

## **MINUTES Tuesday, January 5, 1999**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2 and 4-12  
Item #13 removed from Consent

**ACTION:** (Friedman/Fisher, unan.)

Councilmembers Dobbs & Fisher excused due to conflict of interest  
CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 3

**ACTION:** (Friedman/Smith, unan.; Dobbs & Fisher, absent)

### ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of the Modesto's first place trophy received from the National Association of Town Watch for "National Night Out 1998."

Deputy Police Chief Guthrie made the presentation and introduced participants.

### CONSENT

1. Approval of the minutes of the special City Council meeting of December 15, 1998.

**ACTION:** By motion (Friedman/Fisher, unan.), minutes of December 15, 1998 approved to include an amendment to Item 13A.

### CONSENT

2. Final adoption of Ord. No. 3112-C.S. relating to sign regulations.

**ACTION:** By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No. 3112-C.S.

Councilmembers Dobbs & Fisher excused due to conflict of interest

### CONSENT

3. Consider awarding contract for the Prescott/Pelandale and Carver Sewer Subtrunks contract to K. J. Woods Construction for \$378,000 (20.79% below engineer's estimate); consider adopting the findings based on the Initial Study under the Master EIR for the Wastewater Master Plan.

**ACTION:** Res. 99-1 adopted (Friedman/Smith, unan.; Dobbs & Fisher, absent) awarding contract to K.J. Woods Construction for the Prescott/Pelandale and Carver Sewer Subtrunks.

Res. 99-2 adopted (Friedman/Smith, unan.; Dobbs & Fisher, absent) approving findings based on the Initial Study under the Master EIR for the Wastewater Master Plan.

CONSENT

4. Consider awarding contract for the effluent and drainage headwall project to Cunningham and Sons, Inc. for \$68,400 (13.4 % below engineer's estimated); consider approving an appropriation transfer in the amount of \$49,500 to fully fund the project.

**ACTION:** Res. 99-3 adopted (Friedman/Fisher, unan.) awarding contract to Cunningham & Sons Inc. for the effluent and drainage headwall project

Res. 99-4 adopted (Friedman/Fisher, unan.) approving appropriation transfer to fully fund the project.

CONSENT

5. Consider awarding contract for the 1998 storm drain repair project to Wickum Construction for \$138,555 (5.52% below engineer's estimate).

**ACTION:** Res. 99-5 adopted (Friedman/Fisher, unan.) awarding contract for the 1998 storm drain repair project to Wickum Construction.

CONSENT

6. Consider accepting the work of T & S Construction Co., Inc. as complete for the Cannery Segregation Pipeline Section project and authorize City Clerk to file a Notice of Completion. (Original contract \$6,603,130)

**ACTION:** Res. 99-6 adopted (Friedman/Fisher, unan.) accepting the work of T & S Construction Co., Inc. as complete for the Cannery Segregation Pipeline Section project and authorize City Clerk to file a Notice of Completion.

CONSENT

7. Consider authorizing a new call for bids for biosolids removal at the Secondary Wastewater Treatment Plant for Operations and Maintenance Department – Water Quality Control Division.

**ACTION:** Res. 99-7 adopted (Friedman/Fisher, unan.) authorizing bid call for January 26, 1999, at 11:00 a.m. for biosolids removal at the Secondary Wastewater Treatment Plant project.

CONSENT

8. Consider amendment to the agreement with Environmental Care, Inc. (E.C.I.) to extend the termination date of their agreement for golf course maintenance services from January 15, 1999, to June 30, 1999, and to modify staffing requirements.

**ACTION:** Res. 99-8 adopted (Friedman/Fisher, unan.) approving amendment to the agreement with Environmental Care, Inc. (E.C.I.).

CONSENT

9. Consider approval of the final map of Yosemite Meadows Unit No. 3 subdivision, accepting improvements, and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.

**ACTION:** Res. 99-9 adopted (Friedman/Fisher, unan.) approving final map of Yosemite Meadows Unit No. 3 subdivision, accepting improvements and authorizing City Manager to sign agreement.

CONSENT

10. Consider approval of a payment of \$35,625.01 to Modesto Irrigation District for utility pole relocation in the Briggsmore Coffee area; consider approval of an appropriation transfer to fund the payment.

**ACTION:** Res. 99-10 adopted (Friedman/Fisher, unan.) approving payment of \$35,625.01 to Modesto Irrigation District for utility pole relocation in the Briggsmore Coffee area.

Res. 99-11 adopted (Friedman/Fisher, unan.) approving an appropriation transfer to fund the payment.

CONSENT

11. Consider approving appropriation transfers in the amount of \$120,000 from the Storm Drain Fund CIP to the Storm Drain Fund Operating Budget to provide for additional rockwell rejuvenation work to be done under existing contract during the current fiscal year.

**ACTION:** Res. 99-12 adopted (Friedman/Fisher, unan.) approving appropriation transfer in the amount of \$120,000 from the Storm Drain Fund CIP to the Storm Drain Fund Operating Budget to provide for additional rockwell rejuvenation work to be done under existing contract during the current fiscal year.

CONSENT

12. Consider approving a resolution canvassing the election for Community Facilities District (CFD) No. 1996-1 (Village One Annexation No. 2) and ordering annexation of territory to Community Facilities District No. 1996-1.

**ACTION:** Res. 99-13 adopted (Friedman/Fisher, unan.) approving canvassing the election for Community Facilities District (CFD) No. 1996-1 (Village One Annexation No. 2) and ordering annexation of territory to Community Facilities District No. 1996-1.

Item #13 removed from Consent

13. Consider purchase of one Motor Coach Industries (MCI) bus at a cost of \$380,367 for use on the Modesto Area Express (MAX) BART EXPRESS route.

**ACTION:** Res. 99-14 adopted (Friedman/Fisher, unan.) approving purchase agreement with MCI.

Res. 99-15 adopted (Friedman/Fisher, unan.) approving an agreement with Laketran of Ohio authorizing the City to purchase one MCI bus from Laketran's contract with MCI.

Res. 99-16 adopted (Friedman/Fisher, unan.) approving an amendment to the budget to increase bus purchase project by \$120,000 and estimate \$106,236 of new federal revenues and appropriate \$13,764 from the CFF Transit Contingency Reserve to fund the increased cost of the project.

## HEARINGS

Item #14 continued to January 12, 1999 Council meeting.

14. Hearing to consider restructuring the fee for the Firefighter Application Fee to a \$12.50 fee for outside testing costs including test rental, test measurement tools and room rental, to be paid by all candidates invited to the written exam; and to consider amending the Position Classification Plan to amend the job classification for Fire Fighter Trainee and Fire Fighter; and to adopt findings to enable the City to grant exemption for citizens of Stanislaus County from the random selection process.

**ACTION:** By motion (Fisher/Dobbs, unan.) item continued to January 12, 1999 Council meeting.

## ORAL COMMUNICATIONS

Councilmember Serpa requested a copy of the cable franchise timeline report.

## MISCELLANEOUS

### Appointments

15. Citizens Housing and Community Development Committee

**ACTION:** Res. 99-17 adopted (Friedman/Fisher, unan.) appointing Cleopathia Moore and Martha Griffith to the Housing and Community Development Committee, with a term expirations of December 31, 2002.

## MATTERS TOO LATE FOR THE AGENDA

None.

CLOSED SESSION

The meeting adjourned to a Closed Session in the Mayor's Chambers for the following item:

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,  
Stanislaus County Superior Court Action No. 168472

ADJOURNMENT

The meeting adjourned to Closed Session at 7:20 p.m. The City Attorney returned at 7:25 p.m. to report no action had been taken.

**MINUTES** Tuesday, January 12, 1999 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5-7  
*Item #4 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation by Miss Greater Stanislaus 1999 regarding the Miss Greater  
Stanislaus Scholarship Organization.

Miss Greater Stanislaus gave presentation.

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 5, 1999.

**ACTION:** By motion (Dobbs/Friedman, unan.), approved minutes of January 5, 1999  
regular Council meeting.

CONSENT

2. Final adoption of Ord. No. 3115-C.S. authorizing the levy of a special tax within the  
area annexed to CFD No. 1996-1 (territory within the Village One area).

**ACTION:** By motion (Dobbs/Friedman, unan.), approved final adoption of Ord. No.  
3115-C.S. authorizing the levy of a special tax within the area annexed to  
CFD No. 1996-1 (territory within the Village One area).

CONSENT

3. Consider approving a lease agreement with Atmospherics, Inc. for the use of a  
small parcel of land at the airport for weather equipment.

**ACTION:** Res. 99-18 adopted (Dobbs/Friedman, unan.) approving a lease  
agreement with Atmospherics, Inc. for the use of a small parcel of land at  
the airport for weather equipment.

*Item #4 removed from Consent*

4. Consider allocating \$10,000 from the General Fund to be used exclusively for the  
awarding of grants to stimulate the production of local programming for the public  
access channel on Cable One.

**ACTION:** Res. 99-19 adopted (Friedman/Serpa, unan.) allocating \$10,000 from the  
General Fund to be used exclusively for the awarding of grants to  
stimulate the production of local programming for the public access  
channel on Cable One.

CONSENT

5. Consider adopting the Citizen Participation Plan and the Citizen Participation Calendar of Events for the Development of the Fiscal Year 1999-2000 Annual Action Plan.

**ACTION:** Res. 99-20 adopted (Dobbs/Friedman, unan.) adopting the Citizen Participation Plan and the Citizen Participation Calendar of Events.

CONSENT

6. Report of two loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

**ACTION:** By motion (Dobbs/Friedman, unan.), acknowledged receipt of report of two loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

CONSENT

7. Consider authorizing zero-interest, 50-year deferred Downpayment Assistance Program (DAP) loans for self-help housing program participants.

**ACTION:** Res. 99-21 adopted (Dobbs/Friedman, unan.) authorizing zero-interest, 50-year deferred DAP loans for self-help housing program participants.

HEARINGS

8. Hearing to consider restructuring the fee for the Firefighter Application Fee to a \$12.50 fee for outside testing costs including test rental, test measurement tools and room rental, to be paid by all candidates invited to the written exam; and to consider amending the Position Classification Plan to amend the job classification for Fire Fighter Trainee and Fire Fighter; and to adopt findings to enable the City to grant exemption for citizens of Stanislaus County from the random selection process.

(Continued from January 5, 1999, City Council meeting.)

**ACTION:** Res. 99-22 adopted (Friedman/Smith, majority; Dobbs & Fisher, no) restructuring Firefighter Application Fee.

Res. 99-23 adopted (Friedman/Dobbs, unan.) amending the Position Classification Plan.

Res. 99-24 adopted (Friedman/Dobbs, unan.) approving findings granting exemption for citizens of Stanislaus County from the random selection process.

9. Hearing to consider the application of Tim Ragsdale for an amendment to Section 29-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, to

Commercial Industrial Zone, C-M, for property located on the eastern side of Sixth Street between "L" and "M" Streets.

**ACTION:** By motion (Friedman/Dobbs, unan.), introduced Ord. 3116–C.S., for an amendment to Section 29-3-9 of the Zoning Map to rezone from General Commercial Zone, C-2, to Commercial Industrial Zone, C-M, for property located on the eastern side of Sixth Street between "L" and "M" Streets.

Res. 99-25 adopted (Friedman/Dobbs, unan.) approving findings based on the Initial Study.

10. Hearing to consider the application of J.D. Grothe for an amendment to Section 31-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533), for conversion of a dwelling to a Clinic for Medical Ambassadors International, property located at the northwest corner of Martin Luther King Drive and Vine Street.

**ACTION:** By motion (Friedman/Smith, unan.), introduced Ord. 3117–C.S., for an amendment to Section 31-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(533), for conversion of a dwelling to a Clinic for Medical Ambassadors International, property located at the northwest corner of Martin Luther King Drive and Vine Street.

Res. 99-26 adopted (Friedman/Smith, unan.) approving findings based on the Initial Study

Res. 99-26A adopted (Friedman/Smith, unan) resolution approving development plan.

11. Hearing to consider amending the Facility Use and Fee Policy to include youth sports organizations as Priority 3, which includes local agencies whose programs are open to the public and are for youth and senior citizens, for use of multipurpose facilities.

**ACTION:** By motion (Serpa/Conrad, unan.) item referred to the Human Services Committee.

12. Hearing to determine whether real property located at 406 Colorado Avenue constitutes a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** Res. 99-27 adopted (Fisher/Friedman, unan.) declaring property located at 406 Colorado a nuisance and allowing the owners to repair or demolish buildings or structures within 30 days of posting and allowing City to take jurisdiction and order demolition or other appropriate actions in accordance with the law.



13. Hearing to determine whether real property located at 2716, 2804 and 2812 Oakdale Road constitutes a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** Res. 99-28 adopted (Dobbs/Serpa, unan.) declaring property located at 2716, 2804 and 2812 Oakdale Road a nuisance and allowing the owners to repair or demolish buildings or structures within 30 days of posting and allowing City to take jurisdiction and order demolition or other appropriate actions in accordance with the law.

14. Hearing to determine whether real property located at 736 South Santa Cruz Avenue constitutes a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** Res. 99-29 adopted (Friedman/Dobbs, unan.) declaring property located at 736 South Santa Cruz Avenue a nuisance and allowing the owners to repair or demolish buildings or structures within 30 days of posting and allowing City to take jurisdiction and order demolition or other appropriate actions in accordance with the law

15. Hearing to determine whether real property located at 401 Yosemite Avenue constitutes a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** By order of the chair, item continued for 60 days.

#### ORAL COMMUNICATIONS

Carmen Sabatino requested 9-hole Muni Golf Course be designated as a Landmark Preservation Site.

**ACTION:** By order of the Chair, Carmen Sabatino's request was referred to the Landmark Preservation and Human Services Committee.

Councilmember Serpa confirmed he was on City business on Wednesday, January 6 during the Human Services Committee.

Councilmember Dobbs commented regarding the vandalism of lights at the Airport.

#### MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned at 5:35 p.m.

**MINUTES, Tuesday, January 19, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 4

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang acknowledged the presence of Boy Scout Troop 13.

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 12, 1999.  
(Motion approving needed.)

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the corrected minutes of the January 12, 1999 regular Council meeting.

CONSENT

2. Final adoption of :

- a. Ord. No. 3116-C.S. rezoning from C-2 to C-M, property located on the eastern side of Sixth Street between “L” and “M” Streets. (Tim Ragsdale)
- b. Ord. No. 3117-C.S. rezoning from R-1, to P-D(533), property located at 523 Martin Luther King Drive on the northwest corner of Martin Luther King Drive and Vine Street. (James D. Grothe)

**ACTION:** By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3116-C.S. rezoning from C-2 to C-M, property located on the eastern side of Sixth Street between “L” and “M” Streets.

By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3117-C.S. rezoning from R-1, to P-D(533), property located at 523 Martin Luther King Drive on the northwest corner of Martin Luther King Drive and Vine Street.

CONSENT

3. Consider awarding a contract to Kirkwood-Bly, Inc. for \$209,761 for the Woodland lift station rehabilitation project.

**ACTION:** Res. 99-30 adopted (Friedman/Dobbs, unan.) awarding a contract to Kirkwood-Bly, Inc. for \$209,761 for the Woodland lift station rehabilitation project.

CONSENT

4. Consider accepting the improvements for Rose Lane No. 3 Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Florsheim Bros.)

**ACTION:** Res. 99-31 adopted (Friedman/Dobbs, unan.) accepting the improvements for Rose Lane No. 3 Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

## HEARINGS

5. Hearing to consider changes to the Capital Facilities Fees Program. (commercial and industrial fees)  
(Continued from December 8, 1998, City Council meeting.)

**ACTION:** By motion (Fisher/Dobbs, unan), continued hearing for adoption of commercial and industrial development for approximately 120 days.

Res. 99-32 adopted (Fisher/Dobbs, unan.) approving adopting Capital Facilities Fees Policies on Street Exactions and CFF Reimbursements.

*Councilmember Fisher excused due to conflict of interest.*

6. Hearing to consider the application of Architecture Plus for an amendment to Section 6-3-9 of the Zoning Map to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(534), for a 100-unit townhouse condominium project, property located on the west side of Tully Road south of the future Pelandale Avenue.

**ACTION:** By motion (Friedman/Serpa, unan.; Fisher, absent), introduced Ord.3118–C.S. rezoning property.

Res. 99-33 adopted (Friedman/Serpa, unan.; Fisher, absent) approving development plan, schedule and conditions.

Res. 99-34 adopted (Friedman/Serpa, unan.; Fisher, absent) finding rezoning consistent with Pelandale-Snyder EIR.

7. Hearing to consider the Village One High School Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and the detachment from the Stanislaus Consolidated Fire Protection District.

**ACTION:** Res. 99-35 adopted (Friedman/Dobbs, unan.) ordering the reorganization.

## NEW BUSINESS

*Councilmember Friedman excused due to conflict of interest.*

8. Consider approving Mark Twain Neighborhood Park Master Plan and making CEQA findings.

**ACTION:** Res. 99-36 adopted (Dobbs/Fisher, unan.; Friedman, absent) approving the Master Plan and adopting required findings based on the Initial Study.

#### ORAL COMMUNICATIONS

None.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 7:58 p.m.

**City Council Meeting, Tuesday, January 26, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8  
*Item #9 removed from consent*

**ACTION:** (Friedman/Fisher, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Citizens First Steering Team Year-End Report.

**ACTION:** The presentation was made by the Citizens First Steering Committee.

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 19, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.), approved minutes of the regular City Council meeting of January 19, 1999.

CONSENT

2. Consider declaring Odetics ITS low bidder for furnishing Video Vehicle Detection System for a total cost of \$98,413.62.

**ACTION:** Res. 99-37 adopted (Friedman/Fisher, unan.) declaring Odetics ITS low bidder for furnishing Video Vehicle Detection System for a total cost of \$98,413.62.

CONSENT

3. Consider authorizing the City Manager to execute an application for \$53,918 in Federal funds under the juvenile Accountability Incentive Block Grant to increase the number of WAKE-UP classes (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program).

**ACTION:** Res. 99-38 adopted (Friedman/Fisher, unan.) authorizing City Manager to execute grant application for \$53,918 in Federal funds under the juvenile Accountability Incentive Block Grant to increase the number of WAKE-UP classes (Willing to become Aware and to Gain Knowledge of Experiences that are Useful Program)..

CONSENT

4. Consider approving and allocating \$44,000 in Community Development Block Grant public service funds for fiscal year \$1998-1999 to Desarrollo Latino Americano for a Workforce Development Project.

**ACTION:** Res. 99-39 adopted (Friedman/Fisher, unan.) approving and allocating \$44,000 in Community Development Block Grant public service funds for fiscal year \$1998-1999 to Desarrollo Latino Americano for a Workforce Development Project.

CONSENT

5. Quarterly Treasurer's Report – December 31, 1998.

**ACTION:** By motion (Friedman/Fisher, unan.), acknowledged receipt of report.

CONSENT

6. Consider approving amendment to the lease agreement with SkyWest Airlines/United Express to allow the airline to change their ticket counter, operations office and baggage make-up areas in the airport passenger terminal.

**ACTION:** Res. 99-40 adopted (Friedman/Fisher, unan.) approving amendment to the lease agreement with SkyWest Airlines/United Express to allow the airline to change their ticket counter, operations office and baggage make-up areas in the airport passenger terminal

CONSENT

7. Consider approving submittal of an application for federal AIP funds in the amount of \$711,000 to complete the construction of a new general aviation entrance road at the Modesto City-County Airport.

**ACTION:** Res. 99-41 adopted (Friedman/Fisher, unan.) approving submittal of an application for federal AIP funds in the amount of \$711,000 to complete the construction of a new general aviation entrance road at the Modesto City-County Airport.

CONSENT

8. Consider approving the 1999 Legislative Platform.

**ACTION:** Res. 99-42 adopted (Friedman/Fisher, unan.) approving the 1999 Legislative Platform.

*Item #9 removed from Consent*

*Councilmember Fisher absent due to conflict of interest*

9. Consider authorizing contribution of City funding in the amount of \$2,500 to the Great Valley Center and the American Institute of Architects California Council for a co-sponsorship of the "Housing the Next 10 Million," a national design competition for new types of housing that would be suitable for the Central Valley.

**ACTION:** Res. 99-43 adopted (Friedman/Lang, majority; Conrad, no; Fisher, absent) authorizing contribution of City funding in the amount of \$2,500 to the Great Valley Center and the American Institute of Architects California Council for a co-sponsorship of the "Housing the Next 10 Million," a national design competition for new types of housing that would be suitable for the Central Valley.

## NEW BUSINESS

*Councilmember Fisher absent due to conflict of interest*

10. Final adoption of Ord. No. 3118-C.S. rezoning from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, property located on the west side of Tully Road south of Pelandale Avenue. (Architecture Plus)

**ACTION:** By motion (Friedman/Dobbs, majority; Fisher, absent), approved final adoption of Ord. No. 3118-C.S. rezoning from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, property located on the west side of Tully Road south of Pelandale Avenue. (Architecture Plus)

11. Consider approving an amendment to the Modesto Municipal Code to make available a comprehensive way for businesses to reduce and retrieve the amount of shopping carts that are abandoned around the City.

**ACTION:** By motion (Fisher/Friedman, majority; Conrad, no), introduced Ord. 3119-C.S.

12. Consider approving John Thurman Field license agreement with the Modesto A's ; consider approving John Thurman field maintenance agreement with the Modesto A's.

**ACTION:** Res. 99-44 adopted (Friedman/Lang, majority; Conrad & Serpa, no) approving John Thurman Field license agreement with the Modesto A's.

Res. 99-45 adopted (Friedman/Lang, majority; Conrad & Serpa, no) approving John Thurman field maintenance agreement with the Modesto A's.

## ORAL COMMUNICATIONS

Mayor Lang requested a report on the gun issue from the City Manager by the February 2, 1999 Council meeting.

Councilmember Conrad commended Community Services & Neighborhood Connections for their programs.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned to Closed Session at 5:16 p.m.



CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a closed session for the following matter:

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

Name of case: Humphrey v. City of Modesto

The City Attorney returned at 5:30 p.m. to report no action had been taken.

**MINUTES, Tuesday, February 2, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 1

**ACTION:** (Friedman/Fisher, unan)

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2

*Councilmember Fisher absent due to conflict of interest*

**ACTION:** (Friedman/Smith, unan)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang presented proclamation regarding Reconciliation Month to Darius Crosby.

Presentation of Graffiti Rewards by Graffiti Reporting Rewards Committee.

**ACTION:** Presentation made by Wayne Henry and Chief Jefferson.

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of January 26, 1999.

**ACTION:** By motion (Friedman/Fisher, unan), approved minutes of the regular City Council meeting of January 26, 1999.

*Councilmember Fisher absent due to conflict of interest.*

**CONSENT**

2. Consider approving a Joint Powers Agreement with Stanislaus County which authorizes the City to acquire right of way for Pelandale Avenue within the County's jurisdiction; and consider adopting findings based on the Initial Study which indicates the project is within the scope of the Modesto Urban Area General Plan Master EIR.

**ACTION:** Res. 99-46 adopted (Friedman/Smith, unan.; Fisher, absent) approving agreement with Stanislaus County which authorizes the City to acquire right of way for Pelandale Avenue within the County's jurisdiction.

Res. 99-47 adopted (Friedman/Smith, unan.; Fisher, absent) approving the findings based on the Initial Study which indicates the project is within the scope of the Modesto Urban Area General Plan Master EIR.

**UNFINISHED BUSINESS**

3. Final adoption of Ord. No. 3119-C.S. adding Chapter 16 to Title 4 of the Modesto Municipal Code relating to shopping carts.

**ACTION:** By motion (Fisher/Friedman, majority; Conrad, no), approved final adoption of Ord. No. 3119-C.S. adding Chapter 16 to Title 4 of the Modesto Municipal Code relating to shopping carts.

#### HEARINGS

4. Hearing to consider amending the funding priorities for the Community Development Block Grant Program for Fiscal Year 1999-2000.

**ACTION:** Res. 99-48 adopted (Serpa/Fisher, unan.) amending CDBG Program funding priorities for F.Y. 1999-2000, with a \$10,000 limit with preference given to joint applications.

#### NEW BUSINESS

5. Consider requesting that the Stanislaus Area Association of Governments (SAAG) pursue a ballot measure to create a ½ cent sales tax for transportation purposes in Stanislaus County.

**ACTION:** Res. 99-49 adopted (Friedman/Smith, unan.) requesting that the Stanislaus Area Association of Governments (SAAG) pursue a ballot measure to create a ½ cent sales tax for transportation purposes in Stanislaus County.

6. Report from the City Manager on the administration of the 1996 Gun Sale Program.

**ACTION:** By motion (Friedman/Dobbs, unan.) , acknowledged receipt of report from the City Manager on the administration of the 1996 Gun Sale Program. City Manager will return with report in 60 days.

#### WRITTEN COMMUNICATIONS

7. Letter from David Dolan requesting permission for a Utility Services and Franchises Committee meeting on February 3, 1999, at 4:00 p.m., to be cablecast live.

**ACTION:** By motion (Fisher/Smith, unan.) referred to staff who will contact CableOne and request live broadcast of Utility Services and Franchises Committee meeting on February 3, 1999.

8. Letter from Steve Burke requesting information on a variety of issues.

**ACTION:** By order of the chair, directed staff to contact Mr. Burke and provide requested information.

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:26 p.m.

**MINUTES, Tuesday, February 9, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8  
*Consent Item #7 removed from Consent*

**ACTION:** (Friedman/Fisher, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of February 2, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of February 2, 1999 with an amendment to Item #4, CDBG Program funding priorities for FY 1999-2000, stating “with a \$10,000 minimum”.

**CONSENT**

2. Consider accepting as complete the contract of Mazingo Construction for the Butte Avenue waterline as complete and authorize the City Clerk to file a Notice of Completion. (Original contract \$92,574)

**ACTION:** Res. 99-49A adopted (Friedman/Fisher, unan.), accepting work as complete and authorizing City Clerk to file Notice of Completion.

**CONSENT**

3. Consider accepting as complete the contract of SEMCO for the Corporation Yard underground tank removal project and authorize the City clerk to file a Notice of Completion. (Original contract \$51,345)

**ACTION:** Res. 99-50 adopted (Friedman/Fisher, unan.), accepting work as complete and authorizing the City Clerk to file a Notice of Completion.

**CONSENT**

4. Consider authorizing moving Modesto Youth Conservation Corps (MYCC) from the Community Services and Neighborhood Connections Department to the Operations Department.

**ACTION:** Res. 99-51 adopted (Friedman/Fisher, unan.), authorizing moving MYCC to Operations & Maintenance Department.

CONSENT

5. Consider authorizing submittal of a REMOVE grant application to San Joaquin Valley Unified Air Pollution Control District for \$97,829.

**ACTION:** Res. 99-52 adopted (Friedman/Fisher, unan.), authorizing submittal of grant application and authorizing City Manager to execute any associated agreements.

CONSENT

6. Consider approving an agreement with the Franklin and Christina Van Konyenburg Family Trust of May 5, 1985 and the Leachman Brothers Trust of 1992 of the acquisition of \$8,374 ± square feet of land needed for a well site in the Carver-Bangs/Pelandale-Snyder area.

**ACTION:** Res. 99-53 adopted (Friedman/Fisher, unan.), approving an agreement with the Franklin and Christina Van Konyenburg Family Trust of May 5, 1985 and the Leachman Brothers Trust of 1992 for acquisition of land needed for a well site in the Carver-Bangs/Pelandale-Snyder area.

*Item #7 removed from Consent*

7. Consider Annual Report on testing of CATV System.

**ACTION:** By motion (Fisher/Smith, unan), referred to Utility Services & Franchise Committee and then to return to Council in 30 days.

CONSENT

8. Consider authorizing submittal of a Land use, Economic development, Growth, Agriculture, Conservation and Ivestment (LEGACI) grant application for \$20,000 to Great Valley Center for a joint effort between the City and Stanislaus County for Countywide Revenue Sharing agreement.

**ACTION:** Res. 99-54 adopted (Friedman/Fisher, unan.), authorizing submittal of grant application to Great Valley Center for a joint effort between the City and Stanislaus County for Countywide Revenue Sharing agreement.

NEW BUSINESS

9. Consider approving the Master Plan, Design Development Report, and making CEQA findings for Stockard Coffee Neighborhood Park.

**ACTION:** Res. 99-55 adopted (Conrad/Friedman, unan) approving Master Plan, Design Development Report, and making CEQA findings set forth in the Initial Study.

10. Consider authorizing construction of a new children's' play area at Graceada Park (known as G.I.F.T. (Graceada Is Fun Time) Project to proceed.

**ACTION:** Res. 99-56 adopted (Serpa/Fisher, unan.) authorizing construction of a new children's' play area at Graceada Park (known as G.I.F.T. (Graceada Is Fun Time) Project to proceed.

#### ORAL COMMUNICATIONS

None.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:01 p.m.

#### CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following items:

#### CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Section 54956.8 of the Government Code)

Property: Option or purchase of real property located north of Sylvan Avenue between Roselle Avenue and Litt Road in the City of Modesto for the Village I Community Park (Grogan Park)

Approximately 39 acres  
APN: 52-18-36  
Ozetta Watson, owner

Negotiating parties: Paul Baxter, Deputy City Manager and Bill Harper, Property Agent for the City of Modesto.

Under negotiation: Price and terms of payment for portion of parcel to be acquired.

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

Name of case: Tagliarino v. City of Modesto,  
Stanislaus County Superior Court Action No. 155303

The City Attorney returned at 5:50 p.m. and reported no action had been taken on the above-mentioned property issue. The City Attorney reported that the Council unanimously authorized a settlement in the above-mentioned litigation case in the amount of \$150,000.

**MINUTES, Tuesday, February 16, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5

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

*Councilmember Fisher absent due to conflict of interest*

CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 4

**ACTION:** (Friedman/Dobbs, unan., Fisher, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang acknowledged Boy Scout Troop 143.

CONSENT

1. Approval of the minutes of the regular City Council meeting of February 9, 1999.  
(Motion approving needed.)

**ACTION:** By motion (Friedman/Dobbs, unan.), approved minutes of the regular City Council meeting of February 9, 1999.

CONSENT

2. Consider accepting as complete the contract of Collins Electrical Company, Inc. for the SCADA System Additions – Phase III project and authorize City Clerk to file a Notice of Completion. (Original contract: \$49,666)

**ACTION:** Res. 99-57 adopted (Friedman/Dobbs, unan.) accepting as complete the contract of Collins Electrical Company, Inc. for the SCADA System Additions – Phase III project and authorize City Clerk to file a Notice of Completion.

CONSENT

3. Consider declaring GCS Western Power & Equipment low bidder and authorizing purchase of two retroreflective shutter changeable message signs for \$58,613.87 for the Engineering & Transportation Department.

**ACTION:** Res. 99-58 adopted (Friedman/Dobbs, unan.) declaring GCS Western Power & Equipment low bidder and authorizing purchase of two retroreflective shutter changeable message signs for \$58,613.87.

CONSENT

4. Consider approving an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.



**ACTION:** Res. 99-59 adopted (Friedman/Dobbs, unan., Fisher, absent) approving an agreement with the Housing Authority of Stanislaus County for special police services to the Westview Gardens housing project.

#### CONSENT

5. Consider waiving formal bid procedures and authorizing the purchase of one paving machine with trailer from Nixon-Egli Equipment Company through the City of Los Angeles' formal bid process for a total price of \$113,061.35; consider amending the budget to establish a capital non-CIP account for the purchase.

**ACTION:** Res. 99-60 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing the purchase of one paving machine with trailer from Nixon-Egli Equipment Company for a total price of \$113,061.35.

Res. 99-61 adopted (Friedman/Dobbs, unan.) amending the budget to establish a capital non-CIP account for the purchase.

#### NEW BUSINESS

6. Consider designating the Stanislaus County Department of Environmental Resources as the enforcement agency for purposes of enforcing Labor Code Section 6404.5 (Smoking in Bars).

**ACTION:** Res. 99-62 adopted (Serpa/Dobbs, unan.) designating the Stanislaus County Department of Environmental Resources as the enforcement agency for purposes of enforcing Labor Code Section 6404.5 (Smoking in Bars).

#### ORAL COMMUNICATIONS

Martin Fletcher expressed the need for a stop sign and excessive speed in area of Del Ray/Louise/Princeton. Referred to Transportation Policy Committee by order of the chair.

Councilmember Serpa requested the City Attorney's office to draft an ordinance regarding laser pointers and submit it to the Public Safety Committee.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 7:20 p.m.

**Tuesday, February 23, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3 and 5-6  
*Item #4 removed from Consent*

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

#### ACKNOWLEDGEMENTS AND PRESENTATIONS

Presentation of certificates and plaques to co-sponsors who have donated to the City in 1998.

Presentations were made by Chris Elms and Mayor Lang.

Presentation of proclamation declaring February 27, 1999 as National TRIO Day.

Mayor Lang made presentation of the proclamation.

Mayor Lang acknowledged Frank Hernandez from Boy Scout Troop 143.

#### CONSENT

1. Approval of the minutes of the regular City Council meeting of February 16, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of February 16, 1999.

#### CONSENT

2. Consider accepting the improvements for Millbrook Estates Unit No. 1 subdivision, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Bright Development, a California Corporation)

**ACTION:** Res. 99-63 adopted (Friedman/Dobbs, unan.) accepting improvements and authorizing City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

#### CONSENT

3. Consider accepting the improvements for Tuscany Unit No. 1 subdivision, and authorize the City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Rodney K. Lowe Inc., a California Corporation)

**ACTION:** Res. 99-64 adopted (Friedman/Dobbs, unan.) accepting improvements and authorizing City Clerk to file Notice of Completion and to release securities upon expiration of statutory periods.

*Councilmember Fisher excused due to conflict of interest*

4. Consider approving an amendment to the Housing Maintenance Program – Voluntary Housing Rehabilitation to include the Randazzo Avenue Neighborhood as a voluntary target area for rehabilitation efforts of the Housing Authority, authorize Housing Maintenance Program Loans for a total of approximately \$500,000 to rehabilitate 34 housing units in the Randazzo Avenue Neighborhood, and authorize the City Manager to execute all necessary documents.

**ACTION:** Res. 99-65 adopted (Serpa/Friedman, unan.; Fisher, absent) approving amendment to the Housing Maintenance Program – Voluntary Housing Rehabilitation adding the Randazzo Avenue Neighborhood, approving program loans in the amount of approximately \$500,00 for 34 housing units in the Randazzo Avenue Neighborhood, and authorizing the City Manager to execute necessary documents.

CONSENT

5. Consider a Joint Request for Proposals in collaboration with the Stanislaus County Community Services Agency and the United Way of Stanislaus County.

**ACTION:** Res. 99-66 adopted (Friedman/Dobbs, unan.) authorizing the City Manager to execute a Letter of Understanding between the City of Modesto, Stanislaus County, and United Way of Stanislaus for the Joint Request for Proposals.

CONSENT

6. Consider amending the Modesto Municipal Code to allow for amendments to final subdivision and parcel maps after public hearing.

**ACTION:** By motion (Friedman/Dobbs, unan.), introduced Ord. No. 3120–C.S.

## HEARINGS

*Councilmember Fisher excused due to conflict of interest*

7. Hearing to consider a proposed amendment to the Pelandale-Snyder Specific Plan to allow a wall between multi-family and single-family areas, and the relocation of a fire station, and professional office uses located on a parcel at the northwest corner of Tully Road and Snyder Avenue.

**ACTION:** Res. 99-67 adopted (Friedman/Conrad, unan.; Fisher, absent) approving Pelandale-Snyder Specific Plan Amendment No. 5 needed;

Res. 99-67A adopted (Friedman/Conrad, unan.; Fisher, absent) finding amendment consistent with the Pelandale-Snyder Specific Plan Environmental Impact Report.

8. Hearing to consider revising green fees at Dryden, Muni 9-hole, and Creekside Golf Courses.

**ACTION:** Res. 99-68 adopted (Conrad/Smith, majority; Dobbs, no) revising green fees at Dryden, Muni 9-hole, and Creekside Golf Courses and report back to Council in three months regarding impact of increase.

#### NEW BUSINESS

9. Staff report on "Color Modesto" Program, a community-wide beautification project.

**ACTION:** By motion (Friedman/Serpa, unan.), acknowledged receipt of report.

10. Consider authorizing the creation of a Complete Count Committee to assist in the planning and implementation for the 2000 Census.

**ACTION:** Res. 99-69 adopted (Fisher/Dobbs, unan.) authorizing the creation of a Complete Count Committee to assist in the planning and implementation for the 2000 Census.

#### ORAL COMMUNICATIONS

None.

#### WRITTEN COMMUNICATIONS

11. Consider request of Harlan Smith, Modesto Camellia Society, for the donation in the amount of \$52 for the Sweepstakes Trophy at the 38th Annual Camellia Cavalcade on March 20 and 21, 1999.

**ACTION:** By motion (Fisher/Friedman, unan.), approved request of Harlan Smith, Modesto Camellia Society, for the donation in the amount of \$52 for the Sweepstakes Trophy at the 38th Annual Camellia Cavalcade on March 20 and 21, 1999.

12. Consider request of David Dolan requesting permission to live cable cast Utility Services & Franchise Committee meeting of February 25, 1999 at 7:00 p.m.

**ACTION:** No action necessary.

#### MISCELLANEOUS

13. REAPPOINTMENTS

Board of Building Appeals

**ACTION:** Res. 99-70 adopted reappointing Laura Bonich to the Board of Building Appeals with an expiration date of December 31, 2002.

Local Cable Programming Committee

**ACTION:** Res. 99-71 adopted (Freidman/Dobbs, unan.) reappointing Ernest Foote to the Local Programming Committee with an expiration date of December 31, 2002.

Economic Development Loan Committee

**ACTION:** Res. 99-72 adopted (Freidman/Dobbs, unan.) reappointing Marvin Evans to the Economic Development Loan Committee with an expiration date of December 31, 2002.

Board of Zoning Adjustment

**ACTION:** Res. 99-73 adopted (Freidman/Dobbs, unan.) reappointing Raymond Feller as the Planning Commission representative to the Board of Zoning Adjustment with an expiration date of December 31, 1999.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:45 p.m.

**Tuesday, March 2, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

Absent: Smith

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 3, 4, 5, 7, 8, 10

Items 6 and 9 removed from Consent

ACTION: (Friedman/Fisher, unan.; Smith, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of February 23, 1999.

**ACTION:** By motion, (Friedman/Fisher, unan.; Smith, absent) approved the minutes of the regular City Council meeting of February 23, 1999.

**CONSENT**

2. Final adoption of Ord. No. 3120-C.S. relating to correction and amendment of final maps.

**ACTION:** By motion, (Friedman/Fisher, unan.; Smith, absent) approved final adoption of Ord. No. 3120-C.S.

**CONSENT**

3. Consider accepting as complete the contract of Cunningham and Sons, Inc. for the rockwell replacement/addition project – 1998-99, and authorize the City Clerk to file a Notice of Completion.

**ACTION:** Res. 99-74 adopted (Friedman/Fisher, unan.; Smith absent) accepting work as complete and authorizing City Clerk to file Notice of Completion.

**CONSENT**

4. Consider awarding a contract for the 1998-99 valley gutter repair project to Ross F. Carroll, Inc. for \$63,361.80.

**ACTION:** Res. 99-75 adopted (Friedman/Fisher, unan.; Smith absent) awarding contract to Ross F. Carroll, Inc. for the 1998-99 valley gutter repair project.

**CONSENT**

5. Consider accepting Federal COPS MORE (Making Officer Redeployment Effective) grant in the amount of \$150,000 for the acquisition of lap top computers

for police field use; and consider amending the 1998-99 Budget to increase revenues.

**ACTION:** Res. 99- 76 adopted (Friedman/Fisher, unan.; Smith absent ) authorizing City Manager to sign grant agreement.

Res. 99-77 adopted (Friedman/Fisher, unan.; Smith absent ) amending budget.

Removed from Consent

6. Consider authorizing grant application with Stanislaus Area Association of Governments for \$2,500,000 of 1999 Transportation Enhancement Activities (TEA) funds.

**ACTION:** Res. 99-78 adopted (Fisher/Friedman, unan.; Smith, absent) authorizing grant application with Stanislaus Area Association of Governments for \$2,500,000 of 1999 Transportation Enhancement Activities (TEA) funds.

Councilmember Serpa made a motion, no second, to move Item 7, Bicycle Education Program to No.1 priority.

CONSENT

7. Consider approving an amendment to the subdivision agreement with Kaufman and Broad – Central Valley, Inc. for the Almond Valley Subdivision.

**ACTION:** Res. 99-79 adopted (Friedman/Fisher, unan; Smith, absent) approving an amendment to the subdivision agreement with Kaufman and Broad – Central Valley, Inc. for the Almond Valley Subdivision.

CONSENT

8. Consider approving the revision of City policy on amplification of music in City parks.

**ACTION:** Res. 99-80 adopted (Friedman/Fisher, unan.; Smith, absent) approving the revision of City policy on amplification of music in City parks.

Removed from Consent

9. Consider amending the budget to appropriate \$1,867 to cover the cost for Central Valley Aquatics to use Johansen Pool July 15-18, 1999 for the Sierra Nevada Swimming Championships and placing this event's status as "Priority 1."

**ACTION:** Res. 99- 81 adopted (Friedman/Fisher, maj.; Serpa, no; Smith, absent) amending the budget to appropriate \$1,867 to cover the cost for Central Valley Aquatics to use Johansen Pool July 15-18, 1999 for the Sierra Nevada Swimming Championships and placing this event's status as "Priority 1."

CONSENT

10. Letter of resignation from the Golf Course Committee from Dave Haley.

**ACTION:** Res. 99-82 adopted (Friedman/Fisher, unan.; Smith, absent) accepting the resignation of Dave Haley from the Golf Course Committee

#### HEARINGS

11. Hearing to allocate Fiscal Year 1997-98 Community Development Block Grant Carryover and Program Income Funds - Housing Rehabilitation Loan Program.

**ACTION:** Res. 99-83 adopted (Serpa/Fisher, unan.; Smith, absent) amending the FY 98-99 Annual Action Plan and Operating Budget to allocate FY97-98 year carry over to CDBG eligible projects.

Res. 99-84 adopted (Serpa/Fisher, unan.; Smith, absent) authorizing the use of FY97-98 Housing Rehabilitation Loan Program Income Funds to eligible non-housing rehabilitation projects including the use of \$20,000 for sidewalk installation on Maze Boulevard.

12. Hearing to consider confirming the Report of Work and Cost of Construction of Improvements for Public Facilities District No. 12 and directing the method of collection of the assessments.

**ACTION:** Res. 99-85 adopted (Fisher/Friedman, unan.; Smith, absent) confirming the Report of Work and Cost of Construction of Improvements for Public Facilities District No. 12 and directing the method of collection of the assessments.

#### NEW BUSINESS

13. Fiscal Year 1998-99 Budget – Midyear Financial Status Report.

**ACTION:** By motion (Friedman/Fisher, unan.; Smith absent) acknowledged receipt of report and directed Community Development and Housing Committee to review the Capital Improvement Program further.

Res. 99-86 adopted (Friedman/Fisher, unan.; Smith absent) approving revisions to the Fiscal Year 1998-99 Budget.

#### ORAL COMMUNICATIONS

Councilmember Serpa requested Mayor Lang appoint an Ad Hoc Committee to increase revenue for the Golf Fund consisting of Mayor Lang, Councilmember Dobbs and Councilmember Fisher.

#### MATTERS TOO LATE FOR THE AGENDA



None

## ADJOURNMENT

The meeting adjourned to Closed Session at 8:47 p.m.

## CLOSED SESSION

The meeting will adjourned to the Mayor's Chambers for a closed session for the following items:

### **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

(Pursuant to Section 54956.9(a) of the Government Code)

Name of Case: Howard Jarvis Taxpayers Association v. City of Modesto,  
Stanislaus County Superior Court Action No. 168472

### **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**

(Pursuant to Section 54957 of the Government Code)

The City Attorney returned at 9:35 p.m. and reported no action had been taken.



**MINUTES, City Council Meeting, Tuesday, March 9, 1999, at 4:00 p.m.**

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

Absent: Dobbs

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5-6, 10 and 12  
*Items 4, 7, 8, 9, & 11 removed from Consent*

**ACTION:** (Friedman/Conrad, unan.; Dobbs, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of proclamation to the Muir Trail Girl Scout Council regarding Girl Scout Week March 7-13, 1999, and the celebration of its 87<sup>th</sup> anniversary on March 12, 1999.

Mayor Lang made presentation.

Presentation of plaques honoring Jennifer Sanchez, Destinee Cooper and the Johansen High School Interact Club as Outstanding Youth for 1998.

Wendy Byrd made presentation.

**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 2, 1999.

**ACTION:** By motion (Friedman/Conrad, unan.; Dobbs, absent), approved minutes as amended of the regular City Council meeting of March 2, 1999.

CONSENT

2. Consider awarding contract for the Honeycreek and Nightingale lift station rehabilitation project to Howk Systems for \$81,000.

**ACTION:** Res. 99-87 adopted (Friedman/Conrad, unan.; Dobbs, absent) awarding contract for the Honeycreek and Nightingale lift station rehabilitation project to Howk Systems.

CONSENT

3. Consider awarding contract for the Northgate sewer lift station replacement project to Ross F. Carroll, Inc. for \$182,374; and consider approving an appropriation transfer in the amount of \$77,500 to fully fund the project.

**ACTION:** Res. 99-88 adopted (Friedman/Conrad, unan.; Dobbs, absent) awarding contract for the Northgate sewer lift station replacement project to Ross F. Carroll, Inc.

Res. 99-89 adopted (Friedman/Conrad, unan.; Dobbs, absent) approving appropriation transfer to fully fund the Northgate sewer lift station replacement project.

*Item #4 removed from Consent*

4. Consider authorizing the purchase of self-contained breathing apparatus (SCBA) from Survivair, Inc. for a total cost of \$510,000; consider approving an appropriation transfer; and consider declaring existing Mine Safety Appliance (MSA) self-contained breathing apparatus surplus and authorizing the disposal of the apparatus by the Purchasing Division.

**ACTION:** Res. 99-90 adopted (Fisher/Serpa, unan.; Dobbs, absent) authorizing the purchase of self-contained breathing apparatus (SCBA) from Survivair, Inc.

Res. 99-91 adopted (Fisher/Serpa, unan.; Dobbs, absent) approving an appropriation transfer to fully fund the purchase of SCBA.

Res. 99-92 adopted (Fisher/Serpa, unan.; Dobbs, absent) declaring existing Mine Safety Appliance (MSA) self-contained breathing apparatus surplus.

CONSENT

5. Consider authorizing the City Manager to sign a one-year agreement with one-year extensions with Pacific Storage Company, to out-source records services beginning July 1, 1999.

**ACTION:** Res. 99-93 adopted (Friedman/Conrad, unan.; Dobbs, absent) authorizing the City Manager to sign a one-year agreement with one-year extensions with Pacific Storage Company, to out-source records services beginning July 1, 1999.

CONSENT

6. Consider approving amendment to lease agreement with Greyhound Lines, Inc. for the Modesto Transportation Center.

**ACTION:** Res. 99-94 adopted (Friedman/Conrad, unan.; Dobbs, absent) approving amendment to lease agreement with Greyhound Lines, Inc. for the Modesto Transportation Center.

*Item #7 removed from Consent*

7. Consider approving amendment to lease agreement with Oates, Sierra Pacific – Sacramento LLC, and Houlihan, and Sierra Pacific – Sacramento, LLC, for the lease of office space for the northwest area police office.

**ACTION:** Res. 99-95 adopted (Serpa/Smith, unan.; Dobbs, absent) approving amendment to lease agreement with Oates, Sierra Pacific – Sacramento LLC, and Houlihan, and Sierra Pacific – Sacramento, LLC, for the lease of office space for the northwest area police office.

*Item #8 removed from Consent*

8. Consider authorizing the use of funds previously provided for First Night affiliation by City Council on September 8, 1998, to be used for the community New Year's celebration to be called "Modesto Millenium – a new century celebration."

**ACTION:** Res. 99-96 adopted (Friedman/Fisher, unan.; Dobbs, absent) authorizing the use of funds previously provided for First Night affiliation by City Council on September 8, 1998, to be used for the community New Year's celebration to be called "Modesto Millenium – a new century celebration."

*Item #9 removed from Consent*

9. Consider approving an agreement with Red Lion Hotels, Inc., dba DoubleTree Hotel, for catering and concessionaire services provided at the Modesto Centre Plaza.

**ACTION:** Res. 99-97 adopted (Friedman/Lang, majority; Serpa, no; Dobbs, absent) approving an agreement with Red Lion Hotels, Inc., dba DoubleTree Hotel, for catering and concessionaire services provided at the Modesto Centre Plaza.

CONSENT

10. Consider amending budget to transfer \$15,108.36 from various objects in 010-370-3713, Sports and Aquatics, to the Parks Capital Facilities Fee Reserve.

**ACTION:** Res. 99-98 adopted (Friedman/Conrad, unan.; Dobbs, absent) amending budget to transfer \$15,108.36 from various objects in 010-370-3713, Sports and Aquatics, to the Parks Capital Facilities Fee Reserve.

*Item #11 removed from Consent*

11. Consider joinder in amicus briefs in the following cases: Los Angeles Alliance of Survival v. City of Los Angeles; Friends of Mammoth v. Town of Mammoth Lakes; Foster v. City of Napa; and Saia v. City of Capitola.

**ACTION:** By motion (Fisher/Friedman, unan.; Dobbs, absent), authorized joinder in amicus briefs in the following cases: Los Angeles Alliance of Survival v. City of Los Angeles; Friends of Mammoth v. Town of Mammoth Lakes; and Foster v. City of Napa.

By motion (Fisher/Friedman, unan.; Dobbs, absent) denied authorizing joinder in amicus briefs in the following case: Saia v. City of Capitola.

## CONSENT

12. Letter from Downtown Improvement District advising the resignation of Board Member Andre David.

**ACTION:** Res. 99-99 adopted (Friedman/Conrad, unan.; Dobbs, absent) accepting with regret the resignation of Downtown Improvement District board member Andre David

## HEARINGS

13. Hearing to consider an amendment to Precise Plan No. 8 in the Village One Specific Plan to allow reduced side-yard setbacks for porches, property located on the south side of Sylvan Avenue east of Litt Road.

**ACTION:** By motion (Friedman/Smith, unan.; Dobbs, absent), introduced Ord.3121–C.S. to amend Precise Plan No. 8 in the Village One Specific Plan to allow reduced side-yard setbacks for porches, property located on the south side of Sylvan Avenue east of Litt Road.

## NEW BUSINESS

14. Consider approving an agreement with Stanislaus County to remodel, furnish and equip the City/County Emergency Dispatch building at 3705 Oakdale Road; and consider a Joint Exercise of Powers Agreement with Stanislaus County for shared operation of the Emergency Dispatch Center, effective September 1999.

**ACTION:** Res. 99-100 adopted (Friedman/Smith, unan.; Dobbs, absent) approving an agreement with Stanislaus County to remodel, furnish and equip the City/County Emergency Dispatch building at 3705 Oakdale Road.

Res. 99-101 adopted (Friedman/Smith, unan.; Dobbs, absent) authorizing a Joint Exercise of Powers Agreement with Stanislaus County for shared operation of the Emergency Dispatch Center, effective September 1999.

- 14A. Consider recommending support for Tuolumne River Flood Control Feasibility Study.  
(Resolution recommending support for Tuolumne River Flood Control Feasibility Study needed.)

**ACTION:** Res. 99-102 adopted (Friedman/Conrad, unan.; Dobbs, absent) recommending support of study.

## ORAL COMMUNICATIONS

None.

## MISCELLANEOUS

## Appointments

### 15. Airport Advisory Committee

**ACTION:** Res. 99-103 adopted (Friedman/Fisher, unan.; Dobbs, absent) appointing Leroy Nygaard to the Airport Advisory Committee with a term expiration of December 31, 2002.

### Community Qualities Forum

**ACTION:** Res. 99-104 adopted (Friedman/Fisher, unan.; Dobbs, absent) appointing Ken Shireman to the Community Qualities Forum with a term expiration of December 31, 2002.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned to Closed Session at 5:42 p.m.

## CLOSED SESSION

The meeting adjourned to a Closed Session in the Mayor's Chambers to consider the following:

### CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 1131 Tioga Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-53-22 - 8,700± square feet

Negotiating parties: William D. Harper, Property Agent for the City of Modesto

Balvino and Kathleen Irizarry, Owners

Under negotiation: Price and terms of payment for property to be acquired

Property: Purchase, sale or lease of property and/or public facilities located at 1746 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-23 - 6,750± square feet

Negotiating parties: William D. Harper, Property Agent for the City of Modesto

Balvino Irizarry negotiating for Escalon Neighborhood Investors, Owner

Under negotiation: Price and terms of payment for property to be acquired

Property: Purchase, sale or lease of property and/or public facilities located at 1738 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-04 - 6,750± square feet

Negotiating parties: William D. Harper, Property Agent for the City of Modesto

Balvino Irizarry negotiating for Zandy Robbins Investors, Owner

Under negotiation: Price and terms of payment for property to be acquired

Property: Purchase, sale or lease of property and/or public facilities located at 1720 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-07 - 7,800± square feet

Negotiating parties: William D. Harper, Property Agent for the city of Modesto

Rickey Dan Moore, Owner

Under negotiation: Price and terms of payment for property to be acquired

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,

Stanislaus county Superior Court Action No. 168472

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

The City Attorney returned at 6:55 p.m. to report no action had been taken.





**MINUTES, City Council Meeting, Tuesday, March 16, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

**ACTION:** (Fisher/Friedman, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang acknowledged Boy Scout Troop 117.

**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 9, 1999.

**ACTION:** By motion (Fisher/Friedman, unan.) approved the minutes of the regular City Council meeting of March 9, 1999.

CONSENT

2. Final adoption of Ord. No. 3121-C.S. amending the Precise Plan for Area No. 8 of the Village One Specific Plan, to allow a reduced interior side yard setback for front porches on one house model, property located on the south side of Sylvan Avenue east of Litt Road. (Inland Village Partnership)

**ACTION:** By motion (Fisher/Friedman, unan.), approved final adoption of Ord. 3121-C.S.

CONSENT

3. Consider amending the budget to appropriate \$220,000 from the Wastewater Fund Reserves to fund an existing Capital Improvement Project for biosolids removal at the Secondary Treatment Facility.

**ACTION:** Res. 99-105 adopted (Fisher/Friedman, unan.) amending the budget to appropriate \$220,000 from the Wastewater Fund Reserves to fund an existing Capital Improvement Project for biosolids removal at the Secondary Treatment Facility.

CONSENT

4. Consider approval of revised final map of Sereno Unit No. 1 subdivision of the City of Modesto 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 Bluffs Senior Housing Development)

**ACTION:** Res. 99-106 adopted (Fisher/Friedman, unan.) approving revised final map of Sereno Unit No. 1 subdivision.

#### CONSENT

5. Consider excusing Councilmember Stan Dobbs from the March 9, 1999, City Council meeting due to his attendance at the Congressional City Conference in Washington, D.C.

**ACTION:** By motion (Fisher/Friedman, unan.), excused Councilmember Stan Dobbs from the March 9, 1999, City Council meeting due to his attendance at the Congressional City Conference in Washington, D.C.

#### HEARINGS

6. Hearing to determine whether real property located at 401 Yosemite Avenue constitutes a public nuisance, and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.  
(Continued from January 12, 1999, City Council meeting.)

**ACTION:** Due to property owner compliance, no action required by the Council.

#### ORAL COMMUNICATIONS

None.

#### WRITTEN COMMUNICATIONS

7. Letter from Mark Amador, dba Westport Tow, regarding Municipal Code Section 3-10.23, which requires towing service operators to have a towing storage lot within a two miles of the Modesto City limits.

**ACTION:** By motion (Fisher/Friedman, unan.) approved granting Westport Tow's request to move their towing storage lot. The Public Safety Committee will review the existing ordinance for clarity.

8. Letter from Steve Burke regarding the City of Modesto's speed hump policy and a request to assign costs to the City instead of residents of the neighborhood.

**ACTION:** Item removed from Agenda.

#### MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned at 7:11 p.m. to Closed Session

The business to be considered at said special City Council meeting shall consist of a Closed Session concerning the following:

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

Name of Case: Howard Jarvis Taxpayers Association v. City of Modesto  
Stanislaus County Superior Court Action No. 168472

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Pursuant to Section 54957 of the Government Code)

Title: City Manager

The City Attorney returned at 7:55 p.m. and reported no action had been taken.

**MINUTES, City Council Meeting, Tuesday, March 23, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-2, 5, 7-13  
*Items 3, 4 & 6 removed from consent.*

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

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

CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 8

**ACTION:** (Friedman/Dobbs, unan.; Fisher & Smith, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

- a. Presentation of a plaque received in recognition of the Automotive Service Blue Seal of Excellence Award to the Fleet Services Division.

Presentation made by Mayor Lang and Dennis Turner.

- b. Presentation of a proclamation to members of the Order of American Hellenic Educational Progressive Association and the Daughters of Penelope declaring March 25, 1999 Greek Independence Day.

Presentation made by Mayor Lang.

*Item c. removed from the Agenda*

- c. Presentation of plaque to Helen White acknowledging her two terms of service on the Modesto Culture Commission.

- d. Presentation of the 1998 Annual Governor's Historic Preservation Award to City of Modesto, Julio R. Gallo Foundation and the McHenry Mansion Foundation.

Daniel Abata made the presentation.

Mandy Williams Boyd announced that Bill Cosby will be at Cal State Stanislaus on May 28, 1999 to raise funds for scholarships.

**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 16, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved minutes of regular City Council meeting of March 16, 1999.

CONSENT

2. Consider accepting as complete Stone-Cheney Construction's contract for the Corporation Yard restroom restoration project and authorize City Clerk to file a Notice of Completion; consider approving an appropriation transfer in the amount of \$3,200 to fully fund the project. (Original contract: \$206,690)

**ACTION:** Res. 99-107 approved (Friedman/Dobbs, unan.) accepting work of Stone-Cheney Construction as complete for the Corporation Yard restroom restoration project.

Res. 99-108 approved (Friedman/Dobbs, unan.) authorizing appropriation transfer of \$3,200 to fully fund the Corporation Yard restroom restoration project.

*Item #3 removed from Consent*

3. Consider increasing the Director of Engineering & Transportation's authority level to issue change orders from 8% to 12% of the original contract price with George Reed, Inc. on the Airport District Improvements – Phase III project; and consider amending the budget to appropriate funds in the amount of \$40,000 from the Community Development Block Grant Funds.

**ACTION:** Res. 99-109 approved (Serpa/Fisher, unan.) increasing the Director of Engineering & Transportation's authority level to issue change orders from 8% to 12% of the original contract price with George Reed, Inc. on the Airport District Improvements – Phase III project, with a condition that if the 8% is exceeded a report is made to Council at the completion of the project regarding expenditures made.

Res. 99-110 approved (Serpa/Fisher, unan.) amending the budget to appropriate funds in the amount of \$40,000 from the Community Development Block Grant Funds.

*Item #4 removed from Consent*

4. Consider increasing the Director of Engineering & Transportation's authority level to issue change orders from 8% to 12% of the original contract price with Mauldin-Dorfmeier Construction, Inc., on the Parallel Outfall Sewer – Phase III project.

**ACTION:** Res. 99-111 approved (Dobbs/Fisher, unan.) increasing the Director of Engineering & Transportation's authority level to issue change orders from 8% to 12% of the original contract price with Mauldin-Dorfmeier Construction, Inc., on the Parallel Outfall Sewer – Phase III project, with a

condition that if the 8% is exceeded a report is made to Council at the completion of the project regarding expenditures made.

CONSENT

5. Consider authorizing City Manager to execute agreements and program supplements between the City of Modesto and the California Department of Transportation for State-Local Transportation Partnership Program Funds.

**ACTION:** Res. 99-112 approved (Friedman/Dobbs, unan.) authorizing City Manager to execute agreements and program supplements between the City of Modesto and the California Department of Transportation for State-Local Transportation Partnership Program Funds.

*Item #6 removed from Consent*

6. Consider amending the budget to appropriate \$4,000 from the Downtown Improvement District contingency reserve to the Greater Modesto Community Foundation for participation in the Color Modesto campaign.

**ACTION:** Res. 99-113 approved (Friedman/Fisher, unan.) amending the budget to appropriate \$4,000 from the Downtown Improvement District contingency reserve to the Greater Modesto Community Foundation for participation in the Color Modesto campaign.

CONSENT

7. Consider amending the class specification for Instrument Repair Technician. (Resolution amending the class specification for Instrument Repair Technician needed.)

**ACTION:** Res. 99-114 approved (Friedman/Dobbs, unan.) amending the class specification for Instrument Repair Technician.

CONSENT

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

8. Consider approving an agreement with Kishore M. and Aruna K. Panchal for the acquisition of their property located at 1522 Ninth Street, the Plaza Motel, for the Kansas/Needham overcrossing project.

**ACTION:** Res. 99-115 approved (Friedman/Dobbs, unan.) authorizing an agreement with Kishore M. and Aruna K. Panchal for the acquisition of their property located at 1522 Ninth Street, the Plaza Motel, for the Kansas/Needham overcrossing project.

CONSENT

9. Consider approving amendment to lease agreement with Pahrump Heifer Ranch for a one-time rent offset for the lease the former Hailwood Ranch.

**ACTION:** Res. 99-116 approved (Friedman/Dobbs, unan.) authorizing an amendment to lease agreement with Pahrump Heifer Ranch for a one-time rent offset for the lease the former Hailwood Ranch.

CONSENT

10. Consider annexation of additional territory to the North Beyer Community Facilities District (CFD No. 1997-1, Annexation No. 1)

**ACTION:** Res. 99-117 approved (Friedman/Dobbs, unan.) authorizing the annexation of additional territory to the North Beyer Community Facilities District (CFD No. 1997-1, Annexation No. 1).

CONSENT

11. Consider amending budget to appropriate \$40,000 from the General Fund Reserve to support Blue Ribbon Committee, and consider approving an amendment to the agreement with KPMG to provide additional assistance.

**ACTION:** Res. 99-118 approved (Friedman/Dobbs, unan.) amending budget to appropriate \$40,000 from the General Fund Reserve to support Blue Ribbon Committee.

Res. 99-119 adopted (Friedman/Dobbs, unan.) approving an amendment to the agreement with KPMG to provide additional assistance.

CONSENT

12. Consider authorizing the use of Community Development Funds to cover the cost of non-City employees to attend the Workforce Development for Poverty Reduction Project convening session in St. Louis Missouri May 14-16, 1999.

**ACTION:** Res. 99-120 approved (Friedman/Dobbs, unan.) authorizing the use of Community Development Funds to cover the cost of non-City employees to attend the Workforce Development for Poverty Reduction Project convening session in St. Louis Missouri May 14-16, 1999.

CONSENT

13. Consider approving license agreement with Modesto Irrigation District for use of Lateral No. 6 right of way for Snyder Avenue.

**ACTION:** Res. 99-121 approved (Friedman/Dobbs, unan.) authorizing license agreement with Modesto Irrigation District for use of Lateral No. 6 right of way for Snyder Avenue.

HEARINGS

14. Hearing to consider an amendment to Planned Development Zone, P-D(489), to allow a 99-unit multifamily apartment complex in place of a previously approved



elderly housing project, property located on the eastern side of Roselawn Avenue at Pelton Avenue.  
(Jack E. Siadek)

**ACTION:** Res. 99-122 adopted (Fisher/Friedman, majority; Conrad & Dobbs, no) denying without prejudice the project.

#### NEW BUSINESS

15. Consider report regarding change orders to Acme Construction for the New Police Headquarters Building Bid Package No. 1 project executed by the Director of Engineering & Transportation under urgent necessity provision of the Council Policy on Change Orders; and consider authorizing Director of Engineering & Transportation to negotiate and execute additional change orders for site cleanup of the contaminated soil on the project site in an amount not to exceed \$250,000.

**ACTION:** By motion (Friedman/Smith, unan.), acknowledged receipt of report.

Res. 99-123 approved (Friedman/Smith, unan.) authorizing Director of Engineering & Transportation to negotiate change order for site cleanup of contaminated soil.

#### ORAL COMMUNICATIONS

Councilmember Serpa commented on Charter Review Committee appointments being allowed to live outside City limits.

#### WRITTEN COMMUNICATIONS

16. Letter from David Dolan requesting a discussion of memorandum from City Clerk & Auditor's office to the Utility Services and Franchise Committee entitled Audit Report regarding Cable Television Franchise Ordinance Requirements.

Item referred to the Utility Services and Franchise Committee. Comments received from David Dolan and Steve Burke.

#### APPOINTMENTS

17. Human Relations Commission

**ACTION:** Res. 99-124 approved (Dobbs/Conrad, unan.) appointing Martha Martin to the Human Relations Commission with a term expiration of December 31, 2002.

Landmark Preservation Commission

**ACTION:** Res. 99-125 approved (Dobbs/Conrad, unan.) appointing Wayne Montgomery and John Hernandez to the Landmark Preservation Commission with a term expiration of December 31, 2002.

City-County Joint Powers Agency Commission Alternates

**ACTION:** Res. 99-126 approved (Dobbs/Friedman, unan.) appointing Tim Fisher and Paul Baxter as alternates to the City-County Joint Powers Agency Commission.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting was adjourned at 6:10 p.m. to Closed Session.

CLOSED SESSION

*The meeting will adjourn to the Third Floor East Conference Room for a Closed Session as follows:*

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

Agency Negotiators: J. Edward Tewes, City Manager  
Robin Renwick, Personnel Director

Unrepresented Employees: All employees classified as "Management and Confidential"

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

Name of case: Downs v. City of Modesto, Superior Court of California, County of Stanislaus, Case No. 152334

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: One case.

The City Attorney returned at 7:05 p.m. and reported that no action had been taken.

**MINUTES, Tuesday, April 6, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5-6, & 8-11  
*Items 4 and 7 removed from Consent*

**ACTION:** (Friedman/Conrad, unan.)

*Councilmember Fisher absent due to conflict of interest*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 6

**ACTION:** (Friedman/Dobbs, unan.; Fisher, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**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 23, 1999.

**ACTION:** By motion (Friedman/Conrad, unan.), approved the minutes of the regular City Council meeting of March 23, 1999.

CONSENT

2. Consider authorizing bid call for carpet replacement at the Centre Plaza.  
Suggested bid opening: April 27, 1999, at 11:00 a.m

**ACTION:** Res. 99-127 adopted (Friedman/Conrad, unan.) authorizing bid call for carpet replacement at the Centre Plaza for April 27, 1999 at 11:00 a.m.

CONSENT

3. Consider authorizing call for bids for playground apparatus for the Graceada Park – Graceada Is Fun Time (G.I.F.T.) project. Suggested bid opening: April 20, 1999, at 11:00 a.m.

**ACTION:** Res. 99-128 adopted (Friedman/Conrad, unan.) authorizing call for bids for playground apparatus for the Graceada Park – Graceada Is Fun Time (G.I.F.T.) project for April 20, 1999 at 11:00 a.m.

*Item #4 removed from Consent*

4. Consider waiving formal bid procedures and extending the existing contract with Frank Olsen Company for the purchase of an additional 3,000 water meters for a total price not to exceed \$186,000; and consider amending the budget to appropriate \$176,700 from the Water Fund Contingency Reserve Zone 1 and \$9,000 from the Water Fund Contingency Reserve Zone 3 for a new CIP project titled "Residential Water Meters."

**ACTION:** Res. 99-129 adopted (Dobbs/Friedman, unan.) waiving formal bid procedures and authorizing the purchase of additional water meters from Frank Olsen Company.

Res. 99-130 adopted (Dobbs/Friedman, unan.) amending budget for purchase of additional water meters.

CONSENT

5. Consider declaring Western Dredge, Inc. low bidder for Biosolids removal at the Secondary Wastewater Treatment Plant for Operations & Maintenance Department – Wastewater Collection Division.

**ACTION:** Res. 99-131 adopted (Friedman/Conrad, unan.) declaring Western Dredge, Inc. low bidder for Biosolids removal at the Secondary Wastewater Treatment Plant for Operations & Maintenance Department – Wastewater Collection Division.

*Councilmember Fisher absent due to conflict of interest*

6. Consider approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the remainder of the 1998-99 program year.

**ACTION:** Res. 99-132 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the remainder of the 1998-99 program year.

*Item #7 removed from Consent*

7. Consider authorizing the City Manager to execute the grant award and the special conditions documents for the City of Modesto's 1998/2000 Federal Local Law Enforcement Block Grant Program for \$334,452 in Federal funds for an Interactive Firearms Training Simulator and 18 Mobile Work Stations for installation in Police Department patrol vehicles; and consider amending the 1998/99 operating budget, estimating new revenues from grant contract and required matching funds.

**ACTION:** Res. 99-133 adopted (Friedman/Fisher, unan.) authorizing the City Manager to execute the grant award and the special conditions documents for the City of Modesto's 1998/2000 Federal Local Law Enforcement Block Grant Program for \$334,452 in Federal funds for an

Interactive Firearms Training Simulator and 18 Mobile Work Stations for installation in Police Department patrol vehicles.

Res. 99-134 adopted (Friedman/Fisher, unan.) amending the 1998/99 operating budget, estimating new revenues from grant contract and required matching funds for an Interactive Firearms Training Simulator and 18 Mobile Work Stations for installation in Police Department patrol vehicles.

CONSENT

8. Consider affirming the City's sponsorship of "Earth Day in the Park Festival 1999" at Graceada Park and allowing the sale of merchandise in the park during the event.

**ACTION:** Res. 99-135 adopted (Friedman/Conrad, unan.) affirming the City's sponsorship of "Earth Day in the Park Festival 1999" at Graceada Park and allowing the sale of merchandise in the park during the event.

CONSENT

9. Consider amending the Rules and Regulations of the Landmark Preservation Commission to allow the City Manager to appoint staff to serve as Secretary to the Landmark Preservation Commission.

**ACTION:** Res. 99-136 adopted (Friedman/Conrad, unan.) amending the Rules and Regulations of the Landmark Preservation Commission to allow the City Manager to appoint staff to serve as Secretary to the Landmark Preservation Commission.

CONSENT

10. Consider approving an application to the Federal Aviation Administration for AIP-3-06-0153-22 projects; consider accepting a Federal grant for airport improvements in the amount of \$554,914.

**ACTION:** Res. 99-137 adopted (Friedman/Conrad, unan.) approving an application to the Federal Aviation Administration for AIP-3-06-0153-22 projects.

Res. 99-138 adopted (Friedman/Conrad, unan.) accepting a Federal grant for airport improvements in the amount of \$554,914.

CONSENT

11. Consider accepting the improvements for Legends Village Unit 1 Subdivision and authorizing the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods. (Owners: JKB Homes Corporation)

**ACTION:** Res. 99-139 adopted (Friedman/Conrad, unan.) accepting the improvements for Legends Village Unit 1 Subdivision and authorizing the City Clerk to file the Notice of Completion and release bonds upon expiration of statutory periods.

## HEARINGS

12. Hearing to consider extending bus service for Modesto Area Express (MAX) by one hour on nine routes in the evening and adding supplemental bus service to routes 21 and 29.

**ACTION:** By motion (Friedman/Fisher, unan.), approved extending bus service for Modesto Area Express (MAX) by one hour on nine routes in the evening and adding supplemental bus service to routes 21 and 29.

## NEW BUSINESS

13. Consider forgiving a portion of a Housing Rehabilitation Loan for property located at 810 Fourth Street in the event Parents Resource Center is the successful bidder at probate sale.

**ACTION:** Res. 99-140 adopted (Friedman/Fisher, majority; Conrad, no) forgiving a portion of a Housing Rehabilitation Loan for property located at 810 Fourth Street in the event Parents Resource Center is the successful bidder at probate sale, conditioned upon the construction of the child care facility and continued operation for a period of ten years.

14. Consider establishing criteria and policy for appointment to the Charter Review Committee.

**ACTION:** Res. 99-141 adopted (Fisher/Friedman, majority; Conrad, Dobbs & Serpa, no) establishing criteria and policy for appointment to the Charter Review Committee. Individual Councilmember appointments shall either be county residents who own property in Modesto or Modesto residents. Appointments to the Committee made by the Council as a whole shall be restricted to Modesto residents.

Res. 99- 142 adopted (Friedman/Fisher, unan.) expanding the Charter Review Committee to 13 members.

*Councilmember Fisher absent due to conflict of interest.*

15. Consider directing staff to process an amendment to the Carver-Bangs/Pelandale Snyder Community Facilities District, No. 1998-2, adding taxes for completion of Snyder Avenue improvements.

**ACTION:** Res. 99-143 adopted (Friedman/Smith, unan.; Fisher, absent) directing staff to process an amendment to the Carver-Bangs/Pelandale Snyder Community Facilities District, No. 1998-2, adding taxes for completion of Snyder Avenue improvements.

## ORAL COMMUNICATIONS

Miguel DeNoso spoke regarding Hispanic representation on Charter Review Committee.

Steve Burke commented on the Charter Review Committee Policy.

#### MATTERS TOO LATE FOR THE AGENDA

None

#### ADJOURNMENT

The meeting adjourned to Closed Session at 8:30 p.m.

#### CLOSED SESSION

The meeting adjourned to the Third Floor East Conference Room for a Closed Session as follows:

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

Agency Negotiators:	J. Edward Tewes, City Manager Robin Renwick, Personnel Director
---------------------	--

Unrepresented Employees:	All employees classified as "Management and Confidential"
--------------------------	--

The City Attorney returned at 9:00 p.m. and reported no action had been taken.

**MINUTES, Tuesday, April 13, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-7 & 9-17  
*Item #8 removed from Consent.*

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

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 8

**ACTION:** (Smith/Fisher, majority; Serpa, no)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang acknowledged Girl Scout Troop 361.

Presentation of a check to the Modesto Youth Conservation Corps Program by  
Bette Belle Smith, US Bank.

Presentation given by Bette Belle Smith.

**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 6, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular  
City Council meeting of April 6, 1999.

CONSENT

2. Consider authorizing call for bids for public turf and landscape maintenance  
services. Suggested bid opening: April 27, 1999, at 11:00 a.m

**ACTION:** Res. 99-144 adopted (Friedman/Dobbs, unan.) authorizing call for bids to  
be opened April 27, 1999, at 11:00 a.m. for public turf and landscape  
maintenance services.

CONSENT

3. Consider authorizing call for bids for Airport Rescue Fire Fighting Apparatus.  
Suggested bid opening: May 11, 1999, at 11:00 a.m

**ACTION:** Res. 99-145 adopted (Friedman/Dobbs, unan.) authorizing call for bids to  
be opened April 27, 1999, at 11:00 a.m. for Airport Rescue Fire Fighting  
Apparatus.



CONSENT

4. Consider amending Position Classification Plan to delete classifications of Equipment Supervisor II, Laboratory Manager, Plant Mechanic Supervisor, and Assistant Water Quality Control Superintendent; to add the job classifications of Plant Maintenance Supervisor and Water Quality Control Operations Supervisor; and to amend the job specifications for Instrument Repair Technician, Water Superintendent and Secondary Treatment Site Supervisor.

**ACTION:** Res. 99-146 adopted (Friedman/Dobbs, unan.) amending Position Classification Plan to delete classifications of Equipment Supervisor II, Laboratory Manager, Plant Mechanic Supervisor, and Assistant Water Quality Control Superintendent; to add the job classifications of Plant Maintenance Supervisor and Water Quality Control Operations Supervisor; and to amend the job specifications for Instrument Repair Technician, Water Superintendent and Secondary Treatment Site Supervisor.

Res. 99-147 adopted (Friedman/Dobbs, unan.) amending Class Range Table to establish salaries.

CONSENT

5. Consider approving changes to Chapter 11 of the Community Development Program Policy and Procedures Manual.

**ACTION:** Res. 99-148 adopted (Friedman/Dobbs, unan.) approving changes to Chapter 11 of the Community Development Program Policy and Procedures Manual.

CONSENT

6. Consider authorizing City Manager to execute an agreement with Dokken Engineering for professional design services for replacement of the 9<sup>th</sup> Street Bridge over Tuolumne River.

**ACTION:** Res. 99-149 adopted (Friedman/Dobbs, unan.) authorizing City Manager to execute an agreement with Dokken Engineering for professional design services for replacement of the 9<sup>th</sup> Street Bridge over Tuolumne River.

CONSENT

7. Consider amending the budget to appropriate \$99,000 from the Wastewater Contingency Reserve Fund for the annual removal of biosolids from the drying beds located at the Primary Treatment Plant.

**ACTION:** Res. 99-150 adopted (Friedman/Dobbs, unan.) amending the budget to appropriate \$99,000 from the Wastewater Contingency Reserve Fund for the annual removal of biosolids from the drying beds located at the Primary Treatment Plant.

*Item #8 removed from Consent.*

8. Consider request of John Machado for variance to the Downtown Exposed Aggregate Standard at 1500 J Street.

**ACTION:** Res. 99-151 adopted (Smith/Fisher, majority; Serpa, no) approving request of John Machado for variance to the Downtown Exposed Aggregate Standard at 1500 J Street.

CONSENT

9. Consider approving lease agreement with Little 92 Trust for Well Site No. 311.

**ACTION:** Res. 99-152 adopted (Friedman/Dobbs, unan.) approving lease agreement with Little 92 Trust for Well Site No. 311.

CONSENT

10. Consider authorizing payment of a housing supplement to Rose and John Redmond for the Flood Protection Project.

**ACTION:** Res. 99-153 adopted (Friedman/Dobbs, unan.) authorizing payment of a housing supplement to Rose and John Redmond for the Flood Protection Project.

CONSENT

11. Consider approving two agreements with Chris and Pauline Gianulias for the acquisition of two parcels of right of way on Hillglen Drive.

**ACTION:** Res. 99-154 adopted (Friedman/Dobbs, unan.) approving an agreement with Chris and Pauline Gianulias for the acquisition of a parcel of right of way on Hillglen Drive in the amount of \$12,940 for Symphony Place.

Res. 99-155 adopted (Friedman/Dobbs, unan.) approving an agreement with Chris and Pauline Gianulias for the acquisition of a parcel of right of way on Hillglen Drive in the amount of \$14,560 for Wildflower.

CONSENT

12. Consider approving agreement with Remigio A. and Manuela Q. Montoya for the acquisition of property at 105 Elm Street for the Corporation Yard expansion.

**ACTION:** Res. 99-156 adopted (Friedman/Dobbs, unan.) approving agreement with Remigio A. and Manuela Q. Montoya for the acquisition of property at 105 Elm Street for the Corporation Yard expansion.

CONSENT

13. Consider approving Letter of Agreement with Federal Aviation Administration contract control tower operator for the operation of the Airport Light System.

**ACTION:** Res. 99-157 adopted (Friedman/Dobbs, unan.) approving Letter of Agreement with Federal Aviation Administration contract control tower operator for the operation of the Airport Light System.

CONSENT

14. Consider approving the request of Stanislaus County Sheriff's Aero Squadron to use the Modesto City-County Airport on May 8, 1999, for their Fourth Annual Airport Appreciation Day.

**ACTION:** Res. 99-158 adopted (Friedman/Dobbs, unan.) approving the request of Stanislaus County Sheriff's Aero Squadron to use the Modesto City-County Airport on May 8, 1999, for their Fourth Annual Airport Appreciation Day.

CONSENT

15. Consider authorizing the City Manager to sign grant application documents for \$67,842 in grant funding from the CALFED Bay-Delta Program for preparation of environmental documents for the Tuolumne River Regional Park.

**ACTION:** Res. 99-159 adopted (Friedman/Dobbs, unan.) authorizing the City Manager to sign grant application documents for \$67,842 in grant funding from the CALFED Bay-Delta Program for preparation of environmental documents for the Tuolumne River Regional Park.

CONSENT

16. Consider changing the street name of Notting Gate Drive, located between Merle Avenue and New London Way, to Libby Way.

**ACTION:** Res. 99-160 adopted (Friedman/Dobbs, unan.) changing the street name of Notting Gate Drive, located between Merle Avenue and New London Way, to Libby Way.

CONSENT

17. Consider approving final map of Tuscany Unit No. 2 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. (Owner: Rodney K. Lowe, Inc.)

**ACTION:** Res. 99-161 adopted (Friedman/Dobbs, unan.) approving final map of Tuscany Unit No. 2 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.

## HEARINGS

*Councilmember Fisher absent due to conflict of interest*

18. Hearing to consider Amendment No. 9 to the Modesto Urban Area General Plan to re-designate a portion of the Pelandale/Snyder Comprehensive Planning District from Residential to Village Residential, property located east of Dale Road, west of

Tully Road, south of the future extension of Pelandale Avenue, and north of Snyder Avenue and M.I.D Lateral No. 6.

**ACTION:** Res. 99-162 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving General Plan Amendment No. 9 to the Modesto Urban Area General Plan to re-designate a portion of the Pelandale/Snyder Comprehensive Planning District from Residential to Village Residential, property located east of Dale Road, west of Tully Road, south of the future extension of Pelandale Avenue, and north of Snyder Avenue and M.I.D Lateral No. 6..

Res. 99-163 adopted (Friedman/Dobbs, unan.; Fisher, absent) finding amendment within the scope of the General Plant Master EIR.

*Councilmember Fisher absent due to conflict of interest*

19. Hearing to consider Amendment No. 6 to the Pelandale/Snyder Specific Plan to redesignate 2.5 acres from Multifamily Residential to Professional Office, property located on the west side of Tully Road north of the planned extension of Snyder Avenue east of Dale Road.

**ACTION:** Res. 99- 164 adopted (Dobbs/Smith, unan.; Fisher, absent) approving Pelandale/Snyder Specific Plan Amendment No. 6 to the Pelandale/Snyder Specific Plan to re-designate 2.5 acres from Multifamily Residential to Professional Office, property located on the west side of Tully Road north of the planned extension of Snyder Avenue east of Dale Road.

Res. 99-165 adopted (Dobbs/Smith, unan.; Fisher, absent) finding amendment in conformance with the Pelandale/Snyder Specific Plan.

20. Hearing to consider adoption of a Precise Plan for Area No. 12 of the Village One Specific Plan and concurrent rezoning to Specific Plan-Overlay Zone, property located on the west side of Litt Road, south of Hillglen.

**ACTION:** By motion (Friedman/Fisher, unan.), introduced Ord. 3122–C.S. adopting Precise Plan No. 12 of the Village One Specific Plan, with a word change of “shall” for placement of trees.

By motion (Friedman/Fisher, unan.), introduced Ord. 3123–C.S. rezoning property to Specific Plan-Overlay Zone, property located on the west side of Litt Road, south of Hillglen.

Res. 99-166 adopted (Friedman/Fisher, unan.) finding Precise Plan and rezoning to be consistent with Village One specific Plan EIR.

21. Hearing to consider an amendment to Section 9-4-9 of the Zoning Map to prezone to Heavy Industrial Zone, P-M-2, property located on the northwest corner of Morgan Road and Whitmore Avenue. (Morgan/Whitmore Reorganization Area)

**ACTION:** By motion (Fisher/Friedman, unan.), introduced Ord. No. 3124–C.S. to amend Section 9-4-9 of the Zoning Map to prezone to Heavy Industrial Zone, P-M-2, property located on the northwest corner of Morgan Road and Whitmore Avenue.

Res. 99-167 adopted (Fisher/Friedman, unan.) finding project to be consistent with the Scope of the General Plan Master EIR.

22. Hearing to consider an amendment to Sections 19-3-9 and 30-3-9 of the Zoning Map to prezone to Light Industrial Zone, P-M-1, property located on the north and south sides of Woodland Avenue between Highway 99 and North 9<sup>th</sup> Street. (North 99/Woodland Reorganization Area)

**ACTION:** By motion (Friedman/Fisher, unan.), introduced Ord. No. 3125–C.S. to amend Sections 19-3-9 and 30-3-9 of the Zoning Map to prezone to Light Industrial Zone, P-M-1, property located on the north and south sides of Woodland Avenue between Highway 99 and North 9<sup>th</sup> Street.

Res. 99-168 adopted (Friedman/Fisher, unan.) finding project to be consistent with the Scope of the General Plan Master EIR.

#### NEW BUSINESS

23. Consider Annual Cable Television Testing and Compliance Report. (Resolution certifying that cable television is in compliance needed.)

**ACTION:** Res. 99-169 adopted (Smith/Dobbs, majority; Fisher & Serpa, no) certifying that cable television is in substantial compliance.

Res. 99-170 adopted (Smith/Dobbs, unan) waiving late filing requirements and not filing deficiency notice to Cable One.

Res. 99-171 adopted (Smith/Dobbs, unan.) amending code to reduce quarterly testing to three times per year and authorize development of a modified operational plan through the balance of the franchise term.

24. Benefit-Cost Analysis of Modesto's Municipal Urban Forest.

**ACTION:** By motion (Friedman/Serpa, unan.), acknowledged receipt of report on Cost Analysis of Modesto's Municipal Urban Forest.

#### ORAL COMMUNICATIONS

Modesto P.C. owner Jim Dorroh commented regarding competitive bid process for specific City purchase.

**ACTION:** By order of the Chair, City Manager's office directed to investigate.

## WRITTEN COMMUNICATION

25. Recommendations from Andrew Mendlin, Downtown Improvement District, regarding Mayor's Downtown Nights, a request for appropriation transfer in the amount of \$10,000 from the DID Reserve Account to the Promotions Account, and a request for \$25,000 in funding from the City of Modesto.

**ACTION:** By motion (Fisher/Smith, majority; Conrad, no), approved recommendations from Andrew Mendlin, Downtown Improvement District, regarding Mayor's Downtown Nights.

Res. 99-172 adopted (Fisher/Smith, majority; Conrad, no) amending the budget in the amount of \$10,000.

Res. 99-173 adopted (Fisher/Smith, majority; Conrad, no) approving a request for \$25,000 in funding from the City of Modesto.

*Item #26 was dropped from the agenda.*

26. Letter from Ralph Carpenter regarding the enforcement of court orders by Modesto Police Department.

## MATTERS TOO LATE FOR THE AGENDA

None.

## MISCELLANEOUS

### Appointments

27. Charter Committee

**ACTION:** Res. 99-174 adopted appointing Frank Muratore, Bill Seavy, George Petrulakis, Nick Bavarro, Tom Zeff, Roger Schrimp, John Perez, Alita Roberts, Norrine Coyle, Amy Elliot-Neuman, Paul Schaffer, Mike Loeffler and Carolyn Mitton.

Councilmember Conrad announced that he would be absent from the next two Council meetings due to military leave.

## ADJOURNMENT

The meeting adjourned to Closed Session at 6:15 p.m.

## CLOSED SESSION

The meeting will adjourn to the Third Floor East Conference Room for a Closed Session for the following items:

## CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase of real property rights for an easement located at 2619 W. Hackett Road for the Parallel Outfall project.

Approximately 1.04 acres

APN: 17-43-24

Fred and Penelope Toelkes, Owners

Negotiating parties: Dan Muller and William D. Harper, Property Agent, for the City of Modesto; Wylie Cashman for Owners

Under negotiation: Prices and terms of payment for rights to be acquired

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

Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,

Stanislaus County Superior Court Action No. 168472

Name of case: Brenden Theaters Corp. v. City of Modesto; and Costa Ltd. Partners and Westar Cinemas, Inc., Real Parties in Interest Stanislaus County Superior Court Action No. 183189

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: Ed Ferro v. City of Modesto  
Workers Compensation Appeal Board  
Case No. STK 37376 & 97810

Name of case: Jim Fitch v. City of Modesto  
Workers Compensation Appeal Board  
Case No. STK 14003

The City Attorney returned at 7:35 p.m. and reported no action had been taken.

## MINUTES, Tuesday, April 20, 1999, at 7:00 p.m.

Roll Call – Present: Councilmembers Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang  
Councilmember Dobbs arrived at 7:08 p.m.

Absent: Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 4

**ACTION:** (Friedman/Dobbs, unan.; Conrad, absent)

### ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang acknowledged Boy Scout Troop 76 in the audience.

Presentation of a proclamation recognizing April 23, 1999, as National Arbor Day, and acknowledging City of Modesto being named as a “Tree City U.S.A.”

Mayor Lang made the presentation of a proclamation.

### 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 13, 1999. (Motion approving needed.)

**ACTION:** By motion, (Friedman/Dobbs, unan.; Conrad, absent) approved minutes of the regular City Council meeting of April 13, 1999.

#### CONSENT

2. Final adoption of:
  - a. Ord. No.3122-C.S. adopting a Precise Plan for Area No. 12 of the Village One Specific Plan, relating to property located on the west side of Litt Road south of Hillglen Avenue. (Heritage Homes)
  - b. Ord. No. 3123-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 west side of Litt Road south of Hillglen Avenue. (Precise Plan for Area No. 12 – Heritage Homes)
  - c. Ord. No. 3124-C.S. amending Section 9-4-9 of the Zoning Map rezoning certain property located thereon. (Morgan/Whitmore Reorganization Area)



- d. Ord. No. 3125-C.S. amending Section 19-3-9 and 30-3-9 of the Zoning Map rezoning certain property located thereon. (North 99/Woodland Reorganization)

(Motion adopting needed.)

**ACTION:** By motion, (Friedman/Dobbs, unan.; Conrad, absent) adopted ordinances.

#### CONSENT

3. Consider updating various sections of the Modesto Municipal Code that have been affected by recent City department reorganizations, in addition to making minor “housekeeping” modifications  
(Introduction of nine ordinances amending the Modesto Municipal Code needed.)

**ACTION:** By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3126-C.S amending Municipal Code relating to penalty provisions.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3127-C.S amending Municipal Code relating to traffic regulations.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3128-C.S amending Municipal Code relating to regulation of amusements and amusement devices; misdemeanors; moving of buildings, subdivision of land, regulation of streets and sidewalks; taxicabs; collection of pruned refuse; regulation of parades; fortune-telling; outdoor dining in the public rights of way.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3129-C.S amending Municipal Code relating to general sanitation; massage establishments and schools of massage; solid waste; sewage collection and disposal; storm drain regulations.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3130-C.S amending Municipal Code relating to street improvements; street cuts; airport; use of Park & Recreation areas and facilities; and street trees.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3131-C.S amending Municipal Code relating to Plumbing Code; Electrical Code; numbering properties; Dangerous Building Code; Landmark Preservation.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3132-C.S amending Municipal Code relating to Zoning Regulations – General Provisions.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3133-C.S amending Municipal Code relating to water rates and

regulations; removal of overhead utility facilities and installation of underground facilities; collection of public utilities charges.

By motion, (Friedman/Dobbs, unan.; Conrad, absent) introduced Ord. No. 3134-C.S amending Municipal Code relating to use of Park & Recreation areas and facilities.

#### CONSENT

4. Consider salary and benefit changes for unrepresented Management and Confidential employees.  
(Resolution amending the Salary Schedule and authorizing benefit changes for Fiscal Year 1999-2000 needed. Total estimated cost: \$373,000.)

**ACTION:** Res. 99-175 adopted (Friedman/Dobbs, unan.; Conrad, absent) amending the Salary Schedule and authorizing benefit changes for Fiscal Year 1999-2000.

#### HEARINGS

5. Hearing to consider the Coffee/Claratina East Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment of the territory from the Stanislaus Consolidated Fire Protection District.  
(Resolution ordering the reorganization needed.)

**ACTION:** Res. 99-176 adopted (Dobbs/Friedman, unan./ Conrad, absent) ordering the Coffee/Claratina East Reorganization to the City of Modesto.

#### ORAL COMMUNICATIONS

Councilmember Fisher requested status report from City Manager regarding the gun issue.

Councilmember Serpa requested status of research regarding unlimited golf play pass and revenue amount for Modesto A's.

#### WRITTEN COMMUNICATIONS

6. Letter from Steve Burke requesting the reconsideration of Compliance of Cable One with Municipal Code and Franchise.

**ACTION:** Motion (Serpa/Fisher; majority, no; Conrad, absent) for reconsideration failed to carry.

7. Letter from Carletta Evans Steele, Assistant Manager, Employment Development Department of the State of California, requesting permission to hang a banner across 12<sup>th</sup> Street in front of the Employment Development office proclaiming May as "Veterans Appreciation Month."

**ACTION:** Res. 99-177 adopted (Fisher/Dobbs, unan.; Conrad, absent) approving request with staff directed to handle traffic and a condition that the approval is an exception, not a precedent.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

**MINUTES**, Tuesday, April 27, 1999, at 4:00 p.m.

Roll Call – Present: Councilmembers Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: Conrad

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 17

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

International Rotary members introduced by local Rotarian Bill Reinheimer.

- a. Presentation and proclamation regarding “Two Wings of a Bird: The Equality of Women and Men” by The Local Spiritual Assembly of the Baha’is of Modesto.

**ACTION:** Mayor Lang presented a proclamation.

- b. Acknowledgement of Nick Bloed, Rigo DeAlba, Jesse Gutierrez, Martin Lemus, John Moss, Matt Rairden and Billy Teague, Modesto Police Explorers, for placing first in three of four competitions at “Challenge ‘99” in Oakhurst, California on March 27, 1999.

**ACTION:** Police Chief Paul Jefferson made the presentation in honor of the Explorers.

- c. Presentation of proclamation recognizing the week of May 2 through May 8, 1999, as “National Compost Awareness Week.”

**ACTION:** Mayor Lang presented the proclamation.

**CONSENT**

- 1. Approval of the minutes of the regular City Council meeting of April 20, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.; Conrad, absent), approved minutes of the regular City Council meeting of April 20, 1999.

**CONSENT**

- 2. Final adoption of the following ordinances making minor modifications to reflect various department reorganizations and “housekeeping” modifications:

- a. Ord. No. 3126-C.S. amending Municipal Code relating to penalty provisions.
- b. Ord. No. 3127-C.S. amending Municipal Code relating to traffic regulations.

- c. Ord. No. 3128-C.S. amending Municipal Code relating to regulation of amusements and amusement devices; misdemeanors; moving of buildings; subdivision of land, regulation of streets and sidewalks; taxicabs; collection of pruned refuse; regulation of parades; fortune-telling; outdoor dining in the public rights of way.
- d. Ord. No. 3129-C.S. amending Municipal Code relating to general sanitation; massage establishments and schools of massage; solid waste; sewage collection and disposal; storm drain regulations.
- e. Ord. No. 3130-C.S. amending Municipal Code relating to street improvements; street cuts; airport, use of Park & Recreation areas and facilities; and street trees.
- f. Ord. No. 3131-C.S. amending Municipal Code relating to Plumbing Code; Electrical Code; numbering properties; Dangerous Building Code; Landmark Preservation.
- g. Ord. No. 3132-C.S. amending Municipal Code relating to Zoning Regulations – General Provisions.
- h. Ord. No. 3133-C.S. amending Municipal Code relating to water rates and regulations; removal of overhead utility facilities and installation of underground facilities; collections of public utilities charges.
- i. Ord. No. 3134-C.S. amending Municipal Code relating to use of Park and Recreation areas and facilities.

**ACTION:** By motion (Friedman/Dobbs, unan.; Conrad, absent), approved final adoption of Ord. Nos. 3126, 3127, 3128, 3129, 3130, 3132, 3133, and 3134-C.S.

CONSENT

- 3. Consider rejecting all bids for the Carver/Standiford and Carver/Scott sewer lift station replacement project.

**ACTION:** Res. 99-178 adopted (Friedman/Dobbs, unan.; Conrad, absent) rejecting all bids for the Carver/Standiford and Carver/Scott sewer lift station replacement project.

CONSENT

- 4. Consider accepting as complete the contract of Ross F. Carroll, Inc. for the Carpenter Road storm drain project and authorize City Clerk to file Notice of Completion.

**ACTION:** Res. 99-179 adopted (Friedman/Dobbs, unan.; Conrad, absent) accepting as complete the contract of Ross F. Carroll, Inc. for the Carpenter Road storm drain project and authorize City Clerk to file Notice of Completion.

CONSENT

5. Quarterly Treasurer's Report – March 31, 1999.

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

CONSENT

6. Consider authorizing City Manager to execute an amendment to the agreement with Pacific Design to provide construction management for the Amtrak Station project.

**ACTION:** Res. 99-180 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing City Manager to execute an amendment to the agreement with Pacific Design to provide construction management for the Amtrak Station project.

CONSENT

7. Consider authorizing City Manager to execute an amendment to the agreement with Grothe & Smith Architect for consultant services for the Wastewater Collection Maintenance Building; and consider approving an appropriation transfer to fully fund the project.

**ACTION:** Res. 99-181 adopted (Friedman/Dobbs, unan.; Conrad, absent) authorizing City Manager to execute an amendment to the agreement with Grothe & Smith Architect for consultant services for the Wastewater Collection Maintenance Building.

Res. 99-182 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving an appropriation transfer to fully fund the project.

CONSENT

8. Consider approving the design of a private project to install a wood fence in the Kent Way right of way at the dead end location into Briggsmore Avenue.

**ACTION:** Res. 99-183 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving the design of a private project to install a wood fence in the Kent Way right of way at the dead end location into Briggsmore Avenue.

CONSENT

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

**ACTION:** Res. 99-184 adopted (Friedman/Dobbs, unan.; Conrad, absent) ordering the Director of Engineering & Transportation to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6.

CONSENT

10. Consider ordering the Director of Engineering & Transportation 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 Units 1 & 2.

**ACTION:** Res. 99-185 adopted (Friedman/Dobbs, unan.; Conrad, absent) ordering the Director of Engineering & Transportation 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 Units 1 & 2.

CONSENT

11. Consider amending the budget to appropriate \$21,192 from the Sewer Fund Capital Improvement Program (Annual Sewer Rehabilitation) to reimburse the Sewer Fund Operating Budget for costs incurred to repair and coat the 60-inch outfall sewer line.

**ACTION:** Res. 99-186 adopted (Friedman/Dobbs, unan.; Conrad, absent) amending the budget to appropriate \$21,192 from the Sewer Fund Capital Improvement Program (Annual Sewer Rehabilitation) to reimburse the Sewer Fund Operating Budget for costs incurred to repair and coat the 60-inch outfall sewer line.

CONSENT

12. Consider amending the budget to appropriate \$80,102 from the Sewer Fund Capital Improvement Program (Cannery Segregation Line Project) to reimburse the Sewer Fund Operating Budget for costs incurred during the segregation line activation.

**ACTION:** Res. 99-187 adopted (Friedman/Dobbs, unan.; Conrad, absent) amending the budget to appropriate \$80,102 from the Sewer Fund Capital Improvement Program (Cannery Segregation Line Project) to reimburse the Sewer Fund Operating Budget for costs incurred during the segregation line activation.

CONSENT

13. Report of three loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance program (DAAP) since the last report.

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

CONSENT

14. Consider approving an agreement with Gaylor F. Lucas, et ux. For the acquisition of property located at 730 Benson Avenue as part of the Airport Neighborhood

Vacant Property Acquisition Project for \$17,000 and authorizing the City Manager to execute all necessary documents.

**ACTION:** Res. 99-188 adopted (Friedman/Dobbs, unan.; Conrad, absent) approving an agreement with Gaylor F. Lucas, et ux. For the acquisition of property located at 730 Benson Avenue as part of the Airport Neighborhood Vacant Property Acquisition Project for \$17,000 and authorizing the City Manager to execute all necessary documents.

#### CONSENT

15. Consider naming the park in the Woodland neighborhood "Charles M. Sharp Neighborhood Park."

**ACTION:** Res. 99-189 adopted (Friedman/Dobbs, unan.; Conrad, absent) naming the park in the Woodland neighborhood "Charles M. Sharp Neighborhood Park."

#### CONSENT

16. Consider re-naming the park now known as Highway Village Park to "City Gate Children's Park."

**ACTION:** Res. 99-190 adopted (Friedman/Dobbs, unan.; Conrad, absent) re-naming the park now known as Highway Village Park to "City Gate Children's Park."

#### CONSENT

17. Consider approving staff recommendations for alternative activities for teens during Modesto Band of Stanislaus County (Mo-Band) concerts; consider amend the Fiscal Year 1998-99 budget to appropriate \$5,070 from the General Fund contingency Reserve to the Teen Services organization; consider increasing the Fiscal year 1999-2000 Teen Services budget request by \$6,140.

**ACTION:** By motion, approving staff recommendations for alternative activities for teens during Modesto Band of Stanislaus County (Mo-Band) concerts.

Res. 99-191 adopted (Friedman/Dobbs, unan.; Conrad, absent) amending the Fiscal Year 1998-99 budget to appropriate \$5,070 from the General Fund contingency Reserve to the Teen Services organization.

Res. 99-192 adopted (Friedman/Dobbs, unan.; Conrad, absent) increasing the Fiscal year 1999-2000 Teen Services budget request by \$6,140.

#### HEARINGS

18. Hearing to consider increasing fares on Modesto Area Express (MAX) and Modesto Area Dial-A-Ride and revising routes and schedules on selected MAX routes.



**ACTION:** By motion (Fisher/Dobbs, unan.; Conrad, absent), approved and revising routes and schedules on selected MAX routes.

Res. 99-193 adopted (Fisher/Dobbs, unan.; Conrad, absent) approving new fares on Modesto Area Express (MAX) and Modesto Area Dial-A-Ride.

19. Hearing to consider annexation of additional territory to the North Beyer Community Facilities District No. 1997-1.

**ACTION:** Res. 99-194 adopted (Friedman/Fisher, unan.; Conrad, absent) calling an election for annexation of additional territory to the North Beyer Community Facilities District No. 1997-1.

#### NEW BUSINESS

20. Consider approving an operational agreement with the County of Stanislaus for the District Attorney's Offices use of office space at "City Hall at the Mall" and Area Command Offices for community outreach.

**ACTION:** Res. 99-195 adopted (Serpa/Smith, unan.; Conrad, absent) approving an operational agreement with the County of Stanislaus for the District Attorney's Offices use of office space at "City Hall at the Mall" and Area Command Offices for community outreach.

21. Report regarding the 1998 City of Modesto Crime Statistics.

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

22. Consider awarding contract for the new Police Headquarters Building – Bid Package No. 2 to Greg Opinski Construction, Inc. for \$5,691,746.

**ACTION:** Res. 99-196 adopted (Fisher/Dobbs, unan.; Conrad, absent) awarding contract for the new Police Headquarters Building – Bid Package No. 2 to Greg Opinski Construction, Inc. for \$5,691,746.

#### ORAL COMMUNICATIONS

Vice Mayor Smith reported on his visit to Modesto's Sister City, Aguascaliente, Mexico.

#### WRITTEN COMMUNICATIONS

23. Letter from Bill Hughes regarding Capital Improvement Fees on tenant improvements at 817 8<sup>th</sup> Street.

**ACTION:** Res. 99-197 adopted (Fisher/Serpa, majority; Friedman & Lang, no; Conrad, absent) denying appeal of CFF fees

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

The meeting adjourned at 5:55 p.m. to Closed Session.

CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session as follows:

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

*Name of case: Howard Jarvis Taxpayers Association v. City of Modesto,  
Stanislaus County Superior Court Action No. 168472*

*Name of case: County of Stanislaus and City of Modesto v. Pacific Gas &  
Electric Company, Oqden Martin Systems, et al*  
Superior Court of the State of California, County of San Francisco Action No. 156011

The City Attorney returned at 6:35 p.m. to report no action had been taken.

## **MINUTES, Tuesday, May 4, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5 & 7-12  
*Item #6 removed from consent*

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

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Wendy Byrd introduced Youth in Government students.

### **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 27, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of April 27, 1999.

#### CONSENT

2. Consider authorizing call for bids for furnishing of replacing and/or repairing curb, drive aprons, sidewalks and asphalt as required.

**ACTION:** Res. 99-198 adopted (Friedman/Dobbs, unan.) authorizing call for bids on June 7, 1999, at 11:00 a.m for furnishing of replacing and/or repairing curb, drive aprons, sidewalks and asphalt as required.

#### CONSENT

3. Consider authorizing call for bids for furnishing of tire recapping and service requirements.

**ACTION:** Res. 99-199 adopted (Friedman/Dobbs, unan.) authorizing call for bids on June 7, 1999, at 11:00 a.m. authorizing call for bids for furnishing of tire recapping and service requirements.

#### CONSENT

4. Consider awarding contract for the fixed film reactor siding installation project to Ross F. Carroll, Inc. for \$77,550.

**ACTION:** Res. 99-200 adopted (Friedman/Dobbs, unan.) awarding contract for the fixed film reactor siding installation project to Ross F. Carroll, Inc. for \$77,550.

CONSENT

5. Consider awarding contract for the California Avenue sewer lift station rehabilitation project to Conco-West, Inc. for \$200,770; and consider approving an appropriation transfer to create a new CIP project for project accounting purposes.

**ACTION:** Res. 99-201 adopted (Friedman/Dobbs, unan.) awarding contract for the California Avenue sewer lift station rehabilitation project to Conco-West, Inc. for \$200,770.

Res. 99-202 adopted (Friedman/Dobbs, unan.) approving an appropriation transfer to create a new CIP project for project accounting purposes.

*Item #6 removed from Consent*

6. Consider awarding bid for playground apparatus for the Graceada Park – Graceada Is Fund Time (G.I.F.T.) project to Ross Recreation Equipment for the total cost of \$93,722.

**ACTION:** Res. 99-203 adopted (Friedman/Fisher, unan.) awarding bid for playground apparatus for the Graceada Park – Graceada Is Fund Time (G.I.F.T.) project to Ross Recreation Equipment for the total cost of \$93,722.

CONSENT

7. Consider accepting the contract of Conco West, Inc. as complete for the Scenic Bend lift station sluice gate replacement project and authorize City Clerk to file a Notice of Completion.

**ACTION:** Res. 99-204 adopted (Friedman/Dobbs, unan.) accepting the contract of Conco West, Inc. as complete for the Scenic Bend lift station sluice gate replacement project and authorize City Clerk to file a Notice of Completion.

CONSENT

8. Consider increasing the Director of Engineering & Transportation's authority level to issue change orders from 10 to 15% of the original contract price with Rick Armstrong Engineering and Building Contractor, Inc. on the Bus Yard Fuel Facility Replacement project; and consider approving an appropriation transfer to fully fund remainder of the project.

**ACTION:** Res. 99-205 adopted (Friedman/Dobbs, unan.) increasing the Director of Engineering & Transportation's authority level to issue change orders from 10 to 15% of the original contract price with Rick Armstrong Engineering

and Building Contractor, Inc. on the Bus Yard Fuel Facility Replacement project.

Res. 99-206 adopted (Friedman/Dobbs, unan.) approving an appropriation transfer to fully fund remainder of the project.

CONSENT

9. Consider amending the Position Classification Plan and Class Range Table for the classification of Customer Services Division Manager.

**ACTION:** Res. 99-207 adopted (Friedman/Dobbs, unan.) amending the Position Classification Plan and Class Range Table for the classification of Customer Services Division Manager.

Res. 99-208 adopted (Friedman/Dobbs, unan.) amending the Position Classification Plan and Class Range Table for the classification of Customer Services Division Manager to revise salary.

CONSENT

10. Consider approving request for variance to the exposed aggregate sidewalk standards at 1307 J Street, State Theatre.

**ACTION:** Res. 99-209 adopted (Friedman/Dobbs, unan.) approving request for variance to the exposed aggregate sidewalk standards at 1307 J Street, State Theatre.

CONSENT

11. Consider approval of final map of Millbrook Estates Unit No. 2 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. (Owner: Bright Development)

**ACTION:** Res. 99-210 adopted (Friedman/Dobbs, unan.) approving final map of Millbrook Estates Unit No. 2 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

12. Consider approving resolution canvassing the results of the April 28, 1999, election held within Community Facilities District 1997-1 (North Beyer) to annex certain territory to the District and levy a special tax therein.

**ACTION:** Res. 99-211 adopted (Friedman/Dobbs, unan.) approving canvassing the results of the April 28, 1999, election held within Community Facilities District 1997-1 (North Beyer) to annex certain territory to the District and levy a special tax therein.

HEARINGS

13. Hearing to consider the proposed designation of the dwelling located at 207 Elmwood Court as a Modesto Landmark Preservation Site. (Property Owners: William and Virginia Balmanno)

**ACTION:** Res. 99-212 adopted (Fisher/Dobbs, unan.) designating the dwelling located at 207 Elmwood Court as a Modesto Landmark Preservation Site

14. Hearing to consider adoption of a Precise Plan for Area No. 10 of the Village One Specific Plan and concurrent rezoning to Specific Plan-Overlay Zone, property located on the east side of Fine Avenue, north of Kodiak Drive. (Darwin Colby)

**ACTION:** By motion (Friedman/Fisher, unan.), introduced Ord.3135–C.S. adopting Precise Plan No. 10 of the Village One Specific Plan.

By motion (Friedman/Fisher, unan), introduced Ord. 3136-C.S. adopting rezoning the area.

Res. 99-213 adopted (Friedman/Fisher, unan.) certifying the project has been adequately addressed by the previously certified Village One Specific Plan.

#### NEW BUSINESS

15. Consider providing staff direction regarding the reading and billing of water meters at new single-family dwelling units.

**ACTION:** By motion (Fisher/Conrad, unan.), directed staff regarding the reading and billing of water meters at new single-family dwelling units.

16. Consider acknowledging receipt of the Blue Ribbon Committee Final Report and referring this report to the Financial Policy Committee for their review as part of this year's budget process.

**ACTION:** By motion (Fisher/Friedman, unan.), acknowledged receipt of report and referred to Financial Policy Committee.

#### ORAL COMMUNICATIONS

Councilmember Serpa requested the Planning Commission to review placement of cellular towers, noted a concern of the condition of the City's roads, and commented on the unlimited play pass for golf.

#### MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned to Closed Session at 8:00 p.m.

## CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session as follows:

### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Section 54956.9(a) of the Government Code)

Name of case: County of Stanislaus and city of Modesto v. Pacific Gas & Electric Company, Ogden Martin Systems, et al, Superior Court of the State of California, County of San Francisco, Action No. 156011

The City Attorney returned at 8:45 p.m. and reported no action had been taken.

**MINUTES, Tuesday, May 11, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

Absent: Serpa

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 12

**ACTION:** (Friedman/Fisher, unan.; Serpa, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

CONSENT

1. Approval of the minutes of the regular City Council meeting of May 4, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), approved the minutes of the regular City Council meeting of May 4, 1999.

CONSENT

2. Consider authorizing call for bids for actuator repair and related installation for Operations & Maintenance Department – Wastewater Collection Division (WQC).

**ACTION:** Res. 99-214 adopted (Friedman/Fisher, unan.; Serpa, absent) calling for bids for actuator repair and related installation with suggested bid opening of June 22, 1999, at 11:00 a.m.

CONSENT

3. Consider awarding contract for the clarifier control box rehabilitation project to Conco-West, Inc.

**ACTION:** Res. 99-215 adopted (Friedman/Fisher, unan.; Serpa, absent) awarding contract for the clarifier control box rehabilitation project to Conco-West, Inc.

CONSENT

4. Consider accepting as complete the contract of Steiny and Company, Inc. for the effluent pump facility - variable speed drive project and authorize City Clerk to file a Notice of completion.

**ACTION:** Res. 99-216 adopted (Friedman/Fisher, unan.; Serpa, absent) accepting as complete the contract of Steiny and Company, Inc. for the effluent pump facility - variable speed drive project and authorize City Clerk to file a Notice of completion.

CONSENT



5. Consider accepting as complete the contract of Rolfe Construction for the Mitchell Road waterline project - Lapham to Tenaya and authorize the City Clerk to file a Notice of Completion.

**ACTION:** Res. 99-217 adopted (Friedman/Fisher, unan.; Serpa, absent) accepting as complete the contract of Rolfe Construction for the Mitchell Road waterline project - Lapham to Tenaya and authorize the City Clerk to file a Notice of Completion.

CONSENT

6. Consider amending the Modesto Municipal Code relating to sewage collection and disposal to strengthen and align the Municipal Code with the recently restructured Industrial Waste Pretreatment Program and with the Federal and State regulations.

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), introduced Ord.3137–C.S. amending the Modesto Municipal Code relating to sewage collection and disposal to strengthen and align the Municipal Code with the recently restructured Industrial Waste Pretreatment Program and with the Federal and State regulations.

CONSENT

7. Consider amending the Modesto Municipal Code relating to stormwater management and discharge control to strengthen and clarify the City's legal authority to control stormwater runoff pollution.

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), introduced Ord.3138–C.S. amending the Modesto Municipal Code relating to stormwater management and discharge control to strengthen and clarify the City's legal authority to control stormwater runoff pollution.

CONSENT

8. Consider approving the final map of Rose Lane No. 4 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: Florsheim Bros.)

**ACTION:** Res. 99-218 adopted (Friedman/Fisher, unan.; Serpa, absent) approving the final map of Rose Lane No. 4 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 approving request of the G.I.F.T. (Graceada Is Fun Time) Committee for amplified music at the ribbon cutting for the G.I.F.T. project at Graceada Park on June 26, 1999.

**ACTION:** Res. 99-219 adopted (Friedman/Fisher, unan.; Serpa, absent) approving request of the G.I.F.T. (Graceada Is Fun Time) Committee for amplified

music at the ribbon cutting for the G.I.F.T. project at Graceada Park on June 26, 1999.

CONSENT

10. Consider excusing Councilmember Conrad from the April 27, and April 20, 1999, City Council meetings as a result of being called into active military duty.

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), excused Councilmember Conrad from the April 20 and April 27, 1999 City Council meetings as a result of being called into active military duty.

CONSENT

11. Consider declaring surplus one 1977 Van Pelt Fire pumper truck and authorize the Purchasing Division to dispose of this unit by either sealed bid or public auction.

**ACTION:** Res. 99-220 adopted (Friedman/Fisher, unan.; Serpa, absent) declaring surplus one 1977 Van Pelt Fire pumper truck and authorize the Purchasing Division to dispose of this unit by either sealed bid or public auction.

CONSENT

12. Consider declaring as surplus lost, stolen, unclaimed and/or seized property and excess City property and authorizing the sale by sealed bid, by auction on May 29, 1999 by Roger Ernst and Associates at 824 W. Kiernan Avenue, or sell as scrap.

**ACTION:** Res. 99-221 adopted (Friedman/Fisher, unan.; Serpa, absent) declaring as surplus lost, stolen, unclaimed and/or seized property and excess City property and authorizing the sale by sealed bid, by auction on May 29, 1999 by Roger Ernst and Associates at 824 W. Kiernan Avenue, or sell as scrap.

## HEARINGS

*Councilmember Friedman absent due to conflict of interest.*

13. Hearing to consider an amendment to Section 15-3-9 of the Zoning Map to rezone from Professional Office Zone, P-D(73), as an addition to P-D(73) for a hospital storage facility together with existing professional office and parking areas on property located on the north side of Spanos Court east of Coffee Road.

**ACTION:** By motion (Dobbs/Fisher, unan.; Fisher & Serpa, absent), introduced Ord.3139–C.S. amending Section 15-3-9 of the Zoning Map to rezone from Professional Office Zone, P-D(73), as an addition to P-D(73) for a hospital storage facility together with existing professional office and parking areas on property located on the north side of Spanos Court east of Coffee Road.

Res. 99-222 adopted (Dobbs/Fisher, unan.; Fisher & Serpa, absent) approving development plan.

Res. 99-222A adopted (Dobbs/Fisher, unan.; Fisher & Serpa, absent) certifying conformance with General Plan Master Environment Impact Report.

14. Hearing to consider an amendment to Section 8-4-9 of the Zoning Map to rezone a portion of P-D(498) to Low-Density Residential Zone, R-1, property located on the south side of Algen Avenue west of Crows Landing Road. (Edward T. Taylor)

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), introduced Ord.3140–C.S. amending Section 8-4-9 of the Zoning Map to rezone a portion of P-D(498) to Low-Density Residential Zone, R-1, property located on the south side of Algen Avenue west of Crows Landing Road.

Res. 99-223 adopted (Friedman/Fisher, unan.; Serpa, absent) certifying compliance with General Plan Master Environmental Impact Report.

15. Hearing to consider determining whether the premises at 1216 McGuire Drive constitute a public nuisance and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** Res. 99-224 adopted (Friedman/Dobbs, unan.; Serpa, absent) declaring the premises at 1216 McGuire Drive a nuisance and allowing the owners to repair or demolish the buildings within 30 days of posting

16. Hearing to consider determining whether the premises at 1610 Larkin Avenue constitute a public nuisance and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** No action necessary. Building has been demolished by property owner.

17. Hearing to consider determining whether the premises at 731 Empire Avenue constitute a public nuisance and to consider appropriate action to abate such nuisance and recover from the record owners of the premises the cost of abatement incurred by the City of Modesto.

**ACTION:** Res. 99-225 adopted (Fisher/Dobbs, unan.; Serpa, absent).declaring the premises at 731 Empire Avenue a nuisance and allowing the owners to repair or demolish the buildings within 30 days of posting.

#### NEW BUSINESS

18. Presentation of the Proposed 1999-2000 Operating Budget and Proposed 2000-2009 Capital Improvement Program.

**ACTION:** Res. 99-226 adopted (Fisher/Friedman, unan.; Serpa, absent) setting public hearing June 8, 1999, at 4:00 p.m.

By motion (Fisher/Friedman, unan.; Serpa, absent), referred Proposed Operating Budget and CIP to Financial Policy Committee for review.

19. Review comments to the County of Stanislaus on the application for the South Salida Plan.

**ACTION:** By motion (Fisher/Smith, unan.; Serpa, absent), directed City Manager to submit comments to the County and reschedule the item to a future meeting upon request by project proponent.

#### ORAL COMMUNICATIONS

Chris Grayston addressed the \$1,000 deposit for disposing of his business's garbage. Item was referred to Utility Services & Franchise Committee.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 4:58 p.m.

#### CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Section 54956.8 of the Government Code)

Property: Located at 1029 9<sup>th</sup> Street

Negotiating Parties: William D. Harper, property Agent for the City of Modesto

Under Negotiation: Terms of lease with Rick and Jody Lara dba R.J. Sweetwaters Restaurant

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: Gerald Turner v. City of Modesto  
Workers Compensation Appeal Board  
Case No. STK 137799, STK 127801 & STK 137802

Name of case: Harry Ciruolo v. City of Modesto  
Workers Compensation Appeal Board  
Case No. STK 13776 & STK 138598

The City Attorney returned at 5:45 p.m. and reported no action had been taken.

**MINUTES, Tuesday, May 18, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

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

**ACTION:** (Friedman/Smith, unan.)

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 2e  
*Councilmember Friedman excused due to conflict of interest*

**ACTION:** (Dobbs/Serpa, unan.)

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 7  
*Councilmember Serpa excused due to conflict of interest*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of rewards by Graffiti Reporting Rewards Committee, and  
presentation of CableOne Public Service Announcement regarding reward system.

**ACTION:** Presentations made by Wayne Henry and Officer Armendariz.

Presentation of a certificate to the Church of Jesus Christ of Latter Day Saints for  
their significant volunteer contributions to the Color Modesto campaign.

**ACTION:** Presentation made by Mayor Lang, Peter Cowles, and Garden Club to the  
Church.

Presentation of Proclamation regarding National Public Works Week, May 16-22,  
1999.

**ACTION:** Presentation made by Mayor Lang.

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of May 11, 1999.

**ACTION:** By motion (Friedman/Smith, unan.), approved the minutes of the regular  
City Council meeting of May 11, 1999.

**CONSENT**

2. Final adoption of the following:

- a. Ord. No. 3135-C.S. adopting a Precise Plan for Area No. 10 of the Village One Specific Plan relating to property located on the east side of Fine Avenue north of Kodiak Drive. (Darwin Colby)

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3135-C.S. adopting a Precise Plan for Area No. 10 of the Village One Specific Plan relating to property located on the east side of Fine Avenue north of Kodiak Drive

- b. Ord. No. 3136-C.S. rezoning Village One Property from SP-H to SP-O, property located on the east side of Fine Avenue north of Kodiak Drive. (Precise Plan for Area No. 10 – Darwin Colby)

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3136-C.S. rezoning Village One Property from SP-H to SP-O, property located on the east side of Fine Avenue north of Kodiak Drive.

- c. Ord. No. 3137-C.S. amending Chapter 6 of Title 5 of the Municipal Code relating to Sewer Management and Discharge Controls.

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3137-C.S. amending Chapter 6 of Title 5 of the Municipal Code relating to Sewer Management and Discharge Controls.

- d. Ord. No. 3138-C.S. amending Chapter 10 of Title 5 of the Municipal Code relating to Stormwater Management and Discharge Controls.

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3138-C.S. amending Chapter 10 of Title 5 of the Municipal Code relating to Stormwater Management and Discharge Controls.

*Councilmember Friedman absent due to conflict of interest*

- e. Ord. No. 3139-C.S. rezoning from P-O to P-D(73), as an addition to P-D(73), property located on the north side of Spanos Court east of Coffee Road. (Mid-Valley Engineering/Memorial Hospital Association)

**ACTION:** By motion (Dobbs/Serpa, unan.; Friedman, absent), approved final adoption of Ord. No. 3139-C.S. rezoning from P-O to P-D(73), as an addition to P-D(73), property located on the north side of Spanos Court east of Coffee Road.

- f. Ord. No. 3140-C.S. rezoning a portion of P-D(498) to R-1, property located on the south side of Algen Avenue west of Crows Landing Road. (Edward T. Taylor)

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3140-C.S. rezoning a portion of P-D(498) to R-1, property located on the south side of Algen Avenue west of Crows Landing Road.

CONSENT

3. Consider authorizing call for bids for furnishing pump repair services as required. (Suggested bid opening: June 9, 1999, at 11:00 a.m. Resolution authorizing bid call needed. Total estimated cost for Fiscal Year 1999-2000 only: \$200,000.)

**ACTION:** Res. 99-227 adopted (Friedman/Smith, unan.) authorizing call for bids on June 9, 1999 at 11:00 a.m. for furnishing pump repair services as required.

CONSENT

4. Consider authorizing call for bids for furnishing water well construction, inspection and testing services. (Suggested bid opening: June 9, 1999, at 11:00 a.m. Resolution authorizing bid call needed. Total estimated cost for Fiscal Year 1999-2000 only: \$200,000.)

**ACTION:** Res. 99-228 adopted (Friedman/Smith, unan.) authorizing call for bids on June 9, 1999, at 11:00 a.m. for furnishing water well construction, inspection and testing services.

CONSENT

5. Consider adopting findings based on Initial Study; consider awarding contract for Bangs Avenue water and sewer mains project to Mazingo Construction for \$1,705,854.36; and consider approving an appropriation transfer to fully fund the project. (Resolution adopting findings based on Initial Study needed; resolution awarding contract needed; resolution approving appropriation transfer needed. Low bid is 15.05% below the engineer's estimated. Total estimated cost: \$2,047,024.36 (contract \$1,705,854.36; other \$341,170) Funds are partially budgeted.)

**ACTION:** Res. 99-229 adopted (Friedman/Smith, unan.) approving findings based on Initial Study.

Res. 99-230 adopted (Friedman/Smith, unan.) awarding contract for Bangs Avenue water and sewer mains project to Mazingo Construction for \$1,705,854.36.

Res. 99-231 adopted (Friedman/Smith, unan.) approving an appropriation transfer to fully fund the project.

CONSENT



6. Consider increasing the Director of Engineering & Transportation's authority level for issuing change orders on the New Police Headquarters Building – Bid Package No. 1.  
(Resolution increasing Director of Engineering & Transportation's authority level for issuing change orders needed.)

**ACTION:** Res. 99-232 adopted (Friedman/Smith, unan.) increasing the Director of Engineering & Transportation's authority level for issuing change orders on the New Police Headquarters Building – Bid Package No. 1.

#### CONSENT

*Councilmember Serpa absent due to conflict of interest*

7. Consider excusing Councilmember Serpa from the May 11, 1999, City Council meeting due to his attendance at the National League of Cities Public Safety Committee meeting in Daytona, Florida.

**ACTION:** Res. 99-233 adopted (Dobbs/Friedman, unan.; Serpa, absent) excusing Councilmember Serpa from the May 11, 1999, City Council meeting due to his attendance at the National League of Cities Public Safety Committee meeting in Daytona, Florida.

#### HEARINGS

8. Hearing to consider the Fiscal Year 1999-2000 Annual Action Plan for Community Development Block Grant (CDBG), HOME investment Partnership Program (HOME), and Emergency Shelter Grant (ESG).  
(Resolution approving the Fiscal Year 1999-2000 Annual Action Plan, authorizing submittal application to HUD, and authorizing City Manager to execute all necessary grant agreements needed.)

**ACTION:** Res. 99-234 adopted (Friedman/Smith, unan.) approving the Fiscal Year 1999-2000 Annual Action Plan, authorizing submittal application to HUD, and authorizing City Manager to execute all necessary grant agreements.

9. Hearing to consider amending Precise Plan No. 25 of the Village One Specific Plan to allow development to utilize public streets, property located on the east side of Millbrook Avenue south of Floyd Avenue. (Low Development)  
(Ordinance amending Precise Plan needed; resolution finding amendment consistent with Village One EIR needed.)

**ACTION:** By motion (Fisher/Friedman, unan.), introduced Ord.3141–C.S. amending Precise Plan No. 25 of the Village One Specific Plan to allow development to utilize public streets, property located on the east side of Millbrook Avenue south of Floyd Avenue.

Res. 99-235 adopted (Fisher/Friedman, unan.) finding amendment consistent with Village One EIR.

10. Hearing to consider fee policy for use of facilities at Tuolumne River Regional Park. (Resolution adopting Use and Fee Policy needed.)

**ACTION:** Res. 99-236 adopted (Fisher/Friedman, unan.) approving Use and Fee Policy for use of facilities at Tuolumne River Regional Park with priorities 4, 5 and 6 being returned to staff for revision.

11. Hearing to consider changes to the Capital Facilities Fees Program, including but not limited to schedules and rates applicable to development in the City of Modesto. (Resolution revising fees needed.)

**ACTION:** Res. 99-237 adopted (Fisher/Friedman, unan.; Dobbs, no) approving changes to the Capital Facilities Fees Program, including but not limited to schedules and rates applicable to development in the City of Modesto. The portion of the public hearing regarding industrial and warehouse fees to be continued to July 20, 1999.

#### NEW BUSINESS

12. Consider placing two Measure "M" ballot measures on the November 2, 1999 election - Pelandale/McHenry Comprehensive Planning District and the Westside Infill Area. (Resolution placing two "Measure M" ballot measures on November 2, 1999 election needed.)

**ACTION:** Res. 99-238 adopted (Dobbs/Fisher, unan.) placing two Measure "M" ballot measures on the November 2, 1999 election - Pelandale/McHenry Comprehensive Planning District and the Westside Infill Area with the exclusion of the Torrid/Temperate area in the Westside Infill area. The Pelandale/McHenry Comprehensive Planning District will be designated as one ballot measure and the Rosemore/Cox area and Carpenter/Shaddox area will be combined as another ballot measure.

#### ORAL COMMUNICATIONS

Dale Williams spoke regarding concerns in the Prescott Estates.

Residents of Waldo Court expressed concern of lack of Police support in their neighborhood.

#### MISCELLANEOUS

#### APPOINTMENTS

13. Airport Advisory Committee

**ACTION:** Res. 99-239 adopted (Fisher/Dobbs, unan.) appointing Mark Peters to the Airport Advisory Committee with a term expiration date of December 31, 2002.

Golf Course Advisory Committee

**ACTION:** Res. 99-240 adopted (Fisher/Dobbs, unan.) appointing Charles Behr to the Golf Advisory Committee with a term expiration date of December 31, 2002.

Landmark Preservation Committee

**ACTION:** Res. 99-241 adopted (Fisher/Dobbs, unan.) appointing Wayne Montgomery to the Landmark Preservation Committee with a term expiration date of December 31, 2002.

MATTERS TOO LATE FOR THE AGENDA

By voice vote (Conrad & Serpa, no) it was determined that the need for immediate action came to the City's attention after the agenda was posted.

**ACTION:** Res. 99-242 adopted (Fisher/Friedman, majority; Conrad, no) to shift the annexation of the North McHenry area to include the west and east side, and consider the entire area at a later date.

ADJOURNMENT

The meeting adjourned to Closed Session at 10:05 p.m.

CLOSED SESSION

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

The City Attorney returned at 11:05 p.m. and reported no action had been taken.

**MINUTES, Tuesday, May 25, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 6 & 8 through 17

Item #7 removed from consent

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

*CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 9*  
Councilmember Fisher excused due to conflict of interest)

**ACTION:** (Friedman/Conrad, Fisher absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of the annual Modesto Super Hero Certificates by the Convention and Visitors Bureau of the Modesto Chamber of Commerce.

**ACTION:** Presentations made by Linda Hoile and Mayor Lang.

Acknowledgement of Police Officer Andy Schlenker and his award-winning canine Sammy.

**ACTION:** Presentation made by Mayor Lang and Deputy Chief Guthrie to Officer Schlenker and Sammy.

Consider the following:

- a. Commending the Modesto Police Department Citizen Volunteers for contributions to the community welfare and safety.

**ACTION:** Res. 99-243 adopted (Fisher/Friedman, unan.) commending the Modesto Police Department Citizen Volunteers for contributions to the community welfare and safety.

- b. Commending the Modesto Police Department Explorers for contributions to the community welfare and safety.

**ACTION:** Res. 99-244 adopted (Fisher/Friedman, unan.) commending the Modesto Police Department Explorers for contributions to the community welfare and safety.

- c. Commending the Modesto Police Reserves for contributions to the community welfare and safety.

**ACTION:** Res. 99-245 adopted (Fisher/Friedman, unan.) commending the Modesto Police Department Reserves for contributions to the community welfare and safety.

CONSENT

- 1. Approval of the minutes of the regular City Council meeting of May 18, 1999.

**ACTION:** By motion, approved the minutes of the regular City Council meeting of May 18, 1999.

CONSENT

- 2. Consider approval of Annual Claim for Local Transportation Funds, for transit purposes only, to the Stanislaus Area Association of Governments.

**ACTION:** Res. 99-246 adopted (Friedman/Dobbs, unan.) approving the Annual Claim for Local Transportation Funds, for transit purposes only, to the Stanislaus Area Association of Governments.

CONSENT

- 3. Consider approving the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Numbers 1 through 6, consider adopting a Resolution of Intention setting a hearing on the levy of the proposed assessment to be held on July 6, 1999 at 7:00 p.m.

**ACTION:** By motion, approved the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivision Numbers 1 through 6.

Res. 99-247 (Friedman/Dobbs, unan.) adopted approving a Resolution of Intention setting a hearing on the levy of the proposed assessment to be held on July 6, 1999 at 7:00 p.m.

CONSENT

- 4. Consider approving the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Numbers 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 to be held on July 6, 1999 at 7:00 p.m.

**ACTION:** By motion, approved the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivision Numbers 7 through 10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units 1 & 2.

Res. 99- 248 adopted (Friedman/Dobbs, unan.) approving a Resolution of Intention setting a hearing on the levy of the proposed assessment to be held on July 6, 1999 at 7:00 p.m.

CONSENT

5. Consider awarding \$324,022.96 contract for the project titled "Creekwood Neighborhood Park – Phase I" to Grover Landscape Services Inc.; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-249 (Friedman/Dobbs, unan.) adopted awarding \$324,022.96 contract for the project titled "Creekwood Neighborhood Park – Phase I" to Grover Landscape Services Inc.

Res. 99-250 (Friedman/Dobbs, unan.) adopted amending the budget to fully fund the project.

CONSENT

6. Consider approving an agreement with Thomas Rey and Margaret Rey, trustees of the Rey Family Revocable Trust dated 9-9-92, and Gretha Svensen Rask, trustee UTD 10-17-90, for the acquisition of property at 128 Laurel Street, Modesto.

**ACTION:** Res. 99-251 adopted (Friedman/Dobbs, unan.) approving an agreement with Thomas Rey and Margaret Rey, trustees of the Rey Family Revocable Trust dated 9-9-92, and Gretha Svensen Rask, trustee UTD 10-17-90, for the acquisition of property at 128 Laurel Street, Modesto.

Councilmember Fisher excused due to a conflict of interest.

7. Consider approving an agreement with Alvin and William Luchessa for the acquisition of property needed for the Pelandale Expressway project.

**ACTION:** Res. 99-252 adopted (Dobbs/Friedman, unan.; Fisher, absent) approving an agreement with Alvin and William Luchessa for the acquisition of property needed for the Pelandale Expressway project.

CONSENT

8. Consider approving an agreement with Meyers Living Trust dated May 24, 1990 for the acquisition of property located at 113 Elm Street, Modesto.

**ACTION:** Res. 99-253 adopted (Friedman/Dobbs, unan.) approving an agreement with Meyers Living Trust dated May 24, 1990 for the acquisition of property located at 113 Elm Street, Modesto.

Councilmember Fisher excused due to a conflict of interest.

CONSENT

9. Consider approving the sale of excess land to Resource Development Inc. and authorizing the City Manager to take appropriate actions to complete the sale.

**ACTION:** Res. 99-254 adopted (Friedman/Conrad, unan.; Fisher, absent) approving the sale of excess land to Resource Development Inc. and authorizing the City Manager to take appropriate actions to complete the sale.

CONSENT

10. Consider authorizing the City Manager to sign a grant application and an agreement with the State of California Resources Agency for \$59,100 in funding from the State Resources Agency for one year of funding the for Modesto Youth Conservation Corps Program.

**ACTION:** Res. 99-255 adopted (Friedman/Dobbs, unan.) authorizing grant application to, and agreement with, the State of California Resources Agency for one year funding of the Modesto Youth Conservation Corps Program.

CONSENT

11. Consider accepting a grant agreement in the amount of \$97,750 from Federal Aviation Authority for airport projects listed in AIP #3-06-1053-22 application.

**ACTION:** Res. 99-256 adopted (Friedman/Dobbs, unan.) accepting a grant agreement in the amount of \$97,750 from Federal Aviation Authority for airport projects listed in AIP #3-06-1053-22 application.

CONSENT

12. Consider authorizing Request for Bids for Liquid Ferrous Chloride for Operations & Maintenance Department – Wastewater Collection Division (WQC) for FY 99/00 with two one-year extensions.

**ACTION:** Res. 99-257 adopted (Friedman/Dobbs, unan.) authorizing Request for Bids for Liquid Ferrous Chloride for Operations & Maintenance Department – Wastewater Collection Division (WQC) for FY 99/00 with two one-year extensions.

CONSENT

13. Consider authorizing Request for Bids for rebidding Light Emitting Diodes (LED) Portable Changeable Message signs for Engineering & Transportation Department – Traffic Engineering Services Division.

**ACTION:** Res. 99-258 adopted (Friedman/Dobbs, unan.) authorizing Request for Bids for Light Emitting Diodes (LED) Portable Changeable Message signs for Engineering & Transportation Department – Traffic Engineering Services Division with a bid opening at June 22, 1999 at 11:00 a.m.

CONSENT

14. Consider waiving formal bid procedures by five (5) affirmative votes and authorizing the purchase of Vistafloc 708-H Dry Polymer from Western Environmental Services for a total cost of \$57,499.31.

**ACTION:** Res. 99-259 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures by five (5) affirmative votes and authorizing the purchase of Vistafloc 708-H Dry Polymer from Western Environmental Services for a total cost of \$57,499.31.

CONSENT

15. Consider adopting a resolution to rescind Resolution 99-221 to change the auction date from May 29 to June 5 for the surplus lost, stolen, unclaimed and/or seized property. Auctioneers Roger Ernst and Associates at 824 W. Kiernan Avenue.

**ACTION:** Res. 99-260 adopted (Friedman/Dobbs, unan.) approving a resolution to rescind Resolution 99-221 to change the auction date from May 29 to June 5 for the surplus lost, stolen, unclaimed and/or seized property. Auctioneers Roger Ernst and Associates at 824 W. Kiernan Avenue.

CONSENT

16. Consider approval of final map of Rose Hollow No. 1 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: Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation.)

**ACTION:** Res. 99-261 adopted (Friedman/Dobbs, unan.) approving the final map of Rose Hollow No. 1 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

17. Consider adopting a resolution amending Resolution 99-238 to add General Plan Consistency Findings in order to place two Measure "M" ballot measures on the November 2, 1999 election.

**ACTION:** Res. 99-262 adopted (Friedman/Dobbs, unan.) approving a resolution amending Resolution 99-238 to add General Plan Consistency Findings in order to place two Measure "M" ballot measures on the November 2, 1999 election.

HEARINGS

Councilmember Fisher excused due to a conflict of interest.

18. Hearing to consider adoption of a Resolution of Intention to make changes in special taxes within tax area B (Pelandale-Snyder) of the CFD 1998-2.

**ACTION:** Res. 99-263 adopted (Friedman/Smith, unan.; Fisher, absent) approving a Resolution of Intention to make changes in special taxes within tax area B (Pelandale-Snyder) of the CFD 1998-2.

NEW BUSINESS

19. Consider acknowledging receipt of Budget Status Report, Third Quarter FY 98-99.

**ACTION:** By motion, (Friedman/Fisher, unan.) acknowledged receipt of Budget Status Report, Third Quarter FY 98-99.



Res. 99-264 adopted (Friedman/Fisher, unan.) approving revisions.

20. Consider Phase I budget strategy and refer to Financial Policy Committee.

**ACTION:** By motion, (Friedman/Dobbs, unan.) referred to Financial Policy Committee.

#### ORAL COMMUNICATIONS

Vice Mayor Smith noted the performance measures for the Police Department.

Councilmember Fisher commented on Business Park preservation.

#### WRITTEN COMMUNICATIONS

21. Consider request from Downtown Improvement District for use of sidewalks in downtown Modesto for display of merchandise and the use of temporary signs for the Mayor's Downtown Nights. Event to be held each Tuesday evening from 5:00 p.m. to 8:30 p.m. beginning June 15 through September 14, 1999. DID is also requesting Mayor's Downtown Nights event to be exempt from current and future sign ordinance.

**ACTION:** By motion, (Dobbs/Fisher, unan.) request granted.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session in the Mayor's Chambers at 5:35 p.m.

#### CLOSED SESSION

#### CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to Section 54956.8 of the Government Code)

**Property:** Purchase, sale or lease of property and/or public facilities located at 1131 Tioga Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Parks (TRRP).

APN: 35-52-22 - 8,700 ± sq. ft.

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Under negotiation: Price and terms of payment for property to be acquired.

**Property:** Purchase, sale or lease of property and/or public facilities located at 1746 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-23 - 6,750 ± sq. ft.

Negotiating parties: William d. Harper, City of Modesto Property Agent for the City of Modesto

Balvino Irizarry negotiating for Escalon Neighborhood Investors, Owner

Under negotiation: Price and terms of payment for property to be acquired

**Property:** Purchase, sale or lease of property and/or public facilities located at 1738 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-04 - 6,750 ± sq. ft.

Negotiating parties: William De. Harper, City of Modesto Property Agent for the City of Modesto

Balvino Irizarry negotiating for Zandy Robbins Investors, Owners

Under negotiation: Price and terms of payment for property to be acquired

**Property:** Purchase, sale or lease of property and/or public facilities located at 1720 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-07 - 7,800 ± sq. ft.

Under negotiation: Price and terms of payment for property to be acquired.

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

The City Attorney returned at 6:00 p.m. and reported no action had been taken.

## **MINUTES, Tuesday, June 1, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Serpa, Smith, Mayor Lang

Absent: Friedman

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 5-9, & 13-16

Items 4, 11, 12 removed from agenda

Item 10 removed from Consent

**ACTION:** (Dobbs/Fisher, unan.; Friedman, absent)

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Mayor Lang acknowledged Boy Scout Troop 12.

#### CONSENT

1. Approval of the minutes of the special City Council meeting of May 21, 1999, and the regular City Council meeting of May 25, 1999.

**ACTION:** By motion (Dobbs/Fisher, unan.; Friedman, absent), approved the minutes of the special City Council meeting of May 21, 1999, and the regular City Council meeting of May 25, 1999.

#### CONSENT

2. Final adoption of Ord. No. 3141-C.S. amending the Precise Plan for Area No. 25 of the Village One Specific Plan to allow development in the Precise Plan to utilize public streets, property located on the east side of Millbrook Avenue south of Floyd Avenue. (Lowe Development.

**ACTION:** By motion (Dobbs/Fisher, unan.; Friedman, absent), approved final adoption of Ord. No. 3141-C.S. amending the Precise Plan for Area No. 25 of the Village One Specific Plan to allow development in the Precise Plan to utilize public streets, property located on the east side of Millbrook Avenue south of Floyd Avenue. (Lowe Development.

#### CONSENT

3. Consider authorizing call for bids for a mobile command post.

**ACTION:** Res. 99-265 adopted (Dobbs/Fisher, unan.; Friedman, absent) authorizing call for bids for a mobile command post with bid opening of June 15, 1999 at 11:00 a.m.

#### ***Item #4 removed from Agenda***

4. Consider authorizing call for bids for furnishing water meters of various sizes for the period of date of award through June 30, 2002.

CONSENT

5. Consider awarding contract for the Woodland Park project to Duley's Landscape, Inc. for \$498,310.90; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-266 adopted (Dobbs/Fisher, unan.; Friedman, absent) awarding contract for the Woodland Park project to Duley's Landscape, Inc.

Res. 99-267 adopted (Dobbs/Fisher, unan.; Friedman, absent) amending the budget to fully fund the project.

CONSENT

6. Consider awarding contract for the Tuolumne River bicycle path project to Fagundes and Son for \$213,711.50; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-268 adopted (Dobbs/Fisher, unan.; Friedman, absent) awarding contract for the Tuolumne River bicycle path project to Fagundes and Son.

Res. 99-269 adopted (Dobbs/Fisher, unan.; Friedman, absent) amending the budget to fully fund the project.

CONSENT

7. Consider awarding contract for the interior coating of Digesters 4 and 5 to Sancon Engineering II, Inc. for \$121,400.

**ACTION:** Res. 99-270 adopted (Dobbs/Fisher, unan.; Friedman, absent) awarding contract for the interior coating of Digesters 4 and 5 to Sancon Engineering II, Inc.

CONSENT

8. Consider awarding bid for carpet replacement at Modesto Centre Plaza to Carpetland for \$59,625.

**ACTION:** Res. 99-271 adopted (Dobbs/Fisher, unan.; Friedman, absent) awarding bid for carpet replacement at Modesto Centre Plaza to Carpetland.

CONSENT

9. Consider waiving formal bid procedures and authorizing the purchase of a live fire mobile range from Advanced Interactive Systems for the total cost of \$192,000.

**ACTION:** Res. 99-272 adopted (Dobbs/Fisher, unan.; Friedman, absent) waiving formal bid procedures and authorizing the purchase of a live fire mobile range from Advanced Interactive Systems.

*Item #10 removed from Consent*

10. Consider extending agreement with Environmental Care, Inc. for golf course maintenance for no more than six months.

**ACTION:** Res. 99-273 adopted (Conrad/Serpa, unan.; Friedman, absent) extending agreement with Environmental Care, Inc. for golf course maintenance for no more than six months.

***Item #11 removed from Agenda***

11. Consider approving an agreement with Isaac Escho for concession services at Beyer Park, and consider authorizing requests for proposals for concession services for a second vendor at Beyer Park for the skate park.

***Item #12 removed from Agenda***

12. Consider approving final map of Enterprise Business Park 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: Marvin L. Oates and Jesus O. Garcia)

CONSENT

13. Consider authorizing the City Attorney to join in amicus briefs in: Haggis v. City of Los Angeles; Pacific Indem. Co. v. Bellefonte Insur. Co.; Kathleen R. v. City of Livermore; Kajima/Ray Wilson v. Los Angeles Metro. Transp. Auth.; East Bay Asian Local Dev. Corp. v. State of California; and Estevanovic v. City of Riverside.

**ACTION:** By motion (Dobbs/Fisher, unan.; Friedman, absent), authorized the City Attorney to join in amicus briefs in: Haggis v. City of Los Angeles; Pacific Indem. Co. v. Bellefonte Insur. Co.; Kathleen R. v. City of Livermore; Kajima/Ray Wilson v. Los Angeles Metro. Transp. Auth.; East Bay Asian Local Dev. Corp. v. State of California; and Estevanovic v. City of Riverside.

CONSENT

14. Letter of resignation from the Board of Zoning Adjustment from Andrew S. Mendlin.

**ACTION:** Res. 99-274 adopted (Dobbs/Fisher, unan.; Friedman, absent) accepting the resignation of Andrew S. Mendlin from the Board of Zoning Adjustment.

CONSENT

15. Letter of resignation from the Community Qualities Forum from Linda M. Avedon.

**ACTION:** Res. 99-275 adopted (Dobbs/Fisher, unan.; Friedman, absent) accepting the resignation of Linda M. Avedon from the Community Qualities Forum.

CONSENT

16. Letter of resignation from the Local Cable Programming Committee from Carol Lancaster Mingus.

**ACTION:** Res. 99-276 adopted (Dobbs/Fisher, unan.; Friedman, absent) accepting the resignation of Carol Lancaster Mingus from the Local Cable Programming Committee.

CONSENT

16A. Consider authorizing City Manager to execute a Memorandum of Understanding (MOU) for exchange of Regional Improvement Program Funds between the City of Ceres and Cities of Hughson, Modesto, Newman, Patterson, Riverbank, and Waterford.

**ACTION:** Res. 99-277 adopted (Dobbs/Fisher, unan.; Friedman, absent) authorizing City Manager to execute a Memorandum of Understanding (MOU) for exchange of Regional Improvement Program Funds between the City of Ceres and Cities of Hughson, Modesto, Newman, Patterson, Riverbank, and Waterford.

WRITTEN COMMUNICATIONS

17. Letter from Harry Kullijian regarding objection to programming of pornography on cable television.

**ACTION:** No action taken.

18. Letter from Denise Judd, Secretary, American Civil War Association, regarding an event in Modesto.

**ACTION:** By motion (Fisher/Dobbs, unan.; Friedman, absent), referred item to Human Services Committee if Denise Judd makes a request.

ORAL COMMUNICATIONS

Councilmember Serpa requested the first Council meeting in August be scheduled for 4:00 p.m. due to National Night Out being held on the same day.

MATTERS TOO LATE FOR THE AGENDA

None.

MISCELLANEOUS

Appointments

19. Local Cable Programming Committee

**ACTION:** Res. 99-278 adopted appointing Thomas Arnold to the Local Cable Programming Committee with a term expiration of December 31, 2002.

ADJOURNMENT

The meeting adjourned to Closed Session at 7:43 p.m.

*CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION*

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Four cases.

The Closed Session ended at 8:05 p.m. with no reportable action taken.

**MINUTES, Special City Council Meeting, Friday, June 11, 1999, at 8:00 a.m.**

Roll Call – Present: Councilmembers Conrad, Friedman, Smith

Absent: Dobbs, Fisher, Serpa, Mayor Lang

The City Council and staff discussed State legislative issues and reviewed city issues and State programs with Assemblymember House.

Meeting adjourned at 9:00 a.m.



## MINUTES, Tuesday, June 8, 1999, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3-5 & 11

Item #2 removed from Agenda

Items 6, 7, 8, 9, & 10 removed from Consent

**ACTION:** (Dobbs/Fisher, unan.)

### ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang made a presentation to International Festival and St. Andrews Society.

Church of Jesus Christ of Latter Day Saints presentation of appreciation to the City Council.

Presentation made by Russ Newman and Marilyn Hinkle to the Council and they presented Mayor Lang with family history binder and picture.

### CONSENT ITEMS

CONSENT

1. Approval of the minutes of the regular City Council meeting of June 1, 1999.

**ACTION:** By motion (Dobbs/Fisher, unan.), approved the minutes of the regular City Council meeting of June 1, 1999

*Item #2 removed from Agenda*

2. Consider authorizing call for bids for liquid chlorine with two one-year extensions for Operations and Maintenance Department-Water Quality Control Division.

CONSENT

3. Consider authorizing call for bids for water meters of various sizes for the period of date of award through June 30, 2002.

**ACTION:** Res. 99-279 adopted (Dobbs/Fisher, unan.) authorizing call for bids for water meters of various sizes for the period of date of award through June 30, 2002, with bid opening to be July 29, 1999 @ 11:00 a.m.

CONSENT

4. Consider accepting as complete the contract of Allen A. Waggoner Construction, Inc. for the Roselle Avenue waterline and authorize City Clerk to file a Notice of Completion. (Original contract: \$220,825)

**ACTION:** Res. 99-280 adopted (Dobbs/Fisher, unan.) accepting as complete the contract of Allen A. Waggoner Construction, Inc. for the Roselle Avenue waterline and authorize City Clerk to file a Notice of Completion.

CONSENT

5. Consider amending Class Range Table for Senior Fire Equipment Mechanic and amending the Position Class Plan for Motor Sweeper Operator.

**ACTION:** Res. 99-281 adopted (Dobbs/Fisher, unan.) amending Class Range Table to revise the salary for Senior Fire Equipment Mechanic

Res. 99-282 adopted (Dobbs/Fisher, unan.) amending the Position Class Plan for Motor Sweeper Operator.

*Item #6 removed from Consent*

6. Consider approving agreement with the City of Newman for the use of Modesto Property Agent's right of way services.

**ACTION:** Res. 99-283 adopted (Friedman/Smith, majority; Dobbs, no) approving agreement with the City of Newman for the use of Modesto Property Agent's right of way services.

*Item #7 removed from Consent*

*Councilmember Fisher excused due to conflict of interest*

7. Consider authorizing an application for HELP Program Funds (Housing Enabled by Local Partnerships) in the amount of \$1,632,000 from the California Housing Finance Agency (CHFA) for a Housing Authority project.

**ACTION:** Res. 99-284 adopted (Friedman/Dobbs, unan.; Fisher, absent) authorizing an application for HELP Program Funds (Housing Enabled by Local Partnerships) in the amount of \$1,632,000 from the California Housing Finance Agency (CHFA) for a Housing Authority project.

*Item #8 removed from Consent*

*Councilmember Fisher excused due to conflict of interest*

8. Consider adoption of a resolution canvassing the election, adoption of a resolution of change, and introduction of an ordinance adding taxes for completion of Snyder Avenue improvements within the Carver-Bangs/Pelandale-Snyder Community Facilities District (CFD) No. 1998-2.

**ACTION:** Res. 99-285 adopted (Dobbs/Friedman, unan.; Fisher, absent) canvassing the election

Res. 99-286 adopted (Dobbs/Friedman, unan.; Fisher, absent) ordering a change in Community Facilities District No. 1998-2.

Ord. 3142 introduced (Dobbs/Friedman, unan.; Fisher, absent) adding taxes for completion of Snyder Avenue in Community Facilities District 1998-2.

*Item #9 removed from Consent*

9. Consider endorsing the Principles and Issue Statement for Studying a Countywide Distribution Program for Sales Tax.

**ACTION:** By motion (Fisher/Friedman, majority; Serpa, no) endorsed the Principles and Issue Statement for Studying a Countywide Distribution Program for Sales Tax.

*Item #10 removed from Consent*

10. Consider authorizing the City of Modesto's participation with Stanislaus County and Stanislaus County Economic Development Corporation for the purposes of providing Transportation Demand Management services throughout the County in the amount of \$53,012, and authorize the City Manager to sign the agreement if the Stanislaus Council of Governments Policy Board accepts the tri-party proposal.

**ACTION:** Res. 99-287 adopted (Dobbs/Friedman, unan.) authorizing the City of Modesto's participation with Stanislaus County and Stanislaus County Economic Development Corporation for the purposes of providing Transportation Demand Management services throughout the County in the amount of \$53,012, and authorize the City Manager to sign the agreement if the Stanislaus Council of Governments Policy Board accepts the tri-party proposal.

#### CONSENT

11. Consider amending budget to appropriate \$26,500 from the Centre Plaza Reserve to a capital project to provide fiber optic cable from the new city/county building to the Centre Plaza.

**ACTION:** Res. 99-288 adopted (Dobbs/Fisher, unan.) amending budget to appropriate \$26,500 from the Centre Plaza Reserve to a capital project to provide fiber optic cable from the new city/county building to the Centre Plaza.

#### HEARINGS

*Item #12 removed from Agenda*

12. Hearing to consider adopting a Resolution of Necessity to acquire real property interest for the Pelandale Expressway project from the Emile Lengyel Inter Vivos Trust (APN 46-07-13)
13. Hearing to consider proposed increases in monthly rent for hangars, tiedowns and office space at the Modesto City-County Airport, to be effective July 1, 1999.

**ACTION:** Res. 99-289 adopting (Fisher/Smith, majority; Dobbs, no) increases in monthly rent for hangars, tiedowns and office space at the Modesto City-County Airport, to be effective July 1, 1999.

14. Hearing to consider the proposed Operating Budget for Fiscal Year 1999-2000 and Proposed 1999-2000 through 2008-2009 Capital Improvement Program Budget for the City of Modesto.

**ACTION:** No action required.

#### NEW BUSINESS

15. Consider revising the process for determining the annexation boundaries along North McHenry Area, south of Kiernan Avenue.

**ACTION:** Res. 99-290 adopted (Fisher/Smith, majority; Conrad, Friedman & Serpa, no) repealing Resolution No. 98-642 which initiated the North McHenry-East Reorganization.

By motion (Fisher/Smith, majority; Conrad, Friedman & Serpa, no), endorsed the Community Development and Housing Committee recommendation to change policy by expanding the annexation study area to include both the east and west sides of McHenry Avenue that would include incentives such as a three-year phase-in of City taxes for existing business; directing staff to communicate with affected property owners and residents in the specified area regarding the annexation process; authorizing staff to redraw the North McHenry Reorganization Boundary to include as many properties as feasible on both sides of McHenry Avenue, based upon consultation with property owners and residents, and return to Council to initiate an annexation at a future date.)

- 15A. Consider repealing Resolution No. 99-242, a resolution approving a shift in approach to the North McHenry Annexation, adopted on May 18, 1999, as requested by Councilmember Serpa.

**ACTION:** Motion failed, (Serpa/Conrad, Friedman, yes; Dobbs, Fisher, Smith, Lang, no) to repeal Res. 99-242.

16. Consider approving the allocation of funds of Phase II of the Community Development Block Grant allocation process and authorizing the City Manager to execute agreements with sub-recipients.  
(Resolution approving allocation of funds and authorizing City Manager to execute agreements needed.)

**ACTION:** Res. 99-291 adopted (Friedman/Fisher, unan.) approving the allocation of funds of Phase II of the Community Development Block Grant allocation process and authorizing the City Manager to execute agreements with sub-recipients.

17. Oral staff report regarding the status of the City's National Pollutant Discharge Elimination System Wastewater Permit.

**ACTION:** No action required.

#### ORAL COMMUNICATIONS

Diane Moyer spoke regarding cable service.

#### WRITTEN COMMUNICATIONS

18. Letter from Steve Burke regarding 10<sup>th</sup> Street Place project.

**ACTION:** No action required.

19. Letter from Steve Burke regarding Cable Franchise renewal.

**ACTION:** Referred to Utility Services and Franchise Committee.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 6:21 p.m.

#### CLOSED SESSION

The meeting will adjourn to a Closed Session in the Mayor's Chambers to consider the following:

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: 1 case

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of case: Setliff Brothers v. City of Modesto, and Does 1 through 10, inclusive  
Stanislaus County Superior Court Action No. 155230

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

#### 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 Closed Session ended at 7:15 p.m. with no reportable action taken.

**MINUTES, Tuesday, June 15, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 5

**ACTION:** (Friedman/Fisher, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of June 8, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.), minutes of the regular City Council meeting of June 8, 1999.

**CONSENT**

2. Consider authorizing City Manager to file grant application with the Federal Transit Administration (FTA) for \$2,392,676 in formula apportioned funds and \$106,236 in Congestion Mitigation and Air Quality (CMAQ) funds to be used to partially offset the operating and capital expenses of the City's public transportation program.

**ACTION:** Res. 99-292 adopted (Friedman/Fisher, unan.) authorizing City Manager to file grant application with the Federal Transit Administration (FTA) for funds to be used to partially offset the operating and capital expenses of the City's public transportation program.

**CONSENT**

3. Consider extending Modesto Dial-A-Ride (MADAR) service hours by one hour on Saturdays and Sundays.

**ACTION:** By motion (Friedman/Fisher, unan.), approved extending Modesto Dial-A-Ride (MADAR) service hours by one hour on Saturdays and Sundays.

**CONSENT**

4. Consider approving an agreement with Macias, Gini & Company to provide professional audit services for up to three years.

**ACTION:** Res. 99-293 adopted (Friedman/Fisher, unan.) approving an agreement with Macias, Gini & Company to provide professional audit services for up to three years.

**CONSENT**

5. Consider introduction of an ordinance amending the Modesto Municipal Code to adopt the 1997 Uniform Fire Code, and consider setting public hearing on July 6, 1999, at 7:00 p.m.

**ACTION:** By motion (Friedman/Fisher, unan.), introduced Ord. 3143–C.S. amending the Modesto Municipal Code to adopt the 1997 Uniform Fire Code.

Res. 99-294 adopted (Friedman/Fisher, unan.) setting public hearing on July 6, 1999, at 7:00 p.m.

#### HEARING

6. Hearing to consider a proposed amendment to Planned Development, P-D(489), to allow a 76-unit multi-family apartment complex in place of a previously approved elderly housing project, property located on the east side of Roselawn Avenue, at Pelton Avenue. (Jack E. Siadek)

**ACTION:** By motion (Conrad/Smith, unan.), item was continued to July 6, 1999 meeting.

#### NEW BUSINESS

7. Consider accepting Financial Policy Committee recommendations for the 1999-2000 Operating Budget and 1999-2000 Capital Improvement Program.

**ACTION:** Res. 99-295 adopted (Fisher/Smith, majority; Conrad & Serpa, no) accepting Financial Policy Committee recommendations for the 1999-2000 Operating Budget and 1999-2000 Capital Improvement Program, and directing staff to incorporate the accompanying recommendations into the budget adoption report and return to Council for approval on June 22, 1999.

8. Consider acknowledging the receipt of the Charter Review Committee's report and refer the matter to the appropriate Council committee for the formulation of a final recommendation to the City Council.

**ACTION:** No action was taken. Item will return to Council on June 22, 1999.

#### ORAL COMMUNICATIONS

Luis Levine spoke regarding the 4<sup>th</sup> of July parade being held on July 5<sup>th</sup>. This item was placed on the June 22 Council agenda by order of the chair.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT



The meeting adjourned to Closed Session at 8:42 p.m.

*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 8:57 p.m. to report that by unanimous vote the Council authorized the initiation of litigation. The action, the defendant, and other particulars will be disclosed upon inquiry once the action has been formally commenced.

**MINUTES, Tuesday, June 22, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6, 8, and 10-17

**ACTION:** (Friedman/Smith, unan.)

*Councilmember Fisher excused due to conflict of interest*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 6

**ACTION:** (Friedman/Dobbs, unan.; Fisher, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Pedestrian Safety Project presentation by Police Department.

Presentation made by Deputy Chief Guthrie and California Highway Patrol  
Captain Winn.

CONSENT

1. Approval of the minutes of the regular City Council meeting of June 15, 1999.

**ACTION:** By motion (Friedman/Smith, unan.), approved the minutes of the regular  
City Council meeting of June 15, 1999.

CONSENT

2. Consider award of contract for “Tully Road Lift Station Replacement” to Howk  
Systems Inc. in the amount of \$218,500, and consider approval of an appropriation  
transfer to create a new CIP project for project accounting purposes.

**ACTION:** Res. 99-296 adopted (Friedman/Smith, unan.) awarding the contract for  
“Tully Road Lift Station Replacement” to Howk Systems Inc.

Res. 99-297 adopted (Friedman/Smith, unan.) approving appropriation  
transfer to create a new CIP project for project accounting purposes for  
Tully Road Lift Station Replacement project.

CONSENT

3. Consider amendment to agreement with Empire Sanitary District to extend  
agreement for 30 years.

**ACTION:** Res. 99-298 adopted (Friedman/Smith, unan.) authorizing City Manager to  
sign Amendment to Agreement with Empire Sanitary District.

CONSENT

4. Consider authorizing City Manager to sign agreements with the City's contract solid waste collection companies for the City to bill and accept payments for maximum residential solid waste service charges.

**ACTION:** Res. 99-299 adopted (Friedman/Smith, unan.) authorizing City Manager to sign an agreement with Gilton Solid Waste Management Inc. one of the City's contract solid waste collection company.

Res. 99-299A adopted (Friedman/Smith, unan.) authorizing City Manager to sign an agreement with Modesto Garbage Co., dba Modesto Disposal Service, a USA Waste California Corporation, a Waste Management Co. one of the City's contract solid waste collection company.

CONSENT

5. Consider amending the budget to fund new CIP project, Registration/Reservation Software for the Community Services and Neighborhood Connections department.

**ACTION:** Res. 99-300 adopted (Friedman/Smith, unan.) amending the budget to fund new CIP project, Registration/Reservation Software for the Community Services and Neighborhood Connections department.

*Councilmember Fisher absent due to conflict of interest*

CONSENT

6. Consider approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust.

**ACTION:** Res. 99-301 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust.

*Item #7 removed from Consent*

7. Consider requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 2, 1999 Municipal Election.

**ACTION:** Res. 99-302 adopted (Friedman/Fisher, unan.) requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 2, 1999 Municipal Election.

CONSENT

8. Consider indicating that the December 14, 1999 run-off election, if needed, will be conducted by mail.

**ACTION:** By motion (Friedman/Smith, unan.), approved indicating that the December 14, 1999 run-off election, if needed, will be conducted by mail.

*Item #9 removed from Consent*

9. Consider selling excess land to Ling Investment and authorizing the City Manager to take appropriate actions to complete the sale, and consider giving notice of termination to Stewart W. and Betty J. Bradley.

**ACTION:** Res. 99-303 adopted (Fisher/Dobbs, unan.) approving the sale of excess land to Ling Investment and authorizing the City Manager to take appropriate actions to complete the sale.

Res. 99-304 adopted (Fisher/Dobbs, unan.) giving notice of termination to Stewart W. and Betty J. Bradley.

#### CONSENT

10. Consider approving three Amendments to Lease Agreement with Beard Land Improvement Co., a California corporation, and consider approving five Amendments to Lease Agreements with Modesto and Empire Traction Co., a California corporation.

**ACTION:** Res. 99-305 adopted (Friedman/Smith, unan.) approving Amendments to Lease Agreement with Beard Land Improvement Co., a California corporation.

Res. 99-306 adopted (Friedman/Smith, unan.) approving Amendments to Lease Agreement with Modesto and Empire Traction Co., a California corporation.

#### CONSENT

11. Consider agreement with Isaac Esho for concession services at Beyer Park and consider authorizing staff to solicit RFPs for concession services for a second vendor at Beyer Park.

**ACTION:** Res. 99-307 adopted (Friedman/Smith, unan.) approving agreement with Isaac Esho for concession services at Beyer Park.

Res. 99-308 adopted (Friedman/Smith, unan.) approving authorizing staff to solicit RFPs for concession services for a second vendor at Beyer Park.

#### CONSENT

12. Consider setting a public hearing to be held on July 6, 1999 to consider amendment to the Municipal Code relating to the Building, Mechanical, and Plumbing Codes, the Code for the Abatement of Dangerous Buildings and the National Electrical Code.

**ACTION:** By motion (Friedman/Smith, unan.), introduced the following Ordinances:

Ord. 3144–C.S. amending the Municipal Code relating to the Building Codes.

Ord. 3145—C.S. amending the Municipal Code relating to the Mechanical Code.

Ord. 3146—C.S. amending the Municipal Code relating to the Plumbing Code.

Ord. 3147—C.S. amending the Municipal Code relating to the Code for the Abatement of Dangerous Buildings.

Ord. 3148—C.S. amending the Municipal Code relating to the National Electrical Code.

Res. 99-309 adopted (Friedman/Smith, unan.) setting public hearing on July 6, 1999.

CONSENT

13. Consider approval of the Final Map of Enterprise Business Park Subdivision 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: Marvin L. Oates and Jesus O. Garcia).

**ACTION:** Res. 99-310 adopted (Friedman/Smith, unan.) approving the Final Map of Enterprise Business Park Subdivision.

CONSENT

14. Consider approving an appropriation transfer to fund a new CIP project, Water Quality Control Laboratory Addition.

**ACTION:** Res. 99-311 adopted (Friedman/Smith, unan.) approving an appropriation transfer to fund a new CIP project, Water Quality Control Laboratory Addition.

CONSIDER

15. Consider authorizing request for bids to be opened July 27, 1999 at 11:00 a.m. for purchase of Liquid Sulphur Dioxide (SO<sub>2</sub>) with two one-year extensions for the Operations and Maintenance Department, Water Quality Control Division.

**ACTION:** Res. 99-312 adopted (Friedman/Smith, unan.) authorizing request for bids to be opened July 27, 1999 at 11:00 a.m. for purchase of Liquid Sulphur Dioxide (SO<sub>2</sub>) with two one-year extensions.

CONSIDER

16. Consider waiving formal bid requirements by five affirmative votes and authorize the purchase of one 2000 GMC Truck from F.B. Hart Company for a total price of \$83,116.84. Funds are budgeted.

**ACTION:** Res. 99-313 adopted (Friedman/Smith, unan.) waiving formal bid requirements by five affirmative votes and authorize the purchase of one 2000 GMC Truck from F.B. Hart Company.

CONSENT

17. Consider amendment of application for Morgan/Whitmore Reorganization.

**ACTION:** Res. 99-314 adopted (Friedman/Smith, unan.) amending the application for Morgan/Whitmore Reorganization.

HEARINGS

18. Hearing to consider the Planning Commission recommendation to amend Section 22-3-9 of the Zoning Map to rezone from R-1 to Planned Development Zone P-D(535), property located on the east side of Coffee Road north of East Coolidge Avenue (Mid-Valley Engineering).

**ACTION:** By motion (Dobbs/Friedman, majority; Serpa, no), introduced Ord. 3149–C.S. amending Section 22-3-9 of the zoning map to rezone from R-1 to Planned Development Zone P-D(535), property located on the east side of Coffee Road north of East Coolidge Avenue.

Res. 99-315 adopted (Dobbs/Friedman, majority; Serpa, no) approving development plan.

Res. 99-316 adopted (Dobbs/Friedman, majority; Serpa, no) with findings provided by Environmental Assessment No. CDD 99-38, judging the rezoning from R-1 to P-D(535) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017).

*Councilmember Fisher excused due to conflict of interest*

19. Hearing to consider the Planning Commission recommendation to amend Section 29-3-9 of the Zoning Map to rezone from C-2 to Planned development zone P-D(536), property located on the northeast side of 13<sup>th</sup> Street south of Needham Street at 1222 13<sup>th</sup> Street (Robert DeGrasse, AIA).

**ACTION:** By motion (Friedman/Dobbs, unan.; Fisher, absent), introduced Ord.3150–C.S. amending Section 22-3-9 of the zoning map to rezone from C-2 to Planned development zone P-D(536), property located on the northeast side of 13<sup>th</sup> Street south of Needham Street at 1222 13<sup>th</sup> Street with the condition that no other use of the property shall be permitted without an amendment to the ordinance.

Res. 99-317 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving a development plan.

Res. 99-318 adopted (Friedman/Dobbs, unan.; Fisher, absent) with findings provided by Environmental Assessment No. CDD 99-37, judging

the rezoning from C-2 to P-D(536) as being within the scope of the Master Environmental Impact Report (SCH No. 92052017).

20. Hearing to consider the Annual Garbage Rate Review.

**ACTION:** Res. 99-319 adopted (Dobbs/Smith, majority; Friedman, no) approving Annual Garbage Rate Review. Utility Services and Franchise Committee requested to review status of compliance of AB939.

#### NEW BUSINESS

21. Discussion of scheduling 4<sup>th</sup> of July parade.

**ACTION:** Res. 319A adopted (Smith/Conrad, unan.), supporting moving the 4<sup>th</sup> of July Parade to Sunday, July 4, 1999.

22. Consider adopting the 1999-2000 Operating Budget and Capital Improvement Program.

**ACTION:** By motion (Smith/Friedman, majority; Conrad & Serpa, no), introduced Ord.3151–C.S. adopting the 1999-2000 Operating Budget and CIP.

Res. 99-320 adopted (Smith/Friedman, majority; Conrad & Serpa, no) establishing the 1999-2000 Fiscal Year Appropriations Limit, including the price and population factors to be used in the calculation, as well as the Budget Reduction Strategies, Phase 1 and 1A, which holds vacant positions vacant and reduces department budgets.

Res. 99-321 adopted (Smith/Friedman, majority; Conrad & Serpa, no) approving revisions in the FY1998-1999 budget of the City as set forth in the report

23. Charter Review Committee recommendations.

**ACTION:** By motion (Fisher/Friedman, unan.), acknowledged receipt of the Charter Review Committee recommendations report and referring the matter to the Economic Development, Community & Intergovernmental Relations Committee for formulation of a final recommendation to the City Council.

24. Consider acknowledging receipt of the City Manager's Report on the 1996 Gun Sales Program; direct the City Manager to report at least quarterly on the status of on-going efforts to recover all former property and evidence guns; and to direct the City Manager to take appropriate administrative and disciplinary action consistent with the finds and conclusions of the report.

**ACTION:** By motion (Fisher/Friedman, unan.), acknowledged receipt of the City Manager's Report on the 1996 Gun Sales Program.

The procedural corrections outlined in the report were referred to Public Safety Committee and a closed session was scheduled on July 6, 1999 to discuss personnel issues.

#### ORAL COMMUNICATIONS

Councilmember Conrad announced that he would not run for Assembly.

#### WRITTEN COMMUNICATIONS

25. Consider request from Fresh Ideas Flower Company regarding fireworks permit.

**ACTION:** By motion (Conrad/Dobbs, unan.) the Council granted the request for a fireworks permit to Fresh Ideas Flower Company.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 9:00 p.m.

#### CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session as follows:

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: 338 cases.

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Four cases.

The City Attorney returned at 9:20 p.m. and reported that there was no reportable action taken.



**MINUTES, Tuesday, July 6, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-6, 8-11, 13, 15-18  
*Item #14 dropped from the Agenda*  
*Items #1 and #7 removed from Consent*

**ACTION:** (Friedman/Conrad, unan.)

*Councilmember Conrad absent due to conflict of interest*

CONSENT ITEM – ROLL CALL VOTE REQUIRED: Item 12

**ACTION:** (Friedman/Dobbs, unan.; Conrad, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

*Item #1 removed from Consent*

1. Approval of the minutes of the special City Council meetings of June 11, and June 18, 1999, and the regular City Council meeting of June 22, 1999.

**ACTION:** By motion (Fisher/Friedman, majority; Conrad, no), approved the minutes of the special City Council meetings of June 11, and June 18, 1999, and the regular City Council meeting of June 22, 1999 as amended to delete the wording in Item #24 causing it to read as follows: “By motion (Fisher/Friedman, unan.), acknowledged receipt of the city Manager’s Report on the 1996 Gun Sales Program”.

CONSENT

2. Final adoption of:

Ord. No. 3142-C.S. relating to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

Ord. No. 3150-C.S. rezoning from C-2 to P-D(536) property located on the northeast side of 13<sup>th</sup> Street. (Robert Degrasse, AIA)

(Motion adopting needed.)

**ACTION:** By motion (Friedman/Conrad, unan.), adopted Ord. No. 3142-C.S. relating to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder), and Ord. No. 3150-C.S. rezoning from C-2 to P-D(536) property located on the northeast side of 13<sup>th</sup> Street. (Robert Degrasse, AIA).

CONSENT

3. Consider authorizing call for bids for personal computers and related hardware for the Information Services Division.

**ACTION:** Res. 99-322 adopted (Friedman/Conrad, unan.) authorizing call for bids on July 27, 1999 at 11:00 a.m. for personal computers and related hardware for the Information Services Division.

CONSENT

4. Consider rejecting all qualifications and proposals received for public turf and landscape maintenance services and authorizing a new call for qualifications and proposals.

**ACTION:** Res. 99-323 adopted (Friedman/Conrad, unan.) rejecting all qualifications and proposals received for public turf and landscape maintenance services and authorizing a new call for qualifications and proposals on July 27, 1999, at 11:00 a.m.

CONSENT

5. Consider declaring Unlimited Actuator Repair low bidder and authorize the purchase of actuators repair and related installation for Operations & Maintenance Department – Wastewater Collection Division for a total cost of \$54,195.79.

**ACTION:** Res. 99-324 adopted (Friedman/Conrad, unan.) declaring Unlimited Actuator Repair low bidder and authorize the purchase of actuators repair and related installation for a total cost of \$54,195.79.

CONSENT

6. Consider declaring Harley Enterprises low bidder and authorizing the purchase of replacing and repairing curb, drive aprons, sidewalks and asphalt for Fiscal Year 1999-2000 for \$177,975, and authorizing the purchase for an additional two years up to and including June 30, 2002.

**ACTION:** Res. 99-325 adopted (Friedman/Conrad, unan.) declaring Harley Enterprises low bidder and authorizing the purchase of replacing and repairing curb, drive aprons, sidewalks and asphalt for Fiscal Year 1999-2000 for \$177,975, and authorizing the purchase for an additional two years up to and including June 30, 2002.

*Item #7 removed from Consent*

7. Consider declaring Emergency One low bidder and authorizing the purchase of an Airport rescue fire fighting vehicle for the total cost of \$315,813.50.

**ACTION:** Res. 99-326 adopted (Conrad/Serpa, unan.) declaring Emergency One low bidder and authorizing the purchase of an Airport rescue fire fighting vehicle for the total cost of \$315,813.50.

CONSENT

8. Consider declaring Universal Specialty Vehicles, Inc. low bidder and authorizing the purchase of a mobile command post trailer for \$82,041.21.

**ACTION:** Res. 99-327 adopted (Friedman/Conrad, unan.) declaring Universal Specialty Vehicles, Inc. low bidder and authorizing the purchase of a mobile command post trailer for \$82,041.21.

CONSENT

9. Consider declaring Brannon Tire low bidder and authorizing the purchase of tire recapping and service requirements for Fiscal Year 1999-2000 for \$25,000, and authorizing the purchase for an additional two years up to and including June 30, 2002, for a total estimated three-year cost of \$75,000.

**ACTION:** Res. 99-328 adopted (Friedman/Conrad, unan.) declaring Brannon Tire low bidder and authorizing the purchase of tire recapping and service requirements for Fiscal Year 1999-2000 for \$25,000, and authorizing the purchase for an additional two years up to and including June 30, 2002, for a total estimated three-year cost of \$75,000.

CONSENT

10. Consider declaring Hennings Brothers Drilling Company, Inc. low bidder and authorizing the purchase of water well construction, inspection and testing services for Fiscal Year 1999-2000 for a total price of \$200,000 and authorizing the purchase for an additional two years up to and including June 30, 2002.

**ACTION:** Res. 99-329 adopted (Friedman/Conrad, unan.) declaring Hennings Brothers Drilling Company, Inc. low bidder and authorizing the purchase of water well construction, inspection and testing services for Fiscal Year 1999-2000 for a total price of \$200,000 and authorizing the purchase for an additional two years up to and including June 30, 2002.

CONSENT

11. Consider rejecting bids for the drain rock dumpsite recycling project.

**ACTION:** Res. 99-330 adopted (Friedman/Conrad, unan.) rejecting bids for the drain rock dumpsite recycling project.

*Councilmember Conrad excused due to conflict of interest*

12. Consider awarding contract for the Briggsmore Avenue – road construction and drainage improvements project to George Reed, Inc. for \$1,637,437.55.

**ACTION:** Res. 99-331 adopted (Friedman/Dobbs, unan.; Conrad, absent) awarding contract for the Briggsmore Avenue – road construction and drainage improvements project to George Reed, Inc. for \$1,637,437.55.

CONSENT

13. Consider adopting the findings based on the Initial Study for the Pelandale/McHenry intersection project, indicating the project will not cause any additional significant effect on the environment as determined by the Master Environmental Impact Report for the Modesto Urban Area General Plan.

**ACTION:** Res. 99-332 adopted (Friedman/Conrad, unan.) adopting the findings based on the Initial Study for the Pelandale/McHenry intersection project, indicating the project will not cause any additional significant effect on the environment as determined by the Master Environmental Impact Report for the Modesto Urban Area General Plan.

*Item #14 dropped from Agenda*

14. Consider approving lease agreements with Central Wireless Partnership for placing communication antennas at Davis, Downey, and Beyer Parks and the maintenance yard at Creekside Golf Course.

CONSENT

15. Consider approving the Nonprofit Housing Acquisition Program and allocation of \$75,000 of Community Development Block Grant (CDBG) funds in Fiscal Year 1999-2000.

**ACTION:** Res. 99-333 adopted (Friedman/Conrad, unan.) approving the Nonprofit Housing Acquisition Program and allocation of \$75,000 of Community Development Block Grant (CDBG) funds in Fiscal Year 1999-2000.

CONSENT

16. Consider approving the revised cable television public access guidelines and application.

**ACTION:** Res. 99-334 adopted (Friedman/Conrad, unan.) approving the revised cable television public access guidelines and application.

CONSENT

17. Consider authorizing City Manager to execute agreement with Ball Janik LLP for federal legislative advocacy.

**ACTION:** Res. 99-335 adopted (Friedman/Conrad, unan.) authorizing City Manager to execute agreement with Ball Janik LLP for federal legislative advocacy.

CONSENT

18. Consider approving an agreement with EDAW, Inc. for preparation of Land Use Plan Update and Gateway Master Plan and related documents for Tuolumne River Regional Park.

**ACTION:** Res. 99-336 adopted (Friedman/Conrad, unan.) approving an agreement with EDAW, Inc. for preparation of Land Use Plan Update and Gateway Master Plan and related documents for Tuolumne River Regional Park.

## UNFINISHED BUSINESS

Councilmember Fisher's request to convene to Closed Session was not granted at Chair's prerogative.

19. Final adoption of Ord. No. 3149-C.S. rezoning from R-1 to P-D(535), property located on the east side of Coffee Road south of East Coolidge Avenue. (Mid-Valley Engineering/Ocat)

**ACTION:** By motion (Dobbs/Friedman, majority; Serpa, no), approved final adoption of Ord. No. 3149-C.S. rezoning from R-1 to P-D(535), property located on the east side of Coffee Road south of East Coolidge Avenue. (Mid-Valley Engineering/Ocat).

## HEARINGS

*Councilmember Fisher excused due to conflict of interest*

20. Hearing to consider an amendment to P-D(489) to allow a 76-unit multifamily apartment complex in place of a previously approved elderly housing project, property located on the eastern side of Roselawn Avenue at Pelton Avenue. (Jack E. Siadek)  
(Continued from June 15, 1999, City Council meeting.)

**ACTION:** A motion (Conrad/Smith, yes; Friedman, Serpa, Lang, no; Fisher, absent) to approve project failed to carry.

21. Hearing to consider the adoption of the 1997 Uniform Fire Code.  
(Motion adopting Ord. No. 3143-C.S. needed.)

**ACTION:** By motion (Serpa/Friedman, majority; Conrad, no), approved final adoption of Ord. No. 3143-C.S., adopting the 1997 Uniform Fire Code.

22. Hearing to consider the adoption of the 1997 Uniform Building Code, the 1997 Mechanical Code, 1997 Plumbing Code, 1997 Abatement of Dangerous Buildings Code, and 1996 National Electrical Code.

**ACTION:** By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3144-C.S., adopting the 1997 Uniform Building Code.

By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3145-C.S., adopting the 1997 Mechanical Code.

By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3146-C.S., adopting the 1997 Plumbing Code.

By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3147-C.S., adopting the 1997 Abatement of Dangerous Buildings Code.

By motion (Friedman/Smith, unan.), approved final adoption of Ord. No. 3148-C.S., adopting the 1996 National Electrical Code.

*Items #23 and #24 considered concurrently*

23. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1-6.

**ACTION:** Res. 99-337 adopted (Friedman/Dobbs, unan.) confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows Subdivisions No. 1-6.

24. Hearing to consider confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Units 1 & 2.

**ACTION:** Res. 99-338 adopted (Friedman/Dobbs, unan.) confirming the diagram and assessment and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows Subdivisions No. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Units 1 & 2.

25. Hearing to consider the application of Costa Limited Partners for an amendment to Section 2-3-8 of the Zoning Map to rezone a portion of P-D(532) to a new P-D for a retail commercial center, property located on the north side of Pelandale Avenue, east of Sisk Road, and also to consider a development agreement with Costa Limited Partners.

**ACTION:** By motion (Dobbs/Friedman, unan.), introduced Ord. No. 3152-C.S. amending Section 2-3-8 of the Zoning Map to rezone a portion of P-D(532) to a new P-D for a retail commercial center, property located on the north side of Pelandale Avenue, east of Sisk Road.

Res. 99-339 adopted (Dobbs/Friedman, unan.) approving development plan, development schedule, and conditions of approval.

By motion (Dobbs/Friedman, unan.), introduced Ord. No. 3153-C.S. approving development agreement.

Res. 99-340 adopted (Dobbs/Friedman, unan.) finding rezoning and development agreement consistent with Kiernan Business Park Environmental Impact Report.

NEW BUSINESS

26. Consider approving the concept of a short-term loan of funds from the General Fund to the Pelandale project to allow construction to proceed.

**ACTION:** By order of the Chair, question of existing railroads for light rail referred to Transportation Policy Committee.

By motion (Dobbs/Smith, majority; Conrad & Serpa, no), approved the concept of a short-term loan of funds from the General Fund to the Pelandale project to allow construction to proceed.

27. Reconsider and modify the 1999-2000 Operating Budget and Capital Improvement Program, including reconsideration of ABS Fund, eliminating the sewer and water utility transfer, and consider a ballot measure in concurrence with the regularly scheduled City Council elections in November 1999, at the request of Councilmember Conrad.

**ACTION:** A motion (Conrad/Serpa) for ballot wording for November 2, 1999 ballot stating "The City's water and sewer utilities have paid the General Fund \$3.4 million each of the past years. Shall the City restore this practice of collecting these funds in the form of a general use tax and create a permanent budget review committee" failed to carry.

A motion (Conrad) that "the remaining transfer of \$3.6 million being charged to the rate-payers of Modesto through their water and sewer fees be terminated" died for lack of a second.

28. (1) Further discussion and consideration of the 1999 Modesto City Charter Review Committee's Final Report and recommendations, including issues raised by the Committee but which were not the subject of a Committee recommendation, as reviewed by the Council's Economic Development, Community and Intergovernmental Relations Committee; and (2) submission of recommended Charter amendments to voters in November 1999.

**ACTION:** Res. 99-341 adopted (Friedman/Fisher, majority; Conrad, no) submitting a Charter amendment to eliminate the restriction on spending more than 5% of the City's property tax revenue in any one year for music, publicity and promotion to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-342 adopted (Friedman/Smith, majority; Fisher, no) submitting a Charter amendment to change the date of any run-off election from the second to the third Tuesday in December and to further provide that, in the case of a run-off election a Councilmember so elected would hold office from the first Tuesday of the following January to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-343 adopted (Fisher/Smith, unan.) submitting a Charter amendment to change the current Charter provisions for the selection of Vice Mayor which typically results in the selection of the most recently

elected Councilmember and, instead, provide that the City Council would annually elect one of its members, other than the Mayor, to serve as Vice Mayor during the ensuing calendar year to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-344 adopted (Fisher/Lang, majority; Dobbs & Smith, no) submitting a Charter amendment provide that the monthly compensation for the Mayor be \$400 in addition to the monthly compensation received by Councilmembers and that the compensation for Vice Mayor be \$150.00 in addition to the monthly compensation received by Councilmembers; and in addition, provide for medical, dental and vision insurance coverage for each member of the Council in an amount no greater in value than that provided for non-safety, unrepresented management employees to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-345 not accepting (Conrad/Smith, unan) the recommendation to amend the Charter to add Section 1112 to provide for an Economic Development Commission consisting of 7 members to advise the City Council in matters pertaining to economic development.

Res. 99-346 adopted (Smith/Dobbs, unan.) submitting a Charter amendment to allow the City Council to establish by resolution more at-will positions and clarify that all hourly employees are in the unclassified service to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-347 adopted (Friedman/Smith, majority; Conrad & Serpa, no) submitting a Charter amendment to specifically authorize the City Manager to propose, and the City Council to adopt, a multi-year budget to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-348 adopted (Friedman/Fisher, unan.) submitting a Charter amendment to provide that any park or park playground project otherwise subject to public bidding be exempt from the public bidding requirement in the event it involved any donated labor and/or material to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-349 adopted submitting a Charter amendment to eliminate any reference to the Board of Personnel Appeals to the qualified electors of the City of Modesto at the regular municipal election to be held on Tuesday, November 2, 1999.

Res. 99-350 adopted authorizing the City Attorney to prepare an impartial analysis of the proposed Charter amendments.



Res. 99-351 adopted authorizing the Mayor to prepare ballot arguments in favor of the proposed Charter amendments.

Res. 99-352 adopted providing for the filing of rebuttal arguments for City measures submitted at municipal elections.

#### ORAL COMMUNICATIONS

Susan Birch commented on the good that she feels Police Chief Jefferson has done for the community.

#### WRITTEN COMMUNICATIONS

29. Letter from Blair Bradley, Chair, SAAG Policy Board, requesting support for the formation of a Service Authority for Freeways and Expressways (SAFE), for installing call boxes on State Routes within Stanislaus County.

**ACTION:** Res. 99-353 adopted (Dobbs/Friedman, unan.) supporting formation of a Service Authority for Freeways and Expressways (SAFE), for installing call boxes on State Routes within Stanislaus County.

30. Letter from the Law Office of Robert F. Carbone requesting opportunity to address various issues relating to the sale of weapons by the Modesto Police Department.

None.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 12:07 p.m.

#### CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session to consider the following items:

PU BLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

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

*Agency Negotiator: J. Edward  
Tewes, City Manager*

Employee Organization: Modesto Police Officers Association

The City Attorney returned at 1:40 a.m. to report that no action had been taken.

**MINUTES, Tuesday, July 13, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Invocation: Rev. Scott Miller, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-3, 7-8, & 10  
*Items 4, 5, 6, 9 & 11 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of July 6, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of July 6, 1999.

**CONSENT**

2. Consider declaring as surplus 51 unclaimed bicycles accumulated at the Police Department Evidence and Property Room and authorize the sale by sealed bid, by auction by Roger Ernst and Associates, or sell as scrap.

**ACTION:** Res. 99-354 adopted (Friedman/Dobbs, unan.) declaring as surplus 51 unclaimed bicycles accumulated at the Police Department Evidence and Property Room and authorize the sale by sealed bid, by auction by Roger Ernst and Associates, or sell as scrap.

**CONSENT**

3. Consider accepting the contract of Amerine Systems, Inc. for the Briggsmore Avenue and Coffee Road storm lift station project as complete and authorize City Clerk to file a Notice of completion.

**ACTION:** Res. 99-355 adopted (Friedman/Dobbs, unan.) accepting the contract of Amerine Systems, Inc. for the Briggsmore Avenue and Coffee Road storm lift station project as complete and authorize City Clerk to file a Notice of completion.

*Item #4 removed from Consent*

4. Consider approving site lease agreements with Central Wireless Partnership for the placement of communication antennas at Downey and Beyer Parks.

**ACTION:** Res. 99-356 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving site lease agreement with Central Wireless Partnership for the placement of communication antennas at Downey Park.

Res. 99-357 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving site lease agreement with Central Wireless Partnership for the placement of communication antennas at Beyer Park.

*Item #5 removed from Consent*

5. Consider approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 1999-2000 program year.

**ACTION:** Res. 99-358 adopted (Friedman/Lang, unan.; Fisher, absent) approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work Study Program for the 1999-2000 program year.

*Item #6 removed from Consent*

6. Consider approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work Study Program for the 1999-2000 program year.

**ACTION:** Res. 99-359 adopted (Friedman/Dobbs, unan.; Fisher, absent) approving agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work Study Program for the 1999-2000 program year.

CONSENT

7. Consider approval of the final map of Rose Hollow No. 2 subdivision and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners: Florsheim Bros.)

**ACTION:** Res. 99-360 adopted (Friedman/Dobbs, unan.) approving the final map of Rose Hollow No. 2 subdivision and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

8. Consider approval of the final map of Adrianna Three, a Gated Community, subdivision and authorizing the City Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code. (Owners:Max Norton Enterprises, Inc.)

**ACTION:** Res. 99-361 adopted (Friedman/Dobbs, unan.) approving the final map of Adrianna Three, a Gated Community, subdivision and authorizing the City

Manager to sign an agreement with subdividers as required by Section 4-4.604(c) of the Municipal Code.

*Item #9 removed from Consent*

9. Report of four loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

**ACTION:** By motion (Dobbs/Fisher, unan.), acknowledged receipt of Report of four loans approved under the Emergency Home Repair Program (EHRP)/Disabled Access Assistance Program (DAAP) since the last report.

CONSENT

10. Consider approving agreement with Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for an option to purchase a Salida well site.

**ACTION:** Res. 99-362 adopted (Friedman/Dobbs, unan.) approving agreement with Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for an option to purchase a Salida well site.

*Item #11 removed from Consent*

11. Consider authorizing City Manager to apply to the Stanislaus Council of Governments StanCOG for Federal Congestion Mitigation and Air Quality (CMAQ) funds for various projects as recommended by staff.

**ACTION:** Res. 99-363 adopted (Friedman/Fisher, unan.) authorizing City Manager to apply to the Stanislaus Council of Governments StanCOG for Federal Congestion Mitigation and Air Quality (CMAQ) funds for various projects as recommended by staff.

## HEARINGS

*Councilmember Fisher absent due to conflict of interest*

12. Hearing to consider allocation of \$955,400 of HOME funds for Fiscal Year 1999-2000.

**ACTION:** Res. 99-364 adopted (Dobbs/Friedman, unan.; Fisher, absent) denying allocation of \$955,400 of HOME funds for Fiscal Year 1999-2000 for all projects listed.

## NEW BUSINESS

13. Consider approving the 1999-2000 City/County Waste-to-Energy Project Budget as recommend by the City/County Solid Waste-to-Energy Executive Committee.

**ACTION:** Res. 99-365 adopted (Dobbs/Smith, majority; Conrad & Fisher, no) approving the 1999-2000 City/County Waste-to-Energy Project Budget as

recommend by the City/County Solid Waste-to-Energy Executive Committee.

#### ORAL COMMUNICATIONS

Councilmember Serpa commented on Performing Arts Center cost when other needs are unmet, and status of report regarding rents for baseball league.

Councilmember Fisher requested status of ten vacant positions in Police Department.

J. Denise Fontaine spoke regarding Police Chief being retained.

Gwendolyn Byrd made comments regarding Police Chief leadership.

Ken Williams spoke in support of Police Chief.

Mac Wilson spoke in favor of Police Chief.

Ricky McGill spoke in favor of the Police Chief.

Phil Tomlin spoke in favor of the Police Chief.

Catereno Garza spoke in favor of the Police Chief.

#### WRITTEN COMMUNICATIONS

14. Letter from Dr. Linda Gerard, Director – Northern California Christ in You the Hope of Glory International Ministry, requesting the use of amplified sound in Mancini Bowl in Graceada Park on August 14, 1999, for the “Youth Alive Concert.”

**ACTION:** Res. 99-366 adopted (Conrad/Fisher, unan.) denying use of amplified music sound in Mancini Bowl in Graceada Park on August 14, 1999, for the “Youth Alive Concert.”

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 7:39 p.m.

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
(Pursuant to Section 54957 of the Government Code)

The City Attorney returned at 8:30 p.m. to report that no reportable action had been taken.



## **MINUTES, Tuesday, July 20, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Invocation: Rev. Dave, Olsen, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 3  
Items 4 & 5 removed from Consent

**ACTION:** (Friedman/Smith, unan)

### ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

#### CONSENT

1. Approval of the minutes of the special City Council meeting of July 9, 1999, and the regular and special City Council meetings of July 13, 1999.

**ACTION:** By motion (Friedman/Smith, unan), approved minutes of the special City Council meeting of July 9, 1999, and the regular and special City Council meetings of July 13, 1999

#### CONSENT

2. Final adoption of:

Ord. No. 3152-C.S. rezoning a portion of P-D(532) to P-D(537) for a retail commercial center, property located on the north side of Pelandale Avenue east of Sisk Road. (Costa Limited Partners)

Ord. No. 3153-C.S. approving a Development Agreement with Costa Limited partners relating to a retail commercial center on property located on the north side of Pelandale Avenue east of Sisk Road.

**ACTION:** By motion (Friedman/Smith, unan), approved final adoption of Ord. No. 3152-C.S. rezoning a portion of P-D(532) to P-D(537) for a retail commercial center, property located on the north side of Pelandale Avenue east of Sisk Road, and Ord. No. 3153-C.S. approving a Development Agreement with Costa Limited Partners relating to a retail commercial center on property located on the north side of Pelandale Avenue east of Sisk Road.

#### CONSENT

3. Consider approval of final map of Legends Village Unit No. 2 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: JKB Homes Corp.)

**ACTION:** Res. 99-368 adopted (Friedman/Smith, unan) approving the final map of Legends Village Unit No. 2 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.

*Item #4 removed from Consent*

4. Consider authorizing the City Attorney to join in amicus briefs in the following cases: Valley Ridgecrest Homeowners Association, Inc. v. City of Vallejo; Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency; and Haas v. City of San Bernardino.

**ACTION:** Res. 99-369 adopted (Friedman/Smith, majority; Conrad, no) authorizing the City Attorney to join in amicus briefs in the following cases: Valley Ridgecrest Homeowners Association, Inc. v. City of Vallejo; Tahoe Sierra Preservation Council v. Tahoe Regional Planning Agency; and Haas v. City of San Bernardino.

*Item #5 removed from Consent*

5. Consider authorizing the purchase of retired City of Modesto Police Canines by the assigned Modesto Police Department canine handler.

**ACTION:** Res. 99-370 adopted (Friedman/Serpa, unan) authorizing the purchase of retired City of Modesto Police Canines by the assigned Modesto Police Department canine handler.

## HEARINGS

6. Hearing to consider changes to the Capital Facilities Fees program, including implementing fees for industrial and warehouse development and to establish a fee category of hotel and motel facilities fees. (The portion of the public hearing regarding industrial and warehouse fees was continued from the May 18, 1999, City Council meeting.)  
(Hearing to be continued to July 27, 1999, at 4:00 p.m. Motion continuing to July 27, 1999, at 4:00 p.m. needed.)

**ACTION:** By motion (Fisher/Conrad, unan), continued hearing to July 27, 1999, at 4:00 p.m.

## ORAL COMMUNICATIONS

Linda Brahick, 707 Annabelle commented regarding her outstanding claim for sewer backup in her residence.

John McCarthy addressed the Council regarding a claim of harassment against his children.

The following audience members spoke regarding the disposition of the Police Chief:

Larry Haney, Charlie Crane, Darius Crosby, Albert Smith, George Russell, John Lucas, David Sundy Sr., Miguel Donoso, Jo Sawyer, Barbara Eniti, Tom Maher, Mac Wilson, Susan Birch, Gene Cosgrove, and Ken Williams.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:14 p.m.

**MINUTES, Tuesday, July 27, 1999, at 4:00 p.m.**

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

Absent: Dobbs

Invocation: Rev. Darius Crosby, Greater Glory Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 – 4, 6, 7, 9, 11

Items 5, 8 & 10 removed from Consent

**ACTION:** (Friedman/Conrad, unan.; Dobbs absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a proclamation recognizing the week of July 27 – August 1, 1999 as Equal Parents' Week.

Mayor Lang made the presentation.

**CONSENT**

1. Approval of the minutes of the special and regular City Council meetings of July 20, 1999.

**ACTION:** By motion, (Friedman/Conrad, unan.; Dobbs absent) approved the minutes of the special and regular City Council meetings of July 20, 1999.

**CONSENT**

2. Consider authorizing bid call for liquid chlorine, with two one-year extensions, for Operations & Maintenance Department – Water Quality Control Division.

**ACTION:** Res. 99-371 adopted (Friedman/Conrad, unan.; Dobbs absent) authorizing bid call.

**CONSENT**

3. Consider declaring Kemiron Pacific Inc. low bidder and authorize the purchase of Liquid Ferrous Chloride for Operations and Maintenance Department – Wastewater Collection Division for Fiscal year 99/00, with two one-year extensions.

**ACTION:** Res. 99-372 adopted (Friedman/Conrad, unan., Dobbs absent) declaring Kemiron Pacific Inc. low bidder and authorize the purchase of Liquid Ferrous Chloride.

**CONSENT**

4. Consider declaring Hi-Way Safety Inc. the low bidder and authorize the purchase of Light Emitting Diodes (LED) Changeable Message Signs for the Engineering & Transportation Department – Traffic Engineering Division for \$69,176.25.

**ACTION:** Res. 99-373 adopted (Friedman/Conrad, unan.; Dobbs absent) declaring Hi-Way Safety Inc. the low bidder and authorize the purchase of Light Emitting Diodes (LED) Changeable Message Signs.

5. Consider accepting as complete the contract of George Reed, Inc. for the Carpenter Road from Kansas to Sisk improvements/overlay project as complete and authorize City Clerk to file a Notice of Completion. (Original contract: \$1,711,579)

**ACTION:** Res. 99-374 adopted (Friedman/Smith, unan.; Dobbs, absent) accepting as complete and authorizing City Clerk to file Notice of Completion.

CONSENT

6. Consider accepting as complete the contract of Ross F. Carroll, Inc. for the fixed film reactor siding installation project and authorize City Clerk to file a Notice of Completion.

**ACTION:** Res. 99-375 adopted (Friedman/Conrad, unan.; Dobbs absent) accepting as complete and authorizing City Clerk to file a Notice of Completion.

CONSENT

7. Consider supporting the City of Modesto's continued participation in a countywide Joint Powers Agreement that establishes the "Arson Task Force" and authorizing City Manager to sign agreement.

**ACTION:** Res. 99-376 adopted (Friedman/Conrad, unan.; Dobbs absent) supporting the City of Modesto's continued participation in a countywide Joint Powers Agreement that establishes the "Arson Task Force" and authorizing City Manager to sign agreement.

8. Consider authorizing the City Manager to execute a professional services agreement with Pacific Design Associates for architectural administration services during the construction of the new Police Headquarters Building (Bid Package No. 2)

**ACTION:** Res. 99-377 adopted (Conrad/Smith, unan.; Dobbs absent) authorizing the City Manager to execute agreement .

By motion (Conrad/Smith, unan.; Dobbs absent) Financial Policy Committee directed to review future contract language.

CONSENT

9. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1999-2000 property tax bills.

**ACTION:** Res. 99-378 adopted (Friedman/Conrad, unan.; Dobbs absent) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1999-2000 property tax bills for Improvement District #27 – Storm Drainage Improvements.

Res. 99-379 adopted (Friedman/Conrad, unan.; Dobbs absent) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1999-2000 property tax bills for Improvement district #28 – Sewer Improvements.

Res. 99-380 adopted (Friedman/Conrad, unan.; Dobbs absent) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1999-2000 property tax bills for Improvement District #29 – Street and Water System Improvement.

Res. 99-381 adopted (Friedman/Conrad, unan.; Dobbs absent) authorizing Stanislaus County to levy and collect the City of Modesto's assessments of four 1915 Act Improvement Districts on 1999-2000 property tax bills for Public Facilities District #6 – Street and Water System Improvement.

10. Quarterly Treasurer's Report – June 30, 1999.

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

#### CONSENT

11. Consider approving the closure of the alley in Block 71 of the City of Modesto, located parallel with 10<sup>th</sup> and 11<sup>th</sup> Streets and extending from "F" Street to "G" Street, at the request of the City of Modesto Engineering and Transportation Department.

**ACTION:** Res. 99-382 adopted (Friedman/Conrad, unan.; Dobbs absent) approving the closure of the alley in Block 71 of the City of Modesto, located parallel with 10<sup>th</sup> and 11<sup>th</sup> Streets and extending from "F" Street to "G" Street.

#### HEARINGS

12. Hearing to consider the proposed designation of the dwelling located at 201 Hintze a Modesto Landmark Preservation Site. (John Cadrett, property owner)

**ACTION:** Res. 99-383 adopted (Friedman/Smith, unan.; Dobbs absent) designating the dwelling located at 201 Hintze a Modesto Landmark Preservation Site.

13. Hearing to consider the proposed designation of the dwelling located at 1001 Magnolia Avenue a Modesto Landmark Preservation Site. (Suzanne Montrie, property owner)

**ACTION:** Res. 99-384 adopted (Friedman/Fisher, unan.; Dobbs absent) designating the dwelling located at 1001 Magnolia Avenue a Modesto Landmark Preservation Site.

14. Hearing to consider changes to the Capital Facilities Fees program, including implementing fees for industrial and warehouse development, and to establish a fee category of hotel and motel facilities fees. (Continued from the July 20, 1999 City Council meeting. The portion of the public hearing regarding industrial and warehouse fees was continued from the May 18, 1999 City Council meeting.)

**ACTION:** Res. 99-385 adopted (Fisher/Friedman, majority; Serpa, no; Dobbs, absent) establishing changes to the Capital Facilities Fees program, including implementing fees for industrial and warehouse development, and to establish a fee category of hotel and motel facilities fees.

15. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1738 Hillside Drive (APN 35-52-04), owner Zandy Robbins Investors.

Councilmember Fisher and Mayor Lang excused due to conflict of interest.

**ACTION:** By motion, (Friedman/Smith, unan.; Dobbs, absent) hearing continued to August 3, 1999, then to August 24, 1999.

16. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain, for the Hillside Flood Project, property located at 1746 Hillside Drive (APN 35-52-23), owner Escalon Neighborhood Investors).

Councilmember Fisher and Mayor Lang excused due to conflict of interest.

**ACTION:** By motion, (Friedman/Smith, unan.; Dobbs, absent) hearing continued to August 3, 1999, then to August 24, 1999.

17. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain, for the Hillside Flood Project, property located at 1131 Tioga Drive (APN 35-52-22), owner Balvino and Kathleen Irizarry).

Councilmember Fisher and Mayor Lang excused due to conflict of interest.

**ACTION:** By motion, (Friedman/Smith, unan.; Dobbs, absent) hearing continued to August 3, 1999, then to August 24, 1999.

18. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain, for the Hillside Flood Project, property located at 1720 Hillside Drive (APN 35-52-07), owner Rickey Dan Moore).

**ACTION:** Res. 99-386 adopted (Fisher/Lang, unan.; Dobbs, absent) approving a Resolution of Necessity to Acquire by Eminent Domain, for the Hillside Flood Project, property located at 1720 Hillside Drive (APN 35-52-07), owner Rickey Dan Moore).

#### ORAL COMMUNICATIONS

DeMarcus McCloud commented regarding rent paid for Waste to Energy Plant and other potential locations.

#### MATTERS TOO LATE FOR THE AGENDA

None

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:05 p.m.

#### CLOSED SESSION

*CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION*  
(Pursuant to Section 54957 of the Government Code)

Name of case: Jeff Stejskal and Lisa Stejskal v. City of Modesto  
Stanislaus County Superior Court

The City Attorney returned at 5:25 p.m. to report that no reportable action had been taken.

## MINUTES, Tuesday, August 3, 1999, at 4:00 p.m.

Roll Call – Present: Councilmembers Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

Absent: Councilmember Fisher

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 – 4, 7, 8

Item 5 removed from Consent  
Item 9 removed from agenda

**ACTION:** (Friedman/Dobbs, unan.; Fisher, absent)

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 6

**ACTION:** (Friedman/Conrad, unan.; Dobbs, Fisher, absent)

### ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Lang acknowledged Bob Foster, CableOne, for his years of service

Boy Scout Troop 143 was acknowledged by Mayor Lang.  
Presentation of Proclamation regarding the 15<sup>th</sup> Annual edition of a special coast-to-coast community crime prevention event on Tuesday, August 3, 1999, called National Night Out.

Presentation made by Mayor Lang and Bob Guthrie for National Night Out.

### CONSENT ITEMS

#### CONSENT

1. Approval of the minutes of the regular and special City Council meeting of July 27, 1999.  
(Motion approving needed.)

**ACTION:** By motion, (Friedman/Dobbs, unan.; Fisher, absent) minutes approved.

#### CONSENT

2. Consider awarding contract for the River Road waterline project to Mozingo Construction for \$332,146; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-387 adopted (Friedman/Dobbs, unan.; Fisher, absent) awarding contract to Monzingo Construction.



Res. 99-388 adopted (Friedman/Dobbs, unan.; Fisher, absent) amending budget.

CONSENT

3. Consider rejecting bids for the project to cape seal and restripe the bus yard.

**ACTION:** Res. 99-389 adopted (Friedman/Dobbs, unan.; Fisher, absent) rejecting bids.

CONSENT

4. Consider accepting as complete the contract of Teichert Construction, Inc. for the co-compost exit road project and authorize City Clerk to file a Notice of Completion. (Original cost: \$125,020.50)

**ACTION:** Res. 99-390 adopted (Friedman/Dobbs, unan.; Fisher, absent) accepting contract as complete and authorizing City Clerk to file Notice of Completion.

5. Consider approving agreement with Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, and provide crisis debriefing.

**ACTION:** Res. 99-391 adopted (Conrad/Friedman, unan.; Fisher, absent) approving agreement.

Councilmember Serpa confirmed the Public Safety Committee would review accounting of the previous year's contract.

CONSENT – Councilmember Dobbs excused due to conflict of interest.

6. Consider approval of final map of Nottingham No. 4 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: Stewart W. and Betty J. Bradley)

**ACTION:** Res. 99-392 adopted (Friedman/Conrad, unan.; Dobbs and Fisher, absent) approving final map and authorizing City Manager to sign agreement needed.)

CONSENT

7. Consider amending the job specifications for Deputy Director - Engineering and Transportation; Deputy Director – Utilities.

**ACTION:** Res. 99-393 adopted (Friedman/Dobbs, unan.; Fisher, absent) amending position classification plan.

CONSENT

8. Consider appointment of Councilmember Mike Serpa and Councilmember Tim Fisher to JPA Governing Board for the emergency Dispatch Center.

**ACTION:** Res. 99-394 adopted (Friedman/Dobbs, unan.; Fisher, absent) adopted appointing Councilmembers Serpa and Fisher.

REMOVED FROM AGENDA

CONSENT

9. Consider adopting an amendment to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs). (Resolution adopting an amendment to Policies and Procedures for the formation and administration of Mello-Roos CFDs needed.)

HEARINGS

10. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1738 Hillside Drive (APN 35-52-04), owner Zandy Robbins Investors. (This item will be continued to August 24, 1999, at 4:00 p.m. Motion continuing needed.)

**ACTION:** By motion (Friedman/Conrad, unan.; Fisher, absent) continued to August 24, 1999, City Council meeting.

11. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1746 Hillside Drive (APN 35-52-23), owner Escalon Neighborhood Investors. (This item will be continued to August 24, 1999, at 4:00 p.m. Motion continuing needed.)

**ACTION:** By motion (Friedman/Conrad, unan.; Fisher, absent) continued to August 24, 1999, City Council meeting.

12. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1131 Tioga Drive (APN 35-52-22), owner Escalon Neighborhood Investors. (This item will be continued to August 24, 1999, at 4:00 p.m. Motion continuing needed.)

**ACTION:** By motion (Friedman/Conrad, unan.; Fisher, absent) continued to August 24, 1999, City Council meeting.

ORAL COMMUNICATIONS

None

WRITTEN COMMUNICATIONS

13. Letter from Bill Zoslocki, on behalf of Nova Housing Group, requesting reconsideration of action denying allocation of HOME and Redevelopment Agency

funding in the amount of \$680,000 for the Village Square project considered by City Council on July 13, 1999.

**ACTION:** A motion (Conrad/Smith) to approve funding subject to rezone requirements failed to carry – funding denied.

#### MISCELLANEOUS

##### Appointments

##### Citizens Advisory Committee on Recycling

**ACTION:** Res. 99-395 adopted (Serpa/Friedman, unan.; Fisher, absent) appointing Chester Graham.

##### Culture Commission

**ACTION:** Res. 99-396 adopted (Serpa/Friedman, unan.; Fisher, absent) appointing Jane Fenton and Tom Stone

#### MATTERS TOO LATE FOR THE AGENDA

None

#### ADJOURNMENT

The meeting adjourned at 4:58 p.m.

**MINUTES, Tuesday, August 10, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation by Stanislaus Arts Council to Laura Jean Dickinson-Turner for her accomplishments.

**ACTION:** Presentation was made by Mayor Lang and Cindy Hawker.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the special City Council meeting of August 3, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the special City Council meeting of August 3, 1999.

CONSENT

2. Consider awarding contract for the Carver/Standiford lift station replacement project to Crutchfield Construction Company for \$290,930; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-397 adopted (Friedman/Dobbs, unan.) awarding contract for the Carver/Standiford lift station replacement project to Crutchfield Construction Company for \$290,930.

Res. 99-398 adopted (Friedman/Dobbs, unan.) amending the budget to fully fund the Carver/Standiford lift station replacement project.

CONSENT

3. Consider awarding contract for the '98/'99 bike route improvement project to Fagundes & Son, Inc.

**ACTION:** Res. 99-399 adopted (Friedman/Dobbs, unan.) awarding contract for the 98/99 bike route improvement project to Fagundes & Son, Inc.

CONSENT

4. Consider accepting as complete the contract of Fagundes & Son, Inc. for the Elm Avenue waterline project – Broadway to Bush Avenue – Salida, California and authorize City Clerk to file a Notice of Completion. (Original contract: \$92,168)

**ACTION:** Res. 99-400 adopted (Friedman/Dobbs, unan.) accepting as complete the contract of Fagundes & Son, Inc. for the Elm Avenue waterline project – Broadway to Bush Avenue – Salida, and authorizing City Clerk to file a Notice of Completion.

CONSENT

5. Consider approving an agreement with HDR Engineering, Inc. to evaluate Ogden Martin's Mercury Vapor Retrofit Proposal that will enable the Waste-to Energy facility to meet Federal Clean Air Act requirements.

**ACTION:** Res. 99-401 adopted (Friedman/Dobbs, unan.) approving an agreement with HDR Engineering, Inc. to evaluate Ogden Martin's Mercury Vapor Retrofit Proposal that will enable the Waste-to Energy facility to meet Federal Clean Air Act requirements.

CONSENT

6. Consider ordering the Morgan/Whitmore Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Ceres Fire Protection District.

**ACTION:** Res. 99-402 adopted (Friedman/Dobbs, unan.) ordering the Morgan/Whitmore Reorganization to the City of Modesto, consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1 and the detachment from the Ceres Fire Protection District.

CONSENT

7. Consider amending the Fiscal Year 1999-2000 Capital Improvement Program (CIP) to estimate and appropriate Congestion Management and Air Quality grant revenue funds in the amount of \$60,664.

**ACTION:** Res. 99-403 adopted (Friedman/Dobbs, unan.) amending the Fiscal Year 1999-2000 Capital Improvement Program (CIP) to estimate and appropriate Congestion Management and Air Quality grant revenue funds in the amount of \$60,664.

CONSENT

8. Consider approving an amendment to a loan agreement with the Prescott Estates Homeowners Association to permit the use of left over funds of the Prescott Estates roofing projects on building permit application fees on other housing units within Prescott Estates.

**ACTION:** Res. 99-404 adopted (Friedman/Dobbs, unan.) approving an amendment to a loan agreement with the Prescott Estates Homeowners Association to permit the use of left over funds of the Prescott Estates roofing projects on building permit application fees on other housing units within Prescott Estates.

#### CONSENT

9. Consider adopting amendments to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs).

**ACTION:** Res. 99-405 adopted (Friedman/Dobbs, unan.) approving amendments to the City's Policies and Procedures for formation and administration of Mello-Roos Community Facilities Districts (CFDs).

#### HEARINGS

10. Hearing to consider amending Section 32-3-9 of the Zoning Map to rezone from R-3 to P-D(538), property located on the southeast corner of Sierra Drive and Calaveras Avenue. (James J. LoBello)

**ACTION:** By motion (Friedman/Fisher, unan.), introduction of Ord. 3154-C.S. amending Section 32-3-9 of the Zoning Map to rezone from R-3 to P-D(538), property located on the southeast corner of Sierra Drive and Calaveras Avenue.

Res. 99-406 adopted (Friedman/Fisher, unan.) approving development plan.

Res. 99-407 adopted (Friedman/Fisher, unan.) approving findings based on initial study.

#### NEW BUSINESS

11. Consider designating a voting delegate and an alternate for the League of California Cities Annual Conference in San Jose, October 10 – 12, 1999.

**ACTION:** By motion (Smith/Friedman, unan.), designated Mayor Lang as a voting delegate and Vice Mayor Smith as an alternate for the League of California Cities Annual Conference in San Jose, October 10 – 12, 1999.

12. Consider adopting Financial Policy Committee recommendations regarding the water meter reading managed competition.

**ACTION:** Res. 99-408 adopted (Friedman/Smith, unan.) approving Financial Policy Committee recommendations regarding the water meter reading managed competition.

13. Consider authorizing Acting City Manager to submit response to the 1998-1999 Civil Grand Jury Final Report.

**ACTION:** Res. 99-409 adopted (Fisher/Friedman, unan.) authorizing Acting City Manager to submit response to the 1998-1999 Civil Grand Jury Final Report.

#### ORAL COMMUNICATIONS

Jeff Stejskal expressed concern of property damage due to leaking utilities.

Doug Hardy expressed concerns of leaking utilities in Lincoln Estates.

Tom Burn commented on the Lincoln Estates concern.

Councilmember Serpa pointed out that the 10 positions for police officers included in the budget proposal were existing and not new positions.

#### WRITTEN COMMUNICATIONS

14. Letter from Bonnie Graham requesting the consideration of an ordinance regarding the use of personal medical marijuana in the City of Modesto.

**ACTION:** No action taken.

15. Letter from Pastor Seng Bun, Church of Paradise requesting use of amplified music and a portable stage, and portable bathrooms at James Marshall Park on November 20, 1999, for the Thanksgiving meal for the needy to be provided by several Modesto churches.

**ACTION:** Referred to staff and on to Human Services Committee.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 4:51 p.m.

**MINUTES, Tuesday, August 17, 1999, at 7:00 p.m.**

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

Absent: Dobbs

Pledge of Allegiance to the Flag

Invocation: Rev. Thomas Mello, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6-7  
*Item #8 removed from Agenda*

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

*Councilmember Smith absent due to conflict of interest*

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Item 5

**ACTION:** Friedman/Fisher, unan.; Dobbs & Smith, absent

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the regular and special City Council meetings of August 10, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.; Dobbs, absent), approved the minutes of the regular and special City Council meetings of August 10, 1999.

CONSENT

2. Final adoption of Ord. No. 3154-C.S. rezoning from R-3 to P-D(538), property located on the southeast corner of Sierra Drive and Calaveras Avenue. (James J. Lobello)

**ACTION:** By motion (Friedman/Fisher, unan.; Dobbs, absent), approved final adoption of Ord. No. 3154-C.S. rezoning from R-3 to P-D(538), property located on the southeast corner of Sierra Drive and Calaveras Avenue.

CONSENT

3. Consider authorizing Request for Proposal (RFP) for Modesto Area Express (MAX) Ride Guides, with two one-year extensions, for Engineering and Transportation Department – Transit Division. (Suggested RFP opening: August 31, 1999, at



11:00 a.m. Resolution authorizing Request for Proposals needed. Total estimated cost: \$30,000/year. Funds are budgeted.)

**ACTION:** Res. 99-410 adopted (Friedman/Fisher, unan.; Dobbs, absent) authorizing Request for Proposal (RFP) for Modesto Area Express (MAX) Ride Guides, with two one-year extensions, with bid opening date of August 31, 1999 @ 11:00 a.m.

CONSENT

4. Consider awarding contract to Teichert Construction for \$753,969 for the AIP Airport project to complete improvements to the general aviation runway, to construct new aircraft holding aprons, and upgrading the airfield security lights and the Airport beacon; and consider amending the budget to fully fund the project.

**ACTION:** Res. 99-411 adopted (Friedman/Fisher, unan.; Dobbs, absent) awarding contract to Teichert Construction for \$753,969 for the AIP Airport project to complete improvements to the general aviation runway, to construct new aircraft holding aprons, and upgrading the airfield security lights and the Airport beacon.

Res. 99-412 adopted (Friedman/Fisher, unan.; Dobbs, absent) amending budget to fully fund the AIP Airport project to complete improvements to the general aviation runway, to construct new aircraft holding aprons, and upgrading the airfield security lights and the Airport beacon.

*Councilmember Smith absent due to conflict of interest*

CONSENT

5. Consider awarding contract to Western States Surfacing, Inc. for \$298,354.83 for the 1998-99 cape seals project.

**ACTION:** Res. 99-413 adopted (Friedman/Fisher, unan.; Dobbs & Smith, absent) awarding contract to Western States Surfacing, Inc. for \$298,354.83 for the 1998-99 cape seals project.

CONSENT

6. Consider accepting as complete the contract of Ross F. Carroll for the 1998-99 annual catch basin and valley gutter repair project and authorize City Clerk to file a Notice of Completion. (Original contract: \$63,361.80)

**ACTION:** Res. 99-414 adopted (Friedman/Fisher, unan.; Dobbs, absent) accepting as complete the contract of Ross F. Carroll for the 1998-99 annual catch basin and valley gutter repair project and authorize City Clerk to file a Notice of Completion.

CONSENT

7. Consider waiving formal bid procedures and authorizing the purchase of fiber installation services for the Automated Traffic Management System and the City

Network Backbone from ICG Fiber Optic Technologies, Inc. for a total cost of \$64,500.

**ACTION:** Res. 99-415 adopted (Friedman/Fisher, unan.; Dobbs, absent) waiving formal bid procedures and authorizing the purchase of fiber installation services for the Automated Traffic Management System and the City Network Backbone from ICG Fiber Optic Technologies, Inc. for a total cost of \$64,500.

*Item #8 removed from Agenda*

8. Consider setting public hearing to abandon an 8.61-foot portion of Tenth Street contiguous to Block 67 of the City of Modesto. (Resolution of Intention to abandon a portion of Tenth Street and setting public hearing September 7, 1999, at 7:00 p.m. needed.)

## HEARINGS

*Councilmember Fisher absent due to conflict of interest*

9. Hearing to consider Village One Specific Plan Amendment No. 14: an application by Bill Zoslocki to amend the Village One Specific Plan to allow a different mix of land uses in the southeast portion of Precise Plan Area No. 20, property located at the southeast corner of Floyd Avenue and Roselle Avenue.

**ACTION:** Res. 99-416 adopted (Friedman/Smith, majority; Serpa, no; Dobbs & Fisher, absent) approving Village One SPA No. 14.

Res. 99-417 adopted (Friedman/Smith, majority; Serpa, no; Dobbs & Fisher, absent) finding specific plan amendment consistent with Village One EIR.

*Councilmember Fisher absent due to conflict of interest*

10. Hearing to consider an application of Marvene Hilkey/Bill Zoslocki for a Precise Plan and rezoning to Specific Plan-Overlay Zone for the southeast portion of Precise Plan Area No. 20, located at the southeast corner of Floyd Avenue and Roselle Avenue.

**ACTION:** Introduction of Ord. 3155 (Smith/Friedman, majority; Serpa, no; Dobbs & Fisher, absent) adopting Precise Plan No. 20, Sub-area C.

Res. 99-418 adopted (Smith/Friedman, majority; Serpa, no; Dobbs & Fisher, absent) finding precise plan and rezoning consistent with Village One EIR.

11. Hearing to consider amendment No. 7 to Pelandale/Snyder Specific Plan to redesignate 13.5 acres from multifamily residential to commercial, property located on the east side of Dale Road south of Pelandale Avenue.

**ACTION:** Res. 99-419 adopted (Fisher/Smith, majority; Serpa, no; Dobbs, absent) approving Pelandale-Snyder Specific Plan Amendment No. 7.

Res. 99-420 adopted (Fisher/Smith, majority; Serpa, no; Dobbs, absent) finding Specific Plan Amendment consistent with Pelandale-Snyder EIR.

Staff was directed to address any traffic concerns on Snyder with the Transportation Policy Committee

#### NEW BUSINESS

12. Report regarding the status of the reorganization in the Operations & Maintenance Department.

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

13. Report regarding proposed updating of the Street Tree Plan.

**ACTION:** By motion (Friedman/Fisher, unan.; Dobbs, absent), directed staff to update the Street Tree Plan.

#### ORAL COMMUNICATIONS

David Spinella spoke regarding the removal of the Modesto Ash trees.

Councilmember Serpa requested the results of the stadium rents.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 9:55 p.m.

**MINUTES, Tuesday, August 24, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. John Fraioli, Big Valley Grace Community Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-2 & 4-7  
*Item #3 was removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation on the 1998-99 Year-End Report and Financial Statement for the  
Modesto Convention & Visitors Bureau.

**ACTION:** By motion (Fisher/Friedman, unan.) acknowledged receipt of report.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the regular and special City Council meetings of August 17, 1999.

**ACTION:** By motion (Friedman/Smith, unan.), approved the minutes of the regular and special City Council meetings of August 17, 1999.

CONSENT

2. Consider declaring Sierra Chemical Company low bidder for liquid sulphur dioxide for \$149,103.60 for a three-year period for the Water Quality Control Division of the Operations & Maintenance Department.

**ACTION:** Res. 99-421 adopted (Friedman/Smith, unan.) declaring Sierra Chemical Company low bidder for liquid sulphur dioxide for \$149,103.60 for a three-year period.

*Item #3 removed from Consent*

3. Consider approving an agreement with Ali M. Saad and Nagi Y. Abdulla for the acquisition of their property located at 1602 Ninth Street, the Old Mill Café, for the Kansas/Needham overcrossing project; and consider approving an agreement with Karen Sale for relocation benefits and goodwill and leasehold interests.

**ACTION:** Res. 99-422 adopted (Friedman/Smith, unan.) approving an agreement with Ali M. Saad and Nagi Y. Abdulla for the acquisition of their property

located at 1602 Ninth Street, the Old Mill Café, for the Kansas/Needham overcrossing project.

Res. 99-423 adopted (Friedman/Smith, unan.) approving an agreement with Karen Sale for relocation benefits and goodwill and leasehold interests.

CONSENT

4. Consider granting approval to the International Festival Committee, subject to certain conditions, to conduct the international festival in October in Graceada Park.

**ACTION:** Res. 99-424 adopted (Friedman/Smith, unan.) granting approval to the International Festival Committee, subject to certain conditions, to conduct the international festival in October in Graceada Park.

CONSENT

5. Consider accepting the improvements in Rose Hollow No. 1 subdivision and in Rose Hollow No. 2 subdivision, and authorize the City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods. (Owners: Florsheim Bros.)

**ACTION:** Res. 99-425 adopted (Friedman/Smith, unan.) accepting the improvements in Rose Hollow No. 1 subdivision, and authorizing the City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods.

Res. 99-426 adopted (Friedman/Smith, unan.) accepting the improvements in Rose Hollow No. 2 subdivision, and authorizing the City Clerk to file Notices of Completion and to release securities upon expiration of statutory periods.

CONSENT

6. Consider excusing Councilmember Stan Dobbs from the August 17, 1999, City Council meeting due to his attendance at the National League of Cities Leadership Conference.

**ACTION:** By motion (Friedman/Smith, unan.), excused Councilmember Stan Dobbs from the August 17, 1999 City Council meeting due to his attendance at the National League of Cities Leadership Conference.

CONSENT

7. Consider authorizing Purchasing Officer to purchase vehicles throughout Fiscal Year 1999-00 by auction, negotiation, informal and formal bid processes, and from State of California competitively bid contracts in a cumulative amount not to exceed the budgeted amount of \$2,409,300.

**ACTION:** Res. 99-427 adopted (Friedman/Smith, unan.) authorizing Purchasing Officer to purchase vehicles throughout Fiscal Year 1999-00 by auction, negotiation, informal and formal bid processes, and from State of California competitively bid contracts in a cumulative amount not to exceed the budgeted amount of \$2,409,300

## HEARINGS

### *Item #8 dropped from the Agenda*

8. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1738 Hillside Drive (APN 35-52-04), owner Zandy Robbins Investors.

### *Item #9 dropped from Agenda*

9. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1746 Hillside Drive (APN 35-52-23), owner Escalon Neighborhood Investors.

### *Item #10 dropped from the Agenda*

10. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Hillside Flood Project, property located at 1131 Tioga Drive (APN 35-52-22), owner Balvino and Kathleen Irizarry.
11. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Pelandale Expressway Project, property known as APN 46-02-02, owner Olga Luchessa.

**ACTION:** By motion (Serpa/Friedman, unan.) item continued to September 14, 1999.

12. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Pelandale Expressway Project, property located at 4141 Carver Road (APN 46-07-13), owner Emile Lengyel Inter Vivos Trust.

**ACTION:** By motion (Serpa/Friedman, unan.) item continued to September 14, 1999.

13. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Pelandale Expressway Project, property known as APN 46-06-16, owner Berberian Trust Properties.

**ACTION:** By motion (Serpa/Friedman, unan.) item continued to September 14, 1999.

14. Hearing to consider approving a Mills Act Historic Property Contract for the dwelling located at 207 Elmwood Court. (William and Virginia Balmanno, property owners)

**ACTION:** Res. 99-428 adopted (Fisher/Smith, unan.) approving a Mills Act Historic Property Contract for the dwelling located at 207 Elmwood Court. (William and Virginia Balmanno, property owners)

15. Hearing to consider the proposed designation of the dwelling located at 501 Magnolia Avenue a Modesto Landmark Preservation Site. (Earl Anderson, property owner)

**ACTION:** Res. 99-429 adopted (Fisher/Friedman, majority; Serpa, no) approving the designation of the dwelling located at 501 Magnolia Avenue a Modesto Landmark Preservation Site. (Earl Anderson, property owner)

#### NEW BUSINESS

16. Report regarding real property appraiser selection.

**ACTION:** By motion (Friedman/Fisher, unan.), acknowledged receipt of report regarding real property appraiser selection.

17. Consider authorizing Acting City Manager to submit response to the 1998-99 Civil Grand Jury Final Report regarding the Modesto Police Department Firearms sale.

**ACTION:** Res. 99-430 adopted (Fisher/Friedman, unan.) authorizing Acting City Manager to submit response to the 1998-99 Civil Grand Jury Final Report regarding the Modesto Police Department Firearms sale.

#### ORAL COMMUNICATIONS

Acting City Manager Baxter announced that Council interviews televised by cable will continue after Council meeting.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:20 p.m.

#### CLOSED SESSION

The meeting will adjourn to a Closed Session in the Third Floor East Conference Room to consider the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Section 54956.8 of the Government Code)

Property: Option or purchase of real property located north of Sylvan Avenue between Roselle Avenue and Litt Road in the City of Modesto for the Village I Community Park – Grogan Park.

Approximately 46 acres:

APN: 52-18-36 (portion)

Ozetta Watson, Owner

Negotiating parties: Paul Baxter, Acting City Manager  
Bill Harper, Property Agent for the City of Modesto

Under negotiation: Price and terms of payment for portion of parcel to be acquired.

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

*Agency Negotiators:* Paul Baxter, Acting City Manager  
Robin Renwick, Personnel Director

*Employee Organization:* Modesto Police Officers Association

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

Name of case: Jeff Stejskal and Lisa Stejskal v. City of Modesto,  
Stanislaus County Superior Court Action No. 156057

PUBLIC EMPLOYEE PERFORMANCE EVALUATION:

Title: Acting City Manager

The City Attorney returned at 7:20 p.m. to report that no reportable action was taken.



**MINUTES, Tuesday, September 7, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Kevin Miller, Modesto Gospel Mission

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6-8  
*Item #5 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Boy Scout Troop 190 acknowledged by Mayor Lang.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the regular City Council meeting of August 24, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.), approved the minutes of the regular City Council meeting of August 24, 1999.

CONSENT

2. Consider approving lease agreements with Central Wireless partnership for the placement of communication antennas at Davis Park and the maintenance yard at Creekside Golf Course.

**ACTION:** Res. 99-431 adopted (Friedman/Fisher, unan.) approving a lease agreement with Central Wireless partnership for the placement of a communication antenna at Davis Park.

Res. 99-432 adopted (Friedman/Fisher, unan.) approving a lease agreement with Central Wireless partnership for the placement of a communication antenna at the maintenance yard at Creekside Golf Course.

CONSENT

3. Consider authorizing the City Attorney to join in amicus briefs in: Headlands Reserve and M. H. Sherman Company v. City of Dana Point; and Bonanno v. County of Contra Costa (Transit Authority).

**ACTION:** By motion (Friedman/Fisher, unan.), authorize the City Attorney to join in amicus briefs on behalf of the City of Modesto, and direct the City Attorney to execute and forward letters of support to respective counsel preparing amicus briefs

CONSENT

4. Consider amending the job specification for Firefighter Trainee and Building Maintenance Superintendent.

**ACTION:** Res. 99-433 adopted (Friedman/Fisher, unan.) amending the Position Classification Plan.

*Item #5 removed from Consent*

5. Consider awarding contract for the Stockard-Coffee Neighborhood Park project to Duley's Landscape, Inc. for \$326,893.76; and consider adopting required findings based on the Initial Study to the Modesto Urban Area General Plan Master EIR.

**ACTION:** Res. 99-434 adopted (Fisher/Dobbs, unan.) awarding contract for the Stockard-Coffee Neighborhood Park project to Duley's Landscape, Inc. for \$326,893.76.

Res. 99-435 adopted (Fisher/Dobbs, unan.) requiring findings based on the Initial Study to the Modesto Urban Area General Plan Master EIR

CONSENT

6. Consider accepting as complete the contract of Gateway Pacific Contractors, Inc. for the construction of the Primary Plant headworks and cannery segregation project and authorize the City Clerk to file a Notice of Completion, and consider approving appropriation transfer. (Original contract: \$12,473,010)

**ACTION:** Res. 99-436 adopted (Friedman/Fisher, unan.) accepting as complete the contract of Gateway Pacific Contractors, Inc. for the construction of the Primary Plant headworks and cannery segregation project and authorize the City Clerk to file a Notice of Completion.

Res. 99-437 adopted (Friedman/Fisher, unan.) approving appropriation transfer to fully fund the construction of the Primary Plant headworks and cannery segregation project.

CONSENT

7. Consider approving the following steps to establish the 2000 Census "Complete County Committee" for the City of Modesto: 1) Community groups and/or individual citizens recommended by the Economic Development, Community, and Intergovernmental Relations Committee regarding citizens to serve on the Complete Count Committee; 2) requesting the US Census Bureau to provide staff support for the Complete Count Committee; 3) direct Director of Community Services and Neighborhood Connections to provide outreach support for the Complete Count Committee.

**ACTION:** By motion (Friedman/Fisher, unan.), approved the establishment of the 2000 Census "Complete Count Committee" for the City of Modesto.

CONSENT

8. Consider creating a new play day policy for play at the City's municipal golf courses by non-affiliated groups.

**ACTION:** Res. 99-438 adopted (Friedman/Fisher, unan.) creating a policy and amending Resolution 99-68 to create a new play day policy for play at the City's municipal golf courses by non-affiliated groups.

UNFINISHED BUSINESS

*Councilmember Fisher absent due to conflict of interest*

9. Final adoption of:

- a. Ord. No. 3155-C.S. adopting Precise Plan for Area No. 20, Sub-Area C of the Village One Specific Plan, property on the south side of Floyd Avenue east of Roselle Avenue. (Marvene Hilkey/Bill Zoslocki)

**ACTION:** By motion (Smith/Lang, majority; Serpa, no; Fisher, absent), amended Ord. 3155-C.S. with the illegal condition of subsidized housing removed. Staff was directed to schedule a future public hearing if a request was made by the applicant to amend the Precise Plan for a multi-family designation.

- b. Ord. No. 3156-C.S. rezoning Village One property from SP-H to SP-O for property located on the south side of Floyd Avenue east of Roselle Avenue. (Precise Plan for Area No. 20, Sub-Area C – Marvene Hilkey/Bill Zoslocki)

**ACTION:** By motion (Friedman/Smith, majority; Serpa, no; Fisher, absent), approved final adoption of Ord. 3156-C.S.

HEARINGS

10. Hearing to consider the Urban Water Management Plan including historical and projected water demands, conjunctive use programs through managed surface water and groundwater resources, water conservation programs, and future water reclamation opportunities, prepared by the City of Modesto Irrigation District, as required by the Urban Water Management Planning Act.

**ACTION:** By motion (Friedman/Smith, unan.), acknowledged receipt of report.

11. Hearing to consider implementing green fees for high school and Modesto Junior College golf programs at 50% of the Muni weekday after 12:00 p.m. junior rate.

**ACTION:** Res. 99-439 adopted (Fisher/Smith, unan.) implementing green fees for high school and Modesto Junior College golf programs at 50% of the Muni weekday after 12:00 p.m. junior rate.

Res. 99-440 adopted (Fisher/Smith, unan.) amending the budget.

12. Hearing to consider the abandonment of an 8.61-foot-wide portion of Tenth Street, south of K Street.

**ACTION:** Res. 99-441 adopted (Fisher/Friedman, unan.) approving the abandonment of an 8.61-foot-wide portion of Tenth Street, south of K Street.

*Councilmember Fisher absent due to conflict of interest*

13. Hearing to consider the application of Redev, Inc. for Amendment No. 2 to the Carver-Bangs Specific Plan to remove a designation for a storm drain basin, property located at the northwest corner of Pelandale Avenue and Prescott Road.

**ACTION:** Res. 99-442 adopted (Dobbs/Friedman, unan.; Fisher, absent) approving Carver-Bangs Specific Plan Amendment No. 2.

Res. 99-443 adopted (Dobbs/Friedman, unan.; Fisher, absent) finding Specific Plan Amendment consistent with Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

#### NEW BUSINESS

14. Consider designating voting delegate and alternate voting delegate at the Annual Congress of Cities, November 30 – December 4, 1999, in Los Angeles, California.

**ACTION:** By motion (Dobbs/Fisher, unan.), designated Mayor Lang as the voting delegate and Vice Mayor Smith as an alternate at the Annual Congress of Cities, November 30 – December 4, 1999, in Los Angeles, California.

15. Discussion of Tenth Street Place Council office designations.

**ACTION:** Res. 99-444 adopted (Fisher/Lang, unan.) approving selection of offices by City Council Chair designation.

16. Consider approving agreements with FM Golf and Environmental Golf, Inc. to provide management and maintenance services at the City's three golf courses; and consider amending the Fiscal Year 1999-2000 Budget.

**ACTION:** Res. 99-445 adopted (Conrad/Friedman, unan.) approving an agreement with FM Golf to provide management services at the City's three golf courses.

Res. 99-446 adopted (Conrad/Friedman, unan.) approving an agreement with Environmental Golf Inc. to provide maintenance services at the City's three golf courses.

Res. 99-447 adopted (Conrad/Friedman, unan.) amending the Fiscal Year 1999-2000 Budget.

#### ORAL COMMUNICATIONS

Councilmember Smith commended the Modesto As for a successful season, and staff was directed to place acknowledgement on future agenda.

Councilmember Serpa requested list of rents in baseball league and information regarding consolidation of services savings.

Marcus Nugent expressed concern of controlling gang activity in Village One and spoke in opposition of any pool closures.

Carolyn Gravel addressed Council regarding drainage basin on Snyder Avenue

Joseph Beuno addressed Council regarding drainage basin on Snyder Avenue.

B. J. Simmons expressed concerns of speeding vehicles on Orangeburg and requested speed limit enforced.

Acting City Manager Baxter announced dedication ceremony scheduled on October 19 for 10<sup>th</sup> Street Place.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 9:00 p.m.

**MINUTES, Tuesday, September 14, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

Absent: Serpa

Pledge of Allegiance to the Flag

Invocation: David Shackelford, Big Valley Grace Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3-10  
*Item #2 removed from Consent*

**ACTION:** (Friedman/Smith, unan.; Serpa, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a Proclamation recognizing September as “School’s Open – Drive Carefully Month”.

Mayor Lang presented the proclamation to Janice Benio of American Automobile Association.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 7, 1999.

**ACTION:** By motion (Friedman/Smith, unan.; Serpa, absent), approved the minutes of the regular City Council meeting of September 7, 1999.

*Item #2 removed from Consent*

2. Consider approving an agreement with the City of Manteca for the use of Modesto Property Agent’s right-of-way services.

**ACTION:** Res. 99-448 adopted (Fisher/Friedman, majority; Conrad & Dobbs, no; Serpa, absent) approving an agreement with the City of Manteca for the use of Modesto Property Agency’s right-of-way services.

CONSENT

3. Consider approving an agreement with Rickey Dan Moore for the acquisition of property located at 1720 Hillside Drive for \$30,000 for the Flood Protection project.

**ACTION:** Res. 99-449 adopted (Friedman/Smith, unan.; Serpa, absent) approving an agreement with Rickey Dan Moore for the acquisition of property located at 1720 Hillside Drive for \$30,000 for the Flood Protection project.

CONSENT

4. Consider an agreement with Philip Cerrino for the acquisition of property located at 634 South Conejo Avenue for \$28,700 as part of the Airport Neighborhood Vacant Property Acquisition project, and authorizing the Acting City Manager to execute all necessary documents.

**ACTION:** Res. 99-450 adopted (Friedman/Smith, unan.; Serpa, absent) approving an agreement with Philip Cerrino for the acquisition of property located at 634 South Conejo Avenue for \$28,700 as part of the Airport Neighborhood Vacant Property Acquisition project, and authorizing the Acting City Manager to execute all necessary documents.

CONSENT

5. Consider accepting Wickum Construction's contract for the project titled "1998 Storm Drain Repairs" as complete and authorize City Clerk to file a Notice of Completion. (Final cost: \$138,113 – funds are budgeted.)

**ACTION:** Res. 99-451 adopted (Friedman/Smith, unan.; Serpa, absent) accepting Wickum Construction's contract for the project titled "1998 Storm Drain Repairs" as complete and authorize City Clerk to file a Notice of Completion.

CONSENT

6. Consider acceptance of Southwest Recreational Industries Inc.'s contract for the project titled "Renovate Tennis Courts at East La Loma Park" as complete and authorize City Clerk to file a Notice of Completion. (Final cost: \$65,013.05 – funds are budgeted.)

**ACTION:** Res. 99-452 adopted (Friedman/Smith, unan.; Serpa, absent) accepting as complete the contract of Southwest Recreational Industries Inc.'s contract for the project titled "Renovate Tennis Courts at East La Loma Park" and authorize City Clerk to file a Notice of Completion.

CONSENT

7. Consider award of a \$251,997.00 contract for the project titled "Enterprise Business Park Waterline" to Fagundes & Son Inc.; consider approving an appropriation transfer to fully fund the project.

**ACTION:** Res. 99-453 adopted (Friedman/Smith, unan.; Serpa, absent) awarding a \$251,997.00 contract for the project titled "Enterprise Business Park Waterline" to Fagundes & Son Inc.

Res. 99-454 adopted (Friedman/Smith, unan.; Serpa, absent) approving an appropriation transfer to fully fund the "Enterprise Business Park Waterline" project.

CONSENT

8. Consider award of a \$436,399.00 contract for the project titled "Rockwell Replacement/Addition 1999/2000" to Ross Carroll Inc; consider approving an appropriation transfer to fully fund the project.

**ACTION:** Res. 99-455 adopted (Friedman/Smith, unan.; Serpa, absent) awarding a \$436,399.00 contract for the project titled "Rockwell Replacement/Addition 1999/2000" to Ross Carroll Inc.

Res. 99-456 adopted (Friedman/Smith, unan.; Serpa, absent) approving an appropriation transfer to fully fund the "Rockwell Replacement/Addition 1999/2000" project.

#### CONSENT

9. Consider acceptance of Rick Armstrong Engineering and Building Contractor Inc.' contract for the project titled "Bus Yard fuel Facility Replacement" as complete and authorize the City Clerk to file a Notice of Completion; consider increasing the Engineering & Transportation Director's authority level to issue change orders from 15% to 16% of the original contract price with Rick Armstrong Eng. & Bldg Contractor Inc. on the "Bus Yard Fuel Facility Replacement" project. (Final cost: \$296,590.87 – funds are budgeted.)

**ACTION:** Res. 99-457 adopted (Friedman/Smith, unan.; Serpa, absent) accepting as complete the contract of Rick Armstrong Engineering and Building Contractor Inc. for the project titled "Bus Yard fuel Facility Replacement" and authorize the City Clerk to file a Notice of Completion.

Res. 99-458 adopted (Friedman/Smith, unan.; Serpa, absent) increasing the Engineering & Transportation Director's authority level to issue change orders from 15% to 16% of the original contract price with Rick Armstrong Eng. & Bldg Contractor Inc. on the "Bus Yard Fuel Facility Replacement" project.

#### CONSENT

10. Consider authorizing a call for bids to be opened on October 5, 1999 at 11:00 a.m. for a records management system for the Police Department.

**ACTION:** Res. 99-459 adopted (Friedman/Smith, unan.; Serpa, absent) authorizing a call for bids to be opened on October 5, 1999 at 11:00 a.m. for a records management system for the Police Department.

#### UNFINISHED BUSINESS

*Councilmember Fisher absent due to conflict of interest.*

11. Final adoption of:

Ord. No. 3155-C.S., an Ordinance Adopting a Precise Plan for Area No.20, Sub-Area C of the Village One Specific Plan, Relating to Property Located on the South Side of Floyd Avenue East of Roselle Avenue (Marvene Hilkey/Bill Zoslocki) as amended.



**ACTION:** By motion (Friedman/Lang, unan.; Fisher & Serpa, absent), approved final adoption of Ord 3155-C.S.

#### HEARINGS

*Councilmember Fisher absent due to conflict of interest.*

12. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent domain for the Pelandale Expressway Project, property known as APN 46-02-02, owner Olga Luchessa. *(Item continued from August 24, 1999.)*

*Councilmember Fisher absent due to conflict of interest.*

**ACTION:** By motion (Friedman/Smith, unan.; Fisher & Serpa, absent) item was dropped from Agenda.

*Councilmember Fisher absent due to conflict of interest.*

13. Hearing to consider adopting a Resolution of Necessity to acquire by eminent domain for the Pelandale Expressway project, property located at 4141 Carver Road (APN 46-07-13), owner Emile Lengyel Inter Vivos Trust. *(Item continued from August 24, 1999.)*

**ACTION:** By motion (Friedman/Smith, unan.; Fisher & Serpa, absent) item was continued to September 28, 1999.

14. Hearing to consider adopting a Resolution of Necessity to Acquire by Eminent Domain for the Pelandale Expressway Project, property known as APN 46-06-16, owner Berberian Trust Properties.

**ACTION:** By motion (Friedman/Smith, unan.; Fisher & Serpa, absent) item was continued to September 28, 1999.

#### NEW BUSINESS

15. Consider amending the Municipal Code to change radar-enforced speed limits on various streets, based on speed surveys.

**ACTION:** By motion (Fisher/Friedman, unan.; Serpa, absent), introduced Ordinance 3157-C.S. to amend Municipal Code Sections 3-2.1401.1.

16. Consider the adoption and implementation of, and continued participation in, the Visioning Project 1999 (Countywide visioning project).

**ACTION:** Res. 99-460 adopted (Fisher/Friedman, unan.; Serpa, absent) approving the Visioning Project 1999, authorizing continued participation and directing staff to prepare an implementation strategy.

17. Consider accepting re-organization plan and name change from Community Services and Neighborhood Connections Department to Recreation and Neighborhoods Department.

**ACTION:** Res. 99-461 adopted (Fisher/Conrad, unan.; Serpa, absent) accepting re-organization plan and name change from Community Services and Neighborhood Connections Department to Recreation and Neighborhoods Department.

By motion (Fisher/Conrad, unan.; Serpa, absent) introduced Ord. 3158-C.S. to change the name Community Services and Neighborhoods Connections Department to Recreation and Neighborhoods Department.

18. Consider accepting the Utility Services & Franchises Committee recommendations regarding the continued operations of the biosolids/co-composting program by City Staff.

**ACTION:** Res. 99-462 adopted (Fisher/Friedman, unan.; Serpa, absent) approving recommendations of the Utility Services & Franchises Committee regarding the continued operations of the biosolids/co-composting program by City Staff.

*Councilmember Fisher was excused from the meeting.*

19. Consider approving an agreement with DMG-MAXIMUS, an executive recruitment firm, to conduct executive searches for City Manager and Police Chief.

**ACTION:** Res. 99-463 adopted (Friedman/Smith, unan.; Fisher & Serpa, absent) approving an agreement with DMG-MAXIMUS, an executive recruitment firm, to conduct executive searches for City Manager and Police Chief.

#### ORAL COMMUNICATIONS

None.

#### MISCELLANEOUS

##### Appointments

20. Consider appointment to the Downtown Improvement District Board of Directors

**ACTION:** Res. 99-464 adopted (Friedman/Smith, unan.; Fisher & Serpa absent) appointing Ruth Claybrooks to the Downtown Improvement District Board of Directors

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:15 p.m.

CLOSED SESSION

*CONFERENCE WITH REAL PROPERTY NEGOTIATOR*  
(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 1131 Tioga Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-22 - 8,700 ± sq. ft.

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Balvino & Kathleen Irizarry, Owners

Under negotiation: Price and terms of payment for property to be acquired

---

Property: Purchase, sale or lease of property and/or public facilities located at 1746 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-23 - 6,750 ± sq. ft.

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Balvino Irizarry negotiating for Escalon Neighborhood Investors, Owner

Under negotiation: Price and terms of payment for property to be acquired

---

Property: Purchase, sale or lease of property and/or public facilities located at 1738 Hillside Drive for Hillside Drive Flood Impaction Project – Tuolumne River Regional Park (TRRP)

APN: 35-52-04 - 6,750 ± sq. ft.

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Balvino Irizarry negotiating for Zandy Robbins Investors, Owner

Under negotiation: Price and terms of payment for property to be acquired

---

*CONFERENCE WITH REAL PROPERTY NEGOTIATOR*  
(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at the Northeast corner of MID Lateral No. 6 and the Union Pacific Railroad Tracks.

APN: 46-16-34 - 2.08 + acres

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Dean Arakelian, negotiating for Berberian Trust Properties, a General Partnership, Owner

Under negotiation: Price and terms of payment for property to be acquired

---

Property: Purchase, sale or lease of property and/or public facilities located South of Bangs, West of the Union Pacific Railroad Tracks

APN: 46-02-02 - 1.77 ± acres

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Mark Dunbar & Aced, negotiating for Olga Luchessa, Owner

Under negotiation: Price and terms of payment for property to be acquired

---

Property: Purchase, sale or lease of property and/or public facilities located at 4141 Carver Road

APN: 46-07-13 - 1.0 ± acres

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

David Ramos of Ramos & Ramos, negotiating for Emile Lengyel Inter Vivos Trust, Owner

Under negotiation: Price and terms of payment for property to be acquired

---

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

Agency Negotiators: Paul Baxter, Acting City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

The City Attorney returned at 6:10 p.m. to report that no reportable action had been taken.

**MINUTES, Tuesday, September 21, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Reynaldo Mora, Centro CristianoVino Nuevo

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6, & 8  
*Item #7 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None.

**CONSENT ITEMS**

CONSENT

1. Approval of the minutes of the regular City Council meeting of September 14, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of September 14, 1999.

CONSENT

2. Final adoption of:
  - a. Ord. No. 3157-C.S. amending the Modesto Municipal Code relating to speed limits.
  - b. Ord. No. 3158-C.S. amending the Modesto Municipal Code to change the title of the Community Services and Neighborhood Connections Department to the Recreation and Neighborhoods Department.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved final adoption of Ord. No. 3157-C.S. and 3158-C-S.

CONSENT

3. Consider declaring the Fire Department's 1977 Air Compressor and accessories surplus and authorizing the Purchasing Officer to sell by sealed bid or auction.

**ACTION:** Res. 99-465 adopted (Friedman/Dobbs, unan.) declaring the Fire Department's 1977 Air Compressor and accessories surplus and authorizing the Purchasing Officer to sell by sealed bid or auction.

CONSENT

4. Consider declaring accumulated City street signs and fire hydrants as scrap materials and authorize the disposal at the best available market price on an on-going basis.

**ACTION:** Res. 99-466 adopted (Friedman/Dobbs, unan.) declaring accumulated City street signs and fire hydrants as scrap materials and authorize the disposal at the best available market price on an on-going basis.

CONSENT

5. Consider declaring 22 unclaimed bicycles at the Police Department Evidence and Property Room as surplus and authorizing Purchasing Officer to sell by sealed bid, auction, or sell as scrap.

**ACTION:** Res. 99-467 adopted (Friedman/Dobbs, unan.) declaring 22 unclaimed bicycles at the Police Department Evidence and Property Room as surplus and authorizing Purchasing Officer to sell by sealed bid, auction, or sell as scrap.

CONSENT

6. Consider declaring IBM Mainframe computer equipment surplus and authorizing the Purchasing Officer to sell by sealed bid or auction.

**ACTION:** Res. 99-468 adopted (Friedman/Dobbs, unan.) declaring IBM Mainframe computer equipment surplus and authorizing the Purchasing Officer to sell by sealed bid or auction.

*Item #7 removed from Consent*

7. Consider approving agreement with Modesto Chamber of commerce to provide funding to the Convention and Visitors Bureau based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1999-2000.

**ACTION:** Res. 99-469 adopted (Friedman/Fisher, unan.) approving agreement with Modesto Chamber of commerce to provide funding to the Convention and Visitors Bureau based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1999-2000.

CONSENT

8. Consider excusing Councilmember Serpa from the September 14, 1999, City Council meeting due to his attendance at the National League of Cities Public Safety and Crime Prevention Meeting in Denver, Colorado.

**ACTION:** By motion (Friedman/Dobbs, unan.), excused Councilmember Serpa from the September 14, 1999, City Council meeting due to his attendance at

the National League of Cities Public Safety and Crime Prevention Meeting in Denver, Colorado.

#### NEW BUSINESS

9. Consider approving Financial Policy Committee Recommendations on the Fiscal Year 1999-2000 Budget Package.

**ACTION:** Res. 99-470 adopted (Fisher/Friedman, majority; Serpa, no) approving Financial Policy Committee Recommendations on the Fiscal Year 1999-2000 Budget Package. The motion included FPC recommendation, a presentation of savings basis in next year's budget package, and the Blue Ribbon Committee be established as a citizen's advisory commission.

10. Consider adopting North McHenry Revenue Sharing Administrative Guidelines.

**ACTION:** Res. 99-471 adopted (Fisher/Smith, majority; Serpa, no) approving North McHenry Revenue Sharing Administrative Guidelines.

#### ORAL COMMUNICATIONS

Bob Shook noted a community meeting is scheduled for Village One on September 30, 1999 and recommended a traffic study on Sylvan.

Steve Burke commented on park issues and possible pool closures.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 8:27 p.m.

#### CLOSED SESSION

The meeting will adjourn to the Third Floor East Conference Room for a closed session for the following:

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

*Agency Negotiators:*

*Paul Baxter, Acting City Manager*  
Robin Renwick, Personnel Director

Employee Organizations:

Modesto Police Officers Association  
Modesto City Employees Association



The City Attorney returned at 9:05 p.m. to report that no reportable action had been taken.

**MINUTES, Tuesday, September 28, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

Absent: Councilmember Smith

Pledge of Allegiance to the Flag

Invocation: Rev. Jim Renke, Orchard Baptist Church

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 5, 7, 8, 9, 13, 14, 15, 16, 18

*Item #4 removed from agenda*

*Items 3, 6, 10, 11, 12 & 17 removed from consent*

**ACTION:** (Fisher/Dobbs, unan.; Smith, absent)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a proclamation to Gary M. Martin proclaiming October 4, 1999, "Eat Dinner With Your Family Day."

Mayor Lang presented proclamation.

**CONSENT ITEMS**

**CONSENT**

1. Approval of the minutes of the regular City Council meeting of September 21, 1999.

**ACTION:** By motion, (Fisher/Dobbs; Smith, absent) approved the minutes of the regular City Council meeting of September 21, 1999.

**CONSENT**

2. Consider awarding contract for the Mark Twain Neighborhood Park to Duley's Landscape, Inc. for \$499,604.60, and consider adopting findings based on the Initial Study of the Modesto Urban Area General Plan Master Environmental Impact Report.

**ACTION:** Res. 99-472 adopted (Fisher/Dobbs; Smith, absent) awarding contract for the Mark Twain Neighborhood Park to Duley's Landscape, Inc.

Res. 99-473 adopted (Fisher/Dobbs; Smith, absent) approving findings based on the Initial Study of the Modesto Urban Area General Plan Master Environmental Impact Report.

3. Consider authorizing City Manager to execute a cooperative agreement with the State of California Department of Transportation (Caltrans) for funding of the Maze Boulevard sidewalk project; consider awarding contract for the Maze Boulevard sidewalk project to 7/11 Materials, Inc. for \$26,932.95 and consider amending the budget to estimate and appropriate additional revenue from Caltrans.

**ACTION:** Res. 99-474 adopted (Fisher/Serpa, unan.; Smith, absent) authorizing City Manager to execute a cooperative agreement with the State of California Department of Transportation (Caltrans) for funding of the Maze Boulevard sidewalk project.

Res. 99-475 adopted (Fisher/Serpa, unan.; Smith, absent) awarding contract for the Maze Boulevard sidewalk project to 7/11 Materials, Inc. for \$26,932.95.

Res. 99-476 adopted (Fisher/Serpa, unan.; Smith absent) amending the budget to estimate and appropriate additional revenue from Caltrans.

#### **Removed from agenda**

4. Consider declaring Sierra Chemical Company low bidder and authorize the purchase of liquid chlorine for Operations & Maintenance Department-Water Quality Control Division for Fiscal Year 1999-2000 for \$168,924.42, with two one-year extensions.

#### **CONSENT**

5. Consider declaring Dell Marketing L.P. low bidder and authorizing the purchase of 67 personal computers and related hardware and California Multiple Award Schedules (CMAS) fee for a total price of \$107,220.25.

**ACTION:** Res. 99-477 adopted (Fisher/Dobbs, unan.; Smith, absent) declaring Dell Marketing L.P. low bidder and authorizing the purchase of 67 personal computers and related hardware.

6. Consider waiving formal bid procedures and authorize the purchase of three 7K watt trailer mounted generators from Holcomb & Son, Inc. for a total cost of \$93,195.

(Resolution waiving formal bid procedures and authorizing purchase needed.  
(Five affirmative votes needed.) Funds are budgeted.)

**ACTION:** Res. 99-478 adopted (Fisher/Friedman, unan.; Smith, absent) waiving formal bid procedures and authorize the purchase of three 7K watt trailer mounted generators from Holcomb & Son, Inc.

#### **CONSENT**

7. Consider waiving formal bid procedures and authorize the purchase of two CD150M and one CD100M Godwin dri-priming trash pumps with accessories from Pac Machine Company for a total cost of \$87,766.08.

**ACTION:** Res. 99-479 adopted (Fisher/Dobbs, unan.; Smith, absent) waiving formal bid procedures and authorize the purchase of two CD150M and one CD100M Godwin dri-priming trash pumps with accessories from Pac Machine Company.

CONSENT

8. Consider waiving formal bid procedures and authorize the purchase of electro dialysis filter equipment from AGA Chemicals, Inc. for the total price of \$59,508.20.

**ACTION:** Res. 99-480 adopted (Fisher/Dobbs, unan.; Smith, absent) waiving formal bid procedures and authorize the purchase of electro dialysis filter equipment from AGA Chemicals, Inc.

CONSENT

9. Consider designating PacifiCare Behavioral Health as the Employee Assistance Program (EAP) provider for all employees, except those represented by the Modesto Police Officers Association and authorizing City Manager to execute amendments to agreement; with PacifiCare Behavioral Health; and consider amending the budget to increase the revenues and expenditures in the Other Employee Insurance Fund.

**ACTION:** Res. 99-481 adopted (Fisher/Dobbs, unan.; Smith, absent) designating PacifiCare Behavioral Health as the Employee Assistance Program (EAP) provider for all employees, except those represented by the Modesto Police Officers Association and authorizing City Manager to execute amendments to agreement; with PacifiCare Behavioral Health.

Res. 99- 482 adopted (Fisher/Dobbs, unan.; Smith, absent) amending the budget to increase the revenues and expenditures in the Other Employee Insurance Fund.

Councilmember Fisher excused due to a conflict of interest.

10. Consider approving agreement with Olga Edna Luchessa for the acquisition of property needed for the Pelandale Expressway project.

**ACTION:** Res. 99-483 adopted (Friedman/Dobbs, majority; Serpa, no; Fisher & Smith, absent) approving agreement with Olga Edna Luchessa for the acquisition of property needed for the Pelandale Expressway project.

Councilmember Fisher excused due to a conflict of interest.

11. Consider approving agreement with the Emile Lengyel Inter Vivos Trust dated 4/7/93 for the acquisition of property needed for the Pelandale Expressway project.

**ACTION:** Res. 99-484 adopted (Friedman/Dobbs, majority; Serpa, no; Fisher & Smith, absent) approving agreement with the Emile Lengyel Inter Vivos

Trust Dated 4/7/93 for the acquisition of property needed for the Pelandale Expressway project.

12. Consider approving amendment to lease agreement with the County of Stanislaus for the Modesto Transportation Center.

**ACTION:** Res. 99- 485 adopted (Fisher/Friedman, unan.; Smith, absent) approving amendment to lease agreement with the County of Stanislaus for the Modesto Transportation Center.

CONSENT

13. Consider an amendment to Section 2-1.01 of the Modesto Municipal Code – City of Modesto Council Regular Meetings to reflect a change in City Council meeting time and location.

**ACTION:** By motion, (Fisher/Dobbs, unan.; Smith, absent) introduced Ord. No. 3159–C.S. amending Municipal Code to reflect a change in City Council meeting time and location.

CONSENT

14. Consider approval of an application for federal assistance from the Federal Transit Administration (FTA) for public transit operating and capital purposes in the amount of \$2,267,369 in formula funds and \$106,236 CMAQ funds.

**ACTION:** Res. 99-486 adopted (Fisher/Dobbs, unan.; Smith, absent) approving an application for federal assistance from the Federal Transit Administration (FTA) for public transit operating and capital purposes.

CONSENT

15. Consider approving staff recommendations regarding the consolidation of parking facilities under the Operations and Maintenance Department; and consider amending the Fiscal Year 1999-2000 Operating Budget.

**ACTION:** Res. 99-487 adopted (Fisher/Dobbs, unan.; Smith, absent) approving staff recommendations regarding the consolidation of parking facilities under the Operations and Maintenance Department.

Res. 99-488 adopted (Fisher/Dobbs, unan.; Smith, absent) amending the Fiscal Year 1999-2000 Operating Budget.

CONSENT

16. Consider partial acceptance of the improvements in Rose Lane No. 4 subdivision and authorize the City Clerk to file Notice of Completion. (Owners: Florsheim Bros.)

**ACTION:** Res. 99- 489 adopted (Fisher/Dobbs, unan.; Smith, absent) accepting all subdivision improvements except storm drain basin improvements and authorizing City Clerk to file Notice of Completion.

Councilmember Fisher excused due to a conflict of interest.

17. Consider approving a Cooperation Agreement with the Housing Authority of the County of Stanislaus to acquire and rehabilitate certain properties along Randazzo Avenue and authorizing Acting City Manager to execute all necessary documents.

**ACTION:** Res. 99-490 adopted (Friedman/Dobbs, unan./ Fisher & Smith, absent) approving a Cooperation Agreement with the Housing Authority of the County of Stanislaus to acquire and rehabilitate certain properties along Randazzo Avenue and authorizing Acting City Manager to execute all necessary documents.

#### CONSENT

18. Consider approving the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) amounting to approximately \$13.4 million for airport projects.

**ACTION:** Res. 99-491 adopted (Fisher/Dobbs, unan.; Smith, absent) approving the submittal of a revised Airport Capital Improvement Plan (ACIP) to the Federal Aviation Administration (FAA) amounting to approximately \$13.4 million for airport projects.

#### HEARINGS

##### **DROPPED FROM AGENDA**

19. Hearing to consider adopting a Resolution of Necessity to acquire by Eminent Domain for the Pelandale Expressway project property located at 4141 Carver Road (APN 46-07-13), owner Emile Lengyel Inter Vivos Trust. (Continued from 9/14 and 9/21/99 City Council meeting.) (An agreement for the acquisition of this property is under consideration with Consent Items on this agenda.)

Councilmember Fisher excused due to a conflict of interest.

20. Hearing to consider adopting a Resolution of Necessity to acquire by Eminent Domain for the Pelandale Expressway project property known as APN 46-06-16, owner Berberian Trust Properties. (Continued from 9/14 and 9/21/99 City Council meeting.)

**ACTION:** A motion (Dobbs/Conrad; Serpa, no; Fisher & Smith, absent) to adopt Resolution of Necessity failed because five affirmative votes are required.

By motion, (Friedman/Dobbs, unan.; Fisher & Smith, absent) hearing continued to October 12, 1999, City Council meeting.

#### NEW BUSINESS

21. Consider City Manager's Report on Administrative Activities and Preliminary Report on Finances for 1998/99.

**ACTION:** By motion, (Friedman/Fisher, unan; Smith, absent) acknowledged receipt of report.

22. Consider report on costs and benefits evaluations for regionalized fire and life safety services.

**ACTION:** By motion, (Friedman/Fisher, unan.; Smith, absent) directed staff to pursue a cooperative process for evaluating the costs and benefits of regionalized fire and life safety services.

23. Consider adopting the 1995 Urban Water Management Plan in accordance with Section 10642 of the California Water Code.

**ACTION:** Res. 99-492 adopted (Friedman/Fisher, unan.; Smith, absent) adopting the 1995 Urban Water Management Plan in accordance with Section 10642 of the California Water Code.

#### ORAL COMMUNICATIONS

Jeff Stejskal commented on current claim against the City.

Mrs. Stejskal spoke on behalf of son, Jeff Stejskal.

Councilmember Serpa noted his attendance at the National League of Cities Public Safety Meeting.

Councilmember Conrad confirmed the Westley tire fire was not related to the Waste-To-Energy Plant.

Glen Lewis confirmed that water and sewer rates will be considered in the next 60 days.

#### MATTERS TOO LATE FOR THE AGENDA

None

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:29 p.m.

#### CLOSED SESSION

The meeting will adjourn to the Mayor's Chambers for a Closed Session concerning the following items:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 300-310 Beech Street for the Kansas-Needham Overcrossing project.

APN: 101-02-05 – 24,500 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Brad Thomas – Ramos & Thomas, negotiating for Bradford & Bradford, a general partnership, Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 700 Franklin Avenue for the Kansas-Needham Overcrossing project.

APN: 101-02-06 – 24,500 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Ray Christiansen, negotiating for Ray and John Christiansen, Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 1603 8<sup>th</sup> Street for the Kansas-Needham Overcrossing project.

APN: 101-02-16 – 7,532 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

John Varni, negotiating for Varni Brothers, et al., Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 1601 9<sup>th</sup> Street for the Kansas-Needham Overcrossing project.



APN: 104-02-18 – 22,359 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Calvin Moorad, negotiating for Noble 1995 Trust, Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 1122 Needham Avenue for the Kansas-Needham Overcrossing project.

APN: 105-47-09 – 7,000 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Ray Bray, negotiating for Ali M. Saad and Nagi Y. Abdulla, Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 321 Kansas Avenue for the Kansas-Needham Overcrossing project.

APN: 101-02-01 – 5,412 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Ray Christiansen, negotiating for Ray Christiansen, et al., Owners

Under negotiation: Price and terms of payment for property to be acquired

\*\*\*\*\*

Property: Purchase, sale or lease of property and/or public facilities located at 1601 9<sup>th</sup> Street for the Kansas-Needham Overcrossing project.

APN: 104-01-18 – acreage N/A

Negotiating parties: William D. Harper, City of Modesto Property Agent for the  
City of Modesto

Robert Hardin, negotiating for Outdoor Systems, Owners

Under negotiation: Price and terms of payment for property to be acquired

The City Attorney returned at 6:20 p.m. to report no had been taken.

**MINUTES, Tuesday, October 5, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5 & 7-10  
*Item #6 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation by Patty Hill Thomas, Tenth Street Place Project Manager, to provide  
an update on the new building.

**ACTION:** Presentation was given by Patty Hill Thomas.

**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 September 28,  
1999.

**ACTION:** By motion (Friedman/Fisher, unan.), approved the minutes of the regular  
City Council meeting of September 28, 1999.

CONSENT

2. Final adoption of Ord. No. 3159-C.S. amending the Modesto Municipal Code  
relating to City Council regular meetings.

**ACTION:** By motion (Friedman/Fisher, unan.), approved final adoption of Ord. No.  
3159-C.S. amending the Modesto Municipal Code relating to City Council  
regular meetings.

CONSENT

3. Consider awarding bid for turf and landscape maintenance to Grover Landscape  
Services for a total cost of \$62,400 per year, or \$187,200 for a three-year  
contract.

**ACTION:** Res. 99-493 adopted (Friedman/Fisher, unan.) awarding bid for turf and  
landscape maintenance to Grover Landscape Services for a total cost of  
\$62,400 per year, or \$187,200 for a three-year contract.

CONSENT

4. Consider accepting as complete the contract of Rolfe Construction for the water system improvements project – “C” Street, “G” Street and 2<sup>nd</sup> Street in Empire, California and authorize City Clerk to file a Notice of Completion. (Original contract: \$213,405)

**ACTION:** Res. 99-494 adopted (Friedman/Fisher, unan.) accepting as complete the contract of Rolfe Construction for the water system improvements project – “C” Street, “G” Street and 2<sup>nd</sup> Street in Empire, California and authorize City Clerk to file a Notice of Completion.

#### CONSENT

5. Consider declaring Badger Meter, Inc., ABB Water Meters, Inc., and Golden State Flow Measurement, LLC low bidders and authorize the purchase of various size water meters during Fiscal Year 1999-2000 for a total price not to exceed 50,000, and authorize the purchase of various sizes of water meters for an additional two years.

**ACTION:** Res. 99-495 adopted (Friedman/Fisher, unan.) declaring Badger Meter, Inc., ABB Water Meters, Inc., and Golden State Flow Measurement, LLC low bidders and authorize purchase of water meters for FY 99/00 and up to two additional years.

*Item #6 was removed from Consent*

6. Consider declaring obsolete traffic signal heads as surplus and authorizing sale by sealed bid, auction or as scrap.

**ACTION:** Res. 99-496 adopted (Serpa/Friedman, unan) declaring obsolete traffic signal heads as surplus and authorizing sale by sealed bid, auction or as scrap. Motion included giving the City of Hughson first opportunity to purchase equipment.

#### CONSENT

7. Consider awarding \$2,000 in Community Development Block Grant (CDBG) funding assistance to the Homeless Veterans Stand Down Event.

**ACTION:** Res. 99-497 adopted (Friedman/Fisher, unan.) awarding \$2,000 in Community Development Block Grant (CDBG) funding assistance to the Homeless Veterans Stand Down Event.

#### CONSENT

8. Consider approving an agreement with Shutt Moen Associates for the design, engineering and construction administration of Modesto City-County Airport’s airport improvement projects included as part of AIP Grant 3-06-0153-22/23 and authorizing City Manager to execute agreement any subsequent amendments.

**ACTION:** Res. 99-498 adopted (Friedman/Fisher, unan.) approving an agreement with Shutt Moen Associates for the design, engineering and construction administration of Modesto City-County Airport’s airport improvement

projects included as part of AIP Grant 3-06-0153-22/23 and authorizing City Manager to execute agreement any subsequent amendments.

CONSENT

9. Consider approval of the final map of Sierra View 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: Ling Investments)

**ACTION:** Res. 99-499 adopted (Friedman/Fisher, unan.) approving the final map of Sierra View 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

10. Consider approving amendment to policies and procedures for Community Facilities Districts (CFD's).

**ACTION:** Res. 99-500 adopted (Friedman/Fisher, unan.) approving amendment to policies and procedures for Community Facilities Districts (CFD's).

By motion (Friedman/Fisher, unan.), introduced Ord. 3160–C.S. amending ordinances levying special taxes within CFD's to reflect changes in credit policy.

HEARINGS

11. Hearing to consider participation in the Supplemental Law Enforcement Services State Grant Program -- Citizens' Option for Public Safety.

**ACTION:** Res. 99-501 adopted (Friedman/Serpa, unan.) approving participation in the Supplemental Law Enforcement Services State Grant Program -- Citizens' Option for Public Safety and accepting expenditure of \$412,000 allocation for 1999/00.

12. Hearing to consider the Fiscal Year 1998-99 Consolidated Annual Performance and Evaluation Report (CAPER).

**ACTION:** Res. 99-502 adopted (Friedman/Conrad, unan) approving submittal of Fiscal Year 1998-99 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development.

NEW BUSINESS

13. Request from Councilmember Serpa to review financial impacts of Sales Tax Study.

**ACTION:** By motion this item was continued to the November 2, 1999 meeting.

## ORAL COMMUNICATIONS

Carmen Sabatino commented on study conducted by McNally Temple and recommended areas of saving and spending.

Bob Shook, Village One resident, commented on residents not being notified of the community center and requested a larger radius of mailing for upcoming projects.

David Spinella commented regarding his concern of his brother's character assassination and information regarding tree pruning schedules. Mr. Spinella requested Councilmembers to review the City Clerk files from Michael Spinella.

Steve Burke commented on the survey conducted by McNally Temple.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned at 8:17 p.m.

**MINUTES, Tuesday, October 12, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 - 6 and 8 - 11

Item 7 removed from consent

**ACTION:** (Friedman/Conrad, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None

**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 October 5 , 1999.

**ACTION:** By motion, (Friedman/Conrad, unan.) approved the minutes of the regular City Council meeting of October 5, 1999.

CONSENT

2. Final adoption of Ord. No. 3160-C.S. relating to levying special taxes with Community Facilities Districts to reflect changes in credit policy.

**ACTION:** By motion, (Friedman/Conrad, unan.) approved final adoption of Ord. No. 3160-C.S.

CONSENT

3. Consider awarding contract for the Bowen lift station storage building contract to Paul Anderson Construction for \$67,816.00.

**ACTION:** Res. 99-503 adopted (Friedman/Conrad, unan.) awarding contract for the Bowen lift station storage building contract to Paul Anderson Construction.

CONSENT

4. Consider awarding contract for the annual sunken sidewalk at rockwells 99/00 project to 7/11 Materials, Inc. for \$97,269.26; consider approval of an appropriation transfer to fully fund the project.

**ACTION:** Res. 99-504 (Friedman/Conrad, unan.) adopted awarding contract for the annual sunken sidewalk at rockwells 99/00 project to 7/11 Materials, Inc.

Res. 99-505 adopted (Friedman/Conrad, unan.) approving an appropriation transfer to fully fund the project.

CONSENT

5. Consider accepting the improvements for Coffee Road Professional Offices Subdivision as complete and authorize the City Clerk to file Notice of Completion. (Owners: Coffee Road 1, LLC)

**ACTION:** Res. 99-506 adopted (Friedman/Conrad, unan.) accepting the improvements for Coffee Road Professional Offices Subdivision as complete and authorize the City Clerk to file Notice of Completion.

CONSENT

6. Consider approving a Memorandum of Understanding (MOU) with the Tuolumne River Regional Park's Joint Power Authority to allow the use of Modesto City-County Airport property for park purposes.

**ACTION:** Res. 99-507 adopted (Friedman/Conrad, unan.) approving a Memorandum of Understanding (MOU) with the Tuolumne River Regional Park's Joint Power Authority.

Councilmember Fisher excused due to a conflict of interest.

7. Consider approving agreement with Berberian Trust Properties for the acquisition of property for \$82,000 needed for the Pelandale Expressway project.

**ACTION:** Res. 99-508 adopted (Friedman/Lang, majority; Serpa, no; Fisher, absent) approving agreement with Berberian Trust Properties.

CONSENT

8. Consider approving an amendment to the lease agreement with Edenvale Investment Co. for Housing and Neighborhoods Division location.

**ACTION:** Res. 99-509 adopted (Friedman/Conrad, unan.) approving an amendment to the lease agreement with Edenvale Investment Co.

CONSENT

9. Consider approving amendment to agreement with Skytrek Aviation Fuels, Inc.

**ACTION:** Res. 99-510 adopted (Friedman/Conrad, unan.) approving amendment to agreement with Skytrek Aviation Fuels, Inc.

CONSENT

10. Consider approving lease agreement with the National Railroad Passenger Corp. (Amtrak) for the Modesto Amtrak Station.

**ACTION:** Res. 99-511 adopted (Friedman/Conrad, unan.) approving lease agreement with the National Railroad Passenger Corp. (Amtrak).

CONSENT



11. Consider approval of final map of Rose Hollow No. 3 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: Florsheim Bros.)

**ACTION:** Res. 99-512 adopted (Friedman/Conrad, unan.) approving the final map of Rose Hollow No. 3 subdivision and authorizing the City Manager to sign agreement.

#### HEARINGS

12. Hearing to consider adopting a Resolution of Necessity to acquire by Eminent Domain for the Pelandale Expressway project property known as APN 46-06-16, owner Berberian Trust Properties. (Continued from 9/14, 921 and 9/28/99 City Council meetings.  
(An agreement for the acquisition of this property is under consideration with Consent Items on this agenda.)

**ACTION:** Dropped from agenda.

#### NEW BUSINESS

13. Consider canceling the October 19, 1999, regular City Council meeting.

**ACTION:** By motion, (Dobbs/Friedman, unan.) cancelled the October 19, 1999, regular City Council meeting.

14. Authorize sale of "Safe and Sane" fireworks in Modesto for the millennial celebration.

**ACTION:** Res. 99-513 adopted (Serpa/Lang, unan.) authorizing the sale of "Safe and Sane" fireworks in Modesto for the millennial celebration.

#### ORAL COMMUNICATIONS

Steve Burke commented on his concern of the growth in North Modesto.

Bill Cameron commented on a stop light needed at Dallas and Hatch.

Mr. Dunaway requested assistance for Thanksgiving event on the community's west side.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 4:45 p.m.

CLOSED SESSION

The meeting adjourned to the Mayor's Chambers for a Closed Session concerning the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 1122 Needham Avenue for the Kansas-Needham Overcrossing project.

APN: 105-47-09 7,000 ± square feet

Negotiating party: William D. Harper, City of Modesto Property Agent

Ray Bray negotiating for Ali M. Saad and Nagi Y. Abdulla, owners

Under negotiation: Price and terms of payment for property to be acquired.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR:  
(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property and/or public facilities located at 300-310 Beech Street for the Kansas-Needham Overcrossing project

APN: 101-02-05 24,500 ± square feet

Negotiating parties: William D. Harper, City of Modesto Property Agent for the City of Modesto

Brad Thomas – Ramos & Thomas, negotiating for Bradford & Bradford, a general partnership, Owners

Under negotiation: Price and terms of payment for property to be acquired

The City Attorney returned at 5:00 p.m. and reported no action had been taken.

**MINUTES, Tuesday, October 26, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-9 & 11-13  
*Item #10 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Airport Neighbors expression of thanks and appreciation to the City of Modesto.

Plaques were presented to the Council by the Airport Neighbors.

**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 October 12, 1999.

**ACTION:** By motion (Friedman/Conrad, unan), approved the minutes of the regular City Council meeting of October 12, 1999.

CONSENT

2. Consider awarding contract for the Carpenter Road water line between Maze Boulevard and Chicago Avenue to T & S Construction Company, Inc. for \$426,790; and consider amending the budget to appropriate funds in the Water CIP Bond Fund Reserve to fully fund the project.

**ACTION:** Res. 99-514 adopted (Friedman/Conrad, unan) awarding contract for the Carpenter Road water line between Maze Boulevard and Chicago Avenue to T & S Construction Company, Inc.

Res. 99-515 adopted (Friedman/Conrad, unan) amending the budget to appropriate funds in the Water CIP Bond Fund Reserve to fully fund the project Carpenter Road water line.

CONSENT

3. Consider awarding contract for the Carver/Scott lift station rehabilitation project to Howk, Systems, Inc. for \$199,400; and consider approving an appropriation transfer to provide sufficient funds for the project.

**ACTION:** Res. 99-516 adopted (Friedman/Conrad, unan) awarding contract for the Carver/Scott lift station rehabilitation project to Howk, Systems, Inc.

Res. 99-517 adopted (Friedman/Conrad, unan) approving an appropriation transfer to provide sufficient funds for the Carver/Scott lift station rehabilitation project.

CONSENT

4. Consider rejecting bids for the traffic signal installation project at Dale Road and Pelandale Avenue.

**ACTION:** Res. 99-518 adopted (Friedman/Conrad, unan) rejecting bids for the traffic signal installation project at Dale Road and Pelandale Avenue.

CONSENT

5. Consider rejecting all bids for liquid chlorine, with two one-year extensions, and authorizing a new bid call.

**ACTION:** Res. 99-519 adopted (Friedman/Conrad, unan) rejecting all bids for liquid chlorine, with two one-year extensions, and authorizing a new bid call on November 30, 1999 @ 11:00 a.m.

CONSENT

6. Consider authorizing call for bids for rock, sand and gravel requirements for Fiscal Year 1999-00, with two one-year extensions.  
(Suggested bid opening: November 9, 1999, at 11:00 a.m. Resolution authorizing bid call needed. Total estimated cost for Fiscal Year 1999-2000: \$200,000. Funds are budgeted.)

**ACTION:** Res. 99-520 adopted (Friedman/Conrad, unan) authorizing call for bids for rock, sand and gravel requirements for Fiscal Year 1999-00, with two one-year extensions.

CONSENT

7. Consider declaring as surplus furniture items located in City Hall, City Hall Annex, Crocker Building, Neighborhood Preservation Unit, and Housing and Neighborhoods office and authorizing the sale of used furnishings by way of auction to be conducted by Roger Ernst and Associates.

**ACTION:** Res. 99-521 adopted (Friedman/Conrad, unan) declaring as surplus furniture items located in City Hall, City Hall Annex, Crocker Building, Neighborhood Preservation Unit, and Housing and Neighborhoods office and authorizing the sale of used furnishings by way of auction to be conducted by Roger Ernst and Associates.

CONSENT

8. Consider declaring as surplus lost, stolen, unclaimed and/or seized property, and excess City property at the Jefferson Street warehouse and the Water Quality Control Plant, 31 unclaimed bicycles at the Police Department evidence and

property room, and 3 motorcycles at Fleet Services, and authorizing the sale of said items by way of auction to be conducted by Roger Ernst and Associates.

**ACTION:** Res. 99-522 adopted (Friedman/Conrad, unan) declaring various items surplus and authorizing sale by way of auction.

CONSENT

9. Consider approving agreement with Modesto City Schools for the use of Modesto Property Agent's right of way services.

**ACTION:** Res. 99-523 adopted (Friedman/Conrad, unan) approving agreement with Modesto City Schools for the use of Modesto Property Agent's right of way services.

*Item #10 removed from Consent*

*Councilmember Fisher & Mayor Lang absent due to conflict of interest*

10. Consider approving agreements with Balvino and Kathleen Irizarry, Escalon Neighborhood Investors, and Zandy Robbins Investors for the acquisition of properties for the flood protection project; and consider approving an appropriation transfer.

**ACTION:** Res. 99-524 adopted (Conrad/Friedman, majority; Serpa, no; Fisher & Lang, absent) approving an agreement with Balvino and Kathleen Irizarry for the acquisition of properties for the flood protection project.

Res. 99-525 adopted (Conrad/Friedman, majority; Serpa, no; Fisher & Lang, absent) approving an agreement Escalon Neighborhood Investors for the acquisition of properties for the flood protection project.

Res. 99-526 adopted (Conrad/Friedman, majority; Serpa, no; Fisher & Lang, absent) approving an agreement with Zandy Robbins Investors for the acquisition of properties for the flood protection project.

Res. 99-527 adopted (Conrad/Friedman, majority; Serpa, no; Fisher & Lang, absent) approving an appropriation transfer to fully fund the acquisition of properties for the flood protection project.

CONSENT

11. Consider approving agreement with Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for the purchase of a well site; and consider approving an appropriation transfer.

**ACTION:** Res. 99-528 adopted (Friedman/Conrad, unan) approving an agreement with Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board for the purchase of a well site

Res. 99-529 adopted (Friedman/Conrad, unan) approving an appropriation transfer to fully fund the purchase of a well site from Alden Michael Lopez and Wanda R. Lopez and the Salida Water Board.

#### CONSENT

12. Consider approving amendment to lease agreement with Pahrump Heifer Ranch to allow extension of negotiation period.

**ACTION:** Res. 99-530 adopted (Friedman/Conrad, unan) approving an amendment to a lease agreement with Pahrump Heifer Ranch to allow extension of negotiation period

#### CONSENT

13. Quarterly Treasurer's Report – September 30, 1999.

**ACTION:** By motion (Friedman/Conrad, unan), acknowledged receipt of Quarterly Treasurer's Report.

#### HEARINGS

14. Hearing to consider a proposed amendment to the Modesto Urban Area General Plan to the Kiernan/Carver Comprehensive Planning District and a Specific Plan amendment to the Kiernan Business Park and Carver-Bangs Specific Plans to change the permitted uses from Business Park to residential.

**ACTION:** By motion (Friedman/Fisher, unan.) continued to November 16, 1999.

#### NEW BUSINESS

15. Consider accepting the Annual Equal Opportunity Plan Status Report for Fiscal Year 1998-99.

**ACTION:** By motion (Fisher/Conrad, unan.), accepted the Annual Equal Opportunity Plan Status Report for Fiscal Year 1998-99.

#### ORAL COMMUNICATIONS

Bob Shook addressed the Council regarding notification process for planning matters.

Councilmember Serpa commented on the bus bench maintenance program, Performing Arts Center consideration by Council & Board of Supervisors, and his concern of the shortage of Police and Fire personnel, and the City carpool usage by Councilmembers.

Carmen Sabatino commented on the RDAs debt to the City and the McNalley-Temple survey.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 5:03 p.m.

## **MINUTES, Tuesday, November 2, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

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

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

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

- a. Presentation of a proclamation to Lee Honore Means, Executive Director, Yosemite Chapter, Girl Scouts, designating November 10, 1999, National Philanthropy Day.

**ACTION:** Proclamation designating November 10, 1999 as National Philanthropy Day accepted by Lee Honore Means.

*Item b. removed from Agenda*

- b. Presentation of the Special Achievement Award for City-County collaboration on community-based services joint request for proposals from Vivian Look of the California Healthy Cities and Communities.
- c. Presentation and recommendations regarding the Performing Arts Center.

**ACTION:** By motion (Dobbs/Fisher, unan.), approved staff recommendations and granted authorization to proceed.

### **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 meetings of October 26, 1999.

**ACTION:** By motion (Dobbs/Friedman, unan.), approved the minutes of the regular City Council meetings of October 26, 1999.

#### CONSENT

2. Consider authorizing the City Manager to execute a professional services agreement with Pacific Design Associates for architectural services for remodeling work of the existing Police headquarters at 601 11<sup>th</sup> Street – Bid Package No. 3. (Resolution approving agreement needed. Estimated cost: \$123,471.50 (design contract \$112,471.50; design contingency \$11,000) Funds are budgeted.)



**ACTION:** Res. 99-531 adopted (Dobbs/Friedman, unan.) authorizing the City Manager to execute a professional services agreement with Pacific Design Associates for architectural services for remodeling work of the existing Police headquarters at 601 11<sup>th</sup> Street – Bid Package No. 3

CONSENT

3. Consider approving Memorandum of Understanding with the Stanislaus Council of Governments setting forth planning and programming responsibilities for the distribution of funding from the Federal Transit Administration (FTA).

**ACTION:** Res. 99-532 adopted (Dobbs/Friedman, unan.) approving Memorandum of Understanding with the Stanislaus Council of Governments setting forth planning and programming responsibilities for the distribution of funding from the Federal Transit Administration (FTA).

*Item #4 removed from Consent*

4. Consider approving Modesto Area Express (MAX) Route 34 service to the new Amtrak Station near the intersection of E. Briggsmore and Held.

**ACTION:** Res. 99-533 adopted (Fisher/Smith, unan.) approving Modesto Area Express (MAX) Route 34 service to the new Amtrak Station near the intersection of E. Briggsmore and Held, and returning to Transportation Policy Committee for further study.

*Item #5 removed from Agenda*

5. Consider accepting the public improvements in Adrianna One Subdivision, A Gated Community and in Adrianna Two Subdivision, A Gated Community, and authorize the City Clerk to file the Notices of Completion and to release securities upon expiration of statutory periods. (Owners: Max Norton Enterprises, Inc.)

*Item #6 removed from Agenda*

6. Consider accepting the improvements for Bradley Estates Phase One Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Stewart W. and Betty J. Bradley)

CONSENT

7. Consider approving a lease agreement with Bruce Kokko for 1024 11<sup>th</sup> Street to accommodate the Water Meter Reading Section of the Customer Services Division.

**ACTION:** Res. 99-534 adopted (Dobbs/Friedman, unan.) approving a lease agreement with Bruce Kokko for 1024 11<sup>th</sup> Street to accommodate the Water Meter Reading Section of the Customer Services Division.

*Item #8 removed from Consent*

8. Consider accepting the improvements for Paradise Road Housing Project Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Self-Help Enterprises)

**ACTION:** Res. 99-535 adopted (Friedman/Conrad, unan.; Fisher, absent) accepting the improvements for Paradise Road Housing Project Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

#### UNFINISHED BUSINESS

9. Request from Councilmember Serpa to review financial impacts of Sale Tax Study. (This item was continued, by motion, from the October 5, 1999, City Council meeting.  
A copy of the Sales Tax Study with agenda.)

**ACTION:** By motion (Smith/Fisher, majority; Serpa, no) the item was tabled and returned to Financial Policy Committee.

#### HEARINGS

*Councilmember Fisher absent due to conflict of interest*

10. Hearing to consider Amendment No. 8 to the Pelandale/Snyder Specific Plan to redesignate 5 acres from multi-family residential to commercial, property located at the southeast corner of Prescott Road and Pelandale Avenue.

**ACTION:** Res. 99-536 adopted (Dobbs/Serpa, unan.; Fisher, absent) approving Amendment No. 8 to the Pelandale/Snyder Specific Plan with modification requests from the applicant granted.

Res. 99-537 adopted (Dobbs/Serpa, unan.; Fisher, absent) finding Specific Plan Amendment consistent with Pelandale/Snyder Environmental Impact Report.

#### NEW BUSINESS

11. Consider confirming the use of the existing fiscal procedures used by the Engineering and Transportation Department to create, award and administer Capital Improvement projects.

**ACTION:** By motion (Friedman/Serpa, unan.), confirmed the use of the existing fiscal procedures used by the Engineering and Transportation Department to create, award and administer Capital Improvement projects.

#### ORAL COMMUNICATIONS

Ron Jordenais commented on Performing Arts Center.

Steve Burke commented on Sales Tax Study.

Bob Shook commented on storm drainage in Village One.

Chris Grayston commented on Performing Arts Center and requested no use of the General Fund and requested report in writing of the Mayor's use of a City vehicle.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 8:41 p.m.

*Closed Session was dropped from the Agenda*

CLOSED SESSION

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: Less than 10 cases.

## **MINUTES, Tuesday, November 9, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

A. Certification of canvass of votes from the November 2, 1999, election.

**ACTION:** Res. 99-538 adopted (Friedman/Dobbs, unan.) certifying canvass of votes.

B. Oath of Office by newly-elected City Councilmembers and Modesto Board of Education Members

**ACTION:** Oath of Office given by City Clerk Jean Zahr.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-5 & 7  
Items 6 and 8-12 removed from Consent

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

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a Proclamation declaring “America Recycles Day” on November 15, 1999.

Proclamation presented by Mayor Lang.

### **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 2, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of November 2, 1999 with a clarification to Item 9 to state “the item was tabled and returned to Financial Policy Committee”.

#### **CONSENT**

2. Consider award of a contract for 1999 storm drain repairs to Fagundes & Sons, Inc. for \$184,000; consider approving an appropriation transfer to provide sufficient funds for the project.

**ACTION:** Res. 99-539 adopted (Friedman/Dobbs, unan.) awarding contract to Fagundes & Sons, Inc.

Res. 99-540 adopted (Friedman/Dobbs, unan.) resolution approving appropriation transfer.

CONSENT

3. Consider award of a contract for the Dryden golf cart shed construction project to Surebuilt, Inc. for \$135,553.

**ACTION:** Res. 99-541 adopted (Friedman/Dobbs, unan.) awarding contract for the Dryden golf cart shed construction project to Surebuilt, Inc. for \$135,553.

CONSENT

4. Consider acceptance as complete the contract of Pacific Mobile Structures, Inc. for the remote ponds modular building project and authorize the City Clerk to file a Notice of Completion. (Original cost: \$64,967)

**ACTION:** Res. 99-542 adopted (Friedman/Dobbs, unan.) accepting as complete the contract of Pacific Mobile Structures, Inc. for the remote ponds modular building project and authorize the City Clerk to file a Notice of Completion.

CONSENT

5. Consider acceptance as complete the contract of Duley Landscape for the Eisenhut Park project and authorize the City Clerk to file a Notice of Completion. (Original cost: \$352,582.25)

**ACTION:** Res. 99-543 adopted (Friedman/Dobbs, unan.) accepting as complete the contract of Duley Landscape for the Eisenhut Park project and authorize the City Clerk to file a Notice of Completion.

*Item #6 removed from Consent*

6. Consider acceptance as complete the contract of George Reed for the Pelandale Expressway – Phase 1A project and authorize the City Clerk to file a Notice of Completion. (Original cost: \$1,644,227.20)

**ACTION:** Res. 99-543A adopted (Dobbs/Fisher, majority; Serpa, no) accepting as complete the contract of George Reed for the Pelandale Expressway – Phase 1A project and authorize the City Clerk to file a Notice of Completion.

CONSENT

7. Consider approving an agreement with All Valley Divers for co-sponsorship for their springboard diving training program.

**ACTION:** Res. 99-544 adopted (Friedman/Dobbs, unan.) approving an agreement with All Valley Divers for co-sponsorship for their springboard diving training program.

*Councilmember Dobbs absent due to conflict of interest*

*Item #8 removed from Consent*

8. Consider accepting the public improvements in Adrianna One Subdivision, A Gated Community, and in Adrianna Two Subdivision, A Gated Community, and authorize the City Clerk to file the Notices of Completion and to release securities upon expiration of statutory periods. (Owners: Max Norton Enterprises, Inc.)

**ACTION:** Res. 99-545 adopted (Friedman/Fisher, unan.; Dobbs, absent) accepting the public improvements in Adrianna One Subdivision, A Gated Community, and authorize the City Clerk to file the Notices of Completion and to release securities upon expiration of statutory periods.

Res. 99-546 adopted (Friedman/Fisher, unan.; Dobbs, absent) adopted accepting the public improvements in Adrianna Two Subdivision, A Gated Community, and authorize the City Clerk to file the Notices of Completion and to release securities upon expiration of statutory periods.

*Councilmember Dobbs absent due to conflict of interest*

*Item #9 removed from Consent*

9. Consider accepting the improvements for Bradley Estates Phase One Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Stewart W. and Betty J Bradley)

**ACTION:** Res. 99-547 adopted (Friedman/Fisher, unan.; Dobbs, absent) accepting the improvements for Bradley Estates Phase One Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

*Item #10 removed from Consent*

- 10 Consider approval of the final map of Eastport Subdivision; consider amending the conditions of approval for the Snyder Ranch (now called Eastport) Subdivision, as set forth in Planning Commission Resolution No. 98-10, to delete condition No. 13 (requirement to plant vine landscaping), accepting the 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)

**ACTION:** Res. 99-548 adopted (Friedman/Fisher, majority; Serpa, no) approving the final map of Eastport Subdivision, amending the conditions of approval of the tentative map, accepting the improvements, and authorizing the City Manager to sign the subdivision agreement.

*Item #11 removed from Consent*

11. Consider approval of the final map of Bella Tuscany Unit 1 Subdivision; consider amending the conditions of approval for the Vossoughi Investments (now called Bella Tuscany Unit 1) Subdivision, as set forth in Planning Commission Resolution No. 98-11, to delete condition No. 13 (requirement to plant vine landscaping), 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: Rodney K. Lowe, Inc.)

**ACTION:** Res. 99-549 adopted (Friedman/Fisher, majority; Serpa, no) approving the final map of Bella Tuscany Unit 1 Subdivision, amending the conditions of approval of the tentative map, and authorizing the City Manager to sign the subdivision agreement.

*Item #12 removed from Consent*

12. Consider accepting the improvements Tuscany Unit 2 Subdivision; consider amending the conditions of approval for the Autumn Faire (now called Tuscany Unit 2) Subdivision, as set forth in Planning Commission Resolution No. 98-09, to delete condition No. 13 (requirement to plant vine landscaping), and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Rodney K. Lowe, Inc.)

**ACTION:** Res. 99-550 adopted (Friedman/Fisher, unan.) accepting the improvements for Tuscany Unit 2 Subdivision, amending the conditions of approval of the tentative map, and authorizing the City Clerk to file the Notice of Completion and release securities.

#### NEW BUSINESS

13. Consider establishing an alternate Emergency Operations Center at the Ceres Public Safety Building, authorizing expenditures not to exceed \$50,000, and authorizing budget amendment.

**ACTION:** Res. 99-551 adopted (Conrad/Fisher, majority; Dobbs & Smith, no) authorizing Acting City Manager to negotiate and enter into an agreement with the County of Stanislaus and the City of Ceres for an alternate Emergency Operations Center.

Res. 99-552 adopted (Conrad/Fisher, majority; Dobbs & Smith, no) amending the budget.

#### ORAL COMMUNICATIONS

Dale Williams spoke regarding code enforcement issues in Prescott Estates and funding for 2121 Chrysler.

Councilmember Serpa expressed a concern regarding information requests he had not received and commented regarding the Mayor's use of a City pool vehicle. He requested a policy be drafted regarding Council use of pool cars.

Councilmember Dobbs requested the City send appropriate gift to acknowledge Sacramento Mayor Serna's death and also to schedule a neighborhood meeting in response to LaLoma residents.

## MATTERS TOO LATE FOR THE AGENDA

None.

## ADJOURNMENT

The meeting adjourned to Closed Session at 8:17 p.m.

## CLOSED SESSION

The meeting adjourned to Closed Session in the Council Conference Room to consider the following:

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: Less than 10 cases.

The City Attorney returned at 8:27 p.m. to report that council authorized the initiation of litigation. The action, the defendants, and other particulars will be disclosed to any person upon inquiry once the action has been formally commenced.



## **MINUTES, Tuesday, November 16, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

Absent: Serpa

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-6 & 8  
*Item #7 removed from Consent*

**ACTION:** (Friedman/Fisher, unan.; Serpa, absent)

### **ACKNOWLEDGEMENTS AND PRESENTATIONS**

Boy Scout Troop # 37 was acknowledged by the Mayor.

### **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 9, 1999.

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), approved the minutes of the regular City Council meeting of November 9, 1999.

#### CONSENT

2. Consider awarding contract for the Martin/Clayton sewer lift station rehabilitation project to Amerine Systems, Inc. for \$123,722.

**ACTION:** Res. 99-553 adopted (Friedman/Fisher, unan.; Serpa, absent) awarding contract for the Martin/Clayton sewer lift station rehabilitation project to Amerine Systems, Inc.

#### CONSENT

3. Consider declaring Ridgecrest Designer Services low bidder for printing of Modesto Area Express (MAX) Ride Guides with two one-year extensions for Engineering and Transportation Department-Transit Division for a total cost of \$24,826 and a three-year total cost of \$74,478.

**ACTION:** Res. 99-554 adopted (Friedman/Fisher, unan.; Serpa, absent) declaring Ridgecrest Designer Services low bidder for printing of Modesto Area Express (MAX) Ride Guides with two one-year extensions for Engineering and Transportation Department-Transit Division.

#### CONSENT

4. Consider authorizing increasing the basic term life insurance coverage for all budgeted staff from \$2,000 to \$10,000, effective December 1, 1999; consider

authorizing the city Manager to execute any necessary contract amendments with Standard Insurance Company; and consider amending the budget to increase revenue and expenditures in the "Other Employee Insurance Fund."

**ACTION:** Res. 99-555 adopted (Friedman/Fisher, unan.; Serpa, absent) authorizing increasing the basic term life insurance coverage for all budgeted staff from \$2,000 to \$10,000, effective December 1, 1999.

Res. 99-556 adopted (Friedman/Fisher, unan.; Serpa, absent) authorizing the city Manager to execute any necessary contract amendments with Standard Insurance Company.

Res. 99-557 adopted (Friedman/Fisher, unan.; Serpa, absent) amending the budget to increase revenue and expenditures in the "Other Employee Insurance Fund."

CONSENT

5. Consider approving a lease agreement with Cleveland J. Stockton for the lease of Parking Lot No. 41.

**ACTION:** Res. 99-558 adopted (Friedman/Fisher, unan.; Serpa, absent) approving a lease agreement with Cleveland J. Stockton for the lease of Parking Lot No. 41.

CONSENT

6. Consider approving a five-year lease agreement with Arthur M. McElroy Marital Trust for the Police Evidence Building at 1124 F Street.

**ACTION:** Res. 99-559 adopted (Friedman/Fisher, unan.; Serpa, absent) approving a five-year lease agreement with Arthur M. McElroy Marital Trust for the Police Evidence Building at 1124 F Street.

*Item #7 removed from Consent*

*Councilmember Fisher excused due to conflict of interest*

7. Consider de-allocating a total of \$606,000 in 1998-99 HOME funds allocated to Eden Housing, Inc. and re-allocating \$306,000 of HOME funds to a new Request for Proposals for affordable housing projects and re-allocating \$300,000 to the Self-Help Enterprises Briggs Road Sweat Equity Housing Project.

**ACTION:** Res. 99-560 adopted (Friedman/Dobbs, unan.; Fisher & Serpa, absent) de-allocating a total of \$606,000 in 1998-99 HOME funds allocated to Eden Housing, Inc. and re-allocating \$306,000 of HOME funds to a new Request for Proposals for affordable housing projects and re-allocating \$300,000 to the Self-Help Enterprises Briggs Road Sweat Equity Housing Project.

CONSENT

8. Consider approving request of Modesto Millennium Celebration Committee for \$14,335 in City Financial and service assistance for the December 31, 1999 event.

**ACTION:** Res. 99-561 adopted (Friedman/Fisher, unan.; Serpa, absent) approving request of Modesto Millennium Celebration Committee for \$14,335 in City Financial and service assistance for the December 31, 1999 event.

## HEARINGS

9. Hearing to consider a proposed amendment to the Modesto Urban Area General Plan to redesignate 40 acres in the Kiernan/Carver Comprehensive Planning district from Business Park to residential uses. (Continued from October 26, 1999 City Council meeting.)

**ACTION:** Item continued to December 14, 1999.

10. Hearing to consider an amendment to Section 28-3-9 of the Zoning Map to rezone from C-1 to Planned Development Zone, P-D(539), property located on the north side of Scenic Drive west of Coffee Road. (Ray Lindsey)

**ACTION:** By motion (Friedman/Fisher, unan.; Serpa, absent), introduced Ord.3161-C.S. amending Section 28-3-9 of the Zoning Map to rezone from C-1 to Planned Development Zone, P-D(539), property located on the north side of Scenic Drive west of Coffee Road with staff and applicant working out traffic signal issue.

Res. 99-562 adopted (Friedman/Fisher, unan.; Serpa, absent) approving development plan.

Res. 99-563 adopted (Friedman/Fisher, unan.; Serpa, absent) approving required findings based on the Initial Study.

11. Hearing to consider an amendment to the Urban Area General Plan and the Coffee/Claratina Specific Plan to allow limited commercial uses along Coffee Road.

**ACTION:** Res. 99-564 adopted (Dobbs/Fisher, unan.; Serpa, absent) amending the Urban Area General Plan and the Coffee/Claratina Specific Plan to allow limited commercial uses along Coffee Road.

Res. 99-565 adopted (Dobbs/Fisher, unan.; Serpa, absent) amending the Coffee/Claratina Specific Plan

Res. 99-566 adopted (Dobbs/Fisher, unan.; Serpa, absent) making the required CEQA findings.

12. Hearing to consider extending for six months the franchise of Cable One to construct, operate and maintain a cable communication system within the City of Modesto.

**ACTION:** By motion (Dobbs/Smith, unan.; Serpa, absent), introduced Ord. 3162-C.S. extending for six months the franchise of Cable One to construct, operate and maintain a cable communication system within the City of Modesto.

#### NEW BUSINESS

13. Oral report regarding funding of Pelandale Expressway Extension.

**ACTION:** No action taken by Council.

#### ORAL COMMUNICATIONS

Bill Cameron commented on the Performing Arts Center, Dallas/Hatch traffic signal, and the City's contribution to the Modesto Millennium Committee.

#### WRITTEN COMMUNICATIONS

14. Letter from Annabel Hanson and Christine Graham regarding a claim for sewer line damage from a tree.

**ACTION:** No action taken by Council.

15. Letter from Greg Opinski, President of Greg Opinski Construction, Inc. regarding problems with the Modesto Police Station project.

**ACTION:** Dropped from Agenda.

#### MATTERS TOO LATE FOR THE AGENDA

Paul Baxter announced a memo regarding expenditures to date for the Performing Arts Center would be forthcoming in addition to Council expenditures for the previous 12 months.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 5:06 p.m.

#### CLOSED SESSION

The meeting will adjourn to the Council Conference Room to consider the following:

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

Agency Negotiators: Paul Baxter, Acting City Manager  
Robin Renwick, Personnel Director

Employee Organization: Modesto Police Officers Association

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

Agency Negotiator: Robin Renwick, Personnel Director

Employee Organization: Modesto City Employees Association

*The City Attorney returned at 6:10 p.m. with nothing to report*

**MINUTES, Tuesday, November 23, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-8 & 10-11  
*Items #9 and #12 removed from consent.*

**ACTION:** (Friedman/Smith, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of a Proclamation to Modesto Chamber of Commerce declaring December 7, 1999 as “Modesto Means Business Day.”

**ACTION:** A proclamation was presented by Mayor Lang.

**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 16, 1999.

**ACTION:** By motion (Friedman/Smith, unan.), approved the minutes of the regular City Council meeting of November 16, 1999.

CONSENT

2. Consider authorizing call for bids for uniformed security guard services.  
(Suggested bid opening: December 21, 1999 at 11:00 a.m. Total estimated cost: \$151,100. Funds are budgeted.)

**ACTION:** Res. 99-567 adopted (Friedman/Smith, unan.) authorizing call for bids for uniformed security guard services to be opened December 21, 1999 at 11:00 a.m.

CONSENT

3. Consider authorizing call for bids for furnishing linen services at eleven Fire Department locations. (Suggested bid opening: December 14, 1999 at 11:00 a.m. Total estimated cost: \$75,000. Funds are budgeted.)

**ACTION:** Res. 99-568 adopted (Friedman/Smith, unan.) authorizing call for bids for furnishing linen services at eleven Fire Department locations to be opened on December 14, 1999 at 11:00 a.m.

CONSENT

4. Consider declaring as surplus 34 unclaimed bicycles accumulated at the Police Evidence and Property Room and authorizing sale by sealed bid, by auction, or sell as scrap.

**ACTION:** Res. 99-569 adopted (Friedman/Smith, unan.) declaring as surplus 34 unclaimed bicycles accumulated at the Police Evidence and Property Room and authorizing sale by sealed bid, by auction, or sell as scrap.

CONSENT

5. Consider declaring eleven vehicles as surplus and authorizing sale by sealed bid, auction negotiation, or scrap.

**ACTION:** Res. 99-570 adopted (Friedman/Smith, unan.) declaring eleven vehicles as surplus and authorizing sale by sealed bid, auction negotiation, or scrap.

CONSENT

6. Consider waiving formal bid procedures and authorize the straight lease, with option to purchase, of one Xerox printer and controller through Xerox Corporation for a total cost of \$362,164.71, including tax and service charge; consider authorizing the City Manager to sign a six-year straight lease agreement with Xerox Corporation from the Partnership Agreement between Xerox Corporation and the County of Los Angeles.

**ACTION:** Res. 99-571 adopted (Friedman/Smith, unan.) waiving formal bid procedures and authorizing the lease, with option to purchase.

Res. 99-572 adopted (Friedman/Smith, unan.) authorizing the City Manager to sign a six-year straight lease agreement with Xerox Corporation.

CONSENT

7. Consider approving changes to Celebration of Lights Holiday Parade and Tree Lighting requested by AMFM, Inc., B93.1.

**ACTION:** Res. 99-573 adopted (Friedman/Smith, unan.) approving changes to Celebration of Lights Holiday Parade and Tree Lighting requested by AMFM, Inc., B93.1, and rescinding Res. 96-685.

CONSENT

8. Consider authorizing City Manager to execute an amendment to the agreement with URS Greiner Woodward Clyde providing a Project Study Report and a Seismic Analysis of the 7<sup>th</sup> Street Bridge, and consider amending the budget to estimate additional Federal funds and appropriate Gas Tax Reserves to fully fund the project.

**ACTION:** Res. 99-574 adopted (Friedman/Smith, unan.) authorizing City Manager to execute an amendment to the agreement with URS Greiner Woodward

Clyde providing a Project Study Report and a Seismic Analysis of the 7<sup>th</sup> Street Bridge.

Res. 99-575 adopted (Friedman/Smith, unan.) amending the budget to estimate additional Federal funds and appropriate Gas Tax Reserves to fully fund the project study report and a seismic analysis of the 7<sup>th</sup> Street Bridge.

*Item #9 removed from Consent*

9. Consider approving Letter of Agreement amending the Memorandum of Understanding with (Modesto City Employees Association) MCEA regarding the Performance Evaluation System.

**ACTION:** Res. 99-576 adopted (Dobbs/Friedman, unan.) approving Letter of Agreement amending the Memorandum of Understanding with (Modesto City Employees Association) MCEA regarding the Performance Evaluation System.

CONSENT

10. Consider approval of the final map of Kensington Park Unit No. 1 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: Florsheim Bros.)

**ACTION:** Res. 99-577 adopted (Friedman/Smith, unan.) approving the final map of Kensington Park Unit No. 1 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

11. Consider approval of the final map of Fernwood Phase One 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: Robert A. Beck and Virginia H. Beck)

**ACTION:** Res. 99-578 adopted (Friedman/Smith, unan.) approving the final map of Fernwood Phase One 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.

*Item #12 removed from Consent*

12. Consider waiving formal bid procedures and authorize the purchase of golf operations management software and a four-year system support/upgrade agreement from Fairway Systems, Inc. for a total cost of \$117,863.

**ACTION:** Res. 99-579 adopted (Conrad/Smith, unan.) waiving formal bid procedures and authorize the purchase of golf operations management software and a four-year system support/upgrade agreement from Fairway Systems, Inc.



## NEW BUSINESS

13. Consider designating voting delegates and alternate voting delegates at the Annual Congress of Cities, November 30 – December 4, 1999, in Los Angeles, California.

**ACTION:** By motion (Lang/Fisher, unan), designated Councilmember Serpa as a voting delegate and Vice Mayor Smith as an alternate voting delegate at the Annual Congress of Cities, November 30 – December 4, 1999, in Los Angeles, California.

14. First Quarter Budget Status Report – Fiscal Year 1999-00 Budget.

**ACTION:** By motion (Fisher/Friedman, unan.), acknowledged receipt of First Quarter Budget Status Report.

Res. 99-580 adopted amending the Fiscal Year 1999-00 Budget and re-estimating revenue for Fiscal Year 1999-00 Budget.

- 14A. Consider waiving Building Inspection Fees for one unit (1328 Don West Court) for habitat for Humanity, as requested by Councilmember Fisher.

**ACTION:** By motion (Conrad/Smith, unan.) accepted staff recommendation to charge the \$240 fee.

## ORAL COMMUNICATIONS

Councilmember Serpa commented on the Mayor's statement in a Modesto Bee article and expenses of the Mayor.

Dale Gene Williams commented on a grant and CDBG program in regard to Prescott Estates.

## MISCELLANEOUS

15. APPOINTMENTS

Lan dmark Preservation Commission

**ACTION:** No appointment made at this time.

Boar d of Zoning Adjustment

**ACTION:** Res. 99-581 adopted (Dobbs/Friedman, unan.) appointing Mike Rego to the Board of Zoning Adjustment.

Equal Opportunity & Disabilities Commission

**ACTION:** Res. 99-582 adopted (Dobbs/Friedman, unan.) appointing John Erwin and Jackie Deabler to the Equal Opportunity & Disabilities Commission.

Local Cable Programming Committee

**ACTION:** Res. 99-583 adopted (Dobbs/Friedman, unan.) appointing Edward Gamino and Sharron Paukert to the Local Cable Programming Committee.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 8:40 p.m.

#### *CLOSED SESSION*

The business to be discussed consisted of:

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government code: One case.

The City Attorney returned at 9:45 p.m. and announced that no reportable action had been taken.

**MINUTES, Tuesday, December 7, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1-4, 6, 8-10

Items 5 and 7 removed from Consent

**ACTION:** (Dobbs/Fisher, unan.)

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

None

**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 23, 1999.

**ACTION:** By motion, (Dobbs/Fisher, unan.), approved the minutes of the regular City Council meeting of November 23, 1999.

CONSENT

2. Final adoption of:

Ord. No. 3161-C.S. amending Section 28-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(539), property located on the north side of Scenic Drive west of Coffee Road.

Ord. No. 3162-C.S. relating to the extension of the term of the Cable Communication System Franchise.

**ACTION:** By motion, (Dobbs/Fisher, unan.) approved final adoption of Ord. No. 3161-C.S. and Ord. No. 3162-C.S.

CONSENT

3. Consider awarding contract for the Ninth Street outfall project to Mazingo Construction Company for \$632,187; consider amending the budget to fully fund the project; consider authorizing the City Manager to sign an easement agreement on behalf of the City, allowing the Ninth Street outfall to be constructed and maintained on Tuolumne River Regional Park property.

**ACTION:** Res. 99-584 adopted (Dobbs/Fisher, unan.) awarding contract for the Ninth Street outfall project to Mozingo Construction Company.

Res. 99-585 adopted (Dobbs/Fisher, unan.) amending the budget to fully fund the project of the Ninth Street outfall project to Mozingo Construction Company

Res. 99-586 adopted (Dobbs/Fisher, unan.) authorizing the City Manager to sign an easement agreement

#### CONSENT

4. Consider amending Resolution No. 99-521 authorizing the sale of surplus used furniture by auction to read that property may be offered to non-profit agencies approved by HUD and allowing for the disposal of any remaining used furniture.

**ACTION:** Res. 99-587 adopted (Dobbs/Fisher, unan.) amending Resolution No. 99-521.

#### REMOVED FROM CONSENT

5. Consider declaring Howk Systems primary low bidder and primary contractor, Amerine Systems, Inc. second low bidder and secondary contractor, and Conco-West, Inc. third low bidder and third contractor, and authorizing the purchase of pump repair services for Fiscal Year 1999-2000 for a total price of \$200,000; and authorizing the purchase of pump repair services for an addition two years up to and including June 30, 2000.

**ACTION:** Res. 99-588 adopted (Serpa/Friedman, unan.) declaring Howk Systems primary low bidder and primary contractor, Amerine Systems, Inc. second low bidder and secondary contractor, and removing third low bidder.

#### CONSENT

6. Consider increasing the scope of the Rockwell Replacement/Addition 1999-2000 project to include 25 new locations; consider approving an appropriation transfer to fully fund the project; and consider authorizing the Engineering and Transportation Director to execute a change order for \$125,000.

**ACTION:** Res. 99-589 adopted (Dobbs/Fisher, unan.) increasing the scope of the Rockwell Replacement/Addition 1999-2000 project.

Res. 99-590 adopted (Dobbs/Fisher, unan.) authorizing the Engineering and Transportation Director to execute a change order for \$125,000 for Rockwell Replacement/Addition 1999-2000 project to include 25 new locations.

Res. 99-591 adopted (Dobbs/Fisher, unan.) approving an appropriation transfer to fully fund the project the Rockwell Replacement/Addition 1999-2000 project to include 25 new locations.

REMOVED FROM CONSENT

7. Consider approving agreement with Bee Haven Apiaries, Inc. for the lease of property at the ranch on the San Joaquin River flood plain area at the Secondary Treatment Plant.

**ACTION:** Res. 99-592 (Fisher/Friedman, unan.) adopted approving agreement.

CONSENT

8. Consider approving an agreement with Ali M. Saad and Nagi Y. Abdulla for the acquisition of their property located at 1122 Needham Street, the Qwikserv Market, for the Kansas/Needham overcrossing project.

**ACTION:** Res. 99-593 (Dobbs/Fisher, unan.) adopted approving agreement.

CONSENT

9. Consider approving a lease agreement with Michael and Tammy Cuhna for the former well site located at Tenth and Needham Street.

**ACTION:** Res. 99-594 (Dobbs/Fisher, unan.) adopted approving agreement.

CONSENT

10. Consider approving a lease agreement with the Confederate Air Force for the use of office space in the Airport's old administration building.

**ACTION:** Res. 99-595 adopted (Dobbs/Fisher, unan.) approving lease agreement.

NEW BUSINESS

11. Consider approving an agreement with the Beals Group for \$110,000 for a feasibility study for a regional sports complex; consider authorizing the Acting City Manager to sign an application and related documents for \$25,715 in grant funding from the Beals Group to partially offset cost of study; consider approving an appropriation transfer; and consider amending the budget to estimate \$50,000 in additional revenue from Stanislaus County.

**ACTION:** Res. 99-596 adopted (Smith/Dobbs, unan.) approving an agreement with the Beals Group for \$110,000 for a feasibility study for a regional sports complex.

Res. 99-597 adopted (Smith/Dobbs, unan.) authorizing the Acting City Manager to sign an application and related documents for \$25,715 in grant funding from the Beals Group to partially offset cost of study.

Res. 99-598 adopted (Smith/Dobbs, unan.) approving an appropriation transfer.

Res. 99-599 adopted (Smith/Dobbs, unan.) amending the budget to estimate \$50,000 in additional revenue from Stanislaus County.

12. Consider approving a property acquisition loan to Homes 2000 to assist with the purchase of property at 2129 Chrysler Drive, Unit No. 1 in Prescott Estates and authorizing the City Manager to execute all required loan documents.

**ACTION:** Res. 99-600 adopted (Friedman/Dobbs, majority; Serpa, no) approving a property acquisition loan to Homes 2000 to assist with the purchase of property at 2129 Chrysler Drive, Unit No. 1 in Prescott Estates and authorizing the City Manager to execute all required loan documents.

13. Consider awarding contract for the Pelandale Expressway irrigation relocation project to Steel River, Inc. for \$311,069; consider amending the budget to fully fund the project.

**ACTION:** Res. 99-601 adopted (Dobbs/Friedman, unan.) awarding contract for the Pelandale Expressway irrigation relocation project to Steel River, Inc.

Res. 99-602 adopted (Dobbs/Friedman, unan.) amending the budget to fully fund the Pelandale Expressway irrigation relocation project.

14. Consider awarding contract for the Pelandale Expressway – Phase 1B and 1C to George Reed, Inc; consider adopting findings based on the Initial Study of the Modesto Urban Area General Master Environmental Impact Report; consider amending the budget to decrease revenue and fully fund the project.

**ACTION:** Res. 99-603 adopted (Dobbs/Friedman, majority; Serpa no) awarding contract for the Pelandale Expressway – Phase 1B and 1C to George Reed, Inc.

Res. 99-604 adopted (Dobbs/Friedman, majority; Serpa, no) adopting findings based on the Initial Study of the Modesto Urban Area General Master Environmental Impact Report for the Pelandale Expressway – Phase 1B and 1C project.

Res. 99-605 (Dobbs/Friedman, majority; Serpa, no) adopted amending the budget to decrease revenue and fully fund the Pelandale Expressway – Phase 1B and 1C project.

#### ORAL COMMUNICATIONS

Tom Ronayne addressed Council regarding trust, conspiracy and morality.

Dale Williams introduced the Board of Directors of the Residents' Association of Prescott Estates.

Bob Shook commented on timely response of Council to residents, Council's preparedness, availability and response to ethnic diversity.

Councilmember Smith reported on his attendance at the National League of Cities Conference and reviewed Welfare to Work Program and a logging system for Citizen complaints.

Councilmember Serpa addressed cable coverage of Council meetings, use of City vehicles, Modesto Police officers per capita, Performing Arts Center expenditures, and his parking space at the former City Hall.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned at 5:15 p.m.

#### CLOSED SESSION

The meeting adjourned to a closed session in the Council Conference Room to consider the following:

#### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

*Name of case:* *Rose Ortiz v. City of Modesto*  
Workers Compensation Appeal Board  
Case No. STK 133761

#### CONFERENCE WITH LABOR NEGOTIATION

Agency Negotiators: Paul Baxter, Acting City Manager  
Robin Renwick

Employee Organization: Modesto Police Officers Association

The City Attorney returned at 6:15 p.m. to report that the City Council approved by a 7 to 0 vote a lump sum payment of \$65,000 to settle the Workers Compensation Claim of Rose Ortiz.

**MINUTES, Tuesday, December 14, 1999, at 7:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent: None

Item #21 dropped from the Agenda

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 3-8, 11-15  
*Items 2, 9 & 10 removed from Consent*

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

**ACKNOWLEDGEMENTS AND PRESENTATIONS**

Presentation of Graffiti Rewards by Graffiti Reporting Rewards Committee.

**ACTION:** Officer Armendariz made presentations to citizens

**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 7, 1999.

**ACTION:** By motion (Friedman/Dobbs, unan.), approved the minutes of the regular City Council meeting of December 7, 1999.

*Item #2 removed from Consent*

2. Consider awarding contract for the installation of Traffic Signal at 9<sup>th</sup> Street and Carver Road to Tennyson Electric for \$181,472; consider amending the budget to estimate additional federal grant revenue.

**ACTION:** By order of the Chair, continued to January 11, 2000.

CONSENT

3. Consider waiving formal bid procedures and authorizing the purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance Equipment from the City of Atwater contract for \$229,804.65.

**ACTION:** Res. 99-606 adopted (Friedman/Dobbs, unan.) waiving formal bid procedures and authorizing the purchase of one Vac-Con Combination Sewer and Storm Drain Cleaner Truck from Municipal Maintenance Equipment from the City of Atwater.

CONSENT



4. Consider approving a lease agreement with Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment.

**ACTION:** Res. 99-607 adopted (Friedman/Dobbs, unan.) approving a lease agreement with Atmospherics, Inc. for the use of a small parcel of land at the Airport for weather equipment.

CONSENT

5. Consider approving a lease agreement with David E. and/or Carole L. Kamrar for property located at 121 Elm Street to house the Building Services Division.

**ACTION:** Res. 99-608 adopted (Friedman/Dobbs, unan.) approving a lease agreement with David E. and/or Carole L. Kamrar for property located at 121 Elm Street to house the Building Services Division.

CONSENT

6. Consider amending the Position Classification Plan to delete the classifications of Microfilm Services Supervisor, Assistant Parks & Recreation Director-Recreation, and Assistant Parks & Recreation Director-Civic Center; to add the job classifications of Deputy Director-Recreation & Neighborhoods and Deputy Director-Cultural & Enterprise Services; and to amend the job specification for Parking Lot Maintenance Crewleader; and consider amending the Class Range Table to establish a salary for the classifications of Deputy Director-Recreation & Neighborhoods, Deputy Director Cultural & Enterprise Services and Senior Waste Water Treatment Plant Operator.

**ACTION:** Res. 99-609 adopted (Friedman/Dobbs, unan.) amending the Position Classification Plan to delete the classifications of Microfilm Services Supervisor, Assistant Parks & Recreation Director-Recreation, and Assistant Parks & Recreation Director-Civic Center; to add the job classifications of Deputy Director-Recreation & Neighborhoods and Deputy Director-Cultural & Enterprise Services; and to amend the job specification for Parking Lot Maintenance Crewleader.

Res. 99-610 adopted (Friedman/Dobbs, unan.) amending the Class Range Tables to establish a salary for the classifications of Deputy Director-Recreation & Neighborhoods, Deputy Director Cultural & Enterprise Services and Senior Waste Water Treatment Plant Operator.

CONSENT

7. Consider amending the CIP to establish a new project for road construction adjacent to McKinney Colony Park.

**ACTION:** Res. 99-611 adopted (Friedman/Dobbs, unan.) amending the CIP to establish a new project for road construction adjacent to McKinney Colony Park.

CONSENT

8. Consider authorizing the City Manager to execute a new Stanislaus Drug Enforcement Agency Joint Powers Agreement.

**ACTION:** Res. 99-612 adopted (Friedman/Dobbs, unan.) authorizing the City Manager to execute a new Stanislaus Drug Enforcement Agency Joint Powers Agreement.

*Item #9 removed from Consent*

9. Consider approving agreement with William H. and Kim A. Miller for the acquisition of property needed for the Dry Creek Scenic Overlook project; and consider making environmental findings.

**ACTION:** Res. 99-613 adopted (Friedman/Smith, unan.) approving agreement with William H. and Kim A. Miller for the acquisition of property needed for the Dry Creek Scenic Overlook project.

Res. 99-614 adopted (Friedman/Smith, unan.) making environmental findings

*Item #10 removed from Consent*

10. Consider annexation of additional territory to the Village One Mello-Roos Community Facilities District No. 1996-1 (Annexation #3).

**ACTION:** Res. 99-615 adopted (Friedman/Conrad, unan.) as a Resolution of Intention to Annex Territory to Village One Community Facilities District No. 1996-1.

CONSENT

11. Consider accepting the improvements for Sereno Unit No. 1 Subdivision (formerly The Bluffs Subdivision) and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: The Bluffs Senior Housing Development)

**ACTION:** Res. 99-616 adopted (Friedman/Dobbs, unan.) accepting the improvements for Sereno Unit No. 1 Subdivision (formerly The Bluffs Subdivision) and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

12. Consider approval of the final map of Sereno Unit No. 2 Subdivision (formerly The Bluffs Subdivision) 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 Bluffs Senior Housing Development)

**ACTION:** Res. 99-617 adopted (Friedman/Dobbs, unan.) approving the final map of Sereno Unit No. 2 Subdivision (formerly The Bluffs Subdivision) accepting the public improvements, and authorizing the City Manager to sign an

agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

13. Consider approval of the final map of Sereno Unit No. 4 Subdivision (formerly The Bluffs Subdivision) 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 Bluffs Senior Housing Development)

**ACTION:** Res. 99-618 adopted (Friedman/Dobbs, unan.) approving the final map of Sereno Unit No. 4 Subdivision (formerly The Bluffs Subdivision) accepting the public improvements, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

14. Consider accepting the improvements for Millbrook Estates Unit No. 2 Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Bright Development)

**ACTION:** Res. 99-619 adopted (Friedman/Dobbs, unan.) accepting the improvements for Millbrook Estates Unit No. 2 Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

15. Consider conditional acceptance of the improvements for Almond Valley Subdivision and authorize the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods. (Owners: Kaufman & Broad – Central Valley, Inc.)

**ACTION:** Res. 99-620 adopted (Friedman/Dobbs, unan.) accepting with conditions the improvements for Almond Valley Subdivision and authorizing the City Clerk to file the Notice of Completion and to release securities upon expiration of statutory periods

HEARINGS

16. Hearing to consider an amendment to the Urban Area General Plan to redesignate 40 acres in the Kiernan/Carver Comprehensive Planning District from Business Park to Residential Uses. (Continued from October 26 and November 16, 1999 City Council meetings.)

**ACTION:** By order of the Chair (voice vote), hearing continued to January 11, 2000 at 7:00 p.m.

17. Hearing to consider the application of Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from Specific Plan-Overlay Zone to P-D(537) and P-D(540), to amend P-D(532) and P-D(537), and to consider three development agreements with Costa Limited Partners for the project.

**ACTION:** By motion (Fisher/Friedman, majority; Serpa, no) hearing continued to December 16, 1999 at 4:00 p.m.

***Councilmember Fisher left the meeting at 7:40 p.m.***

18. Hearing to consider designation of the dwelling located at 124 Sycamore Avenue as a Landmark Preservation Site. (Property owners: Dorothy and Arthur Scully)

**ACTION:** By motion (Friedman/Dobbs, unan.; Fisher, absent), continued hearing to January 25, 2000 meeting.

#### NEW BUSINESS

19. Consider approving a multi-year Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA).

**ACTION:** Res. 99-621 adopted (Dobbs/Serpa, unan.; Fisher, absent) approving a multi-year Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Police Officers Association (MPOA).

20. Consider endorsing redesign concepts as outlined in the Final Report of Human Resources System Redesign Recommendations.

**ACTION:** Res. 99-622 adopted (Friedman/Smith, unan.; Fisher, absent) endorsing redesign concepts as outlined in the Final Report of Human Resources System Redesign Recommendations.

*Item #21 removed from Agenda*

21. Consider authorizing City Manager to execute an amendment to the Amended and Restated Service Agreement for the supply and acceptance of solid waste among the County of Stanislaus, the City of Modesto and Ogden Martin Systems of Stanislaus, Inc., the Communities Assignment Agreement for the Solid Waste-to-Energy Projects, and the Purchase Agreement for the Waste-to-Energy Project; and consider authorizing the City Manager to sign a letter agreement to reimburse Ogden Martin Systems of Stanislaus for expenses incurred in connection with the issuance of the 1999 Certificates of Participation and the Refunding of the 1990 Certificates.

22. Consider authorizing the City Manager to file a Trail Use Condition Request (railbanking) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike

Path/Trail; consider making a finding of conformance with Negative Declaration EA 96-118 prepared for the Non-Motorized Transportation Master Plan; consider directing staff to initiate the process of amending Policy documents that reference Mass Transportation in the Virginia Avenue Railroad Corridor; and consider directing staff to seek funding for the planning and development of the bike trail and corridor beautification to include the preparation of a Specific Plan for the Virginia Avenue Railroad Corridor.

**ACTION:** Res. 99-623 adopted (Friedman/Smith, unan.; Fisher, absent) authorizing the City Manager to file a Trail Use Condition Request (railbanking) to the Surface Transportation Board to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail.

Res. 99-624 adopted (Friedman/Smith, unan.; Fisher, absent) making a finding of conformance with Negative Declaration EA 96-118 prepared for the Non-Motorized Transportation Master Plan.

By motion (Friedman/Smith, unan.; Fisher, absent), directed staff to initiate the process of amending Policy documents that reference Mass Transportation in the Virginia Avenue Railroad Corridor.

By motion (Friedman/Smith, unan.; Fisher, absent), directed staff to seek funding for the planning and development of the bike trail and corridor beautification to include the preparation of a Specific Plan for the Virginia Avenue Railroad Corridor.

*Councilmember Smith absent due to conflict of interest*

23. Consider adoption of two resolutions as follows: (1) A resolution authorizing the City Manager to sign a Joint Powers Agreement providing for the formation of a Joint Powers Agency (JPA) with Stanislaus County for the purposes of constructing and owning a Performing Arts Center (PAC) to be located in Downtown Modesto; (2) a resolution determining that the Performing Arts Center project is exempt from CEQA, or alternatively, certifying a Mitigated Negative Declaration.

**ACTION:** Motion failed (Friedman/Lang, yes; Conrad & Serpa, no; Fisher & Smith, absent).

*Mayor Lang left the meeting at 9:35 p.m.*

*Council took a 10 minutes recess and returned at 10:20 p.m. Councilmember Dobbs did not return to the meeting.*

WRITTEN COMMUNICATIONS

24. Letter from Daniel R. Neesan and petitions from property owners and business owners regarding the problems surrounding the shelter for the homeless on Yosemite Boulevard.

**ACTION:** By order of the chair, issue referred to the Human Services Committee.

#### ORAL COMMUNICATIONS

None.

#### MATTERS TOO LATE FOR THE AGENDA

None.

#### ADJOURNMENT

The meeting adjourned to Closed Session at 11:15 p.m.

#### CLOSED SESSION

The meeting adjourned to a closed session in the Council Conference Room to consider the following:

#### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision(b) of Section 54956.9 of the Government Code: One case.

The City Attorney returned at 11:25 p.m. stating there was no reportable action taken.

## **MINUTES, Tuesday, December 16, 1999, at 4:00 p.m.**

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

Absent: Dobbs

*Councilmember Serpa arrived at 4:12 p.m.*

### HEARING

1. Hearing to consider the application of Costa Limited Partners to rezone property located on the north side of Pelandale Avenue east of Sisk Road from Specific Plan-Overlay Zone to P-D(537) and P-D(540), to amend P-D(532) and P-D(537), and to consider three development agreements with Costa Limited Partners for the project.  
(Ordinance rezoning from SP-O to P-D(537) needed; resolution approving development plan, development schedule and conditions of approval for P-D(537) needed; ordinance rezoning from SP-O to P-D(540) needed; resolution approving development plan, development schedule and conditions of approval for P-D(540) needed; ordinance amending P-D(532) needed; resolution approving development plan, development schedule and conditions of approval for P-D(532) needed; three ordinances approving development agreements for P-D(532), P-D(537) and P-D(540) needed; resolution finding rezonings, P-D amendments and development agreements consistent with Kiernan Business Park EIR needed; and resolution approving agreement to acquire land and to construct storm drain basin for P-D(532), P-D(537) and P-D(540) needed.)

**ACTION:** By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3163 to rezone from SP-O to P-D(537).

Res. 99-625 adopted (Fisher/Friedman, majority; Serpa, no) approving development plan, development schedule and conditions of approval for P-D(537).

By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3164 to rezone from SP-O to P-D(540).

Res. 99-626 adopted (Fisher/Friedman, majority; Serpa, no) approving development plan, development schedule and conditions of approval for P-D(540).

By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3165 to amend P-D(532).

Res. 99-627 adopted (Fisher/Friedman, majority; Serpa, no) approving development plan, development schedule and conditions of approval for P-D(532).

By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3166 approving development agreements for P-D(532).

By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3167 approving development agreements for P-D(537).

By motion (Fisher/Friedman, majority; Serpa, no), introduced Ord. 3168 approving development agreements for P-D(540).

Res. 99-628 adopted (Fisher/Friedman, majority; Serpa, no) finding rezonings, P-D amendments and development agreements consistent with Kiernan Business Park EIR.

Res. 99-629 adopted (Fisher/Friedman, majority; Serpa, no) approving agreement to acquire land and to construct storm drain basin for P-D(532), P-D(537) and P-D(540).

#### ADJOURNMENT

The meeting adjourned at 5:20 p.m.



**MINUTES, Tuesday, December 21, 1999, at 4:00 p.m.**

Roll Call – Present: Councilmembers Conrad, Dobbs, Fisher, Friedman, Serpa, Smith,  
Mayor Lang

Absent:

A. Certification of canvass of votes at December 14, 1999 Second Regular Municipal Election.

**ACTION:** Res 99-630 adopted (Friedman/Serpa, unan.) certifying the canvass of votes of the December 14, 1999 Second Regular Municipal Election.

B. Oath of Office by newly-elected Mayor and Councilmember.

**ACTION:** Given by City Clerk

C. Remarks.

**ACTION:** Remarks were given by Mayor Sabatino and Councilmember Frohman.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 4:17 p.m.