2 recommended.)
Engineering & Transportation; Kevin Becker, 571-5569, kbecker@modestogov.com

ACTION: Res. No. 2001-378 (Frohman/Friedman; unan.) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Nos. 7-10., Creekwood Meadows Subdivision and Yosemite Meadows Unit 1 & 2.

NEW BUSINESS

15. Consider acquiring authorization from the State Board of Equalization for City of Modesto's Finance Director, or his authorized designee, to examine City Sale Tax and Use Tax information. (Motion acknowledging receipt of report; Resolution requesting permission from the State Board of Equalization for the finance Director or his authorized designee to examine Sale and Use Tax records recommended.)
Finance; Stan Feathers, 577-5458, sfeathers@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan.) acknowledged receipt of report.

Res. No. 2001-379 (Conrad/Fisher; unan.) requesting permission from the State Board of Equalization for the finance Director or his authorized designee to examine Sale and Use Tax records.

Councilmember Conrad Excused Due to Conflict of Interest

16. Consider approving the City's participation in the proposed Lease-to-Own Home Ownership Program for homebuyers as administered by the Pacific Housing and Finance Agency and authorizing staff to negotiate a joint powers agreement.

(Resolution approving participation and authorizing staff to negotiate a joint powers agreement recommended.)

*Parks, Recreation & Neighborhoods; Miguel Galvez, 571-5506,
mgalvez@modestogov.com*

ACTION: Res. No. 2001-380 (Frohman/Friedman; Conrad, absent) approving participation in the Lease-to-Own Home Ownership Program and authorizing staff to negotiate a joint powers agreement.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

MINUTES

Tuesday, July 24, 2001, 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: Recitation of the Lord's Prayer

City Clerk's Announcements: *Items 10 & 18 removed from Agenda*

Declaration of Conflicts of Interest: *Conrad; Items 4, 14, 15, 21*
Fisher; Item 20

ORAL COMMUNICATIONS

- Dale Williams commented on potential displaced residents in Prescott Estates

COUNCIL COMMENTS & REPORTS

1. At the request of Councilmember Conrad, consider noticing the Monday agenda review meetings as a workshop and a committee meeting.
Estimated time: 14 minutes

ACTION: Motion (Conrad/Frohman; minority; Fisher, Friedman, Serpa, Smith; no) to notice Monday agenda review meetings as a workshop and committee meeting failed to carry.

2. At the request of Mayor Sabatino, consider funding for an electronic voting system in the Chambers.
Estimated time: 17 minutes

ACTION: Item was continued to August 9, 2001 Council meeting.

- Mayor Sabatino commented on two Modesto Bee Editorials.

- Vice Mayor Fisher requested placement on the August 9, 2001 Council Agenda to move Council Comments and Reports to the end of the agenda and consensus of the full Council being required to change the Order of Business on the agenda.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3, 4, 6, 8 through 15
Items 5 & 7 removed from Consent

ACTION: Conrad/Fisher; 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 July 17, 2001.
 (Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By motion (Conrad/Fisher; unan.) approved the minutes of July 17, 2001.

Councilmember Conrad Absent Due to Conflict of Interest

4. Consider accepting the improvements for Arbor Lane No.2 subdivision in the Coffee - Claratina Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release 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 Arbor Lane No. 2 subdivision and authorizing the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-381 (Friedman/Fisher; Conrad, absent) accepting improvements for Arbor Lane No. 2 Subdivision and authorizing the City Clerk to file Notice of Completion and release securities upon expiration of statutory periods.

Item 5 Removed from Consent

5. Consider amending an agreement with Minagar and Associates to provide consultant services for the project entitled “Traffic Signal Retiming Project Outside the Central Business District”, and consider authorizing an appropriation transfer to fund the additional work.
 (Resolution approving an agreement with Minagar and Associates to provide consultant services for the project entitled “Traffic Signal Retiming Project Outside the Central Business District” recommended; Resolution authorizing an appropriation transfer to fund the additional work recommended.)

Engineering & Transportation; Van Switzer, 577-5214, vswitzer@modestogov.com

ACTION: Res. No. 2001-382 (Friedman/Fisher; unan.) approving an agreement with Minagar and Associates to provide consultant services for the project entitled “Traffic Signal Retiming Project Outside the Central Business District.”

Res. No. 2001-383 (Friedman/Fisher; unan.) authorizing an appropriation transfer to fund the additional work.

CONSENT

6. Consider awarding a \$71,559.00 contract to Pro-Tec Painting & Coating Inc. for the project titled “Modesto Centre Plaza Harvest Hall Floor”; consider approving an appropriation transfer to fully fund the project.

(Resolution awarding a \$71,559.00 contract to Pro-Tec Painting & Coating Inc. for the project titled “Modesto Centre Plaza Harvest Hall Floor” recommended; Resolution approving an appropriation transfer to fully fund the project recommended.)

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-384 (Conrad/Fisher; unan.) awarding a \$71,559.00 contract to Pro-Tec Painting & Coating Inc for the project “Modesto Centre Plaza Harvest Hall Floor”.

Res. No. 2001-385 (Conrad/Fisher; unan.) approving an appropriation transfer to fully fund the project.

Item 7 Removed from Consent

7. Consider awarding a \$234,381.00 contract to W.M. Lyles Co. for the project titled “Water Main Construction on Church Street in Empire”.

(Resolution awarding a \$234,381.00 contract to W.M. Lyles Co. for the project titled “Water Main Construction on Church Street in Empire” recommended.)

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-386 (Friedman/Fisher; unan.) awarding a \$234,381.00 contract to W.M. Lyles Co. for the project titled “Water Main Construction on Church Street Empire.”

CONSENT

8. Consider awarding a \$51,033.00 contract to Southwest Recreational Industries Inc. for the project titled “Davis Park Tennis Courts Renovation”.

(Resolution awarding a \$51,033.00 contract to Southwest Recreational Industries Inc. for the project titled “Davis Park Tennis Courts Renovation” recommended.)

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-387 (Conrad/Fisher; unan.) awarding a \$51,033.00 contract to Southwest Recreational Industries Inc. for the project titled “Davis Park Tennis Courts Renovation.”

CONSENT

9. Consider entering into agreements with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work-Study and CalWORKS Work Study programs for the 2001-2002 program year.
(Resolution approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work -Study Program for the 2001-2002 program year recommended; Resolution approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work-Study Program for the 2001=2002 program year recommended.)
Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Res. No. 2001-388 (Conrad/Fisher; unan.) approving an agreement with Yosemite Community College District and Modest Junior College to participate in the subsidized Federal Work Study Program for the 2001 -2002 program year.

Res. No. 2001-389 (Conrad/Fisher; unan.) approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work-Study Program for the 2001=2002 program year.

Item 10 Removed from Agenda

10. Consider amending the Classification Plan to create the classification of Traffic Operations Technician and to delete the classifications of Traffic Painter, Traffic Sign Worker and Traffic Technician and to amend the classification of Equipment Operator. Consider amending the Class Range Tables to add the salary for Traffic Operations Technician and to delete the salary for Traffic Painter, Traffic Sign Worker and Traffic Technician.
(Resolution adding the classification of Traffic Operations Technician and to delete the classifications of Traffic Painter, Traffic sign Worker, and Traffic Technician and to revise the job description for Equipment Operator recommended; Resolution amending the Class Range Table to establish a salary for the Classification of Traffic Operations Technician and to delete the salary for Traffic Painter, Traffic Sign Worker, and Traffic Technician recommended.)
Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: No Action Taken

CONSENT

11. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for rock, sand, and gravel for FY 2001/2002 to be used for rockwell drainage, sand for parks, street maintenance operations, and wastewater pond erosion control.
(Resolution authorizing the Request for Bids for rock, sand and gravel for FY 2001/2002 recommended.)
Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2001-390 (Conrad/Fisher; unan.) authorizing the Request for Bids for rock, sand and gravel for FY 2001/2002.

CONSENT

12. Consider awarding the remodel of Fire Station #5 to Howell Construction for a total cost of \$78,956.00; funds are budgeted.
(Resolution awarding the remodel of Fire Station #5 to Howell Construction for a total cost of \$78,956.00 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-391 (Conrad/Fisher; unan.) awarding the remodel of Fire Station #5 to Howell Construction for a total cost of \$78, 956.00.

CONSENT

13. Consider awarding the purchase of Liquid Ferric Chloride for FY 2001/2002, with a n option of three additional, one -year contract extensions, to Kemiron Inc. and authorizing issuance of a purchase order.
(Resolution awarding the purchase of Liquid Ferric Chloride for FY 2001/2002, with an option of three additional, one -year contract extensions, to Kemiron Inc. and authorizing issuance of a purchase order recommended.)
Finance; Tom Reddie, 5775406, treddie@modestogov.com

ACTION: Res. No. 2001-392 (Conrad/Fisher; unan.) awarding the purchase of Liquid Ferric Chloride for FY 2001/2002, with an option of three additional, one -year contract extensions, to Kemiron Inc. and authorizing the issuance of a purchase order.

Councilmember Conrad Absent Due to Conflict of Interest

14. Consider an amendment of the Energy Agreement between Covanta Stanislaus Inc. and Pacific Gas & Electric Company. Amendment to the agreements between Covanta Stanislaus Inc. and PG&E require the consent of the City and County.
(Resolution approving the amendment of the Energy Agreement between Covanta Stanislaus Inc. and Pacific Gas & Electric Company recommended.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2001-393 (Fisher/Friedman; Conrad, absent.) approving the amendment of the Energy Agreement between Covanta Stanislaus Inc. and Pacific Gas & Electric Company.

Councilmember Conrad Absent Due to Conflict of Interest

15. Consider authorizing the City Manager to execute the amendments to service agreements with Gilton Solid Waste and Waste Management (Modesto Disposal) relative to impact fees. At a January 23, 2001 public hearing, Council authorized staff to negotiate these amendments to increase the impact fees, and approved the new fees during the rate review hearing.

(Resolution authorizing the City Manager to execute the amendments to service agreements with Gilton Solid Waste and Waste Management (Modesto Disposal) relative to impact fees recommended.)

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2001-394 (Fisher/Friedman; Conrad, absent) authorizing the City Manager to execute the amendments to service agreement with Gilton Solid Waste and Waste Management (Modesto Disposal) relative to impact fees.

WRITTEN COMMUNICATIONS

16. Letter from Margaret Waterman requesting the Waterman-Luchessa property, approximately 80 acres, be placed on the November ballot as a separate sewer extension advisory vote. Property owners agree to pay the full additional costs of placing this item on the November ballot.

Estimated time: 33 minutes

ACTION: By Motion (Smith/Friedman; majority; Conrad, absent) denied request of Margaret Waterman to place Waterman-Luchessa property be placed on the November ballot as a separate sewer extension advisory vote.

17. Letter from The Modesto Coalition for Better Dental Health requesting the Modesto City Council to rescind the Council action of July 3, 2001 – Resolution 2001-327, regarding the advisory vote for water fluoridation on the November 6th ballot; and asking the City to place on the November 6, 2001 ballot an item for a binding ordinance to read “For the purpose of dental health shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the State of California?” and also include the 2% across the board water rate increase.

Estimated time: 41 minutes

ACTION: By Motion (Fisher/Smith; majority; Conrad, Frohman, no) directed the City Attorney to draft a binding ordinance to place on the November 6, 2001 ballot to read, “For the purpose of dental health, shall the City of Modesto fluoridate its drinking water in accordance with the standards set by the state of California and raise water rates 2% to support operational costs?: Yes or No”. Ordinance will be considered at a Special Meeting scheduled on Monday, July 30, 2001 at 5:15 p.m.

Removed from Agenda

18. Letter from Citadel Communications Corporation requesting that Cummins Drive be rezoned to allow public parking on the street.

Estimated time: 22 minutes

ACTION: No Action Taken

UNFINISHED BUSINESS

19. Consider amending Res. 2001-327 (water fluoridation advisory vote) to include those voters residing outside the City Limits receiving City water.
Estimated time: 23 minutes

ACTION: No Action Taken.

HEARINGS

Councilmember Fisher Absent on Vine Street Project Due to Conflict of Interest

20. Consider allocating \$152,780 in Fiscal Year 2000-2001 HOME Funds to two projects: Nirvana Sober Living to acquire & remodel a single-family dwelling at 131 Kelley Street which will provide housing for chemically dependent homeless individuals, and Vine Street Project to acquire a single-family dwelling at 512 Vine Street and make needed upgrades, and authorize the City Manager to execute necessary documents.
(Resolution allocating \$152,780 in Fiscal Year 2000-2001 HOME Funds to two projects: Nirvana Sober Living and Vine Street Project, and authorizing the City Manager to execute necessary documents recommended.)
Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com
Estimated time: 29 minutes

ACTION: Res. No. 2001-395 (Conrad/Fisher; unan.) allocating \$79,700 in Fiscal Year 2000-01 HOME funds the project entitled “Nirvana Sober Living”, and authorizing the City Manager to execute necessary documents.

Res. No. 2001-396 (Conrad/Frohman; Fisher, absent) allocating \$73,080 in Fiscal Year 2001-01 HOME funds to the project entitled “Vine Street Project”, and authorizing the City Manager to execute necessary documents.

Councilmember Conrad Absent Due to Conflict of Interest

21. Hearing to consider amendment to Precise Plan No. 14 of the Village One Specific Plan to reflect the realignment of Bear Cub Lane to permit the installation of a Dual -Use Stormwater Basin/Recreation Facility; City Initiated.

(Ordinance amending Precise Plan No. 14 of the Village One Specific Plan to reflect the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility recommended; Resolution certifying that the potential environmental effects of the precise plan amendment have been adequately addressed by the previously certified Village One Specific Plan EIR as amended by the Village One Supplemental EIR (SCH No. 90020181) recommended.)

Community Development; Patrick Kelly, 577-5268, pkelly@modestogov.com

Estimated time: 29 minutes

ACTION: By Motion (Frohman/Fisher; Conrad, absent) **introduced Ordinance No. 3231–C.S.** amending Precise Plan No. 14 of the Village One Specific Plan to reflect the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility

Res. No. 2001-397 (Frohman/Fisher; Conrad, absent) certifying that the potential environmental effects of the precise plan amendment have been adequately addressed by the previously certified Village One Specific Plan EIR as amended by the Village One Supplemental EIR (SCH No. 90020181)

NEW BUSINESS

22. Designation of Voting Delegate and Alternate Voting Delegate for League of California Cities Annual Conference September 12 through September 15, 2000 in Sacramento, California.

(Motion designating Voting Delegate and Voting Alternate needed.)

Estimated time: 17 minutes

ACTION: By Motion (Fisher/Serpa; unan.) designated Councilmember Friedman as Voting Delegate and Councilmember Smith as Voting Alternate.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 8:45 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

CONFERENCE WITH LABOR NEGOTIATOR:

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Robin Renwick, Personnel Director
Jack Crist, City Manager

Employee Organization: Modesto City Fire Fighters Association

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: Potential claims by city employees for violation of the Fair Labor Standards Act.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Section 54956.9(a) of the government Code)

Name of Case: K.J. Woods Construction v. City of Modesto – the matter is currently in mediation regarding construction dispute

The City Attorney returned at 9:30 p.m. to report that no action had been taken.

MINUTES

Monday, July 30, 2001, at 5:15 p.m.

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

Absent: None

Recitation of the Lord's Prayer

Pledge of Allegiance

ORAL COMMUNICATIONS

- Constance Florentine expressed his concern of residents served by City Water that live outside the City limits not having the opportunity to vote on the measure regarding fluoridation.
- Councilmember Serpa announced he would not be seeking re-election of his Council seat but would be running for County Assessor.
- Mayor Sabatino noted his letter addressed to Board of Supervisor Chair Paul requesting a presentation regarding County re-districting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

ACTION: Fisher/Friedman; 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 July 24, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of July 24, 2001.

UNFINISHED BUSINESS

2. Consider rescinding Resolution 2001-327 regarding the advisory measure for the fluoridation of Modesto's drinking water, and consider adopting a resolution directing City Clerk to place an ordinance on the November 6, 2001 ballot to fluoridate Modesto's drinking water and to increase water rates by 2%.
(Resolution rescinding Res. 2001-37 regarding the advisory measure for the fluoridation of Modesto's drinking water; and directing City Clerk to place an ordinance on the November 6, 2001 ballot to fluoridate Modesto's drinking water and to increase water rates by 2% recommended.)
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Reso. No. 2001-398 (Friedman/Fisher; majority; Conrad, Frohman, Sabatino, no) rescinding Res. 2001-327 regarding the advisory measure for the fluoridation of Modesto's drinking water; and directing City Clerk to place an ordinance on the November 6, 2001 ballot to fluoridate Modesto's drinking water and to increase water rates up to 2%.

Consider a resolution transmitting the measure to the City Attorney to prepare an impartial analysis.
(Resolution transmitting the measure to the City Attorney to prepare an impartial analysis recommended.)
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Reso. No. 2001-399 (Fisher/Friedman; unan.) transmitting the measure to the City Attorney to prepare an impartial analysis.

OPTIONAL:

Consider authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against such measure.

(Resolution authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Motion (Fisher/Frohman; minority; Conrad, Frohman, Sabatino, yes; Fisher, Friedman, Serpa, Smith, no) authorizing a member of the City Council or a group of members of the City Council to prepare ballot arguments in favor of or against the measure placed on the November 6, 2001 Municipal Election **failed to carry**.

WRITTEN COMMUNICATIONS

3. Letter from Frank Cousineau requesting the City Council consider placing a binding ballot measure on the November 6, 2001 Municipal Election to prohibit the addition of any substance to Modesto public drinking water for the purpose of effecting humans physically or mentally which has not been specifically approved by the U.S. Food and Drug Administration for safety and efficacy; and which contains contaminants at levels which exceed established United States Maximum Contaminant Level Goals or California Public Health Goals.

ACTION: No Action Taken

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

Thursday, August 9, 2001, at 5:15 p.m.

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

Absent: Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Rabbi Paul S. Gordon, Congregation Beth Shalom

City Clerk's Announcements: *Item 5 removed from Agenda*

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

ORAL COMMUNICATIONS

- Peter Gartner thanked Council for their participation in National Night Out on August 7, 2001.
- Denny Jackman requested status of the Village One finance plan and noted his concern of sidewalks planned in the Tuolumne River Flood Plain.
 - City Manager Crist and Councilmembers Conrad & Smith responded to Mr. Jackman.

COUNCIL COMMENTS & REPORTS

1. At the request of Councilmember Fisher, consider changing the order of business, and allowing Council instead of Mayor to take items out of order. (Continued from July 24, 2001 meeting.)
Estimated Time: 5 minutes

ACTION: Item Continued to the meeting of August 14, 2001.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2, 3, 6 through 8
Items 4, 9 & 10 removed from Consent

Item 5 removed from Agenda
Estimated Time: 15 minutes

ACTION: Friedman/Frohman; 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 City Council meeting of July 30, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; Sabatino, absent) approved the minutes of July 30, 2001.

CONSENT

3. Final adoption:
 - a. Consider **final adoption of Ordinance No. 3231-C.S.** amending the Precise Plan for Area No. 14 of the Village One Specific Plan to allow for the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility for property bounded by Hillglen Avenue on the North, Kodiak Drive on the South, Roselle Avenue on the East and Bear Cub Lane on the West (City initiated).

ACTION: By Motion (Friedman/Frohman; Sabatino, absent) approved **final adoption of Ordinance No. 3231-C.S.** amending the Precise Plan for Area No. 14 of the Village One Specific Plan to allow for the realignment of Bear Cub Lane to permit the installation of a dual-use stormwater basin/recreation facility for property bounded by Hillglen Avenue on the North, Kodiak Drive on the South, Roselle Avenue on the East and Bear Cub Lane on the West (City initiated).

REMOVED FROM CONSENT

4. Consider waiving formal bid procedures by five affirmative votes and authorizing the Purchasing Officer to purchase vehicles and heavy equipment throughout FY 2001 -02 in a cumulative amount not to exceed the budgeted amount of \$4,891,575.00
(Resolution waiving formal bid procedures by five affirmative votes and authorizing the Purchasing Officer to purchase vehicles and heavy equipment throughout FY 2001 -02 in a cumulative amount not to exceed the budgeted amount of \$4,891,575.00 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Reso. No. 2001-400 (Friedman/Smith; Sabatino, absent) waiving formal bid procedures by five affirmative votes and authorizing the Purchasing Officer to purchase vehicles and heavy equipment throughout FY 2001-02 in a cumulative amount not to exceed the budgeted amount of \$4,891,575.00.

REMOVED FROM AGENDA

5. Consider authorizing staff to obtain Requests for Qualifications/Request for Proposals for the Storm Drain Master Plan.
(Resolution authorizing staff to obtain Requests for Qualifications/Request for Proposals for the Storm Drain Master Plan recommended.)
Engineering & Transportation; Bob Meleg, 571-5149, bmeleg@modestogov.com

ACTION: No Action Taken

CONSENT

6. Consider awarding a \$1,558,958.25 contract to George Reed Inc. for the project titled “Sisk Road Recycle – Briggsmore to Dale” for the base bid and alternates 1 and 3. Funds are budgeted.
(Resolution awarding a \$1,558,958.25 contract to George Reed Inc. for the project titled “Sisk Road Recycle – Briggsmore to Dale” for the base bid and alternates 1 and 3 recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso. No. 2001-401 (Friedman/Frohman; Sabatino, absent) awarding a \$1,558,958.25 contract to George Reed Inc. for the project titled “Sisk Road Recycle—Briggsmore to Dale” for the base bid and alternates 1 and 3.

CONSENT

7. Consider approving a first amendment to agreement with Dokken Engineering for professional design services for “Replacement of the 9th Street Bridge over Tuolumne River” to prepare re-vegetation plans and specifications, and authorizing the City Manager to execute necessary documents. Funds are budgeted.
(Resolution approving a first amendment to agreement with Dokken Engineering for professional design services for “Replacement of the 9th Street Bridge over Tuolumne River” to prepare re-vegetation plans and specifications, and authorizing the City Manager to execute necessary documents recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso. No. 2001-402 (Friedman/Frohman; Sabatino, absent) approving a first amendment to agreement with Dokken Engineering for professional design services for “Replacement of the 9th Street Bridge over Tuolumne River” to prepare re-vegetation plans and specifications.

CONSENT

8. Consider accepting the improvements for Village Highlands Phase 2 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 2 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; Kevin Becker, kbecker@modestogov.com

ACTION: Reso. No. 2001-403 (Friedman/Frohman; Sabatino, absent) accepting the improvements for Village Highlands Phase 2 subdivision in the Village One Specific Plan and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of the statutory periods.

REMOVED FROM CONSENT

9. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #7).

(Resolution of Intention to annex territory to the Village One Community Facilities District No. 1996-1 (Annexation #7)

City Attorney Office; Roland Stevens; 577-5290, rstevens@modestogov.com

ACTION: Reso. No. 2001-404 (Friedman/Smith; Sabatino, absent) of Intention to annex territory to the Village One Community Facilities District No. 1996 -1 (Annexation #7).

CONSENT

10. Consider accepting the donation of a 1999 Chevrolet Tahoe LT to the City of Modesto's DARE program from the Friends of DARE.

(Resolution authorizing the City Manager to accept the donation of a 1999 Chevrolet Tahoe LT to the City of Modesto's DARE program from the Friends of DARE recommended.)

Police Department; Ron Sale, 572-9674, saler@modestopd.com

ACTION: Reso. No. 2001-405 (Serpa/Friedman; Sabatino, absent) authorizing the City Manager to accept the donation of a 1999 Chevrolet Tahoe LT to the City of Modesto's DARE program from the Friends of DARE.

WRITTEN COMMUNICATIONS

Fisher Absent Due to Conflict of Interest

11. Letter from Renee Ellis requesting a reconsideration of Village One Precise Plan Area #24.
Estimated Time: 20 minutes

ACTION: By Motion (Smith/Friedman; Fisher, Sabatino, absent) approved to reconsider item at a public hearing set for September 4, 2001.

12. Letter from Jenny Ketchum requesting a signal light be installed at McHenry and Coralwood.

Estimated Time: 20 minutes

ACTION: By Motion (Frohman/Conrad; Sabatino, absent) referred item to Transportation Policy Committee.

HEARINGS

13. Hearing to consider the appeal of Young Electric Sign Company regarding the Board of Zoning Adjustment denial of a conditional use permit for a 35 -foot-high 146 square foot freeway-oriented freestanding sign for the Black Angus Restaurant at 1616 Sisk Road.
Estimated Time: 45 minutes

ACTION: Reso. No. 2001-406 (Frohman/Friedman; majority; Conrad, Smith, no; Sabatino, absent) denying appeal of Young electric Sign Company regarding the Board of Zoning Adjustment denial of a conditional use permit for a 35 -foot-high 146 square foot freeway-oriented freestanding sign for the Black Angus Restaurant at 1616 Sisk Road.

NEW BUSINESS

14. Consider introduction of an ordinance entitled “Oversized Vehicle and Trailer Parking” to amend the Modesto Municipal Code to regulate, by permit, the parking of oversized vehicles and trailer parking in residential areas.
(Motion introducing ordinance recommended.)
Police Department; Ron Sale, 572-9674, saler@modestopd.com
Estimated Time: 45 minutes

ACTION: By Motion (Serpa/Conrad; Sabatino, absent) **introduced Ordinance No. 3232–C.S.** entitled “Oversized Vehicle and Trailer Parking” to amend the Modesto Municipal Code to regulate, by permit, the parking of oversized vehicles and trailer parking in residential areas with the condition that this item will be considered in a zoning ordinance in the future.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

MINUTES

Tuesday, August 14, 2001, 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 Ken Swett, First Foursquare Gospel

City Clerk's Announcements:

Declaration of Conflicts of Interest: *Fisher, Item 13*

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

ORAL COMMUNICATIONS

- Charlene Speck from SCEDCO acknowledged the City's participation in the SBA504 Loan Program
- Eric Woodell Commented on the City's solid waste ordinance and the placement of solid waste containers being incorrectly placed on the sidewalk instead of the street. He requested the ordinance be enforced and the curb cuts be made to accommodate wheel chairs.
? Councilmember Conrad responded to Mr. Woodell
- Dale Williams commented on the cancellation of the last 2 Council meetings in August.
- Daniel marsh commented on the possible District Election charter amendment approval and requested to see a timeline.

COUNCIL COMMENTS & REPORTS

1. At the request of Councilmember Fisher, consider changing the order of business, and allowing Council instead of Mayor to take items out of order. (Continued from July 24 & August 9, 2001 meeting.)

ACTION: By Motion (Fisher/Friedman; majority; Conrad, Frohman, Sabatino, no) directed the City Attorney to draft an ordinance to return Council Comments & Reports to its location prior to June 14 and include full Council discretion to change Order of Business on the agenda rather than the Mayor.

Councilmember Frohman requested this item be placed on the agenda for the first meeting in January 2002.

- Councilmember Conrad requested agenda review meetings be discussed at the first meeting in January 2002.

2. At the request of Mayor Sabatino, presentation of redistricting maps for Board of Supervisors.

ACTION: No action taken.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3-5, 7, 8, 10, 14-19
Items 6, 9, 11-13, & 20 removed from Consent

ACTION: Frohman/Friedman; unan.

CONSENT ITEMS

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

CONSENT

3. Consider awarding a \$604,965.20 contract to California Pavement Maintenance Company, Inc. for the project titled “2001 SLURRY SEALS PHASE II”; Consider amending the operating budget to appropriate grant funds from the Local Transportation Fund contingency reserves.

(Resolution awarding a \$604,965.20 contract to California Pavement Maintenance Company, Inc. for the project titled “2001 SLURRY SEALS PHASE II” recommended; Resolution amending the operating budget to appropriate grant funds from the Local Transportation Fund contingency reserves recommended.)

*Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com
Transportation Policy Committee approved*

ACTION: Reso. No. 2001-407 (Frohman/Friedman; unan.) awarding a \$604,965.20 contract to California Pavement Maintenance Company, Inc. for the project titled “2001 SLURRY SEALS PHASE II”

Reso. No. 2001-408 (Frohman/Friedman; unan.) amending the operating budget to appropriate grant funds from the Local Transportation Fund contingency reserves

CONSENT

4. Consider awarding a \$1,280,128 contract to George Reed, Inc. for the project titled "2000 - 2001 Pavement Maintenance"; and consider amending the budget, recognizing additional revenue and allocating those funds to the 2000 -2001 Pavement Maintenance project. (Resolution awarding a \$1,280,128 contract to George Reed, Inc. for the 2000 -2001 Pavement Maintenance project recommended; and a Resolution to amend the budget, recognizing additional revenue and allocating those funds to the 2000 -2001 Pavement Maintenance project recommended.)
*Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com
Transportation Policy Committee approved*

ACTION: Reso. No. 2001-409 (Frohman/Friedman; unan.) awarding a \$1,280,128 contract to George Reed, Inc. for the 2000 -2001 Pavement Maintenance project

Reso. No. 2001-410 (Frohman/Friedman; unan.) to amend the budget, recognizing additional revenue and allocating those funds to the 2000 -2001 Pavement Maintenance project

CONSENT

5. Consider awarding a \$316,730.00 contract to George Reed, Inc. for the project titled "Hetch Hetchy Bicycle Path, Phase III – Standiford To Semallon"; and consider amending the Hetch Hetchy Bicycle Path CIP and transferring funding from the CFF Air Quality and Non-Motorized Local Transportation Fund Reserves. (Resolution awarding a \$316,730.00 contract to George Reed, Inc. for the project Hetch Hetchy Bicycle Path, Phase III – Standiford to Semallon recommended; Resolution amending the Hetch Hetchy Bicycle Path CIP and transferring funding from the CFF Air Quality and Non-Motorized Local Transportation Fund Reserves recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso. No. 2001-411 (Frohman/Friedman; unan.) awarding a \$316,730.00 contract to George Reed, Inc. for the project Hetch Hetchy Bicycle Path, Phase III – Standiford to Semallon.

Reso. No. 2001-412 (Frohman/Friedman; unan.) amending the Hetch Hetchy Bicycle Path CIP and transferring funding from the CFF Air Quality and Non-Motorized Local Transportation Fund Reserves.

REMOVED FROM CONSENT

6. Consider approving the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning and construction of the project called “Pelandale Avenue Interchange Widening at State Hwy 99” and authorizing execution of the agreement by the City Manager; and consider awarding a \$785,336.50 contract to A. Teichert & Son, Inc., dba Teichert Construction, for the project titled “Pelandale Avenue Interchange Widening At State Hwy 99”, conditioned upon prior approval of the aforementioned JPA by the County. Funds are budgeted. (Resolution approving the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning and construction of the Project called “Pelandale

Avenue Interchange Widening at State Hwy 99” and authorizing execution of the agreement by the City Manager; Resolution awarding a \$785,336.50 contract to A. Teichert & Son, Inc., dba Teichert Construction, for the project titled “Pelandale Avenue Interchange Widening At State Hwy 99”, conditioned upon prior approval of the aforementioned JPA by the County recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso. No. 2001-413 (Friedman/Frohman; unan.) approving the Joint Powers Agreement between the City of Modesto and Stanislaus County for the planning and construction of the Project called “Pelandale Avenue Interchange Widening at State Hwy 99” and authorizing execution of the agreement by the City Manager

Reso. No. 2001-414 (Friedman/Frohman; unan.) awarding a \$785,336.50 contract to A. Teichert & Son, Inc., dba Teichert Construction, for the project titled “Pelandale Avenue Interchange Widening At State Hwy 99”, conditioned upon prior approval of the aforementioned JPA by the County.

CONSENT

7. Consider amending the budget to provide \$64,250.00 in funding related to the settlement of a construction claim filed on the “North Trunk Sewer – Marsala to Bangs to Carver” project by K. J. Woods Construction, Inc., from Sewer Fund Reserves.
(Resolution amending the budget to provide \$64,250.00 in funding related to the settlement of a construction claim filed on the “North Trunk Sewer – Marsala to Bangs to Carver” project by K. J. Woods Construction, Inc., from Sewer Fund Reserves recommended.)
Engineering & Transportation; Robert Granberg, 577-5423, rgranberg@modestogov.com

ACTION: Reso. No. 2001-415 (Frohman/Friedman; unan.) amending the budget to provide \$64,250.00 in funding related to the settlement of a construction claim filed on the “North Trunk Sewer – Marsala to Bangs to Carver” project by K. J. Woods Construction, Inc., from Sewer Fund Reserves

CONSENT

8. Consider setting a public hearing to be held on September 18, 2001 to obtain public comments on the 2000 Urban Water Management Plan.
(Resolution setting public hearing recommended.)
*Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com
Utility Services & Franchise Committee approved*

ACTION: Reso. No. 2001-416 (Frohman/Friedman; unan.) setting a public hearing to be held on September 18, 2001 to obtain public comments on the 2000 Urban Water Management Plan.

REMOVED FROM CONSENT

9. Consider expressing the City of Modesto's intent to enter into an agreement with Caltrans to provide a contribution of \$4 million in Capital Facility Fees to Stage I of the SR132 West Expressway project.
(Resolution approving an agreement with Caltrans recommended.)
*Engineering & Transportation; Richard Ulm, 577-5215, rulm@modestogov.com
Transportation Committee approved*

ACTION: Reso. No. 2001-417 (Friedman/Fisher; unan.) approving an agreement with Caltrans to provide a contribution of \$4 million in Capital Facility Fees to Stage I of the SR132 West Expressway project.

CONSENT

10. Consider accepting D.A. Wood Construction's contract for Rockwell Replacement/Addition 2000-2001 as complete and authorize the City Clerk to file a Notice of Completion.
(Resolution accepting Rockwell Replacement/Addition 2000-2001 as complete and authorize the City Clerk to file a Notice of Completion recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Reso. No. 2001-418 (Frohman/Friedman; unan.) accepting Rockwell Replacement/Addition 2000-2001 as complete and authorize the City Clerk to file a Notice of Completion

REMOVED FROM CONSENT

11. Consider approving final map of Fairmont Point 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: Dominion Developers, L.P., a California Limited Partnership.)
(Resolution approving final map of Fairmont Point subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Reso. No. 2001-419 (Conrad/Smith; majority; Smith, no) approving final map of Fairmont Point subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers.

REMOVED FROM CONSENT

12. Consider approving final map of Fairmont Point 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 (Owners: Dominion Developers, L.P., a California Limited Partnership.)
(Resolution approving final map of Fairmont Point No. 2 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Reso. No. 2001-420 (Conrad/Smith; majority; Smith, no) approving final map of Fairmont Point No. 2 subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers

REMOVED FROM CONSENT

Fisher absent due to conflict of interest

13. Consider approving final map of Davante Villas Unit No. 3 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. (Owner: Robert D. Calcagno, an unmarried man; Developer: Nova Development.)
(Resolution approving the final map of Davante Villas Unit No. 3 subdivision and authorizing the City Manager to execute subdivision agreement recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Reso. No. 2001-421 (Friedman/Conrad; majority; Fisher, absent) approving the final map of Davante Villas Unit No. 3 subdivision and authorizing the City M anager to execute subdivision agreement

- **Items 11, 12, & 13 will return with September 4, 2001 for staff recommendations regarding a solution to fund the drainage in the Village One & consider using a General Fund expenditure to complete the drainage system.**

CONSENT

14. Consider declaring Ferguson Enterprises the lowest responsive and responsible bidder for furnishing concrete boxes and covers in the amount of \$67,934.17, and furnishing cast iron and ductile iron fittings and related accessories in the amount of \$69,904.90, and authorize issuance of two purchase orders with the option of three additional one -year extensions. Funds are budgeted.

(Resolution authorizing Purchasing Supervisor to issue two purchase orders to Ferguson Enterprises: one in the amount of \$67,934.17 for concrete boxes and covers, one in the amount of \$69,904.90 for cast iron and ductile iron fittings and related accessories, each with the option of three additional one -year extensions recommended.)

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso. No. 2001-422 (Frohman/Friedman; unan.) authorizing Purchasing Supervisor to issue two purchase orders to Ferguson Enterprises: one in the amount of \$67,934.17 for concrete boxes and covers, one in the amount of \$69,904.90 for cast iron and ductile iron fittings and related accessories, each with the option of three additional one-year extensions

CONSENT

15. Consider authorizing the City Manager to issue a contract for a auction services with Roger Ernst & Associates for FY 2002, with the option of six additional one -year contract extensions. Auctions will be conducted at 824 Kiernan Avenue.

(Resolution approving contract with Roger Ernst & Associates for auction services for FY 2002, with the option of six additional one -year contract extensions recommended.)

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso. No. 2001-423 (Frohman/Friedman; unan.) approving a contract with Roger Ernst & Associates for auction services for FY 2002, with the option of six additional one year contract extensions.

CONSENT

16. Consider authorizing the City Manager to negotiate with Patton Boggs for Federal Legislative Lobbying Services.

(Resolution authorizing the City Manager to negotiate with Patton Boggs for Federal Legislative Lobbying Services recommended.)

City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Reso. No. 2001-424 (Frohman/Friedman; unan.) authorizing the City Manager to negotiate with Patton Boggs for Federal Legislative Lobbying Services.

CONSENT

17. Consider awarding a contract to RRM Design Group, Inc. for professional architectural services to complete the design development and contract document phases for the Maddux Youth Center Addition/Remodel. Funds are budgeted.

(Resolution awarding a contract to RRM Design Group, Inc. for professional architectural services to complete the design development and contract document phases for the Maddux Youth Center Addition/Remodel recommended.)

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

Human Services Committee approved

ACTION: Reso. No. 2001-425 (Frohman/Friedman; unan.) awarding a contract to RRM Design Group, Inc. for professional architectural services to complete the design development and contract document phases for the Maddux Youth Center Addition/Remodel.

CONSENT

18. Consider rejecting the bid received for the project titled "Expand ATMS Northeast". (Resolution rejecting bids received for Expansion of ATMS Northeast recommended.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso. No. 2001-426 (Frohman/Friedman; unan.) rejecting bids received for Expansion of ATMS Northeast.

CONSENT

19. Consider amending the Fiscal Year 2002 General Fund budget to re-estimate revenue. (Motion acknowledging receipt of report recommended; Resolution amending the FY 2002 General Fund budget to re-estimate revenue recommended.)
Finance; Stan Feathers, 577-5458, sfeathers@modestogov.com

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

Reso. No. 2001-427 (Frohman/Friedman; unan.) amending the FY 2002 General Fund budget to re-estimate revenue.

REMOVED FROM CONSENT

20. Consider authorizing Stanislaus County to levy and collect the annual assessments for the City of Modesto. (Motion acknowledging receipt of report recommended; Resolutions for: Improvement District 28-Sewer Improvements; Improvement District #29-Street and Water System Improvements; Public Facilities District #6-Street and Water Improvements; and Reconstruction of Certain Alleys and Sidewalks recommended.)
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By motion (Friedman/Fisher; unan.) acknowledging receipt of report.

Reso. No. 2001-428 (Friedman/Fisher, unan.) for Improvement District 28 -Sewer Improvements

Reso. No. 2001-429 (Friedman/Fisher, unan.) for Improvement District #29 -Street and Water System Improvements

Reso. No. 2001-430 (Friedman/Fisher, unan.) for Public Facilities District #6 -Street and Water Improvements

Reso. No. 2001-431 (Friedman/Fisher, unan.) for Reconstruction of Certain Alleys and Sidewalks

UNFINISHED BUSINESS

21. Consider approving the 2001 Legislative Platform and the addition of a cover letter and preamble to the Legislative Platform.
(Resolution approving the 2001 Legislative Platform and the addition of a cover letter and preamble to the Legislative Platform recommended.)
City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Reso. No. 2001- 432 (Conrad/Fisher) approving the 2001 Legislative Platform and the addition of a cover letter and preamble to the Legislative Platform with the amendments to the preamble and the addition of support legislation to encourage creation of tax incentives for construction of multifamily housing.

HEARINGS

22. Consider proposed Sewer Rate increases of: 5% effective October 1, 2001; 4% effective October 1, 2002; 4% effective October 1, 2003, and 3% effective October 1, 2004.
(Resolution approving Sewer Rate increases of: 5% effective October 1, 2001; 4% effective October 1, 2002; 4% effective October 1, 2003, and 3% effective October 1, 2004 recommended.)
*Engineering & Transportation; Richard Ulm, 577-5215, rulm@modestogov.com
Utility Services & Franchise Committee approved*

ACTION: Reso. No. 2001-433 (Sabatino/Smith; majority; Conrad, Serpa, no) approving Sewer Rate increases of: 5% effective October 1, 2001; 4% effective October 1, 2002; 4% effective October 1, 2003, and 3% effective October 1, 2004 recommended.

NEW BUSINESS

23. Consider approving the proposed amendments to the City's Down Payment Assistance Program to include: increasing the eligible sales price limit for all homes to an index, such as the median sales price for homes; increasing the maximum loan from \$7,500 to \$25,000; increasing the amortization period from 15 years to 20 years and requiring the buyer to put at least 1.5% from his/her funds for the down payment.

(Resolution approving amendments to the City's Down Payment Assistance Program to include: increasing the eligible sales price limit for all homes to an index, such as the median sales price for homes; increasing the maximum loan from \$7,500 to \$25,000; increasing the amortization period from 15 years to 20 years and requiring the buyer to put at least 1.5% from his/her funds for the down payment recommended.)

*Parks, Recreation & Neighborhoods; Miguel Galvez, 571-5506,
mgalvez@modestogov.com*

Community Development & Housing Committee approved

ACTION: Reso. No. 2001-434 (Smith/Fisher; unan.) approving amendments to the City's Down Payment Assistance Program to include: increasing the eligible sales price limit for all homes to an index, such as the median sales price for homes; increasing the maximum loan from \$7,500 to \$25,000; increasing the amortization period from 15 years to 20 years and requiring the buyer to put at least 1.5% from his/her funds for the down payment.

- The City Manager announced that a special Redevelopment Agency meeting is being scheduled for Thursday, August 16, 2001, at 5:00 p.m.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:05 p.m.

MINUTES

Tuesday, September 4, 2001, 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 Cliff Sexton, First Baptist Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: *Councilmember Fisher, Item 13*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Proclamation to the Bel Pass i Modesto World Champions of 14 year old Babe Ruth baseball.

ACTION: Proclamation presented by Mayor Sabatino

ORAL COMMUNICATIONS

- Joan Rutschow invited the Council to a speech by Phillip Day at the Centre Plaza Wednesday, September 5, 2001 regarding health issues including fluoride. Ms. Rutschow commented on a book regarding fluoride and requested item 15 be removed from the agenda.
- Bob Shook requested information regarding the dual use basin facility in Village One.

COUNCIL COMMENTS & REPORTS

- Councilmember Frohman commented on the deficit in Village One and that growth does not pay for itself.
- Mayor Sabatino reviewed Fresno's Mayor-Council form of government.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-6, 8, 10
Items 7 & 9 removed from

Consent

Item 11 reconsidered

Items 2-6, 8, 10

ACTION: Fisher/Friedman; unan.

Item 7

ACTION: Serpa/Conrad; majority, Frohman, no

Item 9

ACTION: Returned to Staff

Item 11

ACTION: Sabatino/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 special City Council meeting of August 9, 2001 and the regular City Council meeting of August 14, 2001.
(Motion approving needed.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Fisher/Friedman; unan.) approved the minutes of August 9, 2001 and August 14, 2001.

CONSENT

3. Consider amending the Position Classification Plan to create the classification of Law Enforcement Academy Recruit and amend the classification of Police Officer Trainee. Consider amending the Class Range Table for Law Enforcement Academy Recruit. Consider amending the Class Range Table for Computer Forensics Investigator.
(Resolution amending the Position Classification Plan to create the classification of Law Enforcement Academy Recruit and amend the classification of Police Officer Trainee recommended; Resolution revising the Class Range Tables for General Non -Sworn Classes and for General Police Classes recommended.)

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-435 (Fisher/Friedman; unan.) amending the Position Classification Plan to create the classification of Law Enforcement Academy Recruit and amend the classification of Police Officer Trainee.

Res. No. 2001-436 (Fisher/Friedman; unan.) revising the Class Range Tables for General Non-Sworn Classes and for General Police Classes.

CONSENT

4. Consider joinder in amicus briefs in: Schmidt v. City of San Jose; Barden v. City of Sacramento; and Charter Communications Inc. v. County of Santa Cruz.
(Motion authorizing the City to join in amicus briefs in: Schmidt v. City of San Jose; Barden v. City of Sacramento; and Charter Communications Inc. v. County of Santa Cruz and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs recommended.)
Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Fisher/Friedman; unan.) authorized the City to join in amicus briefs in: Schmidt v. City of San Jose; Barden v. City of Sacramento; and Charter Communications Inc. v. County of Santa Cruz and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

CONSENT

5. Consider awarding the bids for the purchase of Rock, Sand and Gravel to West Coast Materials Inc. in the amount of \$177,150 and Thornberry in the amount of \$187,818.50, and authorize the issuance of two purchase orders with the option of three additional, one - year extensions to both companies. Funds are budgeted.
(Resolution approving awarding of bids for purchases of rock, sand and gravel to West Coast Materials Inc. in the amount of \$177,150 and Thornberry in the amount of \$187,818.50, and authorize the issuance of two purchase orders with the option of three additional, one-year extensions to both companies recommended.)
Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2001-437 (Fisher/Friedman; unan.) approving awarding of bids for purchases of rock, sand and gravel to West Coast Materials Inc. in the amount of \$177,150 and Thornberry in the amount of \$187,818.50, and authorize the issuance of two purchase orders with the option of three additional, one -year extensions to both companies.

CONSENT

6. Consider authorizing the City Manager to sign and submit an application for a Planning Grant and Study Plan to determine the feasibility of a Regional Water Reclamation Plant with the State Water Resources Control Board, and authorizing the City Manager to negotiate and execute a grant contract on behalf of the City of Modesto.
(Resolution authorizing the City Manager to sign and submit an application for a Planning Grant and Study Plan, and to negotiate and execute a grant contract recommended.)
Engineering & Transportation; William Wong, 571-5801, wwong@modestogov.com

ACTION: Res. No. 2001-438 (Fisher/Friedman; unan.) authorizing the City Manager to sign and submit an application for a Planning Grant and Study Plan, and to negotiate and execute a grant contract.

Item 7 Removed from Consent

7. Consider rescinding Resolution 2000-576 and directing staff to review the proposals from the American G.I. Forum, West Side King-Kennedy Collaborative and the Housing Authority of the County of Stanislaus for use of property located at 308 Ruberto. (Resolution rescinding Resolution 2000-576 and directing staff to review the proposals from the American G.I. Forum, West Side King-Kennedy Collaborative and the Housing Authority of the County of Stanislaus for use of property located at 308 Ruberto recommended.)
Parks, Recreation & Neighborhoods; Ernie Richardson, 577-5392, erichardson@modestogov.com

ACTION: Res. No. 2001-439 (Serpa/Conrad; majority; Frohman, no) rescinding Res. 2000-576 and directing staff to review the proposals from the American G.I. Forum, West Side King-Kennedy Collaborative and the Housing Authority of the County of Stanislaus for use of property located at 308 Ruberto.

CONSENT

8. Consider HOME agreement with Nirvana Sober Living for the Kelley Street Project. (Resolution approving HOME agreement with Nirvana Sober Living for the Kelley Street Project and authorizing the City Manager to execute necessary documents recommended.)
Parks, Recreation & Neighborhoods; Ken Horrillo, 577-5419, khorrillo@modestogov.com

ACTION: Res. No. 2001-440 (Fisher/Friedman; unan.) approving HOME agreement with Nirvana Sober Living for the Kelley Street Project and authorizing the City manager to execute necessary documents.

Item 9 Removed from Consent

9. Consider approving lease agreements with Cricket California Property Company for cellular tower sites located at Water Tanks No. 5 (Orchard School), Beyer Community Park, Downey Community Park (contingent upon approval of a Conditional Use Permit by the Board of Zoning Adjustment on September 27, 2001), and Creekside Golf Course. (Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Water Tank No. 5 (Orchard School) recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Beyer Community Park recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Downey Community Park, contingent upon approval of a Conditional Use Permit by the Board of Zoning Adjustment on September 27, 2001 recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Creekside Golf Course recommended.)

Parks, Recreation & Neighborhoods; Allen Lagarbo, 342-2203, alagarbo@modestogov.com or Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Item was returned to Staff & Cricket to rewrite item to include four approved Conditional Use Permits, and resolve co-location issues, landscape screening, and a mutual term of the agreement. Item scheduled for September 11, 2001 Council Agenda.

CONSENT

10. Consider awarding contract to Collins Electrical in the amount of \$245,000 for the project entitled "Upgrade Traffic Signals – City". Funds are budgeted. (Resolution awarding contract to Collins Electrical in the amount of \$245,000 for the project entitled "Upgrade Traffic Signals – City" recommended.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2001-441 (Fisher/Friedman; unan.) awarding contract to Collins Electrical in the amount of \$245,000 for the project entitled "Upgrade Traffic Signals – City".

Item Reconsidered After Consent Vote Taken

11. Consider approving rental assistance to owner-occupants at Prescott Estates. (Resolution approving rental assistance recommended; Resolution approving amending the budget to appropriate \$14,400 from the General Fund Reserve to the Neighborhoods Administration Tenant Relocations fund recommended.)
Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Res. No. 2001-442 (Sabatino/Fisher; unan) approving rental assistance to owner occupants at Prescott Estates.

Res. No. 2001-443 (Sabatino/Fisher; unan.) approving amending the budget to appropriate \$14,400 from the General Fund Reserve to the Neighborhoods Administration Tenant Relocations fund.

WRITTEN COMMUNICATIONS

12. Letter from Rev. Ray Holton regarding alley gate for Small World Christian School children.

ACTION: By Motion (Sabatino/Friedman;unan.) directed Community Development & Housing Committee to review appropriate permit and return to Council for approval.

Councilmember Fisher absent due to conflict of interest

13. Letter from David O. Romano on behalf of Buz Carrade of Redev Inc. and Valley Public Housing LLC regarding improvements at Pelandale -Snyder/Carver-Bangs CFD 1998-2.

ACTION: Res. No. 2001-444 (Conrad/Friedman; majority; Frohman & Sabatino, no , Fisher, absent) withholding \$25,000 from the developer of the total reimbursement requested.

UNFINISHED BUSINESS

14. Final adoption:

- a. Ordinance 3232-C.S. adding Article 20 to Chapter 2, of Title 3 of the Modesto Municipal Code to regulate the parking of oversized vehicles and trailers in residential areas.

(Motion approving final adoption of Ordinance 3232-C.S. recommended.)

ACTION: By Motion (Friedman/Fisher; unan.) approved the **final adoption of Ordinance 3232-C.S.** adding Article 20 to Chapter 2, of Title 3 of the Modesto Municipal Code to regulate the parking of oversized vehicles and trailers in residential areas.

15. Consider introduction of an ordinance amending Section 2-1.08 of the Modesto Municipal Code changing the order of business on the City Council agenda and giving the Council ultimate authority to determine the order of business.

(Introduce 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

ACTION: By Motion (Fisher/Friedman; majority; Conrad & Frohman, no) **introduced Ordinance 3233-C.S.** amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal code relating to the City Council Organization and Procedure – Order of Business changing the order of business only for Council Comments & Reports. The authority of the mayor to take items out of order will not change.

NEW BUSINESS

16. Consider report on Internal Audit Plan 2001-2002.
(Resolution approving the Internal Audit Plan 2001 -2002 recommended.)
Clerk/Auditor; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: Res. No. 2001-445 (Smith/Friedman; unan.) approving the Internal Audit Plan 2001 - 2002.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:10 p.m.

MINUTES

Tuesday, September 11, 2001, at 5:15 p.m.

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

Absent: Conrad

DUE TO THE CATASTROPHIC EVENTS OF THE DAY AT THE WORLD TRADE CENTER IN NEW YORK AND THE PENTAGON IN WASHINGTON, D.C., ONLY THE FOLLOWING ITEMS OF BUSINESS OF WERE HEARD: Pledge of Allegiance, Special Invocation, Oral Communications, & Consent Items.

Pledge of Allegiance to the Flag

Special Invocation: Pastor Joel Richards, La Loma Grace Church

Pastor Charles Ahrens, First Foursquare Church—International Ministry

Pastor Seng, Church of Paradise—Cambodian Ministry

Captian Mike Dickinson, Salvation Army—Modesto

Father John Magoulas, Greek Orthodox Church

Rabbi Paul Gordon, Congregation Beth Shalom

Don Crooker, Modesto Police Department Chaplain

Pastor Ross Patterson, First Baptist Church

Reading of Psalm 25

Father Peter Caroda, Our Lady of Fatima

City Clerk's Announcements: Item 19 continued to September 18, 2001.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Outstanding Service Awards to the Modesto Police Department Chaplaincy Team.

ACTION: Continued to September 18, 2001

2. Proclamation designating October 19, 2001 as Karen Mathews Day.

ACTION: Continued to September 18, 2001

ORAL COMMUNICATIONS

- *Councilmember Serpa requested status report of the remodel of the Police Building.*

COUNCIL COMMENTS & REPORTS

None

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

ACTION: Serpa/Fisher; 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 September 4, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Serpa/Fisher; unan.; Conrad, absent) approved the minutes of September 4, 2001.

CONSENT

4. Consider amending the Classification Plan to create the classification of Traffic Operations Technician and to delete the classifications of Traffic Painter, Traffic Sign Worker and Traffic Technician, and to amend the classification of Equipment Operator. Consider amending the Class Range Tables to add the salary for Traffic Operations Technician and to delete the salary for Traffic Painter, Traffic Sign Worker and Traffic Technician. (Resolution amending the Classification Plan to create the classification of Traffic Operations Technician and to delete the classifications of Traffic Painter, Traffic Sign Worker and Traffic Technician, and to amend the classification of Equipment Operator recommended; Resolution amending the Class Range Tables to add the salary for Traffic Operations Technician and to delete the salary for Traffic Painter, Traffic Sign Worker and Traffic Technician recommended.)
Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Res. No. 2001-446 (Serpa/Fisher; unan.; Conrad, absent) amending the Classification Plan to create the classification of the Traffic Operations Technician and to delete the classifications of the Traffic Painter, Traffic Sign Worker and Traffic Technician, and to amend the classification of Equipment Operator.

Res. No. 2001-447 (Serpa/Fisher; unan.; Conrad, absent) amending the Class Range Tables to add the salary for Traffic Operations Technician and to delete the salary for Traffic Painter, Traffic Sign Worker and Traffic Technician.

CONSENT

5. Consider amending the Classification Plan to create the classification of Communications Specialist, and consider amending the Class Range Tables to establish a salary range for Communications Specialist.
(Resolution amending the Position Classification Plan to create Communication Specialist classification recommended; Resolution revising the Class Range Tables for Management/Confidential recommended.)
Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-448 (Serpa/Fisher; unan.; Conrad, absent) amending the Position Classification Plan to create Communication Specialist classification.

Res. No. 2001-449 (Serpa/Fisher; unan.; Conrad, absent) revising the Class Range Tables for Management/Confidential.

CONSENT

6. Consider approving a grant contract and authorizing the City Manager to execute necessary documents for “The Modesto Project to Enhance the Identification, Apprehension and Prosecution of Career Criminals”, a recently awarded grant program from the State Office of Criminal Justice Planning in the amount of \$97,516, and approving an amendment to Fiscal Year 2001/02 budget estimating revenues and appropriating funds. Grant revenues are offset by grant expenditures; there is no local match required.
(Resolution approving a grant contract and authorizing the City Manager to execute necessary documents for receipt of \$97,516 in grant monies for a 12 -twelve month project providing high technology equipment to assist in the operations of MNET, STAT and the TPUs for the apprehension of career criminals recommended; Resolution amending 2001/02 budget to estimate revenues and appropriate funds recommended.)
Police Department; Ron Sale, 572-9674, saler@modestopd.com

ACTION: Res. No. 2001-450 (Serpa/Fisher; unan.; Conrad, absent) approving a grant contract and authorizing the City manager to execute necessary documents for receipts of \$97,516 in grant monies for a twelve (12) month project providing high technology equipment to assist in the operations of MNET, STAT and the TPUs for the apprehension of career criminals.

Res. No. 2001-451 (Serpa/Fisher; unan.; Conrad, absent) amending 2001/02 budget to estimate revenues and appropriate funds.

CONSENT

7. Consider approving the final map of Sundance Lake 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© of the Municipal Code (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. 1 subdivision and authorizing the City Manager to execute subdivision agreement recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-452 (Serpa/Fisher; unan.; Conrad, absent) approving the final map of Sundance Lake Unit No. 1 subdivision and authorizing the City Manager to execute subdivision agreement.

CONSENT

8. Consider amending the budget to appropriate \$100,000 from the Sewer Fund Reserves to fund CIP projects J889 for \$82,200, and H818 for \$17,800, for legal services by the law firm of Davidovitz & Bennett for defense of construction claims filed on the Parallel Outfall Sewer Phase III Neighborhood Projects by Mauldin-Dorfrmeier Construction Inc. (Resolution amending the budget to appropriate \$100,000 from the Sewer Fund Reserves to fund CIP projects J889 for \$82,200 and H818 for \$17,800 recommended.)
Engineering & Transportation; Robert Granberg, 599-5423, rgranberg@modestogov.com

ACTION: Res. No. 2001-453 (Serpa/Fisher; unan.; Conrad, absent) amending the budget to appropriate \$100,000 from the Sewer Fund Reserves to fund CIP projects J889 for \$82,200 and H818 for \$17,800.

CONSENT

9. Consider authorizing staff to obtain Request for Qualifications/Request for Proposals for a Storm Drain Master Plan for the existing developed area within the City of Modesto. (Resolution authorizing staff to obtain Request for Qualifications/Request for Proposals for a Storm Drain Master Plan for the existing developed area within the City of Modesto recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-454 (Serpa/Fisher; unan.; Conrad, absent) authorizing staff to obtain Request for Qualifications/Request for Proposals for a Storm Drain Master Plan for the existing developed area within the City of Modesto

CONSENT

10. Consider waiving formal bid procedures by five affirmative votes and authorizing the purchase of a used asphalt milling machine and trailer for a not to exceed amount of \$260,000.00; and consider authorizing amending the Operations & Maintenance budget to allocate \$214,000.00 from Franchise Fee revenue account to be transferred to Street Grinder expense account. If costs exceed \$214,000.00, the Fleet Fund will be used for the balance and charges will be assessed to the operating division for said amount through rental rates.
(Resolution waiving formal bid procedures by five affirmative votes and authorizing the purchase of a used asphalt milling machine and trailer for a not to exceed amount of \$260,000.00; Resolution authorizing amending the Operations & Maintenance budget to allocate \$214,000.00 from Franchise Fee revenue account to be transferred to Street

Grinder expense account. If costs exceed \$214,000.00, the Fleet Fund will be used for the balance and charges will be assessed to the operating division for said amount through rental rates.

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

ACTION: Res. No. 2001-455 (Serpa/Fisher; unan.; Conrad, absent) waiving formal bid procedures by five affirmative votes and authorizing the purchase of a used asphalt milling machine and trailer for a not to exceed amount of \$260,000.00.

Res. No. 2001-456 (Serpa/Fisher; unan.; Conrad, absent) authorizing amending the Operations & Maintenance budget to allocate \$214,000.00 from Franchise Fee revenue account to be transferred to Street Grinder expense account.

CONSENT

11. Consider waiving formal bid procedures by five affirmative votes and approving the addition of five park sites to the Grover Landscaping Services existing landscape maintenance price agreement for a cost for the remainder to FY 2002 of \$48,735.00 and a total contract cost of \$113,715.00. The new sites would include Eisenhut, Aqueduct, Mark Twain, Stockard Coffee and Orchard parks.

(Resolution waiving formal bid procedures by five affirmative votes and approving the addition of five park sites to the Grover Landscaping Services existing landscape maintenance price agreement for a cost for the remainder to FY 2002 of \$48,735.00 and a total contract cost of \$113,715.00 recommended.)

Finance Department; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-457 (Serpa/Fisher; unan.; Conrad, absent) waiving formal bid procedures by five affirmative votes and approving the addition of five park sites to the Grover Landscaping Services existing landscape maintenance price agreement for a cost for the remainder to FY 2002 of \$48,735.00 and a total contract cost of \$113,715.00.

CONSENT

12. Consider declaring Universal Building Services lowest responsive and responsible bidder and authorizing the award for scheduled janitorial services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options. Total first year cost of \$18,876.00, year two cost of \$19,824.00, and year three cost of \$20,340.00, therefore, a total three-year cost of \$59,040.00 for scheduled janitorial services; Consider declaring American Building Services lowest responsive and responsible bidder and authorizing the award for event clean-up services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options with an annual estimated cost of \$58,681.00, therefore a total three-year estimated cost of \$176,043.00 for event clean-up services. (Resolution declaring Universal Building Services lowest responsive and responsible bidder and authorizing the award for scheduled janitorial services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options recommended; Resolution declaring American Building Services lowest responsive and responsible bidder and authorizing the award for event clean-up services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options recommended.)
Finance Department; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-458 (Serpa/Fisher; unan.; Conrad, absent) declaring Universal Building Services lowest responsive and responsible bidder and authorizing the award for scheduled janitorial services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options.

Res. No. 2001-459 (Serpa/Fisher; unan.; Conrad, absent) declaring American Building Services lowest responsive and responsible bidder and authorizing the award for event clean-up services at the Modesto Centre Plaza for the initial period of September 15, 2001 through September 14, 2002, with two one-year extension options.

CONSENT

13. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for valves and hydrants. Estimated cost for Fiscal Year 2002 is \$240,000. Funds are budgeted. (Resolution authorizing the Purchasing Supervisor to issue a Request for Bids for valves and hydrants recommended.)
Finance Department; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-460 (Serpa/Fisher; unan.; Conrad, absent) authorizing the Purchasing Supervisor to issue a Request for Bids for valves and hydrants

CONSENT

14. Consider funding the acquisition of the Coffee/Claratina Neighborhood Park Site by amending the FY 01-02 Capital Improvement Budget (CIP) to appropriate \$312,940 from Parks CFF Reserve, to reallocate \$200,000 from Frazine Neighborhood Park Acquisition and Development, to reallocate \$35,854 from Northeast McHenry Neighborhood Park Acquisition, and to reallocate \$274,206 from Acquisition, to Northeast McHenry Neighborhood Park Acquisition.
(Resolution amending the Fiscal Year 2001-02 Capital Improvement Plan budget to reallocate/appropriate monies from the following funds into Northeast McHenry Neighborhood Park Acquisition (1350-310-L002-6000) to provide funding for acquisition of the Coffee/Claratina Neighborhood Park Site: appropriate \$312,940 from 1350-800-8000-8003, Parks CFF Reserve; reallocate \$200,000 from 1350-310-M175-6030, Frazine Neighborhood Park Acquisition and Development; reallocate \$36,854 from 135-310-P950-6030, Northeast McHenry Neighborhood Park Acquisition; and reallocate \$274,206 from 135-310-K055-6030, Acquisition recommended.)
Parks, Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Res. No. 2001-461 (Serpa/Fisher; unan.; Conrad, absent) amending the Fiscal Year 2001-02 Capital Improvement Plan budget to reallocate/appropriate monies from the following funds into Northeast McHenry Neighborhood Park Acquisition (1350-310-L002-6000) to provide funding for acquisition of the Coffee/Claratina Neighborhood Park Site: appropriate \$312,940 from 1350-800-8000-8003, Parks CFF Reserve; reallocate \$200,000 from 1350-310-M175-6030, Frazine Neighborhood Park Acquisition and Development; reallocate \$36,854 from 135-310-P950-6030, Northeast McHenry Neighborhood Park Acquisition; and reallocate \$274,206 from 135-310-K055-6030, Acquisition.

By Motion (Frohman/Friedman; unan; Conrad, absent) **all remaining items were continued to the September 18, 2001 Council meeting.**

UNFINISHED BUSINESS

15. Final adoption:

Ordinance 3233-C.S. amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the City Council Organization and Procedure – Order of Business.

(Motion approving final adoption of Ord. 3233 -C.S. recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Continued to September 18, 2001

16. Consider approving lease agreements with Cricket California Property Company for cellular tower sites located at Water Tanks No. 5 (Orchard School), Beyer Community Park, Downey Community Park and Creekside Golf Course.

(Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Water Tank No. 5 (Orchard School) recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Beyer Community Park recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Downey Community Park, contingent upon approval of a Conditional Use Permit by the Board of Zoning Adjustment on September 27, 2001 recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Creekside Golf Course recommended.)

Item continued from September 4, 2001 meeting

Parks, Recreation & Neighborhoods; Allen Lagarbo, 342-2203,

alagarbo@modestogov.com or Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Continued to September 18, 2001

HEARINGS

17. Hearing to consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1, and consider calling election (Annexation #7). (Resolution calling election recommended.)
CFD Formation Group; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION Continued to September 18, 2001

18. Hearing to reconsider the application of Renee Ellis-Singleton for a Precise Plan for Area No. 24 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the South side of (future) Floyd Avenue and on the West side of Claus Road.
(Introduction of ordinance approving Precise Plan No. 24 recommended; Introduction of ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended; Resolution finding Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.)
Community Development; Brad Wall, 577-5287, bwall@modestogov.com

ACTION: Continued to September 18, 2001

19. Hearing to consider airport rates and charges, adding an ultralight access fee of \$100.00 per year, and rescinding Resolution 2001-236.
(Resolution revising airport rate and charges, adding an ultralight access fee of \$100.00 per year, and rescinding Res. 2001-236 recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Continued to September 18, 2001

20. Hearing to consider the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2000-2001.

(Resolution approving report and authorizing the City Manager to submit the report to HUD for their review and approval recommended.)

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

ACTION: Continued to September 18, 2001

NEW BUSINESS

21. Consider staff report on Performance Review of the Community Development Department.

(Motion receiving report and referring the Performance Review to the City Audit Committee for review and comment recommended.)

City Manager; George Britton, 577-5221, gbritton@modestogov.com

ACTION: Continued to September 18, 2001

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:30 p.m.

MINUTES

SPECIAL WORKSHOP 5:00 p.m. on Monday, September 17, 2001

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

Absent: Councilmembers Conrad
Councilmember Fisher left the meeting at 6:45 p.m.

Workshop concerning the following:

- Business Park Workshop

ACTION: Presentation made by Linda Boston, Business Development Division Manager, and Jay Corey, Redevelopment Specialist. Council comments were responded to by staff. Audience comments were accepted.

By Motion (Friedman/Sabatino; majority; Serpa, no; Fisher, absent) accepted Business Park Development Program Action Plan, making the following changes:

- Change ‘institute’ to ‘encourage’ in Item #4 under the Summary of the Action Plan,
- Delete Modest Junior College West from the list of business park sites for potential development.

- Village One Drainage Construction and Financing Plans

ACTION: Finance Director Rob Stout made the staff presentation. Council questions were answered by staff and audience comments were accepted. The Building Industry Association presented their proposal.

No action was taken. Item will be placed on the September 25, 2001 Council agenda.

This meeting adjourned at 7:35 p.m.

MINUTES

Tuesday, September 18, 2001, 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 Michael Douglas, Big Valley Grace Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: *Councilmember Fisher; Item 19*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Outstanding Service Awards to the Modesto Police Department Chaplaincy Team. *Continued from September 11, 2001.*

ACTION: Certificates presented by Mayor Sabatino.

3. Proclamation designating October 19, 2001 as Karen Mathews Day. *Continued from September 11, 2001*

ACTION: Mayor Sabatino read proclamation in honor of Karen Mathews and presented her with the proclamation.

3. Presentation of Proclamation in recognition of Pollution Prevention Week, Sept. 17-23, 2001.

ACTION: Mayor Sabatino presented proclamation to Robert Howard, Water Quality Control.

4. Presentation of Proclamation in recognition of Race Equality Day, September 19, 2001.

ACTION: Mayor Sabatino presented proclamation.

5. Presentation of Certificate of Recognition to Bill Cameron for 33 years of service, dedication and commitment to the City of Modesto.

ACTION: Mayor Sabatino presented certificate to Bill Cameron.

ORAL COMMUNICATIONS

- Frank Alvarez and Raul Ortega commented on the recent attack on America and requested support of our Armed Forces.
- Denny Jackman commented on the success of the Westside Cleanup Project last week. He also noted his concern about the rat infestation in the county island included in that project.
- Blair Jackson commented on the appeal process of the Planning Commission's decision on the Senior Housing Project on Scenic Ave.
- James Finney requested the City hire a 3rd party arborist for the Senior Housing Project on Scenic Ave.
- Dave Geer commented on the Community Quality Forum agenda and the Senior Housing Project on Scenic Ave.
- Councilmember Serpa announced Downey High's 50-year celebration. He also noted the Mitchell Road beautification project and requested a staff report on the status of the Briggsmore-McHenry fountain renovation project.
- Mayor Sabatino requested a staff report on the 10th Street beautification project.

COUNCIL COMMENTS & REPORTS

6. At the request of Councilmember Serpa, update and consideration of funding options for Police Department building remodel project.

ACTION: By Motion (Serpa/Fisher; unan.) appropriated \$2 million for the Police Department building remodel, and directing staff to proceed with the project.

- Councilmember Frohman requested a status report on the County Wide Visioning project.
- Councilmember Conrad thanked citizens for their patriotism during the attack on America.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 7 through 11, & 13
Items 12 & 14 removed from Consent

ACTION: Frohman/Friedman; unan.

ITEM 12 ACTION: Serpa/Friedman; unan.

ITEM 14 ACTION: Fisher/Friedman; majority; Serpa, 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 September 11, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Friedman; unan.) approved the minutes of September 11, 2001.

CONSENT

8. Consider amending the Class Range Table to revise the salary range for Deputy Chief Building Official. Funds are budgeted.
(Resolution amending the Class Range Table for Management/Confidential to revise the salary range for Deputy Chief Building Official recommended.)
Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-463 (Frohman/Friedman; unan.) amending the Class Range Table for Management/Confidential to revise the salary range for deputy Chief Building Official.

CONSENT

9. Consider authorizing City staff to issue a Request for Qualifications and Request for Proposals to prepare a Hydraulic Model of the Modesto Domestic Water Distribution System. Estimated cost: \$30,000. Funds are budgeted.
(Resolution authorizing City staff to issue a Request for Qualifications and Request for Proposals to prepare a Hydraulic Model of the Modesto Domestic Water Distribution System recommended.)
Engineering & Transportation; William Wong, 571-5801, wwong@modestogov.com

ACTION: Res. No. 2001-464 (Frohman/Friedman; unan.) authorizing City staff to issue a Request for Qualifications and Request for Proposals to prepare a Hydraulic Model of the Modesto Domestic Water Distribution System.

CONSENT

10. Consider authorizing the City Manager to execute service agreement with Bertolotti Disposal Inc. for solid waste collection services.
(Resolution authorizing the City Manager to execute service agreement with Bertolotti Disposal Inc. for solid waste collection services recommended.)

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2001-465 (Frohman/Friedman; unan.) authorizing the City manager to execute service agreement with Bertolotti Disposal Inc. for solid waste collection services.

CONSENT

11. Consider approving a lease agreement with Burt Wayne Van Dyke for lease of city -owned property at 660 El Vista Avenue for \$800 per month.

(Resolution approving agreement with Burt Wayne Van Dyke for lease of city -owned property at 660 El Vista Avenue recommended.)

Operations & Maintenance; Howard Schaffner, 342-2214, hschaffner@modestogov.com

ACTION: Res. No. 2001-466 (Frohman/Friedman; unan.) approving agreement with Burt Wayne Van Dyke for ease of city-owned property at 660 El Vista Avenue.

REMOVED FROM CONSENT

12. Consider setting a public hearing on October 9, 2001 for the establishment of a Battery Back-up System Equipment Donation Franchise with Safer Intersections. (Resolution setting a public hearing for October 9, 2001 to consider the establishment of a Battery Back-up System Equipment Donation Franchise with Safer Intersections recommended.)
City Manager; Jack Crist, 577-5224, jcrist@modestogov.com

ACTION: Res. No. 2001-467 (Serpa/Friedman; unan.) setting a public hearing for October 9, 2001 to consider the establishment of a Battery Back-up System Equipment Donation Franchise with Safer Intersections.

CONSENT

Item #13 continued from September 11, 2001

13. Consider staff report on Performance Review of the Community Development Department. (Motion receiving report and referring the Performance Review to the City Audit Committee for review and comment recommended.)
City Manager; George Britton, 577-5221, gbritton@modestogov.com

ACTION: By motion (Frohman/Friedman; unan.) received report and referred the Performance Review to the City Audit Committee for review and comment.

REMOVED FROM CONSENT

14. Consider setting a public hearing to be held on November 27, 2001 to hear the proposed storm drainage sewer surcharge rate increase to fund operations and maintenance costs, and replacement costs, related to the storm drainage systems, and authorizing staff to send notices as provided by law of the proposed storm drainage sewer surcharge rate increase; and consider approving an appropriation transfer to provide funds to mail the Notice of Public Hearing. (Resolution setting a public hearing to be held on November 27, 2001 to hear the proposed storm drainage sewer surcharge rate increase to fund operations and maintenance costs, and replacement costs, related to the storm drainage systems, and authorizing staff to send notices as provided by law of the proposed storm drainage sewer surcharge rate increase recommended; Resolution approving an appropriation transfer to provide funds to mail the Notice of Public Hearing recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-468 (Fisher/Friedman; majority; Serpa, no) setting a public hearing to be held on November 27, 2001 to hear the proposed storm drainage sewer surcharge rate increase to fund operations and maintenance costs, and replacement costs, related to the storm drainage systems, and authorizing staff to send notices as provided by law of the proposed storm drainage sewer surcharge rate increase.

Res. No. 2001-469 (Fisher/Friedman; majority; Serpa, no) approving an appropriation transfer to provide funds to mail the Notice of Public Hearing.

WRITTEN COMMUNICATIONS

15. Letter from Georgia Olvera, Western Pacific Housing, as an appeal of a decision by CFD Administrator regarding Chateau Maison.

ACTION: By Motion (Friedman/Fisher; unan.) item was continued to October 9, 2001.

UNFINISHED BUSINESS

Item #16 continued from September 11, 2001

16. Final adoption:

Ordinance 3233-C.S. amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the City Council Organization and Procedure – Order of Business.

(Motion approving final adoption of Ord. 3233-C.S. recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Friedman/Fisher; majority; Conrad, Frohman, no) approved the **final adoption of Ordinance 3233-C.S.** amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the City Council Organization and Procedure – Order of Business.

Item #17 continued from September 11, 2001

17. Consider approving lease agreements with Cricket California Property Company for cellular tower sites located at Water Tanks No. 5 (Orchard School), Beyer Community Park, Downey Community Park and Creekside Golf Course.

(Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Water Tank No. 5 (Orchard School) recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Beyer Community Park recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Downey Community Park, contingent upon approval of a Conditional Use Permit by the Board of Zoning Adjustment on September 27, 2001 recommended; Resolution approving lease agreement with Cricket California Property Company for cellular tower site at Creekside Golf Course recommended.)

Item continued from September 4, 2001 meeting

Parks, Recreation & Neighborhoods; Allen Lagarbo, 342-2203,

alagarbo@modestogov.com or Fred Allen, 577-5353, fallen@modestogov.com

This item has been requested to be continued to September 25, 2001

ACTION: By Motion (Friedman/Fisher; unan.) item continued until September 25, 2001.

HEARINGS

Item #18 continued from September 11, 2001

18. Hearing to consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1, and consider calling election (Annexation #7). (Resolution calling election recommended.)
CFD Formation Group; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Res. No. 2001-470 (Fisher/Friedman; unan.) calling an election for Annexation #7.

Fisher absent due to conflict of interest.

Item #19 continued from September 11, 2001

19. Hearing to reconsider the application of Renee Ellis-Singleton for a Precise Plan for Area No. 24 of the Village One Specific Plan and for concurrent rezoning from Specific Plan - Holding Zone to Specific Plan-Overlay Zone, property located on the South side of (future) Floyd Avenue and on the West side of Claus Road.
(Introduction of ordinance approving Precise Plan No. 24 recommended; Introduction of ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended; Resolution finding Precise Plan and rezoning within the scope of the Village Once Specific Plan Program EIR recommended.)
Community Development; Brad Wall, 577-5287, bwall@modestogov.com

ACTION: By Motion (Friedman/Serpa; majority; Frohman, no; Fisher, absent) **introduced Ordinance 3234 C.S.** approving Precise Plan No. 24 of the Village One specific Plan.

By Motion (Friedman/Serpa; majority; Frohman, no; Fisher, absent) **introduced Ordinance 3235-C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the South side of (future) Floyd Avenue and on the West side of Claus Road.

Res. No. 2001-471 (Friedman/Serpa; majority; Frohman, no; Fisher, absent) finding Precise Plan and rezoning within the scope of the Village Once Specific Plan Program EIR.

Item #20 continued from September 11, 2001

20. Hearing to consider airport rates and charges, adding an ultralight access fee of \$100.00 per year, and rescinding Resolution 2001-236.
(Resolution revising airport rate and charges, adding an ultralight access fee of \$100.00 per year, and rescinding Res. 2001-236 recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com
Item 19 has been requested to be continued until September 18, 2001.

ACTION: Res. No. 2001-472 (Frohman/Fisher; unan.) revising airport rate and charges, adding an ultralight access fee of \$100.00 per year, and rescinding Res. 2001 -236.

Item #21 continued from September 11, 2001

21. Hearing to consider the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2000-2001.

(Resolution approving report and authorizing the City Manager to submit the report to HUD for their review and approval recommended.)

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

10 minutes

ACTION: Res. No. 2001-473 (Friedman/Conrad; unan.) approving report and authorizing the City Manager to submit the report to HUD for their review and approval.

22. Hearing to consider approving the 2001 Local Law Enforcement Block Grant contract and authorizing the City Manager to execute a contract for police equipment and technology; consider amending the fiscal year 2001/02 Budget, estimating revenue and appropriating funds. The total grant project is \$302,929 of which the federal share is \$272,636 and the local share is \$30,929 (the local share will be made from the Supplemental Law Enforcement Services Fund).

(Resolution approving the 2001 Local Law Enforcement Block Grant contract and authorizing the City Manager to execute necessary documents for police equipment and technology recommended; Resolution amending the fiscal year 2001/02 Budget, estimating revenue and appropriating funds recommended.)

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

ACTION: Res. No. 2001-474 (Friedman/Conrad; unan.) approving the 2001 Local Law Enforcement Block Grant contract and authorizing the City manager to execute necessary documents for police equipment and technology.

Res. No. 2001-475 (Friedman/Conrad; unan.) amending the fiscal year 2001/02 Budget, estimating revenue and appropriating funds.

23. Hearing to consider File No. GPA 2001-02, an amendment to the Urban Area General Plan to amend the Community Services and Facilities Circulation and Transportation section to add an Expressway Access Policy, adoption of amendment to standard specifications for access to Class B and C Expressways in conformance with design criteria and standards as set forth by the American Association of State Highway Transportation Officials (AASHTO) and adoption of a design exception to the City of Modesto standards specification for far side off-ramp access to Class B Expressways for property located at the southeast corner of Dale Road and Pelandale Avenue; City initiated.

(Resolution approving the proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards recommended; Resolution approving standard specifications for access to Class B and C Expressways in conformance with design criteria and standards as set forth by the American Association of State Highway Transportation Officials)

(AASHTO) recommended; Resolution approving a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressways for property located at the southeast corner of Dale Road and Pelandale Avenue recommended; Resolution finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan to add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 92052017) recommended.)

Community Development; Patrick Kelly, 577-5268, pkelly@modestogov.com or Engineering & Transportation; Firoz Vohra, 577-5430, fvohra@modestogov.com

ACTION: Res. No. 2001-476 (Fisher/Friedman; majority; Frohman & Serpa, no) approving the proposed amendment to the Modesto General Plan to amend the Community Service and Facilities Circulation and Transportation section to allow access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design standards.

Res. No. 2001-477 (Fisher/Friedman; majority; Frohman & Serpa, no) approving standard specifications for access to Class B and C Expressways in conformance with design criteria with 1 and 2, or 3, or 4 of the design criteria being met by applicants, and standards as set forth by the American Association of State Highway Transportation Officials (AASHTO)

Res. No. 2001-478 (Fisher/Friedman; majority; Frohman & Serpa, no) approving a design exception to the City of Modesto Standard Specification for far side off-ramp access to Class B Expressways, with the condition that Council review future exception requests.

Res. No. 2001-479 (Fisher/Friedman; majority; Frohman & Serpa, no) finding that an amendment to the Community Services and Facilities Circulation and Transportation Section of the Modesto Urban Area General Plan to add policies allowing for access to Class B and C Expressways to non-residential uses on a case-by-case basis subject to certain design criteria is within the scope of the project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH 92052017)

24. Hearing to consider 2000 Urban Water Management Plan.
(Resolution adopting the 2000 Urban Water Management Plan recommended.)
Engineering & Transportation; William Wong, 571-5801, wwong@modestogov.com

ACTION: Res. No. 2001-480 (Sabatino/Fisher; unan.) adopting the 2000 Urban Water Management Plan

NEW BUSINESS

25. Consider approving a conceptual plan for community beautification of City-owned property bound by 19th & H Streets.
(Resolution approving a conceptual plan for community beautification recommended.)
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@modestgov.com

ACTION: Res. No. 2001-481 (Frohman/Serpa; unan.) approving a conceptual plan for community beautification and continue working with York Fountain and accept design and donations from Scenic Nursery.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:54 p.m.

MINUTES

Tuesday, September 25, 2001, at 5:15 p.m.

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

Absent: *Councilmember Conrad left the meeting at 8:30 pm.*

Pledge of Allegiance to the Flag

Invocation: Pastor Lonnie Skiles, Big Valley Grace Community Church

City Clerk's Announcements: Item 9 Removed from Agenda
Request to move Item 22 forward.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Letter from the Sister City of Modesto, Aguascalientes, Mexico, expressing condolences regarding the Terrorist Acts of September 11, 2001.

ACTION: Letter read by Mayor Sabatino

2. Presentation by La Loma Neighborhood Association.

ACTION: Susan Johnson acknowledged Shirley Hawn CSO, Kenni Friedman, and Armour Smith.

3. Presentation to the Club D.F. Soccer team for their victory in the 2001 Championship of the League of Cachorros of Livingston.

ACTION: Mayor Sabatino made presentations to the Club D.F. Soccer team.

ORAL COMMUNICATIONS

- Bob Shook read a letter from Richard Wood regarding the loss of his son, a member of the Marines
- Eric Wardwell commented on the status of curb cuts and trash can placement, and thanked the Council and the community for their support.
- Erin Champ commented regarding care for elderly and his mission camp in space engineering project.

COUNCIL COMMENTS & REPORTS

4. At the request of Councilmember Serpa, staff was requested to give a status report on Brigsmore-McHenry fountain renovation.

ACTION: No Action Taken

5. At the request of Mayor Sabatino, staff was requested to give a report on the Tenth Street Beautification project.

ACTION: Council expressed the ir approval of staff's beautification efforts.

- Frohman noted concerns of an unbalanced budget and requested the following items appear on the next Council agenda:
 - An item to consider giving the Mayor line item veto power in the budget with five Councilmembers needed to override the veto,
 - An item to consider Councilmembers line item veto power in the budget with a majority of the Council needed to override the veto.
- Councilmember Conrad noted his 8:00 p.m. departure to return to Air National Guard for active duty and requested residents to seek prosperity and new business for Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 8, 10, 11, 12, 13, &15
Items 6, 7, & 14 removed from Consent
Item 9 removed from agenda

ITEMS 8, 10, 11, 12, 13, & 15 ACTION: Friedman/Frohman; unan.

ITEM 6 ACTION: Friedman/Sabatino; unan.

ITEM 7 ACTION: Friedman/Fisher; majority; Frohman, no

ITEM 17 ACTION: Serpa/Fisher; unan.

CONSENT ITEMS

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

REMOVED BY CONSENT

6. Approval of the minutes of the special Council Workshop of September 17, 2001 and the minutes of the regular City Council meeting of September 18, 2001.

(Motion approving needed.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Sabatino; unan.) approved the minutes from September 17, 2001 and September 18, 2001 as amended.

REMOVED FROM CONSENT

7. Consider Final Adoption of:

a) **Ordinance 3234 C.S.** approving Precise Plan No. 24 of the Village One specific Plan.

ACTION: By Motion (Friedman/Fisher; majority; Frohman, no) approved the **final adoption of Ordinance 3234 C.S.** approving Precise Plan No. 24 of the Village One specific Plan.

b) **Ordinance 3235-C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the South side of (future) Floyd Avenue and on the West side of Claus Road.

ACTION: By Motion (Friedman/Fisher; majority; Frohman, no) approved **the final adoption of Ordinance 3235-C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located on the South side of (future) Floyd Avenue and on the West side of Claus Road.

(Motion approving final adoption recommended.)

City Clerk; Rebecca Bartholomew; 577-5397; rbartholomew@modestogov.com

CONSENT

8. Consider approving an Agreement for a grant in the amount of \$50,000 between the City of Modesto and American GI Forum for the Workforce Development Program, Contractor Support Center.

(Resolution approving an agreement for a grant in the amount of \$50,000 between the City of Modesto and American GI forum for the Workforce Development Program, Contractor Support Center, and Authorizing the City Manager to execute the agreement recommended.)

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417; jhannon@modestogov.com
Community Development; Laurie Smith; 577-5347; lsmith@modestogov.com*

ACTION: Res. No. 2001-482 (Friedman/Frohman; unan.) approving an agreement for a grant in the amount of \$50,000 between the City of Modesto and American GI forum for the Workforce Development Program, Contractor Support Center, and Authorizing the City manager to execute the agreement.

ITEM 9 REMOVED FROM AGENDA

9. Consider approving an Agreement for a grant in the amount of \$78, 238 between the City of Modesto and Central Valley Opportunity Center for the Workforce Development Program, Pre-Construction Training Program.

(Resolution approving an agreement for a grant in the amount of \$78,238 between the City of Modest and Central Valley Opportunity Center for the Workforce Development program, Pre-Construction Training Program, and authorizing the City Manager to execute the agreement recommended.)

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

Community Development; Laurie Smith; 577-5347; lsmith@modestogov.com

ACTION: No Action Taken

CONSENT

10. Consider approving a resolution to accept a Federal Aviation Administration Grant for Modesto City-County Airport in the amount of \$1,000,000 to make airport improvements, and to authorize the City Manager to execute the grant's acceptance on behalf of the City. (Resolution accepting a Federal Aviation Administration Grant for Modesto City-County Airport in the amount of \$1,000,000 to make airport improvements, and to authorize the City Manager to execute the grant's acceptance on behalf of the City recommended.)
Airport; Howard Cook; 577-5318; hcook@modestogov.com

ACTION: Res. No. 2001-483 (Friedman/Frohman; unan.) accepting a Federal Aviation Administration Grant for Modesto City-County Airport in the amount of \$1,000,000 to make airport improvements, and to authorize the City Manager to execute the grant's acceptance on behalf of the City.

CONSENT

11. Consider grant applications for \$122,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, non-Motorized Trails Program for a comprehensive signage project for Modesto's Class I trails. (Resolution approving submission of application and authorizing the City Manager to execute application recommended.)

ACTION: Res. No. 2001-484 (Friedman/Frohman; unan.) approving submission of applications for \$122,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, and authorizing the City Manager to execute applications.

CONSENT

12. Consider a request to authorize the City Manager to grant "Stipend Eligibility for Fire Battalion and Division Chiefs." (Resolution authorizing Fire Division Chiefs and Fire Battalion Chiefs to receive a stipend for certain assignments recommended.)
Fire Department; Doug Hannink; 572-9590; dhannink@modestogov.com

ACTION: Res. No. 2001-485 (Friedman/Frohman; unan.) authorizing Fire Division Chiefs and Fire Battalion Chiefs to receive a stipend for certain assignments.

CONSENT

13. Consider approving a resolution canvassing the Election for the Village One Community Facilities District No. 1996-1 (Village One Annexation #7), and Ordering Annexation of Territory to the Village One Community Facilities District 1996-1.

(Resolution canvassing the results of the September 18, 2001, Election held within the Territory to be annexed to the Village One Community Facilities District 1996-1, and Order Annexation of Certain Territory to the District (Annexation #7) recommended.)
City Attorney; Tina Rocha; 577-5321; trocha@modestogov.com

ACTION: Res. No. 2001-486 (Friedman/Frohman; unan.) canvassing the results of the September 18, 2001, election held within the Territory to be annexed to the Village One Community Facilities District 1996-1, and Order Annexation of Certain Territory to the District (Annexation #7).

REMOVED FROM CONSENT

14. Consider a resolution amending the Capital Improvement Program Budget for Fiscal Year 2001-2002 Budget of the City of Modesto to fund \$2 million for the Police Building Remodel project.
(Motion acknowledging receipt of report recommended; Resolution amending the Budget recommended.)
Finance; Stan Feathers; 577-5458; sfeathers@modestogov.com

ACTION: By Motion (Serpa/Fisher; unan.) acknowledged receipt of report.

Res. No. 2001-487 (Serpa/Fisher; unan.) amending the Budget for Fiscal Year 2001 - 2002.

CONSENT

15. Consider approving staff recommendations to make necessary improvements to the McClure Country Place; and consider amending the budget to appropriate \$220,014 from the General Fund Reserve and increasing the ABS target for Organization 3611, Cultural General by \$20,339.
(Resolution approving improvements recommended; Resolution amending the budget and approving ABS increase recommended.)
Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2001-488 (Friedman/Frohman; unan.) approving improvements to the McClure Country Place.

Res. No. 2001-489 (Friedman/Frohman; unan.) amending the budget and approving ABS increase.

WRITTEN COMMUNICATIONS

16. Letter from Edward Lotko regarding the McHenry Museum and Historical Society Board of Directors' request regarding the Museum Building space occupied by the Central California Art League.

ACTION: Res. No. 2001-490 (Sabatino/Fisher; unan.) appointing an ad hoc committee consisting of the Mayor, Vice Mayor, City Manager, and Museum and Art League representatives to resolve the issue.

UNFINISHED BUSINESS

17. Consider approving lease agreements with Cricket California Property Company for cellular tower sites located at Water Tank No. 5 (Orchard School), Beyer Community Park, and Creekside Golf Course, and consider approving lease agreement with Cricket California Property Company for cellular tower lease site located at Downey Community Park, contingent upon approval from the Board of Zoning Adjustment.
(Resolution approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Water Tank No. 5 (Orchard School) recommended; Resolution approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Beyer Community Park recommended; Resolution approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Creekside Golf Course recommended; Resolution approving agreement and authorizing the City Manager to execute agreement with Cricket California Property Company for cellular tower lease site at Downey Community Park, contingent upon approval from the Board of Zoning Adjustment recommended.)
*Parks, Recreation & Neighborhoods; Fred Allen; 577-5353; fallen@modestogov.com
Continued from September 18, 2001.*

ACTION: Res. No. 2001-491 (Frohman/Friedman; majority; Serpa, no) approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Water Tank No. 5 (Orchard School).

Res. No. 2001-492 (Frohman/Friedman; majority; Serpa, no) approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Beyer Community Park

Res. No. 2001-493 (Frohman/Friedman; majority; Serpa, no) approving agreement and authorizing the City Manager to execute said agreement with Cricket California Property Company for cellular tower site located at Creekside Golf Course

Res. No. 2001-494 (Frohman/Friedman; majority; Serpa, no) approving agreement and authorizing the City Manager to execute agreement with Cricket California Property Company for cellular tower lease site at Downey Community Park, contingent upon approval from the Board of Zoning Adjustment.

HEARINGS

18. Hearing to consider the application of Great Valley Center, for an amendment to section 29-3-9 of the zoning map of the City of Modesto to rezone from R -3, Medium High-Density Residential Zone, to P-D, Planned Development Zone, for conversion of an existing church to office, property located at 205 Needham Street.
(Introduce an Ordinance rezoning the property from R-3 to P-D recommended; Resolution approving a development plan for the P-D recommended; Resolution finding the proposed rezoning within the scope of the General Plan Master EIR recommended.)
Community Development -Planning; Steve Mitchell; 577-5283; smitchell@modestogov.com

ACTION: By Motion (Friedman/Fisher; unan.) **introduce Ordinance 3236-C.S.** rezoning the property from R-3 to P-D, with approval being limited to non-medical uses and non-profit uses such as Great Valley Center or other similar office site uses.

Res. No. 2001-495 (Friedman/Fisher; unan.) approved a development plan for the P-D, exclusive with this use only requiring a new parking plan be submitted to the Council if the use changes. The applicant is required to apply for landmark preservation status meeting Secretary of the Interior standards.

Res. No. 2001-496 (Friedman/Fisher; unan.) finding the proposed rezoning within the scope of the General Plan Master EIR.

19. Hearing to consider the appeal of the Save Our Neighborhood Committee to a Decision by the Board of Zoning Adjustment Approving a Conditional Use Permit to allow the conversion of a former Convalescent Hospital for a Drug and Alcohol Treatment Center located at 823 East Orangeburg Ave.
(Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment recommended.)
Community Development -Planning; Steve Mitchell; 577-5283; smitchell@modestogov.com

ACTION: The Council reached a tie vote to deny the appeal. By Motion (Fisher/Frohman; unan) item was continued to the next Council meeting, October 2, 2001, when Councilmember Conrad can be present.

NEW BUSINESS

20. Consider approving advanced funding from the General Fund to fund storm drainage improvements in Village One.
(Resolution approving advanced funding from the General Fund to fund storm drainage improvements in Village One recommended.)
Engineering & Transportation; Glen Lewis, 577-5213, glewis@modestogov.com

ACTION: **Res. No. 2001-497** (Frohman/Fisher; majority; Serpa, no; Conrad, absent) approving advanced funding from the General fund to fund storm drainage improvements in Village One.

21. Consider designating a voting delegate and alternate(s) for the National League of Cities, Annual Congress of Cities in Atlanta, Georgia, December 4-8, 2001.

ACTION: By Motion (Fisher/Frohman; majority; Conrad, absent.) designated Councilmember Friedman as voting delegate and Councilmember Smith as alternate.

MISCELLANEOUS

Appointments

22. Consider appointment of eleven members to the Modesto Youth Commission. (Resolution appointing eleven members to the Modesto Youth Commission recommended.)

*Parks, Recreation & Neighborhoods; Jennifer Brinar; 571-5897;
jbrinar@modestogov.com*

ACTION: Res. No. 2001-498 (Fisher/Friedman; unan.) appointing eleven members to the Modesto Youth Commission.

- Councilmember Fisher requested a report from the Community Facilities District (CFD) Group on the next agenda regarding CFD Administrators' ability to exercise discretion within the CFD ordinances.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:25 p.m.

Tuesday, October 2, 2001, at 5:15 p.m.

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

Absent: Councilmember Conrad left the meeting at 8:35 pm.

Pledge of Allegiance to the Flag

Invocation: Pastor Renaldo Mora, El Vino Nuevo

City Clerk’s Announcements: *Item 5 removed from agenda*

Declaration of Conflicts of Interest: *Conrad announced he will need to leave the meeting at 9 pm.*

ACKNOWLEDGEMENTS AND PRESENTATIONS

- Presentation of proclamation declaring October as “Trick-or-Treat for UNICEF” month.

ACTION: Mayor Sabatino read the proclamation.

- Presentation of proclamation endorsing “Lights on Afterschool”.

ACTION: Mayor Sabatino read the proclamation.

ORAL COMMUNICATIONS

- Peter Gartner thanked the Council for their support of the Health Best Celebration at Mellis Park.

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino announced he withdrew his intent to run for a seat on the Board of Supervisors due to other candidates running for District 2.

1. At the request of Councilmember Frohman:

- (1) Consider giving City Attorney direction to draft a charter amend ment giving the Mayor line item veto power in the budget with five Councilmembers needed to override the veto.

ACTION: Motion (Frohman/Conrad; minority, Fisher Friedman, Serpa, Smith, no) directing City Attorney to draft a charter amendment failed to carry.

- (2) Consider giving Councilmembers line item veto power in the budget with a majority of the Council needed to over ride the veto.

ACTION: No action taken.

2. At the request of Councilmember Fisher, consider referring to the Community Development & Housing committee (CD&H) an amendment to the Community Facilities District (CFD) ordinances and policies giving the CFD administrators more flexibility to administer the CFD program.

ACTION: By Motion (Conrad/Smith; majority; Serpa, no) the City Attorney was directed to draft an amendment to the current ordinance and return to the CD&H committee, which will report back to the City Council at a later date.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 9
Item 4 removed from Consent
Item 5 removed from Agenda

ITEMS 3, 6–9 ACTION: Frohman/Fisher; unan.

ITEM 4 ACTION: Fisher/Friedman; 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 September 25, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of September 25, 2001.

REMOVED FROM CONSENT

4. Consider staff report on X-Fest.
(Resolution acknowledging receipt of report recommended.)
Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2001-499 (Fisher/Friedman; unan.) acknowledged receipt of report on X-Fest.

REMOVED FROM AGENDA

5. Consider approving revisions to the Modesto City Standard Specifications.
(Resolution approving revisions to the Modesto City Standards Specifications recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: No Action Taken

CONSENT

6. Consider approving an agreement with Sequoia Properties, a California Limited Partnership, for the acquisition of property needed for the Briggsmore Avenue/Claus Road Urban Interchange for a total price of \$144,430, and consider finding that the project is within the scope of the Supplement to the Village One program Environmental Impact Report.
(Resolution approving the agreement with Sequoia Properties recommended; Resolution finding that the project is within the scope of the Supplement to the Village One Program Environmental Impact Report recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-500 (Frohman/Fisher; unan.) approving the agreement with Sequoia Properties.

Res. No. 2001-501 (Frohman/Fisher; unan.) finding that the project is within the scope of the Supplement to the Village One Program Environmental Impact Report.

CONSENT

7. Consider authorizing the City Manager to sign a water reimbursement agreement with The Bluffs Senior Housing Development LLC, for the installation of 1,766 linear feet of a 12 - inch water line and appurtenances located in Parker Road, from Held Drive to the east boundary of the Sereno subdivision.
(Resolution authorizing City Manager to sign a water reimbursement agreement with The Bluffs Senior Housing Development LLC recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-502 (Frohman/Fisher; unan.) authorizing the City Manager to sign a water reimbursement agreement with the Bluffs Senior Housing Development LLC.

CONSENT

8. Consider accepting with regret the resignation of Ed Hayden from the Culture Commission.
(Resolution accepting with regret recommended.)
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2001-503 (Frohman/Fisher; unan.) accepting resignation of Ed Hayden with regret.

CONSENT

9. Consider issuance of tax-exempt multi-family revenue bonds for the financing and refinancing of Live Oak Apartments.
(Resolution of intent to issue multi-family housing revenue bonds for the refinancing of, and financing of the Live Oak Apartments and taking related actions recommended.)
Finance; Barry Newlin, 577-5373, bnewlin@modestogov.com

ACTION: Res. No. 2001-504 (Frohman/Fisher; unan.) of intent to issue multi-family housing revenue bonds for the refinancing financing and refinancing of the Live Oak Apartments and take related actions.

WRITTEN COMMUNICATIONS

10. E-mail correspondence from Dale Gene Williams requesting: (1)Declaration of support for military action as a result of the bombing of the World Trade Center in New York; (2)Authorization for the leave of absence by elected City Council members for a period not to exceed six months fifteen days, in the event that said elected City Council members are members of the United States Armed Forces (active or reserve); (3)That the City of Modesto be willing to provide for the transportation of reserve/state national guardsmen by the Modesto Police Department to their unit of assignment within the City of Modesto, in the event of local, state or national emergency as declared by the appropriate governing body thereof.

ACTION: By Motion (Fisher/Conrad; unan) declared the City's support for military actions sponsored by the President and Congress as a result of the terrorist acts of September 11, 2001.

11. E-mail correspondence from Mark Frink requesting a Council resolution regarding military activation.
(Refer to staff for evaluation recommended.)

ACTION: Res. No. 2001-505 (Conrad/Fisher; unan.) of intent to research payment of salary difference between military pay and City pay including health benefits to those employees called to active duty.

UNFINISHED BUSINESS

Item brought back from September 25, 2001 for a full-Council vote. Public Hearing was closed and vote resulted in a tie.

12. Final vote on the appeal of the Save Our Neighborhood Committee to a Decision by the Board of Zoning Adjustment Approving a Conditional Use Permit to allow the conversion of a former Convalescent Hospital for a Drug and Alcohol Treatment Center located at 823 East Orangeburg Ave.

(Resolution denying the appeal and up holding the decision of the Board of Zoning Adjustment recommended.)

Community Development -Planning; Steve Mitchell; 577-5283; smitchell@modestogov.com

ACTION: Res. No. 2001-506 (Friedman/Smith; majority; Frohman, Serpa, Sabatino, no) denying the appeal and upholding the decision of the Board of Zoning Adjustment.

HEARINGS

13. Hearing to consider the appeal of the Planning Commission decision denying the application of Dano Construction Inc. for a rezoning from R-1 and C-3 to P-D to allow a three-story 53-unit senior independent living housing project in conjunction with a previously-approved two-phase 160-unit assisted care senior facility, property located on the South side of Scenic Drive East of Coffee Road.

(Resolution denying the appeal and upholding the decision of the Planning Commission denying the requested rezoning from R-1 and C-3 to P-D recommended.)

Community Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: Res. No. 2001-507 (Fisher/Smith; unan; Conrad, absent) denying the appeal and upholding the decision of the Planning Commission denying the requested rezoning from R-1 and C-3 to P-D.

14. Hearing to consider the application of Denis Family Property to amend the Village One Specific Plan and Precise Plan No. 27 to redesignate 1.15 acres from Multi-family

Residential to Village Residential, property located on the North side of Merle Avenue on both side of Paramount Way.

(Resolution amending the Village One Specific Plan recommended; Introduction of Ordinance amending the precise plan for Precise Plan Area No. 27 recommended; Resolution finding the proposed specific plan and precise plan amendments within the scope of the previously-certified Village One Specific Plan Program EIR.

Community Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: Item was continued to October 9, 2001.

MISCELLANEOUS

Legislation

15. Consider authorizing the City Manager to approve and execute an agreement with Patton Boggs for the amount of \$64,800 for federal legislative lobbying services, and consider authorizing an appropriation transfer to fully fund the project.
(Resolution approving an agreement with Patton Boggs and authorizing the City Manager to execute necessary documents recommended; Resolution approving appropriation transfer recommended.)

City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Res. No. 2001-508 (Frohman/Smith; unan.; Conrad, absent) approving an agreement with Patton Boggs and authorizing the City Manager to execute the necessary documents.

Res. No. 2001-509 (Frohman/Smith; unan.; Conrad, absent) approving an appropriation transfer to fully fund the project.

16. Consider approving the 2001 Legislative Platform Amendments to the Finance portion of the Legislative Platform.

(Resolution approving the proposed amendments to the finance portion of the Legislative Platform recommended.)

City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Res. No. 2001-510 (Smith/Frohman; unan.; Conrad, absent) approving the proposed amendments to the finance portion of the Legislative Platform.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:10 p.m.

Tuesday, October 2, 2001, at 5:15 p.m.

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

Absent: Councilmember Conrad left the meeting at 8:35 pm.

Pledge of Allegiance to the Flag

Invocation: Pastor Renaldo Mora, El Vino Nuevo

City Clerk's Announcements: *Item 5 removed from agenda*

Declaration of Conflicts of Interest: *Conrad announced he will need to leave the meeting at 9 pm.*

ACKNOWLEDGEMENTS AND PRESENTATIONS

- Presentation of proclamation declaring October as “Trick-or-Treat for UNICEF” month.

ACTION: Mayor Sabatino read the proclamation.

- Presentation of proclamation endorsing “Lights on Afterschool”.

ACTION: Mayor Sabatino read the proclamation.

ORAL COMMUNICATIONS

- Peter Gartner thanked the Council for their support of the Health Best Celebration at Mellis Park.

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino announced he withdrew his intent to run for a seat on the Board of Supervisors due to other candidates running for District 2.

1. At the request of Councilmember Frohman:

- (3) Consider giving City Attorney direction to draft a charter amendment giving the Mayor line item veto power in the budget with five Councilmembers needed to override the veto.

ACTION: Motion (Frohman/Conrad; minority, Fisher Friedman, Serpa, Smith, no) directing City Attorney to draft a charter amendment failed to carry.

- (4) Consider giving Councilmembers line item veto power in the budget with a majority of the Council needed to over ride the veto.

ACTION: No action taken.

2. At the request of Councilmember Fisher, consider referring to the Community Development & Housing committee (CD&H) an amendment to the Community Facilities District (CFD) ordinances and policies giving the CFD administrators more flexibility to administer the CFD program.

ACTION: By Motion (Conrad/Smith; majority; Serpa, no) the City Attorney was directed to draft an amendment to the current ordinance and return to the CD&H committee, which will report back to the City Council at a later date.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED : Items 3 through 9
Item 4 removed from Consent
Item 5 removed from Agenda

ITEMS 3, 6–9 ACTION: Frohman/Fisher; unan.

ITEM 4 ACTION: Fisher/Friedman; 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 September 25, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of September 25, 2001.

REMOVED FROM CONSENT

4. Consider staff report on X-Fest.
(Resolution acknowledging receipt of report recommended.)
Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2001-499 (Fisher/Friedman; unan.) acknowledged receipt of report on X-Fest.

REMOVED FROM AGENDA

5. Consider approving revisions to the Modesto City Standard Specifications.
(Resolution approving revisions to the Modesto City Standards Specifications recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: No Action Taken

CONSENT

6. Consider approving an agreement with Sequoia Properties, a California Limited Partnership, for the acquisition of property needed for the Briggsmore Avenue/Claus Road Urban Interchange for a total price of \$144,430, and consider finding that the project is within the scope of the Supplement to the Village One program Environmental Impact Report.
(Resolution approving the agreement with Sequoia Properties recommended; Resolution finding that the project is within the scope of the Supplement to the Village One Program Environmental Impact Report recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-500 (Frohman/Fisher; unan.) approving the agreement with Sequoia Properties.

Res. No. 2001-501 (Frohman/Fisher; unan.) finding that the project is within the scope of the Supplement to the Village One Program Environmental Impact Report.

CONSENT

7. Consider authorizing the City Manager to sign a water reimbursement agreement with The Bluffs Senior Housing Development LLC, for the installation of 1,766 linear feet of a 12-inch water line and appurtenances located in Parker Road, from Held Drive to the east boundary of the Sereno subdivision.
(Resolution authorizing City Manager to sign a water reimbursement agreement with The Bluffs Senior Housing Development LLC recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-502 (Frohman/Fisher; unan.) authorizing the City Manager to sign a water reimbursement agreement with the Bluffs Senior Housing Development LLC.

CONSENT

8. Consider accepting with regret the resignation of Ed Hayden from the Culture Commission.
(Resolution accepting with regret recommended.)
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2001-503 (Frohman/Fisher; unan.) accepting resignation of Ed Hayden with regret.

CONSENT

9. Consider issuance of tax-exempt multi-family revenue bonds for the financing and refinancing of Live Oak Apartments.
(Resolution of intent to issue multi-family housing revenue bonds for the refinancing of, and financing of the Live Oak Apartments and taking related actions recommended.)
Finance; Barry Newlin, 577-5373, bnewlin@modestogov.com

ACTION: Res. No. 2001-504 (Frohman/Fisher; unan.) of intent to issue multi-family housing revenue bonds for the refinancing financing and refinancing of the Live Oak Apartments and take related actions.

WRITTEN COMMUNICATIONS

10. E-mail correspondence from Dale Gene Williams requesting: (1)Declaration of support for military action as a result of the bombing of the World Trade Center in New York; (2)Authorization for the leave of absence by elected City Council members for a period not to exceed six months fifteen days, in the event that said elected City Council members are members of the United States Armed Forces (active or reserve); (3)That the City of Modesto be willing to provide for the transportation of reserve/state national guardsmen by the Modesto Police Department to their unit of assignment within the City of Modesto, in the event of local, state or national emergency as declared by the appropriate governing body thereof.

ACTION: By Motion (Fisher/Conrad; unan) declared the City's support for military actions sponsored by the President and Congress as a result of the terrorist acts of September 11, 2001.

11. E-mail correspondence from Mark Frink requesting a Council resolution regarding military activation.
(Refer to staff for evaluation recommended.)

ACTION: Res. No. 2001-505 (Conrad/Fisher; unan.) of intent to research payment of salary difference between military pay and City pay including health benefits to those employees called to active duty.

UNFINISHED BUSINESS

Item brought back from September 25, 2001 for a full-Council vote. Public Hearing was closed and vote resulted in a tie.

12. Final vote on the appeal of the Save Our Neighborhood Committee to a Decision by the Board of Zoning Adjustment Approving a Conditional Use Permit to allow the conversion of a former Convalescent Hospital for a Drug and Alcohol Treatment Center located at 823 East Orangeburg Ave.
(Resolution denying the appeal and upholding the decision of the Board of Zoning Adjustment recommended.)
Community Development-Planning; Steve Mitchell; 577-5283; smitchell@modestogov.com

ACTION: Res. No. 2001-506 (Friedman/Smith; majority; Frohman, Serpa, Sabatino, no) denying the appeal and upholding the decision of the Board of Zoning Adjustment.

HEARINGS

13. Hearing to consider the appeal of the Planning Commission decision denying the application of Dano Construction Inc. for a rezoning from R-1 and C-3 to P-D to allow a three-story 53-unit senior independent living housing project in conjunction with a previously-approved two-phase 160-unit assisted care senior facility, property located on the South side of Scenic Drive East of Coffee Road.
(Resolution denying the appeal and upholding the decision of the Planning Commission denying the requested rezoning from R-1 and C-3 to P-D recommended.)
Community Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: Res. No. 2001-507 (Fisher/Smith; unan; Conrad, absent) denying the appeal and upholding the decision of the Planning Commission denying the requested rezoning from R-1 and C-3 to P-D.

14. Hearing to consider the application of Denis Family Property to amend the Village One Specific Plan and Precise Plan No. 27 to redesignate 1.15 acres from Multi-family Residential to Village Residential, property located on the North side of Merle Avenue on both side of Paramount Way.
(Resolution amending the Village One Specific Plan recommended; Introduction of Ordinance amending the precise plan for Precise Plan Area No. 27 recommended; Resolution finding the proposed specific plan and precise plan amendments within the scope of the previously-certified Village One Specific Plan Program EIR.
Community Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: Item was continued to October 9, 2001.

MISCELLANEOUS

Legislation

15. Consider authorizing the City Manager to approve and execute an agreement with Patton Boggs for the amount of \$64,800 for federal legislative lobbying services, and consider authorizing an appropriation transfer to fully fund the project.

(Resolution approving an agreement with Patton Boggs and authorizing the City Manager to execute necessary documents recommended; Resolution approving appropriation transfer recommended.)

City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Res. No. 2001-508 (Frohman/Smith; unan.; Conrad, absent) approving an agreement with Patton Boggs and authorizing the City Manager to execute the necessary documents.

Res. No. 2001-509 (Frohman/Smith; unan.; Conrad, absent) approving an appropriation transfer to fully fund the project.

16. Consider approving the 2001 Legislative Platform Amendments to the Finance portion of the Legislative Platform.

(Resolution approving the proposed amendments to the finance portion of the Legislative Platform recommended.)

City Manager; Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Res. No. 2001-510 (Smith/Frohman; unan.; Conrad, absent) approving the proposed amendments to the finance portion of the Legislative Platform.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:10 p.m.

MINUTES

Tuesday, October 9, 2001, 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: *Items 6 & 10 removed from Consent*
Item 13 continued to October 16, 2001
Item 15 continued to October 23, 2001

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

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of the members of the Friends of DARE and PAL steering committee for their donation of a 1999 Chevrolet Tahoe LT to the City of Modesto's DARE program.

ACTION: Mayor Sabatino presented certificates to the Friends of Dare.

ORAL COMMUNICATIONS

- Michael Warda, representing Charleston Place, noted his concern of homeowners being displaced for lack of utilities being in place and unpaid CFD taxes.
- Glenn Cadwell presented an award to Councilmember Serpa for his contribution on the Stanislaus County PAL Board.
- Paul Mensinger introduced members from Modesto's Sister City in Mexico.

COUNCIL COMMENTS & REPORTS

2. At the request of Mayor Sabatino, consider approving expenditure for lighted vote board and timer system.

ACTION: No Action Taken

- At the request of Councilmember Smith, the issue of establishing a parliamentarian at Council meetings was referred to the EDIGR Committee.
- At the request of Councilmember Serpa, Michael Warda's concern of occupants of Charleston Place being threatened to vacate due to lack of CFD payment and lack of utilities in place was placed on the October 16, 2001 Council agenda.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3-5, 7-9, & 11
Items 6 & 10 removed from Consent

ITEMS 3-5,7-9, & 11 ACTION: Friedman/Fisher; unan.

ITEM 6 ACTION: Fisher/Friedman; unan.

ITEM 10 ACTION: Friedman/Fisher; 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 October 2, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Fisher; unan.) approved the minutes of October 2, 2001.

CONSENT

4. Consider approving an agreement for a grant in the amount of \$78,238 between the City of Modesto and Central Valley Opportunity Center for the Workforce Development Program, Pre-Construction Training Program.

(Resolution approving an agreement for a grant in the amount of \$78,238 between the City of Modesto and Central Valley Opportunity Center for the Workforce Development Program, Pre-Construction Training Program, and authorizing the City Manager to execute the agreement recommended.)

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417; jhannon@modestogov.com
Community Development; Laurie Smith; 577-5347; lsmith@modestogov.com*

ACTION: Res. No. 2001-511 (Friedman/Fisher; unan.) approving an agreement for a grant in the amount of \$78,238 between the City of Modesto and Central Valley Opportunity Center for the Workforce Development Program, Pre-Construction Training Program, and authorizing the City Manager to execute the agreement

CONSENT

5. Consider approval of final map of Village Highlands No. 6 subdivision in the Village One Specific Plan Area and authorize the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code (Owners: Garrard W. Marsh and Dallas Kadry, husband and wife as joint tenants, and Inland Village, a General Partnership by Heritage Homes, LLC General Partner.)

(Resolution approving the final map of Village Highlands No. 6 subdivision and authorizing the City Manager to execute subdivision agreement recommended.)

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-512 (Friedman/Fisher; unan.) approving the final map of Village Highlands No. 6 subdivision and authorizing the City Manager to execute subdivision agreement.

REMOVED FROM CONSENT

6. Consider amending the budget to provide funding for a reimbursement of Street Capital Facility Fees (CFF) for construction of improvements on Pelandale Avenue and Chapman Road related to the Costco/Lowe's development.

(Resolution amending the budget recommended.)

Engineering & Transportation; Rich Ulm, 577-5215, rulm@modestogov.com

ACTION: Res. No. 2001-513 (Fisher/Friedman; unan.) amending the budget.

CONSENT

7. Consider authorizing the City Manager to sign the Memorandum of Understanding establishing the Turlock Groundwater Basin Association.
(Resolution authorizing the City Manager to sign the Memorandum of Understanding establishing the Turlock Groundwater Basin Association recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-514 (Friedman/Fisher; unan.) authorizing the City Manager to sign the Memorandum of Understanding establishing the Turlock Groundwater Basin Association.

CONSENT

8. Consider approving the Memorandum of Understanding relating to the formation and operation of the Stanislaus and Tuolumne Rivers Groundwater Basin Association, and authorizing the City Manager to execute the necessary documents.
(Resolution approving the Memorandum of Understanding relating to the formation and operation of the Stanislaus and Tuolumne Rivers Groundwater Basin Association, and authorizing the City Manager to execute the necessary documents recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. No. 2001-515 (Friedman/Fisher; unan.) approving the Memorandum of Understanding relating to the formation and operation of the Stanislaus and Tuolumne Rivers Groundwater Basin Association, and authorizing the City Manager to execute the necessary documents.

Councilmember Conrad absent due to conflict of interest

9. Consider approving the Joint Exercise of Powers Agreement to enable Modesto residents to participate in the Lease-to-Own Home Ownership Program for homebuyers as administered by the Pacific Housing and finance Agency, and authorizing the City Manager to execute said agreement, and consider appointing one City Councilmember and one staff alternate to serve on the governing board of the Pacific Housing and Finance Agency.
(Resolution approving the Joint Exercise of Powers Agreement and authorizing the City Manager to execute said agreement recommended; Resolution appointing one City Councilmember and one staff alternate to serve on the governing board of the Pacific Housing and Finance Agency recommended.)
Parks, Recreation & Neighborhoods; Miguel Galvez, 571-5506, mgalvez@modestogov.com

ACTION: Res. No. 2001-516 (Friedman/Fisher; majority; Conrad, absent.) approving the Joint Exercise of Powers Agreement and authorizing the City Manager to execute said agreement.

Res. No. 2001-517 was not used.

REMOVED FROM CONSENT

10. Consider Modesto Sister Cities International Annual Report
(Motion acknowledging receipt of report recommended.)
Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, dconder@modestogov.com

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

CONSENT

11. Consider amendment to agreement with EDAW Inc. to provide additional services related to the preparation and certification of the Tuolumne River Regional Park Master Environmental Impact Report at a cost not to exceed \$12,000.
(Resolution approving amendment to agreement with EDAW Inc. to provide additional services related to the preparation and certification of the Tuolumne River Regional Park Master Environmental Impact Report at a cost not to exceed \$12,000 recommended.)
Parks, Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Res. No. 2001-518 (Friedman/Fisher; unan.) approving amendment to agreement with EDAW Inc. to provide additional services related to the preparation and certification of the Tuolumne River Regional Park Master Environmental Impact Report at a cost not to exceed \$12,000.

HEARINGS

Item continued from October 2, 2001

12. Hearing to consider the application of Denis Family Property to amend the Village One Specific Plan and Precise Plan No. 27 to redesignate 1.15 acres from Multi-family Residential to Village Residential, property located on the North side of Merle Avenue on both side of Paramount Way.
(Resolution amending the Village One Specific Plan recommended; Introduction of Ordinance amending the precise plan for Precise Plan Area No. 27 recommended; Resolution finding the proposed specific plan and precise plan amendments within the scope of the previously-certified Village One Specific Plan Program EIR.
Community Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: Res. No. 2001-518A (Fisher/Conrad; majority; Serpa, Smith, no) denying appeal without prejudice.

Item 13 is requested to be continued to October, 16, 2001

13. Hearing to consider the establishment of a Battery Back -up System Equipment Donation Franchise with Safer Intersection.
(Introduction of an ordinance granting an exclusive two -year advertising sign franchise to Safer Intersections for the right, privilege and permission to operate a battery back -up system equipment donation franchise and occupy the public right -of-way at designated locations along the streets in the City of Modesto for advertising signs recommended.)
City Manager; Renee Ledbetter; 577-5463, rledbetter@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) item continued to October 16, 2001.

14. Hearing to consider the appeal of Dennis E. Wilson to the Planning Commission approval of an amendment to P-D(501), allowing a two-story mini-storage building with a greater setback from Sylvan Avenue, property located on the North side of Sylvan Avenue East of Carson Oak Drive.
(Resolution denying appeal and reaffirming Planning Commission approval of project subject to stipulation of uniform building setbacks recommended.)
Community Development; Bob Cannell, 577-5283, bcannell@modestogov.com

ACTION: Res. No. 2001-519 (Conrad/Fisher; majority; Frohman, Serpa, no) denying the appeal and reaffirming the Planning Commission approval of project subject to stipulation of uniform building setbacks.

Item 15 is requested to be continued to October 23, 2001

15. Hearing to consider the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map.
(Resolution approving the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map recommended.)
Community Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Item 15 continued to October 23, 2001.

NEW BUSINESS

16. Consider a joint City/County effort to establish a Master Development Plan for the Kiernan Business Park and other North County business park properties located along Highway 99.
(Resolution approving a joint City/County effort to establish a Master Development Plan for the Kiernan Business Park and other North County business park properties located along Highway 99, and authorize the City Manager to expend up to \$50,000 for such purposes recommended.)
Community Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2001-520 (Conrad/Fisher; majority; Frohman, Serpa, no) approving a joint City/County effort to establish a Master Development Plan for the Kiernan Business Park and other North County business park properties located along Highway 99, and authorize the City Manager to expend up to \$50,000 for such purposes.

17. Consider approving contracts with the Bohl Corporation for an expansion of their current contract for a change order to \$29,154.48 and an additional contract for specified services not to exceed \$60,000.

(Resolution approving contracts with the Bohl Corporation for an expansion of their current contract for a change order to \$29,154.48 and an additional contract for specified services not to exceed \$60,000 recommended.)

Community Development; Linda Boston, 571-5179, lboston@ci.modesto.ca.us

ACTION: Res. No. 2001-521 (Conrad/Fisher; majority; Frohman, Serpa, no) approving contracts with the Bohl Corporation for an expansion of their current contract for a change order to \$29,154.48 and an additional contract for specified services not to exceed \$60,000.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:25 p.m.

MINUTES

Tuesday, October 16, 2001, 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: *Item 11 & 14 removed from Consent*

Declaration of Conflicts of Interest: *None*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation from Modesto Sister Cities International regarding Annual Report.
Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, dconder@modestogov.com

ACTION: Presentation from Richard Navarro given on Sister Cities annual report.

ORAL COMMUNICATIONS

- Miguel Donoso requested an investigation of the Robertson Road Park Ribbon Cutting and his concern of a Councilmember campaigning at the event.
- Dale Williams commented on the same issue as Miguel Donoso.
- Steve Burke commented on Measure N on the November ballot which would extend sewer service in the Roselle Neighborhood and his concern with a misleading mailer being distributed.
- Joan Rutschow spoke in opposition of the Measure M on the November ballot pertaining to fluoride.
- Ms. Mel expressed her concern of being a home owner in Prescott Estates and receiving a 30 day notice to vacate.
- Randy Camp commented on fluoride and the Robertson Road Park Ribbon cutting.
- City Manager Crist responded to Miguel Donoso's concerns and affirmed the Robertson Road Park Ribbon cutting was not a City event.

COUNCIL COMMENTS & REPORTS

2. At the request of Councilmember Serpa, consider staff response to complaint made by counsel for developer of Charleston Place, J. C. Williams, regarding conditions to issuance of certificates of occupancy.

ACTION: Report accepted and no further action taken.

3. At the request of Councilmember Frohman, consider rescinding the \$50,000 expenditure approved at the October 9, 2001 Council meeting for the joint City/County effort to establish a Master Development Plan for the Kiernan Business Park and other North County Business Park properties located along Highway 99.

ACTION: No action taken.

- Mayor Sabatino announced he will be speaking at tonight's Board of Supervisors meeting and noted the Airport Beautification project on October 20th and 27th.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4, 5, 7-10, 12, 13, 15-17
Items 6, 11, 14, & 18 removed from consent

ITEMS 4, 5, 7-10, 12, 13, 15-17 ACTION: Frohman/Fisher; unan.

ITEM 6 ACTION: Fisher/Friedman; unan.

ITEM 11 ACTION: Serpa/Fisher; unan.

ITEM 14 ACTION: Friedman/Smith; unan.

ITEM 18 ACTION: Smith/Frohman; 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 October 9, 2001.

(Motion approving needed.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Frohman/Fisher; unan.) approved the Minutes of October 9, 2001.

CONSENT

5. Final adoption of Ordinance No. 3236-C.S. amending Section 29-3-9 of the zoning map to rezone from medium high density residential zone, R-3, to planned development zone, P-D(548), property located at 201 Needham Street (Great Valley Center).

(Motion adopting Ord. 3236-C.S. recommended.)

ACTION: By Motion (Frohman/Fisher; unan.) approved the **final adoption of Ordinance 3236-C.S.** amending Section 29-3-9 of the zoning map to rezone from medium high density residential zone, R-3, to planned development zone, P-D(548), property located at 201 Needham Street (Great Valley Center).

REMOVED FROM CONSENT

6. Consider awarding contract to Callander & Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a Specific Plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue corridor, and consider amending the Capital Improvement Plan and estimating revenue.

(Resolution approving the contract with Callander & Associates for professional landscape architectural services to prepare a Specific Plan for a 4.2 mile linear park/Class I bikeway

in the Virginia Avenue corridor recommended; Resolution approving budget amendments recommended.)

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: Res. No. 2001-522 (Fisher/Friedman; unan.) approving contract with Callander & Associates for professional landscape architectural services to prepare a Specific Plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue corridor.

Res. No. 2001-523 (Fisher/Friedman; unan.) approving budget amendments.

CONSENT

7. Consider supporting participation with Modesto City Schools in an application for \$242,000 in funding under the State After School Learning and Safe Neighborhoods Partnerships program and committing \$60,500 from the CIP to fund one -half of the required 50% match.

(Resolution supporting participation in an application for \$242,000 in funding under the State After School Learning and Safe Neighborhoods Partnerships program and committing \$60,500 recommended.)

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

ACTION: Res. No. 2001-524 (Frohman/Fisher; unan.) supporting participation in an application for \$242,000 in funding under the State After School Learning and Safe Neighborhoods Partnerships program and committing \$60,500.

CONSENT

8. Consider accepting the work by Robison-Prezioso Inc. for “Recoat Tank Interior – Water Tank 5” as complete, and authorizing the City Clerk to file a Notice of Completion. Final cost, \$95,737.30; funds are budgeted.

(Resolution accepting the work by Robison-Prezioso Inc. for “Recoat Tank Interior – Water Tank 5” as complete, and authorizing the City Clerk to file a Notice of Completion recommended.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-525 (Frohman/Fisher; unan.) accepting the work by Robison-Prezioso Inc. for “Recoat Tank Interior – Water Tank 5” as complete, and authorizing the City Clerk to file a Notice of Completion.

CONSENT

9. Consider accepting the work by Pro-Tec Painting & Coating Inc. for “Modesto Centre Plaza Harvest Hall Floor” as complete and authorizing the City Clerk to file a Notice of Completion. Final cost, \$78,534.00; funds are budgeted.

(Resolution accepting the work by Pro-Tec Painting & Coating Inc. for “Modesto Centre Plaza Harvest Hall Floor” as complete and authorizing the City Clerk to file a Notice of Completion recommended.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-526 (Frohman/Fisher; unan.) accepting the work by Pro-Tec Painting & Coating Inc. for “Modesto Centre Plaza Harvest Hall Floor” as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

10. Consider accepting the work of Silveira General Construction for “Water Quality Control Building Laboratory Re model” as complete and authorizing the City Clerk to file a Notice of Completion. Final cost, \$100,340.00; funds are budgeted.
(Resolution accepting the work of Silveira General Construction for “Water Quality Control Building Laboratory Remodel” as complete and authorizing the City Clerk to file a Notice of Completion recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-527 (Frohman/Fisher; unan.) accepting the work of Silveira General Construction for “Water Quality Control Building Laboratory Remodel” as complete and authorizing the City Clerk to file a Notice of Completion.

REMOVED FROM CONSENT

11. Consider adopting a Veterans’ Preference System for job applicants.
(Resolution adopting a Veterans’ Preference System for job applicants recommended.)
Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-528 (Serpa/Fisher; unan.) adopting Veterans’ Preference System for job applicants.

CONSENT

12. Consider authorizing the changes in salary and benefits that were reached during Meet and Confer with the Modesto City Fire Fighters Association (MCFFA).
(Resolution authorizing the changes in salary and benefits that were reached during Meet and Confer with the Modesto City Fire Fighters Association (MCFFA) recommended.)
Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com and/or Fire; Doug Hannink, 572-9590, dhannink@modestogov.com

ACTION: Res. No. 2001-529 (Frohman/Fisher; unan.) authorizing the changes in salary and benefits that were reached during Meet and Confer with the Modesto City Fire Fighters Association (MCFFA).

CONSENT

13. Consider amending the Classification Plan to create the classification of Deputy Director of Operations and Maintenance and Utility Dispatch Supervisor. Consider amending the Class Range Tables to add the salaries for those positions.
(Resolution to amend the Position Classification Plan to add the positions of Deputy Director of Operations and Maintenance, and Utility Dispatch Supervisor recommended;

Resolution to amend the Class Range Tables to add the salaries for those positions recommended.)

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-530 (Frohman/Fisher; unan.) amending the Position Classification Plan to add the positions of Deputy Director of Operations and Maintenance, and Utility Dispatch Supervisor.

Res. No. 2001-531 (Frohman/Fisher; unan.) amending the Class Range Tables to add the salaries for those positions.

REMOVED FROM CONSENT

14. Consider adopting a revised Disadvantaged Business Enterprise (DBE) program for Federally funded street projects; and consider authorizing the City Manager to pay up to \$4,000 for participation in the Unified Certification Program (UCP). (Resolution adopting a revised DBE program recommended; Resolution authorizing the City Manager to pay for participation in the UCP recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphilli0ps@modestogov.com

ACTION: Res. No. 2001-532 (Friedman/Smith; unan.) adopting a revised DBE program.

Res. No. 2001-533 (Friedman/Smith; unan.) authorizing the City Manager to pay for participation in the UCP.

CONSENT

15. Consider awarding a \$95,134.25 contract to Action Target Inc. for the outdoor shooting range equipment to be used by the Police Department as part of the new Police training facility; consider authorizing the Engineering & Transportation Director to issue a contract change order for additional concrete and electrical work to complete the project. (Resolution awarding a \$95,134.25 contract to Action Target Inc. for the outdoor shooting range equipment to be used by the Police Department as part of the new Police training facility recommended; Resolution authorizing the Engineering & Transportation Director to issue a contract change order for additional concrete and electrical work to complete the project recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-534 (Frohman/Fisher; unan.) awarding a \$95,134.25 contract to Action Target Inc. for the outdoor shooting range equipment to be used by the Police Department as part of the new Police training facility.

Res. No. 2001-535 (Frohman/Fisher; unan.) authorizing the Engineering & Transportation Director to issue a contract change order for additional concrete and electrical work to complete the project.

CONSENT

16. Consider declaring surplus and donating the Old Mill Cafe counter and counter stools to Modesto City Schools.
(Resolution declaring surplus and donating the Old Mill Cafe counter and counter stools to Modesto City Schools recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-536 (Frohman/Fisher; unan.) declaring surplus and donating the Old Mill Café counter and counter stools to Modesto City Schools.

CONSENT

17. Consider authorizing the Purchasing Supervisor to formally solicit bids for network infrastructure upgrades; and consider authorizing the Purchasing Supervisor to purchase the network infrastructure upgrades from the lowest responsive and responsible bidder for an estimated cost of \$102,000. Funds are budgeted.
(Resolution authorizing the Purchasing Supervisor to formally solicit bids for network infrastructure upgrades recommended; Resolution authorizing the Purchasing Supervisor to purchase the network infrastructure upgrades from the lowest responsive and responsible bidder for an estimated cost of \$102,000 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-537 (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to formally solicit bids for network infrastructure upgrades.

Res. No. 2001-538 (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to purchase the network infrastructure upgrades from the lowest responsive and responsible bidder for an estimated cost of \$102,000.

REMOVED FROM CONSENT

18. Consider approving two leases with the Federal Aviation Administration (FAA) for airport property where the Instrument Landing System (ILS) Localizer and Glide Slope are located as well as necessary utilities right-of-ways to the sites, and authorize the City Manager to execute the leases on behalf of the City.
(Resolution approving two FAA leases for airport property where the Instrument Landing System (ILS) Localizer and Glide Slope are located as well as necessary utilities right-of-ways to the sites, and authorize the City Manager to execute the necessary documentation recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2001-539 (Smith/Frohman; unan.) approving two FAA leases for airport property where the Instrument Landing System (ILS) Localizer and Glide Slope are located as well as necessary utilities right-of-way to the sites.

HEARINGS

Item continued from October 9, 2001

19. Hearing to consider the establishment of a Battery Back -up System Equipment Donation Franchise with Safer Intersection.
(Introduction of an ordinance granting an exclusive two -year advertising sign franchise to Safer Intersections for the right, privilege and permission to operate a battery back -up system equipment donation franchise and occupy the public right -of-way at designated locations along the streets in the City of Modesto for advertising signs recommended.)
City Manager; Renee Ledbetter; 577-5463, rledbetter@modestogov.com

ACTION: By Motion (Fisher/Friedman; majority; Serpa, Smith, no) introduced Ordinance No. 3237-C.S. granting an exclusive two-year advertising sign franchise to Safer Intersections for the right, privilege and permission to operate a battery back -up system equipment donation franchise and occupy the public right -of-way at designated location along the streets in the City of Modesto for advertising signs.

NEW BUSINESS

20. Consider appointing a three-member Appeals Board to consider an appeal of the CFD Administrator's determination of the amount of tax due on lots in the Center Court Subdivision.

ACTION: Res. No. 2001-540 (Frohman/Fisher; unan.) appointing Community Development & Housing Committee as appeals Board.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:05 p.m.

MINUTES

Tuesday, October 23, 2001, 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: None

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Certificates of Recognition to Ron Hilliard and Thomas Brown in honor of their heroic actions which resulted in saving the life of Police Officer Paige McLaughlin.

ACTION: Presentations made by Police Chief and Mayor Sabatino to Ron Hilliard and Thomas Brown. Presentation was also made by Paige McLaughlin

2. Presentation by the Operations & Maintenance and Parks, Recreation, & Neighborhoods Departments for *Trees for Tots, 2001: Come Grow with Us*, scheduled for November 3, 2001 at Dry Creek Regional Park.

ACTION: Presentation made by Bill Dufresne and Jennifer Brinar.

ORAL COMMUNICATIONS

- Joan Rutschow commented on water fluoridation.
- Bill Cameron commented on an inappropriate late charge on his garbage bill, the new stop lights placed in his area, Council districts, and the need for the electronic vote board.
- Councilmember Serpa noted his concern of bicycles being ridden at the skate park and the lack of safety equipment being worn by the users of the park.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3, 4, through 15
Items 5 & 16 removed from Consent

ITEMS 3, 4 – 15 ACTION: Friedman/Frohman; unan.

ITEM 5 ACTION: Frohman/Fisher; unan.

ITEM 16 ACTION: Frohman/Fisher; 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 October 16, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of October 16, 2001.

CONSENT

4. Consider transferring funds for the purchase of three new Police canines.
(Resolution amending the 2001/02 budget to transfer \$12,500 for the purchase of three new police canines and the associated costs for their purchase recommended.)
Police; Tim Atchley, 572-9598, atchleyt@modestopd.com

ACTION: Res. No. 2001-541 (Friedman/Frohman; unan.) amending the 2001/02 budget to transfer \$12,500 for the purchase of three new police canines and the associated costs for their purchase.

REMOVED FROM CONSENT

5. Consider an agreement between the City and the California Conservation Corps, Delta Service District for the purpose of utilizing Corps members and staff to work on various projects that protect, enhance, and beautify the community, and authorize the City Manager to execute necessary documents.

(Resolution approving an agreement between the City and the California Conservation Corps, Delta Service District for the purpose of utilizing Corps members and staff to work on various projects that protect, enhance, and beautify the community, and authorizing the City Manager to execute necessary documents recommended.)

Operations & Maintenance; Duane Frederick, 342-2275, dfrederick@modestogov.com

ACTION: Res. No. 2001-542 (Frohman/Fisher; unan.) approving an agreement between the City and the California Conservation Corps, Delta Service District for the purpose of utilizing Corps members and staff to work on various projects that protect, enhance, and beautify the community, and authorizing the City Manager to execute necessary documents.

CONSENT

6. Consider amending the budget to provide \$450,000 in funding related to the settlement of construction claims filed by Mauldin-Dorfmeier Construction Inc. on the Parallel Outfall Sewer Phase III and Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station, North Beyer Neighborhood Projects.

(Resolution amending the budget and appropriating \$450,000 to fund settlement of construction claims recommended.)

Engineering & Transportation; Robert Granberg, 577-5423, rgranberg@modestogov.com

ACTION: Res. No. 2001-543 (Friedman/Frohman; unan.) amending the budget and appropriating \$450,000 to fund settlement of construction claims.

CONSENT

7. Consider authorizing staff to issue a Request for Proposals for a five -year contract to operate the Modesto Area Express (MAX) bus service.

(Resolution authorizing staff to issue a Request for Proposals for a five -year contract to operate the Modesto Area Express (MAX) bus service recommended.)

Engineering & Transportation; 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2001-544 (Friedman/Frohman; unan.) authorizing staff to issue a Request for Proposals for a five-year contract to operate the Modesto Area Express buss service.

CONSENT

8. Consider an agreement with McHenry Mansion Foundation to provide funding for a 1,000 - hour employee to serve as the Mansion gift store employee and consider amending the budget to estimate and appropriate \$12,616 in revenue.

(Resolution approving an agreement with McHenry Mansion Foundation to provide funding for a 1,000-hour employee to serve as the Mansion gift store employee recommended; Resolution amending the budget to estimate and appropriate \$12,616 in revenue recommended.)

Parks, Recreation & Neighborhoods; Wayne Mathes, 577-5335, wmathes@modestogov.com

ACTION: Res. No. 2001-545 (Friedman/Frohman; unan.) approving an agreement with McHenry Mansion Foundation to provide funding for a 1,000 -hour employee to serve as the Mansion gift store employee.

Res. No. 2001-546 (Friedman/Frohman; unan.) amending the budget to estimate and appropriate \$12,616 in revenue.

CONSENT

9. Consider grant application for \$250,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Robert-Z'berg-Harris Urban Open Space and Recreation Program for acquisition of the Fairway Neighborhood Park Site and authorize City Manager to execute necessary documents.

(Resolution approving grant application for \$250,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Robert-Z'berg-Harris Urban Open Space and Recreation Program for acquisition of the Fairway Neighborhood Park Site and authorizing City Manager to execute necessary documents recommended.)

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

ACTION: Res. No. 2001-547 (Friedman/Frohman; unan.) approving a grant application for \$250,000 in funding under Safe Neighborhood parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, Robert-Z'berg-Harris Urban Open Space and Recreation Program for acquisition of the Fairway Neighborhood Park Site and authorizing City Manager to execute necessary documents.

CONSENT

10. Consider approving grant application for \$120,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for preliminary documents for an exhibit at the McHenry Museum and authorize the City Manager to execute necessary documents.

(Resolution approving grant application for \$120,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for preliminary documents for an exhibit at the McHenry Museum and authorize the City Manager to execute necessary documents recommended.)

Parks, Recreation & Neighborhoods; Rashida Jackson, 571-5515, rajackson@modestogov.com

ACTION: Res. No. 2001-548 (Friedman/Frohman; unan.) approving a grant application for \$120,000 in funding under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for preliminary documents for an exhibit at the McHenry Museum and authorize the City Manager to execute necessary documents

CONSENT

11. Consider agreement with Florsheim Brothers Inc. for acquisition of the Coffee/Claratina Neighborhood Park Site, and consider findings of Initial Study.
(Resolution approving an agreement with Florsheim Brothers Inc. for acquisition of the Coffee/Claratina Neighborhood Park Site recommended; Resolution adopting findings of Initial Study recommended.)
Parks, Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Res. No. 2001-549 (Friedman/Frohman; unan.) approving an agreement with Florsheim Brothers Inc. for acquisition of the Coffee/Claratina Neighborhood Park Site.

Res. No. 2001-550 (Friedman/Frohman; unan.) adopting findings of Initial Study.

CONSENT

12. Consider awarding a \$509,258.00 contract to Cunningham & Sons Inc. for the project titled "2001-2002 Rockwell and Catch Basin Replacement/Addition".
(Resolution awarding a \$509,258.00 contract to Cunningham & Sons Inc. for the project titled "2001-2002 Rockwell and Catch Basin Replacement/Addition" recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-551 (Friedman/Frohman; unan.) awarding a \$509,258.00 contract to Cunningham & Sons Inc. for the project titled "2001 -2002 Rockwell and Catch Basin Replacement/Addition"

CONSENT

13. Consider amending the FY 01-02 Operating Budget to fund retroactive overtime pay for Fire Department employees for the period from July 1989 through August 2001 in the amount of \$323,740.52.
(Resolution amending the FY 01-02 Operating Budget to fund retroactive overtime pay for Fire Department employees for the period from July 1989 through August 2001 in the amount of \$323,740.52 recommended.)
Fire Department; Doug Hannink, 572-9590, dhannink@modestogov.com or Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Res. No. 2001-552 (Friedman/Frohman; unan.) amending the FY 01 -02 Operating Budget to fund retroactive overtime pay for Fire Department employees for the period from July 1989 through August 2001 in the amount of \$323,740.52

CONSENT

14. Consider accepting with regret the resignation of David Chase from the Citizens Advisory Committee on Recycling.
(Resolution accepting with regret the resignation of David Chase from the Citizens Advisory Committee on Recycling recommended.)
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2001-553 (Friedman/Frohman; unan.) accepting with regret the resignation of David Chase from the Citizens Advisory Committee on Recycling.

CONSENT

15. Consider accepting with regret the resignation of Mark Peters from the Airport Advisory Committee.
(Resolution accepting with regret the resignation of Mark Peters from the Airport Advisory Committee recommended.)
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2001-554 (Friedman/Frohman; unan.) accepting with regret the resignation of Mark Peters from the Airport Advisory Committee.

REMOVED FROM CONSENT

16. Consider waiving formal bid procedures by five affirmative votes and authorizing the purchase of Dell computers, from Dell Marketing LP for Fiscal Year 2001 -2002, utilizing the Western States Contracting Alliance (WSCA) contract through the State of California Department of General Services for an estimated total cost of \$353,000.
(Resolution waiving formal bid procedures and authorizing the purchase of Dell computers, for an estimated total cost of \$353,000 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-555 (Frohman/Fisher; unan.) waiving formal bid procedures and authorizing the purchase of Dell computers for an estimated total cost of \$353,000.

UNFINISHED BUSINESS

Councilmember Conrad absent due to conflict of interest

17. Consider appointing one City Councilmember and one staff alternate to serve on the governing board of the Pacific Housing and Finance Agency.
(Resolution appointing one City Councilmember and one staff alternate to serve on the governing board of the Pacific Housing and Finance Agency recommended.)
Parks, Recreation & Neighborhoods; Miguel Galvez, 571-5506, mgalvez@modestogov.com

ACTION: Res. No. 2001-556 (Fisher/Friedman; Conrad, absent.) appointing one City Councilmember, Councilmember Frohman, and one staff alternate, City Manager Crist or his designee, to serve on the governing board of the Pacific Housing and Finance Agency

18. Final adoption of Ordinance No. 3237-C.S. - An ordinance granting an exclusive two -year advertising sign franchise to safer intersections for the right, privilege and permission to operate a battery back-up system equipment donation franchise and occupy the public right-of-way at designated locations along the streets in the City of Modesto for advertising signs.

ACTION: By Motion (Frohman/Conrad; majority; Serpa & Smith, no) approved **final adoption of Ordinance No. 3237-C.S.** - An ordinance granting an exclusive two -year advertising sign franchise to safer intersections for the right, privilege and permission to operate a battery back-up system equipment donation franchise and occupy the public right-of-way at designated locations along the streets in the City of Modesto for advertising signs.

HEARINGS

Request to continue item to November 7, 2001 received

Item continued from October 9, 2001

19. Hearing to consider the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map.
(Resolution approving the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map recommended.)
Community Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: By Motion (Fisher/Frohman; unan.) item was continued to November 7, 2001.

NEW BUSINESS

20. Consider denying application from American G.I. Forum for use of City-owned property at 308 Ruberto and directing staff to have the buildings demolished and to sell the property on the open market.
(Resolution denying application from American G.I. Forum for use of City-owned property at 308 Ruberto and directing staff to have the buildings demolished and to sell the property on the open market recommended.)
Parks, Recreation & Neighborhoods; Ernest Richardson, 577-5392, erichardson@modestogov.com

ACTION: Res. No. 2001-557 (Frohman/Sabatino; majority; Fisher & Friedman, no) denying application from American G.I. Forum for use of City -owned property at 308 Ruberto and directing staff to have the buildings demolished and to sell the property on the open market.

21. Consider approving the 2001-2004 Strategic Plan and Vision.
(Resolution approving the 2001-2004 Strategic Plan and Vision recommended.)
City Manager, Jana Coons, 571-5580, jcoons@modestogov.com

ACTION: Res. No. 2001-558 (Frohman/Fisher; majority; Serpa, no) approving the 2001 -2004 Strategic Plan Vision.

COUNCIL COMMENTS & REPORTS

22. At the request of Mayor Sabatino, discussion of the status of the removal of buildings on Scenic Drive.

ACTION: No action taken.

- Councilmember Conrad commented on moving Council meetings to twice a month.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

Wednesday, November 7, 2001, 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: *Sabatino & Smith—Item 8*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Acknowledgement of Keith Dobson and James Miller for retrieving and returning important personal documents and cash to an elderly man

ACTION: Presentations made by Police Chief Wasden and Mayor Sabatino.

2. Introduction of the following new employees: Jack Bond - Senior Civil Engineer; Kris Ohlson - Assistant Civil Engineer; Paul Hom - Assistant Traffic Engineer; Steven Liu - Assistant Traffic Engineer

ACTION: Introductions made by Glen Lewis, E&T Director.

ORAL COMMUNICATIONS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 17

ACTION: Friedman/Frohman; 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 October 23, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Friedman/Frohman; unan.) approved the minutes of October 23, 2001.

CONSENT

4. Consider accepting with regret the resignation of Steven Barbieri from the Community Qualities Forum.
(Resolution accepting with regret the resignation of Steven Barbieri from the Community Qualities Forum recommended.)
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2001-559 (Friedman/Frohman; unan.) accepting with regret the resignation of Steven Barbieri from the Community Qualities Forum.

CONSENT

5. Consider approving revisions to the Modesto City Standard Specifications.
(Resolution approving revisions to the Modesto City Standard Specifications recommended.)
Engineering & Transportation; Kevin Becker, 577-5269, kbecker@modestogov.com

ACTION: Res. No. 2001-560 (Friedman/Frohman; unan.) approving revisions to the Modesto City Standard Specifications.

CONSENT

6. Consider accepting the improvements for Crawford Estates subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods (owners: Sherwood Forest Estates Inc., a California Corporation, Kent W. Crawford and Lisa Crawford, husband and wife as community property, and Phillip Austin and Ida Austin, husband and wife as joint tenants).
(Resolution accepting the improvements for Crawford Estates subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-561 (Friedman/Frohman; unan.) accepting the improvements for the Crawford Estates subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of the statutory periods.

CONSENT

7. Consider accepting the improvements for Generations subdivision and authorizing the City Clerk to file Notice of Completion and to release 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 Generations subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods recommended.)
Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-562 (Friedman/Frohman; unan.) accepting the improvements for Generations subdivision and authorizing the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

Councilmember Smith and Mayor Sabatino absent due to Conflict of Interest.

8. Consider authorizing City Staff to issue a Request for Qualifications and Request for Proposals to hire an engineer for the design of the replacement of 9th Street Storm Drain. Funds are budgeted.
(Resolution authorizing City Staff to issue a Request for Qualifications and Request for Proposals to hire an engineer for the design of the replacement of 9th Street Storm Drain recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-563 (Frohman/Friedman; unan.; Smith, Sabatino, absent) authorizing City Staff to issue a Request for Qualifications and Request for Proposals to hire an engineer for the design of the replacement of the 9th Street Storm Drain.

CONSENT

9. Consider authorizing City Staff to begin the Request for Qualifications (RFQ) and Request for Proposals (RFP) process to hire an architect for the design of Fire Station #11 to be located at the southwest corner of Pelandale Avenue and Carver Road. Funds are budgeted.
(Resolution authorizing City Staff to begin the RFQ and RFP process to hire an architect for the design of Fire Station #11 recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2001-564 (Friedman/Frohman; unan.) authorizing City Staff to begin the RFQ and RFP process to hire an architect for the design of Fire Station #11.

CONSENT

10. Consider awarding an emergency public works contract to Conco West for well repairs made to municipal well site #42 and authorizing the City Manager to execute an emergency public works contract with Conco West. Funds are budgeted.
(Resolution awarding an emergency public works contract to Conco West for well repairs made to municipal well site #42 and authorizing the City Manager to execute an emergency public works contract with Conco West recommended.)
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@modestogov.com

ACTION: Res. No. 2001-565 (Friedman/Frohman; unan.) awarding an emergency public works contract to Conco West for well repairs made to municipal well site #42 and authorizing the City Manager to execute an emergency public works contract with Conco West.

CONSENT

11. Consider authorizing the Purchasing Officer to formally solicit bids for well rehabilitation for an estimated annual cost of \$80,000. Funds are budgeted.
(Resolution authorizing the Purchasing Officer to formally solicit bids for well rehabilitation for an estimated annual cost of \$80,000 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-566 (Friedman/Frohman; unan.) authorizing the Purchasing Officer to formally solicit bids for well rehabilitation for an estimated annual cost of \$80,000.

CONSENT

12. Consider authorizing the Purchasing Supervisor to formally solicit bids for pump station rejuvenation for an estimated annual cost of \$500,000. Funds are budgeted.
(Resolution authorizing the Purchasing Officer to formally solicit bids for pump station rejuvenation for an estimated annual cost of \$500,000 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-567 (Friedman/Frohman; unan.) authorizing the Purchasing Officer to formally solicit bids for pump station rejuvenation for an estimated annual cost of \$500,000.

CONSENT

13. Consider adoption of an amended Harassment Policy for the City of Modesto.
(Resolution adopting an amended Harassment Policy for the City of Modesto recommended.)
Personnel; Jason Mauga, 577-5209; jmauga@modestogov.com

ACTION: Res. No. 2001-568 (Friedman/Frohman; unan.) adopting an amended Harassment Policy for the City of Modesto.

CONSENT

14. Consider authorizing staff to solicit Requests for Proposals for a structural investigation and cost estimate of remediation actions for the Modesto Community Service Center at a cost not to exceed \$15,000, and consider amending the Fiscal Year 2001 -02 operating budget to appropriate \$15,000 from the General Fund Reserve to fund the structural investigation & cost estimate of remediation actions.
(Resolution authorizing staff to solicit Requests for Proposals for a structural investigation and cost estimate of remediation actions for the Modesto Community Service Center at a cost not to exceed \$15,000 recommended; Resolution amending the Fiscal Year 2001 -02 operating budget to appropriate \$15,000 from the General Fund Reserve to fully fund the structural investigation & cost estimate of remediation actions recommended.)

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2001-569 (Friedman/Frohman; unan.) authorizing staff to solicit Requests for Proposals for a structural investigation and cost estimate of remediation actions for the Modesto Community Service Center at a cost not to exceed \$15,000.

Res. No. 2001-570 (Friedman/Frohman; unan.) amending the Fiscal Year 2001-02 operating budget to appropriate \$15,000 from the General Fund Reserve to fully fund the structural investigation and cost estimate of remediation actions.

CONSENT

15. Consider de-obligating \$245,000 and authorizing staff to seek RFQ for multi-family Quality Housing for Working Citizens project in Village One; Consider authorizing staff to solicit RFPs for the amount of \$953,996 for Quality Housing for Working Citizens; and Consider amending the FY01-02 budget to estimate carry-over and re-appropriate expenditures.
(Resolution de-obligating \$245,000 and authorizing staff to seek RFQ for multi-family Quality Housing for Working Citizens project in Village One recommended; Resolution authorizing staff to solicit RFPs for the amount of \$953,996 for Quality Housing for Working Citizens recommended; and Resolution amending the FY01-02 budget to estimate carry-over and re-appropriate expenditures recommended.)
Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: Res. No. 2001-571 (Friedman/Frohman; unan.) de-obligating \$245,000 and authorizing staff to seek RFQ for multi-family Quality Housing for Working Citizens project in Village One.

Res. No. 2001-572 (Friedman/Frohman; unan.) authorizing staff to solicit RFPs for the amount of \$953,996 for Quality Housing for Working Citizens.

Res. No. 2001-573 (Friedman/Frohman; unan.) amending the FY 01-02 budget to estimate carry-over and re-appropriate expenditures.

CONSENT

16. Consider accepting \$28,050 in funding from the Federal Land and Water Conservation Fund for construction of a picnic area at Mark Twain Neighborhood Park and authorizing the City Manager to execute the grant contract; and consider amending the FY 01-02 Capital Improvement Budget to estimate new revenue, appropriate expenditures and establish a new CIP project.
(Resolution accepting \$28,050 in funding from the Federal Land and Water Conservation Fund for construction of a picnic area at Mark Twain Neighborhood Park and authorizing the City Manager to execute the grant contract recommended; Resolution amending the FY 01-02 Capital Improvement Budget to estimate new revenue, appropriate expenditures and establish a new CIP project recommended.)
Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Res. No. 2001-574 (Friedman/Frohman; unan.) accepting \$28,050 in funding from the Federal Land and Water Conservation Fund for construction of a picnic area at Mark Twain Neighborhood Park and authorizing the City manager to execute the grant contract.

Res. No. 2001-575 (Friedman/Frohman; unan.) amending the FY 01-02 Capital Improvement Budget to estimate new revenue, appropriate expenditures and establish a new CIP project.

CONSENT

17. Consider amending the Land Use and Planning component of the 2001 Legislative Platform.
(Resolution amending the Land Use and Planning component of the 2001 Legislative Platform recommended.)
Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Res. No. 2001-576 (Friedman/Frohman; unan.) amending the Land Use and Planning component of the 2001 Legislative Platform.

HEARINGS

Item continued from October 9, and October 23, 2001

18. Hearing to consider the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map.
(Resolution approving the application of John Verner to abandon a portion of Esta Avenue, South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map recommended.)
Community Development; Steve Mitchell, 577-5287, smitchell@modestogov.com

ACTION: Res. No. 2001-577 (Fisher/Friedman; unan.) approving the application of John Verner to abandon a portion of Esta Ave South of Sylvan Avenue, as required by conditions of approval for the Atherton Place vesting tentative subdivision map and approving a name change from Esta to Millbrook..

COUNCIL COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 5:40 p.m.

MINUTES

Tuesday, November 13, 2001, 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 – Tiger Den 1 Cub Scouts: Christopher Frink, Jimmy Streach,
Shon Hamilton, Ben May

Invocation: Pastor Cliff Sexton, First Baptist Church

1. Certification of canvass of votes from the November 6, 2001 election.
(Resolution certifying canvass of votes recommended.)

ACTION: Continued to November 20, 2001.

2. Oath of Office by newly-elected Modesto Board of Education Members.

ACTION: Continued to November 20, 2001.

City Clerk’s Announcements: *Items 1 & 2 continued to November 20, 2001.*
Item 13 appeal withdrawn

Declaration of Conflicts of Interest: *None*

ACKNOWLEDGEMENTS & PRESENTATIONS

- Proclamation declaring November 15, 2001 as America Recycles Day.

ACTION: Mayor Sabatino presented proclamation to Recycling Coordinator.

ORAL COMMUNICATIONS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12

ACTION: Fisher/Friedman; 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 November 7, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By motion (Fisher/Friedman; unan.) approved the minutes of November 7, 2001.

CONSENT

4. Consider amending the Position Classification Plan to revise the classification of Planning Technician I & II and to create the classifications of GIS Analyst, Production Technician, and Water Conservation Specialist. Consider amending the Class Range Tables to add the salary for GIS Analyst, Production Technician and Water Conservation Specialist.
(Resolution amending the Position Classification Plan to revise the classification of Planning Technician I & II and to create the classifications of GIS Analyst, Production Technician, and Water Conservation Specialist recommended; Resolution amending the Class Range Tables to add the salary for GIS Analyst, Production Technician and Water Conservation Specialist recommended.)
Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Res. No. 2001-578 (Fisher/Friedman; unan.) amending the Position Classification Plan to revise the classification of the Planning Technician I & II and to create the classifications of GIS Analyst, Production Technician, and Water Conservation Specialist.

Res. No. 2001-579 (Fisher/Friedman; unan.) amending the Class Range Tables to add the salary for GIS Analyst, Production Technician, and Water Conservation Specialist.

CONSENT

5. Consider approving angle parking on the north side of F Street between 9th and 10th Streets to maximize parking stall yields.
(Resolution approving angle parking on the north side of F Street between 9th and 10th Streets to maximize parking stall yields recommended.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2001-580 (Fisher/Friedman; unan.) approving angle parking on the North side of F Street between 9th and 10th Streets to maximize parking stall yields.

CONSENT

6. Consider accepting the improvements for Nottingham 5 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: McHenry Ranch Joint Venture, California Joint Venture composed of Modesto Village Ventures One, L.P., a California Limited Partnership and Stewart W. Bradley and Betty J. Bradley). (Resolution accepting the improvements for Nottingham 5 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; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-581 (Fisher/Friedman; unan.) accepting the improvements for Nottingham 5 subdivision, in the Village One Specific Plan Area and authorizing the City Clerk to file a Notice of Completion to release securities upon expiration of the statutory periods.

CONSENT

7. Consider accepting the work of Teichert Construction for the contract “Carpenter Road Improvements South of Maze” as complete and authorize the City Clerk to file a Notice of Completion, and consider approving an appropriation transfer to fully fund the project. (Resolution accepting the work of Teichert Construction for the contract “Carpenter Road Improvements South of Maze” as complete and authorize the City Clerk to file a Notice of Completion recommended; Resolution approving an appropriation transfer to fully fund the project recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-582 (Fisher/Friedman; unan.) accepting the works of Teichert Construction for the contract “Carpenter Road Improvements South of Maze” as complete.

Res. No. 2001-583 (Fisher/Friedman; unan.) approving an appropriation transfer to fully fund the project.

CONSENT

8. Consider accepting the work of Collins Electrical Company Inc. for the contract “Modification of Eight Traffic Signals along College Avenue and Tully Road” as complete and authorize the City Clerk to file a Notice of Completion. (Resolution accepting the work of Collins Electrical Company Inc. for the contract “Modification of Eight Traffic Signals along College Avenue and Tully Road” as complete and authorize the City Clerk to file a Notice of Completion recommended.)
Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-584 (Fisher/Friedman; unan.) accepting the work of Collins Electrical Company Inc. for the contract “Modification of Eight Traffic Signals along College Avenue and Tully Road” as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

9. Consider accepting the work of BDS Construction Inc. for the contract “LaLoma Avenue Traffic Circle” as complete and authorize the City Clerk to file a Notice of Completion. (Resolution accepting the work of BDS Construction Inc. for the contract “LaLoma Avenue Traffic Circle” as complete and authorize the City Clerk to file a Notice of Completion recommended.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-585 (Fisher/Friedman; unan.) accepting the work of BDS Construction Inc. for the contract “La Loma Avenue Traffic Circle” as complete and authorize the City Clerk to file a Notice of Completion.

CONSENT

10. Consider concurring with the Solid Waste-to-Energy Committee’s recommendation to decrease tipping fees at the Stanislaus Resource Recovery (Waste-to-Energy) Facility from \$34 per ton to \$30 per ton, effective January 1, 2002, and rescinding that portion of Resolution 2001-19 relating to tipping fees.

(Resolution approving a decrease in tipping fees at the Stanislaus Resource Recovery (Waste-to-Energy) Facility from \$34 per ton to \$30 per ton, effective January 1, 2002, and rescinding that portion of Resolution 2001-19 relating to tipping fees recommended.)

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2001-586 (Fisher/Friedman; unan.) approving a decrease in tipping fees at the Stanislaus Resource Recovery (Waste -to-Energy) Facility from \$34 per ton to \$30 per ton, effective January 1, 2002 and rescinding that portion of Resolution 2001-19 relating to tipping fees.

CONSENT

11. Consider amending Resolution 2001-455 and authorizing the expenditure of an additional \$49,000 for the purchase of a used asphalt milling machine and trailer for a total cost of \$309,000, and consider transferring funds to fully fund the purchase. (Resolution amending Resolution 2001-455 and authorizing the expenditure of an additional \$49,000 for the purchase of a used asphalt milling machine and trailer for a total cost of \$309,000 recommended; Resolution transferring funds to fully fund the purchase of the used asphalt milling machine and trailer recommended.)

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

ACTION: Res. No. 2001-587 (Fisher/Friedman; unan.) amending Resolution 2001-455 and authorizing the expenditure of an additional \$49,000 for the purchase of a used asphalt milling machine and trailer for a total cost of \$309,000.

Res. No. 2001-588 (Fisher/Friedman; unan.) transferring funds to fully fund the purchase of the used asphalt milling machine and trailer.

CONSENT

12. Consider authorizing the Purchasing Supervisor to formally solicit bids for body armor for the Police Department for an estimated cost of \$91,000. Funds are budgeted.
(Resolution authorizing the Purchasing Supervisor to formally solicit bids for body armor for the Police Department for an estimated cost of \$91,000 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. No. 2001-589 (Fisher/Friedman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for body armor for the Police Department for an estimated cost of \$91,000.

HEARINGS

13. Hearing to consider an appeal to a Planning Commission decision regarding the denial of the application of Khatri Properties for an amendment to P -D(483) to allow modifications to the Conditions of Approval, property located at the Northwest corner of Peland ale Avenue and Dale Road.
(Resolution denying appeal recommended.)
Community Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: No action taken. Appeal withdrawn by appellant.

Item continued from June 26, 2001

14. Hearing to consider proposed water rate increase of 2% “across -the-board” in Water Zones 1, 2, and that portion of Zone 3 that will receive fluoridated water, to fund operations and maintenance costs related to fluoridation of the water , effective January 1, 2003.
Engineering & Transportation; Glen Lewis, 577 -5215, glewis@modestogov.com

ACTION: See action for Item 15.

NEW BUSINESS

Item continued from June 26, 2001

15. Consider approving a grant agreement with Fluoridation 2000 in the amount of \$796,000 related to the design, purchase, and installation of equipment to fluoridate the water system; consider approving a grant agreement with Sierra Health Foundation in the amount of \$213,332 related to the purchase and installation of equipment to fluoridate the water system.
(Resolution approving a grant agreement with Fluoridation 2000 in the amount of \$796,000 related to the design, purchase, and installation of equipment to fluoridate the water system recommended; Resolution approving a grant agreement with Sierra Health Foundation in the amount of \$213,332 related to the purchase and installation of equipment to fluoridate the water system recommended.)
Engineering & Transportation; Rich Ulm, 577-5215 rulm@modestogov.com

ACTION: Res. No. 2001-590 (Fisher/Friedman; unan.) rescinding Resolution 2000 -254, adopted May 30, 2000, which directed staff to take various steps to implement fluoridation of the City's water supply, rejecting the proposed water rate increases to pay for the operation of maintenance expenses associated with fluoridation; and rejecting the proposed agreements with Fluoridation 2000 and Sierra Health Foundation to fund the capital costs associated with fluoridation.

16. Oral request from Eric Wardwell to discuss his concerns about the failure of Dial -A-Ride to fulfill its obligations and to consider contracting with a new company for the services now provided for by Dial- A-Ride. Mr. Wardwell also has other concerns about the obstructions on City Sidewalks to wheelchairs.

ACTION: Item was referred to Staff.

COUNCIL COMMENTS & REPORTS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 5:41 p.m.

MINUTES

Tuesday, November 20, 2001, 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 Dave Marston, Big Valley Grace Community Church

3. Certification of canvass of votes from the November 6, 2001 election.
(Resolution certifying canvass of votes recommended.)

ACTION: Res. No. 2001-591 (Fisher/Conrad; unan.) certifying canvass of votes.

4. Oath of Office by newly-elected Modesto Board of Education Members.

ACTION: Oath administered by City Clerk

City Clerk's Announcements: *Items 6, 7, 8 & 11 removed from Consent.*

Declaration of Conflicts of Interest: *Mayor Sabatino, Items 6 & 7*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a Certificate of Recognition to Don Monaco for his dedication, leadership, and vision in the implementation of the Airport Area Beautification Project.

ACTION: Certificate presented by Mayor Sabatino.

2. Introduction of new employee, Babette Davis, Personnel Analyst.

ACTION: Introduction made by Personnel Director.

5. Introduction of new employee, Ross Shively, Building Maintenance Superintendent.

ACTION: Introduction by Deputy City Manager Britton.

ORAL COMMUNICATIONS

- Mark Hasley spoke regarding excessive parking and activity near Club Detour and Early Dawn.
- Brian Faust concerned excessive noise at Club Suavé
- Daniel Cavara expressed concern of the same issue as the previous two speakers.
- Deloria Haggard expressed concern of with excessive activity around the previous mentioned clubs.
- Police Chief Wasden responded to the concern of the speakers.
- Councilmembers responded to the speakers and requested staff to meet with club owners and neighbors and possibly revoke dance permit if necessary.
- Joan Rutschow recognized Mike Winther and thanked voters for defeating Measure M and thanked Councilmember Serpa for placing the measure on the ballot.
- Alison Boucher from Friends of the Tuolumne spoke regarding the proposed Master Plan for the Tuolumne Regional Park and concern of the placement of the amphimeadow.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4, 5, 9,10, 12
Items 6-8, and 11 removed from Consent

ACTION: 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 November 13, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Fisher; unan.) approved the minutes of November 13, 2001.

CONSENT

5. Consider extended pay and benefits of Reservists called into active military duty.
(Resolution to extending salary and health benefits to total 12 months for Reservists called into active Military duty recommended.)
Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2001-592 (Frohman/Fisher; unan.) extending salary and health benefits to total 12 months for Reservists called into active Military duty.

REMOVED FROM CONSENT

Mayor Sabatino absent due to conflict of interest

6. Consider award of contract for “Installation of Closed Circuit Television Cameras” to Collins Electrical in the amount of \$1,144,240 to install 16 cameras at various intersections in Modesto and five in Ceres; approve an appropriation transfer from savings in CFF for additional funds needed to fund this project; and approve amending the budget to estimate grant revenues from the City of Ceres in the amount of \$110,000 set aside for additional work in Ceres.
(Resolution awarding the contract for “Installation of Closed Circuit Television Cameras” to Collins Electrical in the amount of \$1,144,240 to install 16 cameras at various intersections in Modesto and five in Ceres recommended; Resolution approving an appropriation transfer from savings in CFF for additional funds needed to fund this project recommended; Resolution amending the budget to estimate grant revenues from the City of Ceres in the amount of \$110,000 set aside for additional work in Ceres recommended.)
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2001-593 (Frohman/Friedman; unan.; Sabatino, absent) awarding the contract for “Installation of Closed Circuit Television Cameras” to Collins Electrical in the amount of \$1,144,240 to install 16 cameras at various intersections in Modesto and five in Ceres.

Res. No. 2001-594 (Frohman/Friedman; unan.; Sabatino, absent) amending the Capital Improvement Budget to recognize additional revenue from the City of Ceres and a budget adjustment to increase the anticipated construction expense.

REMOVED FROM CONSENT

Mayor Sabatino absent due to conflict of interest

7. Consider awarding a contract for “Expand ATMS Northeast” project to Golden State Utility Company; consider approving appropriation transfers to fund the project; and consider amending the budget to estimate grant revenues.
(Resolution awarding a contract for “Expand ATMS Northeast” project to Golden State Utility Company recommended; Resolution approving appropriation transfers to fund the project recommended; Resolution amending the budget to estimate grant revenues recommended.)

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2001-595 (Frohman/Smith; unan.; Sabatino, absent) awarding a contract for “Expand ATMS Northeast” project to Golden State Utility Company.

Res. No. 2001-596 (Frohman/Smith; unan., Sabatino, absent) amending the Capital Improvements Budget to recognize additional revenue from the ½ Congestion Management and Air Quality Grant funds and a budget adjustment to increase the anticipated construction expense.

REMOVED FROM CONSENT

8. Consider staff report on 5-month review of Annual Golf Pass Program, and consider amending the hours that Every Day Annual Passes are valid on Saturday, Sundays, and Holidays and amending Resolution No. 2001-159.
(Motion acknowledging receipt of report recommended; Resolution amending Resolution No. 2001-159 regarding hours of play and reaffirming said resolution in all other aspects recommended.)

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: By motion (Fisher/Friedman; majority; Frohman, no) acknowledged receipt of report.

Res. No. 2001-597 (Fisher/Friedman; majority; Frohman, no) amending Resolution No. 2001-159 regarding hours of play and reaffirming said resolution in all other aspects.

CONSENT

9. Consider accepting the work of George Reed Inc. for the project titled “Coldwell Avenue and Ninth Street Improvements” as complete, and authorizing the City Clerk to file a Notice of Completion.
(Resolution accepting the work of George Reed Inc. for the project titled “Coldwell Avenue and Ninth Street Improvements” as complete, and authorizing the City Clerk to file a Notice of Completion recommended.)

Engineering & Transportation; Robert Granberg, 577-5452, rgranberg@modestogov.com

ACTION: Res. No. 2001-598 (Frohman/Fisher; unan.) accepting the work of George Reed Inc. for the project titled “Coldwell Ave & Ninth Street Improvements” as complete.

CONSENT

10. Consider approving the form of agreements for reimbursements for dedication of right -of-way for the Pelandale Avenue Expressway and authorizing the City Manager to execute the agreements for each party; and consider amending the budget to fund the reimbursements. (Resolution approving the form of agreements for reimbursements for dedication of right -of-way for the Pelandale Avenue Expressway and authorizing the City Manager to execute the agreements for each party recommended; Resolution amending the budget to fund the reimbursements recommended.)

Engineering & Transportation; Rich Ulm, 577-5215, rulm@modestogov.com

ACTION: Res. No. 2001-599 (Frohman/Fisher; unan.) approving the form of agreements for reimbursements for dedications of right-of-way for the Pelandale Ave Expressway.

Res. No. 2001-600 (Frohman/Fisher; unan.) amending the budget to fund the reimbursements.

REMOVED FROM CONSENT

11. Consider lease of 1550-A Yosemite Boulevard for the Police Department's Southeast Area Office for a five-year period.

(Resolution authorizing the City Manager to execute a five-year lease of the property at 1550-A Yosemite Boulevard for the Police Department's Southeast Area Office recommended.)

Police Department; contact William Harper, 577-5324, wharper@modestogov.com

ACTION: Res. No. 2001-601 (Fisher/Friedman; unan.) authorizing the City Manager to execute a five-year lease of the property at 1550 -A Yosemite Boulevard for the Police Department's Southeast Area Office.

CONSENT

12. Consider authorizing the Purchasing Supervisor to issue a request for bids for twelve Model 170E Controller Assemblies with 332 Cabinet. These traffic control devices will be used for new traffic signal installation at Standiford/Shawnee, traffic signal modifications at K and 9th Streets, and as replacement of existing units at various locations.

(Resolution authorizing the Purchasing Supervisor to issue a request for bids for twelve Model 170E Controller Assemblies with 332 Cabinet recommended.)

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2001-602 (Frohman/Fisher; unan.) authorizing the Purchasing Supervisor to issue a request for bids for twelve Model 170E Controller Assemblies with 332 Cabinet.

WRITTEN COMMUNICATIONS

13. A request from Gregory C. Tesluk, M.D. concerning the water utility/fire service charge applied to commercial buildings with fire protection sprinklers located in Zone 2 (the former Del Este Water Company service area).

ACTION: By Motion (Fisher/Friedman; unan.) referred item to Utility Services & Franchise Committee.

NEW BUSINESS

14. Consider an application to the Stanislaus County Community development “Bank” for \$405,000 funding for the Kansas Avenue Business Park project.
(Resolution approving submittal of an application by the City of Modesto to the Stanislaus County Community Development “Bank” for funding for the Kansas Avenue Business Park --Concept Master Planning recommended.)
Community Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2001-603 (Friedman/Fisher; majority; Sabatino, no) approving submittal of an application by the City of Modesto to the Stanislaus County Community Development “Bank” for funding for the Kansas Avenue Business Park—Concept Master Planning.

COUNCIL COMMENTS & REPORTS

15. At the request of Councilmember Serpa, consider application from Stanislaus County Police Activities League for use of the Centre Plaza for the Youth Christmas Event.

ACTION: By motion (Sabatino/Conrad; majority; Serpa, no.) to deny request.

- Mayor Sabatino read his letter to Judge Mayhew regarding a breach of confidentiality from the Grand Jury.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:15 p. m.

Minutes

Tuesday, November 27, 2001, 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: Cpt. Mike Dickerson, Salvation Army

City Clerk's Announcements: *Item 12 removed from agenda*

Declaration of Conflicts of Interest: *Councilmember Fisher, Items 5 & 9*

ORAL COMMUNICATIONS

- Joan Rutschow spoke regarding the use of Tobacco funds for dental care and requested Council support of a future Council meeting for this application.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

ITEMS 1-4 ACTION: Frohman/Conrad; unan.

ITEM 5 ACTION: Friedman/Conrad; unan.; Fisher, 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 November 20, 2001.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.) approved the minutes of November 20, 2001.

CONSENT

2. Consider joinder in amicus briefs in Alford v. Superior Court and Cripe v. City of San Jose.
(Motion authorizing the City to join in amicus briefs Alford v. Superior Court and Cripe v. City of San Jose and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs recommended.)
Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.) authorizing the City to join in amicus briefs Alford v. Superior Court and Cripe v. City of San Jose and directing the City Attorney to execute and forward letters of support to respective counsel preparing the amicus briefs.

CONSENT

3. Consider authorizing City staff to begin the Request for Qualifications (RFQ) and Request for Proposals (RFP) process for consultant services to prepare the Regional Water Reclamation Plant Feasibility Study; Consider amending the FY2002 Operating Budget to appropriate \$150,000 to pay for a Reclamation Feasibility Study and recognize \$75,000 in grant reserves.
(Resolution authorizing City staff to begin the Request for Qualifications (RFQ) and Request for Proposals (RFP) process for consultant services to prepare the Regional Water Reclamation Plant Feasibility Study recommended; Resolution amending the FY2002 Operating Budget to appropriate \$150,000 to pay for a Reclamation Feasibility Study and recognize \$75,000 in grant reserves recommended.)
Engineering & Transportation; William Wong, 571-5801, wwong@modestogov.com

ACTION: Res. No. 2001-604 (Frohman/Conrad; unan.) authorizing City staff to begin the Request for Qualifications (RFQ) and Request for Proposals (RFP) process for consultant services to prepare the Regional Water Reclamation Plant Feasibility Study.

Res. No. 2001-605 (Frohman/Conrad; unan.) amending the FY2002 Operating Budget to appropriate \$150,000 to pay for a Reclamation Feasibility Study and recognize \$75,000 in grant reserves.

CONSENT

4. Consider amendments to the Down Payment Assistance Program to: lower interest rate to 3%; extend amortization period to 30 years; include review and approval by the Housing Rehabilitation Loan Committee; include site visits, testing and containment or abatement of lead-based paint; address illegal conversion and health and safety hazards prior to closing; and issue Request for Proposals for home -buying classes.
(Resolution approving amendments to the Downtown Payment Assistance Program recommended.)
Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, caharris@modestogov.com

ACTION: Res. No. 2001-606 (Frohman/Conrad; unan.) approving amendments to the Downtown Payment Assistance Program.

Fisher absent due to conflict of interest

5. Consider reimbursing \$9,170 in Capital Facilities Fees to Rushmore Financial Inc. on behalf of Stanislaus County Affordable Housing Corporation.
(Resolution reimbursing \$9,170 in Capital Facilities Fees to Rushmore Financial Inc. on behalf of Stanislaus County Affordable Housing Corporation recommended.)
Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, caharris@modestogov.com

ACTION: Res. No. 2001-607 (Friedman/Conrad; unan.; Fisher, absent) reimbursing \$9,170 in Capital Facilities Fees to Rushmore Financial Inc. on behalf of Stanislaus County Affordable Housing Corporation.

HEARINGS

6. Hearing to consider calling a special all mail ballot election of property owners only on February 12, 2002 to consider a rate increase to fund operations, maintenance, and facility replacement costs related to the existing storm drainage system; Consider amending the budget, appropriating \$40,000 to cover the costs of printing, sorting, and mailing the ballots and authorizing staff to send ballots to the affected property owners (after closure of the public hearing on December 11, 2001), and authorizing staff to perform other election-related tasks such as hiring a printer, sorter, and mailer of the ballots; Consider continuing the hearing until December 11, 2001.
(Resolution calling a special all mail ballot election on February 12, 2002 recommended; Resolution amending the budget and authorizing staff to send ballots and perform election related tasks recommended; Motion to continue public hearing to December 11, 2001 recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan.) continued public hearing to December 11, 2001.

7. Hearing to consider parking rate increases for monthly garage passes, monthly reserved lot passes, garage hourly parking, Centre Plaza surface lot and special events (garages). (Resolution approving parking rate increases for monthly garage passes, monthly reserved lot passes, garage hourly parking, Centre Plaza surface lot and special events (garages) recommended.)
Operations & Maintenance; Peter Cowles, 342-2279, pcowles@modestogov.com

ACTION: Res. No. 2001-608 (Conrad/Fisher; majority; Sabatino, no) approving parking rate increase for monthly garage passes, monthly reserved lot passes, garage hourly parking, Centre Plaza surface lot and special events (garages) with a two year review.

8. Hearing to consider amending rental charges and fees by establishing rates for T-Hanger K (center unit, \$200/month; end unit, \$300/month; and storage room, \$70/month) and adding electrical service rates for T-Hangers A-D (service improvement and electricity usage, \$25/month) which will become effective once the airport improvement construction is completed. (Resolution amending rental charges and fees at the Modesto City-County Airport/Harry Sham Field and rescinding Resolution No. 2001 -472 recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2001-609 (Fisher/Friedman) amending rental charges and fees at the Modesto City-County Airport/Harry Sham Field and rescinding Resolution No. 2001-472.

Fisher absent due to conflict of interest

9. Hearing to consider the application of Stanislaus County Affordable Housing Corporation to rezone from P-D(510) to P-D to allow an 18-unit affordable housing apartment complex, property located on the West side of Carver Road North of Montclair Drive at 3333 Carver Road. (Resolution approving the application of Stanislaus County Affordable Housing Corporation to rezone from P-D(510) to P-D to allow an 18-unit affordable housing apartment complex, property located on the West side of Carver Road North of Montclair Drive at 3333 Carver Road recommended.)
Community Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: By Motion (Conrad/Frohman; unan.; Fisher, absent) **introduced Ordinance No. 3238-C.S.** rezoning the area from Planned Development Zon P-D(510) to Planned Development Zone P-D(549).

Res. No. 2001-610 (Conrad/Frohman; unan.; Fisher, absent) approving the application of Stanislaus County Affordable Housing Corporation to rezone the P-D(510) to P-D to allow an 18-unit affordable housing apartment complex, property located on the West side of Carver Road North of Montclair Drive at 3333 Carver Road with a condition of the application providing an 8 foot high masonry wall on

the west side of the parking lot and shaded lights in the parking lot to eliminate excess light in the neighborhood to the west of the project.

Res. No. 2001-610A (Conrad/Frohman; unan.; Fisher, absent) finding the proposed rezoning within the scope of the previously certified General Plan Master EIR.

10. Hearing to consider the application of Pacific Regional Neurosurgery Medical Associates to rezone property located at the Northwest corner of West Orangeburg Avenue and Martin Avenue from P-D(416) to a new P-D zone for a proposed single-story medical office building.

(Resolution approving the application of Pacific Regional Neurosurgery Medical Associates to rezone property located at the Northwest corner of West Orangeburg Avenue and Martin Avenue from P-D(416) to a new P-D zone for a proposed single-story medical office building recommended.)

Community Development; Steve Mitchell, 577-5287, smitchel@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan.) **introduced Ordinance 3239-C.S.** rezoning the property from P-D(416) to P-D(550).

Res. No. 2001-611 (Conrad/Fisher; unan.) approving the application of Pacific Regional Neurosurgery Medical Associates to rezone property located at the Northwest corner of West Orangeburg Avenue and Martin Avenue from P-D(416) to a new P-D zone for a proposed single-story medical office building.

Res. No. 2001-611A (Conrad/Fisher; unan.) finding the rezoning within the scope of the General Plan Master EIR.

NEW BUSINESS

11. Consider Request for Proposals for Modesto Downtown Visioning and 9th/10th Street Renovation Project.

(Resolution authorizing the City Manager to solicit formal Request for Proposals (RFPs) for Modesto Downtown Visioning and 9th/10th Street Renovation Project recommended.)

Community Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2001-612 (Frohman/Fisher; unan.) authorizing the City Manager to solicit formal Request for Proposals (RFPs) for Modesto Downtown Visioning and 9th/10th Street Renovation Project approving the RFP selection committee to include Councilmember Frohman, and directing staff to look for alternative financing.

Res. No. 2001-612A (Frohman/Fisher) amending the city budget and authorizing the appropriation of funds for the project titled "Modesto Downtown Visioning and 9th/10th Street Renovation Project– Concept Master Plan"

Item 12 removed from agenda.

12. Consider request from the American Red Cross for fee waiver for use of the Modesto Centre Plaza for a benefit concert on November 4, 2001; Consider amending the budget to appropriate \$1,200 from the General Fund to fund the waiver costs.

(Resolution approving the request from the American Red Cross for fee waiver for use of the Modesto Centre Plaza for a benefit concert on November 4, 2001 recommended; Resolution amending the budget to appropriate \$1,200 from the General Fund to fund the waiver costs recommended.)

Parks, Recreation & Neighborhoods; Vicki Rice, 577-6484, vrice@modestogov.com

ACTION: Removed from agenda.

COUNCIL COMMENTS & REPORTS

13. At the request of Mayor Sabatino, consider further discussion and rescind prior Council approval of an application to the Stanislaus County Community development “Bank” for \$405,000 funding for the Kansas Avenue Business Park project.

ACTION: Motion (Conrad/Sabatino; minority; Fisher, Friedman, Frohman, Serpa, & Smith, no) to rescind previous Council action failed to carry.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:37 p.m.

MINUTES

Tuesday, December 4, 2001, at 5:15 p.m.

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

Absent: Friedman

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk's Announcements – Item 11 removed from agenda

Declaration of Conflicts of Interest – Councilmember Fisher on Item 8

ORAL COMMUNICATIONS

- Reagan Wilson, County CEO, notified the Council that in excess of 6000 ballots did not get mailed for the December 11, 2001 runoff election, and due to a software and equipment failure it cannot be determined which voters did not receive ballots.
- Paul Baxter gave details for this issue.
- Mike Milich announced that a special Council meeting will be scheduled on December 5, 2001 at 5:00 p.m. to discuss this matter at length.
- Councilmember Smith disqualified himself from voting on this matter as he is a candidate in the runoff.
- Council, the City Attorney and County staff answered questions from citizens and candidates regarding the runoff election.
- Miguel Donoso noted a concern of lack of lighting at Robertson Road Park.
- Raul Ortega spoke on the Robertson Road Park issue.
- Jim Niskanen responded to Mr. Donoso and Mr. Ortega's concerns.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

Items 1-7, Conrad/Frohman, unan; Friedman absent

Councilmember Fisher absent due to conflict of interest
Item 8, Conrad/Frohman, unan; Fisher & Friedman 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 November 27, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@ci.modesto.ca.us

ACTION: By Motion (Conrad/Frohman, unan; Friedman absent) approved the minutes of November 27, 2001.

CONSENT

2. Consider acknowledging receipt of report and approving an amendment to the Citygate Associates contract in the amount of \$10,000 to provide consulting services for implementation of the Community Development Department Performance Review and authorizing the City Manager to execute said amendment. Funds are budgeted. (Resolution approving an amendment to the Citygate Associates contract in the amount of \$10,000 to provide consulting services for implementation of the Community Development Department Performance Review and authorizing the City Manager to execute said amendment recommended.)
Community Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2001-613 (Conrad/Frohman, unan; Friedman absent) approving an amendment to the Citygate Associates contract in the amount of \$10,000 to provide consulting services for implementation of the Community Development Department Performance Review.

CONSENT

3. Consider accepting the work of Soil Enterprises Inc. for the Hillside Drive Demolition project as complete and authorizing the City Clerk to file a Notice of Completion. (Resolution accepting work as complete and authorizing City Clerk to file a Notice of Completion for the Hillside Drive Demolition project by Soil Enterprises Inc. recommended.)
Engineering & Transportation; Robert Snell, 577-5452, rsnell@modestogov.com

ACTION: Res. No. 2001-614 (Conrad/Frohman, unan; Friedman absent) accepting work as complete and authorizing Notice of Completion for Hillside Drive Demolition by Soil Enterprise Inc.

CONSENT

4. Consider approving an agreement with Shutt Moen Associates to prepare an evaluation of Modesto City-County Airport Runway 10L/28R pavement, and authorizing City Manager to execute necessary documents; Consider approving an unfunded project titled RW10L/28R Reconstruction; and Consider amending the budget and authorizing an appropriation transfer of \$49,500 to fund the project. (Resolution approving an agreement with Shutt Moen Associates to prepare an evaluation of Modesto City-County Airport Runway 10L/28R pavement and authorizing City Manager to execute necessary documents recommended; Resolution approving an unfunded project titled RW10L/28R Reconstruction recommended; Resolution amending the budget and authorizing an appropriation transfer of \$49,500 to fund the project recommended.)
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2001-615 (Conrad/Frohman, unan; Friedman absent) approving an agreement with Shutt Moen Associations to prepare an evaluation of Modesto City-County Airport Runway 10L/28R pavement and authorizing the City manager to execute necessary documents.

Res. No. 2001-616 (Conrad/Frohman, unan; Friedman absent) approving an unfunded project titled RW10L/28R Reconstruction.

Res. No. 2001-617 (Conrad/Frohman, unan; Friedman absent) amending the budget and authorizing appropriation transfer of \$49,500 to fund the project.

CONSENT

5. Consider approving the Employee Health, Dental & Vision Plans for FY 2002 with Health Net to provide health insurance coverage for employees and retirees, and authorizing the Risk Manager to execute necessary documents.
(Resolution approving the Employee Health, Dental & Vision Plans for FY 2002 with Health Net to provide health insurance coverage for employees and retirees, and authorizing the Risk Manager to execute necessary documents recommended.)
Personnel; Donald Norris, 577-5251, dnorris@modestogov.com

ACTION: Res. No. 2001-618 (Conrad/Frohman, unan; Friedman absent) approving the Employee Health, Dental & Vision Plans for FY 2002 with Health Net to provide health insurance coverage for employees and retirees.

CONSENT

6. Consider approving attendance by two Youth Advisory Board Members and one adult chaperone at the New Partners for Smart Growth conference in San Diego, California, January 24-26, 2002, and authorizing the use of funds from the Youth Master Plan to cover the \$2,000 cost.
(Resolution approving attendance by two Youth Advisory Board Members and one adult chaperone at the New Partners for Smart Growth conference in San Diego, California, January 24-26, 2002, and authorizing the use of funds from the Youth Master Plan to cover the \$2,000 cost recommended.)
Parks, Recreation & Neighborhoods; Jennifer Brinar, 571-5897, jbrinar@modestogov.com

ACTION: Res. No. 2001-619 (Conrad/Frohman, unan; Friedman absent) approving attendance by two Youth Advisory Board Members and one adult chaperone at the New Partners for Smart Growth conference in San Diego, CA and authorizing use of funds.

CONSENT

7. Consider supporting Senate Bill 106 to allow the extension of the Abandoned Vehicle Abatement Program.
(Resolution supporting Senate Bill 106 to allow the extension of the Abandoned Vehicle Abatement Program recommended.)

Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Res. No. 2001-620 (Conrad/Frohman, unan; Friedman absent) supporting Senate Bill 106 to allow the extension of the Abandoned Vehicle Abatement Program.

Councilmember Fisher absent due to conflict of interest

CONSENT

8. Consider an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition of 512 Vine Street, and authorizing the City Manager execute the necessary documents.
(Resolution approving an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition of 512 Vine Street, an authorizing the City Manager execute necessary documents recommended.)

Parks, Recreation & Neighborhoods; Carol Harris, 577-5310, caharris@modestogov.com

ACTION: Res. No. 2001-621 (Conrad/Frohman, unan; Fisher & Friedman absent) approving an agreement with STANCO to provide \$73,080 in HOME funds for the acquisition of the 512 Vine Street.

HEARINGS

9. Hearing to consider a Resolution of Necessity to acquire real property interest for the New Bus Maintenance Facility project from Varni Brothers, a partnership, and David J. Martini and Beverly T. Martini, trustees of the Martini Revocable Trust under Instrument dated April 1, 1996 (APN 101-02-15 (portion) and 16).
(Resolution of Necessity to acquire real property interest for the New Bus Maintenance Facility project from Varni Brothers, a partnership, and David J. Martini and Beverly T. Martini, trustees of the Martini Revocable Trust under Instrument dated April 1, 1996 (APN 101-02-15 (portion) and 16) recommended.)

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2001-622 (Fisher/Frohman, unan; Friedman, absent) a Resolution of Necessity to acquire real property interest for the New Bus Maintenance Facility project from Varni Brothers, a partnership, and David J. Martini and Beverly T. Martini, trustees of the Martini Revocable Trust under Instrument dated April 1, 1996.

10. Hearing to consider a Resolution of Necessity to acquire real property interest for the Kansas-Needham Overcrossing Project from the Varni Brothers, a Partnership, and David J. Martini and Beverly T. Martini, Trustees of the Martini Revocable Trust under Instrument dated April 1, 1996 (APN 101-02-15).
(Resolution of Necessity to acquire real property interest for the Kansas-Needham Overcrossing Project from the Varni Brothers, a Partnership, and David J. Martini and

Beverly T. Martini, Trustees of the Martini Revocable Trust under Instrument dated April 1, 1996 (APN 101-02-15) recommended.

Engineering & Transportation; Kevin Becker, 577-5259, kbecker@modestogov.com

ACTION: Res. No. 2001-623 (Fisher/Frohman, unan.; Friedman, absent) a Resolution of Necessity to acquire real property interest for the Kansas-Needham Overcrossing Project from the Varni Brothers, a Partnership, and David J. Martini and Beverly T. Martini, Trustees of the Martini Revocable Trust under Instrument dated April 1, 1996.

NEW BUSINESS

Item removed from agenda

11. Consider approving an agreement with Danny Glover in the amount of \$20,000 for a keynote speech for the City of Modesto 2002 celebration in honor of Dr. Martin Luther King Jr.

(Resolution approving an agreement with Danny Glover in the amount of \$20,000 for a keynote speech for the City of Modesto 2002 celebration in honor of Dr. Martin Luther King Jr. recommended.)

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

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino commented on election concerns in the December 1999 runoff election.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:30 p.m.

MINUTES

Special City Council Meeting

Wednesday, December 5, 2001, at 5:00 p.m.

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

Absent – Councilmember Friedman

Pledge of Allegiance to the Flag

City Clerk’s Announcements - None

Declaration of Conflicts of Interest – Councilmember Smith

ORAL COMMUNICATIONS

Only interested persons in the audience may present these matters. Under State law, Councilmembers may respond to matters being presented under this item only as follows:

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

Background facts:

Due to irregularities in the mailing of ballots in the December 11, 2001 run -off election, court action may be required to invalidate the run -off election.

2. Consider adoption of a resolution calling for a special election (including any required related actions) to be consolidated with the state -wide primary election on March 5, 2002 for the purpose of conducting the run-off election previously scheduled for December 11, 2001. This action to be contingent upon City Attorney obtaining a court order invalidating the previously scheduled December 11, 2001 run-off election.

ACTION: **Res. 2001-624** (Fisher/Conrad, majority; Frohman, no; Friedman & Smith, absent) adopted calling for special election on March 5, 2002 with the addition of Section 5 requiring State and/or Federal oversight of the election process.

By motion (Frohman/Conrad, unan.; Friedman & Smith, absent), directed the City Attorney to file an action in Superior Court to do the following:

1. Obtain an order prohibiting the County Clerk Recorder from canvassing the December 11, 2001 runoff election.
2. Declare the December 11, 2001 runoff election nullified.
3. Order all returned ballots sequestered and secured by the Modesto City Clerk pending a review by the Secretary of State.
4. Request the court keep jurisdiction until a new election date is scheduled.
5. Request either State or Federal oversight.

ADJOURNMENT

Meeting adjourned at 7:45 p.m.

MINUTES

Tuesday, December 11, 2001, at 5:15 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino
Councilmember Conrad left the meeting at 6:15 p.m.

Absent: None

Pledge of Allegiance to the Flag

Invocation: Father Joseph Illo, St. Joseph Church

City Clerk's Announcements: *Item 26 removed from agenda.*

Declaration of Conflicts of Interest: *Fisher, Item 28*
Friedman & Smith, Items 33, 34, & 35

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a certificate of recognition honoring the Modesto Garden Club for their support to beautification efforts within the City of Modesto as evidenced by their commitment of both funding and resources to the Color Modesto Project, the Flower Clock, and other beautification projects.

ACTION: Mayor Sabatino & Peter Cowles made the presentation to the Garden Club.

2. Presentation of a certificate of recognition to Glenn Mount for his generous donation of a community flag installation at the La Loma Roundabout.

ACTION: Mayor Sabatino presented the certificate to Glenn Mount.

3. Introduction of Beverly Hatcher, Administrative Analyst II in the City Manager's office.

ACTION: Beverly Hatcher was introduced by Deputy City Manager George Britton.

ORAL COMMUNICATIONS

- Dave Thomas addressed the Council regarding Councilmembers' terms of office contained in Section 700 of the Charter.
 - The City Attorney and City Council responded to Mr. Thomas's comments.
- John Rose commented regarding water charges.
- Miguel Donoso spoke regarding job development in Stanislaus County. Mr. Donoso also spoke regarding the damaged lights in Robertson Road Park.
 - Police Chief Wasden and the Parks, Recreation and Neighborhoods Director responded to Mr. Donoso's concern.
- Councilmember Conrad declared a conflict of interest due to a concern with a violation of Section 700 of the Charter pertaining to Councilmembers' terms of office, and left the meeting.
- Beverly Martin and Greg Dias requested to send R.V. Parking at the Elks Lodge to Community Housing and Development Committee in January.
 - By Motion (Frohman/Fisher; unan.; Conrad, absent) referred item to Community Housing and Development Committee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4, 5, 7-13, 15-19, 21-25, 27
Items 6, 14, & 20 removed from Consent
Item 26 removed from Agenda

Consent Item Action: Frohman/Friedman; unan.; Conrad, absent

Item 6 Action: Frohman/Friedman; unan.; Conrad, absent

Item 14 Action: Fisher/Smith; unan.; Conrad, absent

Item 20 Action: Fisher/Friedman; 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 December 4, and the amended minutes of the Special Meeting of December 5, 2001.
(Motion approving needed.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Friedman; unan.; Conrad, absent), approved the minutes of the regular City Council meeting of December 4, and the Special Meeting of December 5, 2001.

CONSENT

5. Final adoption of:

Ordinance No. 3239-C.S. an ordinance amending Section 19-3-9 of the Zoning Map to rezone from a portion of Planned Development zone, P -D(416), to Planned Development zone, P-D(550), property located at the Northwest corner of West Orangeburg Avenue and Martin Avenue. (Pacific Regional Neurosurgery Medical Associates)
(Motion approving final adoption of Ord. No. 3239 -C.S. recommended.)
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By motion (Frohman/Friedman; unan.; Conrad, absent), approved final adoption of **Ordinance No. 3239-C.S.** an ordinance amending Section 19-3-9 of the Zoning Map to rezone from a portion of Planned Development zone, P-D(416), to Planned Development zone, P-D(550), property located at the Northwest corner of West Orangeburg Avenue and Martin Avenue. (Pacific Regional Neurosurgery Medical Associates)

REMOVED FROM CONSENT

6. Consider awarding a \$2,279,820.00 contract to Bollo Construction Inc. for the project titled "Renovation of Existing Police Headquarters Building – Bid Package No. 3". Building is located at 601 11th Street and the project includes interior space remodel, HVAC systems replacement, reroofing, energy efficiency upgrades. Funds are budgeted.
(Resolution awarding \$2,279,820.00 contract to Bollo Construction Inc. for the project titled "Renovation of Existing Police Headquarters Building – Bid Package No. 3" recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. 2001-625 adopted (Frohman/Friedman; unan., Conrad, absent), awarding a \$2,279,820.00 contract to Bollo Construction Inc. for the project titled “Renovation of Existing Police Headquarters Building – Bid Package No. 3”. Building is located at 601 11th Street and the project includes interior space remodel, HVAC systems replacement, reroofing, energy efficiency upgrades.

CONSENT

7. Consider awarding a \$1,147,000.00 contract to Diede Construction Inc. for the contract titled “Wastewater Collection Maintenance Building”; Consider amending the budget to estimate additional revenue to fully fund the budget; Consider finding that the project is within the scope of the Modesto Wastewater Master EIR (SCH No. 96042009). (Resolution awarding a \$1,147,000.00 contract to Diede Construction Inc. for the contract titled “Wastewater Collection Maintenance Building” recommended; Resolution amending the budget to estimate additional revenue to fully fund the budget recommended; Resolution finding that the project is within the scope of the Modesto Wastewater Master EIR (SCH No. 96042009) recommended.)
Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. 2001-626 adopted (Frohman/Friedman; unan.; Conrad, absent), awarding a \$1,147,000.00 contract to Diede Construction Inc. for the contract titled “Wastewater Collection Maintenance Building”.

Res. 2001-627 adopted (Frohman/Friedman; unan.; Conrad, absent), amending the budget to estimate additional revenue to fully fund the budget.

Res. 2001-628 adopted (Frohman/Friedman; unan.; Conrad, absent), finding that the project is within the scope of the Modesto Wastewater Master EIR (SCH No. 96042009).

CONSENT

8. Consider approving Final Map of Jayhawk Estates subdivision 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: Ioan Muresan and Ioan Pascan.
(Resolution approving Final Map of Jayhawk Estates subdivision 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. 2001-629 adopted (Frohman/Friedman; unan.; Conrad, absent), approving Final Map of Jayhawk Estates subdivision 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

9. Consider partial acceptance of the improvements (exclude landscaping) for Atherton Place subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Partial Completion and to release securities upon expiration of statutory periods. Owners: John T. Verner and Kathleen M. Verner, and Edward A. Machado. (Resolution approving partial acceptance of the improvements (exclude landscaping) for Atherton Place subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Partial Completion and to release securities upon expiration of statutory periods recommended.)
Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: **Res. 2001-630** adopted (Frohman/Friedman; unan.; Conrad, absent), approving partial acceptance of the improvements (exclude landscaping) for Atherton Place subdivision in the Village One Specific Plan Area and authorize the City Clerk to file Notice of Partial Completion and to release securities upon expiration of statutory periods.

CONSENT

10. Consider accepting the improvements for Sutter Ridge subdivision in the Pelandale -Snyder Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owners: Anderson Homes, a California Corporation. (Resolution accepting the improvements for Sutter Ridge subdivision in the Pelandale - Snyder 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

ACTION: **Res. 2001-631** adopted (Frohman/Friedman; unan.; Conrad, absent), accepting the improvements for Sutter Ridge subdivision in the Pelandale -Snyder Specific Plan Area and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. Owners: Anderson Homes, a California Corporation.

CONSENT

11. Consider accepting the improvements for Legends Village Unit No. 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. Owners: JKB Homes Corp., a California Corporation. (Resolution accepting the improvements for Legends Village Unit No. 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

ACTION: Res. 2001-632 adopted (Frohman/Friedman; unan.; Conrad, absent), accepting the improvements for Legends Village Unit No. 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

12. Consider approving the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA).

(Resolution approving the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) recommended.)

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. 2001-633 adopted (Frohman/Friedman; unan.; Conrad, absent), approving the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA).

CONSENT

13. Consider approving the submittal of a federal application in the amount of \$270,000.00 for the update of Modesto City-County Airport's FAR Part 150 – Airport Noise Compatibility Program, and authorizing the City Manager to execute the funding application on behalf of the City.

(Resolution approving the submittal of a federal application in the amount of \$270,000.00 for the update of Modesto City-County Airport's FAR Part 150 – Airport Noise Compatibility Program, and authorizing the City Manager to execute the funding application on behalf of the City)

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. 2001-634 adopted (Frohman/Friedman; unan.; Conrad, absent), approving the submittal of a federal application in the amount of \$270,000.00 for the update of Modesto City-County Airport's FAR Part 150 – Airport Noise Compatibility Program, and authorizing the City Manager to execute the funding application on behalf of the City.

REMOVED FROM CONSENT

14. Consider approving an agreement with Coffman Associates Inc. in the amount of \$596,000.00 and authorizing the City Manager to execute necessary documents for the following: \$296,000 to complete an airport master plan for Modesto City-County Airport, update the airport layout plan and complete an environmental review; \$300,000 for an update to the airport noise compatibility program once the City has received federal funding for the noise program update.

(Resolution approving an agreement with Coffman Associates Inc. and authorizing the City Manager to execute necessary documents recommended.)

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. 2001-635 adopted (Fisher/Smith; unan.; Conrad, absent), approving an agreement with Coffman Associates Inc. in the amount of \$596,000.00 and authorizing the City Manager to execute necessary documents for the following: \$296,000 to complete an airport master plan for Modesto City-County Airport, update the airport layout plan and complete an environmental review; \$300,000 for an update to the airport noise compatibility program once the City has received federal funding for the noise program update.

CONSENT

15. Consider approving a cost sharing agreement between the City of Modesto and the Modesto Irrigation District regarding Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the City Manager to execute the necessary documents. Estimated cost to the City, \$75,000.

(Resolution approving a cost sharing agreement between the City of Modesto and the Modesto Irrigation District regarding Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the City Manager to execute the necessary documents recommended.)

Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: Res. 2001-636 adopted (Frohman/Friedman; unan.; Conrad, absent), approving a cost sharing agreement between the City of Modesto and the Modesto Irrigation District regarding Phase 2 expansion of the Modesto Regional Water Treatment Plant, and authorizing the City Manager to execute the necessary documents. Estimated cost to the City, \$75,000.

CONSENT

16. Consider approving an appropriation transfer of \$35,000 to fully fund the project titled "Pelandale/McHenry Intersection Improvements". Additional material purchases, pavement work not provided for by the original contract and added staff charges that were not anticipated resulted in the increase.

(Resolution approving an appropriation transfer of \$35,000 to fully fund the project titled "Pelandale/McHenry Intersection Improvements" recommended.)

Engineering & Transportation; Robert Snell, 577-5452, rsnell@modestogov.com

ACTION: Res. 2001-637 adopted (Frohman/Friedman; unan.; Conrad, absent), approving an appropriation transfer of \$35,000 to fully fund the project titled "Pelandale/McHenry Intersection Improvements". Additional material purchases, pavement work not provided for by the original contract and added staff charges that were not anticipated resulted in the increase.

CONSENT

17. Consider approving submittal of a grant application to the California Department of Parks & Recreation for \$183,210 in Special Appropriations funding for professional landscape architectural services to prepare a specific plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue Corridor and authorizing the City Manager to execute necessary documents.

(Resolution approving submittal of a grant application to the California Department of Parks & Recreation for \$183,210 in Special Appropriations funding for professional landscape architectural services to prepare a specific plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue Corridor and authorizing the City Manager to execute necessary documents recommended.)

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: **Res. 2001-638** adopted (Frohman/Friedman; unan.; Conrad, absent), approving submittal of a grant application to the California Department of Parks & Recreation for \$183,210 in Special Appropriations funding for professional landscape architectural services to prepare a specific plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue Corridor and authorizing the City Manager to execute necessary documents.

CONSENT

18. Consider accepting \$30,500 from Nicholas Lemmo as payment in full for a Community Development Block Grant Small Business Loan to Creteseal Contract Services Inc. and releasing Mr. Lemmo from any further responsibility on defaulted loan, provided the City receives payment in full within 60 days following Council approval.

(Resolution accepting \$30,500 from Nicholas Lemmo as payment in full for a Community Development Block Grant Small Business Loan to Creteseal Contract Services Inc. and releasing Mr. Lemmo from any further responsibility on defaulted loan, provided the City receives payment in full within 60 days following Council approval recommended.)

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

ACTION: **Res. 2001-639** adopted (Frohman/Friedman; unan.; Conrad, absent), accepting \$30,500 from Nicholas Lemmo as payment in full for a Community Development Block Grant Small Business Loan to Creteseal Contract Services Inc. and releasing Mr. Lemmo from any further responsibility on defaulted loan, provided the City receives payment in full within 60 days following Council approval.

CONSENT

19. Consider authorizing staff to apply for grant funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12).

(Resolution authorizing staff to apply for grant funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12) recommended.)

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

ACTION: Res. 2001-640 adopted (Frohman/Friedman; unan.; Conrad, absent), authorizing staff to apply for grant funds for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12).

REMOVED FROM CONSENT

20. Consider an amendment to an agreement with the Beals Group to provide additional services related to the preparation of the Regional Sports Facility Evaluation Action Plan at a cost not to exceed \$24,455.

(Resolution approving an amendment to an agreement with the Beals Group to provide additional services related to the preparation of the Regional Sports Facility Evaluation Action Plan at a cost not to exceed \$24,455 recommended.)

Parks, Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Res. 2001-641 adopted (Fisher/Friedman; majority; Frohman, no; Conrad, absent), approving an amendment to an agreement with the Beals Group to provide additional services related to the preparation of the Regional Sports Facility Evaluation Action Plan at a cost not to exceed \$24,455.

CONSENT

21. Consider amending FY 01-02 CIP to include replacement of picnic structure at Graceada and Beyer Parks, and consider amending the FY 01-02 CIP to re-allocate funds and estimate and appropriate new revenue.

(Resolution amending FY 01-02 CIP to include replacement of picnic structure at Graceada and Beyer Parks recommended; Resolution amending the FY 01 -02 CIP to re-allocate funds, and estimate and appropriate new revenue recommended.)

Parks, Recreation & Neighborhoods; Fred Allen, 577-5353, fallen@modestogov.com

ACTION: Res. 2001-642 adopted (Frohman/Friedman; unan.; Conrad, absent), Resolution amending FY 01-02 CIP to include replacement of picnic structure at Graceada and Beyer Parks.

Res. 2001-643 adopted (Frohman/Friedman; unan.; Conrad, absent), amending the FY 01-02 CIP to re-allocate funds and estimate and appropriate new revenue.

CONSENT

22. Consider authorizing direct City assistance in the form of traffic control for the June 15, 2002 North Modesto Kiwanis Club Classic Car Parade. Estimated cost of \$2,500 - \$8,000 to cover salaries/benefits of Traffic Unit personnel. Funds are budgeted.

(Resolution authorizing direct City assistance in the form of traffic control for the June 15, 2002 North Modesto Kiwanis Club Classic Car Parade recommended.)

Police; Captain David Young, 572-9690, youghd@modestopd.com

ACTION: Res. 2001-644 adopted (Frohman/Friedman; unan.; Conrad, absent), authorizing direct City assistance in the form of traffic control for the June 15, 2002 North Modesto Kiwanis Club Classic Car Parade.

CONSENT

23. Consider waiving formal bid procedure by five affirmative votes and authorizing the Purchasing Supervisor to purchase a backhoe from Nortrax West for a total cost of \$75,403.02. Funds are budgeted.
(Resolution waiving formal bid procedure by five affirmative votes and authorizing the Purchasing Supervisor to purchase a backhoe from Nortrax West for a total cost of \$75,403.02 recommended.)
Finance; Lori Martinez, 577-5420, lmartinez@modestogov.com

ACTION: Res. 2001-645 adopted (Frohman/Friedman; unan.; Conrad, absent), waiving formal bid procedure by five affirmative votes and authorizing the Purchasing Supervisor to purchase a backhoe from Nortrax West for a total cost of \$75,403.02.

CONSENT

24. Consider an agreement with Thomas B. Conway, et al for the acquisition of property at 911 G Street for the relocation of the Police Fleet Shop; Consider authorizing the City Manager to sign an acceptance form for the Grant Deed involved in the acquisition of the 911 G Street property; and Consider amending the budget to appropriate \$371,163 to fully fund the property acquisition.
(Resolution approving agreement with Thomas B. Conway, et al for the acquisition of property at 911 G Street for the relocation of the Police Fleet Shop recommended; Resolution authorizing the City Manager to sign an acceptance form for the Grant Deed involved in the acquisition of the 911 G Street property recommended; Resolution amending the budget to appropriate \$371,163 to fully fund the property acquisition recommended.)
Operations & Maintenance; Peter Cowles, 342-2280, pcowles@modestogov.com

ACTION: Res. 2001-646 adopted (Frohman/Friedman; unan.; Conrad, absent), approving agreement with Thomas B. Conway, et al for the acquisition of property at 911 G Street for the relocation of the Police Fleet Shop.

Res. 2001-647 adopted (Frohman/Friedman; unan.; Conrad, absent), authorizing the City Manager to sign an acceptance form for the Grant Deed involved in the acquisition of the 911 G Street property

Res. 2001-648 adopted (Frohman/Friedman; unan.; Conrad, absent), amending the budget to appropriate \$371,163 to fully fund the property acquisition.

CONSENT

25. Consider accepting with regret the resignation of Susan Banton from the Board of Zoning Adjustment.

(Resolution accepting with regret the resignation of Susan Banton from the Board of Zoning Adjustment recommended.)

Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. 2001-649 adopted (Frohman/Friedman; unan.; Conrad, absent), accepting with regret the resignation of Susan Banton from the Board of Zoning Adjustment.

REMOVED FROM AGENDA

26. Consider an employment agreement for Redevelopment Program Manager in the Community Development Department. Funds are budgeted.

(Resolution approving agreement recommended.)

Community Development; Linda Boston, 571-5179, lboston@modestogov.com

No Action Taken on Item 26.

CONSENT

27. Consider excusing Councilmember Friedman from the December 4, 2001 City Council meeting due to her attendance at the National League of Cities Conference in Atlanta.

(Motion excusing Councilmember Friedman from the December 4, 2001 City Council meeting due to her attendance at the National League of Cities Conference in Atlanta.)

By motion (Frohman/Friedman; unan.; Conrad, absent), excused Councilmember Friedman from the December 4, 2001 City Council meeting due to her attendance at the National League of Cities Conference in Atlanta.

UNFINISHED BUSINESS

Councilmember Fisher absent due to Conflict of Interest

28. Final adoption of:

Ordinance No. 3238-C.S. an ordinance amending Section 7-3-9 of the Zoning Map to rezone from Planned Development zone, P -D(510), to Planned Development zone, P -D(549), property located on the West side of Carver Road North of Montclair Drive at 333 Carver Road. (Stanislaus County Affordable Housing Corporation)

(Motion approving final adoption of Ord. No. 3238-C.S. recommended.)

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

By motion (Friedman/Frohman; majority, Serpa, no, Conrad & Fisher, absent), approved final adoption of **Ordinance No. 3238-C.S.** an ordinance amending Section 7-3-9 of the Zoning Map to rezone from Planned Development zone, P -D(510), to Planned Development zone, P-D(549), property located on the West side of Carver Road North of Montclair Drive at 333 Carver Road. (Stanislaus County Affordable Housing Corporation).

HEARINGS

Item continued from November 27, 2001

29. Hearing to consider calling a special all mail ballot election of property owners only on February 12, 2002 to consider a rate increase to fund operations, maintenance, and facility replacement costs related to the existing storm drainage system; Consider amending the budget, appropriating \$40,000 to cover the costs of printing, sorting, and mailing the ballots and authorizing staff to send ballots to the affected property owners (after closure of the public hearing on December 11, 2001), and authorizing staff to perform other election-related tasks such as hiring a printer, sorter, and mailer of the ballots.
(Resolution calling a special all mail ballot election on February 12, 2002 recommended; Resolution amending the budget and authorizing staff to send ballots and perform election related tasks recommended.)
Engineering & Transportation; Robert Meleg, 571-5149, bmeleg@modestogov.com

ACTION: By Motion (Fisher/Sabatino; majority; Serpa, no; Conrad, absent) closed the hearing and continued discussion of election, rate structure, and costs to February 5, 2002.

30. Hearing to consider the reallocation of Waste-to-Energy Facility tip fee savings and authorizing the City Manager to execute letter agreements with the City's refuse collection companies to provide additional solid waste services.
(Resolution approving the reallocation of Waste-to-Energy Facility tip fee savings and authorizing the City Manager to execute letter agreements with the City's refuse collection companies to provide additional solid waste services recommended.)
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: **Res. 2001-650** adopted (Frohman/Fisher; unan; Conrad, absent), approving the reallocation of Waste-to-Energy Facility tip fee savings and authorizing the City Manager to execute letter agreements with the City's refuse collection companies to provide additional solid waste services, and requested the Public Safety Committee review aggressive enforcement of illegal dumping.

31. Hearing to consider the application of Jeff and Christi Carver to rezone from Low-Density Residential, R-1, to Planned Development zone, P-D(551), to allow a three-unit multi-family housing development, property located on the North side of Scenic Drive West of Brighton Avenue.
(Introduction of ordinance rezoning from R-1 to P-D(551) recommended; Resolution approving a development plan for P-D(551) recommended; Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.)
Community Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: By motion (Fisher/Friedman; unan.; Conrad, absent), **introduced Ordinance 3240-C.S.** rezoning from R-1 to P-D(551).

Res. 2001-651 adopted (Fisher/Friedman; unan.; Conrad, absent), approving a development plan for P-D(551).

Res. 2001-652 adopted (Fisher/Friedman; unan.; Conrad, absent), finding the requested rezoning within the scope of the General Plan Master EIR.

MISCELLANEOUS

Appointments

32. Consider appointments as follows:

- **Airport Advisory Committee** – Rich Rosa (service provider/public-commercial) to a term to expire January 1, 2003

ACTION: Res. 2001-653 adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Rich Rosa to the Airport Advisory Committee.

- **Culture Commission** – Chella Gonsalves (County resident) and Barbara Padmos (County resident) to a term to expire January 1, 2006

ACTION: Res. 2001-654 adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Chella Gonsalves and Barbara Padmos to the Culture Commission.

- **Citizens Advisory Committee on Recycling** – Dr. Vanee Van Vleck and Cliff Debaugh to a term to expire January 1, 2004

ACTION: Res. 2001-655 adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Dr. Vanee Van Vleck and Cliff Debaugh to the Citizens Advisory Committee on Recycling.

- **Disabled Access Appeals Board** – Steven Horn to a term to expire January 1, 2006

ACTION: Res. 2001-656 adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Steven Horn to the Disabled Access Appeals Board.

Consider re-appointments as follows:

- **Board of Building Appeals** – Stephen Kellog to a term to expire January 1, 2006

ACTION: **Res. 2001-657** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Stephen Kellog to the Board of Building Appeals.

- **Board of Zoning Adjustment** – Joe Gardella to a term to expire January 1, 2006

ACTION: **Res. 2001-658** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Joe Gardella to the Board of Zoning Adjustment.

- **Citizens Advisory Committee on Recycling** – Jack Jacques to a term to expire January 1, 2006

ACTION: **Res. 2001-659** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Jack Jacques to the Citizens Advisory Committee on Recycling.

- **Community Qualities Forum** – Linda Lewis and Judith Kenyon to a term to expire January 1, 2006

ACTION: **Res. 2001-660** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Linda Lewis and Judith Kenyon to the Community Qualities Forum.

- **Culture Commission** – Adrian Mendoza to a term to expire January 1, 2006

ACTION: **Res. 2001-661** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Adrian Mendoza to the Culture Commission.

- **Downtown Improvement District** – Bart Barringer, Frank C. Boots, David Boring, Tom Slater, and Romy Angle to a term to expire January 1, 2006

ACTION: **Res. 2001-662** adopted (Fisher/Friedman; unan.; Conrad, absent), appointing Bart Barringer, Frank C. Boots, David Boring, Tom Slater, and Romy Angle to the Downtown Improvement District.

(Resolution per board/commission appointing/re-appointing members recommended.)
Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

COUNCIL COMMENTS & REPORTS

Councilmember Friedman and Smith absent due to Conflict of Interest

33. At the request of Councilmember Conrad, further discussion and possible action regarding the City Council's action taken at the December 5, 2001, special City Council meeting pertaining to the consolidation of the City's previously scheduled December 11, 2001 runoff election with the March 5, 2002 primary election, and the Council's direction to the City Attorney to file an action in Superior Court.

ACTION: Mayor Sabatino and Councilmember Fisher were designated to meet with the Secretary of State's Office regarding assistance with the election process.

34. At the request of Mayor Sabatino, further discussion of the progress of the State or Federal oversight for the March 5, 2001 election.

No Action Taken on Item 34.

35. At the request of Mayor Sabatino, report from the City Clerk regarding the impact to voters caused by the nullification of the December 11, 2001 runoff.

No Action Taken on Item 35.

36. At the request of Councilmember Serpa, discussion of fountain at McHenry and Briggsmore.

ACTION: Motion (Serpa/Frohman; minority; Fisher, Friedman, Smith & Sabatino, no; Conrad, absent) to direct staff to work with a designer to complete the fountain project and waive the permit fee failed to carry.

- Councilmember Frohman noted his concerns with the Tuolumne River Regional Park Master Plan and noted the special Council Meeting on December 12th to consider the plan.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

MINUTES

Special Joint Meeting

Tuesday, December 12, 2001, at 5:00 p.m.

Roll Call – Present: Councilmembers Friedman, Serpa, Smith, Mayor Sabatino
Councilmember Fisher arrived at 5:10 p.m.

Absent: Councilmembers Conrad, Frohman
Councilmember Serpa left the meeting at 5:20 p.m.

Pledge of Allegiance to the Flag

PUBLIC HEARING

- I. Consider certifying the Tuolumne River Regional Park Master Environmental Impact Report, adopting a Statement of Findings of Fact and Overriding Considerations, adopting a Mitigation Monitoring Program, and directing staff to file a Notice of Determination; and consider accepting the Tuolumne River Regional Park Master Plan.
 - A. Resolution from the City of Modesto City Council certifying the Tuolumne River Regional Park Mast Environmental Impact Report, adopting a Statement of Findings of Fact and Overriding Considerations, adopting a Mitigation Monitoring Program, and directing staff to file a Notice of Determination recommended.

ACTION: Res. No. 2001-663 (Friedman/Fisher; unan.; Conrad, Frohman, & Serpa, absent) certifying the Tuolumne River Regional Park Mast Environmental Impact Report, adopting a Statement of Findings of Fact and Overriding Considerations, adopting a Mitigation Monitoring Program, and directing staff to file a Notice of Determination.

- B. Resolution from Stanislaus County Board of Supervisors adopting a Statement of Findings of Fact and Overriding Considerations and adopting a Mitigation Monitoring Program recommended.

Action Taken by the Stanislaus County Board of Supervisors to approve Item B.

- C. Resolution from the City of Ceres City Council adopting a Statement of Findings of Fact and Overriding Considerations and adopting a Mitigation Monitoring Program recommended.

Action Taken by the City of Ceres City Council to approve Item C.

D. Resolutions from the City of Modesto City Council, Stanislaus County Board of Supervisors and the City of Ceres City Council approving the Tuolumne River Regional Park Master Plan recommended.

ACTION: Res. No. 2001-664(Friedman/Smith; unan.; Conrad, Frohman & Serpa, absent) approving the Tuolumne River Regional Park Master Plan.

PUBLIC COMMENTS

None.

ADJOURNMENT

This meeting adjourned at 6:50 p.m.

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