

2003 City Council Meeting/Workshop Minutes

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, January 6, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Frohman, O'Bryant,

Also Present: Councilmember Keating

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

NEW BUSINESS

- 1) Crime Statistics Update

ACTION: No action taken. Informational item only.

- 2) Informational Report on RFQ/RFP Process for Selection of Design Professionals for Parks and Facility Development Services

ACTION: No action taken. Informational item only.

3) Consider Recommendation to Renew Agreement with Kramer.Firm

ACTION: The Committee approved Staff's recommendation to forward this item to full Council for adoption of a resolution approving an amendment to an agreement with Kramer.Firm, Inc.

4) Consider Project to Rebuild I-Net

ACTION: The Committee approved Staff's recommendation to forward this item to full Council to authorize the initiation of a project to rebuild the existing Institutional Network.

5) Consider Formation of a Community Emergency Response Team (CERT)

ACTION: The Committee approved the formation of a Community Emergency Response Team (CERT) program in Modesto along with authorization to apply for a grant through FEMA to fund a CERT program.

6) Consider Recommendation to Approve Design & Financing of Fire Station No. 11

ACTION: The Committee approved Staff's recommendation to forward this item to full Council for approval of the design and financing for Fire Station No. 11.

7) Advanced Life Support (ALS) – Oral Update

ACTION: No action taken. Informational item only.

8) Report on Ray Simon Regional Training Center

ACTION: Informational item only. Committee requested notification of the YCCD Board meeting when Chief Wasden and Sheriff Weidman make their presentation regarding this item.

9) Consider Recommendation to Approve Coffee-Claratina Neighborhood Park and dual-Use Basin Master Plan, Design Development Report, Environmental Findings and Agreement with Stantec Consulting Inc., for Construction Documents.

ACTION: The Committee approved Staff's recommendation to forward this item to full Council to accept the environmental findings and approve the agreement with Stantec.

- 10)** Consider Recommendation to Approve Lease Agreement with Central California Art League's Modesto Art Center and Gallery.

ACTION: The Committee approved Staff's recommendation to forward this item to full Council to approve the proposed terms of a lease agreement between Civic Partners and the Modesto Art Center and Gallery /City of Modesto for rental of commercial space on the first floor of Tenth Street Place and the City co-sign the lease agreement.

- 11)** Consider Recommendation Regarding Status of Modesto Convention & Visitors Bureau

ACTION: The Committee directed Staff to amend bylaws to reflect the June 25, 2002 Council action and return this item to Committee for review.

- 12)** Consider Modesto Centre Plaza Five-Year Plan

ACTION: The Committee approved Staff's recommendation to forward this item to full Council for approval of the Modesto Centre Plaza Five-Year Plan.

- 13)** Consider Proposed New Alarm Ordinance

ACTION: The Committee referred this item to the Community Qualities Forum. The Committee suggested to charge no fee for the first false alarm and for the Police Department to meet with the local alarm companies. This item will return to the Safety and Communities Committee after it has been discussed by the Community Qualities Forum.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:00 p.m.

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 7, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Evangelist Linda Wade, Mighty Women of Modesto

City Clerk's Announcements: *Items 28 & 29 suggested to be taken prior to Council
Comments & Reports*

Declaration of Conflicts of Interest: *Fisher; Items 15, 19, & 28
Sabatino, Item 19*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of promoted employee - Robert Howard, Deputy Director of Operations and Maintenance by Peter Cowles

ACTION: Peter Cowles, Director of Operations & Maintenance, introduced Robert Howard, Deputy Director of Operations & Maintenance.

2. Presentation regarding Modesto Wastewater Treatment Plant named Plant of the Year - Jana Coons

ACTION: Robert Howard presented the Plant of the Year award.

ORAL COMMUNICATIONS

- Joan Ruttschow thanked the Mayor for facilitating the meeting between the Board and the musicians of the Modesto Symphony.
- Mayor Sabatino thanked David Harvey for his comments however noted that the City Manager did not participate in the Symphony and Board negotiations.

COUNCIL COMMENTS & REPORTS

3. At the request of Councilmember O'Bryant, consider status report to the Council from the Ad Hoc Public Safety Committee.

ACTION: Report made by Councilmember O'Bryant.

4. At the request of Councilmember Fisher, consider rescinding Resolutions 2002-568, 2002-569 and 2002-570, and consider calling a special election to submit a Charter amendment to the voters for the purpose of changing the run-off election date from December to March. To implement this recommendation the following three resolutions must be adopted:
 - Resolution calling for a special election to be held on April 8, 2003 (or such other date as determine by the Council) for the purpose of submitting to the voters an amendment to the Modesto City Charter changing the run off election date from December of odd-numbered years to March of even-numbered years recommended.
 - Resolution directing the City Clerk to transmit a copy of the proposed Charter amendment to the City Attorney for the purpose of preparing an impartial analysis recommended.
 - Resolution authorizing members of the City Council to file written arguments in favor of, or in opposition to, the proposed Charter amendment recommended.

ACTION: By Motion (Fisher/Frohman; unan.) directed City Clerk to solicit Request for Proposals for vendors to provide election services for the December 9, 2003 Run-Off Election and prepare for the failure of the Charter Amendment in November.

ACTION: By Motion (Fisher/Frohman; unan) also directed City Clerk to request the County Clerk to purge the Voter files.

5. At the request of Vice Mayor Conrad, consider establishing a procedure for disclosing minutes of City Council closed sessions.

ACTION: This item was referred to the Safety & Communities Committee.

- Mayor Sabatino commented on his letter to the Grand Jury regarding the restructuring of the City's purchasing policy.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED :

ACTION CONSENT ITEMS 6- 8, 10- 14, 16-18, & 22- 24: Fisher/Jackman; unan.

ACTION ITEM 9: Conrad/Jackman; unan.

ACTION ITEM 15: Conrad/Frohman; unan.; Fisher, absent

ACTION ITEM 19: Frohman/Conrad; unan.; Sabatino & Fisher, absent

ACTION ITEM 20: Item continued to January 14, 2003

CONSENT ITEMS

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

CONSENT

6. Approval of the minutes of the regular City Council meeting of December 10, 2002. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan.) approved the minute of December 10, 2002.

CONSENT

7. Consider excusing Councilmember Frohman's absence at the December 3, 2002 meeting due to representing at the National League of Cities Annual Conference in Salt Lake City.

ACTION: By Motion (Fisher/Jackman; unan.) excused Councilmember Frohman's absence.

CONSENT

8. Consider authorizing the award of presort mailing services to ABS Presort for an estimated annual cost of \$270,200 for a period of one year with four one-year extension options.

- Resolution authorizing the award of presort mailing services to ABS Presort for an estimated annual cost of \$270,200 for a period of one year with four one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmassaso@modestogov.com

ACTION: Res. No. 2003-1 (Fisher/Jackman; unan.) authorizing the award of presort mailing services to ABS Presort for an estimated annual cost of \$270,200 for a period of one year with four one-year extension options.

REMOVED FROM CONSENT

9. Consider approving an Online Privacy and Use Statement and authorizing its inclusion on the City of Modesto Internet Web site.

- Resolution approving an Online Privacy and Use Statement and authorizing its inclusion on the City of Modesto Internet Web site recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Res. No. 2003-2 (Conrad/Jackman; unan.) approving an Online Privacy and Use Statement and authorizing its inclusion on the City of Modesto Internet Web site.

CONSENT

10. Consider extending pay and benefits for Reservists called into active military duty, for an additional year.

- Resolution approving extending pay and benefits for Reservists called into active military duty, for an additional year recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2003-3 (Fisher/Jackman; unan.) approving extending pay and benefits for Reservists called into active military duty, for an additional year

CONSENT

11. Consider authorizing joint membership in the Equal Opportunity/Disability Commission and Human Relations Commission for five current Equal Opportunity/Disability Commissioners.

- Resolution appointing five of the current Equal Opportunity/Disability Commissioners as members to fill the five vacancies on the Human Relations Commission. These five commissioners would hold joint membership on both commissions.

Personnel; Jason Mauga, 577-5209, jmauga@modestogov.com

ACTION: Res. No. 2003-4 (Fisher/Jackman; unan.) appointing five of the current Equal Opportunity/Disability Commissioners as members to fill the five vacancies on the Human Relations Commission.

CONSENT

12. Consider accepting the work of Richard Heaps Electrical for the “Upgrade Traffic Signals - State Route 108” project as complete and authorizing the City Clerk to file a Notice of Completion. Project total - \$170,578.

- Resolution accepting the work for the “Upgrade Traffic Signals - State Route 108” project as complete and authorizing the City Clerk to file a Notice of Completion recommended.

Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@modestogov.com

ACTION: Res. No. 2003-5 (Fisher/Jackman; unan.) accepting the work for the “Upgrade Traffic Signals - State Route 108” project as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

13. Consider, as a result of a request by Councilmember Jackman to initiate a Project Study report (PSR) for future needs and improvements for the Briggsmore interchange, requesting StanCOG to add the Briggsmore Interchange upgrades project to the Federal Transportation Improvement Plan (FTIP) and begin the PSR process.

- Resolution requesting StanCOG to add the Briggsmore Interchange upgrades project to the Federal Transportation Improvement Plan (FTIP) and begin the PSR process recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-6 (Fisher/Jackman; unan.) requesting StanCOG to add the Briggsmore Interchange upgrades project to the Federal Transportation Improvement Plan (FTIP) and begin the PSR process.

CONSENT

14. Consider solicitation of a request for proposals from sign manufacturers to design, manufacture and install an illuminated marquee sign at Modesto City-County Airport to honor Harry Sham for the aviation contribution to the community and to provide airport location identification information.

- Resolution approving Requests for Proposals from sign manufacturers to design, manufacture and install an illuminated marquee sign at Modesto City-County Airport recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-7 (Fisher/Jackman; unan.) approving Requests for Proposals from sign manufacturers to design, manufacture and install an illuminated marquee sign at Modesto City-County Airport.

Councilmember Fisher absent due to Conflict of Interest

15. Consider accepting the work for the “2002 HandicapRamp Construction” project as complete and authorizing the City Clerk to file a Notice of Completion. Total cost of project - \$201,789.

- Resolution accepting the work for the “2002 HandicapRamp Construction” project as complete and authorizing the City Clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Genichi Kanow, 577-5452,
gkanow@modestogov.com*

ACTION: Res. No. 2003-8 (Conrad/Frohman; unan.; Fisher, absent) accepting the work for the “2002 HandicapRamp Construction” project as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

16. Consider awarding a \$272,677 contract to Remediation Constructors Inc. for the project titled “Hillside Drive Extension”. Funds are budgeted.

- Resolution awarding a \$272,677 contract to Remediation Constructors Inc. for the project titled “Hillside Drive Extension” recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-9 (Fisher/Jackman; unan.) awarding a \$272,677 contract to Remediation Constructors Inc. for the project titled “Hillside Drive Extension”.

CONSENT

17. Consider rejecting all bids and the contract for Village One West Basin Road Improvements and rescinding Resolution 2002-560.

- Resolution rejecting all bids and the contract for Village One West Basin Road Improvements and rescinding Resolution 2002-560 recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-10 (Fisher/Jackman; unan.) rejecting all bids and the contract for Village One West Basin Road Improvements and rescinding Resolution 2002-560.

CONSENT

18. Consider authorizing the City Manager to execute a professional services agreement with Associated Engineering Group Inc for \$66,775 to complete the design of the Village One Storm Drainage Improvements.

- Resolution authorizing the City Manager to execute a professional services agreement with Associated Engineering Group Inc for \$66,775 to complete the design of the Village One Storm Drainage Improvements recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-11 (Fisher/Jackman; unan.) authorizing the City Manager to execute a professional services agreement with Associated Engineering Group Inc for \$66,775 to complete the design of the Village One Storm Drainage Improvements.

Councilmember Fisher & Mayor Sabatino absent due to Conflicts of Interest

19. Consider awarding a \$277,673 contract to BDS Construction Inc. for the project titled “2003 Handicap Ramp Construction”.

- Resolution awarding a \$277,673 contract to BDS Construction Inc. for the project titled “2003 Handicap Ramp Construction” recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-12 (Frohman/Conrad; unan.; Fisher & Sabatino, absent) awarding a \$277,673 contract to BDS Construction Inc. for the project titled “2003 Handicap Ramp Construction”.

CONSENT

20. Consider awarding a \$262,258 contract to BDS Construction for the project titled “Bowen Avenue Roundabouts”; and Consider approving an appropriation transfer to fully fund the project budget.

- Resolution awarding a \$262,258 contract to BDS Construction for the project titled “Bowen Avenue Roundabouts” recommended.
- Resolution approving an appropriation transfer to fully fund the project budget recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: This item was continued to January 14, 2003.

CONSENT

21. Consider accepting the work for “Village One West Basin Excavation” as complete and authorizing the District Engineer and the District Administrator to file a Notice of Completion.

- Resolution accepting the work for “Village One West Basin Excavation” as complete and authorizing the District Engineer and the District Administrator to file a Notice of Completion recommended.

City Manager; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Res. No. 2003-13 (Fisher/Jackman; unan.) accepting the work for “Village One West Basin Excavation” as complete and authorizing the District Engineer and the District Administrator to file a Notice of Completion.

CONSENT

22. Consider accepting the Modesto Sister Cities International Annual Financial Report.

- Motion acknowledging receipt of report recommended.

Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, dconder@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan.) acknowledging receipt of report.

CONSENT

23. Consider authorizing staff to enter into negotiations with the Del Rio Foundation to bring The First Tee program to Muni Course.

- Resolution authorizing staff to enter into negotiations with the Del Rio Foundation to bring The First Tee program to Muni Golf Course recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-5644, bquintells@modestogov.com

ACTION: Res. No. 2003-14 (Fisher/Jackman; unan.) authorizing staff to enter into negotiations with the Del Rio Foundation to bring The First Tee program to Muni Golf Course.

CONSENT

24. Consider approving a lease agreement renewal for the Downtown Water Tank cellular antenna site and lease agreement amendments for cellular antenna/tower sites at Beyer, Davis, and Downey Community Parks with AT&T Wireless Service of California.

- Resolution approving a lease agreement renewal for the Downtown Water Tank cellular antenna site and lease agreement amendments for cellular antenna/tower sites at Beyer, Davis, and Downey Community Parks with AT&T Wireless Service of California recommended.

Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Res. No. 2003-15 (Fisher/Jackman; unan.) approving a lease agreement renewal for the Downtown Water Tank cellular antenna site and lease agreement amendments for cellular antenna/tower sites at Beyer, Davis, and Downey Community Parks with AT&T Wireless Service of California.

WRITTEN COMMUNICATIONS

25. Letter from Latino Community Roundtable regarding remarks made recently by Councilmember Bill Conrad.

ACTION: No action taken.

26. Letter from Paul & Sue Thorpe requesting their appeal to a decision by the Planning Commission approving the Mira Loma vesting tentative subdivision map be moved to January 28, 2003.

ACTION: This item was heard under Public Hearings at the request of the appellant.

HEARINGS

Appellant requests hearing be continued to January 28, 2003.

27. Hearing to consider the appeal by Paul and Sue Thorpe, to a decision by the Planning Commission approving the Mira Loma vesting tentative subdivision map.
- Resolution denying the appeal and upholding the decision of the Planning Commission recommended.

Community & Economic Development; Brad Wall, 571-5808,

bwall@modestogov.com

ACTION: Res. No. 2003-16 (Fisher/Keating; majority; Conrad, Frohman & Jackman; no) granting the appeal and overturning the decision of the Planning Commission

Councilmember Fisher absent due to Conflict of Interest

28. Hearing to consider regarding the application of Redev Inc. to rezone property located on the Northwest corner of Tully Road and Snyder Avenue from SP-O to P-D to allow for the development of a medical office complex made up of two

buildings of 3,000-square feet and four buildings of 4,000 square feet and related parkway, parking and driveways.

- Ordinance approving rezoning from SP-O to P-D(557) recommended.
- Resolution approving a Development Plan for P-D(557) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modestogov.com

ACTION: By Motion (Keating/Conrad; unan.) **introduced Ordinance No. 3278–C.S.** approving rezoning from SP-O to P-D(557)

ACTION: Res. No. 2003-17 (Keating/Conrad; unan.) approving a Development Plan for P-D(557)

ACTION: Res. No. 2003-18 (Keating/Conrad; unan.) finding the requested rezoning within the scope of the General Plan Master EIR.

29. Hearing to consider California Statewide Communities Development Authority Revenue Bonds for the benefit of Sutter Health.

- Resolution approving California Statewide Communities Development Authority Revenue Bonds for the benefit of Sutter Health recommended.

Finance; Barry Newlin, 577-5373, bnewlin@modestogov.com

ACTION: Res. No. 2003-19 (Keating/Fisher; unan) approving California Statewide Communities Development Authority Revenue Bonds for the benefit of Sutter Health.

NEW BUSINESS

30. Consider appointing a new vice mayor for calendar year 2003.
(Resolution approving a vice-mayor for calendar year 2003 recommended.)

Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2003-20 (Fisher/Conrad; unan.) appointed Bruce Frohman as Vice-Mayor for the calendar year 2003.

31. Consider approving the proposed Village One Facilities Cost Estimates, adopting the revised Village One Facilities Prioritization List, approving immediate payment of project SD-211 (Central Basin Property - Payback to storm Drain fund, providing policy guidance with respect to administration of the Facilities Prioritization List.

- Motion approving the proposed Village One Facilities Cost Estimates, adopting the revised Village One Facilities Prioritization List, approving

immediate payment of project SD-211 (Central Basin Property - Payback to storm Drain fund, providing policy guidance with respect to administration of the Facilities Prioritization List recommended.

City Manager; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) approved the proposed Village One Facilities Cost Estimates.

ACTION: Res. No. 2003-20A (Fisher/Conrad; unan.) adopting the revised Village One Facilities Prioritization List and approving immediate payment of project SD-211 (Central Basin Property - Payback to storm Drain fund, providing policy guidance with respect to administration of the Facilities Prioritization List

32. Consider introduction of an ordinance amending the Municipal Code relating to City Contracts regarding the current \$50,000 limit on traffic-calming projects not being adequate to perform the amount of work that is normally needed, and the work as a bid is not cost-effective and timely.

- Motion introducing on ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8, Section “a” of the Modesto Municipal Code relating to City Contracts - Contracting Authority to include traffic control devices, roundabouts, and other traffic-calming devices.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Item was continued to the City Council meeting of January 14, 2003.

MISCELLANEOUS

Appointments

33. Consider re-appointment of Rich Rosa to the Airport Advisory Committee.

- Resolution approving re-appointment of Rich Rosa to the Airport Advisory Committee recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-21 (Fisher/O’Bryant; unan.) approving re-appointment of Rich Rosa to the Airport Advisory Committee.

34. Consider re-appointment of Cleopathia Moore to the Citizens Housing & Community Development Committee, with a term expiration of January 1, 2007.

- Resolution approving re-appointment of Cleopathia Moore to the Citizens Housing & Community Development Committee recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-22 (Fisher/O'Bryant; unan.) approving re-appointment of Cleopathia Moore to the Citizens Housing & Community Development Committee.

35. Consider re-appointment of Chester Graham to the Citizens Advisory Committee on Recycling, with a term expiration of January 1, 2007.

- Resolution approving re-appointment of Chester Graham to the Citizens Advisory Committee on Recycling recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-23 (Fisher/O'Bryant; unan.) approving re-appointment of Chester Graham to the Citizens Advisory Committee on Recycling

36. Consider re-appointment of Jane Fenton and Thomas Stone to the Culture Commission, each with a term expiration of January 1, 2007.

- Resolution approving re-appointment of Jane Fenton and Thomas Stone to the Culture Commission recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-24 (Fisher/O'Bryant; unan.) approving re-appointment of Jane Fenton and Thomas Stone to the Culture Commission.

37. Consider re-appointment of Horace Henline, Charles Behr, and Mike Burns to the Golf Courses Advisory Committee, each with a term expiration of January 1, 2007.

- Resolution approving re-appointment of Horace Henline, Charles Behr, and Mike Burns to the Golf Courses Advisory Committee recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-25 (Fisher/O'Bryant; unan.) approving re-appointment of Horace Henline, Charles Behr, and Mike Burns to the Golf Courses Advisory Committee.

38. Consider re-appointment of Andrew Mendlin to the Planning Commission, with a term expiration of January 1, 2007.

- Resolution approving re-appointment of Andrew Mendlin to the Planning Commission recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-26 (Fisher/O'Bryant; unan.) approving re-appointment of Andrew Mendlin to the Planning Commission.

39. Consider re-appointment of Margaret Leaman, Mary Grogan, and Dave Gianelli to the Tuolumne River Regional Park Citizens Advisory Committee, each with a term expiration of January 1, 2007.
- Resolution approving re-appointment of Margaret Leaman, Mary Grogan, and Dave Gianelli to the Tuolumne River Regional Park Citizens Advisory Committee recommended.
City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-27 (Fisher/O'Bryant; unan.) approving re-appointment of Margaret Leaman, Mary Grogan, and Dave Gianelli to the Tuolumne River Regional Park Citizens Advisory Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 1:15 a.m.

Audit Committee Meeting/ Special City Council Workshop Meeting

Tenth Street Place, Conference Room 2008

1010 10th Street

Modesto, California

Wednesday, January 8, 2003, 1:30 PM

Roll Call:

Present: Committee members: Carmen Sabatino, Chair
Janice Keating, Vice Chair
Will O'Bryant

NEW BUSINESS

1. Received oral report by Joe Aguilar of Vavrinek, Trine, Day & Co., regarding the progress of the performance audit of the City's Community Facilities Districts.
2. Received oral report by A.J. Major of Vavrinek, Trine, Day & Co., regarding the progress of the financial audit of the City's Community Facilities Districts.
3. Approved request for approval of extension to January 31, 2003, of contract with Vavrinek, Trine, Day & Co. to perform Community Facilities Districts audits.
4. Approved, and forwarded to Council for approval, recommendation to issue Request for Proposals for external auditors to perform the annual financial audit of the City.
5. Received oral report by Finance Dept. staff regarding obtaining revenue audit services.

ORAL COMMUNICATIONS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 2:50 PM

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

Tenth Street Place
Second Floor, Room 2005
1010 Tenth Street
Modesto, CA 95354

5:30 PM, Monday, January 13, 2003

Roll Call: Present: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

Also Present: Janice Keating, Carmen Sabatino

NEW BUSINESS

INFORMATION ITEMS:

- 1) Oral Report – SR99/132 Update – Councilmember Jackman

ACTION: Update given by Councilmember Jackman.

- 2) Oral Report – Norseman Drive Extension Update

ACTION: Report given by Director of Engineering & Transportation, Glen Lewis.

- 3) Oral Report – Pelandale Interchange Project Update

ACTION: Report given by Director of Engineering & Transportation, Glen Lewis.

- 4) Oral Report – Downtown ADA Access Standards

ACTION: Rich Ulm and Dean Phillips reported on this item.

- 5) Capital Facilities Fees Progress Report

ACTION: No action taken.

6) Community & Economic Development Department Monthly Development Activity Report

- Kiernan Business Park
- Kaiser Medical Campus
- Shelter Cove Status
- St. Stanislaus Church
- Safeway at Briggsmore/Oakdale
- Regulating Use of Shipping Containers as Storage in Residential Zones
- Del Valle Homes/Fairview Development Agreement Implementation
- Commercial Zoning, Southwest Corner of Oakdale and Sylvan
- General Plan Master EIR and Amendment
- General Plan Housing Element Update
- Village One Specific Plan Amendment
- Urban Growth Review
- Kansas-Woodland Business Park (FMC)
- 9th Street Bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- RJ Sweetwaters Restaurant Property
- Downtown Housing Project
- Appeal of CFF Exemptions for Demolished Buildings

ACTION: No action taken.

CONSENT ITEMS – APPROVAL: *ALL CONSENT ITEMS WERE APPROVED*

7) Consider Acceptance of Report on “Don’t Trash Modesto Campaign” and Recommend City Council Approval of the Litter Removal and Landscape Maintenance Fees Associated with Campaign

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval.

8) Consider Approval of Recommendation to Amend City Policy Regarding Environmental Assessments on Land Acquisition

ACTION: The Committee approved staff recommendation.

- 9) Consider Recommendation to Council to Accept Report on the Corporation Yard Transition Plan and Approve of License Agreement with Beard Land Improvement Company

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval.

- 10) Consider Approval of the Prioritization of Regional Surface Transportation Program Projects

ACTION: The Committee approved staff recommendation.

- 11) Consider Recommendation that Council Approve Airport T-Hangar and Aircraft Tiedown Lease Revision

ACTION: The Committee approved staff recommendation.

- 12) Consider Recommendation to Council that Staff Proceed with the Consultant Selection Process for the Wastewater Master Plan Update

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval.

- 13) Consider Recommendation to Adopt Proposed Hearing Dates Regarding Urban Growth Review

ACTION: The Committee approved staff recommendation.

ITEMS WHERE STAFF EXPECTS DISCUSSION, GUIDANCE AND/OR RECOMMENDATION:

- 14) Consider Staff Recommendation for Traffic Signal Installation on Scenic Drive and Lakewood Avenue

ACTION: The Committee gave staff direction to return back to the Committee in 60 days with a traffic calming design for this item.

- 15) Discussion of Staff Recommendation for Funding Assistance Requested by the County for the Gallo Arts Center

ACTION: The Council forwarded funding option 2A in the amount of \$1,259,000 to the full Council for consideration. Fisher in favor of Option 2.

- 16) Consider Recommendation that Council Approve Reappointment of Joan Bonaccinie, Golf Courses Advisory Committee, Ray Feller, Board of Zoning Adjustment, and Alita Roberts, Redevelopment Advisory Commission

ACTION: The Committee approved reappointments and forwarded recommendations to full Council.

- 17) Consider Recommending City Council Adopt Proposed Amendments to the Modesto Municipal Code Relating to Cross Connection Program

ACTION: The Committee approved staff recommendation to forward amendments to the Municipal Code to the Council.

- 18) Consider Options to Increase Amount of Concrete Repair Work Performed on an Annual Basis and Recommend Further Action

ACTION: The Committee recommended Staff Option 2, to shift contractual forces funding to in-house crews by using the \$250,000 spent annually on contract concrete work to accomplish more work, to the full Council.

- 19) Consider Recommendation for Proposed Fares for the ACE Express and BART Express Services, Authorize Staff to Plan for the Purchase of Two Buses in FY03/04 for BART and ACE Routes, and Authorize Staff to Promote BART and ACE Routes

ACTION: The Committee approved staff recommendation to forward to full Council for adoption of the proposed fares for the ACE express and BART Express services, for approval of the purchase of two busses, and to authorize staff to promote the BART and ACE routes. Jackman opposed.

- 20) Consider Recommendation to Approve Revised City Taxicab Ordinance and Revised Taxicab Insurance Requirements and Forward to City Council for Formal Review and Approval

ACTION: The Committee approved staff recommendation forward approval of revised Taxicab Ordinance and revised Taxicab insurance requirements to full Council for approval.

21) Discussion of Modesto Balanced Growth Concept Plan

ACTION: No action taken.

22) Consider Capital Facilities Fee Exemptions for Building Projects Located at 339 Paradise Road, 1333 N. Carpenter Road, 801 Oakdale Road and 2020 W. Briggsmore Avenue

ACTION: The Committee approved staff's recommendation to forward the authorization of CFF exemptions for new buildings to be built on the above-mentioned sites where buildings have been demolished to full Council for approval.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:30 p.m.

City of Modesto
Special City Council Workshop Meeting
Chambers, Basement Level
Tenth Street Place
1010 10th Street
Modesto, California

Monday, January 13, at 9:00 a.m.

Roll Call – Present: Councilmembers Jackman, Keating, O’Bryant, Mayor Sabatino

ORAL COMMUNICATIONS

None.

NEW BUSINESS

1. General discussion of the City’s Mil Tax Ordinance. No action will be taken.

ACTION: Information Only. No Action Taken.

This meeting adjourned at 11:00 a.m.

City of Modesto
City Council Meeting
Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, January 14, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Michael Douglas from Mission Greater Modesto

City Clerk's Announcements: Items 12 & 17 removed from agenda

Declaration of Conflicts of Interest: Fisher, Item 15

ORAL COMMUNICATIONS

- John Mataka expressed his concern with an elected official carrying a concealed weapon.
- Dale Williams commented regarding an elected official carrying a concealed weapon.
- Councilmember Frohman responded to a citizen regarding an issue at the previous Council meeting.
- Raul Ortega expressed his concern with the Mayor stifling individuals at the previous Council meeting.
- Mayor Sabatino explained his attempt to restore order to the Council meeting of last week.
- Councilmember O'Bryant responded to John Mataka regarding his concealed weapon permit.
- Mayor Sabatino announced that he would request the Council to adopt an Ordinance prohibiting concealed weapons in the Chambers at the January 28, 2003 Council meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 9

ACTION ITEMS 1-9: Fisher/Conrad; unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of January 7, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) approved the minutes of January 7, 2003.

CONSENT

2. Final adoption of Ordinance No. 3278–C.S. approving rezoning from SP-O to P-D(557) for a Medical Office Complex on Tully Road.
 - Motion approving final adoption of Ordinance No. 3278-C.S.
Clerk; Rebecca Bartholomew, 577-5397; rbartholomew@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) approved **final adoption of Ordinance No. 3278-C.S.**—approving rezoning from SP-O to P-D(557) for a Medical Office Complex on Tully Road.

CONSENT

3. Consider approval of Audit Committee recommendation to issue Request for Proposals for external audit services to perform annual financial statement audits.
 - Resolution approving issuance of Request for Proposals for external audit services to perform annual financial statement audits.
City Clerk/Auditor; Gary Nienhuis, 571-5544; gnienhuis@modestogov.com

ACTION: Res. No. 2003-28 (Fisher/Conrad; unan.) approving issuance of Request for Proposals for external audit services to perform annual financial statement audits.

CONSENT

4. Consider approval of the formation of a Community Emergency Response Team (CERT) program in Modesto, and authorize application for a grant through FEMA to fund a CERT program.
 - Resolution approving the formation of a Community Emergency Response Team program in Modesto recommended.
 - Resolution authorizing application for a grant through FEMA to fund the program.

Fire; Chief Miguel; 572-9590; jmiquel@modestogov.com

ACTION: Res. No. 2003-29 (Fisher/Conrad; unan.) approving the formation of a Community Emergency Response Team program in Modesto.

ACTION: Res. No. 2003-30 (Fisher/Conrad; unan.) authorizing application for a grant through FEMA to fund the program.

CONSENT

5. Consider a report on the status of the City's investments.
- Motion accepting the findings of the Monthly Investment Report for November 2002.

Finance; Patrick Samsell; 571-5556; psamsell@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) accepted the findings of the Monthly Investment Report for November 2002.

CONSENT

6. Consider Capital Improvement Project (CIP) Adjustments for Fiscal Year 2003
- Resolution accepting the adjustments to the Fiscal Year 2002-2003 Sewer Operating and Capital Improvement Programs (CIP) adopted budgets recommended.

*Operations & Maintenance; Robert Howard; 577-6224;
rhoward@modestogov.com*

ACTION: Res. No. 2003-31 (Fisher/Conrad; unan.) accepting the adjustments to the Fiscal Year 2002-2003 Sewer Operating and Capital Improvement Programs (CIP) adopted budgets.

CONSENT

7. Consider a resolution approving a professional services agreement with Thompson-Hysell Engineers for \$179,380 to complete the Design of the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects and authorizing the City Manager to execute the agreement.
- Resolution approving a professional services agreement with Thompson-Hysell Engineers for \$179,380 to complete the Design of the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Dean Phillips; 577-5215;
dphillips@modestogov.com*

ACTION: Res. No. 2003-32 (Fisher/Conrad; unan.) approving a professional services agreement with Thompson-Hysell Engineers for \$179,380 to complete the

Design of the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects and authorizing the City Manager to execute the agreement

CONSENT

8. Consider a resolution accepting the U.S. EPA Grant (XP 97920801-0) for preparation of a Design of the Ninth Street Storm Drain Replacement for \$242,500; consider a resolution approving the award of a \$430,509 contract to Boyle Engineering Corporation for the Design of the Ninth Street Storm Drain Replacement and authorizing the City Manager to execute the contract; consider a resolution amending the Capital Improvement Budget to budget additional revenue from the United States Environmental Protection Agency (\$242,500), and to reduce the general fund budgeted amount for this project from \$500,000 to \$257,500. The total budget for this project will remain at \$500,000.
- Resolution accepting the U.S. EPA Grant (XP 97920801-0) for preparation of a Design of the Ninth Street Storm Drain Replacement for \$242,500 recommended.
 - Resolution approving the award of a \$430,509 contract to Boyle Engineering Corporation for the Design of the Ninth Street Storm Drain Replacement and authorizing the City Manager to execute the contract recommended.
 - Resolution amending the Capital Improvement Budget to budget additional revenue from the United States Environmental Protection Agency (\$242,500), and to reduce the general fund budgeted amount for this project from \$500,000 to \$257,500 recommended.

*Engineering & Transportation; Dean Phillips; 577-5215;
dphillips@modestogov.com*

ACTION: Res. No. 2003-33 (Fisher/Conrad; unan.) accepting the U.S. EPA Grant (XP 97920801-0) for preparation of a Design of the Ninth Street Storm Drain Replacement for \$242,500.

ACTION: Res. No. 2003-34 (Fisher/Conrad; unan.) approving the award of a \$430,509 contract to Boyle Engineering Corporation for the Design of the Ninth Street Storm Drain Replacement and authorizing the City Manager to execute the contract.

ACTION: Res. No. 2003-35 (Fisher/Conrad; unan.) amending the Capital Improvement Budget to budget additional revenue from the United States Environmental Protection Agency (\$242,500), and to reduce the general fund budgeted amount for this project from \$500,000 to \$257,500.

CONSENT

9. Consider authorizing the City Manager and District Administrator to execute a Settlement Agreement and Release Of All Claims with Davante Villas, a

California Limited Partnership and Robert Calcagno regarding excavation of the Village One Central Basin.

- Resolution authorizing the City Manager and District Administrator to execute a Settlement Agreement and Release Of All *Claims* with Davante Villas, a California Limited Partnership and Robert Calcagno regarding excavation of the Village One Central Basin recommended.

City Manager's Office; Tina Rocha; 577-5211; trocha@modestogov.com

ACTION: Res. No. 2003-36 (Fisher/Conrad; unan.) authorizing the City Manager and District Administrator to execute a Settlement Agreement and Release Of All *Claims* with Davante Villas, a California Limited Partnership and Robert Calcagno regarding excavation of the Village One Central Basin.

WRITTEN COMMUNICATIONS

10. Letter from Dale Gene Williams regarding Spanish translation of Council meetings.

ACTION: No action taken.

UNFINISHED BUSINESS

11. Consider rejecting a bid of \$262,258 from BDS Construction for the project titled "Bowen Avenue Roundabouts" and directing the work to be performed by City Staff for an amount not to exceed \$150,000. (Five affirmative votes required) *This item was continued from January 7, 2003.*

- Resolution rejecting a bid of \$262,258 from BDS Construction for the project title "Bowen Avenue Roundabouts" and directing the work to be performed by City Staff for an amount not to exceed \$150,000 recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-37 (Fisher/Jackman; unan.) rejecting a bid of \$262,258 from BDS Construction for the project title "Bowen Avenue Roundabouts" and directing the work to be performed by City Staff for an amount not to exceed \$150,000.

THIS ITEM HAS BEEN DROPPED FROM THE AGENDA

12. Consider introduction of an ordinance amending the Municipal Code relating to City Contracts regarding the current \$50,000 limit on traffic-calming projects not being adequate to perform the amount of work that is normally needed, and the

work as a bid is not cost-effective and timely. *This item was continued from January 7, 2003.*

- Motion introducing on ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8, Section “a” of the Modesto Municipal Code relating to City Contracts - Contracting Authority to include traffic control devices, roundabouts, and other traffic-calming devices.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: This item was removed from the agenda.

HEARINGS

13. Hearing to consider Resolutions of Necessity to acquire improvements to real property for 9th Street Bridge Replacement project from Viacom Outdoor (five affirmative votes required for approval).
- Resolution of Necessity to acquire improvement to real property for the 9th Street Bridge Replacement project from Viacom Outdoor for outdoor advertising sign structure identified as sign number 006997 (located on APN 102-18-01) recommended.
 - Resolution of Necessity to acquire improvement to real property for the 9th Street Bridge Replacement project from Viacom Outdoor for outdoor advertising sign structure identified as sign number 03858 (located on APN 38-06-05) recommended.
- Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com*

ACTION: Res. No. 2003-38 (Fisher/Keating; unan.) a Resolution of Necessity to acquire improvement to real property for the 9th Street Bridge Replacement project from Viacom Outdoor for outdoor advertising sign structure identified as sign number 006997 (located on APN 102-18-01).

ACTION: Res. No. 2003-39 (Fisher/Keating; unan.) Resolution of Necessity to acquire improvement to real property for the 9th Street Bridge Replacement project from Viacom Outdoor for outdoor advertising sign structure identified as sign number 03858 (located on APN 38-06-05).

NEW BUSINESS

14. Consider a resolution awarding an agreement for \$150,000 to Raines, Melton & Carella, Inc. (RMC), of Lafayette, CA, for professional services to prepare the Northern San Joaquin Water Reclamation Feasibility Study and authorizing the City Manager to execute the agreement; and consider a resolution amending the Operating Budget to appropriate \$150,000 for a Regional Water Reclamation Plant Feasibility Study and increasing Sewer Grant Revenues by \$75,000. The remainder of the project costs will be paid with Sewer Fund reserves.
- Resolution awarding a \$150,000 agreement to Raines, Melton & Carella, Inc., (RMC), of Lafayette, CA, for professional services to prepare the Northern San Joaquin Water Reclamation Feasibility Study and authorizing the City Manager to execute the agreement recommended.
 - Resolution amending the Operating Budget to appropriate \$150,000 for a Regional Water Reclamation Plant Feasibility Study and increasing Sewer Grant Revenues by \$75,000 recommended.
- Engineering & Transportation; Jack Bond; 577-5215; jbond@modestogov.com*

ACTION: Res. No. 2003-40 (Fisher/Jackman; unan.) awarding a \$150,000 agreement to Raines, Melton & Carella, Inc., (RMC), of Lafayette, CA, for professional services to prepare the Northern San Joaquin Water Reclamation Feasibility Study and authorizing the City Manager to execute the agreement.

ACTION: Res. No. 2003-41 (Fisher/Jackman; unan.) amending the Operating Budget to appropriate \$150,000 for a Regional Water Reclamation Plant Feasibility Study and increasing Sewer Grant Revenues by \$75,000.

Fisher absent for item 15 due to conflict of interest.

15. Consider approving a pre-development agreement with the Housing Authority of the County of Stanislaus to provide up to \$245,000 in HOME funds in order to plan and prepare for, and study and determine the feasibility of a multi-family housing project in Village One.

- Resolution approving a pre-development agreement with the Housing Authority of the County of Stanislaus to provide up to \$245,000 in HOME funds in order to plan and prepare for, and study and determine the feasibility of a multi-family housing project in Village One and authorizing the City Manager to execute the HOME Agreement recommended.

Parks, Recreation & Neighborhoods; Carol Harris; charris@modestogov.com; 577-5310

ACTION: Res. No. 2003-42 (Jackman/Frohman; unan.; Fisher, absent) approving a pre-development agreement with the Housing Authority of the County of Stanislaus to provide up to \$245,000 in HOME funds in order to plan and prepare for, and study and determine the feasibility of a multi-family housing project in Village One and authorizing the City Manager to execute the HOME Agreement.

16. Consider approval of Amendment to Agreement for Legal Services with the law firm of Howard, Rice, Nemerovski, Canady, Falk and Rabkin in the case of City of Modesto v. National Med, Inc. and authorizing the City Manager to execute the agreement, and consider approval of transfer of \$300,000 from general fund to CA's professional services account to pay for these legal fees.

- Resolution approving an amendment to the agreement for legal services recommended.
- Resolution approving the transfer of \$300,000 from the General Fund to the City Attorney's Budget to pay for legal fees associated with the amendment recommended.

City Attorney; Rolly Stevens; 577-5284; rstevens@modestogov.com

ACTION: Res. No. 2003-43 (Fisher/Keating; majority; Conrad & Sabatino, no) approving an amendment to the agreement for legal services. The

amendment includes the preparation of an apportionment formula and direction to continue with the appeal with National Med.

ACTION: Staff was directed to develop an enforcement process for those business owners conducting business in Modesto without a business license.

ACTION: Res. No. 2003-44 (Fisher/Keating; majority; Conrad & Sabatino, no) approving the transfer of \$300,000 from the General Fund to the City Attorney's Budget to pay for legal fees associated with the amendment.

- 16A. Discussion of the status of the Business License Tax Ordinance, and consideration of direction to staff with respect to claim filing requirements for businesses claiming their business license tax was not apportioned.

ACTION: By Motion (Sabatino/Jackman; unan.) directed Staff to extend claim filing period by 180 days.

17. Consider approving an amendment to an agreement with Kramer.Firm, Inc. for Professional Cable Consultation Services for an amount not to exceed \$155,000, and authorizing the City Manager to execute the agreement.

- Resolution Approving an Amendment to an Agreement with Kramer.Firm, Inc. for Professional Cable Consultation Services for an Amount Not to Exceed \$155,000 and Authorizing the City Manager to Execute the Agreement.

City Manger; Donna Hansen; 577-5223; dhansen@modestogov.com

ACTION: This item was removed from the Agenda.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 12:00 a.m. to the following closed sessions:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code: Unknown number of cases.

Facts & Circumstances: Several Modesto businesses may initiate litigation to seek refunds of previously paid mil taxes.

This closed session was heard prior to the Council meeting.

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CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director
Employee Organization:	Modesto Police Officers Association Modesto Police Management Association Unrepresented Management Employees

No reportable action taken regarding this item.

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CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager Robin Renwick, Personnel Director Janice Stewart, Assistant Personnel Director
Employee Organization:	Modesto City Employee Association

No reportable action was taken regarding this item.

This meeting adjourned at 1:00 a.m.

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10th Street

Modesto, California

Monday, January 27, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

- 1) Minutes of the December 19, 2002 Special City Council Workshop Meeting with Finance Committee

ACTION: No action taken.

- 2) Demonstration of Accounts Receivable System

ACTION: No action taken.

- 3) Authorizing Solicitation of Formal Bids for the Printing of Monthly Utility Inserts

ACTION: The committee accepted a report authorizing the Purchasing Supervisor to formally solicit Requests for Bids for the printing of the Monthly Utility Bill Insert, for a three (3) year agreement with two (2) one-year extension options.

- 4) Purchase of Thirteen (13), 2003 Ford Crown Victoria Patrol Sedans

ACTION: The committee recommended forwarding this item to full Council for approval. Committee recommended that Council require that the purchase be made from a local vendor.

- 5) Proposed Written Policies for the Capital Improvement Program (CIP)

ACTION: The Committee forwarded this item to full Council for approval.

- 6) Monthly Adjustment Report – January 2003

ACTION: The Committee accepted report and forwarded this item to full Council for approval.

- 7) CFF Update and Recommendation to Council

ACTION: The Committee accepted the update and referred this item to full Council for approval.

- 8) Garage Fees

ACTION: The Committee forwarded this item to full Council to establish weekend and evening fees between \$3 and \$5 for the 10th and 11th Street garages.

- 9) Finance Department Audit Policy

ACTION: The Committee directed Finance Department Staff to bring back a policy to the Committee for approval.

- 10) Technology and Equipment Replacement

ACTION: The Committee approved Information and Technology Staff to come back with a proposed Leasing Program.

- 11) Consider Recommendation to Support SCA 2

ACTION: The Committee did not accept Staff's recommendation to Support SCA 2.

12) Website/Business License Information

ACTION: No action taken. Informational item only.

13) Consider recommending to the City Council an amendment to Chapter 8 of Title 2 of the Modesto Municipal Code to require candidate disclosure of all campaign contributions.

ACTION: The Committee directed ordinance to be considered by the full Council with a clarification in Section 2-8.02 regarding the pre-election filing requirements and leaving Section 2-8.03 as originally stated. The Committee also requested to consider the \$1,000 limit for campaign contributions for possible modification.

ORAL COMMUNICATIONS

None

ADJOURNMENT

This meeting adjourned at 9:00 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, January 28, 2003, at 5:30 p.m.

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

Absent: Fisher

Pledge of Allegiance to the Flag

Invocation: Bill Witzke, Big Valley Grace Community Church

City Clerk’s Announcements: Item 4 referred to Economic Development
Committee
Item 6 removed from the agenda

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Status Report to the Council regarding Prescott Estates/Whispering Woods.
Community & Economic Development; Daryl Willey; 577-5232;
dwilley@modestogov.com

ACTION: Status report given by Daryl Willey.

- Vanessa Czopek, Stanislaus County Librarian, gave a Status Report on the library.
Mary Moor gave the Council a report on events held at the library.
2. Presentation of Modesto’s national honors from the National Association of Town
Watch for placing first for participation in “National Night Out 2002” among cities
with populations from 100,000 to 299,999.
Police Department; Chief Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Presentation was made by Chief Roy Wasden.

ORAL COMMUNICATIONS

- A citizen commented on a cat being hit by a car.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 15

ACTION ITEMS 3, 5, 7- 14: Frohman/Conrad; unan.; Fisher, absent

ACTION ITEM 4: Removed from the agenda.

ACTION ITEM 6: Removed from the agenda.

ACTION ITEM 15: Jackman/Conrad; unan.; Fisher, absent

CONSENT ITEMS

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

CONSENT

3. Approval of the minutes of the regular City Council meeting of January 14, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.; Fisher, absent) approved the minutes of January 14, 2003.

Item 4 was removed from Agenda

4. Consider amending the Classification Plan to create the classifications of Senior Business Analyst and Business Development Division Manager; and Consider amending the Class Range Table to establish a salary range for Senior Business Analyst and Business Development Division Manager.
 - Resolution amending the Position Classification Plan to create the classifications of Senior Business Analyst and Business Development Division Manager recommended.
 - Resolution amending the Class Range Tables for Management/Confidential to add the salary for Senior Business Analyst and Business Development Division Manager recommended.Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: This item was removed from the Agenda and referred to the Economic Development Committee

CONSENT

5. Consider accepting the work of Teichert Construction for the Coffee Claratina Park Road Improvements project as complete, and authorizing the City Clerk to file a Notice of Completion. Total cost of the completed work is \$101,827.50.
- Resolution accepting the work of Teichert Construction for the Coffee Claratina Park Road Improvements project as complete, and authorizing the City Clerk to file a Notice of Completion recommended.
- Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@mopdestogov.com*

ACTION: Res. No. 2003-45 (Frohman/Conrad; unan.; Fisher, absent) accepting the work of Teichert Construction for the Coffee Claratina Park Road Improvements project as complete, and authorizing the City Clerk to file a Notice of Completion

Item 6 was removed from the agenda

6. Consider the purchase of thirteen 2003 Ford Crown Victorias, CHP Class E patrol sedans for a total estimated cost of \$361,647.06. Funds are budgeted.
- Resolution authorizing the purchase of thirteen 2003 Ford Crown Victorias, CHP Class E patrol sedans for a total estimated cost of \$361,647.06 recommended.
- Finance; Tom Reddie, 577-5406, treddie@modestogov.com*

ACTION: This item was removed from the agenda.

CONSENT

7. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for the remodel of the Customer Service Division counter.
- Resolution authorizing the Purchasing Supervisor to issue a Request for Bids for the remodel of the Customer Service Division counter recommended.
- Finance; Cheryl Detmar, 571-5174, cdetmar@modestogov.com*

ACTION: Res. No. 2003-46 (Frohman/Conrad; unan.; Fisher, absent) authorizing the Purchasing Supervisor to issue a Request for Bids for the remodel of the Customer Service Division counter.

CONSENT

8. Consider approving an agreement with Callander Associates to provide design services for the production of construction documents for the new installation and

remodel of playground equipment in fifteen City neighborhood parks for a not to exceed cost of \$62,790.

- Resolution approving an agreement with Callander to provide design services for the production of construction documents for the new installation and remodel of playground equipment in fifteen City neighborhood parks for a not to exceed cost of \$62,790 recommended.

*Parks, Recreation & Neighborhoods; Loren Holt, 571-5573,
lholt@modestogov.com*

ACTION: Res. No. 2003-47 (Frohman/Conrad; unan.; Fisher, absent) approving an agreement with Callander to provide design services for the production of construction documents for the new installation and remodel of playground equipment in fifteen City neighborhood parks for a not to exceed cost of \$62,790

CONSENT

9. Consider approving an amendment to the Tuolumne River Regional Park Joint Powers Agreement to include fourteen residential parcels of land under the Housing and Urban Development Disaster Relief Initiative Program. Revenue of \$650,426 from the Disaster Relief Initiative Grant and \$382,000 from City's CDBG will fund this item.

- Resolution approving an amendment to the Tuolumne River Regional Park Joint Powers Agreement to include fourteen residential parcels of land under the Housing and Urban Development Disaster Relief Initiative Program recommended.

*Parks, Recreation & Neighborhoods; Ernie Richardson, 577-5392,
erichardson@modestogov.com*

ACTION: Res. No. 2003-48 (Frohman/Conrad; unan.; Fisher, absent) approving an amendment to the Tuolumne River Regional Park Joint Powers Agreement to include fourteen residential parcels of land under the Housing and Urban Development Disaster Relief Initiative Program.

CONSENT

10. Consider accepting the Quarterly Strategic Plan Progress Report; and Consider the proposed amendments to the Strategic Plan.

- Motion acknowledging receipt of Quarterly Strategic Plan Progress Report recommended.
- Resolution approving the proposed amendments to the Strategic Plan recommended.

City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.; Fisher, absent) acknowledged receipt of Quarterly Strategic Plan Progress Report.

ACTION: Res. No. 2003-49 (Frohman/Conrad; unan.; Fisher, absent) approving the proposed amendments to the Strategic Plan.

CONSENT

11. Consider amending an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed \$155,000, and authorizing the City Manager to execute the necessary documents.
- Resolution amending an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed \$155,000, and authorizing the City Manager to execute the necessary documents recommended.
City Manager; Donna Hansen, 571-5125, dhansen@modestogov.com

ACTION: Res. No. 2003-50 (Frohman/Conrad; unan.; Fisher, absent) amending an agreement with Kramer.Firm Inc. for professional cable consultation services for an amount not to exceed \$155,000, and authorizing the City Manager to execute the necessary documents.

CONSENT

12. Consider accepting the work of Graham Contractors Inc. for the 2002 Slurry Seals project as complete and authorizing the City Clerk to file the Notice of Completion. Total cost of the completed work is \$1,060,085.20.
- Resolution accepting the work of Graham Contractors Inc. for the 2002 Slurry Seals project as complete and authorizing the City Clerk to file the Notice of Completion recommended.
Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@modestogov.com

ACTION: Res. No. 2003-51 (Frohman/Conrad; unan.; Fisher, absent) accepting the work of Graham Contractors Inc. for the 2002 Slurry Seals project as complete and authorizing the City Clerk to file the Notice of Completion.

CONSENT

13. Consider acknowledging receipt and accepting the findings of the Monthly Investment Report for December 2002.
- Resolution acknowledging receipt and accepting the findings of the Monthly Investment Report for December 2002 recommended.
Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-52 (Frohman/Conrad; unan.; Fisher, absent) acknowledging receipt and accepting the findings of the Monthly Investment Report for December 2002

CONSENT

14. Consider a third amendment to an agreement with Patrick Samsell for financial management services.

- Resolution approving a third amendment to an agreement with Patrick Samsell for financial management services and authorizing the City Manager to execute necessary documents.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-53 (Frohman/Conrad; unan.; Fisher, absent) approving a third amendment to an agreement with Patrick Samsell for financial management services and authorizing the City Manager to execute necessary documents.

Item 15 Removed from Consent

15. Consider written policies for the Capital Improvement Program (CIP).

- Resolution adopting written policies for the City of Modesto Capital Improvement Program recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-54 (Jackman/Conrad; unan.; Fisher, absent) adopting written policies for the City of Modesto Capital Improvement Program.

COUNCIL COMMENTS & REPORTS

- Councilmember Frohman commented on the upcoming picnic table replacement at King Kennedy Center, requested the Council consider prohibiting alcohol in Kewin Park at the next Council meeting, requested that the Economic Development Committee consider the City of Fresno's air quality standards, commented on the use of his electric car and encouraged others to consider using this type of vehicle to save on fuel and reduce pollution, requested the Council consider a vicious dog, pan handling and a no sleeping in the parks ordinance after review by the City Attorney, and commented on the issue of false burglar alarms and the impact they have on the Police Department.

HEARINGS

16. Hearing to consider approval of the Design Development Report, Master Plan, and Environmental Findings for Coffee-Claratina Neighborhood Park and Dual-Use Basin; and Consider accepting the Environmental Findings; and Consider approving the agreement with Stantec Consulting Inc. for construction documents for Coffee-Claratina Neighborhood Park and Dual-Use Basin at a cost not to exceed \$94,500.
 - Resolution adopting the Coffee-Claratina Neighborhood Park and Dual-Use Basin Master Plan and Design Development Report recommended.
 - Resolution accepting the Environmental Findings recommended.
 - Resolution approving the agreement with Stantec Consulting Inc. for construction documents for Coffee-Claratina Neighborhood Park and Dual-Use Basin at a cost not to exceed \$94,500 recommended.

*Parks, Recreation & Neighborhoods; Loren Holt, 571-5573,
lholt@modestogov.com*

ACTION: Res. No. 2003-55 (Jackman/Frohman; unan.; Fisher, absent) adopting the Coffee-Claratina Neighborhood Park and Dual-Use Basin Master Plan and Design Development Report

ACTION: Res. No. 2003-56 (Jackman/Frohman; unan.; Fisher, absent) accepting the Environmental Findings

ACTION: Res. No. 2003-57 (Jackman/Frohman; unan.; Fisher, absent) approving the agreement with Stantec Consulting Inc. for construction documents for Coffee-Claratina Neighborhood Park and Dual-Use Basin at a cost not to exceed \$94,500

17. Hearing to consider accepting the Five-Year Plan for the Modesto Centre Plaza; Consider revising room rental rates; and Consider accepting Centre Plaza subsidy recommendations as presented in the Five-Year Plan.

- Resolution accepting the Five-Year Plan for the Modesto Centre Plaza recommended.
- Resolution revising room rental rates recommended.
- Resolution accepting Centre Plaza subsidy recommendations as presented in the Five-Year Plan recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-56444,
bquintella@modestogov.com*

ACTION: Res. No. 2003-58 (Conrad/Jackman; majority; O'Bryant & Keating; Fisher, absent) accepting the Five-Year Plan for the Modesto Centre Plaza and return top five recommendations to the Safety and Communities Committee in 60 days.

ACTION: Res. No. 2003-59 (Conrad/Jackman; majority; O'Bryant & Keating; Fisher, absent) revising room rental rates by 20%.

ACTION: Res. No. 2003-60 (Conrad/Jackman; majority; O'Bryant & Keating; Fisher, absent) accepting Centre Plaza subsidy recommendations as presented in the Five-Year Plan

18. Hearing to consider the application of David A. Cerutti to rezone from Neighborhood Commercial, C-1, to Planning Development Zone, P-D(558), to allow an automatic car wash in conjunction with an existing convenience store and gas station, property located at the Southwest corner of La Loma and N. Santa Cruz Avenues.

- Introduction of an ordinance approving rezoning from R-1 to P-D(558) recommended.
- Resolution approving a Development Plan for P-D(558) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Brad Wall, 571-5808,
bwall@modestogov.com*

ACTION: By Motion (O'Bryant/Conrad; unan.; Fisher, absent) **introduced Ordinance No. 3279–C.S.** an ordinance approving rezoning from R-1 to P-D(558).

ACTION: Res. No. 2003-61 (O'Bryant/Conrad; unan.; Fisher, absent) approving a Development Plan for P-D(558).

ACTION: Res. No. 2003-62 (O'Bryant/Conrad; unan.; Fisher, absent) finding the requested rezoning within the scope of the General Plan Master EIR.

NEW BUSINESS

19. Consider adopting a resolution supporting the restoration of Vehicle License Fees to cities.

- Resolution supporting the restoration of Vehicle License Fees to cities recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-63 (O'Bryant/Frohman; majority; Conrad & Keating, no; Fisher, absent) supporting the restoration of Vehicle License Fees to cities.

MISCELLANEOUS

Appointments

20. Consider re-appointment of Joan Bonaccinie to the Golf Courses Advisory Committee, with a term expiration of January 1, 2007.

- Resolution approving the re-appointment of Joan Bonaccinie to the Golf Courses Advisory Committee, with a term expiration of January 1, 2007 recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-64 (Frohman/Conrad; unan.; Fisher, absent) approving the re-appointment of Joan Bonaccinie to the Golf Courses Advisory Committee, with a term expiration of January 1, 2007.

21. Consider re-appointment of Ray Feller to the Board of Zoning Adjustment with a term expiration of January 1, 2004.

- Resolution approving the re-appointment of Ray Feller to the Board of Zoning Adjustment with a term expiration of January 1, 2004.
City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-65 (Frohman/Conrad; unan; Fisher, absent) approving the re-appointment of Ray Feller to the Board of Zoning Adjustment with a term expiration of January 1, 2004.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:15 p.m.

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, February 3, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Frohman, O’Bryant,
Absent: Conrad
Also Present: Keating

ORAL COMMUNICATIONS

None

Committee/Council workshop items are:

NEW BUSINESS

- 14)** Relocation of the Police Northwest Area Office

ACTION: Informational item only. No action taken.

- 15)** Close of Police Headquarters’ Lobby During Nighttime

ACTION: Informational item only. No action taken.

- 16)** Consider restricting alcohol consumption in Kewin Park – verbal report requested by Vice Mayor Frohman

ACTION: Staff was given direction to return to the Committee at the next meeting after the Police Department reviews park enforcement, Parks, Recreation & Neighborhoods contacts the neighborhoods and Community Qualities Forum submits a recommendation on alcohol.

- 17)** Consider amending AccessModesto Policies and Procedures related to programming that contains indecent material

ACTION: The Committee accepted staff recommendations regarding the Policy and Procedures related the following issues:

1. Time restrictions related to the playback of programming containing indecent material set at 1:00 to 4:00 AM.
2. Indemnification forms and content surveys completed b AccessModesto Community Television users.
3. Limiting the number of playback times on the Public Access channel to two (2) per week for all programs with a maximum cap of three (3) per week if availability allows, excluding contractual agreements.
4. Preemption of programming for all city-related news conferences.
5. Specifications to the Violation and Appeal processes will return to the Safety and Communities Committee after the Local Program Committee is in place and has reviewed the fine structure for the second violation.
6. Local Cable Programming Committee to be appointed by Council to serve as Board of Appeals for Violation & Appeals processes.
7. Setting a no-fee policy for membership for Public Access.
8. Revising format of Channel 27 to include Public Access, with a priority to Education.

- 18)** Consider (1) policy decision to continue with the Modesto Convention & Visitors Bureau (CVB) as a City organization or to direct the CVB to become an independent non-profit corporation and (2) draft bylaws and articles of incorporation for the Modesto CVB as an independent, non-profit corporation

ACTION: The Committee approved Staff recommendation to direct the CVB to become an independent non-profit corporation.

- 19)** Consider supporting fund Development Progress Report, fund development strategies and actions, and policy discussions

ACTION: The Committee approved Staff recommendation and directed item to the full City Council.

- 20)** Consider supporting staff recommendation that City Council authorize staff to negotiate an agreement with Economics Research Associates to re-examine options for the City of Modesto golf program

ACTION: The Committee accepted staff's recommendation contract with ERA to reexamine options for GOLF program, specifically as it relates to management. Staff was also requested to enter into discussions with present GOLF contractors and to forward that information to full Council.

- 21) Consider supporting staff recommendation that City Council award contract for professional landscape architectural services to Purkiss Rose/RSI for Grogan Park

ACTION: The Committee approved staff recommendation and forwarded to full Council.

- 22) Consider supporting staff recommendations (1) that City Council award contract for professional landscape architectural services to Callander Associates Landscape Architecture, Inc. for Freedom Neighborhood Park, (2) that the current name of Merle Neighborhood Park account be changed to Freedom Neighborhood Park, and (3) that Council approve budget transfer to fully fund development of master plan, design development report and construction documents

ACTION: The Committee approved staff recommendation and forwarded to full Council.

- 23) Consider supporting staff recommendation that City Council award contract for professional services to Alta Planning and Design to update the Modesto Non-motorized Transportation Master Plan

ACTION: The Committee approved staff recommendation and forwarded to full Council.

- 24) Consider supporting staff recommendation that City Council (1) approve master plan, conceptual drawings and cost estimate for Maddux Youth Center Addition/Remodel Project, (2) amend the architectural service contract to increase fee from \$112,626 to not to exceed \$153,000 and (3) approve Initial Study/Statement of Conformance with the MEIR

ACTION: The Committee approved staff recommendation and forwarded to full Council.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, February 4, 2003, at 5:30 p.m.

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

Absent: Conrad

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman, Modesto Covenant

City Clerk’s Announcements: *Item 6 was removed from the agenda.*

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to Joe and Michele Williams, proclaiming February 1, 2003 Reconciliation Day and the month of February 2003 Reconciliation Month.

ACTION: Mayor Sabatino made the presentation.

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: *Items 2-5, 7-9*

ACTION ITEMS 2 – 5 & 7 – 9: Fisher/Frohman; unan.; Conrad, absent

ACTION Item 6: Removed from the agenda.

Feb 4, 2003 Regular Meeting

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of January 28, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Fisher/Frohman; unan.; Conrad, absent) approved the minutes of January 28, 2003.

CONSENT

3. Consider an ordinance amending Section 11-1.14 of the Modesto Municipal Code relating to the Cross-Connection Program.
 - By motion, introduce an ordinance amending Section 11-1.14 of the Modesto Municipal Code changing management of the Cross-Connection Program recommended.*Operations & Maintenance; Judith Ray, 577-6209, jray@modestogov.com*

ACTION: By Motion (Fisher/Frohman; unan.; Conrad, absent) **introduced Ordinance No. 3280-C.S.** amending Section 11-1.14 of the Modesto Municipal Code changing management of the Cross-Connection Program.

CONSENT

4. Consider amending Council Policy regarding environmental assessments on land acquisition.
 - Resolution amending the written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto and rescinding Resolution 2002-533.*Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: Res. No. 2003-66 (Fisher/Frohman; unan.; Conrad, absent) amending the written policy regarding the use of Environmental Assessments in the acquisition of real property by the City of Modesto and rescinding Resolution 2002-533.

CONSENT

5. Consider authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Wastewater Master Plan Update of the City of Modesto's wastewater system.

- Resolution authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Wastewater Master Plan Update of the City of Modesto's wastewater system recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Res. No. 2003-67 (Fisher/Frohman; unan.; Conrad, absent) authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Wastewater Master Plan Update of the City of Modesto's wastewater system.

Item 6 removed from the agenda

6. Consider the Monthly Adjustment Report - January 2003.

- Resolution acknowledging the receipt of report and approving the budget adjustments for January 2003 recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Removed from the agenda

CONSENT

7. Consider approval of the timeline for the Citizens Participation Calendar of Events for the 21003-2004 HUD Annual Action Plan and Public Service grants, and estimated amounts for Public Service grants.

- Resolution approving HUD timeline and estimated amounts for Public Service grants recommended.

Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Res. No. 2003-68 (Fisher/Frohman; unan.; Conrad, absent) approving HUD timeline and estimated amounts for Public Service grants.

CONSENT

8. Consider approving an initial application to be submitted to the Federal Housing and Urban Development Department (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center.

- Resolution approving an initial application to be submitted to the Federal Housing and Urban Development Department (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center and authorizing the City Manager or his designee to execute all related documents recommended.

*Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351,
jniskanen@modestogov.com*

ACTION: Res. No. 2003-69 (Fisher/Frohman; unan.; Conrad, absent) approving an initial application to be submitted to the Federal Housing and Urban Development Department (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center and authorizing the City Manager or his designee to execute all related documents.

CONSENT

9. Consider authorizing the Modesto City Fire Department to participate in an Advanced Life Support (ALS) Engine Pilot Program.
 - Resolution authorizing the Modesto City Fire Department to participate in an Advanced Life Support (ALS) Engine Pilot Program and authorizing the City Manager to execute the necessary documents.

Fire; Tom Brennan, 572-9590, tbrennan@modestofire.com

ACTION: Res. No. 2003-70 (Fisher/Frohman; unan.; Conrad, absent) authorizing the Modesto City Fire Department to participate in an Advanced Life Support (ALS) Engine Pilot Program and authorizing the City Manager to execute the necessary documents.

COUNCIL COMMENTS & REPORTS

10. At the request of Mayor Sabatino, consider an ordinance banning concealed weapons in the Chambers except when carried by Police Officers.

ACTION: No action taken.

11. At the request of Mayor Sabatino, consider update on fuel card vendors.

ACTION: No action taken.

12. At the request of Councilmember O'Bryant, consider requesting the Police Chief to consider making uniform patrol checks on senior care centers and convalescent hospitals.

ACTION: This item was referred to the Safety and Communities Committee.

UNFINISHED BUSINESS

13. Consider final adoption of Ordinance 3279-C.S., an ordinance amending Section 27-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(558), property located at the Southwest corner of North Santa Cruz and La Loma Avenues (David A. Cerutti).
- Motion approving final adoption of Ordinance 3279-C.S., an ordinance amending Section 27-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(558), property located at the Southwest corner of North Santa Cruz and La Loma Avenues (David A. Cerutti) recommended.

ACTION: By Motion (Frohman/Keating; unan.; Conrad & Fisher, absent) approved the **final adoption of Ordinance 3279-C.S.**, an ordinance amending Section 27-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(558), property located at the Southwest corner of North Santa Cruz and La Loma Avenues (David A. Cerutti).

NEW BUSINESS

14. Consider exemptions to Capital Facilities Fees (CFF) for buildings demolished at 339 Paradise Road, 1333 N. Carpenter Road, 801 Oakdale Road, and 2020 W. Briggsmore Avenue.
- Resolution approving exemptions to CFF for buildings demolished at 339 Paradise Road, 1333 N. Carpenter Road, 801 Oakdale Road, and 2020 W. Briggsmore Avenue recommended.
- Community & Economic Development; Daryl Willey, 577-5231, dwilley@modestogov.com*

ACTION: Res. No. 2003-71 (Fisher/O'Bryant; unan.; Conrad, absent) approving exemptions to CFF for buildings demolished at 339 Paradise Road, 1333 N. Carpenter Road, 801 Oakdale Road, and 2020 W. Briggsmore Avenue.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at- 7:55 p.m.

CLOSED SESSION

This closed session item was heard prior to the meeting.

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

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

Employee Organization: Modesto Confidential & Management Association (MCMA)

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, February 10, 2003

Roll Call: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

23) Oral Report on Capital Facilities Fees Update including Road Elements and Parks

ACTION: Information only. No action taken.

24) Oral Report on Water System Status

ACTION: Information only. No action taken.

25) Oral Report on Covanta Proposal

ACTION: Information only. No action taken.

26) Oral Report – Agricultural Waste Update

ACTION: Information only. No action taken.

27) Sewer Connection Policy Update

ACTION: Sewer Connection Policy will be coming back to the Committee in March.
Staff will be working with Committee Vice Chair Jackman on a recommended change. This will be brought back in March.

28) Informational Update on Potential Angle Parking Locations

ACTION: Information only. No action taken.

29) Community & Economic Development Department Monthly Development Activity Report

- a. Workforce Development Program
- b. Kiernan Business Park
- c. Kaiser Medical Center
- d. Shelter Cove Church
- e. St. Stanislaus Church
- f. Safeway at Briggsmore/Oakdale
- g. Regulating Use of Shipping Containers as Storage in the Residential Zones
- h. Del Valle Homes/Fairview Development Agreement Implementation
- i. Commercial Zoning Southwest Corner of Oakdale and Sylvan
- j. General Plan Master EIR and Amendment
- k. General Plan Housing Element Update
- l. Village One Specific Plan Amendment
- m. Urban Growth Review
- n. Appeal of CFF Exemptions for Demolished Buildings
- o. 9th Street Bridge Property Acquisition for New Bridge Project
- p. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- q. RJ Sweetwaters Restaurant Property
- r. Downtown Housing Project

ACTION: Information only. Chair Fisher requested to reestablish the credit for demolished buildings on item “n”.

30) Consider Request to Rescind Support in Amicus Brief of Barden vs. Sacramento

ACTION: The Committee approved staff recommendation to remove the City of Modesto in a previously joined Amicus Brief in the case of Barden vs. Sacramento.

31) Consider Recommendation to Submit a Grant Application to the California Air Resources Board for Two Zero Emissions Electric Vehicles

ACTION: The Committee approved staff recommendation to proceed with application for a grant to the California Air Resources Board for two zero emissions electric vehicles.

32) Consider Staff Recommendation to Approve Adoption of Ordinances Amending Municipal Codes Related to Construction Regulation

ACTION: The Committee approved forwarding this item to full Council for adoption of Ordinances Amending Municipal Codes related to Construction Regulation.

- 33) Consider Staff Recommendation to Approve FAA Automated Surface Observation System (ASOS) Lease

ACTION: The Committee approved staff recommendation to approve an FAA Automated Surface Observation System Lease.

- 34) Consider Staff Recommendation to Proceed with RFQ/RFP and Approving Proposed Evaluation Criteria for Pelandale-McHenry Project Study Report

ACTION: The Committee approved staff recommendation to proceed with RFQ/RFP, placing an emphasis on local preference, and approved the proposed evaluation criteria for Pelandale-McHenry Project Study Report.

- 35) Consider Staff Recommendation to Negotiate Modesto Area Dial-A-Ride Contract

ACTION: The Committee approved staff recommendation to proceed with negotiations for the Modesto Area Dial-A-Ride contract.

- 36) Review Roundabout Simulation for Roselle/Sylvan, Roselle/Floyd and Roselle/Merle

ACTION: The Committee approved staff recommendation to move forward on the Roselle/Sylvan roundabout and to discuss the remaining two with the developers.

- 37) Review of Draft Site Plan Documents and Update on RFP Process for Kansas-Woodland Business Park (FMC) and Consider Staff Recommendation to Approve

ACTION: The Committee approved staff recommendation to approve the Draft Site Plan Documents and Update on RFP Process for Kansas-Woodland Business Park.

- 38) Consider Recommendation to Amend Position Classifications and Salary Ranges in the Community & Economic Development Department

ACTION: This item was removed from the agenda.

- 39)** Consider Staff Recommendation to Submit the 2003 Nations in Bloom Application and Approve Delegation to Represent City of Modesto

ACTION: The Committee approved staff recommendation to forward this item to full Council to make application for the 2003 Nations in Bloom and approve a delegation to represent the City of Modesto.

- 40)** Review Design Submittal for New Bus Maintenance Facility

ACTION: The Committee approved this item with the inclusion of a band across the top.

- 41)** Review Proposed Traffic Signal Maintenance Agreement with the City of Riverbank

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval of a Traffic Signal Maintenance Agreement with the City of Riverbank.

- 42)** Discussion on the Potential of an Additional Hotel in Downtown Area

ACTION: The Committee directed staff to review the parking lot at 11th and K-L streets as an expanded hotel convention center and the parking lot at MID as a parking garage.

- 43)** Discussion of Need for Additional Regional Retail in East Modesto

ACTION: The Committee directed staff to return this item to the next Committee meeting.

- 44)** Discussion of Modesto Balanced Growth Concept Plan

ACTION: The Committee directed staff to place map and agricultural land classification on the City's website and to accept public comments.

- 45)** Review Applications Received for Current Vacancies on Boards, Commissions & Committees

ACTION: The Committee approved staff recommendations with Keely Stackhouse as the appointment for DID with Andrew Mendlin to serve as the alternate.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, February 11, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor John Fraioli, Big Valley Grace Community Church

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

ORAL COMMUNICATIONS

- Bob Phipps, Attorney for MCEA, spoke regarding employee benefits.
- Dale Williams commented on the street painting on Orangeburg.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 8

ACTION CONSENT ITEMS 2-4, & 7: Fisher/Frohman; unan.

ACTION ITEM 1: Frohman/Fisher; unan.

ACTION ITEM 5: Fisher/Keating; majority; Frohman, no; Conrad, absent

ACTION ITEM 6: Fisher/Keating; majority; Frohman, no

ACTION ITEM 8: This item was removed from the agenda.

CONSENT ITEMS

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

REMOVED FROM CONSENT

1. Approval of the minutes of the regular City Council meeting of February 4, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes from February 4, 2003 as amended.

CONSENT

2. Consider authorizing the Purchasing Supervisor to formally solicit bids for the printing of the Monthly Utility Bill Insert for a three-year agreement with two one-year extension options. The anticipated annual cost is approximately \$38,520.
 - Resolution authorizing the Purchasing Supervisor to formally solicit bids for the printing of the Monthly Utility Bill Insert for a three-year agreement with two one-year extension options recommended.Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Res. No. 2003-71A (Fisher/Frohman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for the printing of the Monthly Utility Bill Insert for a three-year agreement with two one-year extension options.

CONSENT

3. Consider Fiscal Year 2002 Comprehensive Annual Financial Report.
 - By motion, acknowledge receipt of report and refer item to Finance and Audit Committees recommended.Finance; Greg Baird, 577-5370, gbaird@modestogov.com

ACTION: By Motion (Fisher/Frohman; unan.) acknowledged receipt of report and referred item to Finance and Audit Committees.

CONSENT

4. Consider amending the T-Hangar and Aircraft Tie-down Lease Agreement to include a requirement that the first and last months' rent be collected at the time a new lease is entered, and the termination clause be changed from a ten-day written notice to a 30-day written notice.
 - Resolution amending the T-Hangar and Aircraft Tie-down Lease Agreement to include a requirement that the first and last months' rent be collected at the time a new lease is entered, and the termination clause to been changed from a ten-day written notice to a 30-day written notice recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-72 (Fisher/Frohman; unan.) amending the T-Hangar and Aircraft Tie-down Lease Agreement to include a requirement that the first and last months' rent be collected at the time a new lease is entered, and the termination clause to been changed from a ten-day written notice to a 30-day written notice.

Item 5 removed from consent; Conrad absent due to conflict of interest

5. Consider approving the final map of the Olympic Park No. 4 subdivision in the Village One Specific Plan Area, accepting the public improvements and authorizing the City Manager to sign the standard subdivision agreement.
 - Resolution approving the final map of the Olympic Park No. 4 subdivision in the Village One Specific Plan Area, accepting the public improvements and authorizing the City Manager to sign an agreement with the subdivides as required by Section 404.604(c) of the Municipal Code. Owners: Warren Smith Lawson Family, a California Corporation.

Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Res. No. 2003-73 (Fisher/Keating; majority; Frohman, no; Conrad, absent) approving the final map of the Olympic Park No. 4 subdivision in the Village One Specific Plan Area, accepting the public improvements and authorizing the City Manager to sign an agreement with the subdivides as required by Section 404.604(c) of the Municipal Code. Owners: Warren Smith Lawson Family, a California Corporation.

Removed from consent.

6. Consider approving the final map of the Olympic Park No. 5 subdivision in the Village One Specific Plan Area, accepting the pubic improvements and authorizing the City Manager to sign the standard subdivision agreement.

- Resolution approving the final map of the Olympic Park No. 5 subdivision in the Village One Specific Plan Area, accepting the public improvements and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code. Owners: Warren Smith Lawson Family, a California Corporation.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-74 (Fisher/Keating; majority; Frohman, no) approving the final map of the Olympic Park No. 5 subdivision in the Village One Specific Plan Area, accepting the public improvements and authorizing the City Manager to sign an agreement with the subdivides as required by Section 4-4.604(c) of the Municipal Code. Owners: Warren Smith Lawson Family, a California Corporation.

CONSENT

7. Consider amending the Policies and Procedures related to cable programming.
 - Time restrictions related to the playback of programming containing indecent material.
 - Indemnification forms and content surveys completed by AccessModesto Community Television users.
 - Limiting the number of playback times on the Public Access channel to two per week for all programs, with a maximum cap of three per week if availability allows, excluding contractual agreements.
 - Pre-emption of programming for all city-related news conferences.
 - Specifications to the Violation & Appeal processes.
 - Role of the Local Cable Programming Committee.
 - Revising format of Channel 27 to include Public Access, with a priority to Education.
- Resolution amending the Policies and Procedures regarding cable programming issues.

City Manager; Renee Ledbetter, 577-5222, rledbetter@modestogov.com

ACTION: Res. No. 2003-75 (Fisher/Frohman; unan.) amending the Policies and Procedures regarding cable programming issues.

Removed from the agenda

8. Consider authorizing staff to file a Notice of Exemption for a concert at John Thurman Field on May 9 2003.
 - Resolution authorizing staff to file a Notice of Exemption for a concert at John Thurman Field on May 9 2003 recommended.
- Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com

ACTION: This item was removed from the agenda.

COUNCIL COMMENTS & REPORTS

None.

UNFINISHED BUSINESS

9. Consider final adoption of Ordinance 3280-C.S., an ordinance amending Section 11-1.14 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water rates and regulations - Rules and Regulations.
 - Motion approving final adoption of Ordinance 3280-C.S., an ordinance amending Section 11-1.14 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water rates and regulations - Rules and Regulations recommended.

ACTION: By motion (Frohman/Fisher; unan.) approved the final adoption of Ordinance 3280-C.S., an ordinance amending Section 11-1.14 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to water rates and regulations - Rules and Regulations

HEARINGS

10. Hearing to consider a report on the “Don’t Trash Modesto Campaign”, and consider establishing a Litter Removal and Landscape Maintenance Fees associated with the Campaign.
 - Motion acknowledging receipt of report recommended.
 - Resolution establishing a Litter Removal and Landscape Maintenance Fees associated with the Campaign recommended.

Operations & Maintenance; Duane Frederick, 342-2281,
drederick@modestogov.com

ACTION: By Motion (Jackman/Frohman; unan.) acknowledging receipt of report.

ACTION: Res. No. 2003-76 (Jackman/Frohman; unan.) establishing a Litter Removal and Landscape Maintenance Fees associated with the Campaign.

11. Hearing to consider fare increases for the Modesto Area Express (MAX) commuter routes connecting Modesto with the Dublin/Pleasanton BART station and the Manteca/Lathrop ACE train station; Consider purchasing two buses dedicated to the commuter routes; and Consider increasing promotion of these routes.

- Resolution establishing fare increases for the Modesto Area Express (MAX) commuter routes connecting Modesto with the Dublin/Pleasanton BART station and the Manteca/Lathrop ACE train station recommended.
 - Resolution directing staff to plan for the purchase of two buses recommended.
 - Resolution directing staff to increase promotion of the routes recommended.
- Engineering & Transportation; Fred Cavanah, 577-5298,
fcavanah@modestogov.com*

ACTION: Res. No. 2003-77 (Conrad/Fisher; majority; Jackman, no) establishing fare increases for the Modesto Area Express (MAX) commuter routes connecting Modesto with the Dublin/Pleasanton BART station and the Manteca/Lathrop ACE train station.

ACTION: Res. No. 2003-78 (Conrad/Fisher; majority; Jackman, no) directing staff to plan for the purchase of two buses.

ACTION: Res. No. 2003-79 (Conrad/Fisher; majority; Jackman, no) directing staff to increase promotion of the routes.

NEW BUSINESS

12. Consider increasing the City's contribution toward employees' Health, Dental & Vision premiums for employees with family coverage who are represented by Modesto Police Office Association, Modesto Police Management Association, and for unrepresented Sworn Police and Fire Management employees; and Consider increasing the City's payment of employees' retirement contributions for employees represented by Modesto Police Office Association, Modesto Police Management Association, and for unrepresented Sworn Police Management employees and authorizing reporting of said retirement contributions as compensation to the Public Employees Retirement System (PERS); and Consider amending the current budget to fund increases in the City's contribution toward Family Health, Dental and Vision Benefits and Retirement Benefits for employees above-listed.
 - Resolution amending Resolution 2000-250, "A Resolution Approving the Multi-year Memorandum of Understanding Between the City of Modesto and the Modesto Police Management Association, Effective June 20, 2000" to provide increased payment of Health, Dental and Vision benefits for employees with Family coverage and increased payment of retirement benefits to employees represented by Modesto Police Management Association recommended.
 - Resolution amending Resolution 2000-252, "A Resolution Approving an Amendment to a Memorandum of Understanding Between the City of Modesto and the Modesto Police Officers Association Effective June 20 2000" to provide increased Health, Dental and Vision benefits for employees with Family coverage and increased payment of Retirement benefits to employees represented by Modesto Police Officers Association recommended.

- Resolution amending Section 8 of Resolution 2002-307, “a resolution granting Salary and Benefit Changes to Management and Confidential Employees, Including Charter Officers Amending the Class Range Table for Police Captain (Exhibit G) to Provide a 2.5% Equity Adjustment Effective June 18, 2002 and Rescinding Resolution 2001-270” to provide increased contributions for Health benefits for Unrepresented Sworn Fire Management and Unrepresented Sworn Police Management employees recommended.
- Resolution amending a labor policy providing for Public Employees’ Retirement System employee contributions to be paid by City on behalf of employees represented by Modesto Police Officers Association recommended.
- Resolution amending a labor policy providing for Public Employees’ Retirement System employee contributions to be paid by City on behalf of employees represented by Modesto Police Management Association and Unrepresented Management Police safety members recommended.
- Resolution amending the FY 02-03 operating budget to transfer funds to appropriate accounts to provide funding to increase the City’s contribution toward Family Health, Dental, and Vision benefits and Retirement benefits for employees represented by Modesto Police Office Association, Modesto Police Management Association and for Unrepresented Sworn Police and Sworn Fire Management employees recommended.

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Res. No. 2003-80 (Fisher/O’Bryant; unan.) amending Resolution 2000-250, “A Resolution Approving the Multi-year Memorandum of Understanding Between the City of Modesto and the Modesto Police Management Association, Effective June 20, 2000” to provide increased payment of Health, Dental and Vision benefits for employees with Family coverage and increased payment of retirement benefits to employees represented by Modesto Police Management Association.

ACTION: Res. No. 2003-81 (Fisher/O’Bryant; unan.) amending Resolution 2000-252, “A Resolution Approving an Amendment to a Memorandum of Understanding Between the City of Modesto and the Modesto Police Officers Association Effective June 20 2000” to provide increased Health, Dental and Vision benefits for employees with Family coverage and increased payment of Retirement benefits to employees represented by Modesto Police Officers Association

ACTION: Res. No. 2003-81A (Fisher/O’Bryant; unan.) amending Section 8 of Resolution 2002-307, “a resolution granting Salary and Benefit Changes to Management and Confidential Employees, Including Charter Officers Amending the Class Range Table for Police Captain (Exhibit G) to Provide a 2.5% Equity Adjustment Effective June 18, 2002 and Rescinding Resolution 2001-270” to provide increased contributions for Health benefits for

Unrepresented Sworn Fire Management and Unrepresented Sworn Police Management employees

ACTION: Res. No. 2003-82 (Fisher/O'Bryant; unan.) amending a labor policy providing for Public Employees' Retirement System employee contributions to be paid by City on behalf of employees represented by Modesto Police Officers Association

ACTION: Res. No. 2003-83 (Fisher/O'Bryant; unan.) amending a labor policy providing for Public Employees' Retirement System employee contributions to be paid by City on behalf of employees represented by Modesto Police Management Association and Unrepresented Management Police safety members.

ACTION: Res. No. 2003-84 (Fisher/O'Bryant; unan.) amending the FY 02-03 operating budget to transfer funds to appropriate accounts to provide funding to increase the City's contribution toward Family Health, Dental, and Vision benefits and Retirement benefits for employees represented by Modesto Police Office Association, Modesto Police Management Association and for Unrepresented Sworn Police and Sworn Fire Management employees.

13. Consider a request from Stanislaus County for funding assistance for public improvements for the Gallo Arts Center.
 - Motion to select funding alternatives for Gallo Arts Center and direct staff to return with necessary resolutions appropriating the funds recommended.
Community & Economic Development; Brad Kilger, 577-5228, bkilger@modestogov.com

ACTION: By Motion (Fisher/Sabatino; majority; O'Bryant, no) approved funding option 1A in the amount of \$1,030,000 for Gallo Arts Center and directed staff to return to the Finance Committee and to full Council regarding the funding sources.

14. Consider reviewing the recommendations of the Capital Facility Fee Update and set a public hearing for March 11, 2003 for the submission of public comments and final adoption of the updated fees.
 - Resolution acknowledging the Capital Facility Fee (CFF) Update Report and fees contained in the report, initiating proceedings to adopt updated CFF by setting a public hearing for March 11, 2003 to review the final report and adopt updated Capital Facility Fees, and direct staff to publish legal notice of the proposed CFF update recommended.
Finance; Patrick Samsell, 571-5556, psamsell@mdoestogov.com

ACTION: Res. No. 2003-85 (Jackman/Keating; unan.) acknowledging the Capital Facility Fee (CFF) Update Report and fees contained in the report, initiating proceedings to adopt updated CFF by setting a public hearing for March 11, 2003 to review the final report and adopt updated Capital Facility Fees, and direct staff to publish legal notice of the proposed CFF update.

15. Consider amending Ordinance 2521-C.S. to provide that, the collection of CFF fees shall occur at the time a building permit is issued; and Consider amending Ordinance Nos. 3005-C.S. and 3060-C.S. (Village One CFD No. 1996-1) 3047-C.S. (North Beyer Park CFD No. 1997-1), and 3111-C.S. (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued.

- Motion introducing an ordinance amending Ordinance 2521-C.S. to provide that, unless otherwise approved by Council resolution, the collection of CFF fees shall occur at the time a building permit is issued recommended.
- Motion introducing an ordinance amending Ordinance Nos. 3005-C.S. and 3060-C.S. (Village One CFD No. 1996-1), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued recommended.
- Motion introducing an ordinance amending Ordinance No. 3047-C.S. (North Beyer Park CFD No. 1997-1), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued recommended.
- Motion introducing an ordinance amending Ordinance No. 3111-C.S. (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: By Motion (Jackman/Keating; majority; Conrad, no) **introduced Ordinance No. 3281–C.S** amending Section 8-1.904 of Article 9 of Chapter 1 of Title 8 of the Modesto Municipal Code relating to Capital Facilities Fees—
Establishment of Fees.

ACTION: By Motion (Jackman/Keating; majority; Conrad, no) **introduced Ordinance No. 3282–C.S** amending Ordinance Nos. 3005-C.S. and 3060-C.S. (Village One CFD No. 1996-1), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued

ACTION: By Motion (Jackman/Keating; majority; Conrad, no) **introduced Ordinance No. 3283–C.S** amending Ordinance No. 3047-C.S. (North Beyer Park CFD No. 1997-1), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued

ACTION: By Motion (Jackman/Keating; majority; Conrad, no) **introduced Ordinance No. 3284–C.S.** amending Ordinance No. 3111-C.S. (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2), as previously amended, to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued

MISCELLANEOUS Appointments

16. Consider appointing Chris Murphy and Dana Plummer to the Public Events Advisory Committee, to fill vacancies created by the resignation of Bruce Jones and Ralph Juarez. Chris Murphy was nominated by Mayor Sabatino, Dana Plummer was nominated by Councilmember Keating.
- Resolution accepting with regret the resignation of Bruce Jones and Ralph Juarez from the Public Events Advisory Committee recommended.
 - Resolution approving the appointment of Chris Murphy to the Public Events Advisory Committee, with a term expiration to follow that of his nominee, Mayor Sabatino, recommended.
 - Resolution approving the appointment of Dana Plummer, with a term expiration to follow that of her nominee, Councilmember Keating, recommended.
- Parks, Recreation & Neighborhoods; Bob Quintella, 577-6481,
bquintella@modestogov.com

ACTION: Res. No. 2003-86 (Jackman/Keating; unan.) accepting with regret the resignation of Bruce Jones and Ralph Juarez from the Public Events Advisory Committee

ACTION: Res. No. 2003-87 (Jackman/Keating; unan.) approving the appointment of Chris Murphy to the Public Events Advisory Committee, with a term expiration to follow that of his nominee, Mayor Sabatino

ACTION: Res. No. 2003-88 (Jackman/Keating; unan.) approving the appointment of Dana Plummer, with a term expiration to follow that of her nominee, Councilmember Keating.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:05 p.m.

CLOSED SESSION

Both Closed Session items were heard prior to the meeting.

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager
 Robin Renwick, Personnel Director
 Janice Stewart, Assistant Personnel Director

Employee Organization: Modesto City Employees Association

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CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

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

Employee Organization: Modesto Confidential and Management Association
 (MCMA)

URBAN GROWTH REVIEW WORKSHOP

February 13, 2003

The Economic Development Committee of the City of Modesto met for a special meeting on February 13, 2003, in Chambers for the first of four 2003 Urban Growth Review Workshops. At 5:37 p.m., the Workshop was called to order by Chairman Fisher.

Present: Bruce Frohman, Denny Jackman, and Tim Fisher
Absent: None
Also Present: George Britton, Principal Staff Contact; Mike Milich; Brad Kilger, Patrick Kelly, Steve Nish, George Osner, and Becky Jenkins, Community and Economic Development Department Staff

Councilman/Committee Chairman Fisher opened the workshop, noting that it was a televised meeting. He then introduced Committee members Jackman and Frohman.

Principal Planner Kelly indicated that the workshop was the first of four being televised and held in Chambers concerning Urban Growth Review for 2003. Community and Economic Development Director Kilger indicated there were handouts and maps available in the lobby entrance. Mr. Kelly then gave a brief overview of the process and mapped areas of discussion by means of Power Point presentation and hard-copy handouts, highlighting key points. He outlined the purpose of the current and forthcoming workshops, noting that the next workshop would be held at 5:30 p.m., March 13, 2003, in Chambers. It was noted for TV-viewer and audience convenience, that presentation materials were also available on the City's Website www.modestogov.com, providing an opportunity for input and/or feedback directly to the Committee members or staff.

Speakers from audience:

Gary Plumber, Modesto Chamber of Commerce
Dan Thayer, Bright Development
Burney Hind, 1912 Sunflower Court
David Blinkenstaff, 3624 Beckwith Road
George Reed, 4107 Beckwith Road
Steve Herum, Herum, Crabtree, Brown, Attorneys at Law
Phil Rogers, 5400 Dale Road
Steve Burke, Protect Our Water
Jack Maretto, Maretto Backhoe Services
Horinda Tore, RE: 921 Chicago Avenue

Concluding the period of input and exchange, Chairman Fisher thanked everyone for their attendance, reminding them that a recording had been made of the meeting to capture their comments and concerns.

Director Kilger reminded the attendees that should they wish to receive an improved set of color-coded Urban Growth maps, they could do so by providing their name and address to the Recording Secretary.

Mr. Kelly indicated that, at the next workshop, staff would provide a complete summary of all land uses; a presentation would be made by E&T/Transportation staff regarding the status of sewer line capacity studies. Chairman Fisher requested that a breakout of sewer trunk lines be included in the land use summary; Councilman Jackman requested information concerning the number of infill sites that had been developed with residential uses in recent years.

ADJOURNMENT

The meeting was adjourned at 6:58 p.m.

Patrick Kelly
Acting Secretary

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10th Street

Modesto, California

Monday, February 24, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Frohman, Jackman, Keating

Information Items:

- 14) Minutes of the January 27, 2003 Special City Council Workshop Meeting with Finance Committee

ACTION: The Committee approved the minutes of January 27, 2003.

- 15) Purchase of Six Chevy Silverado, 1500 Trucks Off State Contract

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval.

- 16) Surplus Property

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

- 17) Purchase of John Deere 304H Wheel Loader Off State Contract

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

Consent Items – Approval:

- 18) Amendment to Position Classification Plan – Traffic Engineer

Feb 24, 2003 Finance Committee

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

19) Amendment to Position Classification Plan – Police Detective

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

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

20) Adoption of Job Specification & Salary Range for Business Development Division Manager and Senior Business Analyst

ACTION: The Committee approved (2-1; Keating, no) staff recommendation to forward this item to full council to amend the City's Position classification Plan to create the classification of Business Development Division Manager.

ACTION: The Committee approved staff recommendation to forward this item to full council to amend the City's Position classification Plan to create the classification of Senior Business Analyst.

ACTION: The Committee approved (2-1; Keating, no) staff recommendation to forward this item to full council to amend the City's Class Range Tables to establish the salary range of Business Development Division Manager at Salary Range 447.

ACTION: The Committee approved staff recommendation to forward this item to full council to amend the City's Class Range Tables to establish the salary range of Senior Business Analyst at Salary Range 438.

21) Review of Proposed Lease Agreement for City Property Located at 1029 9th Street (Corner of 9th and K Streets). Tenant: Everett & Jones BBQ, LLC

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

- 22) Determination of Funding Source for City Financial Contribution to the Gallo Arts Center

ACTION: The Committee approved staff recommendation to forward this item to full council for approval.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, February 25, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Dave Seifert—Shelter Cove Church

City Clerk's Announcements:

*Miscellaneous Appointments, numbers 27-30, taken out of order
and moved to directly follow Acknowledgements and
Presentations.*

Item 19 removed from the agenda.

Item 22 removed from the agenda.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of newly promoted Police Department management staff.

ACTION: Introductions made by Chief Roy Wasden

ORAL COMMUNICATIONS

- Miguel Donoso commented he would like to see more Hispanics promoted in the Police Department in the future
- A female citizen commented on a physical assault she suffered.

- Gary Hendricks commented on the negative press the Council was receiving.
- Loretta Carhart expressed a need to run buses on Sunday every 30 minutes and a need to make a stop at Woodrow & McHenry.
- Loren Bruster recommended a need for buttons on restroom doors for people with disabilities.
- Susan Evans suggested buses run later in the evenings.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 13

ACTION Items 2- 6 & 8-13: Frohman/Conrad; unan.

ACTION Item 7: Conrad/Fisher; majority; Frohman, no

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of February 11, 2003. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Conrad; unan.) approved the minutes of February 11, 2003.

CONSENT

3. Consider acknowledging receipt of and accepting the Monthly Investment Report for January 2003.
 - Motion acknowledging receipt of and accepting the Monthly Investment Report for January 2003 recommended.*Finance; Greg Baird, 577-5369, gbaird@modestogov.com*

ACTION: By motion (Frohman/Conrad; unan.) acknowledged receipt of and accepting the Monthly Investment Report for January 2003.

CONSENT

4. Consider the Monthly Adjustment Report for January/February 2003.
 - Resolution acknowledging the receipt of report and approving the budget adjustment for January/February 2003 recommended.*Finance; Greg Baird, 577-5369, gbaird@modestogov.com*

ACTION: Res. No. 2003-89 (Frohman/Conrad; unan.) acknowledging the receipt of report and approving the budget adjustment for January/February 2003

CONSENT

5. Consider authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Pelandale-McHenry Project Study Report.

- Resolution authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Pelandale-McHenry Project Study Report recommended.

Engineering & Transportation; Rich Ulm, 577-5215, rulm@modestogov.com

ACTION: Res. No. 2003-90(Frohman/Conrad; unan.) authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the Pelandale-McHenry Project Study Report.

CONSENT

6. Consider accepting the work for the “Airport District Replace Water Mains” project as complete and authorizing the City Clerk to file a Notice of Completion.

- Resolution accepting the work for the “Airport District Replace Water Mains” project as complete and authorizing the City Clerk to file a Notice of Completion recommended.

Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@modestogov.com

ACTION: Res. No. 2003-91 (Frohman/Conrad; unan.) accepting the work for the “Airport District Replace Water Mains” project as complete and authorizing the City Clerk to file a Notice of Completion.

ITEM 7 REMOVED FROM CONSENT

7. Consider authorizing staff to negotiate an agreement with Economics Research Associates (ERA) to re-examine options for the City of Modesto Golf Program at a cost not to exceed \$20,000; and consider directing staff to meet with Valley Crest and FM Golf to determine if more favorable agreements can be negotiated with these prime contractors.

- Resolution authorizing staff to negotiate an agreement with Economics Research Associates (ERA) to re-examine options for the City of Modesto Golf Program at a cost not to exceed \$20,000 recommended.
- Motion directing staff to meet with Valley Crest and FM Golf to determine if more favorable agreements can be negotiated with these prime contractors recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Res. No. 2003-92 (Conrad/Fisher; majority; Frohman, no) authorizing staff to negotiate an agreement with Economics Research Associates (ERA) to re-examine options for the City of Modesto Golf Program at a cost not to exceed \$20,000

ACTION: By motion (Conrad/Fisher; majority; Frohman, no) directing staff to meet with Valley Crest and FM Golf to determine if more favorable agreements can be negotiated with these prime contractors

CONSENT

8. Consider awarding a contract to Alta Planning and Design for professional services to update the Modesto Non-Motorized Transportation Master Plan at a cost not to exceed \$77,320.

- Resolution awarding a contract to Alta Planning and Design for professional services to update the Modesto Non-Motorized Transportation Master Plan at a cost not to exceed \$77,320 recommended.

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: Res. No. 2003-93 (Frohman/Conrad; unan.) awarding a contract to Alta Planning and Design for professional services to update the Modesto Non-Motorized Transportation Master Plan at a cost not to exceed \$77,320.

CONSENT

9. Consider accepting the Fund Development Progress Report for 2002; and consider fund development strategies and actions, and directing staff regarding development of specific funding plans.

- Resolution accepting the Fund Development Progress Report for 2002 recommended.
- Resolution supporting the recommended fund development strategies and actions and directing staff regarding development of specific funding plans recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582,
dgould@modestogov.com*

ACTION: Res. No. 2003-94 (Frohman/Conrad; unan.) accepting the Fund Development Progress Report for 2002

ACTION: Res. No. 2003-95 (Frohman/Conrad; unan.) supporting the recommended fund development strategies and actions and directing staff regarding development of specific funding plans

CONSENT

10. Consider affirming the City's sponsorship of "Earth Day in the Park Festival 2003" at Graceada Park and allow the sale of merchandise in the park during the event.
- Resolution affirming the City's sponsorship of "Earth Day in the Park Festival 2003" at Graceada Park and allow the sale of merchandise in the park during the event recommended.

*Engineering & Transportation; Beverly McCullough, 577-5495,
bdmccullough@modestogov.com*

ACTION: Res. No. 2003-96 (Frohman/Conrad; unan.) affirming the City's sponsorship of "Earth Day in the Park Festival 2003" at Graceada Park and allow the sale of merchandise in the park during the event.

CONSENT

11. Consider accepting with regret the resignation of John De La Mora from the Housing Rehabilitation Loan Committee.
- Resolution accepting with regrets the resignation of John De La Mora from the Housing Rehabilitation Loan Committee recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-97 (Frohman/Conrad; unan.) accepting with regrets the resignation of John De La Mora from the Housing Rehabilitation Loan Committee.

CONSENT

12. Consider accepting with regret the resignation of Donna Polite from the Community Qualities Forum.
- Resolution accepting with regrets the resignation of Donna Polite from the Community Qualities Forum recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-98 (Frohman/Conrad; unan.) accepting with regrets the resignation of Donna Polite from the Community Qualities Forum.

CONSENT

13. Consider accepting with regret the resignation of William Wetmore from the Community Qualities Forum.
- Resolution accepting with regrets the resignation of William Wetmore from the Community Qualities Forum recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-99 (Frohman/Conrad; unan.) accepting with regrets the resignation of William Wetmore from the Community Qualities Forum.

COUNCIL COMMENTS & REPORTS

14. At the request of Councilmember Conrad, consider directing the City Attorney to draft an ordinance changing the order of business on the Council agenda moving Miscellaneous Appointments to immediately follow Acknowledgements and Presentations and adding an additional Council Comments and Reports to the end of the agenda.

ACTION: By motion (Conrad/Sabatino; unan.) directed the City Attorney to draft an ordinance changing the order of business on the Council agenda moving Miscellaneous Appointments to immediately follow Acknowledgements and Presentations.

ACTION: No action taken regarding adding an additional Council Comments and Reports.

15. At the request of Councilmember Jackman, Presentation Highway 99: The Main Street of the San Joaquin Valley by D. Richard Rasmussen of the Great Valley Center.

ACTION: No action taken. Information item only.

16. At the request of Councilmember O'Bryant, consider discussion of 2001 Modesto City Fire Fighter Association (MCFFA) arbitration and further consider taking whatever actions are necessary to extend the same health benefits to MCFFA members as were recently provided to members of the Police unions and Fire Department management personnel.

ACTION: By motion (Frohman/Conrad; majority; O'Bryant, no) directed staff to begin negotiating a new contract with MCFFA and to incorporate the same health benefits that were extended to the Police Union and Fire Department management personnel.

17. At the request of Mayor Sabatino, consider hiring independent counsel to pursue litigation against Stanislaus County for over charging Modesto ratepayers for garbage collection. Other affected cities are also encouraged to join in the litigation. For the Modesto ratepayers, this amounts to approximately a \$7 million over-charge. See attached report from Mayor Sabatino.

ACTION: By motion (Fisher/Jackman; majority; Conrad, no) directed Mayor Sabatino and Councilmember Fisher to draft a letter to be considered at the next Council Meeting to the State Controller requesting a review of the issue.

WRITTEN COMMUNICATIONS

18. A letter from Frank Johnson regarding the speed limit on Blue Gum Avenue.

ACTION: This item was referred to the Safety & Communities Committee.

19. A letter from Patrick McGrath wishing to discuss the operation of the Neighborhood Preservation Unit in the downtown area, and the status of building rehabilitation in the Tenth Street corridor from J Street to I Street.

ACTION: No action taken. This item was removed from the agenda by Pat McGrath.

UNFINISHED BUSINESS

These ordinances are not on Consent due to a split vote at the introduction of 6 to 1,
Conrad no

20. Final adoption of:

- a. Ordinance No. 3281-C.S. - an ordinance amending Section 8-1.904 of Article 9 of Chapter 1 of Title 8 of the Modesto Municipal Code relating to Capital Facilities Fees - Establishment of Fees.

ACTION: By motion (Frohman/Fisher; majority; Conrad, no) approved **final adoption of Ordinance No. 3281-C.S.** - an ordinance amending Section 8-1.904 of Article 9 of Chapter 1 of Title 8 of the Modesto Municipal Code relating to Capital Facilities Fees - Establishment of Fees.

- b. Ordinance No. 3282-C.S. - an ordinance amending Ordinance No. 3005-C.S. entitled "an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 1996-1" as previously amended by Ordinance Nos. 3047-C.S., 3060-C.S., 3115-C.S. and 3160-C.S. to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (Village One CFD No. 1996-1)

ACTION: By motion (Frohman/Fisher; majority; Conrad, no) approved **final adoption of Ordinance No. 3282-C.S.** - an ordinance amending Ordinance No. 3005-C.S. entitled "an ordinance of the City Council of the City of Modesto

authorizing the levy of a special tax within Community Facilities District No. 1996-1” as previously amended by Ordinance Nos. 3047-C.S., 3060-C.S., 3115-C.S. and 3160-C.S. to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (Village One CFD No. 1996-1)

- c. Ordinance 3283-C.S. - an ordinance amending Ordinance No. 3047-C.S. entitled “an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 1997-1” to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (North Beyer Park CFD No. 1997-1)

ACTION: By motion (Frohman/Fisher; majority; Conrad, no) approved **final adoption of Ordinance 3283-C.S.** - an ordinance amending Ordinance No. 3047-C.S. entitled “an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 1997-1” to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (North Beyer Park CFD No. 1997-1)

- d. Ordinance No. 3284-C.S. - an ordinance amending Ordinance No. 3111-C.S. entitled “an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 1998-2” as previously amended by Ordinance Nos. 3142-C.S. and 3160-C.S. to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2)

ACTION: By motion (Frohman/Fisher; majority; Conrad, no) approved **final adoption of Ordinance No. 3284-C.S.** - an ordinance amending Ordinance No. 3111-C.S. entitled “an ordinance of the City Council of the City of Modesto authorizing the levy of a special tax within Community Facilities District No. 1998-2” as previously amended by Ordinance Nos. 3142-C.S. and 3160-C.S. to clarify that collection of the one-time special facilities tax shall occur at the time a building permit is issued (Carver-Bangs/Pelandale-Snyder CFD No. 1998-2)

- 21. Consider establishing the Modesto Convention and Visitors Bureau as an independent, non-profit corporation and adopting the bylaws and articles of incorporation for the CVB.
 - Resolution establishing the Modesto Convention and Visitors Bureau as an independent, non-profit corporation and adopting the bylaws and articles of incorporation for the CVB recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Res. No. 2003-100 (Conrad/Fisher;unan.) establishing the Modesto Convention and Visitors Bureau as an independent, non-profit corporation and adopting the bylaws and articles of incorporation for the CVB

HEARINGS

ITEM 22 REMOVED FROM THE AGENDA

22. Hearing to consider direct sale to end-users of bulk co-compost containing Class A Exceptional Quality Biosolids.

- Resolution approving a mitigated negative declaration that decertifies the City's 1998 Environmental Impact Report for the sale and use of bulk biosolids, thus allowing the City to rely on the State Water Board's Environmental Impact Report.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Removed from the agenda.

23. Hearing to consider:

- A General Plan Amendment to shift Comprehensive Planning District (CPD) boundaries to add approximately 17 acres of land located at the Northeast corner of Coffee Road and Claratina Avenue to the North Beyer CPD;
- A Specific Plan Amendment to include the 17-acre property in North Beyer Specific Plan and designate the site as Church (CH);
- A request to prezone the project site to SP-O (Specific Plan-Overlay);
- A request to file an application with the Stanislaus Local Agency Formation Commission (LAFCO) to annex the subject 17-acre property to the City of Modesto and elect not to succeed to a Williamson Act contract;
- Certification of a mitigated negative declaration for the proposed project and adoption of a Mitigation Monitoring Plan.

Item submitted by Dave Romano on behalf of Shelter Cove Church.

- Resolution approving a General Plan Amendment to shift Comprehensive Planning District (CPD) boundaries to add approximately 17 acres of land located at the Northeast corner of Coffee Road and Claratina Avenue to the North Beyer CPD recommended.
- Resolution approving a Specific Plan Amendment to include the 17-acre property in North Beyer Specific Plan and designate the site as Church (CH) recommended.
- Motion introducing an ordinance pre zoning the subject 17-acre property to SP-O (Specific Plan - Overlay), and elect not to succeed to a Williamson Act contract recommended.
- Resolution approving application to the Local Agency Formation Commission (LAFCO) to take proceedings to annex the 17-acre property located on the

Northeast corner of Coffee Road and Claratina Avenue to the City of Modesto recommended.

- Resolution certifying a Mitigated Negative Declaration (SCH #2002122117) for the proposed project, and adoption of a Mitigation Monitoring Plan recommended.

*Community & Economic Development; Patrick Kelly, 571-5539,
pkelly@modestogov.com*

ACTION: Res. No. 2003-101 (Fisher/O'Bryant; unan.) approving a General Plan Amendment to shift Comprehensive Planning District (CPD) boundaries to add approximately 17 acres of land located at the Northeast corner of Coffee Road and Claratina Avenue to the North Beyer CPD

ACTION: Res. No. 2003-102 (Fisher/O'Bryant; unan.) approving a Specific Plan Amendment to include the 17-acre property in North Beyer Specific Plan and designate the site as Church (CH)

ACTION: By motion (Fisher/O'Bryant; unan.) **introduced Ordinance No. 3285-C.S.** rezoning the subject 17-acre property to SP-O (Specific Plan - Overlay), and elect not to succeed to a Williamson Act contract

ACTION: Res. No. 2003-103 (Fisher/O'Bryant; unan.) approving application to the Local Agency Formation Commission (LAFCO) to take proceedings to annex the 17-acre property located on the Northeast corner of Coffee Road and Claratina Avenue to the City of Modesto

ACTION: Res. No. 2003-104 (Fisher/O'Bryant; unan.) certifying a Mitigated Negative Declaration (SCH #2002122117) for the proposed project, and adoption of a Mitigation Monitoring Plan

24. Hearing to consider the ABC License denial for Carniceria Michoacan at 506 Paradise Road.

- Resolution denying the appeal of Bulmaro Perez and Delia Perez of Carniceria Michoacan, 506 Paradise Road, for a letter of Public Convenience and Necessity in the matter of a Type 20 (Off-Sale - Beer and Wine) Alcoholic Beverage Control License recommended.

City Manager; Julie Hendee, 571-5580, jhendee@modestogov.com

ACTION: By motion (Fisher/Jackman; unan.) this item was continued to March 11, 2003.

25. Hearing to consider establishing fees for evening and weekend parking at the Tenth Street Place and 11th Street Parking Garages and allocating 75 percent of the gross

revenues from evening use fees at the 11th Street Garage for Police services required to support evening activities occurring in proximity to that garage.

- Resolution amending Section 1 of Resolution 2001-608 establishing fees to be used for evening and weekend parking at the Tenth Street Place (TSP) and 11th Street parking garages and allocating 75 percent of the gross revenues from evening fees at the 11th Street garage to support Police services required for evening activities in proximity to that garage recommended.

Operations & Maintenance; Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: Res. No. 2003-105 (Jackman/Conrad; unan.) amending Section 1 of Resolution 2001-608 establishing fees to be used for evening and weekend parking at the Tenth Street Place (TSP) and 11th Street parking garages and allocating 75 percent of the gross revenues from evening fees at the 11th Street garage to support Police services required for evening activities in proximity to that garage

NEW BUSINESS

26. Consider the City of Modesto's attainment of 61% AB 939 Diversion Goal for 2000.

- Resolution commending the City's residents, businesses, solid waste collection companies, recycling companies, and City Departments for their outstanding efforts in helping the City attain a 61% diversion rate for the year 2002 recommended.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: This item was continued to a future meeting.

Fisher absent due to conflict of interest.

27. Consider annexation of additional territory (Annexation #2) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

- Resolution of Intention to annex territory (Annexation #2) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Res. No. 2003-106 (Conrad/Keating; Fisher, absent) a Resolution of Intention to annex territory (Annexation #2) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder).

28. Consider introduction of an ordinance amending Section 5-4.201 of the Modesto Municipal Code authorizing Stanislaus County to issue dog licenses for the City of Modesto.
- Motion introducing an ordinance amending Section 5-4.201 of the Modesto Municipal Code authorizing Stanislaus County to issue dog licenses for the City of Modesto recommended.
- Police; Roy Wasden, 572-9501, wasdenr@modestopd.com*

ACTION: By motion (Frohman/Jackman; unan.) **introduced Ordinance No. 3286–C.S.** amending Section 5-4.201 of the Modesto Municipal Code authorizing Stanislaus County to issue dog licenses for the City of Modesto

MISCELLANEOUS

Appointments

29. Consider appointments to the following Boards, Committees, Commissions:
- Airport Advisory Committee** - appoint William A. Jaques and Richard Vanden Bosch, each with a term expirations of January 1 2007.
 - Board of Building Appeals** - appoint Tim Ragsdale, with a term expiration of January 1 2007.
 - Citizens Advisory Committee on Recycling** - appoint Jason Gordo and William A. Jaques, each with term expirations of January 1 2007.
 - Community Qualities Forum** - appoint Robert Lombardi and Charles Quinones, each with term expirations of January 1 2005, and Nancy Smith and Jeff Welch, each with term expirations of January 1 2007.
 - Downtown Improvement District Advisory Board** - appoint Andrew S Mendlin, with a term expiration of January 1 2005, and Keely Stackhouse, with a term expiration of January 1 2004.
 - Golf Courses Advisory Committee** - appoint Richard Heyman and Gary Wilkinson, each with term expirations of January 1 2007.

Resolutions appointing:

- William A. Jaques and Richard Vanden Bosch to the Airport Advisory Committee, each with a term expirations of January 1 2007 recommended.
- Tim Ragsdale to the Board of Building Appeals, with a term expiration of January 1 2007 recommended.
- Jason Gordo and William A. Jaques to the Citizens Advisory Committee on Recycling, each with term expirations of January 1 2007 recommended.

- Robert Lombardi and Charles Quinones, each with term expirations of January 1 2005, and Nancy Smith and Jeff Welch, each with term expirations of January 1 2007, to the Community Qualities Forum recommended.
- Andrew S Mendlin, with a term expiration of January 1 2005, and Keely Stackhouse, with a term expiration of January 1 2004, to the Downtown Improvement District Advisory Board recommended.
- Richard Heyman and Gary Wilkinson to the Golf Courses Advisory Committee, each with term expirations of January 1 2007 recommended.

ACTION: Res. No. 2003-107 (Frohman/Jackman; unan.) appointing William A. Jaques and Richard Vanden Bosch to the Airport Advisory Committee, each with a term expirations of January 1 2007

ACTION: Res. No. 2003-108 (Frohman/Jackman; unan.) appointing Tim Ragsdale to the Board of Building Appeals, with a term expiration of January 1 2007

ACTION: Res. No. 2003-109 (Frohman/Jackman; unan.) appointing Jason Gordo and William A. Jaques to the Citizens Advisory Committee on Recycling, each with term expirations of January 1 2007

ACTION: Res. No. 2003-110 (Frohman/Jackman; unan.) appointing Robert Lombardi and Charles Quinones, each with term expirations of January 1 2005, and Nancy Smith and Jeff Welch, each with term expirations of January 1 2007, to the Community Qualities Forum

ACTION: Res. No. 2003-111 (Frohman/Jackman; unan.) appointing Andrew S Mendlin, with a term expiration of January 1 2005, and Keely Stackhouse, with a term expiration of January 1 2004, to the Downtown Improvement District Advisory Board

ACTION: Res. No. 2003-112 (Frohman/Jackman; unan.) appointing Richard Heyman and Gary Wilkinson to the Golf Courses Advisory Committee, each with term expirations of January 1 2007

30. Consider appointment of Councilmember Janice Keating to the Housing Rehabilitation Loan Committee.

- Resolution approving appointment of Councilmember Janice Keating to the Housing Rehabilitation Loan Committee recommended.

ACTION: Res. No. 2003-113 (Frohman/Jackman; unan.) approving appointment of Councilmember Janice Keating to the Housing Rehabilitation Loan Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:10 p.m.:

CLOSED SESSION

All closed sessions were heard prior to the Council meeting.

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators:	Jack R. Crist, City Manager
	Robin Renwick, Personnel Director
	Janice Stewart, Assistant Personnel Director

Employee Organization:	Modesto City Employees Association

.....

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, March 3, 2003, at 5:30 p.m.

Roll Call – Present: Councilmember O'Bryant

Absent: Councilmembers Conrad and Frohman

Also Present: Councilmember Jackman

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

25) Fire Safety in Nightclubs

ACTION: Informational item only. No action taken.

26) Consider Acceptance of Staff Report on Status of Pool/Park Program

ACTION: Informational item only. No action taken.

27) Introduction to Comcast "What the Future Holds" - Karen Munro, Vice President Government Relations

ACTION: Informational item only. No action taken.

28) Mobile Data Computer Project

ACTION: The Committee approved staff's recommendation to forward this item to full Council.

March 3, 2003 Safety Committee

29) Proposed New Alarm Ordinance

ACTION: The Committee approved staff's recommendation to forward this item to full Council.

30) Funding for the 2002 COPS MORE Grant

ACTION: The Committee approved staff's recommendation to forward this item to full Council.

31) Consider Staff Recommendation to (1) Support the Fund Development Strategies Implementation Plan and (2) Support Authorization to Publish a Request for Proposals for Corporate Sponsorship Asset Inventory and Valuation Audit

ACTION: The Committee expressed support of concept but did not recommend expending funds for consultant services. This item was deferred until budget discussion.

32) Consider Staff Recommendation to Amend the Modesto Municipal Code to Prohibit the Possession and Consumption of Alcohol in City of Modesto's Neighborhood and Miscellaneous Parks

ACTION: The Committee approved staff's recommendation to forward this item to full Council.

33) At the Request of Councilmember Frohman, Consider Drafting an Ordinance to Prohibit Panhandling in Areas Where the Panhandler's Safety is in Jeopardy.

ACTION: Informational item only. No action taken.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:10 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, March 4, 2003, at 5:30 p.m.

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

Absent: Frohman

Pledge of Allegiance to the Flag

Invocation: Pastor Enrique Sarria, Comunidad Cristiana

City Clerk’s Announcements: *RDA Item B was continued to March 25, 2003.*
Item 12 removed from Consent
Item 16 continued to March 25, 2003

Declaration of Conflicts of Interest: none

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a plaque to the Council by the Modesto Broncos Youth Football and Cheerleading teams showing appreciation for the City’s support of the program.

ACTION: Presentation made by the Broncos Youth Football.

2. Consider the City of Modesto’s attainment of 61% AB 939 Diversion Goal for 2000.
 - Resolution commending the City’s residents, businesses, solid waste collection companies, recycling companies, and City Departments for their outstanding efforts in helping the City attain a 61% diversion rate for the year 2002 recommended.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Presentation made by Jocelyn Reed.

3. Introduction to Comcast - "What the future holds" - Karen Munro, Vice President Government Relations

ACTION: Presentation made by Karen Munro.

ORAL COMMUNICATIONS

- Mike Atinski expressed his concern regarding the nature of advertisement on two billboards in the community.
- John Berndt also expressed concern with the two billboards.
- Miguel Donoso expressed concern with alcohol in parks
 - o Chief Wasden responded to Miguel Donoso and explained a report would be coming to Council in the next four weeks regarding the issue.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4-11, 13 & 14

ACTION Items 4-11, 13, 14: Fisher/Jackman; unan.; Frohman, absent

ACTION Item 12: Jackman/Fisher; majority; Conrad, no; Frohman, absent

CONSENT ITEMS

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

CONSENT

4. Approval of the minutes of the regular City Council meeting of February 25, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) approved the minutes of February 25, 2003.

CONSENT

5. Final adoption of:

- a. Ordinance No. 3285-C.S. - an ordinance amending Section 3-3-9 of the Zoning Map of the City of Modesto rezoning certain property located thereon (Shelter Cove Church)

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) approved the **final adoption of Ordinance No. 3285-C.S.** - an ordinance amending Section 3-3-9 of the Zoning Map of the City of Modesto rezoning certain property located thereon (Shelter Cove Church)

- b. Ordinance No. 3286-C.S. - an ordinance amending Section 5-4.201 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Licensing, Tags, Immunization and Fees - Dogs

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) approved the **final adoption of Ordinance No. 3286-C.S.** - an ordinance amending Section 5-4.201 of Article 2 of Chapter 4 of Title 5 of the Modesto Municipal Code relating to Licensing, Tags, Immunization and Fees - Dogs

CONSENT

- 6. Consider awarding a \$749,285.00 contract to Elite Landscaping Inc. for the project titled "Orville Wright Park (Phase II)".
 - Resolution awarding a \$749,285.00 contract to Elite Landscaping Inc. for the project titled "Orville Wright Park (Phase II)" recommended.
Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com

ACTION: Res. No. 2003-114 (Fisher/Jackman; unan.; Frohman, absent) awarding a \$749,285.00 contract to Elite Landscaping Inc. for the project titled "Orville Wright Park (Phase II)"

CONSENT

- 7. Consider a lease agreement with Everett & Jones BBQ LLC, for City property located at 1029 9th Street (corner of 9th & K Streets).
 - Resolution approving a lease agreement with Everett & Jones BBQ LLC, for City property located at 1029 9th Street (corner of 9th & K Streets) recommended.
Community & Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com

ACTION: Res. No. 2003-115 (Fisher/Jackman; unan.; Frohman, absent) approving a lease agreement with Everett & Jones BBQ LLC, for City property located at 1029 9th Street (corner of 9th & K Streets).

CONSENT

8. Consider adopting the 1997 Uniform Building Code, 1999 National Electrical Code, 2000 Uniform Mechanical Code, 2000 Uniform Plumbing Code and amendments to the Housing Code.
- Introduction of an ordinance adopting the 1997 Uniform Building Code recommended.
 - Introduction of an ordinance adopting the 1999 National Electrical Code recommended.
 - Introduction of an ordinance adopting the 2000 Uniform Mechanical Code recommended.
 - Introduction of an ordinance adopting the 2000 Uniform Plumbing Code recommended.
 - Introduction of an ordinance adopting amendments to the Housing Code recommended.

*Community & Economic Development; Daryl Willey, 577-5231,
dwilley@modestogov.com*

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) introduced Ordinance No.3287–C.S. adopting the 1997 Uniform Building Code

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) introduced Ordinance No. 3288–C.S. adopting the 1999 National Electrical Code

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) introduced Ordinance No. 3289–C.S. adopting the 2000 Uniform Mechanical Code

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) introduced Ordinance No.3290–C.S. adopting the 2000 Uniform Plumbing Code

ACTION: By motion (Fisher/Jackman; unan.; Frohman, absent) introduced Ordinance No. 3291–C.S. adopting amendments to the Housing Code

CONSENT

9. Consider accepting the improvements for the Monterey Bay Unit No. 3 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owners: Bright Development, a California Corporation.
- Resolution accepting the improvements for the Monterey Bay Unit No. 3 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-116 (Fisher/Jackman; unan.; Frohman, absent) accepting the improvements for the Monterey Bay Unit No. 3 subdivision in the Carver-

Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

10. Consider awarding a contract to Purkiss Rose/RSI for professional landscape architectural services to prepare a Master Plan and Design Development Report for Grogan Community Park at a cost not to exceed \$106,575.00, and authorizing the City Manager to execute necessary documents.
- Resolution awarding a contract to Purkiss Rose/RSI for professional landscape architectural services to prepare a Master Plan and Design Development Report for Grogan Community Park at a cost not to exceed \$106,575.00, and authorizing the City Manager to execute necessary documents recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,
nhoux@modestogov.com*

ACTION: Res. No. 2003-117 (Fisher/Jackman; unan.; Frohman, absent) awarding a contract to Purkiss Rose/RSI for professional landscape architectural services to prepare a Master Plan and Design Development Report for Grogan Community Park at a cost not to exceed \$106,575.00, and authorizing the City Manager to execute necessary documents.

CONSENT

11. Consider (1) awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Freedom Neighborhood Park for a not to exceed cost of \$97,020.00, and (2) amending the Capital Improvement Program to fully fund the project. Funds are budgeted.
- Resolution awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Freedom Neighborhood Park for a not to exceed cost of \$97,020.00 recommended.
 - Resolution amending the Capital Improvement Program to fully fund the project recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,
nhoux@modestogov.com*

ACTION: Res. No. 2003-118 (Fisher/Jackman; unan.; Frohman, absent) awarding a contract to Callander Associates Landscape Architecture Inc. for professional landscape architectural services to prepare a Master Plan, Design Development Report and Construction Documents for Freedom Neighborhood Park for a not to exceed cost of \$97,020.00.

ACTION: Res. No. 2003-118A (Fisher/Jackman; unan.; Frohman, absent) amending the Capital Improvement Program to fully fund the project.

REMOVED FROM CONSENT

12. Consider approving letter to State Auditor Controller regarding Stanislaus County's possible overcharge of garbage rates to rate payers.

- Resolution approving letter to State Auditor Controller regarding Stanislaus County's possible overcharge of garbage rates to ratepayers recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2003-119 (Jackman/Fisher; majority; Conrad, no; Frohman, absent) approving letter to State Auditor Controller regarding Stanislaus County's possible overcharge of garbage rates to ratepayers to be mailed after the Council meeting of March 11, 2002.

CONSENT

13. Consider accepting with regret the resignation of Michael Content from the Housing Rehabilitation Loan Committee.

- Resolution accepting with regret the resignation of Michael Content from the Housing Rehabilitation Loan Committee recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-120 (Fisher/Jackman; unan.; Frohman, absent) accepting with regret the resignation of Michael Content from the Housing Rehabilitation Loan Committee.

CONSENT

14. Consider continued operation of AccessModesto (Public-Education-Government Cable Channels).

- Resolution authorizing the City Manager to execute a 10-year cost-sharing agreement with Stanislaus County for the management of the Education and Government access channels on AccessModesto recommended.

City Manager; Renee Ledbetter, 577-5222, rledbetter@modestogov.com

ACTION: Res. No. 2003-121 (Fisher/Jackman; unan.; Frohman, absent) authorizing the City Manager to execute a 10-year cost-sharing agreement with Stanislaus County for the management of the Education and Government access channels on AccessModesto.

COUNCIL COMMENTS & REPORTS

15. Vice Mayor Frohman comments.

ACTION: Vice Mayor Frohman was absent from the meeting.

- Mayor Sabatino commented on the Modesto 2020 Report regarding the Village One deficit.

HEARINGS

Item 16 was continued to March 25, 2003.

16. Hearing to consider the application of Stanislaus County to vacate and abandon the alley and public utility easement in Block No. 69, bounded by 10th, 11th, H & I Streets in downtown Modesto.

- Resolution vacating and abandoning an alley and public utility easement in Block No. 69 recommended.
- Resolution finding the requested vacation and abandonment within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Brad Wall, 577-5282,
bwall@modestogov.com*

ACTION: By motion (Conrad/Jackman; unan.; Frohman, absent) this item was continued to March 25, 2003.

17. Hearing to consider an amendment to the Urban Area General Plan to adopt changes to: Circulation and Transportation Map, School Policy Text, Historic Resources Policies, Airport Noise Policy, Employment Estimates, and Salida Comprehensive Planning District; and consider certification of the Final Master EIR update for the Urban Area General Plan, Statement of Findings of Significant Impacts and Rejection of Alternatives, Statement of Overriding Considerations, and Mitigation Monitoring Plan.

- Resolution adopting the proposed amendment to the Modesto Urban Area General Plan recommended.
- Resolution certifying the Final Master EIR Update and adopting the Statement of Findings of Significant Impacts and Rejection of Alternatives, the Statement of Overriding Considerations, and the Mitigation Monitoring Program recommended.

*Community & Economic Development; Patrick Kelly, 577-5268,
pkelly@modestogov.com*

ACTION: Res. No. 2003-122 (Fisher/Keating; majority; Jackman, no; Frohman, absent) adopting the proposed amendment to the Modesto Urban Area General Plan.

ACTION: Res. No. 2003-123 (Fisher/Keating; majority; Jackman, no; Frohman, absent) certifying the Final Master EIR Update and adopting the Statement of Findings of Significant Impacts and Rejection of Alternatives, the Statement of Overriding Considerations, and the Mitigation Monitoring Program.

NEW BUSINESS

18. Consider a proposed roundabout at Sylvan/Millbrook, along with the Sylvan/Roselle roundabout in Village One.
- Resolution approving a roundabout at Sylvan/Millbrook, along with the Sylvan/Roselle roundabout in Village One recommended.
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-124 (Fisher/Jackman; majority; Conrad, no; Frohman, absent) approving a roundabout at Sylvan/Millbrook, along with the Sylvan/Roselle roundabout in Village One with the condition that Staff prepare visual models at Millbrook and Sylvan and advise the Council on modifications regarding student safety.

19. Consider awarding a five-year contract to Storer Transit Systems for operation of the Modesto Dial-A-Ride (MADAR) system.
- Resolution awarding a five-year contract to Storer Transit Systems for operation of the Modesto Dial-A-Ride (MADAR) system and authorizing staff to prepare a final agreement recommended.
Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2003-125 (Fisher/Jackman; unan.; Frohman, absent) awarding a five-year contract to Storer Transit Systems for operation of the Modesto Dial-A-Ride (MADAR) system and authorizing staff to prepare a final agreement.

20. Budget Workshop

ACTION: This item was removed from the agenda.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:55 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, March 10, 2003

Roll Call: Present: Tim Fisher, Chair
Bruce Frohman
Absent: Denny Jackman, Vice Chair

Also Present: Carmen Sabatino, attended from 6:20 to 7:20 PM

46) Verbal Presentation of Second Hotel Alternatives at Centre Plaza

ACTION: This item will return to the Committee at the next meeting.

47) Verbal Update on Assembly Bill 1221 (Steinberg) – Property Taxation

ACTION: No action taken. This item was for information only.

48) Status Report on Upgrading County Islands to City Standards

ACTION: No action taken. The representative from the County did not attend. Staff will coordinate the County representatives attendance and this item will return to the next committee meeting.

49) Report on Potential Regional Commercial Sites on Modesto's East Side

ACTION: The Committee directed staff to work with Dave Ramano on potential sites.

50) Update on Stanislaus County Economic Development Bank Program

ACTION: No action taken. This item was for information only.

51) Update on Roselawn Improvement Project

ACTION: No action taken. This item was for information only.

52) Community & Economic Development Department Monthly Development Activity Report

- Workforce Development Program
- Kiernan Business Park
- Kaiser Medical Center
- Shelter Cove Church
- St. Stanislaus Church
- Safeway at Briggsmore/Oakdale
- Regulating Use of Shipping Containers as Storage in the Residential Zones
- Del Valle Homes/Fairview Development Agreement Implementation
- Commercial Zoning Southwest Corner of Oakdale and Sylvan
- General Plan Master EIR and Amendment
- General Plan Housing Element Update
- Village One Specific Plan Amendment
- Urban Growth Review
- Adoption of Building Codes
- Kansas-Woodland Business Park (FMC)
- 9th Street Bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- RJ Sweetwaters Restaurant Property
- Downtown Housing Project

ACTION: No action taken. This item was for information only.

53) Consider Staff Recommendation to Execute Service Agreement with Rudi Bonzi, Inc. for Collection of Industrial Garbage, Salvageable Waste & Industrial Recyclables

ACTION: The Committee approved staff recommendation to forward this item to full Council for approval.

- 54) Consider Staff Recommendation to Approve Amendment to Professional Service Agreement with Shutt Moen Associates for Runway 10L/28R Reconstruction

ACTION: The Committee approved staff recommendation to forward this item to full Council.

- 55) Discussion and Possible Guidance Regarding Traffic Control Alternatives at the Intersection of Scenic Drive at Lakewood

ACTION: This item was continued to a future meeting.

- 56) Consider Staff Recommendation to Change Modesto Municipal Code Section 5-6.303(a) Regarding Sewer Connection Policy

ACTION: The Committee approved staff recommendation to forward to full Council.

- 57) Consider Staff Recommendation to Revise Taxicab Ordinance and Proposed Change to Taxicab Insurance Requirements

ACTION: The Committee approved staff recommendation to forward to full Council.

- 58) Consider Staff Recommendation to Approve Water Supply Assessment for the River Ranch Specific Plan

ACTION: The Committee approved staff recommendation stating that a sufficient quantity of water is not anticipated to be available for this project.

- 59) Consider Staff Recommendation to Implement Strategies to Reduce Water Production Demands

ACTION: The Committee approved staff recommendation to implement strategies to reduce water production demands.

- 60) Consider Staff Recommendation to Accept Waste Management's Offer Regarding Performance Penalties

ACTION: The Committee approved staff recommendation.

- 61) Consider Staff Recommendation Regarding Park-and-Ride Lots for MAX Commuter Services

ACTION: The Committee approved staff recommendation to forward to full Council.

62) Consider Proposed MAX Route and Schedule Changes to Route 34 Effective
August 2003

ACTION: The Committee approved staff recommendation to forward to full Council.

63) Consider Staff Recommendation to Extend Norseman Drive to Yosemite Boulevard

ACTION: The Committee approved staff recommendation including sending a letter to the School District and the County explaining the City will fund the design only.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, March 11, 2003, at 5:30 p.m.

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

Absent: Jackman

Pledge of Allegiance to the Flag

Invocation: Pastor Joel Richards, La Loma Grace Church

City Clerk’s Announcements: Item 8 removed from Consent..
Electronic Voting System will be implemented at
the 3/25 Council meeting
Item 27—CFF Hearing was continued to 3/25/03

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation to the Council by representatives of the Modesto A’s Professional Baseball Club.

ACTION: Presentation made by Modesto A’s.

2. Proclamation proclaiming March 9-15, 2003 as Girl Scout Week, and March 12, 2003 as Girl Scout Day.

ACTION: Presentation made by Mayor Sabatino.

3. Presentation by Kevin Goodnight of the Modesto Jaycees regarding issues facing the 129th Fourth of July parade and the funding for fireworks.

ACTION: This item was referred to the Safety & Communities Committee.

4. Presentation of a proclamation to Mary Moore acknowledging her retirement from the Modesto Library.

ACTION: Presentation was made by Mayor Sabatino.

ORAL COMMUNICATIONS

- Michael Atinsky reported that the suggestive chat line billboards have been removed and thanked the Council for their assistance.
- Ron Jordana made comments to the Council.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 17

ACTION Items 5- 7, 9-13, 15-17: Frohman/Fisher; unan.; Jackman, absent

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

ACTION Item 14: Fisher/Conrad; unan.; Jackman, absent

CONSENT ITEMS

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

CONSENT

5. Approval of the minutes of the regular City Council meeting of March 4, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Fisher; unan.; Jackman, absent) approved the minutes of March 4, 2003.

CONSENT

6. Consider approving a “zero rent” ground lease agreement with the Federal Aviation Administration (FAA) for the airport site of the Automated Surface Observation System (ASOS) equipment.
- Resolution approving a “zero rent” ground lease agreement with the Federal Aviation Administration (FAA) for the airport site of the Automated Surface Observation System (ASOS) equipment and authorizing the City Manager or his designated representative to execute the necessary documents recommended.
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-126 (Frohman/Fisher; unan.; Jackman, absent) approving a “zero rent” ground lease agreement with the Federal Aviation Administration (FAA) for the airport site of the Automated Surface Observation System (ASOS) equipment and authorizing the City Manager or his designated representative to execute the necessary documents.

CONSENT

7. Consider authorizing the Purchasing Supervisor to formally solicit bids for water meters, for a three-year agreement with two one-year extension options.
- Resolution authorizing the Purchasing Supervisor to formally solicit bids for water meters, for a three-year agreement with two one-year extension options recommended.
Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Res. No. 2003-127 (Frohman/Fisher; unan.; Jackman, absent) authorizing the Purchasing Supervisor to formally solicit bids for water meters, for a three-year agreement with two one-year extension options

ITEM 8 REMOVED FROM CONSENT

8. Consider authorizing the purchase of thirteen 2003 Ford Crown Victorias, CHP Class E patrol sedans through Heritage Ford, for a total estimated cost of \$347,743.00.
- Resolution authorizing the purchase of thirteen 2003 Ford Crown Victorias, CHP Class E patrol sedans through Heritage Ford, for a total estimated cost of \$347,743.00 recommended.
Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-128 (Keating/Frohman; unan.; Jackman, absent) authorizing the purchase of thirteen 2003 Ford Crown Victorias, CHP Class E patrol sedans through Heritage Ford, for a total estimated cost of \$347,743.00.

CONSENT

9. Consider authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) to perform hot-patch work for an estimated \$80,000 cost. The contract period shall be from May 20, 2003 through May 20, 2004 and include two one-year extension options.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) to perform hot-patch work for an estimated \$80,000 cost, with the contract period to be from May 20, 2003 through May 20, 2004 and include two one-year extension options recommended.

Finance; Tom Reddie, 577-5406, reddie@modestogov.com

ACTION: Res. No. 2003-129 (Frohman/Fisher; unan.; Jackman, absent) authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) to perform hot-patch work for an estimated \$80,000 cost, with the contract period to be from May 20, 2003 through May 20, 2004 and include two one-year extension options.

CONSENT

10. Consider authorizing the purchase of six Chevrolet Silverado 1500 trucks from Coalinga Motors for an estimated cost of \$104,531.97.

- Resolution authorizing the purchase of six Chevrolet Silverado 1500 trucks from Coalinga Motors for an estimated cost of \$104,531.97 recommended.

Finance; Tom Reddie, 577-5406, reddie@modestogov.com

ACTION: Res. No. 2003-130 (Frohman/Fisher; unan.; Jackman, absent) authorizing the purchase of six Chevrolet Silverado 1500 trucks from Coalinga Motors for an estimated cost of \$104,531.97.

CONSENT

11. Consider authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of \$70,522.45.

- Resolution authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of \$70,522.45 recommended.

Finance; Tom Reddie, 577-5406, reddie@modestogov.com

ACTION: Res. No. 2003-131 (Frohman/Fisher; unan.) authorizing the purchase of a John Deere 304H Wheel Loader from Nortrax West for an estimated cost of \$70,522.45.

CONSENT

12. Consider approving an agreement to receive a \$342,000 reimbursement for the construction of a PacBell retaining wall structure on the Kansas Needham Overcrossing project and authorizing the City Manager to execute the necessary documents.

- Resolution approving an agreement to receive a \$342,000 reimbursement for the construction of a PacBell retaining wall structure on the Kansas Needham Overcrossing project and authorizing the City Manager to execute the necessary documents recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-132 (Frohman/Fisher; unan.; Jackman, absent) approving an agreement to receive a \$342,000 reimbursement for the construction of a PacBell retaining wall structure on the Kansas Needham Overcrossing project and authorizing the City Manager to execute the necessary documents.

CONSENT

13. Consider accepting the bid of, and awarding the \$852,907.70 contract to, Granite Construction Company for the project titled “Village One West Basin Road Improvements” located on Bear Cub Lane, Hillglen Avenue and Kodiak Drive.

- Resolution accepting the bid of, and awarding the \$852,907.70 contract to, Granite Construction Company for the project titled “Village One West Basin Road Improvements” located on Bear Cub Lane, Hillglen Avenue and Kodiak Drive recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-133 (Frohman/Fisher; unan.; Jackman, absent) accepting the bid of, and awarding the \$852,907.70 contract to, Granite Construction Company for the project titled “Village One West Basin Road Improvements” located on Bear Cub Lane, Hillglen Avenue and Kodiak Drive

ITEM 14 REMOVED FROM CONSENT

14. Consider re-adopting the 1997 Modesto Non-Motorized Transportation Master Plan.

- Resolution re-adopting the 1997 Modesto Non-Motorized Transportation Master Plan recommended.

*Parks, Recreation & Neighborhoods; Robert Ford, 577-5437,
bford@modestogov.com*

ACTION: Res. No. 2003-134 (Fisher/Conrad; unan.; Jackman, absent) re-adopting the 1997 Modesto Non-Motorized Transportation Master Plan.

CONSENT

15. Consider amending the Position Classification Plan to amend the classification of Traffic Engineer.

- Resolution amending the Position Classification Plan to amend the classification of Traffic Engineer recommended.

Personnel; Cherree Platt, 57-5439, cplatt@modestogov.com

ACTION: Res. No. 2003-135 (Frohman/Fisher; unan.; Jackman, absent) amending the Position Classification Plan to amend the classification of Traffic Engineer.

CONSENT

16. Consider amending the Position Classification Plan to amend the classification of Police Detective.

- Resolution amending the Position Classification Plan to amend the classification of Police Detective recommended.

Personnel; Cherree Platt, 57-5439, cplatt@modestogov.com

ACTION: Res. No. 2003-136 (Frohman/Fisher; unan.; Jackman, absent) amending the Position Classification Plan to amend the classification of Police Detective.

CONSENT

17. Consider authorizing the City Manager to execute a contract with PRC to develop Mobile Data Computer communication software for Modesto Police Department mobile data computers for a not to exceed cost of \$99,666. Funds are budgeted.

- Resolution authorizing the City Manager to execute a contract with PRC to develop Mobile Data Computer communication software for Modesto Police Department mobile data computers for a not to exceed cost of \$99,666 recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Res. No. 2003-137 (Frohman/Fisher; unan.; Jackman, absent) authorizing the City Manager to execute a contract with PRC to develop Mobile Data Computer communication software for Modesto Police Department mobile data computers for a not to exceed cost of \$99,666.

COUNCIL COMMENTS & REPORTS

18. Vice Mayor Frohman comments.

ACTION: Vice Mayor Frohman reported on the status of limiting alcohol in neighborhood parks and confirmed this item had been discussed at the

Committee level and should be forwarded to full Council in approximately three weeks.

Vice Mayor Frohman spoke regarding Panhandling and reported on the California Highway Patrol's patrol on the freeway ramps and noted Modesto's current ordinance. Council continues to review this issue.

Vice Mayor Frohman spoke regarding dogs and reported on the Cities of Reno and Modesto's ordinances and commented on the Parks, Recreation & Neighborhoods Department review of a dog park.

19. At the request of Mayor Sabatino, consider "to implement the first manpower increases to the Modesto Fire Department in over a decade. Take the recommendations from the Citizen's Ad-Hoc Public Safety Committee by implementing the following recommendations. First return to Fire Station #1 the Engine Company that was eliminated in 1992 and add this to the present constant staffing agreements. Second is to implement the addition of a fourth firefighter to both T-71 and T-75 and also add this to present constant staffing agreements. This will be accomplished by adding to presently projected Fire Department budget the appropriate additional revenue to accomplish and maintain this level."

ACTION: By motion (Fisher/Frohman; majority; Conrad, no; Jackman, absent) referred the task force proposal to the Safety & Communities Committee, and the fiscal portion will be forwarded to the Finance Committee. Funding for this proposal was directed to be included in the Fiscal Year 2003/04 budget.

20. At the request of Mayor Sabatino, consider referring a letter from the Department of Alcohol Beverage Control regarding Dewz restaurant to the Fire Chief for an appropriate response.

ACTION: No action required.

UNFINISHED BUSINESS

21. Consider presentation from Stanislaus County CEO Reagan Wilson, and consider either rescinding Resolution 2003-119 or re-authorizing the Mayor to send a letter to State Auditor Controller regarding Stanislaus County's Fink Road landfill enterprise fund.
 - Resolution rescinding Resolution 2003-119.

OR

 - Resolution re-authorizing the Mayor to send a letter to State Auditor Controller regarding Stanislaus County's Fink Road landfill enterprise fund.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2003-138 (Conrad/Fisher; majority; Sabatino, no; Jackman, absent) rescinding Resolution 2003-119.

Following ordinances are not on Consent due to the absence of Councilmember Frohman at introduction of the ordinances. Councilmember chose to cast his vote as he had reviewed the Ordinances.

22. Consider final adoption of:

a. **Ordinance No. 3287-C.S.** - an ordinance amending Sections 9-1.01 and 9-1.15 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code

ACTION: By motion (Fisher/Keating; unan.; Jackman, absent) approved the final adoption of **Ordinance No. 3287-C.S.** - an ordinance amending Sections 9-1.01 and 9-1.15 of Chapter 1 of Title 9 of the Modesto Municipal Code relating to the Building Code

b. **Ordinance No. 3288-C.S.** - an ordinance amending Section 9-3.101 of Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code relating to the Electrical Code

ACTION: By motion (Fisher/Keating; unan.; Jackman, absent) approved the final adoption of **Ordinance No. 3288-C.S.** - an ordinance amending Section 9-3.101 of Article 1 of Chapter 3 of Title 9 of the Modesto Municipal Code relating to the Electrical Code

c. **Ordinance No. 3289-C.S.** - an ordinance amending Section 9-7.01 of Chapter 7 of Title 9 of the Modesto Municipal Code relating to the Mechanical Code

ACTION: By motion (Fisher/Keating; unan.; Jackman, absent) approved the final adoption of **Ordinance No. 3289-C.S.** - an ordinance amending Section 9-7.01 of Chapter 7 of Title 9 of the Modesto Municipal Code relating to the Mechanical Code

d. **Ordinance No. 3290-C.S.** - an ordinance amending Section 9-2.01 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code

ACTION: By motion (Fisher/Keating; unan.; Jackman, absent) approved the final adoption of **Ordinance No. 3290-C.S.** - an ordinance amending Section 9-2.01 of Chapter 2 of Title 9 of the Modesto Municipal Code relating to the Plumbing Code

e. **Ordinance No. 3291-C.S.** - an ordinance amending Chapter 9 of Title 9 of the Modesto Municipal Code relating to the Housing Code

- Motion approving final adoption recommended.
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By motion (Fisher/Keating; unan.; Jackman, absent) approved the final adoption of **Ordinance No. 3291-C.S.** - an ordinance amending Chapter 9 of Title 9 of the Modesto Municipal Code relating to the Housing Code

23. Consider one of the following actions:

- authorizing the Purchasing Supervisor to re-issue a Request for Proposal (RFP) for Fuel Cardlock Services
- rescinding rejection of bids and award the contract to WH Breshears Inc.
- Resolution authorizing the Purchasing Supervisor to re-issue a Request for Proposal (RFP) for Fuel Cardlock Services.
- Resolution rescinding Resolution 2002-589 and awarding the contract to WH Breshears Inc.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Res. No. 2003-139 (Fisher/Keating; majority; Sabatino, no; Jackman, absent) authorizing the Purchasing Supervisor to re-issue a Request for Proposal (RFP) for Fuel Cardlock Services using Opis low and implementing a protest process prior to the bid award.

24. Consider approving a General Fund loan in the amount of \$1.6 million to upgrade the City Institutional Network (INET) and requesting Comcast to implement a \$.25/month cable subscriber passthrough fee which will be applied to repayment of the General Fund and/or operation of the INET system.

- Resolution approving a General Fund loan in the amount of \$1.6 million to upgrade the City Institutional Network (INET) and requesting Comcast to implement a \$.25/month cable subscriber passthrough fee which will be applied to repayment of the General Fund and/or operation of the INET system recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: By motion (Fisher/Frohman; unan.; Jackman, absent) this item was continued to March 25, 2003.

25. Consider introduction of an ordinance amending Section 8-3.102 of the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET).
- Introduction of an ordinance amending Section 8-3.102 of the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET) recommended.
Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: By motion (Fisher/Frohman; unan.; Jackman, absent) this item was continued to March 25, 2003.

HEARINGS

Item continued from February 25, 2003 meeting

26. Hearing to consider the ABC License denial for Carniceria Michoacan at 506 Paradise Road. Due to an error made by the Department of Alcohol & Beverage Control (ABC), the Public Convenience and Necessity finding is no longer required by the City of Modesto. However, it is recommended the Council urge ABC to deny the issuance of a license.
- Resolution urging the State Department of Alcoholic Beverage Control to take whatever steps appropriate to deny the issuance of a Type-20 (Off-Sale - Beer and Wine) Alcoholic Beverage Control license recommended.
City Manager; Julie Hendee, 571-5580, jhendee@modestogov.com

ACTION: This item was removed from the agenda.

The following item is requested to be continued to March 25, 2003

27. Hearing to consider increasing the Capital Facility Fees authorized by Section 8-1.904 of Article 9 of Chapter 1 of Title 8 of the Modesto Municipal Code, which fees are used to fund the unfunded portion of the determined impact of new development on existing and newly required public infrastructure needed to support new development approved by the City Council.

ACTION: By motion (Fisher/Frohman; unan.; Jackman, absent) this item was continued to March 25, 2003.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:40 p.m.

CLOSED SESSION

All Closed Sessions were heard prior to the meeting.

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: Assistant Chief of Police of the Modesto Police Department

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

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

Employee Organization: Modesto Confidential and Management Association
 (MCMA)

MINUTES

City of Modesto

**Audit Committee Meeting/
Special City Council Workshop Meeting**
Tenth Street Place, Fourth Floor, Room 4104
1010 10th Street
Modesto, California

Thursday, March 13, 2003, at 9:00 a.m.

Roll Call – Present: Councilmember Keating—left the meeting at 10:15
Councilmember O’Bryant
Mayor Sabatino

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

1. Interviews with External Auditor Candidates

ACTION: The Audit Committee received presentations from the Audit Firms of:

- Maze & Associates
- Lance, Soll and Lunghard
- Vavrinik, Trine & Day
- Brown, Armstrong, Paulden, McCowns, Starbuck & Keeter

It was the Committee’s consensus to recommend to the full Council a contract with Maze & Associates as the external auditor.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:45 a.m.

URBAN GROWTH REVIEW WORKSHOP #2

March 13, 2003

The Economic Development Committee of the City of Modesto met for a special meeting on March 13, 2003, in Chambers for the second of four 2003 Urban Growth Review Workshops. At 5:32 p.m., the Workshop was called to order by Chairman Fisher.

Present: Bruce Frohman, Tim Fisher, and Denny Jackman (5:43 p.m.)

Absent: None

Also Present: George Britton, Principal Staff Contact; Jack Bond; Brad Kilger, George Osner, Patrick Kelly, Steve Nish, and Becky Jenkins, Community and Economic Development Department Staff

Principal Planner Kelly indicated that the workshop was the second of four being televised and held in Chambers concerning Urban Growth Review for 2003. Mr. Kelly then highlighted points from the previous workshop and followed with a Power Point presentation regarding matters for discussion at the current workshop.

The following speakers from the audience provided input and/or asked questions:

Dale Gene Williams
Steve Burke, Protect Our Water
Jim Duvall, Stanislaus County Planning Department
Ron West, Land Planning Consultant
Garrad Marsh, Planning Commissioner
Mark Jensen, 608 Magnolia RE: Luchessa/Waterman Properties
Horinda Tore, RE: 921 Chicago Avenue
Dave Romano, Attorney
Rhonda Denham (property owner: Church Street/Empire Avenue area)

Director Kilger reminded the audience and televised audience that should they wish to ask questions or provide feedback, calls could be made to 577-5218, or by means of the City's Urban Growth Review Website accessed via www.modestogov.com within the Community and Economic Development Department link.

At 7:20 p.m. Chairman Fisher closed the public input portion of the Workshop. After a brief review of each item for discussion, the Committee provided direction on the following key items noted in the staff report:

1. Tentative/Final Maps - Support staff's recommendation to include tentative maps in the inventory and exclude final maps (from inventory); Committee directed staff to report acreage comprised of final maps.
2. Housing Projections - Support staff's recommendation to use the historic growth rate of 1,200 units/year for the Urban Growth Review.

3. Ten Percent (10%) Inventory Reduction – Support staff’s recommendation that the 10% inventory reduction be included; consistent with the 2001 Urban Growth Review Update.
4. Underdeveloped Parcels – Support staff’s recommendation that underdeveloped parcels be counted as inventory.
5. Parcels Less Than Two (2) Acres - Support staff’s recommendation that the current inventory include all vacant parcels as noted.

In addition, Chairman Fisher recommended that: 1) staff work with Mr. Tore to determine if there is an equitable resolution to the sewer extension needed for 921 Chicago Avenue project, and 2) that Mr. Jensen work through the school district on his concerns regarding the Luchessa/Waterman properties.

The Committee also agreed that the final workshop scheduled for May 8, 2003 be a joint workshop between the Economic Development Committee and Planning Commission.

Councilman Frohman complimented staff on their presentation.

ADJOURNMENT

Chairman Fisher thanked everyone for their attendance and input and adjourned the Workshop at 7:33 p.m.

Patrick Kelly

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Chambers, Basement Level

Tenth Street Place, 1010 10th Street, Modesto, California

Monday, March 24, 2003, at 5:30 p.m.

Roll Call – Present: Frohman, Jackman, Keating

Also Present: Fisher, Sabatino, O’Bryant

- 23) Minutes of the February 24, 2003 City Council Workshop Meeting with Finance Committee

ACTION: The Committee approved the minutes of February 24, 2003.

- 24) Purchase of John Deere 444H Loader

ACTION: The Committee forwarded this item to full Council for approval.

- 25) Convention & Visitors Bureau Revenue

ACTION: The Committee forwarded this item to full Council for approval.

- 26) Monthly Adjustment Report – March 2003

ACTION: The Committee forwarded this item to full Council for approval.

- 27) Council General Fund Budget Workshop

ACTION: This was an informational item only. No action taken.

- 28) 4th of July Event

March 24, 2003 Finance Committee

ACTION: The Committee requested a specific proposal from the Modesto Jaycees.

29) Finance Department Audit/Refund Policy

ACTION: The Committee (Keating/Frohman) accepted staff recommendation to forward this item to full Council.

30) Budget Review Workshops – Schedule May 2003

ACTION: The Committee (Keating/Jackman; Frohman, no) recommended a schedule for budget workshops to be held each night during the 3rd week in May.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:25 pm

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, March 25, 2003, at 5:30 p.m.

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

Absent: Councilmember Conrad

Pledge of Allegiance to the Flag

Invocation: Pastor Chuck Adams, The Carpenters Place

City Clerk’s Announcements: *Item Number 20 was removed from the agenda.*

Declaration of Conflicts of Interest: *Councilmember Fisher declared a conflict on items 7
and 9*

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1 through 18

ACTION Items 1- 6, 8, 10- 18: Frohman/Fisher; unan.; Conrad, absent

ACTION Item 7: Frohman/Keating; unan.; Conrad & Fisher, absent

ACTION Item 9: Frohman/Keating; unan.; Conrad & Fisher, absent

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of March 11, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Fisher; unan.; Conrad, absent) approved the minutes of March 11, 2003.

CONSENT

2. Consider excusing Councilmember Jackman's absence from the March 11, 2003 meeting due to his attendance at the Surface Transportation Policy Project meeting in Washington, D.C.
 - Motion excusing Councilmember Jackman's absence from the March 11, 2003 meeting due to his attendance at the Surface Transportation Policy Project meeting in Washington, D.C. recommended.

ACTION: By motion (Frohman/Fisher; unan.; Conrad, absent) excused Councilmember Jackman's absence from the March 11, 2003 meeting due to his attendance at the Surface Transportation Policy Project meeting in Washington D.C.

CONSENT

3. Consider acquisition of property from Robert E. Courtney - portion of APN 077-33-09 for the widening of Sylvan Avenue, East of Oakdale Road.
 - Resolution approving an agreement with Robert E. Courtney for the acquisition of property (Assessors Parcel No. 077-33-09) for the widening of Sylvan Avenue and authorizing the City Manager to execute the necessary documents recommended.
 - Resolution authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the deed involved in the acquisition of a portion of APN 077-33-09 recommended.

Community & Economic Development; Linda Boston, 571-1579,
lboston@modestogov.com

ACTION: Res. No. 2003-140 (Frohman/Fisher; unan.; Conrad, absent) approving an agreement with Robert E. Courtney for the acquisition of property (Assessors Parcel No. 077-33-09) for the widening of Sylvan Avenue and authorizing the City Manager to execute the necessary documents.

ACTION: Res. No. 2003-141 (Frohman/Fisher; unan.; Conrad, absent) authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the deed involved in the acquisition of a portion of APN 077-33-09.

CONSENT

4. Consider property acquisition and exchanges by the City of Modesto along 8th and 9th Streets, South of Kansas Avenue and North of the MID Canal - APN 101-02-15; 101-02-16; 101-02-03 and 105-47-08 for the Bus Maintenance Facility Project.

- Resolution approving an agreement for the Bus Maintenance Facility Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee and Grantor with Varni Brothers, LLC, a California Limited Liability Company, and David J. and Beverly T. Martini, trustees of the Martini Revocable Trust Under Instrument Dated April 1, 1996 for property acquisition and exchanges recommended.
- Resolution authorizing City Manager to execute acceptance forms for the property acquisition by the City of Modesto recommended.

*Community & Economic Development; Linda Boston, 571-1579,
lboston@modestogov.com*

ACTION: Res. No. 2003-142 (Frohman/Fisher; unan.; Conrad, absent) approving an agreement for the Bus Maintenance Facility Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee and Grantor with Varni Brothers, LLC, a California Limited Liability Company, and David J. and Beverly T. Martini, trustees of the Martini Revocable Trust Under Instrument Dated April 1, 1996 for property acquisition and exchanges.

ACTION: Res. No. 2003-143 (Frohman/Fisher; unan.; Conrad, absent) authorizing City Manager to execute acceptance forms for the property acquisition by the City of Modesto.

CONSENT

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

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

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-144 (Frohman/Fisher; unan.; Conrad, absent) directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision Nos. 1 through 6.

CONSENT

6. Consider directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision Nos. 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2.
- Resolution directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision Nos 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2 recommended.
- Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-145 (Frohman/Fisher; unan.; Conrad, absent) directing the Engineering & Transportation Director to prepare and file the Annual Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision Nos 7 through 10, Creekwood Meadows subdivision and Yosemite Meadows subdivisions Units 1 and 2.

Councilmember Fisher absent due to conflict.

7. Consider accepting the improvements for the Davante Villas Phase I subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owners: Davante Villas, a California Partnership by Nova Development Group LLC, a California Limited Liability Company, General Partner.
- Resolution accepting the improvements for the Davante Villas Phase I subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
- Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-146 (Frohman/Keating; unan.; Conrad & Fisher, absent) accepting the improvements for the Davante Villas Phase I subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

8. Consider accepting the improvements for the Davante Villas Phase II subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Owners: Robert D. Calcagno, an unmarried man, and Davante Villas LP, a California Partnership by Nova Development Group LLC, a California Limited Liability Company, General Partner.

- Resolution accepting the improvements for the Davante Villas Phase II subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

Engineering & Transportation; Robert Granberg, 577-5259,

rgranberg@modestogov.com

ACTION: Res. No. 2003-147 (Frohman/Fisher; unan.; Conrad, absent) accepting the improvements for the Davante Villas Phase II subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Councilmember Fisher absent due to conflict.

9. Consider accepting the improvements for the Davante Villas Phase III subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

Owner: Robert D. Calcagno, an unmarried man. Developer: Davante Villas LP, a California Partnership by Nova Development Group LLC, a California Limited Liability Company, General Partner.

- Resolution accepting the improvements for the Davante Villas Phase III subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

Engineering & Transportation; Robert Granberg, 577-5259,

rgranberg@modestogov.com

ACTION: Res. No. 2003-148 (Frohman/Keating; unan.; Conrad & Fisher, absent) accepting the improvements for the Davante Villas Phase III subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

10. Consider approval of a settlement agreement and general release of all claims by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company, and the City of Modesto; and Consider approval of a supplemental agreement by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company and City of Modesto.

- Resolution approving a settlement agreement and general release of all claims by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company, and the City of Modesto recommended.
- Resolution approving a supplemental agreement by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company and City of Modesto recommended.

Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2003-149 (Frohman/Fisher; unan.; Conrad, absent) approving a settlement agreement and general release of all claims by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company, and the City of Modesto

ACTION: Res. No. 2003-150 (Frohman/Fisher; unan.; Conrad, absent) approving a supplemental agreement by and between Covanta Stanislaus Inc., County of Stanislaus, Pacific Gas & Electric Company and City of Modesto.

CONSENT

11. Consider Monthly Investment Report - February 2003.

- Motion acknowledging receipt of and accepting the Monthly Investment Report for February 2003 recommended.

Finance; Gregory Baird, 577-5369, gbaird@modestogov.com

ACTION: By motion (Frohman/Fisher; unan.; Conrad, absent) acknowledged receipt of and accepting the Monthly Investment Report for February 2003.

CONSENT

12. Consider license agreement with Beard Land Improvement Company and Corporation Yard Transition Report.

- Resolution approving License and Environmental Indemnity agreements with Beard Land Improvement Company in the amount of \$2,790 per month and authorizing the City Manger to execute the agreements and to enter into rental agreements for a modular building and other temporary support facilities for the purpose of housing a Satellite Corporation Yard at 236 Codoni Avenue recommended.
- Motion accepting a report on the Corporation Yard Transition Plan recommended.

Operations & Maintenance; Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: Res. No. 2003-151 (Frohman/Fisher; unan.; Conrad, absent) approving License and Environmental Indemnity agreements with Beard Land Improvement Company in the amount of \$2,790 per month and authorizing the City Manger to execute the agreements and to enter into rental agreements for a modular building and other temporary support facilities for the purpose of housing a Satellite Corporation Yard at 236 Codoni Avenue

ACTION: By motion (Frohman/Fisher; unan.; Conrad, absent) accepting a report on the Corporation Yard Transit Plan.

CONSENT

13. Consider awarding an emergency public works contract to Ionics Ultra-Pure Water for the lease of a temporary nitrate treatment system at Well No. 295 in Grayson.

- Resolution approving an emergency public works contract to Ionics Ultra-Pure Water for the lease of a temporary nitrate treatment system at Well No. 295 in Grayson recommended.

Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com

ACTION: Res. No. 2003-152 (Frohman/Fisher; unan.; Conrad, absent) approving an emergency public works contract to Ionics Ultra-Pure Water for the lease of a temporary nitrate treatment system at Well No. 295 in Grayson.

CONSENT

14. Consider an application for \$300,000 in funding from the Department of Housing and Community Development (HCD), Division of Codes and Standards for the Housing Code Enforcement Assistance Grant.

- Resolution approving an application for \$300,000 in funding from the Department of Housing and Community Development (HCD), Division of Codes and Standards for the Housing Code Enforcement Assistance Grant and authorizing the City Manager to execute the application recommended.

Parks, Recreation & Neighborhoods; Rafael Rodriquez, 571-5161, rrodriquez@modestogov.com

ACTION: Res. No. 2003-153 (Frohman/Fisher; unan.; Conrad, absent) approving an application for \$300,000 in funding from the Department of Housing and Community Development (HCD), Division of Codes and Standards for the Housing Code Enforcement Assistance Grant and authorizing the City Manager to execute the application.

CONSENT

15. Consider the Annual Report 2002 from the Community Qualities Forum.

- Motion accepting the Annual Report 2002 from the Community Qualities Forum recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.; Conrad, absent) accepting the Annual Report 2002 from the Community Qualities Forum.

CONSENT

16. Consider a Second Amendment to the agreement with RRM Design Group Inc., to provide additional services related to the preparation of the construction documents for Maddux Youth Center improvements at a cost not to exceed \$40,347 plus \$2,000 contingency.

- Resolution approving a Second Amendment to the agreement with RRM Design Group Inc., to provide additional services related to the preparation of the construction documents for Maddux Youth Center improvements at a cost not to exceed \$40,347 plus \$2,000 contingency, and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,
ceubank@modestogov.com*

ACTION: Res. No. 2003-154 (Frohman/Fisher; unan.; Conrad, absent) approving a Second Amendment to the agreement with RRM Design Group Inc., to provide additional services related to the preparation of the construction documents for Maddux Youth Center improvements at a cost not to exceed \$40,347 plus \$2,000 contingency, and authorizing the City Manager to execute the necessary documents.

CONSENT

17. Consider request to withdraw City of Modesto support in amicus brief of Barden v. City of Sacramento.

- Motion authorizing the City Attorney to remove the City of Modesto from a previously joined amicus brief in the case of Barden v. City of Sacramento recommended.

Personnel; Jason Mauga, 577-5209, jmauga@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.; Conrad, absent) authorized the City Attorney to remove the City of Modesto from a previously joined amicus brief in the case of Barden v. City of Sacramento.

CONSENT

18. Consider funding of 2002 COPS MORE grant and estimating revenue and appropriating \$500,000 of 2002 COPS MORE grant funds.

- Resolution amending the fiscal year 2002/2003 budget estimating revenue and appropriating \$500,000 of 2002 COPS MORE grant funds recommended.

Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Res. No. 2003-155 (Frohman/Fisher; unan.; Conrad, absent) amending the fiscal year 2002/2003 budget estimating revenue and appropriating \$500,000 of 2002 COPS MORE grant funds.

COUNCIL COMMENTS & REPORTS

19. At the request of Councilmember Jackman, consider a report on his lobbying efforts in Washington DC regarding the reauthorization of the Transportation Enhancement Act (TEA-21).

ACTION: No action taken. A report was given by Councilmember Jackman on his lobbying efforts.

UNFINISHED BUSINESS

Item continued from March 11, 2003

20. Consider introduction of an ordinance amending Section 8-3.102 of the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET).
- Introduction of an ordinance amending Section 8-3.102 of the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET) recommended.
Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: This item was removed from the agenda.

21. Consider amending Section 2-8.02, 2-8.03, & 2-8.05 relating to Campaign Reform (Tin Cup) to require disclosure of all campaign contributions.
- Introduction of an ordinance amending Section 2-8.02, 2-8.03, & 2-8.05 relating to Campaign Reform (Tin Cup) to require disclosure of all campaign contributions recommended.
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Fisher/O'Bryant; majority; Frohman & Keating, no; Conrad, absent) **denied introducing an Ordinance** amending Section 2-8.02, 2-8.03, & 2-8.05 relating to Campaign Reform (Tin Cup) to require disclosure of all campaign contributions.

HEARINGS

Item continued from March 11, 2003

22. Hearing to consider increasing the Capital Facility Fees authorized by Section 8-1.904 of Article 9 of Chapter 1 of Title 8 of the Modesto Municipal Code, which fees are used to fund the unfunded portion of the determined impact of new

development on existing and newly required public infrastructure needed to support new development approved by the City Council. It is recommended that the Public Hearing be continued to April 8, 2003.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan.; Conrad & O'Bryant, absent) this item was continued to April 8, 2003.

23. Hearing to consider the application of Stanislaus County to vacate and abandon the alley and public utility easement in Block No. 69, bounded by 10th, 11th, H & I Streets in downtown Modesto.

- Resolution vacating and abandoning an alley and public utility easement in Block No. 69 recommended.
- Resolution finding the requested vacation and abandonment within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Brad Wall, 577-5282,
bwall@modestogov.com*

ACTION: Res. No. 2003-156 (Jackman/Keating; unan.; Conrad, absent) vacating and abandoning an alley and public utility easement in Block No. 69

ACTION: Res. No. 2003-157 (Jackman/Keating; unan.; Conrad, absent) finding the requested vacation and abandonment within the scope of the General Plan Master EIR.

NEW BUSINESS

24. Consider providing staff with policy guidance on the following issues:
- Police staffing levels and ratio of officers to population.
 - Possible phasing, capping or step increases for 2003 Capital Facility Fee (CFF) implementation.
 - Continued use of San Francisco Area Engineering News Record Construction Cost Index for annually updating the CFF.

Also consider providing staff with discussion and guidance on any additional areas of concern or questions regarding the 2003 Capital Facility Fees.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By motion (Fisher/Jackman; unan.; Conrad & O'Bryant; absent) directed staff to place police staffing levels at 1.85 officers to 1000 population; accepted phasing with the exclusion of single family residential; establish a task force and estimate who is in the pipeline; accept the impact analysis for hospitals, review the total burden and continue using the ENR for San Francisco.

25. Consider Stanislaus County request for funding assistance for public improvements for the Gallo Arts Center.

- Resolution appropriating funds in the amount of \$602,000 from the General Fund Contingency Reserve and approving a loan to the Modesto Redevelopment Agency in the amount of \$602,000 recommended.

Community & Economic Development; Brad Kilger, 577-5228, bkilger@modestogov.com

ACTION: Res. No. 2003-158 (Fisher/Frohman; majority; O'Bryant, no; Conrad, absent) appropriating funds in the amount of \$602,000 from the General Fund Contingency Reserve and approving a loan to the Modesto Redevelopment Agency in the amount of \$602,000.

26. Consider amending the City's Position Classification Plan to create the classifications of Business Development Division Manager and Senior Business Analyst; Consider amending the City's Class Range Table for Management and Confidential Classes to establish the salary ranges of Business Development Division Manager (Range 447) and Senior Business Analyst (Range 438).
- Resolution amending the City's Position Classification Plan to create the classifications of Business Development Division Manager and Senior Business Analyst recommended.
 - Resolution amending the City's Class Range Table for Management and Confidential Classes to establish the salary ranges of Business Development Division Manager (Range 447) and Senior Business Analyst (Range 438) recommended.

*Community & Economic Development; Brad Kilger, 577-5228,
bkilger@modestogov.com*

ACTION: Res. No. 2003-159 (Fisher/Frohman; unan.; Conrad, absent) amending the City's Position Classification Plan to create the classifications of Business Development Division Manager and Senior Business Analyst

ACTION: Res. No. 2003-160 (Fisher/Frohman; unan.; Conrad, absent) amending the City's Class Range Table for Management and Confidential Classes to establish the salary ranges of Business Development Division Manager (Range 447) and Senior Business Analyst (Range 438)

27. Consider authorizing approval of the Water Supply Assessment (WSA) prepared for the "River Ranch Specific Plan" (RRSP) project, generally located near the community of Salida, which has determined that adequate water supply is not available for the area at this time, and directing City staff to forward the WSA to Stanislaus County.
- Resolution authorizing approval of the Water Supply Assessment (WSA) prepared for the "River Ranch Specific Plan" (RRSP) project, generally located near the community of Salida, which has determined that adequate water supply is not available for the area at this time, and directing City staff to forward the WSA to Stanislaus County recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Res. No. 2003-161 (Fisher/Jackman; unan.; Conrad, absent) authorizing approval of the Water Supply Assessment (WSA) prepared for the "River Ranch Specific Plan" (RRSP) project, generally located near the community of Salida, which has determined that adequate water supply is not available for the area at this time, and directing City staff to forward the WSA to Stanislaus County

28. Consider adopting Drought Contingency Plan Stage One water use restrictions and rescinding Resolution 98-380 effective May 1, 2003.
- Resolution adopting Drought Contingency Plan Stage One water use restrictions and rescinding Resolution 98-380 effective May 1, 2003 recommended.
- Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com*

ACTION: Res. No. 2003-162 (Frohman/Fisher; unan.; Conrad, absent) adopting Drought Contingency Plan Stage One water use restrictions and rescinding Resolution 98-380 effective May 1, 2003.

29. Consider authorizing the City Manager to enter into a Municipal Master Lease with Dell Marketing LP for information technology hardware products and services for a period of 36 months.

- Resolution authorizing the City Manager to enter into a Municipal Master Lease with Dell Marketing LP for information technology hardware products and services for a period of 36 months recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Res. No. 2003-163 (Keating/Jackman; unan.; Conrad, absent) authorizing the City Manager to enter into a Municipal Master Lease with Dell Marketing LP for information technology hardware products and services for a period of 36 months.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11: 58 p.m.

These closed session items were heard prior to the meeting:

CLOSED SESSION

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

Property	Purchase, sale or lease of property located on the West side of 8 th Street, South of Kansas Avenue, for the New Bus Maintenance Facility Project
	APN: 101-02-15; 101-02-16
	Negotiating parties: Steve Long, Cutler & Associates, as Property Agent on behalf of the City of Modesto
	Varni Brothers LLC, a California Limited Liability Company, individually, and also in joint ownership with David J. Martini and Beverly T. Martini, trustees of the Martini Revocable Trust under instrument dated April 1, 1996, Owners
Under negotiation:	Price and terms of payment for property to be acquired
Property:	Purchase, sale or lease of property located on the South side of Sylvan Avenue, East of Bob's Way

APN: 077-33-09 - Portion

Negotiating parties: Steve Castellenous, Associated Right-of-Way Services, as
Property Agent on behalf of the City of Modesto

Robert E. Courtney, Owner

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

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, March 31, 2003, at 5:30 p.m.

Roll Call – Present: Sabatino, O’Bryant, Frohman

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

- 34)** Update on removal of two billboards; one at Maze & Martin Luther King Dr, the other at Kansas & 8th Street

ACTION: This was an informational item only. No action was taken.

- 35)** Request to authorize City Manager to make grant application for the National Fire Safety Campaign Grant Program

ACTION: The Committee recommended forwarding this item to full Council for approval.

- 36)** Proposed dissolution of Ray Simon Criminal Justice Training Center JPA

ACTION: The Committee recommended forwarding this item to full Council for approval.

- 37)** Discussion of alcohol licenses in areas of “undue concentration” at the request of the Westside Collaborative and the Harvest of Hope

March 31, 2003 Safety Committee

ACTION: The Committee directed the City Attorney to draft an Ordinance that would eliminate the applicant's ability to appeal the denial of an ABC license to the City Council in the case of an undue concentration.

- 38) Consider staff recommendation to develop an annual application process for funding requests for direct City assistance and fee waivers

ACTION: The Committee recommended forwarding this item to full Council.

- 39) Consider staff recommendation to amend Modesto Municipal Code 4-5.11, Prohibition of Obstruction of the Public Right-of-Way

ACTION: The Committee recommended forwarding this item to full Council.

- 40) Consider staff recommendation that City Council approve amendment to consultant agreement regarding Virginia Avenue Corridor Specific Plan project

ACTION: The Committee recommended forwarding this item to full Council.

- 41) Consider staff report on development of a dog park and recommendation that Council authorize staff to develop a master plan and financing plan

ACTION: The Committee recommended forwarding this item to full Council.

- 42) Consider staff recommendation to approve Xclamation Fest 2003

ACTION: The Committee recommended forwarding this item to full Council.

- 43)** Consider staff report on agreement with Economics Research Associates (ERA) for proposed management study

ACTION: This item was for information only. No action was taken.

- 44)** Consider staff recommendation regarding lease agreement and guarantee of lease agreement between Civic Partners and Modesto Art Center and Gallery

ACTION: The Committee recommended forwarding this item to full Council.

- 45)** Request from Frank Johnson to discuss the speed limit and bus stops on Blue Gum Avenue

ACTION: This item was for information only. No action was taken.

- 13)** At the request of Mayor Sabatino, midterm Councilmembers who wish to run for another office, would state their intentions, and would be required to vacate their seats 130 days prior to the election for that office. A Charter Amendment would be required in the November 2003 election. The change would become effective with the municipal election of 2005.

ACTION: The Committee directed the City Attorney to research the constitutionality of such a Charter Amendment.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, April 1, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Bill Witzke, Big Valley Grace Community Church

City Clerk's Announcements None

Declaration of Conflicts of Interest None

ORAL COMMUNICATIONS

- Ronald Jordana made comments to the City Council regarding voting.
- Mayor Sabatino commented on his attendance regarding a rally for the U.S. Troops in Iraq at the Pentecostal Church and announced a celebration scheduled for April 10 at the Graceada Park Bowl.

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

ACTION CONSENT ITEMS: Jackman/Conrad; unan.

CONSENT ITEMS

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

CONSENT

1. Consider approving the minutes of the regular City Council meeting of March 25, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan.) approved the minutes of March 25, 2003.

CONSENT

2. Consider awarding a contract to & Associates to perform annual financial audits for one year in the amount of \$104,405 for Fiscal Year 2003/2004, with an option of two additional one-year terms for \$107,645 (FY 04-05) and \$110,979 for FY 05-06.

- Resolution awarding a contract to Maze & Associates to perform annual financial audits for one year in the amount of \$104,405 for Fiscal Year 2003/2004, with an option of two additional one-year terms for \$107,645 (FY 04-05) and \$110,979 for FY 05-06 recommended.

Audit; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: Res. No. 2003-164 (Jackman/Conrad; unan.) awarding a contract to Maze & Associates to perform annual financial audits for one year in the amount of \$104,405 for Fiscal Year 2003/2004, with an option of two additional one-year terms for \$107,645 (FY 04-05) and \$110,979 for FY 05-06.

CONSENT

3. Consider an amendment to a professional service agreement with Shutt Moen Associates, dated September 24, 2002, that allows the name change of the consultant from Shutt Moen Associates to Mead & Hunt, Inc., and increasing the contact amount by \$13,000 for additional work to be performed, and authorizing the City Manager to execute the necessary documents.

- Resolution approving an amendment to a professional service agreement with Shutt Moen Associates, dated September 24, 2002, that allows the name change of the consultant from Shutt Moen Associates to Mead & Hunt, Inc., and increasing the contact amount by \$13,000 for additional work to be performed, and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-165 (Jackman/Conrad; unan.) approving an amendment to a professional service agreement with Shutt Moen Associates, dated September 24, 2002, that allows the name change of the consultant from Shutt Moen Associates to Mead & Hunt, Inc., and increasing the contact amount by \$13,000 for additional work to be performed, and authorizing the City Manager to execute the necessary documents.

CONSENT

- 4 Consider introduction of an ordinance amending Section 2-1.08 of the Modesto Municipal Code to move Miscellaneous Appointments so that it immediately follows the Acknowledgments and Presentations portion of the agenda.
- Motion introducing an ordinance amending Section 2-1.08 of the Modesto Municipal Code to move Miscellaneous Appointments so that it immediately follows the Acknowledgments and Presentations portion of the agenda recommended.
- City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com*

ACTION: By Motion (Jackman/Conrad; unan.) **introduced Ordinance No.3292–C.S.** amending the Modesto Municipal Code to move Miscellaneous Appointments so that it immediately follows the Acknowledgments and Presentations portion of the agenda.

CONSENT

5. Consider accepting the bid of and awarding the \$230,888.00 contract to Amerine Systems Inc. for project to construct Well 312, South Avenue between Santa Fe Avenue and Abbie Street, Empire.
- Resolution accepting the bid of and awarding the \$230,888.00 contract to Amerine Systems Inc. for project to construct Well 312, South Avenue, Empire recommended.
- Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Res. No. 2003-166 (Jackman/Conrad; unan.) accepting the bid of and awarding the \$230,888.00 contract to Amerine Systems Inc. for project to construct Well 312, South Avenue, Empire.

CONSENT

6. Consider accepting the bid of and awarding the \$501,467.00 contract to R.E. McCollum for installation of equipment, piping and electrical upgrades on Pump Station 65 at Tank 5, located North of Briggsmore, East of Oakdale Road, South of Orchard School.
- Resolution accepting the bid of and awarding the \$501,467.00 contract to R.E. McCollum for installation of equipment, piping and electrical upgrades on Pump Station 65 at Tank 5 recommended.
- Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com*

ACTION: Res. No. 2003-167 (Jackman/Conrad; unan.) accepting the bid of and awarding the \$501,467.00 contract to R.E. McCollum for installation of equipment, piping and electrical upgrades on Pump Station 65 at Tank 5

CONSENT

7. Consider accepting Waste Management's offer of a used water truck valued at approximately \$90,000 to compensate the City's Co-Compost Facility for lost revenues and damages as a result of Waste Management's failure to meet the performance requirements of their service agreement with the City.
- Resolution accepting Waste Management's offer of a used water truck valued at approximately \$90,000 to compensate the City's Co-Compost Facility for lost revenues and damages as a result of Waste Management's failure to meet the performance requirements of their service agreement with the City recommended.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Res. No. 2003-168 (Jackman/Conrad; unan.) accepting Waste Management's offer of a used water truck valued at approximately \$90,000 to compensate the City's Co-Compost Facility for lost revenues and damages as a result of Waste Management's failure to meet the performance requirements of their service agreement with the City

CONSENT

8. Consider rejecting the proposals received for operation of a rental car concession at the Modesto City-County Airport, and authorizing staff to redraft a new RFP based on current market conditions.
- Resolution rejecting the proposals received for operation of a rental car concession at the Modesto City-County Airport, and authorizing staff to redraft a new RFP based on current market conditions recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-169 (Jackman/Conrad; unan.) rejecting the proposals received for operation of a rental car concession at the Modesto City-County Airport, and authorizing staff to redraft a new RFP based on current market conditions.

CONSENT

9. Consider setting a Public Hearing for April 22, 2003, to consider executing a service agreement with Rudy Bonzi Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables.
- Resolution setting April 22, 2003 as a public hearing to consider executing a service agreement with Rudy Bonzi Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables recommended.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Res. No. 2003-170 (Jackman/Conrad; unan.) setting April 22, 2003 as a public hearing to consider executing a service agreement with Rudy Bonzi

Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables.

CONSENT

10. Consider authorizing the City Manager to apply for National Assistance to Firefighters Grant Program funding in the amount of \$256,297 in the grant category of Fire Operations and Firefighter Safety Program, and to execute the necessary grant application documents. This grant would enhance radio communications including a “man down emergency distress signal” and replace base stations for countywide interoperability. The Fire Department will need to fund 30% of the project budget total - funds are available.
- Resolution authorizing the City Manager to apply for National Assistance to Firefighters grant and to execute the necessary grant application documents recommended.

Fire; Chief James Miguel, 572-9590, jmiquel@modestofire.com

ACTION: Res. No. 2003-171 (Jackman/Conrad; unan.) authorizing the City Manager to apply for National Assistance to Firefighters grant and to execute the necessary grant application documents

CONSENT

11. Consider the Monthly adjustment Report for March 2003.
- Resolution acknowledging the receipt of report and approving the budget adjustments for March 2003 recommended.

Finance; Gregory Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-172 (Jackman/Conrad; unan.) acknowledging the receipt of report and approving the budget adjustments for March 2003.

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino commented on the amount of overtime spent in the Police Department paying officers waiting for their appearance in court. He announced he requested a meeting with the court officials to find a solution to the overtime problem.
- Councilmember Jackman encouraged everyone to attend the Modesto A's baseball games and support the home team.

WRITTEN COMMUNICATIONS

12. Letter from David Romano asking the City Council to consider approving an agreement with the developers of the Village Center to cap the County Public Facilities Fees on the Village Center project at their current levels for a period of five years

ACTION: Dave Romano announced that no consideration was necessary by the City Council on his written communication. No action taken

UNFINISHED BUSINESS

Item continued from March 11, 2003

13. Consider approving a General Fund loan in the amount of \$1.6 million to upgrade the City Institutional Network (INET) and requesting Comcast to implement a \$.25/month cable subscriber passthrough fee which will be applied to repayment of the General Fund and/or operation of the INET system; and Consider an agreement with Comcast providing for the construction and maintenance of the INET, and cost-sharing agreements with other participating public agencies.
 - Resolution approving a General Fund loan in the amount of \$1.6 million to upgrade the City Institutional Network (INET) and requesting Comcast to implement a \$.25/month cable subscriber passthrough fee which will be applied to repayment of the General Fund and/or operation of the INET system recommended.
 - Resolution approving an agreement with Comcast providing for the construction and maintenance of INET, and cost-sharing agreements with other participating public agencies, and authorizing the City Manager to execute such agreements recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Res. No. 2003-173 (Frohman/Fisher; majority; Conrad & Keating, no) approving a General Fund loan in the amount of \$1.6 million to upgrade the City Institutional Network (INET), with the exclusion of the \$.25 cable subscriber passthrough fee.

ACTION: Res. No. 2003-174 (Frohman/Fisher; majority; Conrad & Keating, no) approving an agreement with Comcast providing for the construction and maintenance of INET, and cost-sharing agreements with other participating public agencies, and authorizing the City Manager to execute such agreements

Item continued from March 11 & 25, 2003

14. Consider introduction of an ordinance exempting contracts for the construction of the City's Institutional Network (INET) in an amount up to \$4.2 million from the requirement for public bidding.

- Introduction of an ordinance amending Section 8-3.103 of the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET) recommended.
Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: By Motion (Fisher/Frohman; majority, Conrad & Keating, no) **introduced Ordinance No.-3293–C.S.** amending the Modesto Municipal Code relating to City contracts and contracting authority as it pertains to the City of Modesto's Institutional Network (INET)

HEARINGS

15. Hearing to consider the application of Randy Brekke for an Amendment to P-D(483) to allow a revised site plan for the development of professional office condominiums on property located at the Southwest corner of Dale Road and Fleur De Lis Drive.
- Introduction of ordinance amending Planned Development Zone, P-D(483) to allow for professional office condominiums recommended.
 - Resolution approving a revised development plan recommended.
 - Resolution finding the requested Planned Development Zone Amendment within the scope of the General Plan and in conformance with the General Plan Master EIR recommended.
- Community & Economic Development; Josh Bridegroom, 571-5540, jbridegroom@modesogov.com*

ACTION: By Motion (Jackman/Keating; unan.) **introduced Ordinance No. 3294–C.S.** amending Planned Development Zone, P-D(483) to allow for professional office condominiums recommended.

ACTION: Res. No. 2003-175 (Jackman/Keating; unan.) approving a revised development plan.

ACTION: Res. No. 2003-176 (Jackman/Keating; unan.) finding the requested Planned Development Zone Amendment within the scope of the General Plan and in conformance with the General Plan Master EIR.

Councilmember Fisher absent due to a conflict of interest

16. Hearing to consider Village One Specific Plan Amendment No. 17, an amendment to the Village One Specific Plan to allow for a revised infrastructure financing plan for Village One, including the formation of a new community facilities district for remaining undeveloped, unvested property in Village One.
- Resolution approving Village One Specific Plan Amendment No. 17 recommended.

Community & Economic Development; Steve Mitchell, 577-5287,
smitchell@modestogov.com

ACTION: Res. No. 2003-177 (Frohman/Conrad; unan.; Fisher, absent) approving Village One Specific Plan Amendment No. 17.

It has been requested to continue the following item to April 8, 2003

17. Hearing to consider annexation of additional territory (Annexation #2) to the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2; and Consider calling an election (Annexation #9) and adopt findings that (1) this activity is within the scope of the program (project) approved earlier and (2) the EIR adequately describes the activity for the purposes of CEQA.

- Resolution calling an election (Annexation #2 to the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 recommended.
- Resolution finding the (1) this activity is within the scope of the program (project) approved earlier and (2) the EIR adequately describes the activity for the purposes of CEQA.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: By Motion (Conrad, Frohman; unan.) this item was continued to April 8, 2003.

NEW BUSINESS

18. Consider approving a multi-year Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA).

- Resolution approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) effective April 8, 2003 through June 27, 2005 recommended.

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Res. No. 2003-178 (Fisher/Frohman; majority; Conrad & Sabatino, no) approving a Memorandum of Understanding (MOU) between the City of Modesto and the Modesto Confidential and Management Association (MCMA) effective April 8, 2003 through June 27, 2005.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:30 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, April 7, 2003

Roll Call: Present Tim Fisher, Chair
 Denny Jackman, Vice Chair
 Bruce Frohman

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

- 1) Verbal Report – Scenic/Lakewood Traffic Issues Update

ACTION: Informational item only. No action taken.

- 2) Verbal Report – Status of Design for SR99/Pelandale Interchange

ACTION: The Committee requested dollar amounts attached to each proposal and summary.

- 3) Informational Update on North Gateway Master Plan

ACTION: Informational item only. No action taken.

- 4) Community & Economic Development Department Monthly Development Activity Report

- Workforce Development Project
- Kiernan Business Park
- Kaiser Medical Center

- Shelter Cove Church
- St. Stanislaus Church
- Safeway at McHenry /Pelandale
- Regulating Use of Shipping Containers as Storage in the Residential Zones
- Del Valle Homes/Fairview Development Agreement Implementation
- General Plan Master EIR and Amendment
- General Plan Housing Element Update
- Village One Specific Plan Amendment
- Urban Growth Review
- Adoption of Building Codes
- Kansas-Woodland Business Park (FMC)
- 9TH Street bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing property Acquisition for New Bridge Project
- RJ Sweetwaters Restaurant Property
- Downtown Housing Project

ACTION: No action taken. Informational item only.

- 5) Consider Staff Recommendation to Approve the Speed Limit Ordinance Amending Municipal Code Section 3-2.1401.1 (Radar) and Section 3-2.1401 (Non-Radar)

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 6) Consider Staff Recommendation to Submit Projects for the 2003-04 Safe Routes to School Program Grants

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 7) Consider Staff Recommendation to Authorize a Three-Year Extension of the Current Battery Backup System Equipment Donation Franchise Ordinance with Safer Intersections

ACTION: The Committee directed staff to withhold authorization until the budget is reviewed.

- 8) Consider Staff Recommendation to Approve Request from Stanislaus County Sheriff Aero Squadron to Host Annual Airport Appreciation Day May 31, 2003

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 9) Consider Staff Recommendation to Submit Application to the Department of Transportation for Funding of Small Community Air Service Program

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 10) Consider Staff Recommendation to Approve an Increase of 2.2% for General Aviation Rates and Fees for Aircraft Storage Hangars, Offices and Aircraft Tie-down Spaces

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 11) Consider Staff Recommendation to Approve Cost Sharing Agreement with Modesto Irrigation District, Turlock Irrigation District and Stanislaus County Regarding the Tuolumne River Flood Protection Feasibility Study

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 12) Discussion and Recommendation that Staff Prepare a Code Amendment for Regulation of Front Yard Vehicle Parking

ACTION: The Committee recommended staff prepare a code amendment.

- 13) Consider Staff Recommendation to Establish a New Ordinance Prohibiting Various Temporary Structures in Front and Side Lots of Residential Properties.

ACTION: The Committee accepted the staff recommendation to draft a code amendment.

- 14) Discussion of Proposed Mini-Storage Project on Carpenter/Paradise Roads

ACTION: No action taken.

- 15) Consider Staff Recommendation to Reject Request of SkyTrek Aviation to Eliminate Lease Term Requiring Sky Trek to Pay Five Percent (5%) of its Sublease Rents to the City of Modesto

ACTION: This item was continued to next month's meeting.

- 16) Consider Staff Recommendation for Requests for Proposals (RFP) to Update Storm Water Management Program and to Issue RFPs to Three Firms Pre-Qualified through the City's Request for Qualifications Process

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 17) Consider Directing Staff to Continue Working with the Turlock Irrigation District to Determine Possible Modesto Participation in a Regional Surface Water Supply Project

ACTION: The Committee approved the staff recommendation and forwarded this item to full Council.

- 18) Request from Pamela O'Brien to Address Council Agenda Item #15 of April 1, 2003 Regarding Application of Randy Brekke for an Amendment to P-D(483) to Allow a Revised Site Plan for the Development of Professional Office Condominiums on Property Located at the Southwest Corner of Dale Road and Fleur De Lis Drive

ACTION: No action taken.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto

City Council Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 8, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Lonnie Skiles, Big Valley Grace Community Church

City Clerk's Announcements - Corrected dollar amount on Item 14 to \$42,659

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Beverly Mc Cullough, Recycling Program Coordinator regarding Earth Day Festival on April 12, 2003.

ACTION: Presentation given by Bev McCullough.

2. Presentation of a proclamation designating April 20 through 26, 2003 as Youth Temperance Education Week.

ACTION: Proclamation presented by Mayor Sabatino.

3. Presentation by Chris Murphy, Modesto Beautification Committee Co-Chair, and Peter Cowles, Operations & Maintenance Director, promoting Great American Clean Up Day, April 26, 2003.

ACTION: Presentation made by Chris Murphy. Peter Cowles introduced Dan Bartholomew and commented on his efforts on this project.

4. “Support Our Troops” - Presentation by United Pentecostal Church.

ACTION: Presentation made by the United Pentecostal Church.

ORAL COMMUNICATIONS

- Ron Jordana is announced a previous explorer named Amerigo Vespucci
- Miguel Donoso announced that he will be running against Bill Conrad in the next election.
- Sherry Thompson expressed her concern with the need to complete Norseman Rd.
- Councilmember Fisher reported on the City’s efforts working towards the completion of Norseman.
- Tracy Herbeck read a statement from the Peace Life Center opposing the war against Iraq.
- Fred Herman noted his efforts to propose a peace resolution at the Community Qualities Forum.
- Ron Jordana is commented on weapons of mass destruction in Iraq.
- Dale Williams requested Council to reiterate their support for the President and the troops.
- Raul Ortega requested Council to support establishing a veterans board.
- Ron Jordana is commented on tax deductibles with accountants.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5-10, & 12-16

ACTION CONSENT ITEMS: Conrad/Fisher; unan.

ACTION ITEM 11: Jackman/Frohman; unan

CONSENT ITEMS

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

CONSENT

5. Consider approving the minutes of the regular City Council meeting of April 1, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan) approved the minutes of April 1, 2003.

CONSENT

6. Consider approving a lease agreement with Graceada Mansion Partnership for lease of a portion of Well Site No. 2, located at 110 Poplar, for a parking lot. This five-year lease begins with a monthly rental rate of \$130 and will increase by \$10 each year, capping at \$170 per month in 2007-08

- Resolution approving a lease agreement with Graceada Mansion Partnership for lease of a portion of Well Site No. 2, located at 110 Poplar, for Annual Revenues of \$1,560 and authorizing the City Manager to execute necessary documents recommended.

Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com

ACTION: Res. No. 2003-179 (Conrad/Fisher; unan) approving a lease agreement with Graceada Mansion Partnership for lease of a portion of Well Site No. 2, located at 110 Poplar, for Annual Revenues of \$1,560 and authorizing the City Manager to execute necessary documents.

CONSENT

7. Consider accepting the work of Golden State Utility Company for the project titled Expand Advanced Traffic Management System (ATMS) Northeast as complete and authorizing the City Clerk to file a Notice of Completion. Total cost of the completed work is \$543,081.67; funds are budgeted.

- Resolution accepting the work of Golden State Utility Company for a total cost of \$543,081.67 for the project titled Expand Advanced Traffic Management System (ATMS) Northeast as complete and authorizing the City Clerk to file a Notice of Completion recommended.

Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@modestogov.com

ACTION: Res. No. 2003-180 (Conrad/Fisher; unan) accepting the work of Golden State Utility Company for a total cost of \$543,081.67 for the project titled Expand Advanced Traffic Management System (ATMS) Northeast as complete and authorizing the City Clerk to file a Notice of Completion.

CONSENT

8. Consider accepting the work of George Reed Inc. for the project titled 2000-2001 Pavement Maintenance as complete and authorizing the City clerk to file a Notice of Completion. Final contract cost \$1,227,700.77; funds are budgeted.

- Resolution accepting the work of George Reed Inc. for a cost of \$1,227,700.77 for the project titled 2000-2001 Pavement Maintenance as

complete and authorizing the City clerk to file a Notice of Completion recommended.

*Engineering & Transportation; Genichi Kanow, 577-5452,
gkanow@modestogov.com*

ACTION: Res. No. 2003-181 (Conrad/Fisher; unan) accepting the work of George Reed Inc. for a cost of \$1,227,700.77 for the project titled 2000-2001 Pavement Maintenance as complete and authorizing the City clerk to file a Notice of Completion.

CONSENT

9. Consider approving the request of Patricia Langley and Egidio M. Oliveira for a Housing Maintenance Program (HMP) loan, secured by the home at 422 Oak Street, in the amount of \$89,170.00. The loan is a 5%, 15-year amortized loan with monthly payments of \$705.15.

- Resolution approving the request of Patricia Langley and Egidio M. Oliveira for a Housing Maintenance Program (HMP) loan, secured by the home at 422 Oak Street, in the amount of \$89,170.00 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Res. No. 2003-182 (Conrad/Fisher; unan) approving the request of Patricia Langley and Egidio M. Oliveira for a Housing Maintenance Program (HMP) loan, secured by the home at 422 Oak Street, in the amount of \$89,170.00.

CONSENT

10. Consider approving two Neighborhood Capital Improvement Project (NCIP) proposals, Habitat for Humanity “United Communities” and Volunteer Center/PACE “Hands on the Future”, each for \$10,000 each. Funds are budgeted.

- Resolution approving two Neighborhood Capital Improvement Project (NCIP) proposals, Habitat for Humanity “United Communities” and Volunteer Center/PACE “Hands on the Future”, each for \$10,000 each recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,
svelarde@modestogov.com*

ACTION: Res. No. 2003-183 (Conrad/Fisher; unan) approving two Neighborhood Capital Improvement Project (NCIP) proposals, Habitat for Humanity “United Communities” and Volunteer Center/PACE “Hands on the Future”, each for \$10,000 each

REMOVED FROM CONSENT

11. Consider approving the allocation of \$190,745 in Community Development Block Grant (CDBG) and \$43,850 in Emergency Shelter Grant (ESG) public service funding requests for Fiscal Year 2003-2004. Funds are budgeted.

- Resolution approving the allocation of \$190,745 in Community Development Block Grant (CDBG) and \$43,850 in Emergency Shelter Grant (ESG) public service funding requests for Fiscal Year 2003-2004, and authorizing the City Manager or his designee to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,
svelarde@modestogov.com*

ACTION: Res. No. 2003-184 (Jackman/Frohman; unan) approving the allocation of \$190,745 in Community Development Block Grant (CDBG) and \$43,850 in Emergency Shelter Grant (ESG) public service funding requests for Fiscal Year 2003-2004, and authorizing the City Manager or his designee to execute the necessary documents.

CONSENT

12. Consider authorizing the Purchasing supervisor to issue a Request for Bid (RFB) for water valves and fire hydrants. Anticipated cost is approximately \$240,000 annually. Term of contract(s) shall be August 1, 2003 through July 31, 2004, with possible two one-year contract extensions up to and including July 31, 2006.
- Resolution authorizing the Purchasing supervisor to issue a Request for Bid (RFB) for water valves and fire hydrants. Anticipated cost is approximately \$240,000 annually. Term of contract(s) shall be August 1, 2003 through July 31, 2004, with possible two one-year contract extensions up to and including July 31, 2006 recommended.

Purchasing; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-185 (Conrad/Fisher; unan) authorizing the Purchasing supervisor to issue a Request for Bid (RFB) for water valves and fire hydrants. Anticipated cost is approximately \$240,000 annually. Term of contract(s) shall be August 1, 2003 through July 31, 2004, with possible two one-year contract extensions up to and including July 31, 2006

CONSENT

13. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for one 2003 Ford Super Duty F550 truck with body and aerial man-lift for the Electrical Division, streetlight and traffic signal repairs, for an anticipated cost of \$85,537.00. Funds are budgeted.
- Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for one 2003 Ford Super Duty F550 truck with body and aerial man-lift for the Electrical Division, streetlight and traffic signal repairs, for an anticipated cost of \$85,537.00 recommended.

Purchasing; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-186 (Conrad/Fisher; unan) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for one 2003 Ford Super Duty F550 truck with body and aerial man-lift for the Electrical Division, streetlight and traffic signal repairs, for an anticipated cost of \$85,537.00

CONSENT

14. Consider additional revenue for the Convention & Visitors Bureau in the amount of \$42, 659.
- Resolution approving an appropriation of funds in the amount of \$42,659.00 to the Parks, Recreation & Neighborhoods Department recommended.

Finance; Gregory Baird, 577-5369, gbaird@modestogov.com

ACTION: Res. No. 2003-187 (Conrad/Fisher; unan) approving an appropriation of funds in the amount of \$42,659.00 to the Parks, Recreation & Neighborhoods Department.

CONSENT

15. Consider final adoption of:

- a. **Ordinance No. 3292-C.S.** - an ordinance amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure - Order of Business.
- Motion approving final adoption of **Ordinance No. 3292-C.S.** - an ordinance amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure - Order of Business recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan) approved **final adoption of Ordinance No. 3292-C.S.** - an ordinance amending Section 2-1.08 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to City Council Organization and Procedure - Order of Business

- b. **Ordinance No. 3294-C.S.** - an ordinance amending Section 2 of Ordinance No. 2768-C.S. entitled "An Ordinance Amending Sections 1-3-8 and 2-3-8 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon. (Rule Development)" (Randy Brekke).
- Motion approving final adoption of **Ordinance No. 3294-C.S.** - an ordinance amending Section 2 of Ordinance No. 2768-C.S. entitled "An Ordinance Amending Sections 1-3-8 and 2-3-8 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon. (Rule Development)" (Randy Brekke) recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/Fisher; unan) approved **final adoption of Ordinance No. 3294-C.S.** an ordinance amending Section 2 of Ordinance No. 2768-C.S. entitled "An Ordinance Amending Sections 1-3-8 and 2-3-8 of the Zoning Map of the City of Modesto, Prezoning Certain Property Located Thereon

CONSENT

16. Consider acquisition of property from David G. and Audrey A. Graham - a portion of APN 085-0246 for the widening of Sharon and Fine Avenue and approving an agreement with Greg Avery, Inc. and Sylvan Unified School District. Total cost to City: \$27,930. Funds are budgeted.

- Resolution approving agreements with David G. and Audrey A. Graham for the acquisition of property (APN 085-0246) for the widening of Sharon and Fine Avenue and authorizing the City Manager to execute agreements on behalf of the City of Modesto recommended.
- Resolution authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the deed involved recommended.

- Resolution approving an agreement with Greg Avery, Inc. and the Sylvan Unified School District related to partial payment for acquisition of right-of-way and construction of street improvements for Sharon Avenue between Fine Avenue and 300 feet West of Fine Avenue and authorizing the City Manager to execute the agreement on behalf of the City recommended.
- Resolution finding that this project is consistent with the Final Program Environmental Impact Report for the Village One Specific Plan (SCH #90020181) recommended.
Community & Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com

ACTION: Res. No. 2003-188 (Conrad/Fisher; unan) approving agreements with David G. and Audrey A. Graham for the acquisition of property (APN 085-0246) for the widening of Sharon and Fine Avenue and authorizing the City Manager to execute agreements on behalf of the City of Modesto

ACTION: Res. No. 2003-189 (Conrad/Fisher; unan) authorizing the City Manager to sign an acceptance form on behalf of the City of Modesto for the deed involved.

ACTION: Res. No. 2003-190 (Conrad/Fisher; unan) approving an agreement with Greg Avery, Inc. and the Sylvan Unified School District related to partial payment for acquisition of right-of-way and construction of street improvements for Sharon Avenue between Fine Avenue and 300 feet West of Fine Avenue and authorizing the City Manager to execute the agreement on behalf of the City

ACTION: Res. No. 2003-191 (Conrad/Fisher; unan) finding that this project is consistent with the Final Program Environmental Impact Report for the Village One Specific Plan (SCH #90020181)

COUNCIL COMMENTS & REPORTS

- Councilmember Conrad announced the efforts of several individuals that assisted in sending a care package to the troops in the theater and commented on the efforts and the condition of the troops.
- Mayor Sabatino announced that the Modesto Bee requested the District Attorney to release the search warrant affidavits in his investigation for public information.

UNFINISHED BUSINESS

Introduction of this ordinance resulted in a 5/2 vote, with Councilmembers Conrad & Keating voting no

17. Consider final adoption of **Ordinance No. 3293-C.S.** - an ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts - Contracting Authority.

- Motion approving final adoption of **Ordinance No. 3293-C.S.** - an ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts - Contracting Authority recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By motion (Fisher/Frohman; majority; Conrad and Keating, no) approved **final adoption of Ordinance No. 3293-C.S.** - an ordinance amending Section 8-3.102 of Article 1 of Chapter 3 of Title 8 of the Modesto Municipal Code relating to City Contracts - Contracting Authority

HEARINGS

Item continued from March 11 and April 1, 2003

Councilmember Fisher absent due to a conflict of interest

18. Continued public hearing on proposed Capital Facilities Fees (CFF) update to accept public comments, and to provide an opportunity for City Council to give policy guidance to staff on fee transition options, pending project exemption issues and continue public hearing to April 22, 2003 for final adoption of the CFF.

- Review fee transition options and provide policy guidance to staff recommended.
- Review pending project exemption criteria and provide guidance to staff recommended.
- Continue public hearing to April 22, 2003 to adopt 2003 Capital Facilities Fees Update report and the updated fee schedule recommended.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By motion (Jackman/Frohman; majority; Fisher absent) continuing public hearing to April 22, 2003 to adopt 2003 Capital Facilities Fees Update report and the updated fee schedule

The following item was continued from April 1, 2003

19. Hearing to consider annexation of additional territory (Annexation #2) to the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2; and Consider calling an election (Annexation #9) and consider certifying an addendum to the Pelandale-Snyder Specific Plan EIR.

- Resolution calling an election (Annexation #2) to the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2 recommended.

- Resolution certifying an addendum to the Pelandale-Snyder Specific Plan EIR recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Res. No. 2003-192 (Fisher/Frohman; unan) calling an election (Annexation #2) to the Carver-Bangs/Pelandale-Snyder CFD No. 1998-2.

ACTION: Res. No. 2003-193 Fisher/Frohman; unan) certifying an addendum to the Pelandale-Snyder Specific Plan EIR.

20. Hearing to consider proposed route and schedule changes to Modesto Area Express (MAX) Route 34, effective August 2003. Changes to Route 34 would revise service east of Lakewood Avenue and add new service to Village One.

- Resolution approving proposed MAX route and schedule changes to Route 34 to take effect August 2003.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2003-194 (Jackman/Conrad; unan) approving proposed MAX route and schedule changes to Route 34 to take effect August 2003.

NEW BUSINESS

21. Consider revisions to taxicab ordinance, including change to taxicab pickup fee and taxicab company insurance requirement. Proposed revisions would eliminate County determination of “Public Convenience and Necessity” when reviewing taxicab company proposals, eliminate administrative burdens, and reduce insurance requirements.

- Introduce an ordinance amending Chapter 6 of Title 4 of the Modesto Municipal Code relating to Taxicabs recommended.
- Resolution approving Standard Specific Insurance requirements for various permittees and/or licensees as provide for in the Modesto Municipal Code recommended.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: By motion (Jackman/Keating; unan) introduced Ordinance No. 3295-C.S. amending Chapter 6 of Title 4 of the Modesto Municipal Code relating to Taxicabs.

ACTION: Res. No. 2003-195 (Jackman/Keating; unan) approving Standard Specific Insurance requirements for various permittees and/or licensees as provide for in the Modesto Municipal Code.

22. Consider accepting the Annual Equal Opportunity Status Report for Fiscal Year 2001-2002.
- Motion accepting the Annual Equal Opportunity Status Report for Fiscal Year 2001-2002 recommended.
- Personnel; Jason Mauga, 577-5209, jmauga@modestogov.com*

ACTION: By motion (Fisher/Keating) accepting the Annual Equal Opportunity Status Report for Fiscal Year 2001-2002.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 8:46 p.m

CLOSED SESSION

This Closed Session item was removed from the agenda.

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

Property: Purchase, sale or lease of property located on the East side of Roselawn Avenue, North of Pelton Avenue

APN: 027-3607 and 037-5101

Negotiating parties: Steve Castellenous, Associate Right of Way Services, as Property Agent on behalf of the City of Modesto

James F. Achey, Trustee of the Achey Family revocable Declaration of Trust dated November 17, 1999; Shirley M. Lee, Trustee of the Lee Revocable Trust dated February 2, 1999; and Drucilla Achey, a widow, all as equal shares, Owners

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

This Closed Session item was heard prior to the Council meeting.

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

Property:	Purchase, sale or lease of property located on the North side of Sharon Avenue, West of Fine Avenue
	APN: 085-0246
Negotiating parties:	Steve Long, Cutler & Associates, as Property Agent on behalf of the City of Modesto
	David G. and Audrey A. Graham, Owners
Under negotiation:	Price and terms of payment for property to be acquired

MINUTES

City of Modesto City Council Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, April 22, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, O'Bryant,
Mayor Sabatino

Absent: Keating

Pledge of Allegiance to the Flag

Invocation: Evangelist Linda Wade, Mighty Women of Modesto

City Clerk's Announcements: *Item 14 removed from Consent and
Item 20 removed from the agenda.*

Declaration of Conflicts of Interest: *Fisher; Items 8 & 9*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation designating April 20 through 26, 2003 as Youth Temperance Education Week.

ACTION: Mayor Sabatino presented the proclamation in honor of Youth Temperance Education Week.

2. Presentation by Tom Francis, State Forester, California Department of Forestry and Fire Protection, to award Modesto the designation of "Tree City USA" for the 23rd year by the National Arbor Day Foundation.

ACTION: Presentation given by Tom Francis.

3. Presentation of a Proclamation declaring May 2, 2003, as Modesto Arbor Day in recognition of the importance of trees to a healthy environment and beautiful community.

ACTION: Proclamation presented by Mayor Sabatino.

4. Presentation by Debbie Olson, grassroots coordinator for the League of California Cities regarding State legislative work that the League is working on as well as inviting the Council to attend the Legislative Days in Sacramento May 14 and 15 sponsored by the League.

ACTION: Debbie Olson addressed the Council regarding Legislative Days.

5. Presentation by Mayor Sabatino to several area businesses who have sponsored traffic signal battery backup systems located throughout the City. These include: Mistlin Honda; Central Valley Automotive; Gordo's Pools & Spas; Prudential California Realty; California Mortgage Associates; Coldwell Banker Vinson Chase, Realtor; Valley BMW; Valley Lexus; Paradise Drugs; DiBuduo & DeFendis Insurance Group; Doctors Medical Center; and Memorial Hospitals Association

ACTION: Mayor Sabatino made the presentations with Jim Reed.

ORAL COMMUNICATIONS

- Eric Wardwell recommended the Council recognize law enforcement on bringing Laci Peterson home and cracking the case.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 6 through 20

ACTION ITEMS 6,7,10-13, 15-19: Jackman/Fisher; unan.; Keating absent

ACTION ITEM 14: Fisher/Conrad; unan.; Keating absent

ACTION ITEM 8: Jackman/Conrad; unan.; Keating absent, Fisher absent due to conflict

ACTION ITEM 9: Jackman/Conrad; unan.; Keating absent and Fisher absent due to conflict

CONSENT ITEMS

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

CONSENT

6. Consider approval of the minutes of the regular City Council meeting of April 8, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Jackman/Fisher; unan.; Keating absent) approved the minutes of April 8, 2003.

CONSENT

7. Consider final adoption of Ordinance No. 3295-C.S. - an ordinance amending Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicabs.

- Motion approving final adoption of Ordinance No. 3295-C.S. - an ordinance amending Chapter 6 of Title 4 of the Modesto Municipal Code relating to taxicabs recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By motion (Jackman/Fisher; unan.; Keating absent) approving the **final adoption of Ordinance 3295-C.S.** amending the Municipal Code relating to taxicabs.

CONSENT Fisher absent due to conflict of interest

8. Consider a resolution canvassing the results of the April 15, 2003 election held within the territory proposed to be annexed (Covington Pointe) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) and order annexation of said territory to the District (Annexation #2).

- Resolution canvassing the results of the April 15, 2003 election held within the territory proposed to be annexed (Covington Pointe) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) and order annexation of said territory to the District (Annexation #2) recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-196 (Jackman/Conrad; unan.; Fisher and Keating absent) canvassing the results of the April 15, 2003 election held within the territory proposed to be annexed (Covington Pointe) to Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) and order annexation of said territory to the District (Annexation #2).

CONSENT Fisher absent due to conflict of interest

9. Consider approving the Final Map of the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan and authorizing the City Manager to sign the standard subdivision agreement with the subdividers. Owner: Modesto Tully

Investors LP, a California Limited Partnership, by Modesto Tully Ventures LLC, a California Limited Partnership Company.

- Resolution approving the Final Map of the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan and authorizing the City Manager to sign an agreement with the subdividers as required by Section 404.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 599-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-197 (Jackman/Conrad; unan.; Keating and Fisher absent) approving the Final Map of the Covington Pointe subdivision in the Pelandale-Snyder Specific Plan and authorizing the City Manager to sign an agreement with the subdividers as required by Section 404.604(c) of the Municipal Code

CONSENT

10. Consider rejecting all bids for tire recapping and related services, and authorizing re-bidding the scope of work for a three-year agreement with two one-year extension options at an estimated annual cost of \$27,000. Funds are budgeted.

- Resolution rejecting all bids for tire recapping and related services, and authorizing re-bidding the scope of work for a three-year agreement with two one-year extension options at an estimated annual cost of \$27,000 recommended.

Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Res. No. 2003-198 (Jackman/Fisher; unan.; Keating absent) rejecting all bids for tire recapping and related services, and authorizing re-bidding the scope of work for a three-year agreement with two one-year extension options at an estimated annual cost of \$27,000.

CONSENT

11. Consider authorizing the purchase of a John Deere 444H Loader from Nortrax West for a total estimated cost of \$91,678.41 for use by the Operations & Maintenance Department. Funds are budgeted.

- Resolution authorizing the purchase of a John Deere 444H Loader from Nortrax West for a total estimated cost of \$91,678.41 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-199 (Jackman/Fisher; unan.; Keating absent) authorizing the purchase of a John Deere 444H Loader from Nortrax West for a total estimated cost of \$91,678.41

CONSENT

12. Consider Monthly Investment Report for March 2003.
- Motion acknowledging and accepting the Monthly Investment Report for March 2003 recommended.
Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By motion (Jackman/Fisher; unan.; Keating absent) acknowledging and accepting the Monthly Investment Report for March 2003.

CONSENT

13. Consider approving issuance of Requests for Proposals to firms pre-qualified under the City's Request for Qualifications process to assist in updating the City's Storm Water Management Plan (SWMP).
- Resolution approving issuance of Requests for Proposals to firms pre-qualified under the City's Request for Qualifications process to assist in updating the City's Storm Water Management Plan (SWMP) recommended.
Operations & Maintenance; Robert Howard, 577-6224, rhoward@modestogov.com

ACTION: Res. No. 2003-200 (Jackman/Fisher; unan.; Keating absent) approving issuance of Requests for Proposals to firms pre-qualified under the City's Request for Qualifications process to assist in updating the City's Storm Water Management Plan (SWMP).

REMOVED FROM CONSENT

14. Consider approving Xclamation Fest 2003 to be hosted by Chris Ricci Presents Inc., and JCD Concepts 2002 Inc. to be held July 19, 2003.
- Resolution approving Xclamation Fest 2003 to be hosted by Chris Ricci Presents Inc., and JCD Concepts 2002 Inc. to be held July 19, 2003 recommended.
Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2003-201 (Fisher/Conrad; unan.; Keating absent) approving Xclamation Fest 2003 to be hosted by Chris Ricci Presents Inc., and JCD Concepts 2002 Inc. to be held July 19, 2003.

CONSENT

15. Consider approving the terms of a lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of approximately 5,148 square feet of commercial space on the first floor of Tenth Street Place; and Consider the City of Modesto as the lease guarantor on the lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of said space.

- Resolution approving the terms of a lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of approximately 5,148 square feet of commercial space on the first floor of Tenth Street Place recommended.
- Resolution approving the City of Modesto as the lease guarantor on the lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of said space recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Res. No. 2003-202 (Jackman/Fisher; unan.; Keating absent) approving the terms of a lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of approximately 5,148 square feet of commercial space on the first floor of Tenth Street Place

Res. No. 2003-203 (Jackman/Fisher; unan.; Keating absent) approving the City of Modesto as the lease guarantor on the lease agreement between Civic Partners and Modesto Art Center & Gallery for rental of said space

CONSENT

16. Consider an Amendment to the Agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of environmental documents for the Virginia Avenue Corridor Specific Plan project, increasing the contractual fee by \$72,640, resulting in a total of \$376,640. Funds are available.
- Resolution approving an Amendment to the Agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of environmental documents for the Virginia Avenue Corridor Specific Plan project, increasing the contractual fee by \$72,640, resulting in a total of \$376,640 recommended.

Parks, Recreation & Neighborhoods; Bob Ford, 577-5437, bford@modestogov.com

ACTION: Res. No. 2003-204 (Jackman/Fisher; unan.; Keating absent) approving an Amendment to the Agreement with Callander Associates Landscape Architecture Inc. to provide additional services related to the preparation of environmental documents for the Virginia Avenue Corridor Specific Plan project, increasing the contractual fee by \$72,640, resulting in a total of \$376,640

CONSENT

17. Consider an application for \$37,200 in Federal Land & Water Conservation funding for a picnic shelter and related amenities in Orville Wright Neighborhood Park.
- Resolution approving a grant application for \$37,200 in Federal Land & Water Conservation funding for a picnic shelter and related amenities in Orville

Wright Neighborhood Park and authorizing the City Manager to execute necessary documents.

Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, dgould@modestogov.com

ACTION: Res. No. 2003-205 (Jackman/Fisher; unan.; Keating absent) approving a grant application for \$37,200 in Federal Land & Water Conservation funding for a picnic shelter and related amenities in Orville Wright Neighborhood Park and authorizing the City Manager to execute necessary documents.

CONSENT

18. Consider the transfer of funds for the purchase of two Police canines and the associated costs for the purchase.

- Resolution amending the 2002/2003 budget, estimating revenue of \$13,810 from Asset Forfeitures to Police Operations for the purchase of two police canines and the associated costs for the purchase recommended.

Police; Gene Balentine, 572-9505, balentineg@mdoestopd.com

ACTION: Res. No. 2003-206 (Jackman/Fisher; unan.; Keating absent) amending the 2002/2003 budget, estimating revenue of \$13,810 from Asset Forfeitures to Police Operations for the purchase of two police canines and the associated costs for the purchase.

CONSENT

19. Consider amending an agreement with Vavrinek, Trine, Day & Company LLP to perform additional financial statement audits of the Community Facilities Districts for a cost not to exceed \$31,000.

- Resolution amending an agreement with Vavrinek, Trine, Day & Company LLP to perform additional financial statement audits of the Community Facilities Districts for a cost not to exceed \$31,000, extending the due date of the final audit reports, and authorizing the City Manager to execute the necessary documents recommended.

City Manager; Gary Nienhuis, 571-5544, gnienhuis@modestogov.com

ACTION: Res. No. 2003-207 (Jackman/Fisher; unan.; Keating absent) amending an agreement with Vavrinek, Trine, Day & Company LLP to perform additional financial statement audits of the Community Facilities Districts for a cost not to exceed \$31,000, extending the due date of the final audit reports, and authorizing the City Manager to execute the necessary documents.

REMOVED FROM THE AGENDA

20. Consider the proposed dissolution of the Ray Simon Regional Criminal Justice Training Center Joint Powers Agreement.

- Motion directing the City Manager to negotiate the terms of the dissolution of the Ray Simon Regional Criminal Justice Training Center Joint Powers Agreement to be effective June 30, 2003 recommended.
Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

COUNCIL COMMENTS & REPORTS

- Councilmember O'Bryant commented regarding a Modesto couple's 50th Wedding Anniversary.
21. At the request of Councilmember O'Bryant, comments regarding Stanislaus Elder Abuse Prevention Alliance
- Councilmember O'Bryant commented on the SEAPA lunch he attended, his conversation with the agency representative and the success of the program. He encouraged citizens and the Council to become involved in the organization to increase participation in Modesto.

WRITTEN COMMUNICATIONS

21. Letter from Frank Azevedo, KAZV-TV, requesting the Council's support regarding Comcast Cable carrying Channel 14.

ACTION: This item will return to the Council at the May 6 Council meeting.

UNFINISHED BUSINESS

23. Consider an annual payment of \$10,000 to the Fourth of July Committee of the Modesto Jaycees for their parade, Picnic in the Park & Fireworks Display, with a two-year termination clause.
- Resolution approving an annual payment to the Fourth of July Committee of the Modesto Jaycees for their parade, Picnic in the Park & Fireworks Display, with a two-year termination clause recommended.
Parks, Recreation & Neighborhoods; James Niskanen, 577-5351, jniskanen@modestogov.com

ACTION: Res. No. 2003-208 (Frohman/Jackman; unan.; Keating absent) approving an annual payment to the Fourth of July Committee of the Modesto Jaycees for their parade, Picnic in the Park & Fireworks Display, with a two-year termination clause.

HEARINGS

24. Hearing to consider executing a service agreement with Rudy Bonzi Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables.
- Resolution executing a service agreement with Rudy Bonzi Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables recommended.
- Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com*

ACTION: Res. No. 2003-209 (Fisher/O'Bryant; unan.; Keating absent) executing a service agreement with Rudy Bonzi Inc. for the collection of industrial garbage, salvageable waste, and industrial recyclables.

Item continued from March 11, April 1 and April 8, 2003

Item has been requested to be continued to May 6, 2003

25. Continued public hearing on proposed Capital Facilities Fees (CFF) update to accept public comments, and to provide an opportunity for City Council to give policy guidance to staff on fee transition options, pending project exemption issues and continue public hearing to May 6, 2003 for final adoption of the CFF.
- Review fee transition options and provide policy guidance to staff recommended.
 - Review pending project exemption criteria and provide guidance to staff recommended.
 - Continue public hearing to May 6, 2003 to adopt 2003 Capital Facilities Fees Update report and the updated fee schedule recommended.
- Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com*

ACTION: By motion (Fisher/Jackman; unan.; Keating absent) continued this item to May 6, 2003.

Item has been requested to be continued to May 6, 2003

26. Hearing to consider adopting the Stanislaus County Public Facility Fees for the City of Modesto.
- Resolution amending Resolution 90-350, adopting the Stanislaus County Public Facility Fee (PFF) increases, collected within the City of Modesto.
- Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com*

ACTION: By motion (Fisher/Jackman; unan.; Keating absent) continued this item to May 6, 2003.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

All closed sessions were heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Facts and Circumstances: The Council will consider potential terms of an agreement with the Hilton Corporation to operate the Ninth Street Garage. There is currently a dispute with Hilton for an alleged breach of contract stemming from the use of the Ninth Street Garage by City and County employees.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to Section 54956.9 of the Government Code)

Name of Case: City of Modesto v. Varni Bros. LLC, et al., Tom Bossard,
dba Tom's Truck Repair
Stanislaus County Superior Court No. 311367

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property located on the East side of
Roselawn Avenue, North of Pelton Avenue

APN: 027-3607 and 037-5101

Negotiating parties: Steve Castellenous, Associate Right of Way Services, as
Property Agent on behalf of the City of Modesto

James F. Achey, Trustee of the Achey Family revocable
Declaration of Trust dated November 17, 1999; Shirley M.
Lee, Trustee of the Lee Revocable Trust dated February 2,
1999; and Drucilla Achey, a widow, all as equal shares,
Owners

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

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Chambers, Basement Level

5:30 p.m., Thursday, April 24, 2003

Roll Call: Present: Denny Jackman, Vice Chair
Bruce Frohman

ORAL COMMUNICATIONS

Two citizens spoke regarding workforce development.

Information Items: None

Consent Items: None

Committee/Council workshop item is:

- 1) Consider Staff Recommendation to Adopt Proposed Village One Infrastructure Financing Plan

ACTION: Susan Goodwin, Goodwin Consulting Group, reviewed the proposed Village One Infrastructure Financing Plan. Public testimony was taken. Committee unanimously recommended the proposed Village One Infrastructure Financing Plan to the full City Council.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 6:55 p.m.

MINUTES

City of Modesto

Audit Committee Meeting/ Special City Council Workshop Meeting

Tenth Street Place, Council Chambers
1010 10th Street
Modesto, California

Friday, May 2, 2003, at 10:00 a.m.

Roll Call – Present: Councilmember Keating
Councilmember O’Bryant
Mayor Sabatino

ORAL COMMUNICATIONS

1. City Manager Jack Crist introduced newly arrived Finance Director Peggy Hetzler.

Committee/Council workshop items are:

1. Final Report on Financial Statement Audits of Community Facilities Districts

ACTION: The Audit Committee received a presentation from the Audit Firm of Vavrinek, Trine, Day & Co. The Committee accepted the report for presentation to the full Council.

2. Final Report on the Performance Audits of Community Facilities Districts

ACTION: The Audit Committee received a presentation from the Audit Firm of Vavrinek, Trine, Day & Co. The Committee accepted the report for presentation to the full Council.

ORAL COMMUNICATIONS

1. Mayor Sabatino requested the City Manager update Committee members regarding the status of the bid process for the fuel cardlock services.
2. Councilmember O'Bryant commended Vavrinek, Trine, Day & Co., and the City staff for their considerable efforts in completing the audits of the Community Facilities Districts.
He also requested follow up reports to the Committee on the implementation of audit recommendations.

3. Councilmember Keating commented that she would like to see the staff involved in management of the Community Facilities Districts work in as close proximity to each other as feasible, in order to facilitate the ongoing work. This supported her earlier comments asking management to work on a business/work flow analysis and charts.

4. Mayor Sabatino asked staff to schedule another Audit Committee meeting with Joe Aguilar of Vavrinek, Trine, Day & Co., to further discuss details of the performance audit.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:35 a.m.

MINUTES

City of Modesto

Special City Council Workshop Meeting with the Safety & Communities Committee

Tenth Street Place
1010 10th Street
Conference Room 2005, Second Floor
Modesto, California

Monday, May 5, 2003, at 5:30 p.m.

Roll Call – Present: Chair Sabatino
Vice Chair O’Bryant
Committee Member Frohman

ORAL COMMUNICATIONS

None

Committee/Council workshop items are:

- 46)** Consider staff report updating the actions and activities of the Neighborhood Preservation Unit

ACTION: Information item only. No action taken.

- 47)** Consider staff report updating the action and activities of the Neighborhood Preservation Unit on illegal dumping enforcement

ACTION: Information item only. No action taken.

- 48)** Consider staff report regarding involvement of the Modesto Rotary Clubs in Phase I of the Virginia Corridor Trail project

ACTION: Information item only. No action taken.

- 49)** Consider recommended Traffic Unit purchases

ACTION: The Committee approved staff recommendation and forwarded this item to full Council for approval.

50) Consider accepting staff report on Grogan Community Park Master Plan

ACTION: The Committee accept staff report.

51) Consider draft ten-year agreement with the Del Rio Foundation to administer The First Tee Program at Muni Golf Course

ACTION: The Committee approved staff recommendation and forwarded this item to full Council for approval.

52) Prohibition of Solicitation Ordinance

ACTION: The Committee approved staff recommendation and forwarded the Ordinance to full Council for approval.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, May 6, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Pastor Rick Thompson, Big Valley Grace Community Church

City Clerk’s Announcements – Item 12 removed from the agenda

- Items 22 and 23 continued to June 3, 2003 - By motion, Keating/Fisher; unan.
- Item 25 moved to Acknowledgements and Presentations

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation declaring May 11 - 17, 2003 as National Police Week.

ACTION: Mayor Sabatino presented the proclamation to the Police Chief

2. Presentation of proclamation to the Stanislaus County Area Agency on Aging designating May as Senior Awareness Month.

ACTION: Proclamation presented by Mayor Sabatino

ORAL COMMUNICATIONS

Ron Jordanais – commented on the Stanislaus County Fairgrounds location and made comments regarding a motion picture.

Bob Shook commended staff on being proactive in the park planning taking place in Village One and announced a meeting on May 15 for Freedom Park.

Citizen commented on the Mayor and a street light needed in his neighborhood.

Ron Jordanais – commented on motion pictures.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 11 and 13 through 15 - Item # 12 Removed from the agenda

ACTION: Frohman/Conrad; unan.

CONSENT ITEMS

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

CONSENT

3. Approval of the minutes of the regular City Council meeting of April 22, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Frohman/Conrad, unan.), approved the minutes of the regular City Council meeting of April 22, 2003.

CONSENT

4. Consider accepting the work by Clayborn Contracting Group for the Street Lighting Circuit Replacement as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$95,752 per the contract.
 - Resolution accepting the work by Clayborn Contracting Group for the Street Lighting Circuit Replacement as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$95,752 per the contract recommended.
Engineering & Transportation; Genichi Kanow, jkanow@modestogov.com

ACTION: Resolution 2003-210 (Frohman/Conrad; unan.) accepting the work by Clayborn Contracting Group for the Street Lighting Circuit Replacement as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$95,752 per the contract.

CONSENT

5. Consider accepting the work by D.A. Wood Construction for the Oakbrook Apartment Lift Station as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$91,237.14 per the contract.
- Resolution accepting the work by D.A. Wood Construction for the Oakbrook Apartment Lift Station as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$91,237.14 per the contract recommended.
- Engineering & Transportation; Genichi Kanow, jkanow@modestogov.com*

ACTION: Resolution 2003-211 (Frohman/Conrad; unan.) accepting the work by D.A. Wood Construction for the Oakbrook Apartment Lift Station as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$91,237.14 per the contract.

CONSENT

6. Consider accepting the Federal Hazard Elimination Safety (HES) grant in the amount of \$160,200 for installation of breakaway brackets on existing street lights on Briggsmore Avenue between Oakdale Road and Claus Road, and between Prescott Road and McHenry Avenue; and Consider amending the Fiscal Year 02/03 CIP budget accordingly. Total cost of project is \$178,000. The City's 10% portion of \$17,800 is budgeted.
- Resolution accepting the Federal Hazard Elimination Safety grant in the amount of \$160,200 recommended.
 - Resolution amending the FY02/03 Capital Improvement Program accepting the grant funds recommended.
- Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com*

ACTION: Resolution 2003-212 (Frohman/Conrad; unan.) accepting the Federal Hazard Elimination Safety (HES) grant in the amount of \$160,200 for installation of breakaway brackets on existing street lights on Briggsmore Avenue between Oakdale Road and Claus Road, and between Prescott Road and McHenry Avenue.

Resolution 2003-213 (Frohman/Conrad; unan.) amending the Fiscal Year 02/03 CIP budget accordingly. Total cost of project is \$178,000.

CONSENT

7. Consider awarding the bid to, and approving a \$90,110 contract with, On Grade Contracting for Installation of Right-Turn Lane from Downey Avenue onto McHenry Avenue; and Consider an appropriation transfer to fully fund the project.

- Resolution awarding the bid to, and approving a \$90,110 contract with, On Grade Contracting for Installation of Right-Turn Lane from Downey Avenue onto McHenry Avenue recommended.
- Resolution an appropriation transfer to fully fund the project recommended.
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Resolution 2003-214 (Frohman/Conrad; unan.) awarding the bid to, and approving a \$90,110 contract with, On Grade Contracting for Installation of Right-Turn Lane from Downey Avenue onto McHenry Avenue

Resolution 2003-215 (Frohman/Conrad; unan.) approving an appropriation transfer to fully fund the project.

CONSENT

8. Consider awarding a \$388,200 construction contract to SB Cable, Joint Venture for the Expand ATMS Northwest project. This expansion will allow all the traffic signals on Tully Road and Dale Road to communicate to the ATMS system. CMAQ grant funds will cover 88% and CMAQ match funds will cover another 10% of the project cost. The remaining funds are budgeted.
 - Resolution awarding a \$388,200 construction contract to SB Cable, Joint Venture for the Expand ATMS Northwest project recommended.
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Resolution 2003-216 (Frohman/Conrad; unan.) awarding a \$388,200 construction contract to SB Cable, Joint Venture for the Expand ATMS Northwest project

CONSENT

9. Consider a resolution designating May 12 - 17, 2003 as California Bike Commute Week 2003.
 - Resolution designating May 12 - 17, 2003 as California Bike Commute Week 2003 recommended.
Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Resolution 2003-217 (Frohman/Conrad; unan.) designating May 12 - 17, 2003 as California Bike Commute Week 2003.

CONSENT

10. Consider awarding the bid to, and approving a \$458,117 contract with, James M. Johnson General Engineering Inc., for the project titled "Carpenter Road Waterline". This project will construct a 20-inch diameter waterline between MID

Lateral #5 and Robertson Road, which will serve as a transmission main between Tank #6 and Tank #7.

- Resolution awarding the bid to, and approving a \$458,117 contract with, James M. Johnson General Engineering Inc., for the project titled “Carpenter Road Waterline” recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Resolution 2003-218 (Frohman/Conrad; unan.) awarding the bid to, and approving a \$458,711 contract with, James M. Johnson General Engineering Inc., for the project titled “Carpenter Road Waterline”.

CONSENT

11. Consider rejecting a bid of \$799,233 from Diede Construction Inc., for the project titled Wastewater Collection Maintenance Building - Interior Improvements, and directing the project to be re-advertised at a later date.

- Resolution rejecting a bid of \$799,233 from Diede Construction Inc., for the project titled Wastewater Collection Maintenance Building - Interior Improvements, and directing the project to be re-advertised at a later date recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Resolution 2003-219 (Frohman/Conrad; unan.) Consider rejecting a bid of \$799,233 from Diede Construction Inc., for the project titled Wastewater Collection Maintenance Building - Interior Improvements, and directing the project to be re-advertised at a later date.

CONSENT – Removed from the agenda

12. Consider increasing the existing contract for L. Patrick Samsell’s financial services from \$60,000 to a not-to-exceed \$72,600 through June 30, 2003.

- Resolution approving an increase to the existing contract for L. Patrick Samsell’s financial services from \$60,000 to a not-to-exceed \$72,600 through June 30, 2003 recommended.

Finance; Gregory Baird, 577-5369, gbaird@modestogov.com

CONSENT

13. Consider the Monthly Adjustment Report for April 2003.

- Resolution acknowledging the receipt of report and approving the budget adjustments for April 2003 recommended.

Finance; Hank Skau, 577-5219, hskau@modestogov.com

ACTION: Resolution 2003-220 (Frohman/Conrad; unan) acknowledging the receipt of report and approving the budget adjustments for April 2003.

CONSENT

14. Consider approving an application for \$10,000 in Bikes Belong Coalition funding for the Virginia Corridor Rails-to-Trails Project and authorizing the City Manager to execute the necessary grant application documents.

- Resolution approving an application for \$10,000 in Bikes Belong Coalition funding for the Virginia Corridor Rails-to-Trails Project and authorizing the City Manager to execute the necessary grant application documents recommended.

Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582, dqould@modestogov.com

ACTION: Resolution 2003-221 (Frohman/Conrad; unan.) approving an application for \$10,000 in Bikes Belong Coalition funding for the Virginia Corridor Rails-to-Trails Project and authorizing the City Manager to execute the necessary grant application documents.

CONSENT

15. Consider accepting with regret, the resignation of Mike Birch from the Public Events Commission.

- Resolution accepting with regret, the resignation of Mike Birch from the Public Events Commission recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2003-222 (Frohman/Conrad; unan.) accepting with regret, the resignation of Mike Birch from the Public Events Commission.

COUNCIL COMMENTS & REPORTS

16. At the request of Councilmember Jackman, consider recognizing community groups and non-profits - Habitat for Humanity

ACTION: This item will return to the May 13 Council meeting.

17. At the request of Councilmember Frohman, consider adopting a resolution urging Comcast to add KAZV-TV Channel 14 to its line-up of television stations available through its cable service.

ACTION: Motion (Frohman/Jackman; Conrad, Fisher, Keating, O'Bryant no) failed urging Comcast to add KAZV-TV Channel 14 to its line-up of television stations available through its cable service

18. At the request of Mayor Sabatino, consider directing staff to prepare an advisory measure for the November 4, 2003 election for a half-cent sales tax increase dedicated to transportation.

ACTION: By motion (Sabatino/Fisher; unan.) staff was directed to prepare the necessary documents to place an advisory measure of a one half percent increase in sales tax dedicated to transportation on the November 2003 Municipal Election. The documents will be referred to the Economic Development Committee for review and will return to the Council for final action prior to placement on the ballot.

- Councilmember Frohman acknowledged Public Employee Recognition Week.

HEARINGS

It has been requested that this item be continued to May 13, 2003

19. Hearing to consider an ordinance amending Chapter 11 of Title 3 of the Modesto Municipal Code relating to security alarms, and adoption of a resolution establishing new false alarm user fees.

- Introduce an ordinance amending Chapter 11 of Title 3 of the Modesto Municipal Code relating to security alarms recommended.
- Resolution establishing new false alarm user fees
Police; Gary Watts, 342-6144, wattsg@modestopd.com

ACTION: **By motion,** Jackman/Frohman; unan. continued to May 13, 2003

Councilmember Fisher absent due to conflict of interest.

20. Hearing to consider the following project: Village One Storm Drainage Master Plan Update, and Village One Facilities Master Plan Update (streets, storm drainage facilities, and parks). The City Council will consider the following actions:

- Resolution certifying that the Village One Program EIR (SCH #90020181) with Addendums, prepared by Camp Dresser & McKee, for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and by Jones & Stokes, for the Village One Facilities Master Plan Update (EA/CM 2003-03) is adequate for the project and adoption of findings that no subsequent EIR is required for the project pursuant to CEQA Guidelines Sections 15162 and 15164, adoption of findings of significant impacts and rejection of alternatives and statement of overriding considerations for the project, pursuant to public resources Section 21081 and State CEQA Guidelines Section 15091; and
- Resolution adopting the proposed Village One Facilities Master Plan Update.
City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Resolution 2003-223 (Frohman/Keating; unan; Fisher absent due to conflict of interest) certifying that the Village One Program EIR (SCH #90020181) with Addendums, prepared by Camp Dresser & McKee, for the Village One Storm Drainage Master Plan Update (EA/CM 2003-02) and by Jones & Stokes, for the Village One Facilities Master Plan Update (EA/CM 2003-03) is adequate for the project and adoption of findings that no subsequent EIR is required for the project pursuant to CEQA Guidelines Sections 15162 and 15164, adoption of findings of significant impacts and rejection of alternatives and statement of overriding considerations for the project, pursuant to public resources Section 21081 and State CEQA Guidelines Section 15091.

Resolution 2003-224 (Frohman/Keating; unan; Fisher absent due to conflict of interest) adopting the proposed Village One Facilities Master Plan Update.

21. Hearing to consider the proposed Village One Infrastructure Financing Plan; Consider authorizing the transfer of \$35,000 from General Fund Reserves to Village One CFD #2 for the formation of the new Village One CFD; and Consider directing staff to proceed with implementation of the Village One Infrastructure Financing Plan.
 - Resolution approving the proposed Village One Infrastructure Financing Plan recommended.
 - Resolution authorizing the transfer of \$35,000 from General Fund Reserves to Village One CFD #2 for the formation of the new Village One CFD recommended.
 - Motion directing staff to proceed with implementation of the Village One Infrastructure Financing Plan recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: By motion Jackman/Conrad continued to the May 13, 2003 Council meeting.

Item requested to be continued to June 3, 2003

Item continued from March 11, April 1 April 8, and April 22, 2003

22. Continued public hearing on proposed Capital Facilities Fees (CFF) update to accept public comments, and to provide an opportunity for City Council to give policy guidance to staff on fee transition options, pending project exemption issues.
- Review fee transition options and provide policy guidance to staff recommended.
 - Review pending project exemption criteria and provide guidance to staff recommended.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: Motion (Keating/Fisher; unan.) continued to June 3, 2003.

It has been requested that this item be continued to June 3, 2003

Item continued from April 22, 2003

23. Hearing to consider adopting the Stanislaus County Public Facility Fees for the City of Modesto.
- Resolution amending Resolution 90-350, adopting the Stanislaus County Public Facility Fee (PFF) increases, collected within the City of Modesto.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: By motion (Keating/Fisher; unan.), continued to June 3, 2003.

NEW BUSINESS

24. Consider authorizing the City Manager to execute Storm Water Discharge Agreement with Modesto Irrigation District for the discharge of the Village One area storm drainage water into MID Lateral #3.
- Resolution authorizing the City Manager to execute Storm Water Discharge Agreement with Modesto Irrigation District for the discharge of the Village One area storm drainage water into MID Lateral #3 recommended.

City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: **Resolution 2003-225** (Fisher/Keating; unan.) authorizing the City Manager to execute Storm Water Discharge Agreement with Modesto Irrigation District for the discharge of the Village One area storm drainage water into MID Lateral #3.

MISCELLANEOUS

Appointments

Moved to Acknowledgement and Presentations

25. Consider appointing Ernie Foote to the Public Events Advisory Committee.
- Resolution appointing Ernie Foote to the Public Events Advisory Committee recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Resolution 2003-226 (Frohman/Jackman; unan.) appointing Ernie Foote to the Public Events Advisory Committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 8:30.

CLOSED SESSION

This item was heard prior to the Council meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Facts and Circumstances: An allegation has been made that the City's policy against harassment and discrimination has been violated.

This item was removed from the agenda.

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

Property: Purchase, sale or lease of property located at 3924 Sylvan Avenue for the Chus Road Expressway Project

APN: 085-0170 (portion)

Negotiating parties: Steve Castellenous, Associated Right-of-Way Services, as Property Agent on behalf of the City of Modesto

Inland Village, a California General Partnership, Owner

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

MINUTES

Modesto City Council
**ECONOMIC DEVELOPMENT COMMITTEE
PLANNING COMMISSION
CITY COUNCIL WORKSHOP**
1010 Tenth Street
Chambers, Basement Level

5:30 p.m., Thursday, May 8, 2003

Roll Call: Present: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

ORAL COMMUNICATIONS

None

Committee/Council workshop items:

- 2) Urban Growth Review Workshop
 - Consider Staff Recommendations for Additional Inventory to Address the Regional Housing Needs Allocation Shortfall, Calling for a Measure M Election in November 2003 for the Johansen CPD and the Empire North CPD's
 - Consider Additional Inventory Option Calling for a Measure M Election in November 2003 for the Remaining Village Residential Portion of the Kiernan-Carver CPD
 - Consider Staff Recommendations Regarding the Unincorporated Islands of Shackelford Neighborhood, Robertson Road Neighborhood and Coffee-Sylvan Neighborhood

ACTION: Information item only. No action taken.

- 3) Provide Recommendation to City Council for Area(s) to be Included in a Proposed Measure M Election

ACTION: The Committee forwarded the following recommendations to full Council for approval:

Johansen—schedule the Johansen CPD on the November ballot for a Measure M vote.

Empire North – include this area on the November ballot for Measure M vote.

Shackelford –schedule the Shackelford island area on the November ballot for a Measure M vote, conditioned upon a completed agreement between County and City providing for County funding of improvements to meet City standards. The agreement shall be in place before adoption of the ballot expected on July 8, 2003.

Robertson Road –establish a program to provide for a Measure M ballot measure and sewer service for this area with the provision that sewer connections be excluded to properties currently uninhabited.

The majority of the Committee was not in favor of recommending to Council the following:

Kiernan/Carver – include the entire CPD on the ballot for a Measure M vote, and one in favor of only the 80-acre Waterman/Luchessa Property, for a Measure M vote.

Coffee-Sylvan – schedule the Coffee/Sylvan neighborhood on the November ballot for a Measure M vote.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 7:50 p.m.

MINUTES

Urban Development Growth Workshop

May 8, 2003

The Economic Development Committee (EDC) of the City of Modesto met for a special meeting on May 8, 2003, in Chambers, for the fourth and final 2003 Urban Growth Review Workshop. At 5:40 p.m., the workshop was called to order by Chairman Fisher.

EDC Members Present: Bruce Frohman, Tim Fisher, and Denny Jackman

P/C Members Present: Ray Feller, Kent Newswander, and Alita Roberts

P/C Members Absent: Joe Gardella, Garrad Marsh, Mike Pratt, and Andrew Mendlin

Also Present: George Britton, Principal Staff Contact; Craig Scott; Brad Kilger, Patrick Kelly, Miguel Galvez, and Carla Veillette, Community and Economic Development Department Staff

Chairman Fisher opened the workshop by introducing himself and EDC Committee members Frohman and Jackman. He explained that this workshop was a joint meeting of the EDC and the Planning Commission (P/C) and then asked Commissioner Alita Roberts, Vice Chairman of the Planning Commission, to introduce herself and the other members of the Planning Commission present. Chairman Fisher stated that the Planning Commission will meet on June 2, 2003, to review and discuss the recommendations of the EDC and will then make a full recommendation to the City Council.

Principal Staff Contact, George Britton stated that the workshop was the fourth and final EDC workshop meeting being televised and held in Chambers concerning Urban Growth Review for 2003.

Principal Planner, Patrick Kelly followed by stating that the purpose of the workshop was to make recommendations for the 2003 Urban Growth Update. Mr. Kelly reiterated that the committee recommendations would be made and forwarded to the City Council through the Planning Commission. The final report would then be presented to the City Council at the July 8, 2003, for final action.

Mr. Kelly provided an overview of the following items contained in the 2003 Urban Growth Review Draft Report:

- Urban Growth Review Overview
- Land Use Inventory
- Residential/Commercial/Industrial Projections
- Regional Housing Needs Update
- Unincorporated County "Island" Areas

Staff's recommendations to the EDC, for recommendation to the City Council, were as follows:

- A. Recommendation that the Johansen CPD and the Empire North CPD be placed on the November 2003 ballot for a Measure M vote.
- B. Mr. Kelly reported that staff had initially recommended consideration of the Kiernan-Carver CPD for Measure M vote, prior to receipt of a letter from the Stanislaus Union School District (received on May 6, 2003) opposed to development of land north of Bangs (within the Kiernan-Carver CPD) until future school sites have been identified. As a result of the information submitted by the school district, staff does not recommend support of Measure M for the Kiernan-Carver CPD for the November 2003 election.

Chairman Fisher stated that he would like to have representatives from the Stanislaus Union School District attend the June 2, 2003, Planning Commission meeting to discuss this matter. Committee members unanimously agreed that an invitation be extended to the Stanislaus Union School District to have a representative attend the June 2, 2003, Planning Commission Meeting and that a request be made to the school district representative(s) that they be prepared to discuss financial concerns of the school district at that time.

It was noted for TV-viewer and audience convenience, that reports discussed during the workshops, including the 2003 Urban Growth Review Draft Report, were also available on the City's Website www.modestogov.com, providing an opportunity for input and/or feedback directly to the Committee members or staff.

At 6:50 p.m., Chairman Fisher opened the public input portion of the workshop.

The following speakers provided input and/or asked questions:

Robertson Road Speakers:

Mr. McElvaine, 1725 Kenneth Street

Mr. McElvaine noted that sewer lines are in place and asked who is responsible for hooking the residents up to the sewer system.

Mr. McElvaine also stated that he liked Committee Member Frohman's suggestion regarding looking into the possibility of entertaining a ballot measure parallel to Measure M to provide sewer service to the residents of the island areas on a "contract basis" with the County.

Marge Leopold, 1704 Donald Street

Ms. Leopold stated that residents of the Robertson Road area are not opposed to annexation, but this is not the major concern of the residents; the major concern is based on the environmental hazards and sanitation considerations.

Claudia Epperson, 305 S. Emerald Avenue

Ms. Epperson expressed concerns regarding the governmental processes—first started working with the government in 1995 regarding these issues and questioned how long a neighborhood is expected to wait. The neighborhood is asking for a Measure M vote for the November 2003 ballot.

Kiernan-Carver Area Speakers:

Mark Jensen, 1514 H Street (RE: Luchessa/Waterman properties)
Mr. Jensen restated that his clients would like to have their properties included for a Measure M vote in November 2003, whether separately or together with other properties, as all infrastructure is available at the boundary of this property.

Johansen/Empire North Area Speakers:

Ron West, Land Planning Consultant
Mr. West requested that a recommendation be made to the City Council for a Measure M vote in November 2003 for the Johansen CPD and the Empire North CPD. He stated that these areas provide good affordable housing opportunities as compared to housing costs in other areas.

Steve Burke (Representing Protect Our Water and San Joaquin Raptor

Center)

Mr. Burke stated that, in his opinion, the process has been productive and he appreciated that the work had been done by staff, rather than through outside consultants. He felt that there was enough land inventory for the five-year growth projection and there was no need to put new land up for a Measure M vote. Mr. Burke expressed continued concerns regarding water supply and sewer/disposal conditions. It was his perception that Regional Housing Needs Allocation was a huge unfunded mandate from the State. He also asked that the Council respect the concerns expressed by the school district. Mr. Burke stated that he felt the City Council should wait to consider Measure M ballot measures until further financial analysis is completed for the in-fill areas.

At 7:25 p.m., Chairman Fisher closed the public input portion of the workshop.

Following questions and answers from the EDC and Planning Commission members, the following recommendations were made:

2003 Urban Growth Review Update

May 8, 2003 EDC/PC Workshop

Voting Summary

CPD	Tim Fisher	Bruce Frohman	Denny Jackman
Johansen	Yes	Yes	Yes
Empire North	Yes	No	No
Kiernan/Carver	Yes	Waterman/Luchessa only	No
Shackelford	Yes	Yes	Yes
Robertson Rd.	Yes	Yes	Yes
Coffee-Sylvan	No	No	Yes

Johansen – by unanimous vote, schedule the Johansen CPD on the November ballot for a Measure M vote.

Empire North – one in favor, two opposed to including this area on the November ballot for Measure M vote.

Kiernan/Carver – one in favor, two opposed, to including the entire CPD on the ballot for a Measure M vote, and one in favor of only the 80-acre Waterman/Luchessa Property, for a Measure M vote.

Shackelford – recommendation to schedule the Shackelford island area on the November ballot for a Measure M vote, conditioned upon a completed agreement between County and City providing for County funding of improvements to meet City standards. The agreement shall be in place before adoption of the ballot expected on July 8, 2003.

Robertson Road – by unanimous vote, establish a program to provide for a Measure M ballot measure and sewer service for this area with the provision that sewer connections be excluded to properties currently uninhabited.

Coffee-Sylvan – **one in favor, two opposed for scheduling the Coffee/Sylvan neighborhood on the November ballot for a Measure M vote.**

Principal Planner Kelly expressed special appreciation to Miguel Galvez for his work efforts in preparing the land inventories, checking the sites and working with the City's G.I.S. Department to prepare the maps for this project. He also expressed appreciation to other City staff members who assisted Planning staff with this project: Robert Beckler, Terry Owens-Durant, Craig Scott, Jack Bond, and Will Wong. Mr. Kelly also thanked the EDC members and Planning Commission members for their support.

ADJOURNMENT

Chairman Fisher adjourned the meeting at 7:50 p.m.

Due to a lack of quorum, no official Planning Commission Meeting minutes will be produced.

Patrick Kelly
Acting Secretary

MINUTES

City of Modesto
Audit Committee Meeting/
Special City Council Workshop Meeting
Tenth Street Place, Council Chambers
1010 10th Street
Modesto, California

Friday, May 9, 2003, at 10:00 a.m.

Roll Call – Present: Councilmember Keating
Councilmember O'Bryant
Mayor Sabatino

Committee/Council workshop items are:

1. Final Report on Performance Audits of the Community Facilities Districts

ACTION: The Audit Committee received a presentation of the final audit report from the Audit Firm of Vavrinek, Trine, Day & Co. The Committee accepted the report for presentation to the full Council at the May 13, 2003, meeting.

2. Presentation of Opinion Letter from Audit of Comcast Cable Communications Gross Revenues.

ACTION: The Audit Committee received a presentation of the opinion letter from the audit performed by the firm of Price, Waterhouse, Coopers of the Comcast Cable Communications gross revenues. This confirms that the revenues used to calculate the City franchise fee is correct. The Committee accepted the report for presentation to the full Council at a later date.

ORAL COMMUNICATIONS

1. Councilmember Keating requested that the Internal Auditor, at some future date, look into the administrative charges of the various CDBG programs. Her concern is that administrative costs may limit the effective use of the grant funds for program purposes.
2. Councilmember O'Bryant thanked staff and the auditors for the excellent work in bringing the Community Facilities Districts audits to a successful completion.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 11:00 a.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Basement Level, Chambers

5:30 p.m., Monday, May 12, 2003

Roll Call: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

ORAL COMMUNICATIONS

None

Items for the Committee/Council workshop are:

64) Update on Pelandale –McHenry Project Study

ACTION: Informational overview provided on the planned Urban Interchange at Pelandale-McHenry-Claratina. Discussions with CalTRANS were reviewed and the Committee requested staff to continue discussions to clarify Cal Trans requirements. This item will return to the Committee at the next meeting.

65) Verbal Report on LaLoma-G-Downey Streets Traffic Flow

ACTION: Verbal report and overview provided on alternative traffic routing in the LaLoma-G St.-Downey area.

66) Verbal Report on Additional Parking on Downtown Streets

ACTION: Verbal report on downtown parking restrictions and availability provided. Staff asked to return to Committee with additional information.

67) Verbal Report - AB 1221 Update

ACTION: Chairman Fisher indicated that he understood the impact of AB1221 on local governments and did not require an additional briefing.

68) Update on Implementation of Green Waste Cycle Changes and Citation Process

ACTION: Green Waste Cycle Changes and Citation Process – no questions

69) Update on 9th/10th Streets Renovation and Downtown Master Plan

ACTION: Discussion about implementation of a Downtown Specific Plan. Staff asked to meet with Downtown Improvement District, Planning Commission and Redevelopment Advisory Committee to review Downtown planning and infrastructure issues. Committee requested a status report at June meeting.

70) Community & Economic Development Department Monthly Development Activity Report

- Workforce Development Project
- Kiernan Business Park
- Kaiser Medical Center
- Shelter Cove Church
- Regulating Use of Shipping Containers as Storage in the Residential Zones
- Del Valle Homes/Fairview Development Agreement Implementation
- General Plan Housing Element Update
- Urban Growth Review
- Kansas-Woodland Business Park (FMC)
- 9TH Street Bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- Downtown Housing Project
- St. Stanislaus Church
- Safeway at McHenry/Pelandale
- General Plan Master EIR and Amendment
- Village One specific Plan Amendment
- Adoption of Building Codes
- RJ Sweetwaters Restaurant Property

ACTION: No comments on CEDD Monthly Activity Report items.

- 71) Consider Staff Recommendation to Authorize City Manager to Apply for Federal Congestion Mitigation and Air Quality (CMAQ) Funds

ACTION: Approved staff recommendation

- 72) Consider Staff Recommendation for Modesto Area Express (MAX) Service Improvements

ACTION: Approved staff recommendation with corrected cost/revenue table (attached).

- 73) Consider Staff Recommendation to Combine Modesto Area Express (MAX) and Modesto Area Dial-A-Ride (MADAR) Operating Costs and Passenger Revenues for the Purpose of Determining Fare Box Recovery Ratio

ACTION: Approved staff recommendation.

- 74) Consider Staff Recommendation to Award Contract for Design, Manufacture and Installation of Marquee Sign at City-County Airport

ACTION: Approved staff recommendation.

- 75) Discussion and Recommendation of Traffic Control Alternatives at the Intersection of Scenic Drive and Lakewood Avenue

ACTION: The consensus of the Committee was to install a lighted crosswalk with advance flashing signs on each side of the crosswalk at the Scenic Drive and Wycliff Avenue intersection.

- 76) Discussion of Proposed Mini-Storage Project on Carpenter/Paradise Roads

ACTION: Approved staff recommendation of “no action” regarding appeal. Recommended that applicant file the County application prior to any further action.

- 77) Discussion and Recommendation to Begin a Phased Program to Install Water Meters in the Outlying Service Areas

ACTION: Approved staff recommendation

- 78)** Consider Staff Recommendation to Request Proposals and Issuance of Unused Bonds to Assist in Constructing a Co-generation Unit for the Water Quality Control Plant's Primary Site

ACTION: Approved staff recommendation

- 79)** Discussion and Recommendation to Reject SkyTrek Aviation Request for Lease Concession

ACTION: Modified recommendation directing staff to work with SkyTrek for one year Lease Concession or annual performance based concession. Asked that revised recommendation be returned to Committee in June.

- 80)** Consider Staff Recommendation to Implement a Four Percent (4%) Wastewater Service Rate Adjustment Effective October 1, 2003

ACTION: Discussed possible need for substantial increase in October 1, 2004 and beyond. Approved staff recommendation for 4% Wastewater increase October 1, 2003.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:25 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, May 13, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Linda Wade, Mighty Women of Modesto

City Clerk’s Announcements Item 13 removed from the agenda
Item 19 with Item 25

Declaration of Conflicts of Interest: *Fisher – Item 22; Frohman – Item 23*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of the City’s new Finance Director, Peggy Hetzler.

ACTION: City Manager Crist introduced the new Finance Director, Peggy Hetzler

2. Proclamation declaring May 18-24, 2003 as National Public Works Week.

ACTION: Mayor Sabatino presented the proclamation to Glen Lewis, Engineering &
Transportation Director.
Comments made by Glen Lewis and presentation given by Peter Cowles.

3. Presentation regarding the City's Water Conservation efforts in response to
water quality concerns.

ACTION: Judi Ray and Alan Lagarbo from Operations & Maintenance reported on the
City’s water conservation efforts.

ORAL COMMUNICATIONS

- Robert Jones commented on a citation he received for rollerblading and his doctor's prescription to rollerblade due to a back injury. He requested an amendment to the municipal code to clarify the use of rollerblades on City streets.
- Bob Shook expressed a concern of traffic flow on McReynolds and Sylvan.
- Will O'Bryant commented on activities and travels scheduled for the Freedom's Flame Memorial Foundation. The Modesto Fire Department will host a lunch on May 23 for Freedom Flame.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 through –17
Item 13 removed from the agenda

CONSENT ITEMS

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

CONSENT

4. Approval of the minutes of the regular City Council meeting of May 6, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) approving the minutes of the regular City Council meeting of May 6, 2003.

CONSENT

5. Consider a cost-sharing agreement with: Modesto Irrigation District, Turlock Irrigation District, and Stanislaus County, regarding funds for a Tuolumne River Flood Protection Feasibility Study that the U.S. Army Corps of Engineers is preparing to conduct, and authorizing the City Manager to execute the necessary documents. City's portion is \$112,500.
 - Resolution approving a cost-sharing agreement with: Modesto Irrigation District, Turlock Irrigation District, and Stanislaus County, regarding funds for a Tuolumne River Flood Protection Feasibility Study that the U.S. Army Corps of Engineers is preparing to conduct, and authorizing the City Manager to execute the necessary documents recommended.
Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Res. No. 2003-227 (Frohman/Jackman; unan.) approving a cost-sharing agreement with: Modesto Irrigation District, Turlock Irrigation District, and Stanislaus County, regarding funds for a Tuolumne River Flood Protection

Feasibility Study that the U.S. Army Corps of Engineers is preparing to conduct, and authorizing the City Manager to execute the necessary documents.

CONSENT

6. Consider rejecting the bid of \$265,000 from Menghetti Construction Inc. for construction of the project entitled Centre Plaza Elevator Extension and authorizing staff to re-advertise the project at a future date.
 - Resolution rejecting the bid of \$265,000 from Menghetti Construction Inc. for construction of the project entitled Centre Plaza Elevator Extension, and authorizing staff to re-advertise the project at a future date recommended.
Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com

ACTION: Res. No. 2003-228 (Frohman/Jackman; unan.) rejecting the bid of \$265,000 from Menghetti Construction Inc. for construction of the project entitled Centre Plaza Elevator Extension and authorizing staff to re-advertise the project at a future date.

CONSENT

7. Consider approving the City Engineer's Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6, and; Consider adopting a Resolution of Intention setting a public hearing for July 1, 2003, on the levy of the proposed assessment.
 - Motion approving the City Engineer's Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6 recommended
 - Resolution of Intention setting a public hearing for July 1, 2003, on the levy of the proposed assessment recommended.
Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan) approved the City Engineer's Report for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6.

Res. No. 2003-229 (Frohman/Jackman; unan) setting a public hearing for July 1, 2003, on the levy of the proposed assessment.

CONSENT

8. Consider approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10, and; Consider adopting a Resolution of Intention setting a public hearing for July 1, 2003, on the levy of the proposed assessment.

- Motion approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10 recommended
- Resolution of Intention setting a public hearing for July 1, 2003, on the levy of the proposed assessment recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: By Motion (Frohman/Jackman; unan) approving the City Engineer's Report for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10.

Res. No. 2003-230 (Frohman/Jackman; unan) setting a public hearing for July 1, 2003, on the levy of the proposed assessment.

CONSENT

9. Consider approving a motion authorizing the use of Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for the annual Airport Day, a community event to be held on May 31, 2003.

- Motion approving a motion authorizing the use of Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for the annual Airport Day, a community event to be held on May 31, 2003 recommended.
Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan) authorized the use of Modesto City-County Airport by the Stanislaus County Sheriff's Aero Squadron for the annual Airport Day, a community event to be held on May 31, 2003.

Res. No. 2003-231 was not used

CONSENT

10. Consider awarding a \$24,120 contract for Monthly Utility Bill Insert services to Metro Mailing Services Inc. for a period of three years, with two one-year extension options.

- Resolution awarding a \$24,120 contract for Monthly Utility Bill Insert services to Metro Mailing Services Inc. for a period of three years, with two one-year extension options recommended.
Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: **Res. No. 2003-232** (Frohman/Jackman; unan) awarding a \$24,120 contract for Monthly Utility Bill Insert services to Metro Mailing Services Inc. for a period of three years, with two one-year extension options.

CONSENT

11. Consider authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for six utility vehicles for a total anticipated cost of \$540,000.
- Resolution authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for six utility vehicles for a total anticipated cost of \$540,000 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-233 (Frohman/Jackman; unan) authorizing the Purchasing Supervisor to issue a Request for Bids (RFB) for six utility vehicles for a total anticipated cost of \$540,000.

CONSENT

12. Consider authorizing the Purchasing Supervisor to formally solicit Requests for Bids for t-shirts, jackets, and coveralls for a contract period of three years, with an option of two additional one-year contract extensions. The City provides t-shirts and coveralls to fulfill contractual obligations with the Modesto City Employees Association. Estimated cost is approximately \$20,000 annually.
- Resolution authorizing the Purchasing Supervisor to formally solicit Requests for Bids for t-shirts, jackets, and coveralls for a contract period of three years, with an option of two additional one-year contract extensions recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-234 (Frohman/Jackman; unan) authorizing the Purchasing Supervisor to formally solicit Requests for Bids for t-shirts, jackets, and coveralls for a contract period of three years, with an option of two additional one-year contract extensions.

Item #13 removed from the Agenda

CONSENT

13. Consider an amendment to an agreement with L. Patrick Samsell, LLC, and authorizing the City Manager to execute the necessary documents.
- Resolution approving Amendment #4 to extend an agreement with L. Patrick Samsell, LLC, for an additional \$12,600 through June 30, 2003, and authorizing the City Manager to execute the necessary documents recommended.

Finance; Gregory Baird, 577-5458, gbaird@modestogov.com

CONSENT

14. Consider accepting a Citizen Corps/Community Emergency Response Team (CERT) grant for \$17,739. Grant funds will be used to form a Citizen Corps and the start of a CERT program in Modesto to assist in the training of local citizens to meet their immediate needs and help others during a major disaster.

- Resolution accepting the FEMA grant in the amount of \$17,739 to fund a CERT program and authorizing the City Manager to execute the necessary documents recommended.
- Resolution amending the FY 2002-2003 budget to reflect acceptance of the grant funds recommended.

Fire; David Grant, 572-9596, dgrant@modestofire.com

ACTION: Res. No. 2003-235 (Frohman/Jackman; unan) accepting the FEMA grant in the amount of \$17,739 to fund a CERT program and authorizing the City Manager to execute the necessary documents.

Res. No. 2003-236 (Frohman/Jackman; unan) amending the FY 2002-2003 budget to reflect acceptance of the grant funds.

CONSENT

15. Consider authorizing the City Manager to execute a five-year contract with IBM for hardware maintenance in the amount of \$49,928 per year, for a total of \$249,640 over the five-year period.

- Resolution authorizing the City Manager to execute a five-year contract with IBM for hardware maintenance recommended.

Information Technology; Jeff Lewis, 571-5595, jlewis@modestogov.com

ACTION: Res. No. 2003-237 (Frohman/Jackman; unan) authorizing the City Manager to execute a five-year contract with IBM for hardware maintenance.

CONSENT

16. Consider allocating \$69,888 in Community Development Block Grant (CDBG) , and \$26,400 in Emergency Shelter Grant (ESG) public service funding to Community Housing and Shelter Services for FY 2003-2004.

- Resolution allocating \$69,888 in Community Development Block Grant (CDBG) , and \$26,400 in Emergency Shelter Grant (ESG) public service funding to Community Housing and Shelter Services for FY 2003-2004, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: Res. No. 2003-238 (Frohman/Jackman; unan) allocating \$69,888 in Community Development Block Grant (CDBG) , and \$26,400 in Emergency Shelter Grant (ESG) public service funding to Community Housing and Shelter Services for FY 2003-2004, and authorizing the City Manager to execute the necessary documents.

CONSENT

17. Consider the discontinuance of the City's Small Business Loan Program and removing the Economic Development Loan Committee from the City's list of active committees.
- Resolution discontinuing the City's Small Business Loan Program and removing the Economic Development Loan Committee from the City's list of active committees recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com

ACTION: Res. No. 2003-239 (Frohman/Jackman; unan) discontinuing the City's Small Business Loan Program and removing the Economic Development Loan Committee from the City's list of active committees.

COUNCIL COMMENTS & REPORTS

None

UNFINISHED BUSINESS

18. Consider acceptance of reports on the financial statement audits and performance audits of the City of Modesto Community Facilities Districts by Vavrinek, Trine, Day & Co.
- Resolution accepting the reports on the financial statement audits and performance audits of the City of Modesto Community Facilities Districts by Vavrinek, Trine, Day & Co. recommended.

City Manager; Gary Nienhuis, 571-5544, jnienhuis@modestogov.com

ACTION: Res. No. 2003-240 (Fisher/Jackman; unan.) accepting the reports on the financial statement audits and performance audits of the City of Modesto Community Facilities Districts by Vavrinek, Trine, Day & Co.

19. Consider approving the revised Traffic-Calming Plan for the Encina/La Loma area neighborhoods and authorizing staff to proceed with plan for the implementation and installation of Phase 1 of the Traffic-Calming Plan, and rescinding Resolution 2002-598.
- Resolution approving the revised Traffic-Calming Plan for the Encina/La Loma area neighborhoods and authorizing staff to proceed with plan for the implementation and installation of Phase 1 of the Traffic-Calming Plan, and rescinding Resolution 2002-598 recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By motion (Fisher/Jackman; unan.) approved the roundabout at Conejo and Encina and referred the remaining traffic calming plan to the Economic Development Committee.

HEARINGS

20. Hearing to consider the draft 2003-2004 Housing & Urban Development (HUD) Annual Action Plan for the use of Community Development Block Grant (CDBG), HOME Partnership Grant and Emergency Shelter Grant funds.
- Resolution approving the draft 2003-2004 HUD Annual Action Plan and authorizing the City Manager to execute related documents.
- Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com*

ACTION: Res. No. 2003-241 (Frohman/Keating; unan.) approving the draft 2003-2004 HUD Annual Action Plan and authorizing the City Manager to execute related documents.

The following item was continued from May 6, 2003

21. Hearing to consider an ordinance amending Chapter 11 of Title 3 of the Modesto Municipal Code relating to security alarms, and adoption of a resolution establishing new false alarm user fees.
- Introduce an ordinance amending Chapter 11 of Title 3 of the Modesto Municipal Code relating to security alarms recommended.
 - Resolution establishing new false alarm user fees
- Police; Gary Watts, 342-6144, wattsg@modestopd.com*

ACTION: By Motion (Jackman/Keating; majority; Conrad no) **introduced Ordinance No. 3296-C.S.** an ordinance amending Chapter 11 of Title 3 of the Modesto Municipal Code relating to security alarms.

Res. No. 2003-242 (Jackman/Keating; majority; Conrad no.) establishing new false alarm user fees.

*This item continued from May 6, 2003
Fisher absent due to conflict of interest*

22. Hearing to consider the proposed Village One Infrastructure Financing Plan; Consider authorizing the transfer of \$35,000 from General Fund Reserves to Village One CFD #2 for the formation of the new Village One CFD; and Consider directing staff to proceed with implementation of the Village One Infrastructure Financing Plan.
- Resolution approving the proposed Village One Infrastructure Financing Plan recommended.
 - Resolution authorizing the transfer of \$35,000 from General Fund Reserves to Village One CFD #2 for the formation of the new Village One CFD recommended.

- Motion directing staff to proceed with implementation of the Village One Infrastructure Financing Plan recommended.
City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-243 (Frohman/Jackman; unan; Fisher absent) approving the proposed Village One Infrastructure Financing Plan.

Res. No. 2003-244 (Frohman/Jackman; unan; Fisher absent) authorizing the transfer of \$35,000 from General Fund Reserves to Village One CFD #2 for the formation of the new Village One CFD.

By Motion (Frohman/Jackman; unan; Fisher absent) directing staff to proceed with implementation of the Village One Infrastructure Financing Plan.

Frohman absent due to Conflict of Interest

23. Hearing to consider the application of Dr. James Yip to rezone property located at the Southeast corner of Briggsmore Avenue and Coffee Road from Low Density Residential, R-1, and Professional Office, P-O, to Planned Development Zone, P-D(559), to allow a 17,800 square foot medical office.

- Introduction of an ordinance approving rezoning from R-1 and P-O to P-D(559) recommended.
- Resolution approving a development plan for P-D(559) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

Community & Economic Development; Brad Wall, 577-5282, bwall@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan; Frohman, absent) **introduced Ordinance No. 3297-C.S.** an ordinance approving rezoning from R-1 and P-O to P-D(559).

Res. No. 2003-245 (Fisher/Jackman; unan; Frohman, absent) approving a development plan for P-D(559).

Res. No. 2003-246 (Fisher/Jackman; unan; Frohman, absent) finding the requested rezoning within the scope of the General Plan Master EIR.

24. Hearing to consider the application of Rena Bains to rezone 4.9 acres from R-1 to P-D to allow for the development of two single-story dental offices along the St. Paul's Way frontage and a sign package for the First Church of the Nazarene that includes one interior sign and one sign oriented toward Briggsmore Avenue.

- Introduction of an ordinance rezoning from R-1 to P-D(560) recommended.
- Resolution approving a development plan for P-D(560) recommended.

- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.
Community & Economic Development; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com

ACTION: By Motion (Jackman/Fisher; unan.) **introduced Ordinance No. 3298-C.S.** an ordinance rezoning from R-1 to P-D(560).

Res. No. 2003-247 (Jackman/Fisher; unan) approving a development plan for P-D(560).

Res. No. 2003-248 (Jackman/Fisher; unan) finding the requested rezoning within the scope of the General Plan Master EIR.

25. Hearing to consider the appeal by Jayna Hamel to a decision by the Planning Commission approving the Mira Loma Vesting Tentative Subdivision Map.
- Resolution denying the appeal and upholding the decision of the Planning Commission recommended.
Community & Economic Development; Brad Wall, 571-5539,
bwall@modestogov.com

ACTION: Res. No. 2003-249 (Fisher/Jackman; unan.) denying the appeal and upholding the decision of the Planning Commission.

NEW BUSINESS

26. Consider the issuance of a report on the Village One Moratorium as required by law.
- Resolution approving the issuance of the “Report on the moratorium imposed by the Modesto City Council on June 4, 2002, and extended on July 9, 2002, prohibiting the approval of new development in the Village One Specific Plan Area”, as required by State law.
Community & Economic Development; Brad Kilger, 577-5218,
bkilger@modestogov.com

ACTION: Res. No. 2003-250 (Frohman/Keating; unan; Fisher absent) approving the issuance of the “Report on the moratorium imposed by the Modesto City Council on June 4, 2002, and extended on July 9, 2002, prohibiting the approval of new development in the Village One Specific Plan Area”, as required by State law.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

12:05 a.m.

CLOSED SESSION

Closed session heard prior to the meeting.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION**

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

MINUTES

City of Modesto Finance Committee/ Special City Council Workshop Meeting Operating Budget Fiscal Year 2003/2004 Review

5:30 p.m.

Roll Call – Present: Chair Keating, Committee Member Jackman & Councilmember O'Bryant (for Committee Member Frohman)

Also Present: Mayor Sabatino (left the meeting at 7:00 pm)
Councilmembers Conrad

MONDAY, MAY 19, 2003 @ Ginkgo Room, Centre Plaza, 11th & K Streets, Modesto

- Comments from Vice Chair Keating
- City Manager's Message
 - ✓ Presentation given by Jack Crist
- City Budget Overview and the General Fund
 - ✓ Presentation given by Greg Baird, Deputy Finance Director
- General Government Department Budgets:

ACTION: The following budgets were reviewed by the Committee and Staff. Each Department Director responded to questions from the Committee.

- City Council
- City Clerk/Auditor
- City Attorney
- City Manager
- Personnel

The budget for the Finance department was not reviewed.

- Chairman Keating requested staff to review the service department budgets and evaluate their suggested reductions. She recommended other departments that benefit from the service departments consider funding some of the scheduled reductions to maintain core services.

This meeting adjourned at 9:55 p.m.



Jean Zahr, City Clerk

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MINUTES

City of Modesto Finance Committee/ Special City Council Workshop Meeting Operating Budget Fiscal Year 2003/2004 Review

5:30 p.m.

Roll Call – Present: Chair Keating (arrived at 7:30 pm), Committee Member Jackman & Councilmember O'Bryant (for Committee Member Frohman)

Also Present: Mayor Sabatino (left the meeting at 7:00 pm)
Councilmembers Conrad (arrived at 6:30 pm)

TUESDAY, MAY 20, 2003 @ Police Department Theater, 10th & G Streets, Modesto

- General Government Department Budgets continued:

ACTION: The following budgets were reviewed by the Committee and Staff. Each Department Director responded to questions from the Committee and the Public.

- Finance
- Community & Economic Development
 - Redevelopment Agency Overview
- Parks, Recreation & Neighborhoods:
 - Golf Fund Porforma

Budget Workshops, MAY 19-23, 2003

➤ Fire Department

This meeting adjourned at 9:05 p.m.

ATTEST: _____
Jean Zahr, City Clerk



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MINUTES

City of Modesto Finance Committee/ Special City Council Workshop Meeting Operating Budget Fiscal Year 2003/2004 Review

5:30 p.m.

Roll Call – Present: Chair Keating, Committee Member Jackman & Councilmember O'Bryant (for Committee Member Frohman)

Also Present: Mayor Sabatino (left the meeting at 5:55 pm, returned at 8:35 pm)

WEDNESDAY, MAY 21, 2003 @ Arbor Theatre, Centre Plaza, 11th & K Streets, Modesto

ACTION: The following budgets were reviewed by the Committee and Staff. Each Department Director responded to questions from the Committee and the Public.

- Fire Department
- Engineering & Transportation
- Operations & Maintenance
- Street & Transportation Fund Proforma:

- Gas Tax Fund, Local Transportation Fund
- Street Budget Report

- Utility Fund Proforma:

- Sewer
- Water
- Storm Drain

Action: *Consensus of the committee to recommend to the full Council a payment plan in the amount of \$378,000 per year to repay the water and wastewater funds.*

- Capital Improvement Program:

- Project Budget Book Questions and Answers

This meeting adjourned at 9:10 p.m.

ATTEST: _____
Jean Zahr, City Clerk



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MINUTES

City of Modesto
**Finance Committee/
Special City Council Workshop Meeting**
Operating Budget Fiscal Year 2003/2004 Review

5:30 p.m.

Roll Call – Present: Chair Keating, Committee Member Jackman &
Councilmember O'Bryant (for Committee Member
Frohman)

THURSDAY, MAY 22, 2003 @ Arbor Theatre, Centre Plaza, 11th & K Streets, Modesto

ACTION: The following budgets were reviewed by the Committee and Staff. Each Department Director responded to questions from the Committee and the Public.

- Police Department
- Capital Improvement Program
 - Project Budget Book Questions and Answers
- Policy Issue
 - Contributions to Outside Organizations, Culture Commission and Other Agencies

ACTION: By consensus, the Committee recommends to Council 20% reductions for all Culture Commission recommendations excluding the 4th of July event.

Budget Workshops, MAY 19-23, 2003

ACTION: By consensus, the Committee directed the Parks, Recreation & Neighborhood Director, Jim Niskanen, to discuss a 10% reduction in the contribution to Sister Cities International and return to the June 2, 2003 Finance Committee meeting.

ACTION: By consensus, the Committee recommends to Council last years contribution amount of \$95,000 to LAFCO.

- Information Technology
 - Internal Service Fund

ACTION: By consensus, the Committee recommends Council add Information Technology's supplemental requests to the pending list for consideration.

- Risk Management Funds Proforma:
 - Workers Compensation
 - Liability Fund
 - Employee Benefits Fund—this item was moved to June 2, 2003.

ACTION: By consensus, the Committee agreed to increase the Workers Compensation funding level by \$1,200,000 for FY 03-04. The Committee transferred \$200,000 in funds from the liability fund to fund sidewalk maintenance.

ADDITIONAL ACTION TAKEN BY COMMITTEE: By consensus, the Committee added the following to the pending list for consideration:

- O&M
 - o Tree replanting--\$30,000
 - o Restore landscape contract--\$100,000
 - o Honor Farm Sheriff Deputy--\$51,000
 - o Mistletoe Abatement--\$50,000
- Personnel
 - o Use the reductions made from community contributions to fund the lobby job-share positions--\$25,000
 - o Restore the training budget--\$10,000
 - o Administrative Office Assistant III--\$42,000
- E&T
 - o Assistant Civil Engineer--\$53,000
- CFD
 - o Maintenance
- City Clerk
 - o Conference & Travel--\$2,550

This meeting adjourned at 8:55 p.m.



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MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Operating Budget Fiscal Year 2003/2004 Review

5:30 p.m.

FRIDAY, MAY 23, 2003 @ Arbor Theatre, Centre Plaza, 11th & K Streets, Modesto
Continuation of City of Modesto Budget Reviews for any of the above-listed items
Continuation of Proforma Fund reviews for any of the above-listed items

**NO ITEMS WERE CONTINUED.
THIS MEETING WAS NOT HELD**

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, May 27, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad arrived at 6 p.m., Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino

Absent: Frohman

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk's Announcements: None

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

- Councilmember Jackman announced that Habitat for Humanity had a presentation to make to the Council. Anita Hellman made the presentation to the City Council describing the activities and services provided by Habitat for Humanity.

1. A proclamation proclaiming June 2003 as Drive Safe Month.

ACTION: Mayor Sabatino presented the proclamation.

2. A proclamation proclaiming May 26-31, 2003 as Modesto City Firefighters "Fill The Boot Week" to support the Muscular Dystrophy Association in their fight against Neuromuscular Disease.

ACTION: Mayor Sabatino presented the proclamation.

3. Presentation of a plaque and a \$150 check to Katie Brazil, Lorena Palacios, and Katherine Pacher, recognizing them as Outstanding Youth for 2002.

ACTION: Presentations made to each youth by Mayor Sabatino.

ORAL COMMUNICATIONS

- Dale Williams commented on the budget workshops held by the Council and requested Council to direct staff to submit realistic budget reductions.
- An audience member commented on the need to clean up Paradise Avenue and announced he would be running for Mayor in the next election.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 –8 and 10 - 19

ACTION CONSENT ITEMS: Fisher/Keating; unan; Frohman absent

CONSENT ITEMS

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

CONSENT

4. Approval of the minutes of the regular City Council meeting of May 13, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By motion (Fisher/Keating; unan; Frohman absent) approved the minutes of May 13, 2003.

CONSENT

5. Consider accepting the Annual Strategic Plan Progress Report - 2002.
 - Motion acknowledging receipt of the Annual Strategic Plan Progress Report - 2002 recommended.
City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: By motion (Fisher/Keating; unan; Frohman absent) acknowledged receipt of the Annual Strategic Plan Progress Report – 2002.

CONSENT

6. Consider accepting the work by Barham Inc. for the “2002 Park Restroom Construction” project as completed, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts to total \$59,822.76.
 - Resolution accepting the work by Barham Inc. for the “2002 Park Restroom Construction” project as completed, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts to total \$59,822.76 recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-251 (Fisher/Keating; unan; Frohman absent) accepting the work by Barham Inc. for the “2002 Park Restroom Construction” project as completed, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts to total \$59,822.76

CONSENT

7. Consider rejecting all bids for the project titled “ADA Upgrades for King-Kennedy Memorial Center” and authorizing staff to re-advertise the project at a future date.
 - Resolution rejecting all bids for the project titled “ADA Upgrades for King-Kennedy Memorial Center” and authorizing staff to re-advertise the project at a future date recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-252 (Fisher/Keating; unan; Frohman absent) rejecting all bids for the project titled “ADA Upgrades for King-Kennedy Memorial Center” and authorizing staff to re-advertise the project at a future date.

CONSENT

8. Consider approving a contract amendment with RRM Design Group in the amount of \$30,600 for architectural services for Fire Station No. 11 located at Carver & Pelandale, and authorizing the City Manager to execute the agreement. Funds are budgeted.
 - Resolution approving a contract amendment with RRM Design Group in the amount of \$30,600 for architectural services for Fire Station No. 11 located at Carver & Pelandale, and authorizing the City Manager to execute the agreement recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-253 (Fisher/Keating; unan; Frohman absent) approving a contract amendment with RRM Design Group in the amount of \$30,600 for architectural services for Fire Station No. 11 located at Carver & Pelandale, and authorizing the City Manager to execute the agreement.

Removed from Consent

9. Consider amending the FY02-03 Capital Improvement Budget for project titled Coffee Claratina Neighborhood Park and Dual Use Basin; and Consider awarding the bid and approving a \$909,700.11 contract with Grover Landscape Services Inc. for the project, which will construct a neighborhood park in addition to building a storm water storage basin, resulting in the City's first dual-use flood control/recreation facility.

- Resolution amending the FY02-03 Capital Improvement Budget for project titled Coffee Claratina Neighborhood Park and Dual Use Basin to transfer funds to fully fund the project recommended.
- Resolution awarding the bid and approving a \$909,700.11 contract with Grover Landscape Services Inc. for the project, which will construct a neighborhood park in addition to building a storm water storage basin, resulting in the City's first dual-use flood control/recreation facility recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-254 (Fisher/Keating; unan; Frohman absent) amending the FY02-03 Capital Improvement Budget for project titled Coffee Claratina Neighborhood Park and Dual Use Basin to transfer funds to fully fund the project

ACTION: Res. No. 2003-255 (Fisher/Keating; unan; Frohman absent) awarding the bid and approving a \$909,700.11 contract with Grover Landscape Services Inc. for the project, which will construct a neighborhood park in addition to building a storm water storage basin, resulting in the City's first dual-use flood control/recreation facility

CONSENT

10. Consider authorizing the City Manager to apply for Federal Fiscal Year 2003/04 and 2004/05 funding through the Regional Surface Transportation Program (RSTP) to the Stanislaus Council of Governments (StanCOG), and to execute the necessary grant applications and documents necessary to obtain said funding. The City anticipates \$2,770,000 for eligible pavement maintenance projects on arterial streets. RSTP grants require an 11.47% local match, which is usually funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues.

- Resolution authorizing the City Manager to apply for Federal funding through the Regional Surface Transportation Program (RSTP) to the Stanislaus Council of Governments (StanCOG), and to execute the necessary grant applications and documents necessary to obtain said funding recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-256 (Fisher/Keating; unan; Frohman absent) authorizing the City Manager to apply for Federal funding through the Regional Surface Transportation Program (RSTP) to the Stanislaus Council of Governments

(StanCOG), and to execute the necessary grant applications and documents necessary to obtain said funding.

CONSENT

11. Consider authorizing the City Manager to apply to the Stanislaus Council of Governments for \$1,798,016 in Federal Congestion Mitigation and Air Quality funds for various projects throughout the City, and to execute the necessary documents to obtain said funding. CMAQ grants require an 11.47% local match, which is usually funded out of Local Gas Tax Funds, Local Transportation Funds or Transit Fare Revenues
- Resolution authorizing the City Manager to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City, and to execute the necessary documents to obtain said funding recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-257 (Fisher/Keating; unan; Frohman absent) authorizing the City Manager to apply to the Stanislaus Council of Governments for Federal Congestion Mitigation and Air Quality funds for various projects throughout the City, and to execute the necessary documents to obtain said funding

CONSENT

12. Consider an agreement with the City of Riverbank to provide maintenance services for their traffic signals, and authorizing the City Manager to execute the necessary documents; and Consider an amendment to the budget to reflect a revenue of \$3,260.
- Resolution approving an agreement with the City of Riverbank to provide maintenance services for their traffic signals, and authorizing the City Manager to execute the necessary documents recommended.
 - Resolution approving an amendment to the budget to reflect a revenue of \$3,260 recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-258 (Fisher/Keating; unan; Frohman absent) approving an agreement with the City of Riverbank to provide maintenance services for their traffic signals, and authorizing the City Manager to execute the necessary documents

ACTION: Res. No. 2003-259 (Fisher/Keating; unan; Frohman absent) approving an amendment to the budget to reflect a revenue of \$3,260

CONSENT

13. Consider awarding the bid and approve the contract for Roadway Illumination at 29 Intersections to Collins Electrical Company Inc. in the amount of \$181,394; and, Consider an appropriation transfer of \$40,000 to fully fund the project.

- Resolution awarding the bid and approve the contract for Roadway Illumination at 29 Intersections to Collins Electrical Company Inc. in the amount of \$181,394 recommended.
- Resolution approving an appropriation transfer of \$40,000 to fully fund the project titled Roadway Illumination at 29 Intersections recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-260 (Fisher/Keating; unan; Frohman absent) awarding the bid and approve the contract for Roadway Illumination at 29 Intersections to Collins Electrical Company Inc. in the amount of \$181,394

ACTION: Res. No. 2003-261 (Fisher/Keating; unan; Frohman absent) approving an appropriation transfer of \$40,000 to fully fund the project titled Roadway Illumination at 29 Intersections.

CONSENT

14. Consider awarding bid and approving a \$52,720 construction contract to Jacino Electrical, for the “Roadway Illumination McHenry Village Area-Five Streets” project. Designated streets are Honeysuckle Lane, Gardenia Avenue, Cameo Way, Dixie Lane, and a section of East Granger Avenue. This project is funded 100% with a federal grant under the Hazard Elimination Safety (HES) Program.

- Resolution awarding bid and approving a \$52,720 construction contract to Jacino Electrical, for the “Roadway Illumination McHenry Village Area-Five Streets” project. Designated streets are Honeysuckle Lane, Gardenia Avenue, Cameo Way, Dixie Lane, and a section of East Granger Avenue recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-262 (Fisher/Keating; unan; Frohman absent) awarding bid and approving a \$52,720 construction contract to Jacino Electrical, for the “Roadway Illumination McHenry Village Area-Five Streets” project. Designated streets are Honeysuckle Lane, Gardenia Avenue, Cameo Way, Dixie Lane, and a section of East Granger Avenue

CONSENT

15. Consider introduction of an ordinance amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes.

- Motion introducing an ordinance amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which changes shall become effective when appropriate signs are placed recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By motion (Fisher/Keating; unan; Frohman absent) introducing Ordinance 3299 amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which changes shall become effective when appropriate signs are placed.

CONSENT

16. Consider accepting the improvements for the Village Highlands No. 6 subdivision, in the Village One Specific Plan Area, and authorizing the city Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.
- Resolution accepting the improvements for the Village Highlands No. 6 subdivision, in the Village One Specific Plan Area, and authorizing the city Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

Engineering & Transportation; Robert Granberg, 577-5259, rgranbert@modestogov.com

ACTION: Res. No. 2003-263 (Fisher/Keating; unan; Frohman absent) accepting the improvements for the Village Highlands No. 6 subdivision, in the Village One Specific Plan Area, and authorizing the city Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

17. Consider Monthly Investment Report - April 2003.
- Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com*

ACTION: By motion (Fisher/Keating; unan; Frohman absent) acknowledged receipt of report.

CONSENT

18. Consider authorizing submission of the City of Modesto's Fiscal Year 2003/2004 Annual Local Transportation Claim for transit funds.
- Resolution authorizing submission of the City of Modesto's Fiscal Year 2003/2004 Annual Local Transportation Claim for transit funds recommended.
- Finance; Tom Douglas, 571-5574, tdouglas@modestogov.com*

ACTION: Res. No. 2003-264 (Fisher/Keating; unan; Frohman absent) authorizing submission of the City of Modesto's Fiscal Year 2003/2004 Annual Local Transportation Claim for transit funds.

CONSENT

19. Consider authorizing the purchase of training equipment related to the Program on Domestic Preparedness, Nunn-Lugar-Domenici (NLD) legislation in the amount of \$116,840.27 from Fisher Scientific, and authorizing additional smaller purchase which shall be made in an amount not to exceed the grant funding available, all of which will be under formal bid limits.

- Resolution authorizing the purchase of training equipment related to the Program on Domestic Preparedness, Nunn-Lugar-Domenici (NLD) legislation in the amount of \$116,840.27 from Fisher Scientific, and authorizing additional smaller purchase which shall be made in an amount not to exceed the grant funding available, all of which will be under formal bid limits recommended.

Fire; Lori Martinez, 572-9660, lmartinez@modestogov.com

ACTION: Res. No. 2003-265 (Fisher/Keating; unan; Frohman absent) authorizing the purchase of training equipment related to the Program on Domestic Preparedness, Nunn-Lugar-Domenici (NLD) legislation in the amount of \$116,840.27 from Fisher Scientific, and authorizing additional smaller purchase which shall be made in an amount not to exceed the grant funding available, all of which will be under formal bid limits.

CONSENT

- 19A. Consider setting a public hearing on June 10, 2003 for review of the FY03-04 Annual Budget.

- Motion setting a public hearing on June 10, 2003 for review of the FY03-04 Annual Budget recommended.

Finance; Gail Adams-Bailey, 577-5378, gadams@modestogov.com

ACTION: By motion (Fisher/Keating; unan; Frohman absent) setting a public hearing on June 10, 2003 for review of the FY03-04 Annual Budget

- Boy Scout Troop No. 2 was introduced by Judge Shaver. Each scout introduced himself.

COUNCIL COMMENTS & REPORTS

20. At the request of Mayor Sabatino, consider changing the Council meeting schedule to meet the first four Tuesdays each month; Consider changing Council meeting time to end at 9:30 p.m.; Consider changing the Council seating order to being seated by Chair left to right.

ACTION: No action taken.

21. At the request of Councilmember Jackman, consider holding Council meetings every Tuesday; Consider excusing Councilmembers absence for a maximum of 10 meetings per year; Consider requiring Councilmembers to notify the City Clerk and fellow councilmembers of a planned absence no later than Agenda Review for that meeting; Consider moving to the next scheduled meeting agenda any item not initiated for consideration by 9:30 p.m.

ACTION: No action taken.

22. At the request of Councilmember Conrad, consider:
- Rescind the creation and staffing of 15 additional fire fighter positions in current budget.
 - Delay the staffing of Fire Station # 11 until Fiscal Year 2004/2005.
 - Hire 3 to 5 relief fire fighters to relieve overtime.
 - Clarify the open checkbook hands-off policy – require public safety to reduce expense for non-essential programs, conferences and travel.

Direct the Public Safety Committee to:

- Study the consolidation of the City airport fire station with County Consolidated.
- Study the creation of a reserve fire fighter system to augment full-time positions, relieve overtime and create a ready pool of qualified candidates for fulltime positions.
- Study increasing private contracting for medical emergency response/911 Center.

ACTION: Motion by Conrad failed due to lack of a second to reconsider hiring the 15 firefighters until the ad hoc committee report has been made and the budget is adopted.

23. At the request of Councilmember Keating, consider:
- A review of City policy on nightclub private security requirements, and consider staff recommendation for increases in existing requirements.
 - A review of City policy on suspension of dance permits in event of problems, and consider staff recommendation on more aggressive enforcement.
 - Consider moratorium on issuance of new nightclub permits until health and safety concerns created by existing nightclubs are appropriately addressed.
 - Consider stepped-up enforcement of no-cruising ordinance on major downtown streets.

ACTION: Referred to the Safety and Communities Committee for a quarterly update.

HEARINGS

24. Hearing to consider an amendment to the City of Modesto's Bus Maintenance Facility Federal Transit Administration grant to recognize an increase of \$2,120,260 in available FTA funds.
- Resolution approving amendment to the City of Modesto's Bus Maintenance Facility Federal Transit Administration grant to recognize an increase of \$2,120,260 in available FTA funds recommended.
- Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com*

ACTION: Res. No. 2003-266 (Jackman/Fisher; unan; Frohman absent) approving amendment to the City of Modesto's Bus Maintenance Facility Federal Transit Administration grant to recognize an increase of \$2,120,260 in available FTA funds.

25. Hearing to consider increasing airport rental rates and fees for general aviation hangars, offices, and aircraft tie-down spaces an additional 2.2 percent.
- Resolution approving the increase of airport rental rates and fees for general aviation hangars, offices, and aircraft tie-down spaces by an additional 2.2 percent recommended.
- Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com*

ACTION: Res. No. 2003-267 (Fisher/O'Bryant; unan; Frohman absent) approving the increase of airport rental rates and fees for general aviation hangars, offices, and aircraft tie-down spaces by an additional 2.2 percent

NEW BUSINESS

26. Consider staff's presentation of the alternatives being considered for the State Route 99/Pelandale Interchange project.
- Council discussion and consideration only; no action requested.
- Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com*

ACTION: No action taken; information only.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:50 p.m.

CLOSED SESSION

This closed session heard prior to the Council meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

This closed session heard prior to the Council meeting.

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager
Robin Renwick, Personnel Director
Janice Stewart, Assistant Personnel Director

Employee Organization: Modesto City Employees Association

The following closed session was removed from the agenda.

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

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

Employee Organization: Unrepresented Management/Confidential Employees

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2008 (Second Floor)

Tenth Street Place

1010 10th Street, Modesto, California

Wednesday, May 28, 2003, at 5:30 p.m.

Roll Call – Present: Vice Chair Keating
Committee Member Jackman

Absent: Chair Frohman

Also Present: Mayor Sabatino

31) Purchase of Interactive Voice Response System (IVR)

ACTION: The Committee forwarded this item to Council to consider awarding the bid.

32) AB 1221

ACTION: This item was for information only. The Mayor requested to send a letter supporting the League of California Cities position.

33) Redevelopment Agency Fund Report

ACTION: This item was for information only. No action was taken.

34) Consider Amending Salary Ranges for Risk Management Classifications

ACTION: The Committee recommended to Council the following amendments:

- Risk Manager—7 ½%
- Claims Examiner I –5%
- Claims Examiner II –7 ½%

35) Development User Fee Study

ACTION: The Committee recommended to Council that they approve Staff recommendation. The Committee requested the Council report and fee schedule be available for review 2-3 weeks prior to the City Council meeting at which it will be discussed.

36) Discuss Budget Workshops

ACTION: This item was for information only. No action was taken.

37) Referral from March 11 City Council Meeting Regarding Addition of 15 Firefighters to Modesto Fire Department

ACTION: This item was continued to a Special Joint Finance and Safety & Communities Committees meeting to be held on June 2, 2003.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10th Street, Modesto, California

Monday, June 2, 2003, at 5:30 p.m.

This meeting was opened jointly with the Safety & Communities Committee Meeting and items 5 & 6 were heard by both Committees.

Roll Call – Present: Committee Members Frohman, Jackman (left the meeting at 9:10)

Also Present: Councilmember Conrad (arrived at 7:00 pm)

NEW BUSINESS

Information Items: (For information only—they will not be formally discussed unless the Committee, staff, or the public chooses to do so. No Committee action is required.)

38) Monthly Adjustment Report – May 2003

ACTION: The Committee accepted staff recommendation and forwarded this item to full Council for approval.

Consent Items – Approval: (Presentations by staff only when requested—Committee recommendation required.)

39) Treasury Write-Off Policy

ACTION: The Committee accepted staff recommendation and forwarded this item to full Council for approval with the condition that a summary report of write-offs be submitted for review in 6 months to 1 year.

40) Development User Fee Study

ACTION: The Committee recommended to move annexations to be charged on a time and materials basis, recover 100% of costs on all fees except rezoning which is recommended at 50% cost recovery. The Committee supported staff recommendation to fund additional positions in Community and Economic Development.

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

(Detailed briefing by staff—Committee and public comments likely, Committee action may be required.)

41) Summary of 2003-04 Budget Workshop Discussions & Finance Committee Recommendations to Council

ACTION: The Committee recommended that any money given to the Redevelopment Agency be a loan.

ACTION: It was the Committee consensus that the Wastewater and Water repayment plan for the \$378,000 be set at a 2% interest rate.

ACTION: The Committee recommends that beginning with FY 03-04 that the funding level will be 13.33% of the Transient Occupancy Tax (TOT) up to a maximum of \$330,000. Once the funding level exceeds \$330,000, payments will be scaled back to 5% of TOT. The Committee also recommends that 2 ½ % of TOT be set aside annually to provide funds to the Culture Commission for Community based organizations.

42) Additional 3 Relief Firefighters

ACTION: By Committee consensus (Jackman/Sabatino; unan.) the Committee accepted staff recommendation and forwarded this item to full Council for approval.

43) Additional 15 Firefighters

ACTION: By Committee consensus (Jackman/Sabatino; unan.) the Committee accepted staff recommendation and forwarded this item to full Council for approval.

- At the request of the Chair, staff was directed to place on the next Finance Committee agenda the consideration of a ballot measure approving a special tax to fund personnel for public safety with a sunset clause.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:15 p.m.

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, June 2, 2003, at 5:30 p.m.

This meeting was opened jointly with the Finance Committee Meeting and items 11 & 12 were heard by both Committees.

Roll Call – Present: Committee Members O'Bryant, Frohman, Jackman,
Sabatino

Also Present: Councilmember Conrad

NEW BUSINESS

Information Items: (For information only—they will not be formally discussed unless the Committee, staff, or the public chooses to do so. No Committee action is required.)

- 53) At the Request of Councilmember O'Bryant, Teen Tobacco Use Presentation by Salvadore Vazquez and Mary Sherwood

ACTION: This item was not heard however it was forwarded to Council for presentation.

- 54) Critical Response Unit Activation Protocols

ACTION: This item was approved by the Committee and forwarded to Council for approval.

- 55) POST Training Fund Audit

ACTION: This item was approved by the Committee and forwarded to Council for approval.

56) Internal Audit Report on Police Department ISD Cash Fund

ACTION: This item was approved by the Committee and forwarded to Council for approval.

Consent Items – Approval: (Presentations by staff only when requested—Committee recommendation required.)

57) Purchase of Thermal Imaging Cameras

ACTION: This item was approved by the Committee and forwarded to Council for approval.

58) Extension of Authority for Police Officers, Deputy Sheriffs, County Security Officers and Code Enforcement Officers to Enforce the Provisions of the Modesto Municipal Code

ACTION: This item was approved by the Committee and forwarded to Council for approval.

Items Where Staff Expects Discussion, Guidance and/or Recommendation:
(Detailed briefing by staff—Committee and public comments likely, Committee action may be required.)

59) Consider Supporting the Landmark Preservation Commission's Recommendation to Designate the Site at 503 W. Morris Avenue as a Modesto Landmark Preservation Site

ACTION: This item was approved by the Committee and forwarded to Council for approval.

60) Consider Supporting the Concept of Locating the New Headquarters of the West Modesto King-Kennedy Collaborative on the Mellis Park/King Kennedy Memorial Center Campus

ACTION: This item was approved by the Committee and forwarded to Council for approval.

61) Consider Staff Recommendations to (1) Accept the Economics Research Associates Management Study of the Modesto Golf Courses and (2) Continue

Negotiations and Exercise the Right to Offer to Extend Agreements with ValleyCrest and FM Golf as of June 30, 2003

ACTION: This item was approved by the Committee and forwarded to Council for approval.

- 62)** Consider (1) Contractual Agreement Between City of Modesto and the New Convention & Visitors Bureau and (2) Marketing Plan for the Convention & Visitors Bureau

ACTION: This item was approved by the Committee and forwarded to Council for approval with a change to the contract term under #8 from “3 years” to “2 years” and from “2 three-year renewable options” to “2 two-year renewable options.”

- 63)** Additional 3 Relief Firefighters

ACTION: By Committee consensus (Jackman/Sabatino; unan.) the Committee accepted staff recommendation and forwarded this item to full Council for approval.

- 64)** Additional 15 Firefighters

ACTION: By Committee consensus (Jackman/Sabatino; unan.) the Committee accepted staff recommendation and forwarded this item to full Council for approval.

- 65)** At the Request of Mayor Sabatino, Discussion of Safer Intersections

ACTION: This item will be heard by the Economic Development Committee on June 9, 2003.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:30 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, June 3, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Pisney, Big Valley Grace Community Church

City Clerk's Announcements None

Declaration of Conflicts of Interest Sabatino Item 6A

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. A presentation regarding the California Citizens' Budget, which was produced by Reason Foundation and the Performance Institute.

ACTION: Presentation made by George Passantino from the Reason Foundation.

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION CONSENT ITEMS 2-6: Frohman/Jackman; unan.

ACTION ITEM 6A: Fisher/Conrad; unan; Sabatino absent due to conflict

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of May 27, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan) approved the minutes of May 27, 2003

CONSENT

3. Consider property acquisition from James F. Achey, Shirley M. Lee, and Drucilla Achey, for property along the East side of Roselawn Avenue, North of Pelton Avenue, APN 037-5101 and 037-3607, for a cost of \$325,000. This property is to be developed as a neighborhood park in the Fairway Neighborhood. Funds are budgeted.
 - Resolution approving an agreement with James F. Achey, Trustee of the Achey Family Revocable Declaration of Trust dated November 17, 1999; Shirley M. Lee, Trustee of the Lee Revocable Trust dated February 2, 1999, and Drucilla Achey, a widow, all as equal shares to the City of Modesto for property along the East side of Roselawn Avenue, North of Pelton Avenue, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
 - Resolution authorizing the City Manager to execute acceptance form for the property acquisition recommended.
Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2003-268 (Frohman/Jackman; unan) approving an agreement with James F. Achey, Trustee of the Achey Family Revocable Declaration of Trust dated November 17, 1999; Shirley M. Lee, Trustee of the Lee Revocable Trust dated February 2, 1999, and Drucilla Achey, a widow, all as equal shares to the City of Modesto for property along the East side of Roselawn Avenue, North of Pelton Avenue, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto.

ACTION: Res. No. 2003-269 (Frohman/Jackman; unan) authorizing the City Manager to execute acceptance form for the property acquisition.

CONSENT

4. Consider approving a five-year agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride system, commencing June 28, 2003 at an annual cost of approximately \$1,706,101 per year.
 - Resolution approving a five-year agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride system, commencing June 28, 2003 at an annual cost of approximately \$1,706,101 per year recommended.*Engineering & Transportation; Fred Cavanah, 577-5295,*
fcavanah@modestogov.com

ACTION: Res. No. 2003-270 (Frohman/Jackman; unan) approving a five-year agreement with Storer Transit Systems to operate the Modesto Area Dial-A-Ride system, commencing June 28, 2003 at an annual cost of approximately \$1,706,101 per year.

CONSENT

5. Consider accepting the improvements for the Chateau Provence Phase 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owner: Anderson Homes, a California Corporation.
 - Resolution accepting the improvements for the Chateau Provence Phase 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.*Engineering & Transportation; Robert Granberg, 577-5259,*
rgranberg@modestogov.com

ACTION: Res. No. 2003-271 (Frohman/Jackman; unan) accepting the improvements for the Chateau Provence Phase 2 subdivision in the Carver-Bangs Specific Plan Area and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

6. Consider an amendment to an agreement with L. Patrick Samsell, LLC to increase the existing contract amount from \$60,000 to \$72,000, and authorizing the City Manager to execute the necessary documents.
 - Resolution approving an amendment to an agreement with L. Patrick Samsell, LLC increasing the existing contract amount of \$60,000 to \$72,000, and authorizing the City Manager to execute the necessary documents recommended.*Finance; Gregory Baird, 577-5369, gbaird@modestogov.com*

ACTION: Res. No. 2003-272 (Frohman/Jackman; unan) approving an amendment to an agreement with L. Patrick Samsell, LLC increasing the existing contract amount of \$60,000 to \$72,000, and authorizing the City Manager to execute the necessary documents.

CONSENT – Sabatino absent due to conflict of interest

6A. Consider amending the agreement between the City of Modesto and Modesto Redevelopment Associates to allow for closure of breezeway at Bartoni Lane after business hours.

- Resolution approving the Second Amendment to Agreement between the City of Modesto and Modesto Redevelopment Associates to allow for closure of breezeway at Bartoni Lane after business hours and authorizing the City Manager to execute the agreement recommended.

City Manager; Beverly Hatcher, 571-5101, bhatcher@modestogov.com

ACTION: Res. No. 2003-273 (Fisher/Conrad; unan; Sabatino absent due to conflict) approving the Second Amendment to Agreement between the City of Modesto and Modesto Redevelopment Associates to allow for closure of breezeway at Bartoni Lane after business hours and authorizing the City Manager to execute the agreement

COUNCIL COMMENTS & REPORTS

None

WRITTEN COMMUNICATIONS

7. Letter from the Stanislaus Taxpayers Association requesting discussion of term limits, and asking that the Council direct the City Attorney to work with the Stanislaus Taxpayers Association to prepare a ballot measure limiting Councilmembers to two terms in office, and that the Taxpayers Association be allowed to write the ballot argument in favor of term limits.

ACTION: By motion, referred to the Safety and Communities Committee after a draft is submitted by the Taxpayers Association. Fisher voted no.

HEARINGS

Item continued from March 11, April 1 April 8, April 22, and May 6, 2003

8. Continued public hearing on proposed Capital Facilities Fees (CFF) update.

Consider approving the proposed 2003 CFF Update.

- Resolution approving changes to the Capital Facilities Fee Program, including but not limited to schedules and rates applicable to development in the City of Modesto, and approving the continued use of the Construction Cost Index of the Engineering News Record to adjust the CFF in future years recommended.
- Resolution establishing guidelines for payment of Capital Facilities Fees and establishing a program to subsidize selected fees for public policy and economic development purposes recommended.
- Resolution finding the proposed 2003 CFF Update within the scope of the previously certified General Plan Master EIR recommended.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By motion (Fisher/O'Bryant unan) staff was directed to return this item to the June 24, 2003 Council meeting with the implementing resolutions

Item continued from April 22, & May 6, 2003

9. Hearing to consider adopting the Stanislaus County Public Facility Fees for the City of Modesto.

- Resolution amending Resolution 90-350, adopting the Stanislaus County Public Facility Fee (PFF) increases, collected within the City of Modesto.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Res. No. 2003-274 (Keating/Fisher; unan.) amending Resolution 90-350, adopting the Stanislaus County Public Facility Fee (PFF) increases, collected within the City of Modesto.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:00 p.m.

The closed session item was heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

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

Employee Organization: Unrepresented Management/Confidential Employees



MINUTES

City of Modesto
Special Joint City Council and Planning Commission Meeting
Arbor Theater, Modesto Centre Plaza
10th and K Streets, Modesto, California

Wednesday June 4, 2003 at 6:00 p.m.

Silent Roll Call – Present: Councilmembers Fisher, Jackman, O’Bryant, Frohman;
Commissioners, Gardella, Marsh, Pratt, Roberts, Feller, Feller,
Newswander and Chair Mendlin

Absent: Councilmembers Conrad, Keating and Mayor Sabatino

ORAL COMMUNICATIONS

None

STUDY SESSION

Presentation of the Draft Housing Element and Key Housing Issues

ACTION: By Motion (Frohman/O’Bryant; unan), authorize staff to submit the Draft Housing Element by the City Council, to the State Department of Housing and Community Development for a 60-day review and comment period with an amendment to Program 1.4 Citywide Housing Trust Fund to read as follows:

“The first sentence of the first paragraph of 1.3 on page 6-6 is amended to read: The City will conduct a feasibility study to establish an inclusionary housing program with an in lieu fee option. The first sentence of the first paragraph of 1.4 on page 6-7 is amended by adding the following after the word program: "after first conducting a nexus study to determine if it is legally possible to establish such a fee program.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The Meeting adjourned at 8:00 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, June 9, 2003

Roll Call: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

- 81)** Verbal Presentation by Dr. Greg McPherson, Center for Urban Forestry Research at UC Davis Regarding a Cost-Benefit Analysis of Modesto's Urban Forest; and Discussion of Staff Recommendation Regarding Parking Lot Shade Tree Ordinance Amendments

ACTION: This item was heard by the Committee and forwarded to Council for approval.

- 82)** Review Draft ESI Economic Development Strategic Plan and Consider Staff Recommendation to Approve

ACTION: The Chair and the Committee members will e-mail comments to staff and the item will return to the July Committee meeting.

- 83)** Verbal Report on Handicap Access within the Downtown

ACTION: It was the consensus of the Committee to have this item return with a work program to the Economic Development committee and detail to incorporate into downtown standards. Staff was directed to check with CalTrans on concerns with state maintained roads.

84) Verbal Report on Regional Commercial Development Potential in East Modesto

ACTION: This item was continued to the July Economic Development Committee meeting.

85) Applications for Boards, Commissions and Committees – Review for July Consideration

ACTION: The Committee directed staff to schedule interviews at a special Committee meeting.

86) Community & Economic Development Department Monthly Development Activity Report

- Workforce Development Project
- Kiernan Business Park
- Kaiser Medical Center
- Shelter Cove Church
- Regulating Use of Shipping Containers as Storage in the Residential Zones
- Del Valle Homes/Fairview Development Agreement Implementation
- General Plan Housing Element Update
- Urban Growth Review
- Building Inspection Statistics
- Kansas-Woodland Business Park (FMC)
- 9TH Street Bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- Downtown Housing Project
- St. Stanislaus Church
- Safeway at McHenry/Pelandale
- General Plan Master EIR and Amendment
- Village One specific Plan Amendment
- Adoption of Building Codes

ACTION: This item was not discussed.

- 87) Consider Staff Recommendation to Authorize Purchasing to Issue a Request for Proposal (RFP) for Water Well Development Service

ACTION: This item was approved by Committee consensus.

- 88) Consider Staff Recommendation to Authorize a Three-Year Extension of the Current Battery Backup System Equipment Donation Franchise Ordinance with Safer Intersections.

ACTION: This item was approved by Committee consensus.

- 89) Consider Staff Recommendation to Issue a Request for Proposal (RFP) for a Traffic Signal Retiming Project in Downtown Modesto.

ACTION: This item was approved by Committee consensus.

- 90) Consider Staff Recommendation to Amend Municipal Code Section 3-2.1401.1 – Radar

ACTION: This item was approved by Committee consensus.

- 91) Consider Staff Recommendation to Approve Provision of Modesto Area Express (MAX) Service on Route 28 on Sunday August 24, 2003

ACTION: This item was approved by Committee consensus.

- 92) Consider Staff Recommendation to Submit a Grant Application to the FTA for Public Transportation Service in the Modesto Area

ACTION: This item was approved by Committee consensus.

- 93) Consider Staff Recommendation to Solicit Request for Proposals for a Five-Year Bus Bench Franchise and Interior Bus Advertising Lease, and Recommend Appointment of a Councilmember to the Proposal Evaluation Committee

ACTION: This item was approved by Committee consensus.

- 94) Discussion and Possible Recommendation for an Advisory Ballot Measure Concerning a ½ Cent Increase in Sales Tax Dedicated to Transportation and Consider Draft Resolutions for Ballot Measure Submittal

ACTION: By Committee consensus, this item was approved with amendments. The amended question to be submitted to the voters shall read, "In order to improve economic development and traffic safety in Stanislaus County should a ballot measure implementing a ½ percent increase in the sales tax rate dedicated to the maintenance and construction of specific transportation related improvements be prepared and submitted to the voters of Stanislaus County?"

95) Discussion and Recommendation Regarding a Roundabout at Floyd and Roselle – Presentation by Dave Romano

ACTION: This item was forwarded to Council for Council consideration of a roundabout at Floyd and Roselle.

96) Discussion and Recommendation for a Proposed Work Plan for Implementation of the Kiernan Business Park Specific Plan.

ACTION: By Committee consensus, the staff recommendation was approved and it was requested that this item return to the Committee in July.

97) Presentation on North Gateway Business Complex Status

ACTION: By Committee consensus, the staff recommendation was approved and it was requested that this item return to the Committee in July.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, June 10, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Dr. Aubrey McGann, Valley Bible Fellowship

City Clerk's Announcements: Items 7 and 10 removed from Consent

Declaration of Conflicts of Interest: None stated

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation declaring June 2003 as National Homeownership Month.

ACTION: Proclamation presented by Mayor Sabatino.

ORAL COMMUNICATIONS

- Georgianna McDonald commented on costs contained in CFF relating to streets and requested a copy of the 1998 CFF report.
- Joan Rutschow commented on a car show being held at Modesto Junior College.
- Mayor Sabatino expressed concern that Councilmembers were influenced by members of the County staff or Board of Supervisors regarding the decision the Council made to not submit a letter to the State Controller regarding the Fink Road Landfill.
- Councilmembers O'Bryant, Fisher and Frohman responded to the Mayor

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-6, 8, 9, 11-13

ACTION CONSENT ITEMS: Frohman/Jackman; unan.

ACTION ITEM 7: Frohman/Fisher; unan., Conrad, Keating & Sabatino absent due to conflict

ACTION ITEM 10: Jackman/Fisher; unan.

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 3, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan) approved the minutes of June 3, 2003.

CONSENT

3. Consider final adoption of Ordinance 3298-C.S., an ordinance amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), to Planned Development Zone, P-D(560), property located between Briggsmore Avenue and St. Paul's Way, East of Oakdale Road.
 - Motion approving final adoption of Ordinance 3298-C.S., an ordinance amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), to Planned Development Zone, P-D(560), property

located between Briggsmore Avenue and St. Paul's Way, East of Oakdale Road recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan) approved the **final adoption of Ordinance 3298-C.S.**, an ordinance amending Section 23-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), to Planned Development Zone, P-D(560), property located between Briggsmore Avenue and St. Paul's Way, East of Oakdale Road

CONSENT

4. Pursuant to City Council direction at the June 3 meeting, consider adopting a resolution in support of the Reason Foundation's solutions to the State budget crises.
 - Resolution supporting the Reason Foundation's solutions to the State budget crises recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Res. No. 2003-275 (Frohman/Fisher; unan) supporting the Reason Foundation's solutions to the State budget crises

CONSENT

5. Consider introduction of an ordinance amending the Modesto Municipal Code relating to prohibition of solicitation at specific locations.
 - Motion introducing an ordinance amending the Modesto Municipal Code relating to prohibition of solicitation at specific locations recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan) approved the **introduction of Ordinance 3300-C.S.**, an ordinance amending the Modesto Municipal Code relating to prohibition of solicitation at specific locations

CONSENT

6. Consider awarding the bid and approving a \$225,755.69 contract with Barham Inc., for the project titled "McKinney Colony Park," which will install a sidewalk, restroom, basketball court, lighting and playground equipment.
 - Resolution amending the FY02-03 Capital Improvement Budget to 1) transfer \$7,000.00 from 6100-480-5012-0360 to 1350-310-N107-9628 and 2) appropriate \$72,169.72 from 1350-800-8000-8003 to 1350-310-N107-9628 for the project titled "McKinney Colony Park" recommended
 - Resolution awarding the bid and approving a \$225,755.69 contract with Barham Inc., for the project titled "McKinney Colony Park," which will install a

sidewalk, restroom, basketball court, lighting and playground equipment recommended.

Engineering & Transportation; Dean Phillips; 577-5260;

dphillips@modestogov.com

ACTION: Res. No. 2003-276 (Frohman/Fisher; unan) amending the FY02-03 Capital Improvement Budget to 1) transfer \$7,000.00 from 6100-480-5012-0360 to 1350-310-N107-9628 and 2) appropriate \$72,169.72 from 1350-800-8000-8003 to 1350-310-N107-9628 for the project titled "McKinney Colony Park."

ACTION: Res. No. 2003-277 (Frohman/Fisher; unan) awarding the bid and approving a \$225,755.69 contract with Barham Inc., for the project titled "McKinney Colony Park," which will install a sidewalk, restroom, basketball court, lighting and playground equipment.

Item 7 removed from Consent;

Conrad, Frohman, Keating & Sabatino absent due to Conflict of Interest

7. Consider a resolution awarding the bid and approving a contract for \$2,156,691.42 with Western States Surfacing, Inc., for the project entitled "2003 Slurry & Cape Seals which will extend the life of the pavement; and consider a resolution amending the FY 03 Capital Improvement and Operations Budgets to fund the 2003 Slurry & Cape Seal Project.

- Resolution a resolution awarding the bid and approving a contract for \$2,156,691.42 with Western States Surfacing, Inc., for the project entitled "2003 Slurry & Cape Seals recommended.
- Resolution amending the FY 2003 Capital Improvement and Operations Budget to 1) transfer \$142,043.83 from 0700-430-M141, \$762,437.98 from 03-0700-410-4120, and \$949,069.70 from 0700-430-Q001 to 0700-430-4380 '2003 Slurry & Cape Seal Project', 2) to exchange \$518,809.05 of FY2002 and FY2003 AB2928 Funds in 03-0510-410-4137 with Gas Tax Funds abating expenses in 03-0100-480-4612 and transferring those funds to 03-0700-430-4380 '2003 Slurry & Cape Seal Project' 3) authorize the rollover of unexpended funds in 03-0700-430-4380 in the Fiscal Year 2003 Operations Budget to 04-0700-430-4380 in the Fiscal Year 2004 Operations Budget recommended.

Engineering & Transportation; Dean Phillips; 577-5260;

dphillips@modestogov.com

A majority of the City Council, consisting of Conrad, Frohman, Keating and Sabatino, had a conflict of interest on the above item. The Rule of Necessity was invoked and Councilmember Frohman was chosen to vote.

ACTION: Res. No. 2003-278 (Frohman/Fisher, unan.; Conrad, Keating and Sabatino absent due to conflict of interest) awarding the bid and approving a contract

for \$2,156,691.42 with Western States Surfacing, Inc., for the project entitled "2003 Slurry & Cape Seals.

ACTION: Res. No. 2003-278A (Frohman/Fisher, unan; Conrad, Keating and Sabatino absent due to conflict of interest) amending the FY 2003 Capital Improvement and Operations Budget to 1) transfer \$142,043.83 from 0700-430-M141, \$762,437.98 from 03-0700-410-4120, and \$949,069.70 from 0700-430-Q001 to 0700-430-4380 '2003 Slurry & Cape Seal Project', 2) to exchange \$518,809.05 of FY2002 and FY2003 AB2928 Funds in 03-0510-410-4137 with Gas Tax Funds abating expenses in 03-0100-480-4612 and transferring those funds to 03-0700-430-4380 '2003 Slurry & Cape Seal Project' 3) authorize the rollover of unexpended funds in 03-0700-430-4380 in the Fiscal Year 2003 Operations Budget to 04-0700-430-4380 in the Fiscal Year 2004 Operations Budget.

CONSENT

8. Consider approving budget adjustments for May 2003.
- Resolution approving budget adjustments for May 2003 recommended.
Finance; Hank Skau; 577-5369; hskau@modestogov.com

ACTION: Res. No. 2003-279 (Frohman/Fisher; unan) approving budget adjustments for May 2003

CONSENT

9. Consider authorizing the purchase of seven (7) Bullard thermal-imaging cameras from L.N. Curtis for a total cost of \$70,652.75.
- Resolution authorizing the purchase of seven (7) Bullard thermal-imaging cameras from L.N. Curtis for a total cost of \$70,652.75.
Fire; Lori Martinez; 572-9660; lmartinez@modestogov.com

ACTION: Res. No. 2003-280 (Frohman/Fisher; unan) authorizing the purchase of seven (7) Bullard thermal-imaging cameras from L.N. Curtis for a total cost of \$70,652.75.

Item 10 removed from Consent

10. Consider revising the Composition of Membership for the Citizens Housing and Community Development Committee, and Appointment by the Stanislaus County Board of Supervisors.
- Resolution revising the composition of membership for the Citizens Housing and Community Development Committee (CH&CDC) to accept a representative appointed by the Stanislaus County Board of Supervisors who is not a member of the Board of Supervisors restating terms of office and

procedures for the CH&CDC and rescinding Resolution No. 2000-437 recommended.

- Resolution approving Jim Duval, Deputy Director of Planning and Community Development Block Grant Programs, County of Stanislaus, as a member of the CH&CDC, an appointment by the Stanislaus County Board of Supervisors recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon; 577-5417;
jhannon@modestogov.com*

ACTION: Res. No. 2003-281 (Jackman/Fisher; unan.) revising the composition of membership for the Citizens Housing and Community Development Committee (CH&CDC) to accept a representative appointed by the Stanislaus County Board of Supervisors who is not a member of the Board of Supervisors restating terms of office and procedures for the CH&CDC and rescinding Resolution No. 2000-437

ACTION: Res. No. 2003-282 (Jackman/Fisher; unan) approving Jim Duval, Deputy Director of Planning and Community Development Block Grant Programs, County of Stanislaus, as a member of the CH&CDC, an appointment by the Stanislaus County Board of Supervisors

CONSENT

11. Consider accepting the recommendations of the Citizens Housing & Community Development Committee (CH&CDC) to allocate \$22,867 in Community Development Block Grant (CDBG) funding to the Second Harvest Food Bank and \$18,011 in Emergency Shelter Grant (ESG) funding to Interfaith Ministries, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs.

- Resolution accepting the recommendations of the Citizens Housing & Community Development Committee (CH&CDC) to allocate \$22,867 in Community Development Block Grant (CDBG) funding to the Second Harvest Food Bank and \$18,011 in Emergency Shelter Grant (ESG) funding to Interfaith Ministries, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs recommended.

*Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368,
svelarde@modestogov.com*

ACTION: Res. No. 2003-283 (Frohman/Fisher; unan) accepting the recommendations of the Citizens Housing & Community Development Committee (CH&CDC) to allocate \$22,867 in Community Development Block Grant (CDBG) funding to the Second Harvest Food Bank and \$18,011 in Emergency Shelter Grant (ESG) funding to Interfaith Ministries, and authorizing the City Manager or his designee to sign and execute the agreements to implement the approved programs

CONSENT

12. Consider approving an agreement with the Del Rio Country Club Foundation to administer The First Tee Program at Muni Golf Course for a period of ten years and authorizing the City Manager to execute the agreement.
- Resolution approving an agreement with the Del Rio Country Club Foundation to administer The First Tee Program at Muni Golf Course for a period of ten years and authorizing the City Manager to execute the agreement recommended. Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Res. No. 2003-284 (Frohman/Fisher; unan) approving an agreement with the Del Rio Country Club Foundation to administer The First Tee Program at Muni Golf Course for a period of ten years and authorizing the City Manager to execute the agreement.

CONSENT

13. Consider amending Personnel Rule 8 - Probationary Period, to change the procedure for release from probation for Police Officer Trainees and Police Officers.
- Resolution approving amending Personnel Rule 8 - Probationary Period, to change the procedure for release from probation for Police Officer Trainees and Police Officers recommended. Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2003-285 (Frohman/Fisher; unan) approving amending Personnel Rule 8 - Probationary Period, to change the procedure for release from probation for Police Officer Trainees and Police Officers

COUNCIL COMMENTS & REPORTS

This item was moved to the end of the agenda

14. At the request of Councilmember O'Bryant consider amending Section 2-1.17 and 2-1.18 of the Modesto Municipal Code to provide all committee appointments shall be made by the City Council instead of the Mayor and consider re-instating Councilmember Keating to the Finance Committee instead of the Mayor and consider re-instating Councilmember Conrad as Chairman of the Safety and Communities Committee instead of the Mayor.

ACTION: By motion, (O'Bryant/Fisher; majority; Frohman and Jackman no; Sabatino absent) **introduced Ordinance 3301-C.S.** - an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council

By motion, (O'Bryant/Fisher; majority; Frohman and Jackman no; Sabatino absent) reinstating Councilmember Keating to the Finance Committee and Councilmember Conrad as Chairman of the Safety and Communities Committee, and include a sunset provision to allow the ordinance to return to its original form after the municipal election.

UNFINISHED BUSINESS

15. Consider final adoption of Ordinance 3296-C.S., an ordinance amending Chapter 11 of title 3 of the Modesto Municipal Code relating to security alarms.
 - Motion approving final adoption of Ordinance 3296-C.S., an ordinance amending Chapter 11 of title 3 of the Modesto Municipal Code relating to security alarms recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Fisher; majority; Conrad no) approved the **final adoption of Ordinance 3296-C.S.**, an ordinance amending Chapter 11 of title 3 of the Modesto Municipal Code relating to security alarms

Councilmember Frohman absent due to Conflict of Interest

16. Consider final adoption of Ordinance 3297-C.S., an ordinance amending Section 22-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), and Professional Office Zone (P-O), to Planned Development Zone, P-D(559), property located at the Southeast corner of Briggsmore Avenue and Coffee Road (Dr. James Yip).

- Motion approving final adoption of Ordinance 3297-C.S., an ordinance amending Section 22-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), and Professional Office Zone (P-O), to Planned Development Zone, P-D(559), property located at the Southeast corner of Briggsmore Avenue and Coffee Road recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Fisher; unan; Frohman absent due to a conflict of interest) approved the **final adoption of Ordinance 3297-C.S.**, an ordinance amending Section 22-3-9 of the Zoning Map to rezone from Low-Density Residential Zone (R-1), and Professional Office Zone (P-O), to Planned Development Zone, P-D(559), property located at the Southeast corner of Briggsmore Avenue and Coffee Road.

17. Consider final adoption of Ordinance 3299-C.S., an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

- A motion approving final adoption of Ordinance 3299-C.S., an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) approved the **final adoption of Ordinance 3299-C.S.**, an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

HEARINGS

18. Hearing to consider the appeal of RMH Ventures to a decision by the Board of Zoning Adjustment requiring that a driveway be located in accordance with the City's Standard Specifications in conjunction with approving a plot plan for offices on the West side of Coffee Road, opposite Ensenada Drive.

- Resolution denying appeal recommended.

Community & Economic Development; Josh Bridegroom, 571-5539, jbridegroom@modestogov.com

ACTION: Res. No. 2003-286 (Frohman/Jackman;unan.)approving the appeal of RMH Ventures to a decision by the Board of Zoning Adjustment requiring two conditions 1) to raise the center median and 2) to provide a right-in/right-out only driveway for offices on the West side of Coffee Road, opposite Ensenada Drive.

- Boy Scout Troop117 was acknowledged by the Mayor and Council, and the troop members introduced themselves.
19. Hearing to consider the application of Del Valle Capital Corporation for a second amendment to the development agreement for the Galas Brothers Vesting Tentative Subdivision Map and adoption of a resolution finding the proposed second amendment to development agreement to extend the life of the Galas Brothers Vesting Tentative subdivision Map to December 31, 2003 and containing provisions related to affordable and accessible housing and infrastructure master planning.
- Introduction of an ordinance approving the second amendment to development agreement recommended.
 - Resolution finding the first amendment to development agreement within the scope of the Fairview Village Specific Plan Focused EIR recommended.
Community & Economic Development; George Osner, 571-5539, gosner@modestogov.com

ACTION: By Motion (Fisher/Keating;majority Frohman no) approved the **introduction of Ordinance 3302-C.S.**, approving the second amendment to development agreement

ACTION: Res. No. 2003-287 (Fisher/Keating;majority Frohman no) finding the first amendment to development agreement within the scope of the Fairview Village Specific Plan Focused EIR

20. Hearing to consider the appeal of denial for a letter of “Public Convenience and Necessity” in the matter of a Type 20 (Off Sale – Beer and Wine Alcoholic Beverage Control (ABC) License for Zakaria Kanno and Racheal Kanno DBA American Gas, 1200 6th Street.
- Resolution Denying the Appeal of Zakaria Kanno and Racheal Kanno, DBA American Gas, 1200 6th Street, for a finding of “Public Convenience and Necessity” in the matter of a Type 20 (Off-Sale – Beer & Wine) Alcoholic Beverage Control License
City Manager; Julie Hendee; 571-5580, jhendee@modestogov.com

ACTION: Res. No. 2003-288 (Fisher/Jackman; majority; Frohman no) approving the Appeal of Zakaria Kanno and Racheal Kanno, DBA American Gas, 1200 6th

Street, and making a finding of “Public Convenience and Necessity” in the matter of a Type 20 (Off-Sale – Beer & Wine) Alcoholic Beverage Control License with the recommendation of no single unit sales.

21. Hearing to consider acknowledging receipt of the 2003/2004 Operating Budget, and referring recommendations for budget adoption to the June 24, 2003 City Council meeting.

- Motion acknowledging receipt of the 2003/2004 Operating Budget, and referring recommendations for adoption of the FY03/04 Annual City Operating and Capital Improvement Program budgets to the June 24, 2003 City Council and Redevelopment Agency meetings recommended.

Finance; Hank Skau, 577-5219, hskau@modestogov.com

ACTION: By Motion (Fisher/Conrad; unan.) acknowledged receipt of the 2003/2004 Operating Budget, and referring recommendations for adoption of the FY03/04 Annual City Operating and Capital Improvement Program budgets to the June 24, 2003 City Council and Redevelopment Agency meetings. Council directed staff to fund City Hall at the Mall for \$81,198, fund Leisure Youth bucks \$95k, reduce the Culture Commission by 20% in FY 03-04 then fund at 2% of TOT in FY 04-05, consider all Redevelopment money as a loan from the General Fund, and set up special revenue account/funds for non-General Fund money.

22. Hearing to consider amending the Village One Facilities Prioritization List, adopted by the City Council on January 7, 2003 (Resolution 2003-19A) to move Project SD-214) Landscape West Basin) from Priority 2 to Priority 1; and Consider consolidating Project SD-214 (Landscape West Basin, CIP Project Q302) with Project SD-203 (Village One Storm Drain Improvements, CIP Project Q302).

- Resolution amending the Village One Facilities Prioritization List, adopted by the City Council on January 7, 2003, to move Project SD-214 (West Basin Landscaping) from Priority 2 to Priority 1 recommended.
- Resolution consolidating Village One Facilities Prioritization List Project SD-214 (Landscape West Basin, CIP Project Q316) with Project SD-203 (Village One Storm Drain Improvements, CIP Project Q302) recommended

City Manager; Vickey Dion, 571-5542, vdion@modestogov.com

ACTION: Res. No. 2003-289 (Jackman/Fisher; unan.) amending the Village One Facilities Prioritization List, adopted by the City Council on January 7, 2003, to move Project SD-214 (West Basin Landscaping) from Priority 2 to Priority 1

ACTION: Res. No. 2003-290 (Jackman/Fisher; unan.) consolidating Village One Facilities Prioritization List Project SD-214 (Landscape West Basin, CIP

Project Q316) with Project SD-203 (Village One Storm Drain Improvements, CIP Project Q302).

NEW BUSINESS

23. Consider awarding the bid and approving a \$2,747,029 contract with T & S Construction Co., Inc., for the project entitled "Village One Storm Drainage Improvements," which will construct storm drainage facilities that include: pipe, flow channels, lift stations at the West and Central Basins, West Basin irrigation and landscaping and force main pipe to discharge into the Modesto Irrigation District Lateral No. 3 from the Central Basin.
- Resolution awarding the bid and approving a \$2,747,029 contract with T & S Construction Co., Inc., for the project entitled "Village One Storm Drainage Improvements" recommended.

*Engineering & Transportation; Dean Phillips; 577-5260;
dphillips@modestogov.com*

ACTION: Res. No. 2003-291 (Jackman/Fisher; unan.) awarding the bid and approving a \$2,747,029 contract with T & S Construction Co., Inc., for the project entitled "Village One Storm Drainage Improvements.

24. Consider authorizing the City Manager to execute a contract with Martin and Chapman Company in the amount of \$127,139.42 for election services to conduct the December 9, 2003 run-off election using an all-mail ballot in the event the proposed Charter amendment to move the run-off election to March of even-numbered years is not approved by the voters.
- Resolution authorizing the City Manager to execute a contract with Martin and Chapman Company in the amount of \$127,139.42 for election services to conduct the December 9, 2003 run-off election using an all-mail ballot in the event the proposed Charter amendment to move the run-off election to March of even-numbered years is not approved by the voters recommended.

City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com

ACTION: Res. No. 2003-292 (Fisher/Keating; unan.) authorizing the City Manager to execute a contract with Martin and Chapman Company in the amount of \$127,139.42 for election services to conduct the December 9, 2003 run-off election using an all-mail ballot in the event the proposed Charter amendment to move the run-off election to March of even-numbered years is not approved by the voters.

25. Consider accepting the Economics Research Associates Management Study of the Modesto Golf Courses and consider authorizing staff to enter into negotiations

with ValleyCrest and FM Golf and for the City to exercise its right to offer to extend agreements with ValleyCrest and FM Golf as of June 30, 2003.

- Resolution accepting the Economics Research Associates Management Study of the Modesto Golf Courses recommended.
- Resolution authorizing staff to enter into negotiations with ValleyCrest and FM Golf and for the City to exercise its right to offer to extend agreements with ValleyCrest and FM Golf as of June 30, 2003.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Res. No. 2003-293 (Fisher/Frohman; unan.) accepting the Economics Research Associates Management Study of the Modesto Golf Courses.

ACTION: Res. No. 2003-294 (Fisher/Frohman; unan.) authorizing staff to enter into negotiations with ValleyCrest and FM Golf and for the City to exercise its right to offer to extend agreements with ValleyCrest and FM Golf as of June 30, 2003.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Both closed sessions were heard prior to the meeting.

CLOSED SESSION

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

Name of case: Sonia Soto v. City of Modesto, Myron William Francis, et al.
Stanislaus County Superior Court No. 315163

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

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

Employee Organization: Unrepresented Management/Confidential
Employees

MINUTES

City of Modesto Audit Committee Meeting

Thursday, June 12, 2003, 10:00 a.m.
Room 3151, Tenth Street Place

Roll Call – Present: Mayor Sabatino, Chair
Councilmember Keating, Vice Chair
Councilmember O'Bryant

Committee/Council workshop items are:

Presentation by Maze and Associates on Audit Work.

Partners Scott Maze and Cory Biggs discussed the process for the annual financial audit of the City. They laid out their proposed schedule, that will culminate in a presentation of the final audit reports in early October. They presented a listing of the various reports that will be provided. The partners described what an audit is, what it does, and what it is not. Their plan is also to coordinate work with the internal audit function to avoid overlap.

Cory Biggs reviewed the changes brought about by implementation of Government Accounting Standards Board standard 34. Members were furnished copies of the past two annual audit reports for comparison of the two different formats. The auditors, committee members, and staff discussed various current issues and ideas of specific areas for focus in the current audit work.

The auditors encouraged the committee and staff to ask for meetings with the audit firm if there were issues or questions. They expressed a willingness to meet with the Audit Committee in the future to communicate progress and results of the audit at any point of the work.

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 10:51 a.m.

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place

1010 10th Street

Modesto, California

Monday June 23, 2003, at 5:30 p.m.

Roll Call – Present: Chair Frohman
Committee Member Jackman

Also Present: Councilmember Conrad

Absent: Committee Member Sabatino

44) State Budget Update

ACTION: No action taken.

45) Safety Tax Options

ACTION: This item was forwarded to full Council for approval. Conrad opposed forwarding item.

46) Update on Transition of the Modesto Convention and Visitors Bureau to a Non-Profit Organization

ACTION: No action needed. This was an informational item only.

47) Monthly Adjustment Report – June 2003

ACTION: This item was approved.

48) CFF Administration Costs

ACTION: This item was approved.

49) City Hall at the Mall (CHATM) Restoration

ACTION: It was the recommendation of the Committee to restore CHATM with a possible reduction of hours. Jackman opposed this recommendation.

50) Renewal of Property and Boiler & Machinery Insurance

ACTION: This item was approved.

51) Amend the Position Classification Plan and Class Range Tables to Include or Change the Following Positions:

- Water Resource Specialist I
- Water Resource Specialist II
- Police Civilian Supervisor

ACTION: This item was approved.

52) Amend the Position Classification Plan and Class Range Tables to Include or Change the Following Positions:

- Environmental Compliance Inspector I
- Environmental Compliance Inspector II
- Senior Environmental Compliance Inspector
- Regulatory Compliance Supervisor
- Laboratory & Environmental Monitoring Supervisor
- Industrial Waste Inspector I
- Industrial Waste Inspector II
- Hazardous Materials Program Coordinator
- Industrial Waste Supervisor

ACTION: This item was approved.

53) Continued Discussion of Development User Fee Study

ACTION: The Committee recommended full cost recovery with specific exceptions per the staff recommendation.

54) Discussion of Supplemental Expenditures Relating to Development Fee Study

ACTION: The Committee accepted the staff recommendation.

55) Fuel Cardlock Recommendation to Award Contract

ACTION: The Committee accepted the staff recommendation and forwarded this item to full Council for approval.

56) At The Request Of Councilmember Conrad, Consider Amending the Ordinance Introduced at Last Week's Council Meeting Regarding the Appointment of Council Members to the Four Council Standing Committees and the Appointment of Special Committees to Provide That the Mayor Makes All Such Appointments Subject to Confirmation by the Council

ACTION: The Committee recommended Council re-introduce the Committee Appointment Ordinance with the Mayor making the appointments and removals of Committee members, subject to confirmation by the City Council.

57) At the Request of Councilmember Conrad, Consider and Discuss the Process to Make Appointments to the Board Of Zoning Adjustments, the Planning Commission, and Other Citizen Committees

ACTION: The Committee recommended that each Councilmember nominate a representative to the above boards with confirmation by the Council effective following the run-off election with terms coinciding with the Councilmember's terms.

58) At the Request of Councilmember Conrad, Consider Recommending to the City Council That a Charter Amendment Establishing Term Limits be Submitted to the Voters at the November, 2003, Municipal Election

ACTION: It was recommended by the Committee that the Council consider at the July 1, 2003 Council meeting a Charter amendment that would limit Councilmembers and the Mayor to two consecutive terms. The City Attorney was directed to prepare the ballot question and draft the Charter language.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting adjourned at 7:15 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, June 24, 2003, at 5:30 p.m.

Roll Call– Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Paul Harris-Webster, Trinity Nazarene

City Clerk's Announcements: Item 12 removed from the agenda; Item 4 and 16 and 23
removed from Consent

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by a representative from the California State Assembly regarding the status of the State's budget.

ACTION: Joe Nation Assemblymember representing Marin and parts of Sonoma County addressed the Council regarding the State's budget.

ORAL COMMUNICATIONS

- Dale Williams announced that he would be running for Chair 6 in the November, 2003 election.
- Ed Miller - Junior High Principal expressed concern regarding the enforcement of private items being removed from the public right of way.
- Mayor Sabatino and Councilmembers Frohman and Fisher responded to Mr. Miller.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2, 3, 5-11, 13-15, 17-22, 24 & 25

ACTION CONSENT ITEMS: Frohman/Jackman; unan.

ACTION Item 4: Fisher/Keating; majority Frohman no

ACTION Item 12: Removed from the agenda

ACTION Item 16: Fisher/Jackman with an effective date of September 3, 2003

ACTION Item 23: Keating/Fisher

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of June 10, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) approved the minutes of June 10, 2003.

CONSENT

3. Consider final adoption of Ordinance 3300-C.S., an ordinance amending Section 4-2.33 of Chapter 2 of Title 4 of the Modesto Municipal Code and adding Section 4-2.34 Thereto Relating to Prohibition of Solicitation at Specific Locations.
 - Motion approving final adoption of Ordinance 3300-C.S., an ordinance amending Section 4-2.33 of Chapter 2 of Title 4 of the Modesto Municipal Code and adding Section 4-2.34 Thereto Relating to Prohibition of Solicitation at Specific Locations recommended.
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) approved the **final adoption of Ordinance 3300-C.S.**, an ordinance amending Section 4-2.33 of Chapter 2 of Title 4 of the Modesto Municipal Code and adding Section 4-2.34 Thereto Relating to Prohibition of Solicitation at Specific Locations

REMOVED FROM CONSENT

4. Consider requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 4, 2003 Municipal Election (estimated cost of \$3,500 per County Elections Office; \$500 deposit required).
- Resolution requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 4, 2003 Municipal Election recommended.
- City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com*

ACTION: Res. No. 2003-295 (Fisher/Keating; majority Frohman no) requiring Modesto City Council and Modesto Board of Education candidates to pay the cost of candidates statements for the November 4, 2003 Municipal Election.

CONSENT

5. Consider indicating that the December 9, 2003 run-off election, if needed, will be conducted by mail.
- Resolution indicating the Council's intention to conduct the run-off election, if needed, by mail recommended.
- City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com*

ACTION: Res. No. 2003-296 (Frohman/Jackman; unan.) indicating the Council's intention to conduct the run-off election, if needed, by mail.

CONSENT

6. Consider a Settlement Agreement with Ling Investments, a California Limited Partnership, for the payment of underpaid Village One CFD one-time special facilities taxes and unpaid water connection fees.
- Resolution approving a Settlement Agreement with Ling Investments, a California Limited Partnership, for the payment of underpaid Village One CFD one-time special facilities taxes and unpaid water connection fees and authorizing the City Manager to execute the Settlement Agreement recommended.
- City Manager; George Britton, 577-5211, gbritton@modestogov.com*

ACTION: Res. No. 2003-297 (Frohman/Jackman; unan.) approving a Settlement Agreement with Ling Investments, a California Limited Partnership, for the

payment of underpaid Village One CFD one-time special facilities taxes and unpaid water connection fees and authorizing the City Manager to execute the Settlement Agreement.

CONSENT

7. Consider an agreement with Turnstone Consulting for preliminary work on the Environmental Impact Report for the Kaiser Medical Campus Project for a not-to-exceed amount of \$130,793.
- Resolution approving an agreement with Turnstone Consulting for preliminary work on the Environmental Impact Report for the Kaiser Medical Campus Project for a not-to-exceed amount of \$130,793 recommended.
Community & Economic Development; Steve Mitchell, 571-5539, smitchell@modestogov.com

ACTION: Res. No. 2003-298 (Frohman/Jackman; unan.) approving an agreement with Turnstone Consulting for preliminary work on the Environmental Impact Report for the Kaiser Medical Campus Project for a not-to-exceed amount of \$130,793.

CONSENT

8. Consider an amendment to the agreement with West Yost & Associates in the amount of \$92,500 for additional unforeseen work in developing the detailed Water System Hydraulic Model; and Consider amending the Capital Improvement Budget to fund the additional work for the detailed Water System Hydraulic Model.
- Resolution approving an amendment to the agreement with West Yost & Associates in the amount of \$92,500 for additional unforeseen work in developing the detailed Water System Hydraulic Model recommended.
 - Resolution amending the Capital Improvement Budget to fund the additional work for the detailed Water System Hydraulic Model recommended.
Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Res. No. 2003-299 (Frohman/Jackman; unan.) approving an amendment to the agreement with West Yost & Associates in the amount of \$92,500 for additional unforeseen work in developing the detailed Water System Hydraulic Model.

ACTION: Res. No. 2003-300 (Frohman/Jackman; unan.) amending the Capital Improvement Budget to fund the additional work for the detailed Water System Hydraulic Model.

CONSENT

9. Consider submitting an application for a Small Community Air Service Grant in the amount of \$872,500 to the Department of Transportation for an airline start-up

incentive package, and authorize the City Manager to execute necessary documents. The City and a consortium of public-private businesses and organizations provide the 18% match in the amount to \$191,000 for a total of \$1,063,500 for the program. City's participation of \$45,000 is in rent and landing fee concessions for six months.

- Resolution approving submittal of an application for a Small Community Air Service Grant in the amount of \$872,500 to the Department of Transportation for an airline start-up incentive package, and authorizing the City Manager to execute necessary documents recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-301 (Frohman/Jackman; unan.) approving submittal of an application for a Small Community Air Service Grant in the amount of \$872,500 to the Department of Transportation for an airline start-up incentive package, and authorizing the City Manager to execute necessary documents.

CONSENT

10. Consider a Storm Drainage License Agreement with Modesto Irrigation District (MID) to discharge storm water runoff from the Kansas-Needham Overhead area into MID Lateral No. 4.

- Resolution approving a Storm Drainage License Agreement with Modesto Irrigation District (MID) to discharge storm water runoff from the Kansas-Needham Overhead area into MID Lateral No. 4 recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Res. No. 2003-302 (Frohman/Jackman; unan.) approving a Storm Drainage License Agreement with Modesto Irrigation District (MID) to discharge storm water runoff from the Kansas-Needham Overhead area into MID Lateral No. 4.

CONSENT

11. Consider amending the Fiscal Year 2002-2003 Capital Improvement Budget to appropriate \$193,680 from Parks CFF reserves for the project titled "Ustach Neighborhood Park"; and Consider awarding the bid of and approving a \$1,038,900 contract with Goodland Landscape Construction Inc. for the project titled "Ustach Neighborhood Park", which will contract the first neighborhood park in Village One, and authorize the City Manager to execute the necessary documents.

- Resolution amending the Fiscal Year 2002-2003 Capital Improvement Budget to appropriate \$193,680 from Parks CFF reserves for the project titled "Ustach Neighborhood Park" recommended.
- Resolution awarding the bid of and approving a \$1,038,900 contract with Goodland Landscape Construction Inc. for the project titled "Ustach Neighborhood Park", which will construct the first neighborhood park in

Village One, and authorizing the City Manager to execute the necessary documents recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-303 (Frohman/Jackman; unan.) amending the Fiscal Year 2002-2003 Capital Improvement Budget to appropriate \$193,680 from Parks CFF reserves for the project titled “Ustach Neighborhood Park.”

ACTION: Res. No. 2003-304 (Frohman/Jackman; unan.) awarding the bid of and approving a \$1,038,900 contract with Goodland Landscape Construction Inc. for the project titled “Ustach Neighborhood Park”, which will construct the first neighborhood park in Village One, and authorizing the City Manager to execute the necessary documents.

Removed from the agenda

12. Consider awarding a bid to Selectron Technologies in the approximate amount of \$81,497.63, for an Interactive Voice Response (IVR) System, and authorizing the City Manager to execute a contract with Selectron Technologies for the IVR System.

- Resolution awarding a bid to Selectron Technologies in the amount of \$81,497.63. for an Interactive Voice Response (IVR) System, and authorizing the City Manager to execute a contract with Selectron Technologies for the IVR System recommended.

Finance; Tom Reddie; 577-5406, reddie@modestogov.com

ACTION: Removed from the agenda.

CONSENT

13. Consider authorizing the Purchasing Supervisor to issue a Request for Bids for a screen washer compactor for the Operations & Maintenance Department, Water Quality Control Division. A screen washer compactor is used to wash and compact the waste that is collected from the Primary WQC Plant influent bar screens.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Bids for a screen washer compactor for the Operations & Maintenance Department, Water Quality Control Division recommended.

Finance; Tom Reddie; 577-5406, reddie@modestogov.com

ACTION: Res. No. 2003-305 (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to issue a Request for Bids for a screen washer compactor for the Operations & Maintenance Department, Water Quality Control Division.

CONSENT

14. Consider (1) declaring as surplus, for the period February 1, 2003 through January 31, 2004, the following items: obsolete traffic signal heads, lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, surplus City vehicles; and authorizing the Purchasing Division to sell said items by sealed bid, by auction, online auction, or sell as scrap. Public auction to be conducted by Roger Ernst & Associates at 824 W. Kiernan Avenue in accordance with auctioning agreement dated August 14, 2001. Consider (2) authorizing a one year trial agreement with Property Bureau of San Clemente, CA for the online auctioning of selected unclaimed and/or seized property (bicycles), for the period of January 2002 through January 2003.
- Resolution declaring as surplus, for the period February 1, 2003 through January 31, 2004, the following items: obsolete traffic signal heads, lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, surplus City vehicles; and authorizing the Purchasing Division to sell said items by sealed bid, by auction, online auction, or sell as scrap. Public auction to be conducted by Roger Ernst & Associates at 824 W. Kiernan Avenue in accordance with auctioning agreement dated August 14, 2001 recommended.
 - Resolution authorizing a one-year trial agreement with Property Bureau of San Clemente, CA for the online auctioning of selected unclaimed and/or seized property (bicycles), for the period of January 2002 through January 2003 recommended.

Finance; Tom Reddie; 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-306 (Frohman/Jackman; unan.) declaring as surplus, for the period February 1, 2003 through January 31, 2004, the following items: obsolete traffic signal heads, lost, stolen, unclaimed and/or seized property from the Police Department, excess property accumulated by the City, surplus City vehicles; and authorizing the Purchasing Division to sell said items by sealed bid, by auction, online auction, or sell as scrap. Public auction to be conducted by Roger Ernst & Associates at 824 W. Kiernan Avenue in accordance with auctioning agreement dated August 14, 2001

ACTION: Res. No. 2003-307 (Frohman/Jackman; unan.) authorizing a one-year trial agreement with Property Bureau of San Clemente, CA for the online auctioning of selected unclaimed and/or seized property (bicycles), for the period of January 2002 through January 2003.

CONSENT

15. Consider authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of rockwell rejuvenation for a three-year agreement with two one-year extension options.
- Resolution authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of rockwell rejuvenation for a three-year agreement with two one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmassaso@modestogov.com

ACTION: Res. No. 2003-308 (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to formally solicit bids for the furnishing of rockwell rejuvenation for a three-year agreement with two one-year extension options.

REMOVED FROM CONSENT

16. Consider adoption of CFF update, criteria for projects in pipeline, adoption of findings to establish a CFF subsidy program and provide guidance for projects in the pipeline, and findings of conformance with the previously certified General Plan Master EIR.

- Resolution amending Resolution 88-649, as amended, approving a Comprehensive Update to the Capital Facilities Program, including but not limited to schedules and rates applicable to development, approving continued use of the Construction Cost Index of the Engineering News Record to adjust the CFF in future years and establishing criteria for projects in the “pipeline” for purposes of determining the application of the updated CFF recommended.
- Resolution capping CFF and establishing a program to track and fund a portion of the CFF for multi-family housing, senior housing, and selected commercial/industrial land use categories from other sources of funding recommended.
- Resolution finding the proposed 2003 CFF Update within the scope of the previously certified General Plan Master EIR recommended.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: Res. No. 2003-309 (Fisher/Jackman; unan.) amending Resolution 88-649, as amended, approving a Comprehensive Update to the Capital Facilities Program, including but not limited to schedules and rates applicable to development, approving continued use of the Construction Cost Index of the Engineering News Record to adjust the CFF in future years and establishing criteria for projects in the “pipeline” for purposes of determining the application of the updated CFF. – Effective September 3, 2003

ACTION: Res. No. 2003-310 (Fisher/Jackman; unan.) capping CFF and establishing a program to track and fund a portion of the CFF for multi-family housing, senior housing, and selected commercial/industrial land use categories from other sources of funding.

ACTION: Res. No. 2003-311 (Fisher/Jackman; unan.) finding the proposed 2003 CFF Update within the scope of the previously certified General Plan Master EIR.

CONSENT

17. Consider budget adjustments for June 2003.

- Motion accepting budget adjustments for June 2003 recommended.

Finance; Hank Skau; 577-5369; hskau@modestogov.com

ACTION: Res. No. 2003-312 (Frohman/Jackman; unan.) accepting budget adjustments for June 2003.

CONSENT

18. Consider monthly investment report for May 2003.

- Motion acknowledging receipt of and accepting monthly investment report for May 2003 recommended.

Finance; Belinda Duerksen, 577-5376, bduexsen@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) acknowledging receipt of and accepting monthly investment report for May 2003.

CONSENT

19. Consider declaring surplus one 1976 Van Pelt ladder truck and authorizing the sale of this unit through Roger Ernst & Associates, Auctioneers. The estimated value of this unit is \$4,000.

- Resolution declaring surplus one 1976 Van Pelt ladder truck and authorizing the sale of this unit through Roger Ernst & Associates, Auctioneers recommended.

Fire; Jim Miguel, 572-9594, jmiquel@modestogov.com

ACTION: Res. No. 2003-313 (Frohman/Jackman; unan.) declaring surplus one 1976 Van Pelt ladder truck and authorizing the sale of this unit through Roger Ernst & Associates, Auctioneers.

CONSENT

20. Consider awarding a contract to Larry Walker & Associates for \$298,767 to assist in revision of the City's Storm Water Management Plan (SWMP) to include recent State and Federal requirements under the Clean Water Act, and increased standards mandated by the recent NPDES/Stormwater Permit.

- Resolution awarding a contract to Larry Walker & Associates for \$298,767 to assist in revision of the City's Storm Water Management Plan (SWMP) to include recent State and Federal requirements under the Clean Water Act, and increased standards mandated by the recent NPDES/Stormwater Permit recommended.

Operations & Maintenance; Robert Howard, 577-6224, rhoward@modestogov.com

ACTION: Res. No. 2003-314 (Frohman/Jackman; unan.) awarding a contract to Larry Walker & Associates for \$298,767 to assist in revision of the City's Storm Water Management Plan (SWMP) to include recent State and Federal requirements under the Clean Water Act, and increased standards mandated by the recent NPDES/Stormwater Permit.

CONSENT

21. Consider designating Habitat for Humanity & Asociación Campesina Lazaro Cardenas Inc. as Community Housing Development Organizations for Modesto's HOME Investment Partnership Program.

- Resolution approving designating Habitat for Humanity & Association Campesina Lazaro Cardenas Inc. as Community Housing Development Organizations for Modesto's HOME Investment Partnership Program recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,

caverell@modestogov.com

ACTION: Res. No. 2003-315 (Frohman/Jackman; unan.) approving designating Habitat for Humanity & Association Campesina Lazaro Cardenas Inc. as Community Housing Development Organizations for Modesto's HOME Investment Partnership Program.

CONSENT

22. Consider an agreement with the Modesto Convention & Visitors Bureau (CVB); Consider the CVB 2003/2004 Marketing Plan and Goals; and Consider adoption of a resolution extending the provisional appointment of one Cultural Events Supervisor, two Assistant to the Events Coordinator positions and one .75 Administrative Office Assistant II assigned to the Convention and Visitors Bureau organization for no longer than one (1) month.

- Resolution approving an agreement with the Modesto Convention & Visitors Bureau (CVB) recommended.
- Resolution accepting the CVB 2003/2004 Marketing Plan and Goals recommended.
- Resolution extending the provisional appointment of one Cultural Events Supervisor, two Assistant to the Events Coordinator positions and one .75 Administrative Office Assistant II assigned to the Convention and Visitors Bureau organization for no longer than one (1) month recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,

bquintella@modestogov.com

ACTION: Res. No. 2003-316 (Frohman/Jackman; unan.) approving an agreement with the Modesto Convention & Visitors Bureau (CVB).

ACTION: Res. No. 2003-317 (Frohman/Jackman; unan.) accepting the CVB 2003/2004 Marketing Plan and Goals

ACTION: Res. No. 2003-318 (Frohman/Jackman; unan.) extending the provisional appointment of one Cultural Events Supervisor, two Assistant to the Events Coordinator positions and one .75 Administrative Office Assistant II

assigned to the Convention and Visitors Bureau organization for no longer than one (1) month.

REMOVED FROM CONSENT

23. Consider the creation of a new Minor Home Repair Grant Program funded with Community Development Block Grant (CDBG).
- Resolution approving the creation of a new Minor Home Repair Grant Program funded with Community Development Block Grant (CDBG) recommended. *Parks, Recreation & Neighborhoods; Ernie Richardson, 577-5392, erichards@modestogov.com*

ACTION: Res. No. 2003-319 (Keating/Fisher; unan.) approving the creation of a new Minor Home Repair Grant Program funded with Community Development Block Grant (CDBG)

CONSENT

24. Consider entering into agreements with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal Work Study Program and in the Cal WORKS Work Study Program.
- Resolution approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal work-Study Program for the 2003-2004 program year, and authorizing the City Manager to execute the necessary documents recommended.
 - Resolution approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work-Study Program for the 2003-2004 program year, and authorizing the City Manager to execute the necessary documents recommended. *Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

ACTION: Res. No. 2003-320 (Frohman/Jackman; unan.) approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized Federal work-Study Program for the 2003-2004 program year, and authorizing the City Manager to execute the necessary documents

ACTION: Res. No. 2003-321 (Frohman/Jackman; unan.) approving an agreement with Yosemite Community College District and Modesto Junior College to participate in the subsidized CalWORKS Work-Study Program for the 2003-2004 program year, and authorizing the City Manager to execute the necessary documents

CONSENT

25. Consider renewal of Property and Boiler & Machinery Insurance for City-owned and operated properties.
- Resolution authorizing the Acting Risk Manager to bind Property and Boiler & Machinery Insurance coverage as presented by the City's Broker of Record and authorizing the City Manager to execute the necessary documents.
- Personnel; Ben Bankard, 577-5446, bbankard@modestogov.com*

ACTION: Res. No. 2003-322 (Frohman/Jackman; unan.) authorizing the Acting Risk Manager to bind Property and Boiler & Machinery Insurance coverage as presented by the City's Broker of Record and authorizing the City Manager to execute the necessary documents.

COUNCIL COMMENTS & REPORTS

Continued to June 26, 2003 Special Adjourned Meeting

26. At the request of Vice Mayor Frohman, consider Council support of AB 1690, regarding local governments supplement fire protection services.

UNFINISHED BUSINESS

Continued to June 26, 2003 Special Adjourned Meeting

At introduction of Ord. 3301-C.S., the vote was O'Bryant/Fisher, majority; Frohman & Jackman, no; Sabatino, absent

27. Consider final adoption of Ordinance 3301-C.S., an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council.
- Motion approving final adoption of Ordinance 3301-C.S., an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council recommended.
- City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com*

Continued to June 26, 2003 Special Adjourned Meeting

At introduction of Ord. 3302-C.S., the vote was Fisher/Keating, majority; Frohman, no

28. Consider final adoption of Ordinance 3302, an ordinance approving the Second Amendment to the Development Agreement between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to extending the life of the Tentative Subdivision Map to December 31, 2003.
- Motion approving final adoption of Ordinance 3302, an ordinance approving the Second Amendment to the Development Agreement between the City of

Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to extending the life of the Tentative Subdivision Map to December 31, 2003 recommended.
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

Continued to June 26, 2003 Special Adjourned Meeting

29. Consider the Fiscal Year 2004 Budget adoption.
- Ordinance adopting the Fiscal Year 2003-04 Citywide budget of \$265.7 million and the first year of the FY2004-2013 Capital Improvement Program recommended.
 - Resolution establishing the 2004 Fiscal Year appropriation limit, including the price and population factors to be used in the calculations recommended.
- Finance; Peggy Hetzler, 577-5370, phetzler@modestogov.com

HEARINGS

Continued to June 26, 2003 Special Adjourned Meeting

30. Hearing to consider approving a final application to be submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center.
- Resolution approving a final application to be submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center, and authorizing the City Manager to execute the necessary documents recommended.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

Continued to June 26, 2003 Special Adjourned Meeting

31. Hearing to consider sale of City-owned properties located at the Southwest corner of 10th & H Streets. This property sale is related to the Amendment of the Disposition and Development Agreement for Valley Towers Office Project. Net value to City: \$630,000.
- Resolution updating the fair market value of the City-owned parcels located at the Southwest corner of 10th & H Streets from \$550,000 to \$630,000. In addition, sell said parcels to the Modesto Redevelopment Agency for the updated fair market value. The parcels total 31,500 square feet, consisting of four parcels that are further identified as Parcel #s 106-42-01; 106-42-02; 106-42-03; 106-42-04 recommended.
- Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

Continued to June 26, 2003 Special Adjourned Meeting

32. Consider submitting requests for \$3,771,799 of Federal Transit Administration (FTA) funds to partially offset the operating and capital expenses of Modesto's public transit program.
- Resolution authorizing the City Manager to file a FTA Section 5307 grant application in the amount of \$3,326,214 and to execute the necessary documents recommended.
 - Resolution Authorizing the City Manager to file an amendment to the FTA Section 5309 grant for the new Bus Maintenance Facility in the amount of \$445,585 and to execute the necessary documents recommended.

*Engineering & Transportation; Fred Cavanah, 577-5429,
fcavanah@modestogov.com*

Continued to June 26, 2003 Special Adjourned Meeting

33. Hearing to consider establishing new green fees at all three City municipal Golf courses, establishing new rates for the Annual Pass Program, establishing new rates for school golf team rounds, and establishing new tournament fee schedule and policy.
- Resolution establishing new rates at the Municipal Nine-Hole, the Dryden Park Municipal, and the Creekside Municipal Golf Courses, establishing new rates for annual passes, establishing new rates for school golf team rounds, and establishing new tournament fee schedule and policy recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.cm*

34. Hearing to consider amending and/or establishing development user fees for development related activities.
- Motion providing direction for changes to the Development User Fee Program, establishing a policy to recover most fees at full cost with some exceptions, establishing a policy of undertaking a comprehensive analysis of the fees in the fifth year of the fee schedule, and direct staff to prepare resolutions to implement the 2003 Development User Fee Update recommended.

Finance; Patrick Samsell, 571-5556, psamsell@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) provided direction for changes to the Development User Fee Program, establishing a policy to recover most fees at full cost with some exceptions, establishing a policy of undertaking a comprehensive analysis of the fees in the fifth year of the fee schedule, and direct staff to prepare resolutions to implement the 2003 Development User Fee Update

NEW BUSINESS

35. Consider a resolution: (a) finding that United Cable/Comcast is in material breach of its Cable Franchise Agreements; (b) determining and imposing on United Cable/Comcast the appropriate damages, penalties, and/or remedies for the material breach under the Cable Franchise Documents; (c) determining a reasonable time frame and plan for bringing the cable system into compliance with the grounding requirements set forth in the Cable Franchise Documents; (d) authorizing the City Manager and legal counsel to notify United Cable/Comcast's surety and make demand on United Cable/Comcast's performance bond and/or letter of credit; and (e) transfer \$100,000 from the Cable One settlement account (#0100-800-8000-8003) to cable and technology account (#0100-020-0219-8129) to cover the City's costs of enforcement and inspections prior to reimbursement.
- Resolution finding United Cable/Comcast to be in material breach of the cable television franchise and imposing penalties recommended.
- City Manager; Donna Hansen, 571-5125, dhansen@modetogov.com*

ACTION: Res. No. 2003-323 (Fisher/Frohman; unan.) finding United Cable/Comcast to be in material breach of the cable television franchise and imposing penalties of \$5,000 plus \$1.00 per deficiency per day from May 14 through June 30, 2003 with an increase of \$.10 per deficiency per day for each subsequent two-month period thereafter and directing the City Attorney to file an action to enjoin United Cable/Comcast to remove facilities that are not properly grounded to eliminate the threat to public safety.

Continued to June 26, 2003 Special Adjourned Meeting

36. Consider salary and benefit changes for Unrepresented Management and Confidential employees for FY 03-04 and FY 04-05.
- Resolution amending the Salary Schedules for Unrepresented Management and Confidential employees, and authorizing across-the-board increases and related benefit changes for FY 03-04 and FY 04-05, and rescinding Resolution #s 2002-307, and 2003-81A effective June 30, 2003.
- Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com*

Continued to June 26, 2003 Special Adjourned Meeting

37. Consider amending the Class Range Table to revise the salary ranges for Risk Manager and Workers' Compensation Claims Examiner I/II.
- Resolution amending the Class Range Table for Unrepresented Management and Confidential Non-sworn classes to revise the salary range for Risk Manager, and to amend the Class Range Table for Represented Management and Confidential Non-sworn classes to revise the salary ranges for Workers' Compensation Claims Examiner and Workers' Compensation Claims Examiner II recommended.
- Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com*

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 9:45 p.m. to Thursday, June 26, 2003 at 5:30 p.m.

All closed sessions heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Facts and Circumstances: A developer has threatened litigation against the City in connection with the implementation of the Amended Village One Financing Plan.

MINUTES

City of Modesto

Special Adjourned City Council Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, June 26, 2003, at 5:30 p.m.

Roll Call– Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk's Announcements: None

Declaration of Conflicts of Interest: Sabatino, Item 29 Capital Improvement Project
entitled Lower UPRR Crossings

ORAL COMMUNICATIONS

- A citizen spoke regarding the large amount of money the District Attorney spent on the investigation of Mayor Sabatino.

COUNCIL COMMENTS & REPORTS

26. At the request of Vice Mayor Frohman, consider Council support of AB 1690, regarding local governments supplement fire protection services.

ACTION: No action taken.

UNFINISHED BUSINESS

At introduction of Ord. 3301-C.S., the vote was O'Bryant/Fisher, majority; Frohman & Jackman, no; Sabatino, absent

27. Consider final adoption of Ordinance 3301-C.S., an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to

the Appointment of Special Committees and Standing Committees of the Modesto City Council.

- Motion approving final adoption of Ordinance 3301-C.S., an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Frohman, majority; O'Bryant, no) approved the **final adoption of Ordinance 3301-C.S.**, an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the Appointment of Special Committees and Standing Committees of the Modesto City Council.

By Motion (Conrad/Jackman, majority; Frohman, O'Bryant, no) **introduction of Ordinance 3304-C.S.** an ordinance amending Modesto Municipal Code 2-1.17 and 2-1.18 to provide that committee members shall be appointed and/or removed by the Mayor, subject to confirmation by the Council.

By Order of the Chair, staff was directed to place an item on the July 8th agenda to consider directing the City Atty to poll members of the Council as to whether Councilmember O'Bryant contacted them about supporting Ordinance 3301-C.S.

At introduction of Ord. 3302-C.S., the vote was Fisher/Keating, majority; Frohman, no

28. Consider final adoption of Ordinance 3302, an ordinance approving the Second Amendment to the Development Agreement between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to extending the life of the Tentative Subdivision Map to December 31, 2003.

- Motion approving final adoption of Ordinance 3302, an ordinance approving the Second Amendment to the Development Agreement between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to extending the life of the Tentative Subdivision Map to December 31, 2003 recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Fisher/Jackman, majority; Frohman, no) approved the **final adoption of Ordinance 3302-C.S.**, an ordinance approving the Second Amendment to the Development Agreement between the City of Modesto and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas and Del Valle Capital Corporation, Inc. relating to extending the life of the Tentative Subdivision Map to December 31, 2003.

29. Consider the Fiscal Year 2004 Budget adoption.

- Ordinance adopting the Fiscal Year 2003-04 Citywide budget of \$265.7 million and the first year of the FY2004-2013 Capital Improvement Program recommended.
- Resolution establishing the 2004 Fiscal Year appropriation limit, including the price and population factors to be used in the calculations recommended.

Finance; Peggy Hetzler, 577-5370, phetzler@modestogov.com

ACTION: By Motion (Frohman/Keating, unan.) **introduced Ordinance No. 3303-C.S.** adopting the Fiscal Year 2003-04 Citywide budget of \$265.7 million and the first year of the FY2004-2013 Capital Improvement Program

ACTION: Res. No. 2003-324 (Frohman/Keating, unan.) establishing the 2004 Fiscal Year appropriation limit, including the price and population factors to be used in the calculations.

ACTION: By Motion (Fisher/Conrad, unan; Sabatino absent due to conflict of interest) approved the Capital Improvement Project entitled Lower UPRR Crossings.

HEARINGS

30. Hearing to consider approving a final application to be submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center.

- Resolution approving a final application to be submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417, jhannon@modestogov.com

ACTION: Res. No. 2003-325 (Jackman/Fisher, unan) approving a final application to be submitted to the Department of Housing and Urban Development (HUD) for a \$4.5 million Section 108 Loan Guarantee to finance the construction of

the Neighborhood Center at Marshall Park and the renovation and expansion of Maddux Youth Center, and authorizing the City Manager to execute the necessary documents.

31. Hearing to consider sale of City-owned properties located at the Southwest corner of 10th & H Streets. This property sale is related to the Amendment of the Disposition and Development Agreement for Valley Towers Office Project. Net value to City: \$630,000.
- Resolution updating the fair market value of the City-owned parcels located at the Southwest corner of 10th & H Streets from \$550,000 to \$630,000. In addition, sell said parcels to the Modesto Redevelopment Agency for the updated fair market value. The parcels total 31,500 square feet, consisting of four parcels that are further identified as Parcel #s 106-42-01; 106-42-02; 106-42-03; 106-42-04 recommended.

*Community & Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com*

ACTION: Res. No. 2003-326 (Jackman/Conrad, unan.) updating the fair market value of the City-owned parcels located at the Southwest corner of 10th & H Streets from \$550,000 to \$630,000. In addition, sell said parcels to the Modesto Redevelopment Agency for the updated fair market value. The parcels total 31,500 square feet, consisting of four parcels that are further identified as Parcel #s 106-42-01; 106-42-02; 106-42-03; 106-42-04

32. Consider submitting requests for \$3,771,799 of Federal Transit Administration (FTA) funds to partially offset the operating and capital expenses of Modesto's public transit program.
- Resolution authorizing the City Manager to file a FTA Section 5307 grant application in the amount of \$3,326,214 and to execute the necessary documents recommended.
 - Resolution Authorizing the City Manager to file an amendment to the FTA Section 5309 grant for the new Bus Maintenance Facility in the amount of \$445,585 and to execute the necessary documents recommended.

*Engineering & Transportation; Fred Cavanah, 577-5429,
fcavanah@modestogov.com*

ACTION: Res. No. 2003-327 (Frohman/Jackman, unan.) authorizing the City Manager to file a FTA Section 5307 grant application in the amount of \$3,326,214 and to execute the necessary documents recommended.

ACTION: Res. No. 2003-328 (Frohman/Jackman, unan.) authorizing the City Manager to file an amendment to the FTA Section 5309 grant for the new Bus Maintenance Facility in the amount of \$445,585 and to execute the necessary documents

33. Hearing to consider establishing new green fees at all three City municipal Golf courses, establishing new rates for the Annual Pass Program, establishing new rates for school golf team rounds, and establishing new tournament fee schedule and policy.

- Resolution establishing new rates at the Municipal Nine-Hole, the Dryden Park Municipal, and the Creekside Municipal Golf Courses, establishing new rates for annual passes, establishing new rates for school golf team rounds, and establishing new tournament fee schedule and policy recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.cm

ACTION: Res. No. 2003-329 (Jackman/Keating; unan.) establishing new rates at the Municipal Nine-Hole, the Dryden Park Municipal, and the Creekside Municipal Golf Courses, establishing new rates for annual passes, establishing new rates for school golf team rounds, and establishing new tournament fee schedule and policy

NEW BUSINESS

36. Consider salary and benefit changes for Unrepresented Management and Confidential employees for FY 03-04 and FY 04-05.

- Resolution amending the Salary Schedules for Unrepresented Management and Confidential employees, and authorizing across-the-board increases and related benefit changes for FY 03-04 and FY 04-05, and rescinding Resolution #s 2002-307, and 2003-81A effective June 30, 2003.

Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com

ACTION: Res. No. 2003-330 (Jackman/Fisher, majority; Conrad, Keating, Sabatino, no) amending the Salary Schedules for Unrepresented Management and Confidential employees, including Charter Officers and Executives and authorizing across-the-board increases and related benefit changes for FY 03-04 and FY 04-05, and rescinding Resolution #s 2002-307, and 2003-81A effective June 30, 2003

37. Consider amending the Class Range Table to revise the salary ranges for Risk Manager and Workers' Compensation Claims Examiner I/II.

- Resolution amending the Class Range Table for Unrepresented Management and Confidential Non-sworn classes to revise the salary range for Risk Manager, and to amend the Class Range Table for Represented Management and Confidential Non-sworn classes to revise the salary ranges for Workers'

Compensation Claims Examiner and Workers' Compensation Claims Examiner II recommended.

Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com

ACTION: Res. No. 2003-331 (Jackman/Frohman, unan.) amending the Class Range Table for Unrepresented Management and Confidential Non-sworn classes to revise the salary range for Risk Manager, and to amend the Class Range Table for Represented Management and Confidential Non-sworn classes to revise the salary ranges for Workers' Compensation Claims Examiner and Workers' Compensation Claims Examiner II.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:35 p.m.

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, June 30, 2003, at 5:30 p.m.

Roll Call – Present: Chair Sabatino, Vice Chair O'Bryant,
Committee Member Frohman

Also Present: Councilmembers Conrad & Keating

Items to be Considered:

66) Pilot Project to Manage, Reduce Court Overtime

ACTION: This item was for information only. The Committee scheduled an update to return for review in 6 months.

67) Ray Simon Training Center Update

ACTION: This item was for information only.

68) Motorized Scooters

ACTION: This item was for information only.

69) Oral Update on the Status of Sgt. Steve May

ACTION: This item was for information only.

70) Resolution Urging the California Building Standards Commission to Adopt the International Building Code, International Residential Code and International Fire Code

ACTION: The Committee accepted staff recommendations.

71) Donation to Modesto's Community Action Coalition

ACTION: The Committee accepted staff recommendations.

72) Weed and Seed Project Status

ACTION: The Committee accepted staff recommendations.

ORAL COMMUNICATIONS

None

ADJOURNMENT

This meeting adjourned at 6:18 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, July 1, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Wayne Bridegroom, Central Baptist Church

City Clerk's Announcements: Item 5 removed from agenda

Declaration of Conflicts of Interest – Fisher Items 17 and 18

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation by Beverly McCullough regarding public education efforts on beverage container recycling with David Paladini.

ACTION: Bev McCullough made the presentation and introduced David Paladini.

2. Consider recognizing "July is Recreation and Parks Month".
 - Resolution recognizing "July is Recreation and Parks Month" recommended.
Parks, Recreation & Neighborhoods; Jim Niskanen, 577-5351,
jniskanen@modestogov.com

ACTION: Res. No. 2003-332 (Fisher/Jackman; unan.) recognizing "July is Recreation and Parks Month."

- 2a. Economic Development Video Presentation by Richard Flowers at the U.S. Conference of Mayors

ACTION: Video shown to the Council and audience.

ORAL COMMUNICATIONS

Joan Ruttschow invited the community to a Taxpayer Association meeting at 5:15 p.m. tomorrow at the Police Department and thanked Councilmembers Fisher and Frohman for the service on the City Council

Reagan Wilson apologized for his answers regarding questions asked of him at the March 11, 2003 City Council meeting regarding his relationship with Lee Torrens and the subject of the landfill.

Lewis Levin spoke regarding energy conservation and suggested to reduce the lights in Tenth Street Place, expressed a concern with the number of commuters that drive to the Bay area and the lack of use of parking at the transportation center, and encouraged City crews to collect leaves and trash blown in the street by leaf blowers and noted the time limit to park across from the courthouse and requested that the news crews pay a parking fee for the use of the space.

Mayor Sabatino announced that Item 21 will be tabled.

Boy Scout Troop 11 was introduced.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3, 4 and 6 through 13

ACTION CONSENT ITEMS: Frohman/Conrad unan.

ACTION ITEM 5 : Removed from the agenda

CONSENT ITEMS

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

CONSENT

3. Consider accepting with regret, the resignation of Charles Chituras from the Citizens Housing & Community Development Committee.
 - Resolution accepting with regret, the resignation of Charles Chituras from the Citizens Housing & Community Development Committee recommended.
City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-333 (Frohman/Conrad, unan.) accepting with regret, the resignation of Charles Chituras from the Citizens Housing & Community Development Committee.

CONSENT

4. Consider approving bus service to the Neighbors in Health event on Sunday, August 24, 2003 at a cost of approximately \$350.
 - Resolution approving providing bus service on Modesto Area Express (MAX) Route 28 to the Neighbors in Health for a healthcare clinic to be held on Sunday, August 24, 2003 recommended.
Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2003-334 (Frohman/Conrad, unan.) approving providing bus service on Modesto Area Express (MAX) Route 28 to the Neighbors in Health for a healthcare clinic to be held on Sunday, August 24, 2003

REMOVED FROM AGENDA

5. Consider the Final Map of Villagio subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement with the subdividers. Owner: K-D Land & Cattle Investments, LLC, a California Limited Liability Company.
 - Resolution approving the Final Map of Villagio subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.
Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

CONSENT

6. Consider accepting improvements for the Jayhawk Estates subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owners: Ioan Muresan and Ioan Pascan.
 - Resolution accepting improvements for the Jayhawk Estates subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.
Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Res. No. 2003-335 (Frohman/Conrad, unan.) accepting improvements for the Jayhawk Estates subdivision and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

7. Consider awarding the \$81,497.63 bid submitted by Selectron Technologies for an Interactive Voice Response (IVR) system, and authorizing the City Manager to execute necessary documents for Professional Services, Software License and Support and Maintenance agreements for the IVR.
 - Resolution awarding the \$81,497.63 bid submitted by Selectron Technologies for an Interactive Voice Response (IVR) system, and authorizing the City Manager to execute necessary documents for Professional Services, Software License and Support and Maintenance agreements for the IVR recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Res. No. 2003-336 (Frohman/Conrad, unan.) awarding the \$81,497.63 bid submitted by Selectron Technologies for an Interactive Voice Response (IVR) system, and authorizing the City Manager to execute necessary documents for Professional Services, Software License and Support and Maintenance agreements for the IVR

CONSENT

8. Consider a proposal from EDAW Inc. to provide a Precise Plan, Environmental and Construction documents for the Gateway parcel of the Tuolumne River Regional Park; Consider authorizing staff to negotiate a contract with EDAW to complete the Precise Plan and Environmental documents at a cost not to exceed \$350,000 and to return to Council at a later date for contract approval; and Consider authorizing staff to negotiate a contract with EDAW to complete future Construction documents for the Gateway parcel as funding becomes available and to return to Council at a later date for said contract approval. Funds are budgeted.
 - Resolution accepting a proposal from EDAW Inc. to provide a Precise Plan, Environmental and Construction documents for the Gateway parcel of the Tuolumne River Regional Park; authorizing staff to negotiate a contract with EDAW to complete the Precise Plan and Environmental documents at a cost not to exceed \$350,000 and to return to Council at a later date for contract approval; and authorizing staff to negotiate a contract with EDAW to complete future Construction documents for the Gateway parcel as funding becomes available and to return to Council at a later date for said contract approval recommended.

*Parks, Recreation & Neighborhoods; Doug Critchfield, 577-5353,
dcritchfield@modestogov.com*

ACTION: Res. No. 2003-337 (Frohman/Conrad, unan.) accepting a proposal from EDAW Inc. to provide a Precise Plan, Environmental and Construction documents for the Gateway parcel of the Tuolumne River Regional Park; authorizing staff to negotiate a contract with EDAW to complete the Precise Plan and Environmental documents at a cost not to exceed \$350,000 and to return to Council at a later date for contract approval; and authorizing staff to negotiate a contract with EDAW to complete future Construction documents for the Gateway parcel as funding becomes available and to return to Council at a later date for said contract approval.

CONSENT

9. Consider authorizing staff to publish a Request for Proposals (RFPs) for the development and construction of multi-family housing, rehabilitation and conversion of market rate units to affordable units or the development of new entry-level single-family units, which will increase the affordable housing stock within the City of Modesto. Funding sources come from the HOME entitlement.
- Resolution authorizing staff to publish a Request for Proposals (RFPs) for the development and construction of multi-family housing, rehabilitation and conversion of market rate units to affordable units or the development of new entry-level single-family units, which will increase the affordable housing stock within the City of Modesto recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Res. No. 2003-338 (Frohman/Conrad, unan.) authorizing staff to publish a Request for Proposals (RFPs) for the development and construction of multi-family housing, rehabilitation and conversion of market rate units to affordable units or the development of new entry-level single-family units, which will increase the affordable housing stock within the City of Modesto.

CONSENT

10. Consider approving an application for \$1,140,000 in California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 funding for Phase I development of the Gateway Parcel of Tuolumne River Regional Park (TRRP). No fiscal impact to existing City funds. No formal match is required for this funding.
- Resolution approving an application for \$1,140,000 in California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 funding for Phase I development of the Gateway Parcel of Tuolumne River Regional Park (TRRP) recommended.

*Parks, Recreation & Neighborhoods; Debbie Carlson-Gould, 571-5582,
dgould@modestogov.com*

ACTION: Res. No. 2003-339 (Frohman/Conrad, unan.) approving an application for \$1,140,000 in California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 funding for Phase I development of the Gateway Parcel of Tuolumne River Regional Park (TRRP).

CONSENT

11. Consider an Amendment to Agreement with Modesto Sister Cities International (MSCI) to decrease funding by 10% and authorizing the City Manager to execute the necessary documents. The payment to MSCI will be \$28,440.

- Resolution approving an Amendment to Agreement with Modesto Sister Cities International to decrease funding by 10% and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391, dconder@modestogov.com

ACTION: Res. No. 2003-340 (Frohman/Conrad, unan.) approving an Amendment to Agreement with Modesto Sister Cities International to decrease funding by 10% and authorizing the City Manager to execute the necessary documents.

CONSENT

12. Consider approval of employee health, dental and vision plans for FY 2004.
 - Resolution approving agreements with the PacifiCare, Kaiser, Premanente, American Specialty Health Plan (chiropractic coverage), and PacifiCare Behavioral Health; continuing Dental and Vision coverage through the City's self-insured program; and authorizing the Personnel Director to serve as the coordinator for the various plans and authorizing the City Manager to execute all necessary documents recommended.

Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com

ACTION: Res. No. 2003-341 (Frohman/Conrad, unan.) approving agreements with the PacifiCare, Kaiser, Premanente, American Specialty Health Plan (chiropractic coverage), and PacifiCare Behavioral Health; continuing Dental and Vision coverage through the City's self-insured program; and authorizing the Personnel Director to serve as the coordinator for the various plans and authorizing the City Manager to execute all necessary documents.

CONSENT

13. Consider extension of the authority for Police Officers/Deputy Sheriffs/City and County Security Officers/County Enforcement Officers to enforce the provisions of the Modesto Municipal Code within the Modesto City limits.
 - Introduction of an ordinance adding Section 2-3.904, 2-3.905, 2-3.906 and 2-3.907 to Article 9 of Chapter 3 of Title 2 of the Modesto Municipal Code recommended.

Police; Mike Harden, 342-6122, hardenm@modestopd.com or Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: By motion (Frohman/Conrad, unan.) **introduced Ordinance No. 3305-C.S.** adding Section 2-3.904, 2-3.905, 2-3.906 and 2-3.907 to Article 9 of Chapter 3 of Title 2 of the Modesto Municipal Code.

COUNCIL COMMENTS & REPORTS

14. At the request of Mayor Sabatino, re-consider amending the agreement between the City of Modesto and Modesto Redevelopment Associates to allow for closure of breezeway at Bartoni Lane after business hours.

ACTION: Staff directed to return to Council with an update on this item at a future meeting.

Councilmember Jackman apologized for violating the City's policy for use of the City credit card in obtaining airline tickets for a personal vacation to Hawaii.

Councilmember Frohman requested a closed session to discuss the policy.

HEARINGS

Items 15 and 16 opened and heard at one time.

15. Hearing to consider approving the Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6.
- Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-342 (Jackman/Frohman, unan.) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 1 for Dry Creek Meadows subdivision #1 through #6.

16. Hearing to consider approving the Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10.
- Resolution confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10 recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-343 (Jackman/Frohman, unan.) confirming the diagram and assessment, and levying the proposed assessment for Landscape Maintenance District No. 2 for Dry Creek Meadows subdivision #7 through #10.

Councilmember Fisher absent due to conflict of interest

17. Hearing to consider the application of Nora Naraghi for a Precise Plan for Area No. 20(NW) of the Village One Specific Plan and for concurrent rezoning from Specific

Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the Northwest corner of Roselle and Floyd Avenues.

- Introduction of an ordinance approving Precise Plan no 20(NW) recommended.
- Introduction of an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended.
- Resolution finding the Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.

*Community & Economic Development; Brad Wall, 571-5539,
bwall@modestogov.com*

ACTION: By motion (Jackman/O'Bryant, Fisher absent) **introduced Ordinance No. 3306-C.S.** approving Precise Plan no 20(NW)

ACTION: By motion (Jackman/O'Bryant, Fisher absent) **introduced Ordinance No. 3307-C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone

ACTION: **Res. No. 2003-344** (Jackman/O'Bryant, Fisher absent) finding the Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR

Fisher absent due to conflict of interest

18. Hearing to consider application of Nora Naraghi for a Precise Plan for Area No. 18 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the Northwest Corner of Floyd Avenue and Lincoln Oak Drive.

- Introduction of an ordinance approving Precise Plan No. 18 recommended.
- Introduction of an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone recommended.
- Resolution finding the Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR recommended.

*Community & Economic Development; Brad Wall, 571-5539,
bwall@modestogov.com*

ACTION: By motion (Jackman/O'Bryant, Fisher absent) **introduced Ordinance No. 3308-C.S.** approving Precise Plan No. 18.

ACTION: By motion (Jackman/O'Bryant, Fisher absent) **introduced Ordinance No. 3309-C.S.** approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone

ACTION: **Res. No. 2003-345** (Jackman/O'Bryant, Fisher absent) finding the Precise Plan and rezoning within the scope of the Village One Specific Plan Program EIR.

19. Hearing to consider an appeal by David Romano of May 19, 2003 Planning Commission approval of Vesting Tentative Parcel Map owned by Marvin L. Oates Trust, dividing two parcels, property located on the North side of Glenn Avenue, East of Crows Landing Road.
- Resolution granting the appeal recommended.
- Community & Economic Development; Bob Granberg, 571-5539,
bgranberg@modestogov.com*

ACTION: By Motion (Fisher/Jackman, unan.) defer for 3 weeks and directed staff talk with Buzz Oates the adjoining property owner and Dave Romano representing the applicant.

20. Hearing to consider the 2003 Urban Growth Policy Review Update.
- Consider resolutions calling for a Measure M election in November 2003 for the Johanson CPD, Empire North CPD, and the remaining Village Residential portion of the Kiernan/Carver CPD, to be consolidated with a municipal election and that election costs associated with the above CPDs be paid by the City of Modesto.
 - Consider resolutions calling for a Measure M election in November 2003 for the Shackelford area, the Robertson Road area and the Coffee-Sylvan area, to be consolidated with a municipal election and that election costs associated with the above in-fill areas be paid by the City of Modesto, and approving agreements between the City of Modesto and the County of Stanislaus conditioned upon said agreements signed by the County requiring that all relevant fiscal issues including infrastructure funding will be addressed for the subject in-fill areas, prior to submittal of the ballot measure to the County Registrar for the November 2003 General Election, and authorizing the City Manager to execute said agreement.
 - Consider resolutions directing the City Clerk to transit a copy of the proposed advisory measures considering the extension of sewer service to the Johansen CPD, Empire North CPD, the remaining Village Residential portion of the Kiernan/Carver CPD, the Shackelford area, the Robertson Road area and the Coffee-Sylvan area, to the City Attorney for the purpose of preparing an impartial analysis.
 - Consider resolutions authorizing the members of the City Council to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the Johansen CPD, Empire North CPD, the remaining Village Residential portion of the Kiernan/Carver CPD, the Shackelford area, the Robertson Road area and the Coffee-Sylvan area.
 - Consider a resolution finding the 2003 Urban Growth Policy Review and proposed Measure M Ballot measures for Johansen, Empire North, Kiernan/Carver, and the Shackelford, Robertson Road and Coffee-Sylvan in-fill areas are within the Scope of the General Plan covered by a Master Environmental Impact Report (SCH#1999082041) and no new environmental

document nor findings pursuant to Section 21081 of the Public Resources Code shall be required by the California Environmental Quality Act (per section 21157.1).

*Community & Economic Development; Patrick Kelly, 571-5539,
pkelly@modestogov.com*

- ACTION: Res. No. 2003-346** (Fisher/Conrad; majority Frohman and Jackman no) finding that the 2003 Urban Growth Review, (the Project) as required by the adopted Modesto Urban Area General Plan, "Community Growth Strategy" is within the scope of the Project covered by the Modesto Urban Area General Plan Master Environmental Impact Report (SCH NO. 1999082041).
- ACTION: Res. No. 2003-347** (Fisher/Jackman;unan.) directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as "Coffee-Sylvan Infill Area" generally located East of Coffee Road, South of Sylvan Avenue, East and West of Keller Street containing 275 parcels on 89 acres in the Modesto Urban Area General Plan, and approving an agreement between the City of Modesto ("City") and County of Stanislaus ("County") to resolve potential fiscal impacts of upgrading existing deficient infrastructure within the Coffee-Sylvan Infill Area of the Modesto Urban Area General Plan, and authorizing the City Manager to execute the agreement provided the County of Stanislaus approves the Public Improvement Agreement.
- ACTION: Res. No. 2003-348** (Fisher/Jackman, unan.) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to the unincorporated area referred to as "Coffee-Sylvan Infill Area" generally located East of Coffee Road, South of Sylvan Avenue, East and West of Keller Street containing 275 parcels on 89 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure provided the County of Stanislaus approves the Public Improvement Agreement.
- ACTION: Res. No. 2003-349** (Fisher/Jackman, unan.) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the unincorporated area referred to as "Coffee-Sylvan Infill Area", generally located East of Coffee Road, South of Sylvan Avenue, East and West of Keller Street containing 275 parcels on 89 acres in the area of the Modesto Urban Area General Plan provided the County of Stanislaus approves the Public Improvement Agreement.
- ACTION: Res. No. 2003-350** (Fisher/Conrad; majority Frohman and Jackman no) directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to the extension of sewer service to the unincorporated area designated "Johansen Comprehensive Planning District" in the Modesto Urban Area General Plan, generally located east of Claus Road, North of Yosemite, West of the Burlington Northern Santa Fe Railroad and South of Dry Creek and the "Empire North Comprehensive Planning District" in the Modesto Urban Area General Plan, generally located east of the Burlington Northern Santa Fe Railroad, North of Summit Way, West of Church Street and South of Dry Creek in the Modesto Urban Area General Plan.
- ACTION: Res. No. 2003-351** (Fisher/Conrad, majority Frohman and Jackman no) directing the City Clerk to transmit a copy of the advisory measure considering the extension of

sewer service to the unincorporated area designated “Johansen Comprehensive Planning District”, generally located East of Claus Road, North of Yosemite, West of the Burlington Northern Santa Fe Railroad and South of Dry Creek in the Modesto Urban Area General Plan and the “Empire North Comprehensive Planning District” in the Modesto Urban Area General Plan, generally located east of the Burlington Northern Santa Fe Railroad, North of Summit Way, West of Church Street and South of Dry Creek in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure

ACTION: **Res. No. 2003-352** (Fisher/Conrad, majority Frohman and Jackman no) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the unincorporated area designated “Johansen Comprehensive Planning District”, generally located east of Claus Road, North of Yosemite, West of the Burlington Northern Santa Fe Railroad and South of Dry Creek in the Modesto Urban Area General Plan and the “Empire North Comprehensive Planning District” in the Modesto Urban Area General Plan, generally located east of the Burlington Northern Santa Fe Railroad, North of Summit Way, West of Church Street and South of Dry Creek in the Modesto Urban Area General Plan.

ACTION: **Res. No. 2003-353** (Fisher/Conrad; unan.) directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to the extension of sewer service to the unincorporated area known as the Waterman/Lucchesa property in the “Kiernan-Carver Comprehensive Planning District” designated “Village Residential” by the Modesto Urban Area General Plan, generally located east of Dale Road, North of Pelandale Avenue between Tully Road and Carver Road and North of Bangs Avenue, between Tully Road on the East and Dale Road on the West, and South of Kiernan Avenue in the Modesto Urban Area General Plan.

ACTION: **Res. No. 2003-354** (Fisher/Conrad; unan.) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to the unincorporated area known as the Waterman/Lucchesa property designated in the “Kiernan-Carver Comprehensive Planning District” designated “Village Residential” by the Modesto Urban Area General Plan, generally located East of Dale Road, North of Pelandale Avenue between Tully Road and Carver Road and North of Bangs Avenue, between Tully Road on the East and Dale Road on the West, and South of Kiernan Avenue in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure.

ACTION: **Res. No. 2003-355** (Fisher/Conrad; unan.) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the unincorporated area known as the Waterman/Lucchesa property designated in the “Kiernan-Carver Comprehensive Planning District” designated “Village Residential” by the Modesto Urban Area General Plan, generally located East of Dale Road, North of Pelandale Avenue between Tully Road and Carver Road and North of Bangs Avenue, between Tully Road on the East and Dale Road on the West, and South of Kiernan Avenue in the Modesto Urban Area General Plan.

ACTION: **Res. No. 2003-356** (Fisher/Jackman, unan.) directing the City Clerk to submit to the voters at the next regular Municipal Election an advisory measure relating to

the extension of sewer service to the unincorporated area referred to as “Robertson Road Infill Area”, generally located South of Robertson Road, East of Carpenter Road, West of Hays Street and North of John Street containing 334 parcels on 96.8 acres in the Modesto Urban Area General Plan, and approving an agreement between the City of Modesto (“City”) and County of Stanislaus (“County”) to resolve potential fiscal impacts of upgrading existing deficient infrastructure within the Robertson Road Infill Area, and authorizing the City Manager to execute the agreement provided the County of Stanislaus approves the Public Improvement Agreement.

ACTION: **Res. No. 2003-357** (Fisher/Jackman; unan.) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to the unincorporated area referred to as “Robertson Road Infill Area”, generally located South of Robertson Road, East of Carpenter Road, West of Hays Street and North of John Street containing 334 parcels on 96.8 acres in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure provided the County of Stanislaus approves the Public Improvement Agreement.

ACTION: **Res. No. 2003-358** (Fisher/Jackman; unan.) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the unincorporated area referred to as “Robertson Road Infill Area”, generally located South of Robertson Road, East of Carpenter Road, West of Hays Street and North of John Street containing 334 parcels on 96.8 acres in the Modesto Urban Area General Plan provided the County of Stanislaus approves the Public Improvement Agreement.

ACTION: **Res. No. 2003-359** (Fisher/Jackman; unan.) directing the City Clerk to submit to the voters at the next regular municipal election an advisory measure relating to the extension of sewer service to the unincorporated area referred to as “Shackelford Infill Area”, generally located south of SR 99, East of Crows Landing Road, West of Main Street, and North of Hatch Road containing 497 parcels on 153 acres in the Modesto Urban Area General Plan, and approving an agreement between the City of Modesto (“City”) and County of Stanislaus (“County”) to resolve potential fiscal impacts of upgrading existing deficient infrastructure within the Shackelford Infill Area of the Modesto Urban Area General Plan, and authorizing the City Manager to execute the agreement provided the County of Stanislaus approves the Public Improvement Agreement.

ACTION: **Res. No. 2003-360** (Fisher/Jackman; unan.) directing the City Clerk to transmit a copy of the advisory measure considering the extension of sewer service to the unincorporated area referred to as “Shackelford Infill area”, generally located south of SR 99, East of Crows Landing Road, West of Main Street, and North of Hatch Road containing 497 parcels on 153 acres, in the Modesto Urban Area General Plan to the City Attorney for the purpose of preparing an impartial analysis of said measure provided the County of Stanislaus approves the Public Improvement Agreement.

ACTION: **Res. No. 2003-361** (Fisher/Jackman; unan.) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the advisory measure relating to the extension of sewer service to the unincorporated area referred to as “Shackelford Infill Area”, generally located South of SR 99,

East of Crows Landing Road, West of Main Street, and North of Hatch Road containing 497 parcels on 153 acres, in the Modesto Urban Area General Plan provided the County of Stanislaus approves the Public Improvement Agreement.

NEW BUSINESS

This item tabled until further notice.

21. Consider an advisory ballot measure concerning a ½ percent increase in the sales tax rate.
- Resolution approved submitting an advisory measure concerning a proposed ½ percent increase in the sales tax in Stanislaus County dedicated to transportation to the voters at the regular municipal election (November 4, 2003) recommended.
 - Resolution directing the City Clerk to transmit a copy of the proposed sales tax advisory measure to the City Attorney for the purpose of preparing an impartial analysis recommended.
 - Resolution authorizing the members of the City Council to file written arguments in favor of or in opposition to the advisory measure concerning the proposed ½ percent increase in the sales tax rate recommended.
- City Attorney; Mike Milich, 577-5322, mmilich@modestogov.com*

22. Consider introducing an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code prohibiting alcohol in certain City parks; and Consider amending the FY 03-04 operating budget to appropriate \$24,000 from the General Fund to fund the placement of appropriate signage.
- Motion introducing an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities recommended.
 - Resolution amending the FY 03-04 operating budget to appropriate \$24,000 from the General Fund to fund the placement of appropriate signage recommended.
- Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com*

ACTION: By motion (Fisher/Conrad, majority Jackman, Keating and Sabatino no) **introduced Ordinance No. 3310-C.S.** amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of all parks and recreation areas and facilities and establishing an alcohol permit policy. The permit policy will be reviewed by a Council committee and the ordinance will return to the Council in one year for review.

ACTION: Res. No. 2003-362 (Fisher/Conrad, majority Jackman, Keating and Sabatino no) amending the FY 03-04 operating budget to appropriate \$24,000 from the General Fund to fund the placement of appropriate signage

23. Consider renewal of Excess Workers' Compensation coverage.
- Resolution authorizing the Acting Risk Manager to bind Excess Workers' Compensation insurance as presented to the City's Broker of Record and authorizing the City Manager to execute the necessary documents recommended.

Personnel; Robin Renwick, 577-5402, rrenwick@modestogov.com

ACTION: Res. No. 2003-363 (Jackman/Conrad, unan.) authorizing the Acting Risk Manager to bind Excess Workers' Compensation insurance as presented to the City's Broker of Record and authorizing the City Manager to execute the necessary documents.

This item continued to the July 8, 2003 meeting.

24. Consider a Charter amendment to impose term limits.
- Resolution placing a proposed charter amendment on the ballot for the regular municipal election to be held on Tuesday, November 4, 2003 in the City of Modesto for the purpose of submitting to the electors of said city a proposal, by motion of the Council, to add Section 503 to the Charter relating to limitation of terms of office
 - Resolution transmitting a copy of a ballot measure relating to a Charter amendment imposing a limitation on terms of office to the City Attorney for impartial analysis.
 - Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the proposed Charter amendment imposing a limitation on terms of office.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 10:50 p.m.

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, July 7, 2003

Roll Call: Present: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

98) Status Report on Bulky Item Collection Program Review

ACTION: This item was for informational purposes only.

99) Status Report on SB 916 and Alignment of High Speed Rail Project from Bay Area to Central California

ACTION: This item was for informational purposes only.

100) Status Report on Downtown Specific Plan

ACTION: This item was for informational purposes only.

101) Receive Report Regarding Milken Institute Best Performing Cities Study

ACTION: This item was for informational purposes only.

102) Community & Economic Development Department Monthly Development Activity Report

- a. Workforce Development Program
- b. Kiernan Business Park
- c. Kaiser Medical Center
- d. Shelter Cove Church
- e. Regulating Use of Shipping Containers as Storage in the Residential Zones
- f. Del Valle Homes/Fairview Development Agreement Implementation
- g. Village Center Development Agreement
- h. General Plan Housing Element Update
- i. Urban Growth Review
- j. St. Stanislaus Church
- k. Planning Division Activity
- l. Building Inspection Statistics
- m. Kansas-Woodland Business Park (FMC)
- n. 9th Street Bridge Property Acquisition for New Bridge Project
- o. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- p. Downtown Housing Project
- q. Safeway at McHenry/Pelandale
- r. General Plan Master EIR and Amendment
- s. Village One Specific Plan Amendment
- t. Adoption of Building Codes

ACTION: This item was for informational purposes only.

103) Consider Staff Recommendation to Approve an Agreement with the City of Ceres for the Purchase of a Van for the Ceres Fixed Route Bus Service

ACTION: By consensus of the Committee (Frohman/Jackman; unan.) the staff recommendation was approved.

104) Consider Adopting Disadvantaged Business Enterprise (DBE) Goal and Plan for Federally Funded Transit Projects

ACTION: By consensus of the Committee (Frohman/Jackman; unan.) the staff recommendation was approved.

105) Consider Amendment to the City's Lease Agreement with Modesto Executive Air Charter dba SkyTrek Aviation.

ACTION: By consensus of the Committee (Frohman/Jackman; unan.) the staff recommendation was approved.

- 106)** Consider Staff Recommendation to Remove Protected/Permissive Left-Turn Operation at the Intersections of Sisk Road at Rumble, Sisk Road at Plaza Parkway, and Standiford Avenue at Conant Avenue

ACTION: By consensus of the Committee (Frohman/Jackman; unan.) the staff recommendation was approved.

- 107)** Consider Modified Traffic-Calming Plan (TCP) for the Encina Avenue/LaLoma Avenue Area Neighborhoods, Recommend any Changes, and Direct Staff to Present Report to the City Council for Approval

ACTION: By consensus of the Committee the staff recommendation was approved

- 108)** Consider Staff Recommendation to Reject StanCOG'S request for a Capital Facilities Fees (CFF) Transfer from State Route 132 West Project CFF for the State Route 132 East Widening Project in the Amount of \$1.5 Million

ACTION: The Committee accepted the staff recommendation and directed staff to work with Gary Dickson on an application for the Economic Development Loan Bank and review federal funding options.

- 109)** Discussion and Direction to Staff Regarding the Northwest Business Park Specific Plan and Focused Environmental Impact Report

ACTION: No action was taken.

- 110)** Discussion and Direction to Staff Regarding the Proposed Annexation of the Carpenter/Shaddox Area

ACTION: The Committee requested staff to work with area property owners and Stanislaus County to develop a financing mechanism to assure that city standard infrastructure improvements were provided without cost to the City of Modesto as a condition of annexation.

- 111)** Review Applications for Boards, Commissions and Committees

ACTION: This item was deferred to the July 10, 2003 meeting.

112) Consider Reviewing Reports Produced from the County-Wide ESI Economic Development Strategic Plan Study and Staff Recommendation to Approve

ACTION: By consensus of the Committee the staff recommendation was approved

113) Discussion and Possible Recommendation for a Kiernan/Carver Comprehensive Planning District Measure A Ballot Item

ACTION: No action taken.

114) Consider Recommendation to Revise Resolution 2001-124 to Permit Exemption of Capital Facilities Fees for Buildings Destroyed or Demolished

ACTION: By consensus of the Committee the staff recommendation was approved

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting adjourned at 7:00 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, July 8, 2003, at 5:30 p.m.

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

Absent: Conrad (*arrived at 6:35 pm*)

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements Item 21 moved to the July 22 Council meeting
Item 25 moved to the Consent Calendar

Declaration of Conflicts of Interest – Fisher Items 17-20

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of the City’s new Deputy Fire Marshal, Paul Easter by Fire Marshal Mike Payton.

ACTION: Introduction made by Jim Miguel, Fire Chief.

2. Presentation by Mayor O’Malley, Mayor of Baltimore.

ACTION: No presentation made.

ORAL COMMUNICATIONS

- Joan Ruttschow commented on the failed measure to fluoridate the City's drinking water and asked where the equipment is held that was purchased to fluoridate the water.
- Carolyn Mitton commented on the lack of landscape maintenance in her area.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12 and 25

ACTION CONSENT ITEMS: Frohman/Fisher; unan. Conrad absent

CONSENT ITEMS

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

CONSENT

3. Final adoption of Ordinance 3305-C.S. - an ordinance adding Sections 2-3.904, 2-3.905, 2-906 and 2-3.907 to Article 9 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to extension of authority for Police Officers/Deputy Sheriffs/City and County Security Officers/County Code Enforcement Officers to enforce the provisions of the Modesto Municipal Code within the Modesto City Limits.
 - Motion approving final adoption recommended.*City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com*

ACTION: By Motion (Frohman/Fisher; unan. Conrad absent) approved the **final adoption of Ordinance 3305-C.S.** - an ordinance adding Sections 2-3.904, 2-3.905, 2-906 and 2-3.907 to Article 9 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to extension of authority for Police Officers/Deputy Sheriffs/City and County Security Officers/County Code Enforcement Officers to enforce the provisions of the Modesto Municipal Code within the Modesto City Limits.

CONSENT

4. Consider amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.
 - Motion introducing an ordinance amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed recommended.*Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com*

ACTION: By Motion (Frohman/Fisher; unan. Conrad absent) introduced **Ordinance No. 3311-C.S.--** an ordinance amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when appropriate signs are placed.

CONSENT

5. Consider decreasing tip fees at the Stanislaus Resource Recovery Facility from \$30.00 per ton to \$28.00 per ton, effective August 1, 2003.
- Resolution decreasing tip fees at the Stanislaus Resource Recovery Facility from \$30.00 per ton to \$28.00 per ton, effective August 1, 2003 recommended.
Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com

ACTION: Res. No. 2003-364 (Frohman/Fisher; unan. Conrad absent) decreasing tip fees at the Stanislaus Resource Recovery Facility from \$30.00 per ton to \$28.00 per ton, effective August 1, 2003.

CONSENT

6. Consider an amendment to an agreement with Omni Means Ltd, in the amount of \$8,828 for additional work not included in the original agreement to provide engineering services related to the street project documentation for the Capital Facilities Fees Update, and authorizing the City Manager to execute the necessary documents.
- Resolution amending an agreement with Omni Means Ltd, in the amount of \$8,828 for additional work not included in the original agreement to provide engineering services related to the street project documentation for the Capital Facilities Fees Update, and authorizing the City Manager to execute the necessary documents recommended.
Engineering & Transportation; Richard Ulm, 577-5215, rulm@modestogov.com

ACTION: Res. No. 2003-365 (Frohman/Fisher; unan. Conrad absent) amending an agreement with Omni Means Ltd, in the amount of \$8,828 for additional work not included in the original agreement to provide engineering services related to the street project documentation for the Capital Facilities Fees Update, and authorizing the City Manager to execute the necessary documents.

CONSENT

7. Consider approving Amendment #16 to the agreement for Kansas Needham Overhead Construction Support Services with Parson Transportation Group in the amount of \$51,381 and authorizing the City Manager to execute necessary documents.

- Resolution approving Amendment #16 to the agreement for Kansas Needham Overhead Construction Support Services with Parson Transportation Group in the amount of \$51,381 and authorizing the City Manager to execute necessary documents recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Res. No. 2003-366 (Frohman/Fisher; unan. Conrad absent) approving Amendment #16 to the agreement for Kansas Needham Overhead Construction Support Services with Parson Transportation Group in the amount of \$51,381 and authorizing the City Manager to execute necessary documents.

CONSENT

8. Consider the Final Map of Villagio subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign the standard subdivision agreement with the subdividers. Owner: K-D Land & Cattle Investments, LLC, a California Limited Liability Company.

- Resolution approving the Final Map of Villagio subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

Engineering & Transportation; Robert Granberg 577-5259, rgranberg@modestogov.com

ACTION: Res. No. 2003-367 (Frohman/Fisher; unan. Conrad absent) approving the Final Map of Villagio subdivision in the Village One Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code.

CONSENT

9. Consider an amendment to the proposed Institutional Network construction and maintenance agreement with Comcast of California XII Inc., removing the provision in Section 3 for the buy-out of the I-Net in the event that there is no longer a cable franchise in the City.

- Resolution approving an amendment to the proposed Institutional Network construction and maintenance agreement with Comcast of California XII Inc., removing the provision in Section 3 for the buy-out of the I-Net in the event that there is no longer a cable franchise in the City recommended.

Information Technology; Joyce Engberg, 577-5229, jengberg@modestogov.com

ACTION: Res. No. 2003-368 (Frohman/Fisher; unan. Conrad absent) approving an amendment to the proposed Institutional Network construction and maintenance agreement with Comcast of California XII Inc., removing the

provision in Section 3 for the buy-out of the I-Net in the event that there is no longer a cable franchise in the City.

CONSENT

10. Consider amending the Position Classification Plan to create the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II, Senior Environmental Compliance Inspector, Regulatory Compliance Supervisor, and Laboratory & Environmental Monitoring Supervisor and to delete the classifications of Industrial Waste Inspector I, Industrial Waste Inspector II, Hazardous Materials Program Coordinator and Industrial Waste Supervisor; Consider amending the Class Range Table for Management and Confidential Classes to establish a salary range for the classifications of Regulatory Compliance Supervisor and Laboratory & Environmental Monitoring Supervisor; and Consider amending the Class Range Table for General Non-Sworn Classes to establish a salary range for the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II and Senior Environmental Compliance Inspector.
- Resolution amending the Position Classification Plan to create the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II, Senior Environmental Compliance Inspector, Regulatory Compliance Supervisor, and Laboratory & Environmental Monitoring Supervisor, and to delete the classifications of Industrial Waste Inspector I, Industrial Waste Inspector II, Hazardous Materials Program Coordinator and Industrial Waste Supervisor recommended.
 - Resolution amending the Class Range Table for Represented Management and Confidential Classes to establish a salary range for the classifications of Regulatory Compliance Supervisor and Laboratory & Environmental Monitoring Supervisor recommended.
 - Resolution amending the Class Range Table for General Non-Sworn Classes to establish a salary range for the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II and Senior Environmental Compliance Inspector recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Res. No. 2003-369 (Frohman/Fisher; unan. Conrad absent) amending the Position Classification Plan to create the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II, Senior Environmental Compliance Inspector, Regulatory Compliance Supervisor, and Laboratory & Environmental Monitoring Supervisor, and to delete the classifications of Industrial Waste Inspector I, Industrial Waste Inspector II, Hazardous Materials Program Coordinator and Industrial Waste Supervisor.

ACTION: Res. No. 2003-370 (Frohman/Fisher; unan. Conrad absent) amending the Class Range Table for Represented Management and Confidential Classes to

establish a salary range for the classifications of Regulatory Compliance Supervisor and Laboratory & Environmental Monitoring Supervisor.

ACTION: Res. No. 2003-371 (Frohman/Fisher; unan. Conrad absent) amending the Class Range Table for General Non-Sworn Classes to establish a salary range for the classifications of Environmental Compliance Inspector I, Environmental Compliance Inspector II and Senior Environmental Compliance Inspector.

CONSENT

11. Consider amending the Position Classification Plan to create the classifications of Water Resource Specialist I and Water Resource Specialist II, and to change the title of the classification of Police Support Services Supervisor to Police Civilian Supervisor.

- Resolution amending the Position Classification Plan to create the classifications of Water Resource Specialist I and Water Resource Specialist II, and to change the title of the classification of Police Support Services Supervisor to Police Civilian Supervisor recommended.
- Resolution amending the Class Range Table for General Non-Sworn Classes to establish a salary range for Water Resource Specialist I and Water Resource Specialist II, and to amend the Class Range Table for Represented Management/Confidential Non-Sworn to change the title from Police Support Services Supervisor to Police Civilian Supervisor recommended.

Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com

ACTION: Res. No. 2003-372 (Frohman/Fisher; unan. Conrad absent) amending the Position Classification Plan to create the classifications of Water Resource Specialist I and Water Resource Specialist II, and to change the title of the classification of Police Support Services Supervisor to Police Civilian Supervisor

ACTION: Res. No. 2003-373 (Frohman/Fisher; unan. Conrad absent) amending the Class Range Table for General Non-Sworn Classes to establish a salary range for Water Resource Specialist I and Water Resource Specialist II, and to amend the Class Range Table for Represented Management/Confidential Non-Sworn to change the title from Police Support Services Supervisor to Police Civilian Supervisor

ACTION: Res. No. 2003-373A (Frohman/Fisher; unan. Conrad absent) amending the Class Range Table for Represented Management/Confidential Non-Sworn to change the title from Police Support Services Supervisor to Police Civilian Supervisor

CONSENT

12. Consider amending Modesto Municipal Code Section 10-2.2006 and 12-1.03 through 12-1.07 relating to Parking Lot Landscape Standards.
- Motion introducing an ordinance amending Section 10-2.2006 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to landscaping recommended.
 - Motion introducing an ordinance amending Sections 12-1.03, 12-1.04, 12-1.05, 12-1.06 and 12-1.07 of Chapter 1 of Title 12 of the Modesto Municipal Code relating to landscaping recommended.

Operations & Maintenance; Jana Coons, 342-2281, jcoons@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan. Conrad absent) introduced **Ordinance No. 3312-C.S.**— an ordinance amending Section 10-2.2006 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to landscaping

ACTION: By Motion (Frohman/Fisher; unan. Conrad absent) introduced **Ordinance No. 3313-C.S.**-- introducing an ordinance amending Sections 12-1.03, 12-1.04, 12-1.05, 12-1.06 and 12-1.07 of Chapter 1 of Title 12 of the Modesto Municipal Code relating to landscaping

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino expressed concern that the County overcharged the residents of the County for garbage collection and made comments regarding the County's contract with Lee Torrens.
13. At the request of Councilmember O'Bryant, consider an official City Council response to the inappropriate use of a City credit card by Councilmember Jackman.

ACTION: Statement read by Councilmember O'Bryant and comments made by Councilmember Keating

- Councilmember Keating recommended a policy that would direct staff to prepare an annual report detailing travel costs and expenses for Councilmembers and any unauthorized use of the City credit card be reported immediately to the Council.
- Councilmember Keating also directed the City Manager to return to Council with a report showing any unauthorized travel expenses by Councilmembers from the year 2000 forward and encouraged all Councilmembers to sign the procurement card agreement.

UNFINISHED BUSINESS

The following item was continued from July 1, 2003

14. Consider a Charter amendment to impose term limits.

- Resolution placing a proposed charter amendment on the ballot for the regular municipal election to be held on Tuesday, November 4, 2003 in the City of Modesto for the purpose of submitting to the electors of said city a proposal, by motion of the Council, to add Section 503 to the Charter relating to limitation of terms of office
- Resolution transmitting a copy of a ballot measure relating to a Charter amendment imposing a limitation on terms of office to the City Attorney for impartial analysis.
- Resolution authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the proposed Charter amendment imposing a limitation on terms of office.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

Councilmember Conrad arrived at 6:35 p.m.

ACTION: Res. No. 2003-374 (Conrad/O'Bryant; majority, Fisher no) placing a proposed charter amendment on the ballot for the regular municipal election to be held on Tuesday, November 4, 2003 in the City of Modesto for the purpose of submitting to the electors of said city a proposal, by motion of the Council, to add Section 503 to the Charter relating to limitation of terms of office.

ACTION: Res. No. 2003-375 (Conrad/O'Bryant; majority, Fisher no) transmitting a copy of a ballot measure relating to a Charter amendment imposing a limitation on terms of office to the City Attorney for impartial analysis.

ACTION: Res. No. 2003-376 (Conrad/O'Bryant; majority, Fisher no) authorizing the members of the City Council, or any of them, to file written arguments in favor of or in opposition to the proposed Charter amendment imposing a limitation on terms of office.

15. Consider introducing an ordinance amending the Modesto Municipal Code to grant authority to approve extensions of vesting tentative subdivision maps to the Council rather than the Planning Commission.

- Motion introducing an ordinance amending Sections 4-4.405 and 4-4.601 of the Modesto Municipal Code relating to vesting tentative maps for subdivisions other than parcel maps and final maps.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: No action taken by the Council. Authority will return to the Planning Commission

At introduction of ordinance 3304-C.S. the vote was Conrad/Jackman, majority; Frohman, O'Bryant, no

16. Consider final adoption of Ordinance 3304-C.S. - an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the appointment of special committees and standing committees of the Modesto City Council

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan.) approving **final adoption of Ordinance No. 3304-C.S.--** an ordinance amending Sections 2-1.17 and 2-1.18 of Chapter 1 of Title 2 of the Modesto Municipal Code relating to the appointment of special committees and standing committees of the Modesto City Council.

Fisher absent due to conflict of interest.

At introduction of ordinance 3306-C.S. the vote was Jackman/O'Bryant unan; Fisher, absent

17. Consider final adoption of Ordinance 3306-C.S. - an ordinance adopting a Precise Plan for Area No. 20 (Northwest quadrant) of the Village One Specific Plan, relating to property located at the Northwest corner of Floyd and Roselle Avenues. (Nora Naraghi).

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad unan. Fisher absent) approving **final adoption of Ordinance No. 3306-C.S.--** an ordinance adopting a Precise Plan for Area No. 20 (Northwest quadrant) of the Village One Specific Plan, relating to property located at the Northwest corner of Floyd and Roselle Avenues. (Nora Naraghi)

Fisher absent due to conflict of interest

At introduction of ordinance 3307-C.S. the vote was Jackman/O'Bryant unan.; Fisher, absent

18. Consider final adoption of Ordinance 3307-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the Northwest corner of Floyd and Roselle Avenues. (Precise Plan for Area No. 20 (Northwest quadrant) - Nora Naraghi).

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan. Fisher absent) approving **final adoption of Ordinance No. 3307-C.S.--** an ordinance adopting rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay Zone, SP-O, for property located at the Northwest corner of Floyd and Roselle Avenues. (Precise Plan for Area No. 20 (Northwest quadrant) - Nora Naraghi).

Fisher absent due to conflict of interest

At introduction of ordinance 3308-C.S. the vote was Jackman/O'Bryant unan.; Fisher, absent

19. Consider final adoption of Ordinance 3308-C.S. - an ordinance adopting a Precise Plan for Area No. 18 of the Village One Specific Plan, relating to property located at the Northwest corner of Floyd Avenue and Lincoln Oak Drive. (Nora Naraghi).

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan. Fisher absent) approving **final adoption of Ordinance No. 3308-C.S.--** an ordinance adopting a Precise Plan for Area No. 18 of the Village One Specific Plan, relating to property located at the Northwest corner of Floyd Avenue and Lincoln Oak Drive. (Nora Naraghi).

Fisher absent due to conflict of interest

At introduction of ordinance 3309-C.S. the vote was Jackman/O'Bryant unan.; Fisher, absent

20. Consider final adoption of Ordinance 3309-C.S. - an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the Northwest corner of Floyd Avenue and Lincoln Oak Drive. (Precise Plan for Area No. 18 - Nora Naraghi)

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan. Fisher absent) approving **final adoption of Ordinance No. 3309-C.S.--** an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the Northwest corner of Floyd Avenue and Lincoln Oak Drive. (Precise Plan for Area No. 18 - Nora Naraghi)

This item will be continued to the July 22, 2003 Council meeting.

At introduction of ordinance 3310-C.S. the vote was Fisher/Conrad, majority; Jackman, Keating, Mayor Sabatino, no

21. Consider final adoption of Ordinance 3310-C.S. - an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities

- Motion approving final adoption recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

HEARINGS

22. Hearing to consider amendment to the Zoning Regulations to prohibit the use of shipping containers in the Specific Plan-Holding (SP-H) and the Residential "R" zones in Modesto.

- Motion introducing an ordinance adding Section 10-2.243.1 and amending Section 10-2.403(k) and 10-2.502(l) of the Modesto Municipal Code, Zoning Regulations, recommended.

*Community & Economic Development; George Osner, 577-5273,
gosner@modestogov.com*

ACTION: By Motion (Jackman/Keating; unan) introduced **Ordinance No. 3314-C.S.—** an ordinance adding Section 10-2.243.1 and amending Section 10-2.403(k) and 10-2.502(l) of the Modesto Municipal Code, Zoning Regulations

23. Hearing to consider the application of Mario Tutino to rezone P-D(550) and the Southern-most portion of P-D(416), located on the Northwest corner of Orangeburg and Martin Avenue to P-D(561) to allow the development of a three-story Extended Stay America Hotel.

- Motion introducing an ordinance approving rezoning from P-D(416) and P-D(550) to P-D(561) recommended.
- Resolution approving a development plan for P-D(561) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com*

ACTION: By Motion (Frohman/Conrad; majority, Fisher and Jackman no) introduced **Ordinance No. 3315 C.S.—** an ordinance approving rezoning from P-D(416) and P-D(550) to P-D(561).

ACTION: Res. No. 2003-377 (Frohman/Conrad; majority, Fisher and Jackman no) approving a development plan for P-D(561) with the condition of additional landscaping being required on Martin Avenue

ACTION: Res. No. 2003-378 (Frohman/Conrad; majority, Fisher and Jackman no) finding the requested rezoning within the scope of the General Plan Master EIR.

NEW BUSINESS

24. Consider the 2002 Annual General Plan Report.
- Resolution approving the 2002 Annual General Plan Report and authorizing staff to submit the report to the State Office of Planning and the State Housing Community Development Department recommended.
Community & Economic Development; Miguel Galvez, 571-5539, mgalvez@modestogov.com

ACTION: Res. No. 2003-379 (Frohman/Keating; unan.) approving the 2002 Annual General Plan Report and authorizing staff to submit the report to the State Office of Planning and the State Housing Community Development Department.

Item 25 Moved to Consent

25. Consider property acquisition from Inland Village, a California Partnership, to the City of Modesto for property along Claus Road. APN: 085-4916 for the Claus Road Expressway Project. Acquisition price: \$360,000.
- Resolution approving an agreement for the property acquisition for Claus Road Expressway Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
 - Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
 - Resolution finding that the following project is within the scope of the Village One Specific Plan Program Environmental Impact Report: Approving right-of-way acquisition for the ultimate Claus Road 6-lane expressway. This activity is within the scope of the approved program and the program EIR adequately describes the activity for purposes of CEQA.
Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com

ACTION: Res. No. 2003-380 (Frohman/Fisher; unan. Conrad absent) approving an agreement for the property acquisition for Claus Road Expressway Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto.

ACTION: Res. No. 2003-381 (Frohman/Fisher; unan. Conrad absent) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Res. No. 2003-382 (Frohman/Fisher; unan. Conrad absent) finding that the following project is within the scope of the Village One Specific Plan Program Environmental Impact Report: Approving right-of-way acquisition for the ultimate Claus Road 6-lane expressway. This activity is within the scope of the approved program and the program EIR adequately describes the activity for purposes of CEQA.

26. Consider the 2003-2004 Waste-to-Energy Project Budget.
- Resolution approving the 2003-2004 Waste-to-Energy Project Budget recommended.
- Engineering & Transportation; Jocelyn Reed, 577-5492, jreed@modestogov.com*

ACTION: Res. No. 2003-383 (O'Bryant/Fisher; unan.) approving the 2003-2004 Waste-to-Energy Project Budget.

27. Consider authorizing staff to solicit proposals for the Traffic Signal Coordination Project within downtown Modesto, and Consider appointing a member of the Council to observe the proposal evaluation panel proceedings. Estimated cost is \$165,000. Funds are budgeted.
- Resolution authorizing staff to solicit proposals for the Traffic Signal Coordination Project within downtown Modesto recommended.
 - Motion appointing a member of the Council to observe the proposal evaluation panel proceedings recommended.
- Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com*

ACTION: Res. No. 2003-384 (Jackman/Frohman; unan.) authorizing staff to solicit proposals for the Traffic Signal Coordination Project within downtown Modesto.

ACTION: By Motion (Jackman/Frohman; unan.) appointed Councilmember Jackman and O'Bryant to observe the proposal evaluation panel proceedings.

28. Consider authorizing staff to issue a Request for Proposals for a five-year bus bench franchise and interior bus advertising lease to become effective January 1, 2004, and appointing a member of the Council to sit on the proposal evaluation committee as either a voting or non-voting member.
- Resolution authorizing staff to issue a Request for Proposals for a five-year bus bench franchise and interior bus advertising lease to become effective January 1, 2004, and appointing a member of the Council to sit on the proposal evaluation committee as either a voting or non-voting member recommended.
- Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com*

ACTION: Res. No. 2003-385 (Jackman/Frohman; unan.) authorizing staff to issue a Request for Proposals for a five-year bus bench franchise and interior bus advertising lease to become effective January 1, 2004, and appointing Councilmember Keating to sit on the proposal evaluation committee as a voting member.

29. Consider a Personal Computer Use Policy for Mayor and Councilmembers
- Resolution approving Personal Computer Use Policy for Mayor and Councilmembers recommended.

Information Technology; Jeff Lewis, 571-5595, jlewis@modestogov.com

ACTION: Res. No. 2003-386 (Frohman/Conrad; majority, Keating no) approving Personal Computer Use Policy for Mayor and Councilmembers.

30. Consider a phased program of meter installation and metered billing of single-family dwellings in the City's outlying water systems, beginning with the Grayson and Del Rio water systems; and Consider amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code to allow meter installation and metered billing in the City's outlying water systems.

- Resolution approving a phased program of meter installation and metered billing of single-family dwellings in the City's outlying water systems, beginning with the Grayson and Del Rio water systems recommended.
- Motion introducing an ordinance amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code to allow meter installation and metered billing in the City's outlying water systems recommended.

Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com

ACTION: Res. No. 2003-387 (Jackman/Conrad; unan.) approving a phased program of meter installation and metered billing of single-family dwellings in the City's outlying water systems, beginning with the Grayson and Del Rio water systems.

ACTION: By Motion (Jackman/Conrad; unan.) introduced **Ordinance No. 3316-C.S.**—an ordinance amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code to allow meter installation and metered billing in the City's outlying water systems.

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 9:25 p.m.

CLOSED SESSION

All closed sessions heard prior to the meeting.

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

Property: Purchase, sale or lease of property located West side of
Claus Road, adjacent to the expressway for the Claus Road
Expressway Project

APN: 085-4916

Negotiating parties: Steve Castellenous, Associated Right-of-Way Services, as
Property Agent on behalf of the City of Modesto

Inland Village, a California General Partnership, Owner

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

Property: Purchase an interest in property located at 3319 Esta
Avenue

APN: 085-01-60

Negotiating parties: George Novachek, Universal Field Services Inc., as
Property Agent on behalf of the City of Modesto

Chia Ching & Li-Li Hsia, Owners

Under negotiation: Price and terms of payment for public utility easement of
0.29 acres and temporary construction easement of 0.43
acres

Property: Purchase an interest in property located at 3324 Roselle
Avenue

APN: 085-01-21

Negotiating parties: George Novachek, Universal Field Services Inc., as
Property Agent on behalf of the City of Modesto

Willis F. Sanders, Owner

Under negotiation: Price and terms of payment for public utility easement of 0.28 acres and temporary construction easement of 0.42 acres

Property: Purchase an interest in property located at 3328 Esta Avenue

APN: 085-01-67

Negotiating parties: Dean Phillips, Senior Civil Engineer

Fred A. Ruelas and Janice L Ruelas, Owners

Under negotiation: Price and terms of payment for temporary construction easement of 0.21 acres

Property: Purchase an interest in property located at 3233 Esta Avenue

APN: 085-01-10

Negotiating parties: Dean Phillips, Senior Civil Engineer

John S. Rush, Owner

Under negotiation: Price and terms of payment for temporary construction easement of 0.15 acres

Property: Purchase an interest in property located at 3220 Roselle Avenue

APN: 085-01-47

Negotiating parties: George Novachek, Universal Field Services Inc., as Property Agent on behalf of the City of Modesto

Jim D. and Mariana Sanford and Richard Wayne Fritz and Ryan Alexander Fritz, Owners

Under negotiation:

Price and terms of payment for temporary construction
easement of 0.71 acres

Modesto City Council
**SPECIAL ECONOMIC DEVELOPMENT COMMITTEE/WORKSHOP
MINUTES**

Thursday, July 10, 2003

Roll Call: Tim Fisher, Chair - present
Denny Jackman, Vice Chair – present
Bruce Frohman - present

New Business

The Committee convened at 5:05 PM in Room 6201, 1010 Tenth Street, Modesto, California. All members present.

The Committee interviewed the following Board, Commission and Committee applicants:

- Mr. Dennis Wister
- Mr. Lloyd Farris
- Mr. William R. Mitchell
- Ms. Tammy Spillers
- Mr. Don Miralle
- Mr. Robert Trache.

The Committee unanimously approved the following recommendations for consideration by City Council on July 22, 2003:

- Mr. Dennis Wister for Landmark Preservation Commission (2 vacancies)
- Mr. William R. Mitchell for Landmark Preservation Commission
- Mr. Lloyd Farris for Community Qualities Forum (5 vacancies) Northwest
- Ms. Patricia A. Austin for Community Qualities Forum (5 vacancies) Southwest
- Mr. Don Miralle for Board of Building Appeals (1 vacancy)
- Ms. Tammy Spillers for Citizens Housing & Community Development (3 vacancies)
- Mr. Robert Trache for Citizens Housing & Community Development (3 vacancies).

ORAL COMMUNICATION

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Adjourned at 6:25 PM.

MINUTES

City of Modesto

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place, 1010 10th Street, Modesto, California

Monday July 21, 2003, at 5:30 p.m.

Roll Call – Present: Committee Members Frohman, Jackman, Keating, Mayor Sabatino

59) Monthly Budget Adjustments – July 2003

ACTION: This item was approved.

60) Yosemite Community College District Reprieve Letter

ACTION: It was the Committee Consensus to direct Finance Staff and the City Attorney to review the existing resolutions and return to the Committee with a legal opinion and the opportunity to amend the resolution.

61) Amend the Position Classification Plan to Revise the Job Specifications of the Following Positions:

- i. Identification Technician II
- ii. Maintenance Mechanic Pumps

ACTION: This item was approved.

62) Withdrawal of Liability Funds from ACCEL

ACTION: This item was approved.

63) Review of Mayor's Letter to the State Legislature Concerning State Budget Impacts to the City of Modesto

ACTION: No action taken. This item was for information only.

64) Overview of Debt Issuance

ACTION: It was the Committee consensus to direct staff to compile a list of potential projects to be considered for tax exempt debt.

65) Review of Proposition 13, ERAF, and Proposition 218

ACTION: No action taken. This item was for information only.

ORAL COMMUNICATIONS

At the request of Committee Member Frohman, consider the purchase of electric hybrid vehicles for the City's vehicle fleet at the next Committee Meeting.

ADJOURNMENT

This meeting was adjourned at 6:40 p.m.

Tuesday, July 22, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Evangelist Linda Wade

City Clerk’s Announcements: Item 11 removed from agenda

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of a proclamation designating August 5, 2003 as National Night Out.

ACTION: Mayor Sabatino presented the proclamation and comments were made by the Police Chief.

2. Video presentation by Mayor O’Malley, Mayor of Baltimore.

ACTION: Video presentation `shown.

MISCELLANEOUS

Appointments

3. Consider appointment of members to the Board of Building Appeals, Community Qualities Forum, Citizens Housing & Community Development Committee, Landmark Preservation Commission, and Housing Rehabilitation Loan Committee.
 - Resolution appointing Don Miralle to the Board of Building Appeals recommended.
 - Resolution appointing Patricia A. Austin and Lloyd Farris to the Community Qualities Forum recommended.
 - Resolution appointing Tammy Spillers and Robert Trache to the Citizens Housing & Community Development Committee recommended.
 - Resolution appointing William R. Mitchell and Dennis Wister to the Landmark Preservation Commission recommended.
 - Resolution appointing Philip Tomlin to the Housing Rehabilitation Loan Committee recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Reso No 2003-388 (Frohman/Jackman; unan.) appointing Don Miralle to the Board of Building Appeals

ACTION: Reso No 2003-389 (Frohman/Jackman; unan.) appointing Patricia A. Austin and Lloyd Farris to the Community Qualities Forum.

ACTION: Reso No 2003-390 (Frohman/Jackman; unan.) appointing Tammy Spillers and Robert Trache to the Citizens Housing & Community Development Committee.

ACTION: Reso No 2003-391 (Frohman/Jackman; unan.) appointing William R. Mitchell and Dennis Wister to the Landmark Preservation Commission.

ACTION: Reso No 2003-392 (Frohman/Jackman; unan.) appointing Philip Tomlin to the Housing Rehabilitation Loan Committee.

ORAL COMMUNICATIONS

- John Hinchey requested a change in structure to the Disposition & Development Agreement for the Valley Towers project.

ACTION: Motion (Conrad/O'Bryant; unan.) Council determined the need to take immediate action and acknowledged the need came to the attention of the City after the agenda was posted to discuss the DDA for the Hinchey Valley Tower Project.

ACTION: By motion Conrad/O'Bryant unan. extended the deadline to receive acceptable financing to the Council meeting of August 12. The item was also referred to the Economic Development Committee on August 11.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4 -10 & 12 & 19
Item 11 removed from the
agenda

ACTION Consent Items: Frohman/Conrad; unan.

CONSENT ITEMS

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

CONSENT

4. Approval of the minutes of the regular City Council meeting of June 24, & 26, July 1 and July 8, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.) approved the minutes of the regular City Council meeting of June 24, & 26, July 1 and July 8, 2003.

CONSENT

5. Consider final adoption of:

Ordinance 3314-C.S. – an ordinance amending Sections 10-2.402 and 10-2.502 OF Chapter 2 of Title 10 of the Modesto Municipal Code and adding Section 10-2.243 thereto relating to Shipping Containers.

- Motion approving final adoption of Ordinance 3314-C.S. – an ordinance amending Sections 10-2.402 and 10-2.502 OF Chapter 2 of Title 10 of the Modesto Municipal Code and adding Section 10-2.243 thereto relating to Shipping Containers recommended.

ACTION: By Motion (Frohman/Conrad; unan.) approved **final adoption of Ordinance 3314-C.S.** – an ordinance amending Sections 10-2.402 and 10-2.502 OF Chapter 2 of Title 10 of the Modesto Municipal Code and adding Section 10-2.243 thereto relating to Shipping Containers

Ordinance 3316-C.S. – an ordinance amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, B, Metered Services

- Motion approving final adoption of Ordinance 3316-C.S. – an ordinance amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, B, Metered Services recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Conrad; unan.) approved the **final adoption of Ordinance 3316-C.S.** – an ordinance amending Section 11-1.06 of Chapter 1 of Title 11 of the Modesto Municipal Code relating to Water Rates and Regulations, B, Metered Services

CONSENT

6. Consider approving an agreement for \$14,700 with Jim D. and Mariana Sanford, and Richard Wayne Fritz, and Ryan Alexander Fritz, for a temporary construction easement acquisition (APN 085-01-47) for construction of a 60” storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute

the agreement and all related property documents as Grantee on behalf of the City of Modesto; Consider authorizing the City Manager to execute acceptance forms for the property acquisition; and Consider finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update.

- Resolution approving an agreement for \$14,700 with Jim D. and Mariana Sanford, and Richard Wayne Fritz, and Ryan Alexander Fritz, for a temporary construction easement acquisition (APN 085-01-47) for construction of a 60” storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
- Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
- Resolution finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-393 (Frohman/Conrad; unan.) approving an agreement for \$14,700 with Jim D. and Mariana Sanford, and Richard Wayne Fritz, and Ryan Alexander Fritz, for a temporary construction easement acquisition (APN 085-01-47) for construction of a 60” storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-394 (Frohman/Conrad; unan.) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Reso No 2003-395 (Frohman/Conrad; unan) finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update

CONSENT

7. Consider an agreement for \$17,300 with Willis F. Sanders for a public utility easement and temporary construction easement acquisition (APN 085-01-21) for construction of a 60” storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto; Consider authorizing the City Manager to execute acceptance forms for the property acquisition; and Consider finding that the Hillglen Avenue Storm Drain project is consistent with

the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update.

- Resolution approving an agreement for \$17,300 with Willis F. Sanders for a public utility easement and temporary construction easement acquisition (APN 085-01-21) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
- Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
- Resolution finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-396 (Frohman/Conrad; unan) approving an agreement for \$17,300 with Willis F. Sanders for a public utility easement and temporary construction easement acquisition (APN 085-01-21) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-397 (Frohman/Conrad; unan) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Reso No 2003-398 (Frohman/Conrad; unan) finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update

CONSENT

8. Consider an agreement for \$2,000 with John S. Rush for a temporary construction easement acquisition (APN 085-01-10) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto; Consider authorizing the City Manager to execute acceptance forms for the property acquisition; and Consider finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update.
 - Resolution approving an agreement for \$2,000 with John S. Rush for a temporary construction easement acquisition (APN 085-01-10) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing

the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.

- Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
- Resolution finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-399 (Frohman/Conrad; unan) approving an agreement for \$2,000 with John S. Rush for a temporary construction easement acquisition (APN 085-01-10) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-400 (Frohman/Conrad; unan) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Reso No 2003-401 (Frohman/Conrad; unan) finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update

CONSENT

9. Consider an agreement for \$2,700 with Fred A. Ruelas and Janice L. Ruelas for a temporary construction easement acquisition (APN 085-01-67) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto; Consider authorizing the City Manager to execute acceptance forms for the property acquisition; and Consider finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update.

- Resolution approving an agreement for \$2,700 with Fred A. Ruelas and Janice L. Ruelas for a temporary construction easement acquisition (APN 085-01-67) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
- Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
- Resolution finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as

amended by the Village One Storm Drainage Master Plan Update recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-402 (Frohman/Conrad; unan) approving an agreement for \$2,700 with Fred A. Ruelas and Janice L. Ruelas for a temporary construction easement acquisition (APN 085-01-67) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-403 (Frohman/Conrad; unan) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Reso No 2003-404 (Frohman/Conrad; unan) finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update

CONSENT

10. Consider an agreement for \$18,819.00 with Chia Ching & Li-Li Hsia for a public utility easement and temporary construction easement acquisition (APN 085-01-60) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto; Consider authorizing the City Manager to execute acceptance forms for the property acquisition; and Consider finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update.

- Resolution approving an agreement for \$18,819.00 with Chia Ching & Li-Li Hsia for a public utility easement and temporary construction easement acquisition (APN 085-01-60) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
- Resolution authorizing the City Manager to execute acceptance forms for the property acquisition recommended.
- Resolution finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-405 (Frohman/Conrad; unan) approving an agreement for \$18,819.00 with Chia Ching & Li-Li Hsia for a public utility easement and temporary construction easement acquisition (APN 085-01-60) for construction of a 60" storm drain pipe for the Hillglen Storm Drain Project, and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-406 (Frohman/Conrad; unan) authorizing the City Manager to execute acceptance forms for the property acquisition

ACTION: Reso No 2003-407 (Frohman/Conrad; unan) finding that the Hillglen Avenue Storm Drain project is consistent with the scope of the Village One Program EIR (Sch. No. 90020181) as amended by the Village One Storm Drainage Master Plan Update

CONSENT – Removed from the agenda.

11. Consider authorizing the purchase of 32 friction-dampers from the sole source distributor (Pall Dynamics Limited) for Water Tank 2 seismic upgrade, at a total cost of \$102,840, and authorizing the issuance of a purchase order.
 - Resolution authorizing the purchase of 32 friction-dampers from the sole source distributor (Pall Dynamics Limited) for Water Tank 2 seismic upgrade, at a total cost of \$102,840, and authorizing the issuance of a purchase order recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

CONSENT

12. Consider accepting the work by Ebert/Stacy and Witbeck, a joint venture, for the "Outfall Rehabilitation – Phase 2" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,031,272.33 per the contract.
 - Resolution accepting the work by Ebert/Stacy and Witbeck, a joint venture, for the "Outfall Rehabilitation – Phase 2" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,031,272.33 per the contract recommended.

*Engineering & Transportation; Genichi Kanow, 577-5215,
gkanow@modestogov.com*

ACTION: Reso No 2003-408 (Frohman/Conrad; unan) accepting the work by Ebert/Stacy and Witbeck, a joint venture, for the "Outfall Rehabilitation – Phase 2" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,031,272.33 per the contract.

CONSENT

13. Consider accepting the work by BDS Construction Inc. for the project “2003 Handicap Ramp Construction” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$287,284 per the contract.
- Resolution accepting the work by BDS Construction Inc. for the project “2003 Handicap Ramp Construction” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$287,284 per the contract recommended.

*Engineering & Transportation; Genichi Kanow, 577-5215,
gkanow@modestogov.com*

ACTION: Reso No 2003-409 (Frohman/Conrad; unan) accepting the work by BDS Construction Inc. for the project “2003 Handicap Ramp Construction” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$287,284 per the contract.

CONSENT

14. Consider authorizing the Purchasing Supervisor to formally solicit bids for the furnishings of business cards, letterhead, and printed envelopes on a Citywide basis for a three-year agreement with two one-year extension options.
- Resolution authorizing the Purchasing Supervisor to formally solicit bids for the furnishings of business cards, letterhead, and printed envelopes on a Citywide basis for a three-year agreement with two one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Reso No 2003-410 (Frohman/Conrad; unan) authorizing the Purchasing Supervisor to formally solicit bids for the furnishings of business cards, letterhead, and printed envelopes on a Citywide basis for a three-year agreement with two one-year extension options.

CONSENT

15. Consider authorizing the award of the Request for Proposal for Fuel Cardlock Services to Boyett Petroleum for an estimated annual amount of \$1.5 million dollars, and for an initial period of three years, with two one-year extension options and authorizing the City Manager to execute a contract to Boyett Petroleum.
- Resolution authorizing the award of the Request for Proposal for Fuel Cardlock Services to Boyett Petroleum for an estimated annual amount of \$1.5 million dollars, and for an initial period of three years, with two one-year extension options and authorizing the City Manager to execute a contract to Boyett Petroleum recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Reso No 2003-411 (Frohman/Conrad; unan) authorizing the award of the Request for Proposal for Fuel Cardlock Services to Boyett Petroleum for an estimated annual amount of \$1.5 million dollars, and for an initial period of three years, with two one-year extension options and authorizing the City Manager to execute a contract to Boyett Petroleum.

CONSENT

16. Consider awarding a bid to American AVK Company for fire hydrants and caps in the amount of \$85,386.75, and to Ferguson Enterprises for water valves in the amount of \$135,655.28, for a total estimated cost for water valves and fire hydrants is \$221,042.03.

- Resolution awarding a bid to American AVK Company for fire hydrants and caps in the amount of \$85,386.75, and to Ferguson Enterprises for water valves in the amount of \$135,655.28, for a total estimated cost for water valves and fire hydrants is \$221,042.03 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2003-412 (Frohman/Conrad; unan) awarding a bid to American AVK Company for fire hydrants and caps in the amount of \$85,386.75, and to Ferguson Enterprises for water valves in the amount of \$135,655.28, for a total estimated cost for water valves and fire hydrants is \$221,042.03.

CONSENT

17. Consider accepting \$48,370.89 in funding under the California Department of Forestry and Fire Protection Urban & Community Forestry Program (Proposition 12) for the Trees for Tots Community Tree Planting Program; and Consider amending the budget to estimate the \$48,370.89 in revenue.
- Resolution accepting \$48,370.89 in funding under the California Department of Forestry and Fire Protection Urban & Community Forestry Program (Proposition 12) for the Trees for Tots Community Tree Planting Program recommended.
 - Resolution amending the budget to estimate the \$48,370.89 in revenue, to transfer \$16,971.14 from the Community Forestry 03-04 Operating Budget, and to appropriate \$65,342.03 to fully fund the Trees for Tots program recommended.
- Operations & Maintenance; Jana Coons, 342-2281, jcoons@modestogov.com*

ACTION: Reso No 2003-413 (Frohman/Conrad; unan) accepting \$48,370.89 in funding under the California Department of Forestry and Fire Protection Urban & Community Forestry Program (Proposition 12) for the Trees for Tots Community Tree Planting Program

ACTION: Reso No 2003-414 (Frohman/Conrad; unan) amending the budget to estimate the \$48,370.89 in revenue, to transfer \$16,971.14 from the Community Forestry 03-04 Operating Budget, and to appropriate \$65,342.03 to fully fund the Trees for Tots program

CONSENT

18. Consider appointment of members of the Public Events Committee as the Board of Directors of the Modesto Convention and Visitors Bureau, and appointing Mayor Sabatino as ex-officio member.
- Resolution appointing members of the Public Events Committee as the Board of Directors of the Modesto Convention and Visitors Bureau, and appointing Mayor Sabatino as ex-officio member recommended.
- Parks, Recreation & Neighborhoods; Jim Niskanen, 577-7351, jniskanen@modestogov.com*

ACTION: Reso No 2003-415 (Frohman/Conrad; unan) appointing members of the Public Events Committee as the Board of Directors of the Modesto Convention and Visitors Bureau, and appointing Mayor Sabatino as ex-officio member.

CONSENT

19. Consider amending the budget for Traffic Unit Equipment Purchases to appropriate \$112,784 from the Traffic Safety Fund to Police Operations for the purchase of traffic equipment. Funds are budgeted.

- Resolution amending the budget for Traffic Unit Equipment Purchases to appropriate \$112,784 from the Traffic Safety Fund to Police Operations for the purchase of traffic equipment recommended.

Police; Dan Inderbitzen, 342-6142, inderbitzend@modestopd.com

ACTION: Reso No 2003-416 (Frohman/Conrad; unan) amending the budget for Traffic Unit Equipment Purchases to appropriate \$112,784 from the Traffic Safety Fund to Police Operations for the purchase of traffic equipment.

COUNCIL COMMENTS & REPORTS

20. At the request of Mayor Sabatino, discussion of a possible violation of the Brown Act by City Councilmember O'Bryant.

ACTION: No action taken.

21. At the request of Mayor Sabatino, request of Council to endorse/support the Grand Jury recommendation to sell the Vogel property and return the proceeds to the ratepayer/citizens of Modesto

ACTION: No action taken.

22. At the request of the Mayor, approve City of Modesto sponsorship in the amount of \$2,000 of in-kind staff contributions toward hosting an Urban Runoff Symposium to be held August 16, 2003.

ACTION: Jackman/Frohman; unan. approved sponsorship.

Acknowledged Boy Scout Troop 49 and each scout was introduced.

WRITTEN COMMUNICATIONS

23. Letter of introduction of the Modesto Chapter of Parents For Prevention by Toina Vickers, Director/Coordinator.

ACTION: No action taken. Information only.

UNFINISHED BUSINESS

The following item was continued from July 8, 2003 meeting

At introduction of ordinance 3310-C.S. the vote was Fisher/Conrad, majority; Jackman, Keating, Mayor Sabatino, no

24. Consider final adoption of Ordinance 3310-C.S. - an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities (prohibiting use of alcohol in City Parks).

- Motion approving final adoption of Ordinance 3310-C.S. - an ordinance amending Sections 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Fisher/Frohman; majority; Jackman, Keating and Mayor Sabatino no) approved **final adoption of Ordinance 3310-C.S.** amending Section 12-4.201 and 12-4.202 of Article 2 of Chapter 4 of Title 12 of the Modesto Municipal Code relating to use of park and recreation areas and facilities.

At introduction of ordinance 3311-C.S. the vote was Frohman/Fisher, unan.; Conrad, absent

25. Consider final adoption of Ordinance 3311-C.S. – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits.

- Motion approving final adoption of Ordinance 3311-C.S. – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/Frohman; unan.) approved **final adoption of Ordinance 3311-C.S.** – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to Speed Limits.

At introduction of ordinance 3312-C.S. the vote was Frohman/Fisher, unan.; Conrad, absent

26. Consider final adoption of Ordinance 3312-C.S. – an ordinance amending Section 10-2.2006 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Parking Lot Landscape Standards.

- Motion approving final adoption of Ordinance 3312-C.S. – an ordinance amending Section 10-2.2006 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Landscaping recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/Frohman; unan.) approved **final adoption of Ordinance 3312-C.S.** – an ordinance amending Section 10-2.2006 of Article 20 of Chapter 2 of Title 10 of the Modesto Municipal Code relating to Landscaping

At introduction of ordinance 3313-C.S. the vote was Frohman/Fisher, unan.; Conrad, absent

27. Consider final adoption of Ordinance 3313-C.S. – an ordinance amending Sections 12-1.03, 12-1.04, 12-.05, 12-1.06, and 12-1.07 of Chapter 1 of Title 12 of the Modesto Municipal Code and adding Section 12-1.10 thereto relating to Parking Lot Landscape Standards.

- Motion approving final adoption of Ordinance 3313-C.S. – an ordinance amending Sections 12-1.03, 12-1.04, 12-.05, 12-1.06, and 12-1.07 of Chapter 1 of Title 12 of the Modesto Municipal Code and adding Section 12-1.10 thereto relating to Landscaping recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/Frohman; unan.) approved **final adoption of Ordinance 3313-C.S.** – an ordinance amending Sections 12-1.03, 12-1.04, 12-.05, 12-1.06, and 12-1.07 of Chapter 1 of Title 12 of the Modesto Municipal Code and adding Section 12-1.10 thereto relating to Landscaping.

At introduction of ordinance 3315-C.S. the vote was Frohman/Conrad, majority; Fisher & Jackman, no

28. Consider final adoption of Ordinance 3315-C.S. – an ordinance amending Section 19-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(416), and Planned Development Zone, P-D(550), to Planned Development Zone, P-D(561), property located on the Northwest corner of West Orangeburg and Martin Avenues (Tutino)

- Motion approving final adoption of Ordinance 3315-C.S. – an ordinance amending Section 19-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(416), and Planned Development Zone, P-D(550), to Planned Development Zone, P-D(561), property located on the Northwest corner of West Orangeburg and Martin Avenues (Tutino) recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Keating; unan.) approved **final adoption of Ordinance 3315-C.S.** – an ordinance amending Section 19-3-9 of the Zoning Map to rezone from a portion of Planned Development Zone, P-D(416), and Planned Development Zone, P-D(550), to Planned Development Zone, P-D(561), property located on the Northwest corner of West Orangeburg and Martin Avenues (Tutino)

HEARINGS

The following item was continued from July 1, 2003

29. Hearing to consider an appeal by David Romano of May 19, 2003 Planning Commission approval of Vesting Tentative Parcel Map owned by Marvin L. Oates

Trust, dividing two parcels, property located on the North side of Glenn Avenue, East of Crows Landing Road.

- Resolution granting or denying the appeal recommended.
Community & Economic Development; Bob Granberg, 571-5539,
bgranberg@modestogov.com

ACTION (Motion Frohman/Keating; unan.to continue the hearing to August 12, 2003.

NEW BUSINESS

30. Consider acknowledging receipt of report and providing direction to staff to continue participating in the Master Planning effort for “North Gateway Business Park” development for those areas north of the City limits designated for planned industrial and business park. These areas are located in the Kiernan Business Park Specific Plan, the Salida community plan, and the City of Modesto’s General Plan.
- Motion acknowledging receipt of report recommended.
Community & Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com

ACTION: By Motion (Fisher/Keating; unan.) acknowledging receipt of report and direct staff to work with the County on the North Gateway Business park and direct staff to focus on the Kiernan Business Park.

31. Consider approving the following reports: Setting the Stage – Choices for the Future, Executive Summary; City of Modesto Economic Development Plan – Draft; Economic Development Marketing Strategy Implementation Workbook.
- Resolution approving the following reports: Setting the Stage – Choices for the Future, Executive Summary; City of Modesto Economic Development Plan – Draft; Economic Development Marketing Strategy Implementation Workbook recommended.
Community & Economic Development; Linda Boston, 571-5179,
lboston@modestogov.com

ACTION: Reso No 2003-417 (Fisher/Keating) approving the following reports: Setting the Stage – Choices for the Future, Executive Summary; City of Modesto Economic Development Plan – Draft; Economic Development Marketing Strategy Implementation Workbook.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 10:06 p.m. All closed sessions heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property located at:
531 Kansas Avenue; (2) West side of Gould Road (private
drive), approximately 32,000 lf north of Kansas Avenue

APN: 029-1404 and 029-1407

Negotiating parties: Steve Long, Cutler & Associates, as Property Agent on
behalf of the City of Modesto

Howard N. Sweet, Owner of APN: 029-1404
Harvey H. Highiet, et al., Owner of APN: 029-1407

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

Property: Purchase, sale or lease of property located on Scenic Drive,
at the end of Coffee

APN: 34-18-06 (eastern portion, approximately 1.42 acres)

Scenic Road Properties, Owner

Negotiating parties: Jack Crist, City Manager; and George Britton, Deputy City
Manager, for the City of Modesto

Mike Zagaris – negotiating for Owner

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, August 4, 2003, at 5:30 p.m.

Roll Call – Present: Committee Members Conrad, O’Bryant

Also Present: Councilmember Keating

Items Considered:

1. Consider Annual Report From Modesto Sister Cities International

ACTION: No action taken. This item was for information only.

2. STANCATT Operations

ACTION: Report given by Gregory Peck. No action taken. This item was for information only.

3. Report Regarding June 2003 Robberies

ACTION: No action taken. This item was for information only.

4. Modesto Crime Statistics for the First Six Months of 2003

ACTION: No action taken. This item was for information only.

5. Distribution of the Ad Hoc Public Safety Study by Councilmember O’Bryant

ACTION: The report was distributed to the Committee and was scheduled to return to the Committee at the next meeting.

6. Staffing Requirements for Operation of LiveScan

ACTION: This item was recommended for Council consideration.

7. 2003 Local Law Enforcement Block Grant

ACTION: This item was recommended for Council consideration.

8. Consider Request to Conduct the Annual International Festival at Graceada and Enslen Parks

ACTION: By Committee consensus (Keating, no) this item was forwarded to the full City Council for approval.

9. Consider Supporting the Concept of a Fundraising Partnership with Disability Resource Agency for Independent Living for Centre Plaza Elevator Extension

ACTION: The Committee supported the concept of a fundraising partnership.

10. Consider Supporting the Implementation of Fund Development Strategies for the Parks, Recreation and Neighborhoods Department

ACTION: The Committee supported staff's recommendation.

11. Consider Letter from Graceada and Enslen Park Neighbors Regarding Gasoline-powered Generators in Parks

ACTION: This item was scheduled to return to the Committee in September.

12. Consider Supporting Cooperative Agreements with Caltrans for Landscape Enhancements Within and Near the Briggsmore Expressway Interchange

ACTION: The Committee supported staff's recommendation.

13. Consider the Contractual Terms Negotiated Between City of Modesto and FM Golf, and ValleyCrest, Inc.

ACTION: The Committee supported staff's recommendation.

14. Consider Supporting Staff Recommendations Regarding Permit Process for
Alcohol in Parks and Additional Signage Required

ACTION: The Committee supported staff's recommendation.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:50 p.m.

MINUTES

City of Modesto **Special City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Wednesday, August 6, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rev. Bill Witzke, Big Valley Grace Church

City Clerk's Announcements: Item 3 removed from the agenda

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

None

ORAL COMMUNICATIONS

- ◆ Peter Gartner thanked the Council and staff for their support and participation in National Night Out.
- ◆ Ron Dafford expressed a concern of police officer misconduct while patrolling the parks.
- ◆ Joan Ruttschow speaking for safe water in Modesto read a letter from Peter Cowles regarding use of water equipment and noted a new substance developed for children's teeth that does not contain fluoride.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 2, 4 through 14
Item 3 removed from

Agenda

ACTION Consent Items 1, 2, 4-14: Frohman/Fisher

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of July 22, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of July 22, 2003.

CONSENT

2. Consider authorizing reimbursement in the amount of \$207,092 from Community Facilities District No. 1996-1 (Village One) and the yet to be formed Village One CFD #2 to the City of Modesto's Capital Facilities Fees program for funds advanced for the construction of Ustach Neighborhood Park.
 - Resolution authorizing reimbursement in the amount of \$207,092 from Community Facilities District No. 1996-1 (Village One) and the yet to be formed Village One CFD #2 to the City of Modesto's Capital Facilities Fees program for funds advanced for the construction of Ustach Neighborhood Park recommended.City Manager; Tina Rocha, 577-5321, trocha@modestogov.com

ACTION: Reso No 2003-418 (Frohman/Fisher; unan.) authorizing reimbursement in the amount of \$207,092 from Community Facilities District No. 1996-1 (Village One) and the yet to be formed Village One CFD #2 to the City of Modesto's Capital Facilities Fees program for funds advanced for the construction of Ustach Neighborhood Park

Removed from the agenda

3. Consider authorizing the purchase of 32 friction-dampers from the sole source distributor, Pall Dynamics Limited, for Water Tank 2 seismic upgrade at a cost of \$102,840, and authorizing the issuance of a purchase order for the acquisition.
 - Resolution authorizing the purchase of 32 friction-dampers from the sole source distributor, Pall Dynamics Limited, for Water Tank 2 seismic upgrade at a cost

of \$102,840, and authorizing the issuance of a purchase order for the acquisition recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Removed from agenda.

CONSENT

4. Consider waiving formal bidding requirements by five affirmative votes and award a \$186,717.50 contract to GFI Genfare Company to install a new data collection system and upgrade fare boxes for the Modesto Area Express bus service. Funds are budgeted.

- Resolution waiving formal bidding requirements by five affirmative votes and award a \$186,717.50 contract to GFI Genfare Company to install a new data collection system and upgrade fare boxes for the Modesto Area Express bus service recommended.

*Engineering & Transportation; Fred Cavanah, 577-5295,
fcavanah@modestogov.com*

ACTION: Reso No 2003-419 (Frohman/Fisher; unan.) waiving formal bidding requirements by five affirmative votes and award a \$186,717.50 contract to GFI Genfare Company to install a new data collection system and upgrade fare boxes for the Modesto Area Express bus service.

CONSENT

5. Consider a Vehicle Procurement and Lease Agreement with the City of Ceres for the City of Modesto to use Ceres' funds to purchase a van for the Ceres fixed-route bus service and lease it back at no cost to Ceres.

- Resolution approving a Vehicle Procurement and Lease Agreement with the City of Ceres for the City of Modesto to use Ceres' funds to purchase a van for the Ceres fixed-route bus service and lease it back at no cost to Ceres recommended.

*Engineering & Transportation; Fred Cavanah, 577-5295,
fcavanah@modestogov.com*

ACTION: Reso No 2003-420 (Frohman/Fisher; unan.) approving a Vehicle Procurement and Lease Agreement with the City of Ceres for the City of Modesto to use Ceres' funds to purchase a van for the Ceres fixed-route bus service and lease it back at no cost to Ceres

CONSENT

6. Consider an ordinance extending the current Battery Back-Up System Equipment Donation Franchise with Safer Intersections for an additional 3 years, and amending

Ordinance No. 3237-C.S. Cost to City is approximately \$1,500 per intersection at time of installation. Funds are budgeted.

- Introduction of an ordinance extending the current Battery Back-Up System Equipment Donation Franchise with Safer Intersections for an additional 3 years, and amending Ordinance No. 3237-C.S. recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3317 -C.S.** extending the current Battery Back-Up System Equipment Donation Franchise with Safer Intersections for an additional 3 years, and amending Ordinance No. 3237-C.S.

CONSENT

7. Consider the Monthly Budget Adjustment Report - July 2003.

- Resolution approving the budget adjustments for July 2003 recommended.

Finance; Greg Baird, 577-5458, gbaird@modestogov.com

ACTION: Reso No 2003-421 (Frohman/Fisher; unan) approving the budget adjustments for July 2003

CONSENT

8. Consider the Investment Report - June 2003.

- Motion acknowledging receipt of report and accepting the Monthly Investment Report for June 2003 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan) acknowledged receipt of report and accepting the Monthly Investment Report for June 2003

CONSENT

9. Consider Annual Levy and Collection of Assessments

- Resolution authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Improvement District #28 – Sewer Improvements recommended.
- Resolution authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Improvement District #29 – Street and Water System Improvements recommended.
- Resolution authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Public Facilities District #6 – Street and Water System Improvements recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Reso No 2003-422 (Frohman/Fisher; unan) authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Improvement District #28 – Sewer Improvements

ACTION: Reso No 2003-423 (Frohman/Fisher; unan) authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Improvement District #29 – Street and Water System Improvements

ACTION: Reso No 2003-424 (Frohman/Fisher; unan) authorizing Stanislaus County to levy and collect the City of Modesto's assessments for Public Facilities District #6 – Street and Water System Improvements

CONSENT

10. Consider the establishment of the Weed & Seed Project as a neighborhood revitalization project, an area bounded by State Route 99 to the east, H Street/Paradise Road to the north, Carpenter Road to the west and the Tuolumne River to the south.
- Resolution approving the development, implementation and Grant Application for recognition of the Weed & Seed Project, and authorizing the City Manager to sign the Letter of Intent and Grant Application, recommended.
City Manager; Brooks Taylor, 577-5237, btaylor@modestogov.com

ACTION: Reso No 2003-425 (Frohman/Fisher; unan) approving the development, implementation and Grant Application for recognition of the Weed & Seed Project, and authorizing the City Manager to sign the Letter of Intent and Grant Application.

CONSENT

11. Consider accepting the Salvation Army, Modesto Corps, as the non-profit agency to implement a day facility for homeless individuals in Modesto, and authorizing staff to work with the Salvation Army to develop a \$40,000 pay for performance contract to begin operation of the Homeless Day Facility.
- Resolution accepting the Salvation Army, Modesto Corps, as the non-profit agency to implement a day facility for homeless individuals in Modesto, and authorizing staff to work with the Salvation Army to develop a \$40,000 pay for performance contract to begin operation of the Homeless Day Facility recommended.
Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Reso No 2003-426 (Frohman/Fisher; unan) accepting the Salvation Army, Modesto Corps, as the non-profit agency to implement a day facility for homeless individuals in Modesto, and authorizing staff to work with the

Salvation Army to develop a \$40,000 pay for performance contract to begin operation of the Homeless Day Facility.

CONSENT

12. Consider amending the Position Classification Plan to revise the classification of Identification Technician II and Maintenance Mechanic Pumps, which will change the experience requirement to 18 months for promotion from ID Technician I to ID Technician II.
- Resolution amending the Position Classification Plan to revise the classification of Identification Technician II and Maintenance Mechanic Pumps, changing the experience requirement to 18 months for promotion from ID Technician I to ID Technician II recommended.
- Personnel; Cherree Platt, 577-5439, cplatt@modestogov.com*

ACTION: Reso No 2003-427 (Frohman/Fisher; unan) amending the Position Classification Plan to revise the classification of Identification Technician II and Maintenance Mechanic Pumps, changing the experience requirement to 18 months for promotion from ID Technician I to ID Technician II

CONSENT

13. Consider approving a second amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2003/2004, and authorizing the City Manager to execute the amendment with the County of Stanislaus Probation Department.
- Resolution approving a second amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2003/2004, and authorizing the City Manager to execute the amendment with the County of Stanislaus Probation Department recommended.
- Police; Greg Savelli, 572-9550, savelli@modestopd.com*

ACTION: Reso No 2003-428 (Frohman/Fisher; unan) approving a second amendment to the Crime Prevention Act 2000 agreement extending the City's participation in the High-Risk Offender Supervision and Juvenile Court Warrant Enforcement Program for fiscal year 2003/2004, and authorizing the City Manager to execute the amendment with the County of Stanislaus Probation Department

CONSENT

14. Consider accepting \$84,000 in grant monies from the State Department of Alcoholic Beverage Control to assist in the reduction of crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishment and to reduce sales of alcohol to minors, and authorizing the City

Manager to execute necessary documents; and Consider amending the fiscal year 2003/2004 annual budget estimating revenue of \$84,000 and appropriating funds.

- Resolution accepting \$84,000 in grant monies from the State Department of Alcoholic Beverage Control to assist in the reduction of crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishment and to reduce sales of alcohol to minors, and authorizing the City Manager to execute necessary documents recommended.
- Resolution amending the fiscal year 2003/2004 annual budget estimating revenue of \$84,000 and appropriating funds recommended.

Police; Roy Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Reso No 2003-429 (Frohman/Fisher; unan.) accepting \$84,000 in grant monies from the State Department of Alcoholic Beverage Control to assist in the reduction of crime and excessive calls for service in and around Modesto's disorderly and disruptive ABC licensed establishment and to reduce sales of alcohol to minors, and authorizing the City Manager to execute necessary documents

ACTION: Reso No 2003-430 (Frohman/Fisher; unan.) amending the fiscal year 2003/2004 annual budget estimating revenue of \$84,000 and appropriating funds

COUNCIL COMMENTS & REPORTS

15. At the request of Vice Mayor Frohman, consider the naming of two streets, one to be "Steve May Way" and the other to be "Lee Volk Drive" to recognize the sacrifices made by these two individuals. Request the Council to approve the concept and to appoint a special Committee to consult with the families of the officers to see whether they would approve of such a memorial or if they would prefer an alternative commemorative, such as a lighted crosswalk.

ACTION: Frohman/Fisher; unan. Refer to Safety and Communities Committee to discuss establishing a memorial to recognize individuals for outstanding contributions

16. At the request of Vice Mayor Frohman, consider amending language in Resolution 97-539 pertaining to the Farmers Market to allow persons to conduct activities protected by the First Amendment of the United States Constitution.

ACTION: Reso No 2003-431 (Frohman/Fisher, majority; O'Bryant, no) amending Resolution 97-539 inserting language stated in the Council packet

17. At the request of Councilmember Jackman, a video presentation by The Farmland Working Group regarding "The Madera Eight", local farmers working with the City of Madera to protect prime farmland.

ACTION: Information only. No action only.

18. At the request of Mayor Sabatino, consider the following:
- A resolution requesting the Board of Supervisors to sell the Vogel Ranch and return \$7 million to the Fink Road Landfill Enterprise Fund for the purpose of reducing tipping fees for the residents of Modesto or, alternatively, to be used for building a Municipal Resource Recovery Facility, similar to the one in Monterey.
 - Discussion of Mayor's response dated July 29, 2003 to Supervisor Simon's letter regarding recycling facilities at landfill.
 - Discussion of Mayor's forthcoming trip to the U.S. Conference of Mayors in Chicago in September 2003 regarding urban water runoff.

ACTION: Sabatino requested the Council adopt a resolution at the next Council meeting regarding requesting the sale of the Vogel Ranch and to return the \$7 million to the residents of the City of Modesto or use the money to building a resource recovery facility

WRITTEN COMMUNICATIONS

19. Consider a request from Pete Kolf regarding City trees and the MID tree-trimming program.

ACTION: Staff directed to refer this issue to the Economic Development Committee.

UNFINISHED BUSINESS

20. Consider approving the Revised Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods. The revised plan is being recommended in response to the new development proposal and the neighborhoods' input. Estimated cost is \$300,000; funds are budgeted.
- Resolution approving the Revised Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods, authorizing staff to proceed with the plans for the implementation of this project, and rescinding Resolution 2002-598 recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-432 (Frohman/Fisher; unan.) approving the Revised Traffic-Calming Plan (TCP) for the Encina/La Loma area neighborhoods, authorizing staff to proceed with the plans for the implementation of this project, and rescinding Resolution 2002-598

HEARINGS

21. Hearing to consider designation of property located at 503 W. Morris Avenue as a Modesto Landmark Preservation Site.
- Resolution designating property located at 503 W. Morris Avenue as a Modesto Landmark Preservation Site recommended.
- Parks, Recreation & Neighborhoods; Wayne Mathes, 652-6060,
wmathes@modestogov.com

ACTION: Reso No 2003-433 (Frohman/Jackman; unan.) designating property located at 503 W. Morris Avenue as a Modesto Landmark Preservation Site.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:35 p.m.

CLOSED SESSION

All closed sessions heard prior to the meeting.

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

Agency Negotiators: Jack R. Crist, City Manager
 Robin Renwick, Personnel Director
 Janice Stewart, Assistant Personnel Director

Employee Organization: Modesto City Employees Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Manager

Title: City Attorney

Title: City Clerk

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

Name of case: Avery Brewer v. City of Modesto, et al
 Stanislaus County Superior Court No. 314634

Name of case: Arthur Walton v. City of Modesto, et al
 Stanislaus County Superior Court No. 314626

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

MINUTES

MODESTO CITY COUNCIL SPECIAL MEETING

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, August 11, 2003

Roll Call: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

Alternates: Bill Conrad, left at 6:00 PM

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

- 1) Consider Supporting an Ordinance to Prohibit Parking on Front or Side Yards
- 2) Status Report on Proposed Change to Standard Details for Downtown Curb Ramps

ACTION: The Committee supported Staff's recommendation

- 3) Community & Economic Development Department Monthly Development Activity Report
 - Workforce Development Program
 - Kiernan Business Park
 - Kaiser Medical Center
 - Del Valle Homes/Fairview Development Agreement Implementation
 - General Plan Housing Element Update
 - Comprehensive General Plan Update
 - Roselle-Claribel Specific Plan
 - Shelter Cove Church

- St. Stanislaus Church
- CFF Exemption for Demolished Buildings
- Building Inspection Statistics
- Kansas-Woodland Business Park (FMC)
- 9th Street Bridge Property Acquisition for New Bridge Project
- Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- Downtown Housing Project
- Safeway at McHenry/Pelandale
- Sylvan Vet Clinic at Sylvan/Roselle

ACTION: No action taken. This item was for information only.

- 4) Consider Staff Recommendation to Approve the 10th and O Streets Revised Truck Route/Parking Removal

ACTION: No action taken. This item was for information only.

- 5) Consider Staff Recommendation to Approve Installation of Angle Parking on the East Side of 8th Street between J and K Streets

ACTION: The Committee supported Staff's recommendation

- 6) Consider Staff Recommendation to Approve an All-Way Stop on Merle Avenue at Fine Avenue

ACTION: The Committee supported Staff's recommendation

- 7) Consider Staff Recommendation to Accept the Office of Traffic Safety Grant for \$60,000 and Amend the FY 02-03 Capital Improvement Program Budget Establishing a New Project "Lighted Crosswalks – Various Locations"

ACTION: The Committee supported Staff's recommendation

- 8) Consider Staff Recommendation to Submit Funding Agreement for CEQA Services Related to the expansion of the Modesto Regional Water Treatment Plant

ACTION: The Committee supported Staff's recommendation

- 9) Consider Staff Recommendation to Adopt Strategic Plan-Based Performance Measures for the Departments of Community and Economic Development, Engineering and Transportation, and Operations and Maintenance

ACTION: The Committee supported Staff's recommendation

- 10) Review Status Report on Progress of the Downtown Specific Plan

ACTION: The Committee recommended this item be forwarded to full Council.

- 11) Consider Staff Recommendation to Disapprove the Disposition and Development Agreement Revisions for the Second Amendment Proposed by Valley Towers LLC for the Valley Towers Office Project

ACTION: This item will return to Committee in September.

- 12) Information and Discussion of a Downtown Shuttle Bus

ACTION: This item was for information only.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 6.50 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, August 12, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Megan Killian, Beyer High School student read a tribute to the American Flag.

Invocation: Pastor Lisa Rice, Destiny Christian Center

City Clerk’s Announcements: Item 3 removed from the agenda
Item 9 and 10 removed from Consent
The letter under Written Communications was removed
from the agenda at the request of the author

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

Scouts from Boy Scout Troop 190 were introduced.

ORAL COMMUNICATIONS

None.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED:

ACTION Consent Items 1, 2, 4-8, 11-14: Frohman/Jackman

ACTION Item 9: Frohman/Jackman; unan.

ACTION Item 10 Frohman/Jackman; unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of August 6, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) approved the minutes of August 6, 2003.

CONSENT

2. Consider property acquisition from Charles S. Clayton, for property located at 421 N. Washington Street for the Corporation Yard Expansion Project. Property APN: 101-0311. Acquisition price: \$73,000. Funds are budgeted.
 - Resolution approving an agreement for the property acquisition for the Corporation Yard Expansion Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto recommended.
 - Resolution authorizing the City Manager to execute the acceptance form for the property acquisition recommended.*Community & Economic Development; Linda Boston, 571-5179, lboston@modestogov.com*

ACTION: Reso No 2003-434 (Frohman/Jackman; unan) approving an agreement for the property acquisition for the Corporation Yard Expansion Project and authorizing the City Manager to execute the agreement and all related property documents as Grantee on behalf of the City of Modesto

ACTION: Reso No 2003-435 (Frohman/Jackman; unan.) authorizing the City Manager to execute the acceptance form for the property acquisition.

Removed from the agenda

3. Consider approval of Final Map of Esta Estates subdivision in the Village One Specific Plan Area, and authorizing the City Manager to sign an agreement with

the subdividers. Owners are Randall A. O'Dell and Carla O'Dell, husband and wife as joint tenants.

- Resolution approving a Final Map of Esta Estates subdivision in the Village One Specific Plan Area, and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Removed from the agenda.

CONSENT

4. Consider accepting an estimated \$1,000,000 Airport Improvement Program grant to reconstruct the commercial service runway at Modesto City-County Airport, and authorize the City Manager to execute the acceptance of the grant.

- Resolution accepting an estimated \$1,000,000 Airport Improvement Program grant to reconstruct the commercial service runway (RW 10L/28R) at Modesto City-County Airport, and authorize the City Manager to execute the acceptance of the grant recommended.

*Engineering & Transportation; Howard Cook, 577-5318,
hcook@modestogov.com*

ACTION: Reso No 2003-436 (Frohman/Jackman; unan.) accepting \$1,500,000 (amount amended) Airport Improvement Program grant to reconstruct the commercial service runway (RW 10L/28R) at Modesto City-County Airport, and authorize the City Manager to execute the acceptance of the grant

CONSENT

5. Consider awarding the bid and approving a \$578,625.40 contract with D.A. Wood Construction Inc., for the project titled "Village One Force Main", and authorizing the City Manager to execute the agreement. This project will install a 24-inch storm drainage force main pipeline between the West Basin and Central Basin, and a 42-inch storm drainage gravity pipeline with an inlet structure into the Central Basin

- Resolution awarding the bid and approving a \$578,625.40 contract with D.A. Wood Construction Inc., for the project titled "Village One Force Main", and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-437 (Frohman/Jackman; unan.) awarding the bid and approving a \$578,625.40 contract with D.A. Wood Construction Inc., for the

project titled “Village One Force Main”, and authorizing the City Manager to execute the agreement.

CONSENT

6. Consider award of a \$136,693 construction contract to Richard A. Heaps for the project titled “Rewire 8 Traffic Signals”. The capital cost of the project will be \$161,297.74. Funds are budgeted.
- Resolution awarding a \$136,693 construction contract to Richard A. Heaps for the project titled “Rewire 8 Traffic Signals” recommended.
Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-438 (Frohman/Jackman; unan.) awarding a \$136,693 construction contract to Richard A. Heaps for the project titled “Rewire 8 Traffic Signals”

CONSENT

7. Consider revisions to Policy 1.019, Investment of Public Funds
- Resolution approving the revised Policy 1.019, Investment of Public Funds recommended.
Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Reso No 2003-439 (Frohman/Jackman; unan.) approving the revised Policy 1.019, Investment of Public Funds.

CONSENT

8. Consider accepting a staff report regarding signing of a Public Agency Contract (PAC) Rate discount agreement with Modesto Irrigation District by the City Manager.
- Motion acknowledging receipt of report.
Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) acknowledging receipt of report.

Removed from Consent

9. Consider authorizing the award of Tire Recapping and Related Services to Brannon Tire for an estimated annual cost of \$21,418.17 for a three-year period with two one-year extension options.
- Resolution awarding the bid of Brannon Tire for Tire Recapping and Related Services for an estimated annual cost of \$21,418.17 for a three-year period with two one-year extension options recommended.
Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Reso No 2003-440 (Frohman/Jackman; unan.) awarding the bid of Brannon Tire for Tire Recapping and Related Services for an estimated annual cost of \$21,418.17 for a three-year period with two one-year extension options

Removed from Consent

10. Consider authorizing the award of bid and contract for Water Meters to Badger Meters Inc., for an estimated annual cost of \$410,297.13 for a three-year period with two one-year extension options.

- Resolution awarding the bid and contract for Water Meters to Badger Meters Inc., for an estimated annual cost of \$410,297.13 for a three-year period with two one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmassaso@modestogov.com

ACTION: Frohman/Jackman; unan. by motion continued to the September 2, 2003 Council meeting.

CONSENT

11. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for liquid chlorine and sodium hypochlorite for an initial three-year period, with two one-year contract extensions for an estimated annual cost of \$184,000.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for liquid chlorine and sodium hypochlorite for an initial three-year period, with two one-year contract extensions for an estimated annual cost of \$184,000 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2003-441 (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for liquid chlorine and sodium hypochlorite for an initial three-year period, with two one-year contract extensions for an estimated annual cost of \$184,000.

CONSENT

12. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for a rotary distributor center assembly for the fixed film reactors located at the Secondary Treatment Plant, for an estimated cost of \$96,000.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for a rotary distributor center assembly for the fixed film reactors located at the Secondary Treatment Plant, for an estimated cost of \$96,000 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2003-442 (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for a rotary distributor center

assembly for the fixed film reactors located at the Secondary Treatment Plant, for an estimated cost of \$96,000

CONSENT

13. Consider authorizing the Information Technology department to solicit Requests for Proposals for a Requirements and Workflow Analysis of the City's Land Use and Financial Business Processes.

- Resolution authorizing the Information Technology department to solicit Requests for Proposals for a Requirements and Workflow Analysis of the City's Land Use and Financial Business Processes recommended.

Information & Technology; Jeff Lewis, 571-5595, jlewis@modestogov.com

ACTION: Reso No 2003-443 (Frohman/Jackman; unan.) authorizing the Information Technology department to solicit Requests for Proposals for a Requirements and Workflow Analysis of the City's Land Use and Financial Business Processes

CONSENT

14. Consider withdrawal of \$700,000 in ACCEL Premium Deposits through FY 97/98.

- Resolution approving withdrawal of funds from ACCEL in the amount of \$700,000 and leaving on deposit retrospective refund of \$525,102 recommended.
- Resolution amending FY 2003/2004 Operating Budget to recognize \$700,000 in revenue and transfer \$500,000 to the Workers' Compensation Fund recommended.

Personnel; Ben Bankard, 577-5446, bbankard@modestogov.com

ACTION: Reso No 2003-444 (Frohman/Jackman; unan.) approving withdrawal of funds from ACCEL in the amount of \$700,000 and leaving on deposit retrospective refund of \$525,102

ACTION: Reso No 2003-445 (Frohman/Jackman; unan.) amending FY 2003/2004 Operating Budget to recognize \$700,000 in revenue and transfer \$500,000 to the Workers' Compensation Fund

COUNCIL COMMENTS & REPORTS

15. At the request of Mayor Sabatino, consider confirming his appointments to a Charter Review Ad Hoc Committee to review the Charter provisions of the office of the City Attorney to include Judge James Barakatt, Charlie Brunn, Ralph Curtis and Al Clark.

ACTION: Motion failed (Frohman/Jackman; minority; Conrad, Fisher, Keating, & O'Bryant, no) to approve an ad hoc committee to review the entire City Charter.

WRITTEN COMMUNICATIONS

16. Letter from Dave Thomas requesting discussion of the estimated cost of the candidates' statement on the November ballot.

ACTION: Item removed from the agenda by the requestor.

UNFINISHED BUSINESS

17. Consider adoption of Development Fees. If adopted on August 12, the effective date will be Monday, October 12.
- Resolution amending or adopting user fees for development related activities, and amending Resolution Nos. 1980-1003, 1989-1004, 1989-1005, 1989-1006, 1990-521a, 1990-832, 1992-255, 1992-271, 1993-263, 1993-351, 1993-587a, 1997-93, 2000-232, 2001-17, and 2002-200 relating to development user fees, approving the use of a cost of living adjustment to adjust most fees at full cost, with specific exceptions, and establishing a policy to comprehensively analyze fees in the fifth year of the fee schedule.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Reso No 2003-446 (Frohman/Jackman; majority, Keating no) amending or adopting user fees for development related activities, and amending Resolution Nos. 1980-1003, 1989-1004, 1989-1005, 1989-1006, 1990-521a, 1990-832, 1992-255, 1992-271, 1993-263, 1993-351, 1993-587a, 1997-93, 2000-232, 2001-17, and 2002-200 relating to development user fees, approving the use of a cost of living adjustment to adjust most fees at full cost, with specific exceptions, and establishing a policy to comprehensively analyze fees in the fifth year of the fee schedule.

18. Consider supplemental expenditures relating to Development Fee Study – Budget Amendment.
- Resolution amending the FY 2003/2004 operating budget to recognize \$533,229 in increased revenue and appropriate \$344,152 to the Community and Economic Development department for additional staffing recommended.

Community & Economic Development; Laurie Smith, 577-5347, lsmith@modestogov.com

ACTION: Reso No 2003-447 (Fisher/Frohman; unan.) amending the FY 2003/2004 operating budget to recognize \$533,229 in increased revenue and appropriate \$344,152 to the Community and Economic Development department for additional staffing

19. At the request of Mayor Sabatino, consider requesting the Board of Supervisors to sell the Vogel Ranch and return \$7 million to the Fink Road Landfill Enterprise Fund for the purpose of reducing tipping fees for the residents of Modesto or, alternatively, to be used for building a Municipal Resource Recovery Facility, similar to the one in Monterey
- Resolution requesting the Board of Supervisors to sell the Vogel Ranch and return \$7 million to the Fink Road Landfill Enterprise Fund for the purpose of reducing tipping fees for the residents of Modesto or, alternatively, to be used for building a Municipal Resource Recovery Facility, similar to the one in Monterey.

ACTION: Reso No 2003-448 (Frohman/Keating; unan.) requesting the Board of Supervisors return the money to the Fink Road Landfill Enterprise Fund for the purpose of reducing tipping fees for the residents of Modesto or, alternatively, to be used for building a Municipal Resource Recovery Facility, similar to the one in Monterey and encourage the Board of Supervisors to reduce the siting element to 129 acres .

HEARINGS

The following item was continued from July 1 & 22, 2003

20. Hearing to consider an appeal by David Romano of May 19, 2003 Planning Commission approval of Vesting Tentative Parcel Map owned by Marvin L. Oates Trust, dividing two parcels, property located on the North side of Glenn Avenue, East of Crows Landing Road.

- Resolution granting or denying the appeal recommended.

*Community & Economic Development; Bob Granberg, 571-5539,
bgranberg@modestogov.com*

ACTION: Reso No 2003-449 (Jackman/Fisher; unan.) granting the appeal.

21. Hearing to consider the application of Berberian Properties, LLC, for a Development Agreement for the Village One Commercial Center to vest the right to develop the property under the fee structure in effect prior to September 3, 2003, and adoption of a resolution finding the proposed Development Agreement in conformance with the previously certified Village One Specific Plan EIR.

- Introduction of an Ordinance approving the Development Agreement with Berberian Properties, LLC, relating to the Village One Commercial Center.
- Resolution finding the Development Agreement within the Scope of the Village Specific Plan EIR.

Community & Economic Development; George Osner, 577-5273, gosner@modestogov.com

ACTION: By Motion (Fisher/Keating; majority; Frohman, no) **introduced Ordinance No. 3318-C.S.** approving the Development Agreement with Berberian Properties, LLC, relating to the Village One Commercial Center limiting the City CFF backfill to \$500,000 and limiting the term to 4 years with one year extensions.

ACTION: Reso No 2003-450 (Fisher/Keating; majority; Frohman, no) finding the Development Agreement within the Scope of the Village Specific Plan EIR.

NEW BUSINESS

22. Consider discussion of a revised policy for reimbursement of Conference and Business Expenses for member of the City Council.
- Motion referring draft revised policy for reimbursement of Conference & Business Expenses for members of the City Council to the Audit Committee meeting on August 14, 2003 recommended.
- City Manager; Jack Crist, 577-5224, jcrist@modestogov.com*

ACTION: By Motion (Keating/O'Bryant; unan.) referring draft revised policy for reimbursement of Conference & Business Expenses for members of the City Council to the Audit Committee meeting on August 14, 2003

23. Consider Finance Committee recommendation to amend the policy and procedures regarding City Council appointments to the Planning Commission and Board of Zoning Adjustment.
- Resolution amending the policy and procedures regarding City Council appointments to the Planning Commission and Board of Zoning Adjustment, that each Councilmember nominate a representative to the Planning Commission and the Board of Zoning Adjustment with confirmation by the Council effective following the run-off election with terms coinciding with the Councilmembers terms recommended.
- City Manager; Jack Crist, 577-5224, jcrist@modestogov.com*

ACTION: Jackman/Sabatino continued to the September 2, 2003

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:45 p.m.

All closed sessions heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Section 54956.8 of the Government Code)

Property: Purchase, sale or lease of property located at:
421 Washington Street for the Corporation Yard Expansion
Project

APN: 101-0311

Negotiating parties: George Novacek, Universal Field Services, as Property
Agent on behalf of the City of Modesto

Charles S. Clayton, Owner

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

.....
**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

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

Facts and Circumstances: A developer has threatened litigation against the City in
connection with the implementation of the Amended Village One Financing Plan

.....
**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

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

**By consensus (Frohman, Jackman, & Sabatino,, no) the City Council authorized the
City Attorney to participate Amicus Curiae Brief on behalf of the City of Long
Beach vs Department of Industrial Relations.**

MINUTES

MODESTO CITY COUNCIL SPECIAL MEETING

Finance Committee/

Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place, 1010 10th Street, Modesto, California

Wednesday, August 13, 2003, at 5:30 p.m.

Roll Call – Present: Committee Members Frohman, Jackman, Keating,

- 1) Purchase of a John Deere 410G Backhoe

ACTION: The Committee approved this item.

- 2) Purchase of Six (6) Utility Trucks and One (1) Trailer-backhoe

ACTION: The Committee approved this item.

- 3) Continued Consideration of Yosemite College District's Request for a Change in the Water Billing Structure for West Campus

ACTION: No action was taken. This item was for information only.

Consent Items – Approval: (Presentations by staff only when requested—Committee recommendation required.)

- 4) Review Apportionment Formula and Recommend to Full Council

ACTION: The Committee directed staff to bring updates to the next Finance Committee meeting.

- 5) AllCare – Addition of Section 6-1.101(g)(10) to the Modesto Municipal Code

ACTION: The Committee approved this item.

- 6) Consider Issuing a Request for Proposal for Investment Advisory/Assets Management Services

ACTION: The Committee approved this item.

- 7) Consider Issuing a Request for Qualifications for Underwriter Services

ACTION: The Committee approved this item.

- 8) Consider Issuing a Request for Proposal for Water and Wastewater User Fee and Infrastructure Fee Study

ACTION: The Committee approved Phase I through III only. Phase IV was made optional.

- 9) Monthly Adjustment Report – August 2003

ACTION: The Committee approved this item.

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

(Detailed briefing by staff—Committee and public comments likely, Committee action may be required.)

- 10) Report on Vehicle License Fees

ACTION: No action was taken. This item was for information only.

- 11) Oral Report on State Budget Impacts to the General Fund

ACTION: No action was taken. This item was for information only.

- 12) At the Request of Councilmember Frohman, Discuss Allowing Employees to Have a Floating Holiday in Exchange for Pay Cuts

ACTION: This item was referred to the Personnel Director.

- 13) Consider Recommending That the City Council Adopt Run-Off Election Procedures for the December Run Off Election

ACTION: The Committee approved this item.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:00 p.m.

MINUTES
Audit Committee Meeting/
Special City Council Workshop Meeting

Tenth Street Place, Council Chambers
1010 10th Street
Modesto, California

Thursday, August 14, 2003

Roll Call:

Present: Committee members: Carmen Sabatino, Chair
Janice Keating, Vice Chair
Will O'Bryant

Councilmembers:

Staff: Jack Crist, City Manager
Jean Zahr, City Clerk and Auditor
Kathy Espinoza, Executive Assistant
Gary Nienhuis, Internal Auditor

NEW BUSINESS

Consideration of Policy for Reimbursement of Conference and Business Expenses for Members of the City Council. Following considerable discussion, and presentation of various viewpoints of the proposal, the Committee requested City Manager Jack Crist revise the proposal to reflect concerns, suggestions, and requests of the members. The City Manager will return to the Committee with a revised proposal in September, at a date to be determined.

ORAL COMMUNICATIONS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 11:21 A.M.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, September 2, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Frohman, Jackman, Keating, O'Bryant,
Mayor Sabatino

Absent: Councilmembers Fisher

Pledge of Allegiance to the Flag

Invocation: Pastor Jeff Norman, Modesto Covenant

City Clerk's Announcements: Item 6 and Item 30 removed from the agenda
Items 2, 9, 10 and 16 removed from Consent

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation regarding 2003 Trees for Tots.

ACTION: Invitations were delivered to the City Council by staff

ORAL COMMUNICATIONS

- ◆ Kathy Halsey from SBC announced their investment of a network enhancement made in Modesto.
- ◆ Danny Gottlieb spoke on behalf of the Stanislaus County Tax Payers Association regarding retaining jobs and being business friendly. Keating responded to Mr. Gottlieb's comments noting one bid for police cars purchased locally and the Council committee's endorsement of a local purchasing policy. O'Bryant thanked Mr. Gottlieb's for his comments.
- ◆ Diana Rego expressed concern about the sidewalk in need of repair at 637 Tully Road near Modesto Junior College Road and a fall she took at that location.
- ◆ Keating commented on the Bowen Roundabout and the railroad tracks still remaining on Bowen and Orangeburg. City Manager Crist responded and confirmed that a report would be forthcoming. Peter Cowles confirmed that the rails were removed on Bowen on Friday, August 29.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 28

ACTION Consent Items 3-5, 7, 8, 11-15, 17-28: Frohman/Jackman; unan;
Fisher absent

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of August 12, 2003.
 - Motion approving the minutes of the regular City Council meeting of August 12, 2003 recommended.*Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com*

ACTION: By Motion (Jackman/Frohman; unan: Fisher absent) approved, with an amendment to Item 19, the minutes of the regular City Council meeting of August 12, 2003, removing the words "to sell the Vogel Ranch".

CONSENT

3. Consider accepting with regret the resignation of Ricardo Cordova from the Citizens Housing and Community Development Committee.

- Resolution accepting with regret the resignation of Ricardo Cordova from the Citizens Housing & Community Development Committee recommended.

City Manager; Esther Puckett, 577-5101, epuckett@modestogov.com

ACTION: Res. No. 2003-451 (Frohman/Jackman; unan; Fisher absent) accepting with regret the resignation of Ricardo Cordova from the Citizens Housing & Community Development Committee.

CONSENT

4. Consider introduction of an ordinance memorializing a \$35,000 loan from General Fund Reserves for the formation of Village One CFD #2.
 - Motion introducing an ordinance memorializing a \$35,000 loan from General Fund Reserves for the formation of Village One CFD #2 recommended.

City Manager; George Britton, 577-5211, gbritton@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan; Fisher absent) **introduced Ordinance No. 3319-C.S.** memorializing a \$35,000 loan from General Fund Reserves for the formation of Village One CFD #2.

CONSENT

5. Consider authorizing the United States Department of Homeland Security, Transportation Security Administration to use the City of Modesto logo on an organizational (“challenge”) coin.
 - Resolution authorizing the United States Department of Homeland Security, Transportation Security Administration to use the City of Modesto logo on an organizational (“challenge”) coin recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Res. No. 2003-452 (Frohman/Jackman; unan; Fisher absent) authorizing the United States Department of Homeland Security, Transportation Security Administration to use the City of Modesto logo on an organizational (“challenge”) coin.

Removed from the agenda

6. Final adoption of Ordinance 3317-C.S., an ordinance amending Ordinance No. 3237-C.S. entitled “An Ordinance Granting An Exclusive Two-year Advertising Sign Franchise To Safer Intersections, Inc. For The Right, Privilege And Permission To Operate A Battery Back-up System Equipment Donation Franchise And Occupy The Public Right-of-Way At Designated Locations Along The Streets In The City of Modesto For Advertising Signs,” extending battery-back up system equipment donating franchise for a period of three (3) years.

- Motion approving final adoption of Ordinance 3317-C.S., an ordinance amending Ordinance No. 3237-C.S. entitled “An Ordinance Granting An Exclusive Two-year Advertising Sign Franchise To Safer Intersections, Inc. For The Right, Privilege And Permission To Operate A Battery Back-up System Equipment Donation Franchise And Occupy The Public Right-of-Way At Designated Locations Along The Streets In The City of Modesto For Advertising Signs,” extending battery-back up system equipment donating franchise for a period of three (3) years recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: Removed from agenda.

CONSENT

7. Consider approving a \$171,126 amendment to a purchase agreement for 14 buses from the Gillig Corporation to provide for additional equipment, the addition of extended warranties, and to make a correction in the initial price of the buses. Funds are budgeted in the current Capital Improvement Program.
 - Resolution approving a \$171,126 amendment to a purchase agreement for 14 buses from the Gillig Corporation to provide for additional equipment, the addition of extended warranties, and to make a correction in the initial price of the buses recommended.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2003-453 (Frohman/Jackman; unan; Fisher absent) approving a \$171,126 amendment to a purchase agreement for 14 buses from the Gillig Corporation to provide for additional equipment, the addition of extended warranties, and to make a correction in the initial price of the buses.

CONSENT

8. Consider authorizing the purchase of a van from Creative Bus Sales, using the Department of General Services, State contract, at an approximate cost of \$71,317.68. The van would be purchased using City of Ceres funds and would be leased at no charge to the City of Ceres for use in its fixed-route bus service.
 - Resolution authorizing the purchase of a van from Creative Bus Sale, using the Department of General Services, State contract, at an approximate cost of \$71,317.68 recommended.

Engineering & Transportation; Fred Cavanah, 577-5295, fcavanah@modestogov.com

ACTION: Res. No. 2003-454 (Frohman/Jackman; unan; Fisher absent) authorizing the purchase of a van from Creative Bus Sale, using the Department of General Services, State contract, at an approximate cost of \$71,317.68.

Removed from Consent

9. Consider an amendment to a lease agreement with Modesto Executive Air Charter, dba SkyTrek Aviation, that allows a one-year suspension of a 5% sublease fee of gross rents received that SkyTrek pays to the City, and authorizing the City Manager to execute the amendment to the agreement on behalf of the City.
- Resolution approving an amendment to a lease agreement with Modesto Executive Air Charter, dba SkyTrek Aviation, that allows a one-year suspension of a 5% sublease fee of gross rents received that SkyTrek pays to the City, and authorizing the City Manager to execute the amendment to the agreement on behalf of the City recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-455 (Keating/Frohman; unan; Fisher absent) approving an amendment to a lease agreement with Modesto Executive Air Charter, dba SkyTrek Aviation, that allows a one-year suspension of a 5% sublease fee of gross rents received that SkyTrek pays to the City, and authorizing the City Manager to execute the amendment to the agreement on behalf of the City. Staff was directed to review this item in one year.

Removed from Consent

10. Consider a one-year lease agreement with Harold Lang for an office in the Airport's former administration building for non-aviation purposes, and authorizing the City Manager to execute the necessary documents on behalf of the City. Revenue estimate: \$1764 annually.
- Resolution approving a one-year lease agreement with Harold Lang for an office in the Airport's former administration building for non-aviation purposes, and authorizing the City Manager to execute the necessary documents on behalf of the City recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-456 (Keating/Frohman; unan; Fisher absent) approving a one-year lease agreement with Harold Lang for an office in the Airport's former administration building for non-aviation purposes, and authorizing the City Manager to execute the necessary documents on behalf of the City.

CONSENT

11. Consider awarding the bid and approving a \$1,064,995 contract with George Reed Inc. for the project titled "Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement" which will replace the surface and light fixtures on the commercial runway, and authorizing the City Manager to execute the agreement; and Consider amending the budget to accept \$1,100,000 of grant monies to fully fund the project.

- Resolution awarding the bid and approving a \$1,064,995 contract with George Reed Inc. for the project titled “Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement” which will replace the surface and light fixtures on the commercial runway, and authorizing the City Manager to execute the agreement recommended.
- Resolution amending the budget to accept \$1,100,000 of grant monies to fully fund the project recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Res. No. 2003-457 (Frohman/Jackman; unan; Fisher absent) awarding the bid and approving a \$1,064,995 contract with George Reed Inc. for the project titled “Runway 10L-28R Pavement Improvements and Runway Light Fixture Replacement” which will replace the surface and light fixtures on the commercial runway, and authorizing the City Manager to execute the agreement.

ACTION: Res. No. 2003-458 (Frohman/Jackman; unan; Fisher absent) amending the budget to accept \$1,100,000 of grant monies to fully fund the project.

CONSENT

12. Consider summary abandonment of a 10-foot public utility easement located between 1901 and 1925 West Orangeburg Avenue.
 - Resolution approving a summary abandonment of a 10-foot Public Utility Easement located between 1901 and 1925 West Orangeburg Avenue recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Res. No. 2003-459 (Frohman/Jackman; unan; Fisher absent) approving a summary abandonment of a 10-foot Public Utility Easement located between 1901 and 1925 West Orangeburg Avenue.

CONSENT

13. Consider accepting the work by CEN-CAL Construction for the “Replace Shade Structures at Beyer and Graceada Parks” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$303,693.31 per the contract.
 - Resolution accepting the work by CEN-CAL Construction for the “Replace Shade Structures at Beyer and Graceada Parks” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$303,693.31 per the contract recommended.

Engineering & Transportation; Genichi Kanow, 577-5452, gkanow@modestogov.com

ACTION: Res. No. 2003-460 (Frohman/Jackman; unan; Fisher absent) accepting the work by CEN-CAL Construction for the “Replace Shade Structures at Beyer and Graceada Parks” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$303,693.31 per the contract.

CONSENT

14. Consider installation of an all-way stop at the intersection of Merle and Fine Avenues. Estimated cost is \$400 and funds are budgeted.
- Resolution approving installation of an all-way stop at the intersection of Merle and Fine Avenues recommended.
- Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-461 (Frohman/Jackman; unan; Fisher absent) approving installation of an all-way stop at the intersection of Merle and Fine Avenues.

CONSENT

15. Consider accepting a grant in the amount of \$60,000 from the Office of Traffic Safety (OTS) program for lighted crosswalks at various locations throughout Modesto; and Consider amending the 2003/2004 Capital Improvement Program (CIP) budget to receive the grant monies. Estimated cost of the project is \$120,000. City’s portion of the cost (\$60,000) is budgeted.
- Resolution accepting a grant in the amount of \$60,000 from the Office of Traffic Safety (OTS) program for lighted crosswalks at various locations throughout Modesto recommended.
 - Resolution amending the 2003/2004 Capital Improvement Program (CIP) budget to receive the grant monies recommended.
- Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Res. No. 2003-462 (Frohman/Jackman; unan; Fisher absent) accepting a grant in the amount of \$60,000 from the Office of Traffic Safety (OTS) program for lighted crosswalks at various locations throughout Modesto.

ACTION: Res. No. 2003-463 (Frohman/Jackman; unan; Fisher absent) amending the 2003/2004 Capital Improvement Program (CIP) budget to receive the grant monies.

Removed from Consent

16. Consider introduction of an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code Relating to Licensing in General – Definitions, to add Section 6-1.10-1(g)(10) exempting the gross receipts of an IPA (Independent Physicians Association) from mil tax, except for

those gross receipts received and expensed by the IPA for overhead costs as a fixed fee administrator.

- Motion introducing an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code Relating to Licensing in General – Definitions, to add Section 6-1.10-1(g)(10) exempting the gross receipts of an IPA (Independent Physicians Association) from mil tax, except for those gross receipts received and expensed by the IPA for overhead costs as a fixed fee administrator recommended.

Finance; Cheryl Detmar, 571-5174, cdetmar@modestogov.com

ACTION: By Motion (Jackman/Frohman; unan; Fisher absent) **introduced Ordinance No. 3320-C.S.**, an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code Relating to Licensing in General – Definitions, to add Section 6-1.10-1(g)(10) exempting the gross receipts of an IPA (Independent Physicians Association) from mil tax, except for those gross receipts received and expensed by the IPA for overhead costs as a fixed fee administrator.

CONSENT

17. Consider authorizing Stanislaus County to levy and collect the City of Modesto's assessment for the reconstruction of certain alleys and sidewalks.

- Resolution authorizing Stanislaus County to levy and collect the City of Modesto's assessment for the reconstruction of certain alleys and sidewalks recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: Res. No. 2003-464 (Frohman/Jackman; unan; Fisher absent) authorizing Stanislaus County to levy and collect the City of Modesto's assessment for the reconstruction of certain alleys and sidewalks.

CONSENT

18. Consider the Monthly Adjustment Report - August 2003.

- Resolution acknowledging the receipt of report and approving the budget adjustments for January 2003 recommended.

Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: Res. No. 2003-465 (Frohman/Jackman; unan; Fisher absent) acknowledging the receipt of report and approving the budget adjustments for January 2003.

CONSENT

19. Consider authorizing the Finance Department to solicit proposals for investment advisory services for the City of Modesto, Redevelopment Agency of the City of

Modesto, Modesto Public Financing Authority, Community Facility Districts, and the Tuolumne River Regional Park.

- Resolution authorizing the Finance Department to solicit proposals for investment advisory services for the City of Modesto, Redevelopment Agency of the City of Modesto, Modesto Public Financing Authority, Community Facility Districts, and the Tuolumne River Regional Park recommended.

Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: Res. No. 2003-466 (Frohman/Jackman; unan; Fisher absent) authorizing the Finance Department to solicit proposals for investment advisory services for the City of Modesto, Redevelopment Agency of the City of Modesto, Modesto Public Financing Authority, Community Facility Districts, and the Tuolumne River Regional Park.

CONSENT

20. Consider authorizing the Finance Department to solicit request for qualifications for underwriting services for the City of Modesto, the Redevelopment Agency of the City of Modesto, and Community Facilities Districts.

- Resolution authorizing the Finance Department to solicit proposals for investment advisory services for the City of Modesto, Redevelopment Agency of the City of Modesto, Modesto Public Financing Authority, Community Facility Districts, and the Tuolumne River Regional Park recommended.

Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: Res. No. 2003-467 (Frohman/Jackman; unan; Fisher absent) authorizing the Finance Department to solicit proposals for investment advisory services for the City of Modesto, Redevelopment Agency of the City of Modesto, Modesto Public Financing Authority, Community Facility Districts, and the Tuolumne River Regional Park.

CONSENT

21. Consider authorizing the Finance Department to solicit Request for Proposals for a Water and Wastewater user fee and infrastructure fee study.

- Resolution authorizing the Finance Department to solicit Request for Proposals for a Water and Wastewater user fee and infrastructure fee study recommended.

Finance; Peggy Hetzler, 577-5369, phetzler@modestogov.com

ACTION: Res. No. 2003-468 (Frohman/Jackman; unan; Fisher absent) authorizing the Finance Department to solicit Request for Proposals for a Water and Wastewater user fee and infrastructure fee study.

CONSENT

22. Consider approving a grant application for \$87,480 in funding from the Federal Recreational Trails Program for the Virginia Corridor Rails-to-Trails Project, and certifying availability of \$21,870 for the required 20% local share of the total project cost of \$109,870, and authorizing the City Manager to execute the application.

- Resolution approving a grant application for \$87,480 in funding from the Federal Recreational Trails Program for the Virginia Corridor Rails-to-Trails Project, and certifying availability of \$21,870 for the required 20% local share of the total project cost of \$109,870, and authorizing the City Manager to execute the application recommended

*Parks, Recreation & Neighborhoods, Carolyn Eubank, 577-5349,
ceubank@modestogov.com*

ACTION: Res. No. 2003-469 (Frohman/Jackman; unan; Fisher absent) approving a grant application for \$87,480 in funding from the Federal Recreational Trails Program for the Virginia Corridor Rails-to-Trails Project, and certifying availability of \$21,870 for the required 20% local share of the total project cost of \$109,870, and authorizing the City Manager to execute the application.

CONSENT

23. Consider approving two Cooperative Agreements with the State of California, Department of Transportation totaling \$1.3 million to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents.

- Resolution approving Cooperative Agreement No. 10-177 and No. 10-178 with the State of California, Department of Transportation totaling \$1,300,000 to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Nathan Houx, 571-5526,
nhoux@modestogov.com*

ACTION: Res. No. 2003-470 (Frohman/Jackman; unan; Fisher absent) approving Cooperative Agreement No. 10-177 and No. 10-178 with the State of California, Department of Transportation totaling \$1,300,000 to provide for landscape enhancement within and near the Briggsmore Expressway Interchange, and authorizing the City Manager to execute the necessary documents.

CONSENT

24. Consider accepting the Modesto Sister Cities International Annual Financial Report for FY 2002-2003.

- Motion acknowledging receipt of report recommended.

*Parks, Recreation & Neighborhoods; Debbie Conder, 577-5391,
dconder@modestogov.com*

ACTION: By Motion (Frohman/Jackman; unan; Fisher absent) acknowledged receipt of report.

CONSENT

25. Consider granting approval for the International Festival Committee (IFC) to conduct an International Festival to be held October 4 & 5, 2003 in the City of Modesto. IFC receives direct funding of \$4,000 through Cultural Promotions; in addition, funding of approximately \$17,950 in-kind services for police park maintenance, etc. are budgeted.

- Resolution granting approval to the International Festival Committee to conduct a two-day International Festival to be held on October 4 & 5, 2003 in the City of Modesto recommended.

*Parks, Recreation & Neighborhoods; Chris Elms, 577-5336,
celms@modestogov.com*

ACTION: Res. No. 2003-471 (Frohman/Jackman; unan; Fisher absent) granting approval to the International Festival Committee to conduct a two-day International Festival to be held on October 4 & 5, 2003 in the City of Modesto.

CONSENT

26. Consider authorizing submittal of an application for \$176,926 from the 2003 Local Law Enforcement Block Grant, and authorizing the City Manager to execute the necessary documents. The City's match is \$17,658 and is budgeted.

- Resolution authorizing submittal of an application for the 2003 Local Law Enforcement Block Grant, and authorizing the City Manager to execute the necessary documents recommended.

Police; Roy Wasden, 572-9503, wasdenr@modestopd.com

ACTION: Res. No. 2003-472 (Frohman/Jackman; unan; Fisher absent) authorizing submittal of an application for the 2003 Local Law Enforcement Block Grant, and authorizing the City Manager to execute the necessary documents.

CONSENT

27. Consider approving staffing requirements for operation of the LiveScan Fingerprinting System and adding two new Police Clerk positions to the Police

Department to operate the system; and Consider amending the 2003/2004 fiscal year budget to appropriate \$118,800 in revenue and expenses for the addition of the two new Police Clerk positions.

- Resolution approving the addition of two new Police Clerk positions to the Police Department to operate the system recommended.
- Resolution amending the 2003/2004 fiscal year budget to appropriate \$118,800 in revenue and expenses for the addition of the two new Police Clerk positions recommended.

Police; David Gianotti, 572-9517, gianottid@modestopd.com

ACTION: Res. No. 2003-473 (Frohman/Jackman; unan; Fisher absent) approving the addition of two new Police Clerk positions to the Police Department to operate the system.

ACTION: Res. No. 2003-474 (Frohman/Jackman; unan; Fisher absent) amending the 2003/2004 fiscal year budget to appropriate \$118,800 in revenue and expenses for the addition of the two new Police Clerk positions.

COUNCIL COMMENTS & REPORTS

28. At the request of Mayor Sabatino, discussion of letter sent to Ray Simon, Chairman of the Board of Supervisors, and the response from Supervisor Simon, regarding sale of the landfill property.

ACTION: Mayor Sabatino requested staff prepare a report and a reply to Chairman Simon's letter to be considered at the next City Council meeting or the meeting after that.

UNFINISHED BUSINESS

Item continued from August 12, 2003

29. Consider authorizing the award of bid and contract for Water Meters to Badger Meters Inc., for an estimated annual cost of \$410,297.13 for a three-year period with two one-year extension options.
- Resolution awarding the bid and contract for Water Meters to Badger Meters Inc., for an estimated annual cost of \$410,297.13 for a three-year period with two one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Res. No. 2003-475 (Frohman/Jackman unan; Fisher absent) awarding the bid and contract for Water Meters to Badger Meters Inc., for an estimated annual

cost of \$410,297.13 for a three-year period with two one-year extension options.

Item REMOVED from Agenda

Item continued from August 12, 2003

30. Consider Finance Committee recommendation to amend the policy and procedures regarding City Council appointments to the Planning Commission and Board of Zoning Adjustment.

- Resolution amending the policy and procedures regarding City Council appointments to the Planning Commission and Board of Zoning Adjustment, that each Councilmember nominate a representative to the Planning Commission and the Board of Zoning Adjustment with confirmation by the Council effective following the run-off election with terms coinciding with the Councilmembers terms recommended.

City Manager; Jack Crist, 577-5224, jcrist@modestogov.com

Ordinance was introduced August 12, 2003 with a vote of Fisher/Keating; majority; Frohman, no

31. Consider final adoption of Ordinance No. 3318-C.S., an ordinance approving the Development Agreement between the City of Modesto and Berberian Properties, LLC for the development of the Village One commercial center located in the Village One Specific Plan, to lock in the Capital Facilities Fees and Public Utilities Fees, and vest the right to develop in accordance with current fees and standards.

- Motion approving final adoption of Ordinance No. 3318-C.S., an ordinance approving the Development Agreement between the City of Modesto and Berberian Properties, LLC for the development of the Village One commercial center located in the Village One Specific Plan, to lock in the Capital Facilities Fees and Public Utilities Fees, and vest the right to develop in accordance with current fees and standards recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Conrad/O'Bryant; maj; Frohman no; Fisher absent) approved final adoption of Ordinance No. 3318-C.S., an ordinance approving the Development Agreement between the City of Modesto and Berberian Properties, LLC for the development of the Village One commercial center located in the Village One Specific Plan, to lock in the Capital Facilities Fees and Public Utilities Fees, and vest the right to develop in accordance with current fees and standards.

NEW BUSINESS

32. Consider approving run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election date in November, 2003 and directing the City Attorney to file an action in Superior Court in the event that the December, 2003 run-off election “fails”; and Consider calling for a special election to be held on March 2, 2004, and requesting the Board of Supervisor of the County of Stanislaus to consolidate the special election with any other election to be held on that date.
- Resolution approving run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election date in November, 2003 and directing the City Attorney to file an action in Superior Court in the event that the December, 2003 run-off election “fails” recommended.
 - Resolution calling for a special election to be held on March 2, 2004, and requesting the Board of Supervisor of the County of Stanislaus to consolidate the special election with any other election to be held on that date recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

City Clerk; Jean Zahr, 577-5396, jzahr@modestogov.com

ACTION: Res. No. 2003-476 (Jackman/Keating; maj; Sabatino and Fisher absent) approving run-off election procedures and directing the City Clerk to follow the procedures in conducting any required run-off election following the regular municipal election date in November, 2003 and directing the City Attorney to file an action in Superior Court in the event that the December, 2003 run-off election “fails”.

ACTION: Res. No. 2003-477 ((Jackman/Keating; maj; Sabatino and Fisher absent) calling for a special election to be held on March 2, 2004, and requesting the Board of Supervisor of the County of Stanislaus to consolidate the special election with any other election to be held on that date.

33. Consider authorizing staff to revise the truck route and parking removal on 10th Street between O Street and Needham Avenue, and O Street between 9th and 10th Streets, and rescinding Resolution 2001-46. Estimated cost is \$200 and funds are budgeted.
- Resolution authorizing staff to revise the truck route and parking removal on 10th Street between O Street and Needham Avenue, and O Street between 9th and 10th Streets, and rescinding Resolution 2001-46 recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By motion, Jackman/O’Bryant; unan; Fisher absent, referred to committee.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

Meeting adjourned at 8:30 p.m.

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California
Wednesday, September 3, 2003 @ 5:30 p.m.

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

Items to be Considered:

- 1) At the Request of Mayor Sabatino and Citizens for Safe Water in Stanislaus County, the Fluoridation Issue and the Vote of the People in November 2001 Cannot be Overturned by the Council and Must be Returned to the People for Another Vote

ACTION: The Committee requested this item be placed on the 10/06/03 Committee agenda for discussion.

- 2) Operation of Motorized Scooters on Bike Trails – Verbal Report by Police and Parks, Recreation & Neighborhoods

ACTION: The Police and Parks, Neighborhood, & Recreation staff will meet with concerned citizens to submit recommendations back to the Committee.

- 3) Consider Staff Report Updating Progress on Use of Gasoline-powered Generators in Parks

ACTION: Staff will review long term recommendations and return to the Committee.

- 4) Purchase of a Command Vehicle

ACTION: The Council approved staff’s recommendation.

- 5) Purchase of an Equestrian Truck

ACTION: The Council approved staff’s recommendation.

6) Purchase of a SWAT Vehicle

ACTION: The Council approved staff's recommendation.

7) Purchase of Two (2) Engines

ACTION: The Council approved staff's recommendation.

8) Amendment to Position Classification Plan:

- a. Evidence and Property Specialist
- b. Police Officer Trainee

ACTION: The Council approved staff's recommendation.

9) Consider Supporting Request by the Central Valley Center for the Vision and Hearing Impaired to Lease City-owned House at 618 14th Street

ACTION: The Committee approved staff's recommendation and forwarded item to full council for approval.

10) Consider Supporting (1) Implementation of Fund Development Strategies and Actions and (2) Concept of a Partnership with the Stanislaus Community Foundation

ACTION: This item was referred to the Finance Committee for review by Chiefs, City manager and Finance Director for financing and implementation. Committee Member Conrad requested staffing level and number of vacancies in Police and Fire Departments.

11) Consider Supporting Staff Recommendation to (1) Decommission the Modesto Community Service Center and (2) Demolish the Beard Brook T-shelter.

ACTION: The Committee approved staff's recommendation.

12) Consider Supporting Staff Recommendation to (1) Accept Report on Xclamation Fest 2003 and (2) Approve Xclamation Fest 2004 on July 17, 2004

ACTION: The Committee approved staff's recommendation.

13) Council Referred to Committee for Further Discussion:

At the request of Vice Mayor Frohman, consider the naming of two streets, one to be "Steve May Way" and the other to be "Lee Volk Drive" to recognize the sacrifices made by these two individuals. Request the Council to approve the concept and to appoint a special Committee to consult with the families of the officers to see whether they would approve of such a memorial or if they would prefer an alternative commemorative, such as a lighted crosswalk.

ACTION: The Committee directed Police and Fire Staff to return to the Committee with street name recommendations

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

MODESTO CITY COUNCIL SPECIAL MEETING

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, September 8, 2003

Roll Call: Present: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

Also Present: Janice Keating, Will O'Bryant

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

- 1) Status Report on Proposed Ordinance to Prohibit Temporary Structures on Front or Side Lots

ACTION: The Committee forwarded this item to Council to be discussed at the October 17, 2003 meeting.

- 2) Status Report on General Plan Update

ACTION: This item was for information only.

- 3) Status Report on Housing Element Update

ACTION: This item was for information only.

- 4) Community & Economic Development Department Monthly Development Activity Report

- a. Workforce Development Program
- b. Kiernan Business Park
- c. Kaiser Medical Center
- d. Del Valle Homes/Fairview Development Agreement Implementation
- e. General Plan Housing Element Update
- f. Comprehensive General Plan Update
- g. Roselle-Claribel Specific Plan
- h. Shelter Cove Church
- i. St. Stanislaus Church
- j. CFF Exemption for Demolished Buildings
- k. Building Inspection Statistics
- l. Kansas-Woodland Business Park (FMC)
- m. 9th Street Bridge Property Acquisition for New Bridge Project
- n. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- o. Downtown Housing Project
- p. Safeway at McHenry/Pelandale
- q. Sylvan Vet Clinic at Sylvan/Roselle

ACTION: This item was for information only.

- 5) Consider Staff Recommendation to Endorse Proposed Roundabout at Floyd/Roselle Intersection in Village One

ACTION: This item was continued to the next Committee meeting for discussion.

- 6) Discussion and Direction Regarding Village One Specific Plan 18 & 20 NW Roundabout Locations for Sylvan School District

ACTION: This item was continued to the next Committee meeting for discussion.

- 7) Oral Update – City of Modesto/MID Discussions on Warwick Lane Tree Pruning

ACTION: An update on this item will given to the Committee at the next meeting.

- 8) Status Report on Downtown Ninth Street Corridor Specific Plan

ACTION: The Committee consensus was to proceed to Council with option 2.

- 9) Consider Staff Recommendation to Approve Memorandum of Understanding with Kaiser Foundation Hospitals

ACTION: The Committee consensus was to forward this item to full Council.

- 10) Status Report on Kiernan Business Park East Specific Plan

ACTION: An update on this item will be given to the Committee at the next meeting.

- 11) Status Report on Roselle-Claribel Specific Plan

ACTION: This item was for information only.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

Audit Committee Meeting/ Special City Council Workshop Meeting

Tenth Street Place, Council Chambers
1010 10th Street
Modesto, California

10:00 AM, Monday, September 8, 2003

Roll Call:

Present: Committee members: Carmen Sabatino, Chair
Janice Keating, Vice Chair
Will O'Bryant

Councilmembers:

Staff: Jack Crist, City Manager
Michael Milich, City Attorney
Kathy Espinoza, Executive Assistant
Gary Nienhuis, Internal Auditor

UNFINISHED BUSINESS

1. Continued discussion of revised Policy for Reimbursement of Conference and Business Expenses for Members of the City Council.

Following considerable discussion, and presentation of various viewpoints of the proposal, the Committee approved the revised policy. The revised policy will be brought to the City Council on September 23, 2003.

2. Discussion of Accumulated Yearly Reports Requested by Councilmember Keating.

The Committee requested that the City Manager prepare a summary report covering the travel and conference expenses, including copies of credit card statements, for the Charter Officers, Deputy City Managers, and Department Directors. The period covered is the past two fiscal years and FY 04 to date.

The summary information is to include the employee's name, the conference workshop attended, dates and locations, and details of the expenses.

The Committee also approved Councilmember Keating's request to have the City Manager provide, on a going-forward basis, a quarterly report of travel and conference expenses for the Council. This will provide oversight and a tool for managing the Council's travel and conference expense budget.

ORAL COMMUNICATIONS

None

MATTERS TOO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting adjourned at 11:31 A.M.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, September 9, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Rick Thompson, Big Valley Grace Church

City Clerk's Announcements: Item 9 removed from the Agenda
Item 12 removed from Consent

Declaration of Conflicts of Interest Fisher, Item 11

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation to the Ovarian Cancer Alliance declaring September 2003 as Ovarian Cancer Awareness Month

ACTION: Councilmember Keating read the proclamation and Maria Verbeck accepted the proclamation for the Alliance.

2. Presentation of a Proclamation regarding California History Month

ACTION: Mayor Sabatino presented the proclamation to the Native Daughters of California.

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-10, & 13

ACTION Consent Items 2-10, & 13: Jackman/Frohman

ACTION Item 11: Conrad/Frohman; unan;Fisher absent

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 2, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Frohman; unan.) approved the minutes of September 2, 2003.

CONSENT

3. Consider amending the Position Classification Plan to revise the classifications of Evidence and Property Specialist and Police Officer Trainee.
 - Resolution amending the Position Classification Plan to revise the classifications of Evidence and Property Specialist and Police Officer Trainee recommended.
 - Resolution amending the Class Range Table for General Non-Sworn Classes to change the salary range for the classification of Evidence and Property Specialist recommended.

Cherree Platt, 577-5439, cplatt@ci.modestogov.com

ACTION: Reso No 2003-478 (Jackman/Frohman; unan) amending the Position Classification Plan to revise the classifications of Evidence and Property Specialist and Police Officer Trainee

ACTION: Reso No 2003-479 (Jackman/Frohman; unan.) amending the Class Range Table for General Non-Sworn Classes to change the salary range for the classification of Evidence and Property Specialist

CONSENT

4. Consider approving a professional services contract in the amount of \$99,808 with Mead & Hunt Inc., Airport Engineers, to perform RW 10L/28R construction inspection, testing and administration for Modesto City-County Airport, and authorize the City Manager to execute the necessary documents. Funds are budgeted.

- Resolution approving a professional services contract in the amount of \$99,808 with Mead & Hunt Inc., Airport Engineers, to perform RW 10L/28R construction inspection, testing and administration for Modesto City-County Airport, and authorize the City Manager to execute the necessary documents recommended.

*Engineering & Transportation; Howard Cook, 577-5318,
hcook@modestogov.com*

ACTION: Reso No 2003-480 (Jackman/Frohman; unan.) approving a professional services contract in the amount of \$99,808 with Mead & Hunt Inc., Airport Engineers, to perform RW 10L/28R construction inspection, testing and administration for Modesto City-County Airport, and authorize the City Manager to execute the necessary documents

CONSENT

5. Consider accepting an additional \$1 million Airport Improvement Program grant for airport improvements for expansion of passenger parking at the airport terminal, and rehabilitation of the general aviation T-Hanger taxilane pavement, and acknowledging that Council authorized the City Manager to accept the grant on behalf of the City the August 12, 2003 Council meeting.

- Resolution accepting an additional \$1 million Airport Improvement Program grant for airport improvements for expansion of passenger parking at the airport terminal, and rehabilitation of the general aviation T-Hanger taxilane pavement, and acknowledging that Council authorized the City Manager to accept the grant on behalf of the City the August 12, 2003 Council meeting recommended.

*Engineering & Transportation; Howard Cook, 577-5318,
hcook@modestogov.com*

ACTION: Reso No 2003-481 (Jackman/Frohman; unan.) accepting an additional \$1 million Airport Improvement Program grant for airport improvements for expansion of passenger parking at the airport terminal, and rehabilitation of the general aviation T-Hanger taxilane pavement, and acknowledging that Council authorized the City Manager to accept the grant on behalf of the City the August 12, 2003 Council meeting.

CONSENT

6. Consider accepting the work of Detrick Corporation for the project titled “East Broadway Avenue/State Route 219 Waterline Relining” as complete, authorizing the City Clerk to file a Notice of Completion; and Consider increasing the Engineering & Transportation Director’s authority to issue change orders on the “East Broadway Avenue/State Route 219 Waterline Relining” project from \$25,000 to \$45,200. Total cost of the project - \$124,399.81.
- Resolution accepting the work of Detrick Corporation for the project titled “East Broadway Avenue/State Route 219 Waterline Relining” as complete, authorizing the City Clerk to file a Notice of Completion recommended.
 - Resolution increasing the Engineering & Transportation Director’s authority to issue change orders on the “East Broadway Avenue/State Route 219 Waterline Relining” project from \$25,000 to \$45,200 recommended.

*Engineering & Transportation; Genichi Kanow, 577-5452,
gkanow@modestogov.com*

ACTION: Reso No 2003-482 (Jackman/Frohman; unan.) accepting the work of Detrick Corporation for the project titled “East Broadway Avenue/State Route 219 Waterline Relining” as complete, authorizing the City Clerk to file a Notice of Completion.

ACTION: Reso No 2003-483 (Jackman/Frohman; unan.) increasing the Engineering & Transportation Director’s authority to issue change orders on the “East Broadway Avenue/State Route 219 Waterline Relining” project from \$25,000 to \$45,200.

CONSENT

7. Consider awarding a \$192,744 contract to HDR Engineering Inc., for engineering design services for project titled “Replacement of the LaLoma Avenue Sewage Lift Station”.
- Resolution awarding a \$192,744 contract to HDR Engineering Inc., for engineering design services for project titled “Replacement of the LaLoma Avenue Sewage Lift Station” recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-484 (Jackman/Frohman; unan.) awarding a \$192,744 contract to HDR Engineering Inc., for engineering design services for project titled “Replacement of the LaLoma Avenue Sewage Lift Station”.

CONSENT

8. Consider Monthly Investment Report for July 2003.
- Motion acknowledging receipt of report.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

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

REMOVED FROM AGENDA

9. Consider awarding the bid to, and authorizing the City Manager to sign a contract for, Mobile and Portable 2-Way Radio and Communication Equipment Service and Repair with Delta Wireless Inc. for an estimated annual cost of \$45,425 for a three-year agreement with two one-year extension options.

- Resolution awarding the bid to, and authorizing the City Manager to sign a contract for, Mobile and Portable 2-Way Radio and Communication Equipment Service and Repair with Delta Wireless Inc. for an estimated annual cost of \$45,425 for a three-year agreement with two one-year extension options recommended.

Finance; Ken Masasso, 571-5164, kmassasso@modestogov.com

ACTION: Removed from Agenda

CONSENT

10. Consider approving an agreement with Koegler Consulting Group to conduct an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs for an amount of \$11,500 plus expenses, and authorizing the City Manager to execute the necessary documents.

- Resolution approving an agreement with Koegler Consulting Group to conduct an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs for an amount of \$11,500 plus expenses, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods, Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Reso No 2003-485 (Jackman/Frohman; unan.) approving an agreement with Koegler Consulting Group to conduct an Asset Inventory and Valuation Assessment of parks, trails, recreation facilities and recreation programs for an amount of \$11,500 plus expenses, and authorizing the City Manager to execute the necessary documents.

CONSENT

Fisher absent due to conflict

11. Consider approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00.

- Resolution approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00 recommended.

*Parks, Recreation & Neighborhoods; Ernie Richardson, 577-5392,
erichardson@modestogov.com*

ACTION: Reso No 2003-486 (Conrad/Frohman; unan.; Fisher, absent) approving a one-year lease renewal with Stanislaus County Affordable Housing Corporation (STANCO) for the use of a city-owned house at 308 Locust Street by STANCO's transitional housing program, at the cost of \$1.00.

REMOVED FROM CONSENT

12. Consider introduction of an ordinance adding Section 4-12.305 to Article 3 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Property Conditions Constituting a Nuisance – Parking, Storing or Maintaining Vehicles on Property Designated or Used as a Residence.
 - Introduction of an ordinance adding Section 4-12.305 to Article 3 of Chapter 12 of Title 4 of the Modesto Municipal Code Relating to Property Conditions Constituting a Nuisance – Parking, Storing or Maintaining Vehicles on Property Designated or Used as a Residence recommended.

*Parks, Recreation & Neighborhoods; Rafael Rodriguez, 571-5161,
rrodriguez@modestogov.com*

ACTION: Motion (Fisher/Jackman; Conrad, Keating, O'Bryant and Sabatino no) **to introduce an Ordinance failed**

CONSENT

13. Consider authorizing the purchase of a 2003 Ford F250 Pickup Truck, to be used as an Equestrian Truck, from Heritage Ford for an estimated cost of \$41,000. Funds are available.

- Resolution authorizing the purchase of a 2003 Ford F250 Pickup Truck from Heritage Ford for an estimated cost of \$41,000 recommended.

Police; Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: Reso No 2003-487 (Jackman/Frohman; unan.) authorizing the purchase of a 2003 Ford F250 Pickup Truck from Heritage Ford for an estimated cost of \$41,000.

CONSENT

14. Consider authorizing the sole source purchase of a 2003 Ford Expedition, to be used as a Command Vehicle, from Pasadena Ford for an estimated cost of \$42,000. Funds are available.

- Resolution authorizing the sole source purchase of a 2003 Ford Expedition, to be used as a Command Vehicle, from Pasadena Ford for an estimated cost of \$42,000 recommended.

Police; Greg Savelli, 572-9550, savellig@modestopd.com

ACTION: Reso No 2003-488 (Jackman/Frohman; unan.) authorizing the sole source purchase of a 2003 Ford Expedition, to be used as a Command Vehicle, from Pasadena Ford for an estimated cost of \$42,000.

COUNCIL COMMENTS & REPORTS

- ◆ Sabatino recommended one or two Councilmembers attend the Senior Executive Team meetings each Wednesday morning and report back to Council.
- ◆ Fisher noted his attendance at the League of California Cities meeting in Sacramento and commented on Proposition 53 which would mandate the legislature to put a minimum amount of money into infrastructure, and a proposal to eliminate the taking of funds from the cities to balance the State budget.

UNFINISHED BUSINESS

Councilmember Fisher absent at introduction of the following ordinance:

15. Consider final adoption of:

Ordinance 3319-C.S. – an ordinance of the City Council of the City of Modesto authorizing a loan of \$35,000 from the City of Modesto's General Fund Reserve to Fund 2690 for formation of the Village One CFD #2.

- Motion approving final adoption of Ordinance 3319-C.S. – an ordinance of the City Council of the City of Modesto authorizing a loan of \$35,000 from the City of Modesto's General Fund Reserve to Fund 2690 for formation of the Village One CFD #2 recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/O'Bryant; unan.) approved the **final adoption of Ordinance 3319-C.S.** – an ordinance of the City Council of the City of Modesto authorizing a loan of \$35,000 from the City of Modesto's General Fund Reserve to Fund 2690 for formation of the Village One CFD #2.

Councilmember Fisher absent at introduction of the following ordinance:

16. Consider final adoption of:

Ordinance 3320-C.S. – an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code relating to Licensing in General – Definitions.

- Motion approving final adoption of Ordinance 3320-C.S. – an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code relating to Licensing in General – Definitions recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Keating/Frohman; unan.) **Ordinance 3320-C.S.** – an ordinance amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code relating to Licensing in General – Definitions.

17. Consider approving policies and procedures for issuance of permits for alcohol consumption in City Parks; and Consider amending the FY 2003-2004 operating budget to appropriate \$8,000 to fund 79 additional signs in community and regional parks.

- Resolution approving policies and procedures for issuance of permits for alcohol consumption in City Parks
- Consider amending the FY 2003-2004 operating budget to appropriate \$8,000 to fund 79 additional signs in community and regional parks recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349, ceubank@modestogov.com

ACTION: Reso No 2003-489 (Frohman/Fisher; maj; Jackman and Keating no) approving policies and procedures for issuance of permits for alcohol consumption in City Parks. Included in the resolution is a review of the policies and procedures in one year and an evaluation of the cost to issue the permits and any potential savings in the Police Department.

ACTION: Reso No 2003-490 (Frohman/Fisher; maj; Jackman and Keating no) amending the FY 2003-2004 operating budget to appropriate \$8,000 to fund 79 additional signs in community and regional parks

Mayor Sabatino left the meeting and Vice Mayor Frohman conducted the remainder of the agenda.

HEARINGS

18. Hearing to consider approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2002-2003.
- Resolution approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2002-2003, and authorizing

the City Manager to forward the report to HUD for their review and approval recommended.
Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: Reso No 2003-491 (Frohman/O'Bryant; unan; Sabatino absent) approving the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2002-2003, and authorizing the City Manager to forward the report to HUD for their review and approval.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:15 p.m.

All closed sessions heard prior to the Council meeting.

CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Manager

Title: City Attorney

Title: City Clerk

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

MINUTES

City of Modesto

Finance Committee/Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place, 1010 10th Street, Modesto, California

Monday, September 22, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Frohman, Jackman, Keating

Items to be heard:

66) Federal Legislative Lobbyist Contract – Patton Boggs

ACTION: This item was approved by the Committee.

67) City of Modesto and Sales Tax Revenue Issues

ACTION: This item was for information only.

68) Yosemite Community College District Water Billing Update

ACTION: This item was for information only.

69) Apportionment

ACTION: The Committee recommended to full Council the apportionment formula and recommended Council consider a schedule that would allow mil tax payers to pay an estimated mil tax payment for three quarters and to pay a true-up payment the last quarter. The Committee requested that the Business License Tax Reporting Forms be returned for further review at the next Finance Committee meeting.

70) New CIP Budget Schedule

ACTION: This item was approved by the Committee.

71) Financial Policies Clarification and Review of Responsibilities

ACTION: This item was approved by the Committee.

72) Purchase of a Special Weapons and Tactics Vehicle.

ACTION: This item was approved by the Committee. The Committee requested to review the status of the fleet fund at the next Committee meeting.

73) Amendment to Position Classification Plan – Executive Secretary

ACTION: This item was approved by the Committee.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 6:30 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, September 23, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Scott Williams, Big Valley Grace Community Church

City Clerk's Announcements: Item 14 removed from Agenda
 Item 18 removed from Consent
 Item 11 removed from Consent
 Item 21 removed from Consent

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Proclamation declaring September 23-30, 2003, Modesto Symphony Week

ACTION: Mayor Sabatino presented the proclamation.

ORAL COMMUNICATIONS

- Dale Williams requested an update of the affordable housing set aside funds.
- Joan Ruttschow spoke on behalf of the Stanislaus County Taxpayers Association and invited Council to their annual fund raiser on October 11 and commended the Mayor and Council on achieving a balanced

budget and commented on road paving and the needs of police and fire being met.

- Kris Newman spoke regarding a permit to sell refreshments adjacent to a park.
- Julie Hannon responded to Ms. Newman and Council referred Ms. Newman's concern to the October 6 Safety and Communities Committee meeting.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-10, 12, 13, 15-17, 19, 20, 22, 23

ACTION Item 2-6, 8-10, 12, 13, 15- 17, 19, 20, 22, 23: Conrad/Jackman

ACTION Item 7: Frohman/Fisher; unan; Conrad absent due to conflict

ACTION Item 11: Jackman/Frohman; unan.

ACTION Item 18: Fisher/Conrad; unan.

ACTION Item 21: Fisher/Frohman; unan.

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of September 9, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Conrad/Jackman; unan.) approved the minutes of September 9, 2003.

CONSENT

3. Consider adopting Strategic Plan-Based Performance Measures for the Community & Economic Development Department, Engineering & Transportation Department, and Operations & Maintenance Department.
 - Resolution adopting Strategic Plan-Based Performance Measures for the Community & Economic Development Department, Engineering & Transportation Department, and Operations & Maintenance Department recommended.
City Manager; Beverly Hatcher, bhatcher@modestogov.com, 571-5101

ACTION: Reso No 2003-492 (Conrad/Jackman; unan) adopting Strategic Plan-Based Performance Measures for the Community & Economic Development Department, Engineering & Transportation Department, and Operations & Maintenance Department.

CONSENT

4. Consider awarding the bid and approving a \$318,933 contract with Clayborn Contracting Group, for the project titled “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator,” and authorizing the City Manager to execute the necessary documents. This project will build a new vault building, and upgrade the electrical equipment and emergency generator at the Airport. Funds are budgeted.

- Resolution awarding the bid and approving a \$318,933 contract with Clayborn Contracting Group, for the project titled “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator,” and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Howard Cook, hcook@modestogov.com, 577-5318

ACTION: Reso No 2003-493 (Conrad/Jackman; unan) awarding the bid and approving a \$318,933 contract with Clayborn Contracting Group, for the project titled “Construct Electrical Vault Building, Relocate/Upgrade Electrical Vault Equipment, and Install Emergency Generator,” and authorizing the City Manager to execute the necessary documents

CONSENT

5. Consider approving an amendment to a sewer reimbursement agreement between the City of Modesto and Philip G. Silva and Wilma M. Silva, husband and wife, related to the reimbursement of costs for installing a sewer lateral and appurtenances in Lone Palm Avenue.

- Resolution approving an amendment to a sewer reimbursement agreement between the City of Modesto and Philip G. Silva and Wilma M. Silva, husband and wife, related to the reimbursement of costs for installing a sewer lateral and appurtenances in Lone Palm Avenue

Engineering & Transportation; Robert Granberg, rgranberg@modestogov.com, 577-5259

ACTION: Reso No 2003-494 (Conrad/Jackman; unan) approving an amendment to a sewer reimbursement agreement between the City of Modesto and Philip G. Silva and Wilma M. Silva, husband and wife, related to the reimbursement of costs for installing a sewer lateral and appurtenances in Lone Palm Avenue.

CONSENT

6. Consider accepting the work by Action Target, Inc., for the “Police Outdoor Shooting Range Equipment” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$128,834.25 per the contract. Funds are budgeted.
- Resolution accepting the work by Action Target, Inc., for the “Police Outdoor Shooting Range Equipment” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$128,834.25 per the contract recommended.
- Engineering & Transportation; Genichi Kanow, gkanow@modestogov.com, 577-5452*

ACTION: Reso No 2003-495 (Conrad/Jackman; unan) accepting the work by Action Target, Inc., for the “Police Outdoor Shooting Range Equipment” as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$128,834.25 per the contract.

CONSENT – Conrad absent due to conflict of interest

7. Consider accepting the work by George Reed, Inc., for the “2001-2002 Pavement Maintenance - W. Orangeburg Avenue from Martin Avenue to McHenry Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,360,655.91 per the contract. Funds are budgeted.
- Resolution accepting the work by George Reed, Inc., for the “2001-2002 Pavement Maintenance - W. Orangeburg Avenue from Martin Avenue to McHenry Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,360,655.91 per the contract recommended.
- Engineering & Transportation; Genichi Kanow, gkanow@modestogov.com, 577-5452*

ACTION: Reso No 2003-496 (Frohman/Fisher; unan. Conrad absent) accepting the work by George Reed, Inc., for the “2001-2002 Pavement Maintenance - W. Orangeburg Avenue from Martin Avenue to McHenry Avenue” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$1,360,655.91 per the contract.

CONSENT

8. Consider accepting the work by Bollo Construction, Inc., for the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,798,429.39 per the contract; and Consider increasing the Engineering and Transportation Director’s authority to issue change orders on the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project from \$518,186 to \$518,700, or 22.75% of the original contract price with Bollo Construction, Inc.

- Resolution accepting the work by Bollo Construction, Inc., for the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,798,429.39 per the contract recommended.
- Resolution increasing the Engineering and Transportation Director’s authority to issue change orders on the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project from \$518,186 to \$518,700, or 22.75% of the original contract price with Bollo Construction, Inc. recommended.

Engineering & Transportation; Genichi Kanow, gkanow@modestogov.com, 577-5452

ACTION: Reso No 2003-497 (Conrad/Jackman; unan) accepting the work by Bollo Construction, Inc., for the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$2,798,429.39 per the contract

ACTION: Reso No 2003-498 (Conrad/Jackman; unan) increasing the Engineering and Transportation Director’s authority to issue change orders on the “Renovation of Existing Police Headquarters Building – Bid Package No. 3” project from \$518,186 to \$518,700, or 22.75% of the original contract price with Bollo Construction, Inc.

CONSENT

9. Consider accepting the work by Paul Anderson Construction for the “Modesto City/County Airport T-Hangar K Construction” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$386,332 per the contract. Funds are budgeted.
 - Resolution accepting the work by Paul Anderson Construction for the “Modesto City/County Airport T-Hangar K Construction” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$386,332 per the contract recommended.

Engineering & Transportation; Genichi Kanow, gkanow@modestogov.com, 577-5452

ACTION: Reso No 2003-499 (Conrad/Jackman; unan) accepting the work by Paul Anderson Construction for the “Modesto City/County Airport T-Hangar K Construction” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$386,332 per the contract.

CONSENT

10. Consider installation of angle parking on the east side of 8th Street between J & K Streets and K & L Streets to relieve some parking demand at 9th Street Garage. Estimated cost for J & K - \$1,000. Estimated cost for K & L - \$15,000. Funds are budgeted.

- Resolution approving installation of angle parking on the east side of 8th Street between J & K Streets and K & L Streets to relieve some parking demand at 9th Street Garage, and rescinding Resolution No. 2001-580 recommended.

Engineering & Transportation; Firoz Vohra, fvohra@modestogov.com, 577-5429

ACTION: Reso No 2003-500 (Conrad/Jackman; unan) approving installation of angle parking on the east side of 8th Street between J & K Streets and K & L Streets to relieve some parking demand at 9th Street Garage, and rescinding Resolution No. 2001-580.

Removed from Consent

11. Consider adopting by resolution a mil tax apportionment formula for the City of Modesto.

- Resolution approving the mil tax apportionment formula developed by the law firm of Howard, Rice Nemerovski, Canady, Falk & Rabkin as the apportionment formula for the City of Modesto recommended.

Finance; Laura Akin, 342-4703, lakin@modestogov.com

ACTION: Reso No 2003-501 (Jackman/Frohman; unan.) approving the mil tax apportionment formula developed by the law firm of Howard, Rice Nemerovski, Canady, Falk & Rabkin as the apportionment formula for the City of Modesto.

ACTION: The Council accepted the Finance Committee's recommendation to return the forms to the Committee for further review and to consider allowing mil tax payers to pay three estimated quarterly payments and one true-up payment at the fourth quarter.

CONSENT

12. Consider introduction of an ordinance adding Sections 2-3.404, 2-3.405 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties.

- Motion introducing an ordinance adding Sections 20-3.404, 2-3.504 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties recommended.

Finance; Cheryl Detmar, cdetmar@modestogov.com, 571-5174

ACTION: By Motion (Conrad/Jackman; unan) introducing **Ordinance No. 3321** adding Sections 20-3.404, 2-3.504 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties.

CONSENT

13. Consider introduction of three ordinances: (1) an ordinance amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds; (2) an ordinance amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax – Refunds – Erroneous Payments; and (3) an ordinance adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit.
- Motion introducing an ordinance amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds recommended.
 - Motion introducing an ordinance amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax – Refunds – Erroneous Payments recommended.
 - Motion introducing an ordinance adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit recommended.
- Finance; Cheryl Detmar, cdetmar@modestogov.com, 571-5174*

ACTION: By Motion (Conrad/Jackman; unan) introducing **Ordinance No. 3322** amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds

ACTION: By Motion (Conrad/Jackman; unan) introducing **Ordinance No. 3323** amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax – Refunds – Erroneous Payments

ACTION: By Motion (Conrad/Jackman; unan) introducing **Ordinance No. 3324** adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit

Removed from Agenda

At time of introduction, vote was (Jackman/Frohman; unan; Fisher absent)

14. Consider final adoption of Ordinance 3320-C.S., amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code relating to Licensing in General – Definitions (exempting gross receipts of an IPA

(Independent Physicians Association) from mil tax except for those receipts received and expensed by the IPA for overhead costs as fixed fee administrator).

- Motion approving final adoption of Ordinance 3320-C.S., amending Section 6-1.101 of Article 1 of Chapter 1 of Title 6 of the Modesto Municipal Code relating to Licensing in General – Definitions recommended.

Finance; Cheryl Detmar, cdetmar@modestogov.com, 571-5174

ACTION: Removed from agenda

CONSENT

15. Consider rescinding Resolution 2003-305, which authorized the solicitation of bids, and approving a sole source purchase order to MISCO for one JWC Environmental washer compactor for an estimated cost of \$80,374.68 for use at the Water Quality Control plant by the Operations & Maintenance Department. Funds are budgeted.

- Resolution rescinding Resolution 2003-305 which authorized the solicitation of bids, and authorizing a sole source purchase order to MISCO for one JWC Environmental washer compactor for an estimated cost of \$80,374.68 for use at the Water Quality Control plant recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-502 (Conrad/Jackman; unan) rescinding Resolution 2003-305 which authorized the solicitation of bids, and authorizing a sole source purchase order to MISCO for one JWC Environmental washer compactor for an estimated cost of \$80,374.68 for use at the Water Quality Control plant.

CONSENT

16. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for six utility trucks and one backhoe trailer for a total anticipated cost of \$247,000.00 for the Fleet Services Division of Operations & Maintenance Department.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for six utility trucks and one backhoe trailer for a total anticipated cost of \$247,000.00 for the Fleet Services Division of Operations & Maintenance Department recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-503 (Conrad/Jackman; unan) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for six utility trucks and one backhoe trailer for a total anticipated cost of \$247,000.00 for the Fleet Services Division of Operations & Maintenance Department

CONSENT

17. Consider authorizing the award of bid and contract to Altec Industries Inc. for one current model year Ford Super Duty F550 aerial truck, with utility body and aerial man lift, for a total cost of \$75, 644.61. Funds are budgeted.

- Resolution authorizing the award of bid and contract to Altec Industries Inc. for one current model year Ford Super Duty F550 aerial truck, with utility body and aerial man lift, for a total cost of \$75, 644.61 recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-504 (Conrad/Jackman; unan) authorizing the award of bid and contract to Altec Industries Inc. for one current model year Ford Super Duty F550 aerial truck, with utility body and aerial man lift, for a total cost of \$75, 644.61

Removed from Consent

18. Consider authorizing the award of bid and contract for seven utility vehicles to the following vendors: Pacific Utilities in the approximate amount of \$548,866.54; Municipal Maintenance Equipment in the approximate amount of \$143,075.04; and Jack Hubbard Sales in the approximate amount of \$61,429.24 for an approximate total of \$753,370.92 for the seven utility vehicles. Funds are budgeted.

- Resolution authorizing the award of bid and contract for seven utility vehicles to the following vendors: Pacific Utilities in the approximate amount of \$548,866.54; Municipal Maintenance Equipment in the approximate amount of \$143,075.04; and Jack Hubbard Sales in the approximate amount of \$61,429.24 for an approximate total of \$753,370.92 for the seven utility vehicles recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-505 (Fisher/Conrad; unan.) authorizing the award of bid and contract for seven utility vehicles to the following vendors: Pacific Utilities in the approximate amount of \$548,866.54; Municipal Maintenance Equipment in the approximate amount of \$143,075.04; and Jack Hubbard Sales in the approximate amount of \$61,429.24 for an approximate total of \$753,370.92 for the seven utility vehicles

CONSENT

19. Consider authorizing the purchase of two Pierce Quantum Fire Engines from Golden State Fire Apparatus for a total cost of \$686,866.06; and Consider authorizing the disposal of a 1977 Van Pelt engine, either by public auction, private sale, or trade-in.
- Resolution authorizing the purchase of two Pierce Quantum Fire Engines from Golden State Fire Apparatus for a total cost of \$686,866.06 using the City of Berkeley's contract recommended.
 - Resolution authorizing the disposal of a 1977 Van Pelt engine, either by public auction, private sale, or trade-in recommended.
- Fire; Lori Martinez, 572-9660, lmartinez@modestogov.com*

ACTION: Reso No 2003-506 (Conrad/Jackman; unan) authorizing the purchase of two Pierce Quantum Fire Engines from Golden State Fire Apparatus for a total cost of \$686,866.06 using the City of Berkeley's contract

ACTION: Reso No 2003-507 (Conrad/Jackman; unan) authorizing the disposal of a 1977 Van Pelt engine, either by public auction, private sale, or trade-in.

CONSENT

20. Consider approving submission of an application for \$300,000 from CalHome Program for the First Time Home Buyers Down Payment Assistance Program and authorizing the City Manager to execute related documents.
- Resolution approving submission of an application for \$300,000 from CalHome Program for the First Time Home Buyers Down Payment Assistance Program and authorizing the City Manager to execute related documents recommended.
- Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com*

ACTION: Reso No 2003-508 (Conrad/Jackman; unan) approving submission of an application for \$300,000 from CalHome Program for the First Time Home Buyers Down Payment Assistance Program and authorizing the City Manager to execute related documents

Removed from Consent

21. Consider authorizing staff to de-commission the Modesto Community Service Center and to secure the facility, and to demolish the Beard Brook T-Shelter; and Consider amending the operating budget to appropriate \$25,700 to fully fund the project.
- Resolution authorizing staff to de-commission the Modesto Community Service Center and to secure the facility, and to demolish the Beard Brook T-Shelter recommended.
 - Resolution amending the operating budget to appropriate \$25,700 to fully fund the project recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, ceubank@modestogov.com, 577-5349

ACTION: Reso No 2003-509 (Fisher/Frohman; unan.) authorizing staff to de-commission the Modesto Community Service Center and to secure the facility, and to demolish the Beard Brook T-Shelter

ACTION: Reso No 2003-510 (Fisher/Frohman; unan) amending the operating budget to appropriate \$25,700 to fully fund the project

CONSENT

22. Consider accepting the report on Xclamation Fest 2003 held on July 19, 2003, in downtown Modesto and approving Xclamation Fest 2004, to be hosted by Chris Ricci Presents, Inc. and JCD Concept 2000, Inc. scheduled for July 17, 2004. Revenue to the City will be \$5,000 minimum rental or 10% of gross ticket sales, whichever is greater.

- Resolution accepting the report on Xclamation Fest 2003 held on July 19, 2003, in downtown Modesto and approving Xclamation Fest 2004, to be hosted by Chris Ricci Presents, Inc. and JCD Concept 2000, Inc. scheduled for July 17, 2004 recommended.

Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Reso No 2003-511 (Conrad/Jackman; unan) accepting the report on Xclamation Fest 2003 held on July 19, 2003, in downtown Modesto and approving Xclamation Fest 2004, to be hosted by Chris Ricci Presents, Inc. and JCD Concept 2000, Inc. scheduled for July 17, 2004.

CONSENT

23. Consider amending the 2003/2004 budget, estimating revenue of \$5,000 from Asset Forfeitures to the Police Support Division for the donation of the full amount to Modesto's Community Action Coalition for the purpose of presenting the "Cutting Edge Training."

- Resolution amending the 2003/2004 budget, estimating revenue of \$5,000 from Asset Forfeitures to the Police Support Division for the donation of

the full amount to Modesto's Community Action Coalition for the purpose of presenting the "Cutting Edge Training" recommended.
Police; David Young, youngd@modestopd.com, 572-9690

ACTION: Reso No 2003-512 (Conrad/Jackman; unan) amending the 2003/2004 budget, estimating revenue of \$5,000 from Asset Forfeitures to the Police Support Division for the donation of the full amount to Modesto's Community Action Coalition for the purpose of presenting the "Cutting Edge Training."

COUNCIL COMMENTS & REPORTS

24. At the request of Councilmember Jackman, consider discussion of Route 132 Plan Implementation Project update.

ACTION: No action taken. This item was for information only.

25. At the request of Councilmember Jackman, consider discussion of Inter-Regional Partnership Demographic and Employment Forecasts.

ACTION: No action taken. This item was for information only.

- Mayor Sabatino discussed the City's advertising costs in the Modesto Bee and an article in the Bee regarding his travel and cell phone expenses.
 - o Mark Averell explained the Modesto Bee advertising terms in the agreement.

WRITTEN COMMUNICATIONS

26. Letter from Kristina Simms regarding Mark Twain Park on California Avenue.

ACTION: This item was referred to the Police Department.

27. Letter from Dale "Gene" Williams requesting discussion of removal of bus stop and crosswalk in the area of 800 Scenic Drive, and requesting for the issue to be directed back to a Committee.

ACTION: Council supported the decision of the Safety and Communities Committee to move forward with the relocation of the bus stop and crosswalk.

UNFINISHED BUSINESS

28. Consider policy for reimbursement of conference and business expenses for members of the City Council.
- Resolution adopting the revised policy for reimbursement of conference and business expenses for members of the City Council recommended.
City Manager; Jack Crist, jcrist@modestogov.com, 577-5224

ACTION: Reso No 2003-513 (Keating/Fisher; maj; Sabatino no) adopting the revised policy for reimbursement of conference and business expenses for members of the City Council eliminating the per diem, eliminating the payment of tickets for social events, and changing the words “should” to “shall” in the policy.

ACTION: By motion (Frohman/Keating maj; Conrad, Fisher and O’Bryant no;) the Council approved appointing a committee to review the Council travel and conference policy.

29. Consider staff report and reply to Chair man of the Stanislaus County Board of Supervisor’s letter regarding the landfill site.
Engineering & Transportation; Jocelyn Reed, jreed@modestogov.com, 577-5494

ACTION: Acknowledged the receipt of the report.

HEARINGS

30. Hearing to consider sale of City-owned properties located at the southwest corner of 10th & H Streets. This property sale is related to the Amendment of the Disposition & Development Agreement for Valley Towers Office Project. Net value to City, \$630,000.
- Resolution amending the terms and conditions of the sale of four parcels to the Modesto Redevelopment Agency to allow escrow to close no later than November 19, 2003, and authorizing the City Manager to execute all necessary documents related to the sale recommended.
Community & Economic Development; Linda Boston, lboston@modestogov.com, 571-5179

ACTION: Reso No 2003-514 (Keating/Conrad; unan;) amending the terms and conditions of the sale of four parcels to the Modesto Redevelopment Agency to allow escrow to close no later than November 19, 2003, and authorizing the City Manager to execute all necessary documents related to the sale.

31. Hearing to consider approving the Design Development Report and Master Plan included therein, for the Maddux Youth Center Addition/Remodel Project; and, Consider finding that potential environmental effects of the Maddux Youth Center

Addition/Remodel Project have been adequately addressed by the previously certified Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan (SCH No. 1999082041).

- Resolution approving the Design Development Report and Master Plan included therein, for the Maddux Youth Center Addition/Remodel Project recommended.
- Resolution finding that potential environmental effects of the Maddux Youth Center Addition/Remodel Project have been adequately addressed by the previously certified Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan (SCH No. 1999082041) recommended.

*Parks, Recreation & Neighborhoods; Robert Ford, 577-5437,
bford@modestogov.com*

ACTION: Reso No 2003-515 (Jackman/O'Bryant; unan.) approving the Design Development Report and Master Plan included therein, for the Maddux Youth Center Addition/Remodel Project

ACTION: Reso No 2003-516 (Jackman/O'Bryant; unan) finding that potential environmental effects of the Maddux Youth Center Addition/Remodel Project have been adequately addressed by the previously certified Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan (SCH No. 1999082041)

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:50 p.m.

CLOSED SESSION

Both Closed Session items were heard before the meeting:

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

Property:	Purchase, sale or lease of property located immediately to the south of Sharon Avenue and west of the future Sylvan Union Elementary School Site on the corner of Sharon Avenue and Fine Avenue

APN: 085-007-021 (a portion thereof, approximately 4.22 acres)

Negotiating parties: James E. Niskanen, Parks, Recreation & Neighborhoods Director, on behalf of the City of Modesto

Ronald N. Lebs, on behalf of Sylvan School District

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 located on Scenic Drive, at the end of Coffee Road
	APN: 34-18-06 (eastern portion, approximately 1.42 acres)
	Scenic Road Properties, Owner
Negotiating parties:	Jack Crist, City manager; and George Britton, Deputy City Manager, for the City of Modesto
	Mike Zagaris – negotiating for Owner
Under negotiation:	Price and terms of payment for property rights to be acquired.

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, October 6, 2003, at 5:30 p.m.

Roll Call – Present: Committee Members Conrad, Frohman, O'Bryant

Also Present: Councilmembers Fisher, Keating,

Items to be Considered:

73) At the Request of Chair Conrad, Review of Public Safety Staffing Levels

ACTION: This item was for information only.

74) Gang Violence Prevention Actions

ACTION: This item was for information only.

75) Authorization to Apply for Grant to Continue Funding a CERT Program

ACTION: The Committee approved this item.

This Item was Continued for Discussion from September 3, 2003

76) At the Request of Mayor Sabatino and Citizens for Safe Water in Stanislaus County, the Fluoridation Issue and the Vote of the People in November 2001 Cannot be Overturned by the Council and Must be Returned to the People for Another Vote

ACTION: The Citizens for Safe Water submitted an ordinance for the Committee's consideration. This item will return to the Safety & Communities Committee after review by O&M, E&T, and Attorney's Office staff.

77) At the Request of Councilmember Keating, Update on Sign Ordinance Enforcement

ACTION: The Committee consensus was to recommend to Council to stop enforcement on banners for 6 months.

The Committee requested a report from the City Attorney regarding liability without sign ordinance.

The Committee requested other cities' sign ordinances for comparison purposes.

The Committee requested any complaint received should be handled with information only from staff with no enforcement taken on the first violation.

78) Consider (1) Stopping Enforcement of Modesto Municipal Code Entitled "Selling of Confections Required to Maintain Distance from Schools" and (2) Staff Recommendation to Return to the Safety and Communities Committee with Revisions to the Park Vendor and Itinerant Vendors Sections of the Modesto Municipal Code

ACTION: The Committee accepted staff's recommendation.

79) Consider (1) Staff Recommendation for Future Use of the Social Security Administration Building and (2) Approving Staff Request to Submit a "Letter of Interest" to Obtain Application Instructions

ACTION: The Committee accepted staff's recommendation.

80) Consider Verbal Report From the Fire Department and Police Department Staff Regarding the Naming of Streets to Recognize the Sacrifices Made by Employees

ACTION: The Committee requested staff return with a specific proposal including costs for plaques describing the story of the injured or deceased employee's sacrifices.

81) Downtown Safety Campus Discussion and Presentation

ACTION: This item was for information only.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:30 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, October 7, 2003, at 5:30 p.m.

Roll Call –Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Ken Sweatt, Foursquare Church

City Clerk's Announcements *Item 5 b, c, d and e removed from the agenda*
Item 15 removed from Consent

Declaration of Conflicts of Interest Fisher – Item 16

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Recognition of service to the Citizens Housing & Community Development Committee by Nick Blom (20 years of service), Ricardo Cordova (10 years of service) and Charles Chituras (3 years of service).

ACTION: Presentations made by Mayor Sabatino

2. Introduction by Police Chief Wasden of newly promoted Police Managers: Tim David, Lieutenant, Bill Gentry, Lieutenant, Kathleen Blom, Sergeant, Craig Gundlach, Sergeant, Adam McGill, Sergeant, Craig Wend, Sergeant, Danielle Paine Support Services Supervisor.

ACTION: Chief Wasden made the introductions.

3. Consider appointing ten Modesto area high school students to the City of Modesto Youth Commission. Seniors Samantha Sheppard of Davis High, Savannah Smith of Valley Business High and Jessica Crites of Modesto Christian will be appointed for a term of one year. Juniors Lisa Daitoku of Beyer High, Megan Rangel of Big Valley Grace High, Jennifer Cust of Davis High, Amy Sutherland of Downey High, Eve Meyer of Johansen High, Cailin Cupp of Modesto High, and Kim Meyer of Modesto Christian will be appointed for a term of two years.
 - Resolution appointing ten Modesto area high school students to the City of Modesto Youth Commission recommended.*Parks, Recreation & Neighborhoods; Jennifer O'Bryan, jobryan@modestogov.com, 571-5897*

ACTION: Reso No 2003-517 (Frohman/Fisher; unan.) appointing ten Modesto area high school students to the City of Modesto Youth Commission.

ORAL COMMUNICATIONS

- Charles Pringle expressed concerns regarding developing his property at 2460 Roberstson Road.
 - City Manager Crist will respond to Mr. Pringle.
 - Miguel Donoso spoke to the Council regarding programs available at the junior college.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 4, 5a, 6-14, 17-20

Item 5 b, c, d and e were removed from the agenda

Item 15 was removed from Consent

Item 16 was voted on separately due to Conflict of interest

ACTION Consent Item 4, 5a, 6-14, 17-20: Fisher/Jackman; unan.

ACTION Item 15: Frohman/Keating; unan.

ACTION Item 16: Frohman/Conrad; Fisher absent due to a conflict

CONSENT ITEMS

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

CONSENT

4. Approval of the minutes of the regular City Council meeting of September 23, 2003.
(Motion approving recommended.)

Clerk; Rebecca Bartholomew, rbartholomew@modestogov.com, 577-5397

ACTION: By Motion (Fisher/Jackman; unan.) approved the minutes of September 23, 2003.

5. Consider final adoption of:

- a. Ordinance 3317-C.S. – an ordinance amending Ordinance No. 3237-C.S. entitled “An Ordinance Granting An Exclusive Two-year Advertising Sign Franchise to Safer Intersections, Inc. For The Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs,” extending battery-back up system equipment donating franchise for a period of three (3) years.

ACTION: By Motion (Fisher/Jackman; unan.) approved the **final adoption of Ordinance 3317-C.S.** – an ordinance amending Ordinance No. 3237-C.S. entitled “An Ordinance Granting An Exclusive Two-year Advertising Sign Franchise to Safer Intersections, Inc. For The Right, Privilege and Permission to Operate a Battery Back-up System Equipment Donation Franchise and Occupy the Public Right-of-Way at Designated Locations Along the Streets in the City of Modesto for Advertising Signs,” extending battery-back up system equipment donating franchise for a period of three (3) years.

Removed from the agenda

- b. Ordinance 3321-C.S. – an ordinance adding Sections 2-3.404, 2-3.405 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties

Removed from the Agenda

- c. Ordinance 3322-C.S. – an ordinance amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds

Removed from the agenda

- d. Ordinance 3323-C.S. – an ordinance amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users’ Tax – Refunds–Erroneous Payments

Removed from the agenda

- e. Ordinance 3324-C.S. – an ordinance adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit

CONSENT

6. Consider a two-year renewal of an agreement for consultant services with Patton Boggs LLP in the amount of \$71,280 to perform federal legislative lobbying services, and authorizing the City Manager to execute necessary documents.
- Resolution approving a two-year renewal of an agreement for consultant services with Patton Boggs LLP in the amount of \$71,280 to perform federal legislative lobbying services, and authorizing the City Manager to execute necessary documents recommended.

City Manager; Beverly Hatcher, bhatcher@modestogov.com, 577-5220

ACTION: Reso No 2003-518 (Fisher/Jackman; unan) approving a two-year renewal of an agreement for consultant services with Patton Boggs LLP in the amount of \$71,280 to perform federal legislative lobbying services, and authorizing the City Manager to execute necessary documents

CONSENT

7. Consider approving a month-to-month lease agreement with Modesto Flight Center for an office in the Airport's old Administration Building for flight and ground school instruction, and authorizing the City Manager to execute the lease on behalf of the City. This lease will generate approximately \$1,800.00 in revenue annually.
- Resolution approving a month-to-month lease agreement with Modesto Flight Center for an office in the Airport's old Administration Building for flight and ground school instruction, and authorizing the City Manager to execute the lease on behalf of the City recommended.

Engineering & Transportation; Howard Cook, hcook@modesto.gov, 577-5318

ACTION: Reso No 2003-519 (Fisher/Jackman; unan) approving a month-to-month lease agreement with Modesto Flight Center for an office in the Airport's old Administration Building for flight and ground school instruction, and authorizing the City Manager to execute the lease on behalf of the City.

CONSENT

8. Consider accepting the work by Remediation Constructors, Inc. for the "Hillside Drive Extension" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,896.10 per the contract.
- Resolution accepting the work by Remediation Constructors, Inc. for the "Hillside Drive Extension" project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,896.10 per the contract recommended.

Engineering & Transportation; Genichi Kanow, gkanou@modestogov.com, 577-5452

ACTION: Reso No 2003-520 (Fisher/Jackman; unan) accepting the work by Remediation Constructors, Inc. for the “Hillside Drive Extension” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$299,896.10 per the contract.

CONSENT

9. Consider awarding a \$199,680 contract to Stantec Consulting, Inc., for engineering design services for the projects titled “Replacement of the Rose/Celeste Sewage Lift Station and the Rehabilitation of the Scenic Lift Station”.
- Resolution awarding a \$199,680 contract to Stantec Consulting, Inc., for engineering design services for the projects titled “Replacement of the Rose/Celeste Sewage Lift Station and the Rehabilitation of the Scenic Lift Station” recommended.

Engineering & Transportation; Dean Phillips, dphillips@modestogov.com, 577-5260

ACTION: Reso No 2003-521 (Fisher/Jackman; unan) awarding a \$199,680 contract to Stantec Consulting, Inc., for engineering design services for the projects titled “Replacement of the Rose/Celeste Sewage Lift Station and the Rehabilitation of the Scenic Lift Station.”

CONSENT

10. Consider a contract amendment with Thompson-Hysell Engineers in the amount of \$22,041.85 for engineering design service for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents.
- Resolution approving a contract amendment with Thompson-Hysell Engineers in the amount of \$22,041.85 for engineering design service for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Dean Phillips, dphillips@modestogov.com, 577-5260

ACTION: Reso No 2003-522 (Fisher/Jackman; unan) approving a contract amendment with Thompson-Hysell Engineers in the amount of \$22,041.85 for engineering design service for the Pelandale Intersection Improvements and the Prescott/Snyder Traffic Signal projects, and authorizing the City Manager to execute the necessary documents.

CONSENT

11. Consider awarding the bid of, and approving a contract for, the “Modification of Three Traffic Signals” project to Professional Construction Services in the amount of \$210,358.00 at Standiford/Colonial, El Vista/Encina, and Tully/Rumble; Consider amending the Capital Improvement Program (CIP) budget; and Consider finding the project within the scope of the Master Environmental Impact Report.

- Resolution finding the project “Modification of Three Traffic Signals” to be within the scope of the project covered by a Master Environmental Impact Report (MEIR), Sch. No. 1999082041 recommended.
- Resolution awarding the bid of, and approving a contract for, the “Modification of Three Traffic Signals” project to Professional Construction Services in the amount of \$210,358.00 recommended.
- Resolution amending the Capital Improvement Program (CIP) budget recommended.

Engineering & Transportation; Firoz Vohra, fvohra@modestogov.com, 577-5429

ACTION: Reso No 2003-523 (Fisher/Jackman; unan) finding the project “Modification of Three Traffic Signals” to be within the scope of the project covered by a Master Environmental Impact Report (MEIR), Sch. No. 1999082041

ACTION: Reso No 2003-524 (Fisher/Jackman; unan) awarding the bid of, and approving a contract for, the “Modification of Three Traffic Signals” project to Professional Construction Services in the amount of \$210,358.00

ACTION: Reso No 2003-525 (Fisher/Jackman; unan) amending the Capital Improvement Program (CIP) budget

CONSENT

12. Consider authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) for spoils removal services for the Operations & Maintenance Department for an initial one-year period, with four one-year extensions for an estimated annual cost of \$75,000.00.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) for spoils removal services for the Operations & Maintenance Department for an initial one-year period, with four one-year extensions for an estimated annual cost of \$75,000.00 recommended

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-526 (Fisher/Jackman; unan) authorizing the Purchasing Supervisor to issue a Request for Proposal (RFP) for spoils removal services for the Operations & Maintenance Department for an initial one-year period, with four one-year extensions for an estimated annual cost of \$75,000.00.

CONSENT

13. Consider authorizing the Purchasing Supervisor to issue a sole source purchase order to Paco Pumps Johnston Pump for rebuilding three Paco Johnston effluent pumps in the amount of \$65,522.56.

- Resolution authorizing the Purchasing Supervisor to issue a sole source purchase order to Paco Pumps Johnston Pump for rebuilding three Paco Johnston effluent pumps in the amount of \$65,522.56 recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-527 (Fisher/Jackman; unan) authorizing the Purchasing Supervisor to issue a sole source purchase order to Paco Pumps Johnston Pump for rebuilding three Paco Johnston effluent pumps in the amount of \$65,522.56.

CONSENT

14. Consider rescinding Resolution 2003-442 and authorizing the Purchasing Supervisor to issue a sole source purchase order to Dorr Oliver EIMCO, Utah for one mast-type rotary distributor center assembly in the amount of \$85,912.89 for the Operations & Maintenance Department.

- Resolution rescinding Resolution 2003-442 and authorizing the Purchasing Supervisor to issue a sole source purchase order to Dorr Oliver EIMCO, Utah for one mast-type rotary distributor center assembly in the amount of \$85,912.89 for the Operations & Maintenance Department recommended.

Finance; Tom Reddie, treddie@modestogov.com, 577-5406

ACTION: Reso No 2003-528 (Fisher/Jackman; unan) rescinding Resolution 2003-442 and authorizing the Purchasing Supervisor to issue a sole source purchase order to Dorr Oliver EIMCO, Utah for one mast-type rotary distributor center assembly in the amount of \$85,912.89 for the Operations & Maintenance Department

Removed from Consent

15. Consider restating the guidelines and approving changes to the Down Payment Assistance Program and rescinding Resolution Nos. 95-445, 97-40, 97-154, 2001-434, 2001-606, and 2002-419.

- Resolution restating the guidelines and approving changes to the Down Payment Assistance Program and rescinding Resolution Nos. 95-445, 97-40, 97-154, 2001-434, 2001-606, and 2002-419 recommended.

Parks, Recreation & Neighborhoods; Carol Averell, caverell@modestogov.com, 577-5310

ACTION: Reso No 2003-529 (Frohman/Keating; unan.) restating the guidelines and approving changes to the Down Payment Assistance Program and rescinding Resolution Nos. 95-445, 97-40, 97-154, 2001-434, 2001-606, and 2002-419

Removed from Consent due to conflict of interest

16. Consider approving a Cooperative Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for financing and construction of Miller Pointe Apartments, located at the southwest corner of Miller Avenue and Riverside Drive and authorizing the City Manager to execute the necessary documents.

- Resolution approving a Cooperative Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for financing and construction of Miller Pointe Apartments, located at the southwest corner of Miller Avenue and Riverside Drive and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, caverell@modestogov.com, 577-5310

ACTION: Reso No 2003-530 (Frohman/Conrad; Fisher absent due to conflict) approving a Cooperative Agreement between the City of Modesto and the Housing Authority of the County of Stanislaus for financing and construction of Miller Pointe Apartments, located at the southwest corner of Miller Avenue and Riverside Drive and authorizing the City Manager to execute the necessary documents

CONSENT

17. Consider authorizing staff to submit applications for \$873,000 in Per Capita funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents; and Consider authorizing staff to submit applications for \$537,781 in Roberti-Z'berg-Harris Block Grant funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents.

- Resolution authorizing staff to submit applications for \$873,000 in Per Capita funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents recommended.
- Resolution authorizing staff to submit applications for \$537,781 in Roberti-Z'berg-Harris Block Grant funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, ceubank@modestogov.com, 577-5349

ACTION: Reso No 2003-531 (Fisher/Jackman; unan) authorizing staff to submit applications for \$873,000 in Per Capita funding under the Clean Water,

Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents.

ACTION: Reso No 2003-532 (Fisher/Jackman; unan) authorizing staff to submit applications for \$537,781 in Roberti-Z'berg-Harris Block Grant funding under the Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Proposition 40) and authorizing the City Manager to execute necessary documents.

CONSENT

18. Consider reallocating \$40,000 in Community Development Block Grant (CDBG) public service funding originally allocated to the YMCA for an after-school program at Orville Wright School, to Modesto City Schools, and authorizing the City Manager to execute necessary documents.

- Resolution reallocating \$40,000 in Community Development Block Grant (CDBG) public service funding originally allocated to the YMCA for an after-school program at Orville Wright School, to Modesto City Schools, and authorizing the City Manager to execute necessary documents recommended.

Parks, Recreation & Neighborhoods; Sherry Velarde, svelarde@modestogov.com, 577-5368

ACTION: Reso No 2003-533 (Fisher/Jackman; unan) reallocating \$40,000 in Community Development Block Grant (CDBG) public service funding originally allocated to the YMCA for an after-school program at Orville Wright School, to Modesto City Schools, and authorizing the City Manager to execute necessary document

CONSENT

19. Consider amending the Position Classification Plan to revise the classification of Executive Secretary.

- Resolution amending the Position Classification Plan to revise the classification of Executive Secretary recommended.

Personnel; Cherree Platt, cplatt@modestogov.com, 577-5439

ACTION: Reso No 2003-534 (Fisher/Jackman; unan) amending the Position Classification Plan to revise the classification of Executive Secretary.

CONSENT

20. Consider accepting \$34,469 in grant funds from the State Office of Traffic Safety for participation in the California Seat Belt Compliance Campaign, and authorizing the City Manager to execute necessary documents; and Consider

amending the Fiscal Year 2003/2004 annual budget estimating the receipt of the monies and appropriating the funds.

- Resolution accepting \$34,469 in grant funds from the State Office of Traffic Safety for participation in the California Seat Belt Compliance Campaign, and authorizing the City Manager to execute necessary documents recommended.
- Resolution amending the Fiscal Year 2003/2004 annual budget estimating the receipt of the monies and appropriating the funds recommended.

Police; Dan Inderbitzen, inderbitzend@modestopd.com, 342-6142

ACTION: Reso No 2003-535 (Fisher/Jackman; unan) accepting \$34,469 in grant funds from the State Office of Traffic Safety for participation in the California Seat Belt Compliance Campaign, and authorizing the City Manager to execute necessary documents

ACTION: Reso No 2003-536 (Fisher/Jackman; unan) amending the Fiscal Year 2003/2004 annual budget estimating the receipt of the monies and appropriating the funds.

COUNCIL COMMENTS & REPORTS

21. At the request of Councilmember O'Bryant, consider discussion of City Park safety.

ACTION: Councilmember O'Bryant requested two police officers be assigned to the park system and requested staff research and evaluate the revenue sources from park fees and grants available to fund the additional officers. The Council referred this item too Finance and Safety & Communities Committees

Conrad absent due to a conflict of interest

Mayor Sabatino conducted the meeting from the staff desk

22. At the request of Mayor Sabatino, consider discussion of the status of Parcel 8, located at Scenic and Coffee.

ACTION: By Motion (Fisher/Jackman; unan.)instructed the City Attorney to verify the Mayor's relationship with Mid Valley Engineering as stated in the District Attorney's affidavit.

WRITTEN COMMUNICATIONS

23. Letter from Geoff Silvius and Pam English of Citadel Communications (Planet 95-1), seeking permission for a Breast Cancer Awareness Charity Event to be

held on Friday, October 24 from 6:00 a.m. to 9:00 a.m., and seeking approval to hang signage on Briggsmore Overpass during the time of the event.

ACTION: Representatives of Citadel Communications did not appear at the meet and no action was taken

HEARINGS

24. Hearing to consider the appeal by John and Carolyn Bronowski to a decision by the Board of Zoning Adjustment denying the appeal of John and Carolyn Bronowski to staff's decision to grant a second-story addition to a home located at 928 Enslen Avenue.

- Resolution either denying or approving appeal recommended.

Community & Economic Development; Josh Bridegroom,
jbridegroom@modestogov.com, 571-5539

ACTION: Reso No 2003-537 (Fisher/Jackman; unan.) denying appeal with the condition that the windows be frosted on the north side of the second story addition.

Recess 8:35

Reconvene 8:46

NEW BUSINESS

25. Consider an agreement with Modesto Irrigation District relating to advance funding of costs related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant and authorizing the City Manager to execute the agreement; Consider authorizing Modesto Irrigation District to execute an agreement with Jones and Stokes, in an amount not to exceed \$170,000.00, to provide CEQA services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant; Consider authorizing Modesto Irrigation District to execute an agreement with Black and Veatch, in an amount not to exceed \$750,000.00, to provide preliminary engineering services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant.
- Resolution approving an agreement with Modesto Irrigation District relating to advance funding of costs related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant and authorizing the City Manager to execute the agreement recommended.
 - Resolution authorizing Modesto Irrigation District to execute an agreement with Jones and Stokes, in an amount not to exceed \$170,000.00, to provide CEQA services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant recommended.
 - Resolution authorizing Modesto Irrigation District to execute an agreement with Black and Veatch, in an amount not to exceed

\$750,000.00, to provide preliminary engineering services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant recommended.

Engineering & Transportation; Richard Ulm, rulm@modestogov.com, 577-5215

ACTION: Reso No 2003-538 (Jackman/Sabatino; unan.) approving an agreement with Modesto Irrigation District relating to advance funding of costs related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant and authorizing the City Manager to execute the agreement.

ACTION: Reso No 2003-539 (Jackman/Sabatino; unan) authorizing Modesto Irrigation District to execute an agreement with Jones and Stokes, in an amount not to exceed \$170,000.00, to provide CEQA services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant

ACTION: Reso No 2003-540 (Jackman/Sabatino; unan) authorizing Modesto Irrigation District to execute an agreement with Black and Veatch, in an amount not to exceed \$750,000.00, to provide preliminary engineering services related to the Phase 2 expansion of the Modesto Regional Water Treatment Plant

26. Consider updated report on the Neighborhood Environmental Action Team (NEAT) program and its relationship to Safer Intersections.
- Motion acknowledging receipt of report on the Neighborhood Environmental Action Team (NEAT) program and its relationship to Safer Intersections recommended.

Operations & Maintenance; Peter Cowles, pcowles@modestogov.com, 342-2279

ACTION: By Motion (Jackman/Keating; unan.) acknowledging receipt of report on the Neighborhood Environmental Action Team (NEAT) program and its relationship to Safer Intersections and staff was directed to meet with representatives of the Safer Intersection Franchise and the NEAT program.

27. Consider extending the term of Debbie Loyd as the Poet Laureate of the City of Modesto through June 30, 2004.
- Resolution approving extension of the term of Debbie Loyd as the Poet Laureate of the City of Modesto through June 30, 2004 recommended.
- Parks, Recreation & Neighborhoods; Wayne Mathes, wmathes@moderstogov.com, 652-6060*

ACTION: Reso No 2003-541 (Fisher/Keating; unan.) approving extension of the term of Debbie Loyd as the Poet Laureate of the City of Modesto through June 30, 2004.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

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

CLOSED SESSION

Closed session was heard prior to the meeting.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

MINUTES

MODESTO CITY COUNCIL SPECIAL MEETING

Audit Committee Meeting/

Special City Council Workshop Meeting

Tenth Street Place, Second Floor, Room 2005, 1010 10th Street, Modesto, California

Thursday, October 9, 2003, at 9:00 a.m.

Roll Call – Present: Committee Members Sabatino, Keating, O'Bryant

ORAL COMMUNICATIONS

- Chair Sabatino requested the costs of City resources to accommodate the District Attorney's investigation on the Mayor be disclosed.
- Chair Sabatino requested a spreadsheet on each employee's credit card statement.
- Internal Auditor Gary Nienhuis commented that the Financial Statement Audit was on schedule. Report should be ready in November, 2003.
- Chair Sabatino commented that the Modesto Bee contract renewal should change to a fiscal basis.

Committee/Council workshop item is:

- 1) Verbal Report on Immigration & Naturalization Service Audit at Airport

ACTION: No action taken. This item was for information only.

- 2) Review Travel and Credit Card Summary Information for Charter Officers, Deputy City Managers and Department Directors

ACTION: Committee Member O'Bryant requested that each employee write a report evaluating the conference after his/her return.

ACTION: Committee Member Keating requested a pie chart comparing the proposed 2001/02 and 2002/03 proposed travel budget versus the actual amount spent on training, conference and travel.

- The City Manager noted that a quarterly report on travel and conferences will be given to the Audit Committee.

MATTERS TO LATE FOR THE AGENDA

None

ADJOURNMENT

This meeting was adjourned at 10:05 a.m.

MINUTES

MODESTO CITY COUNCIL SPECIAL MEETING

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Monday, October 13, 2003

Roll Call: Present: Tim Fisher, Chair
Denny Jackman, Vice Chair
Bruce Frohman

Also Present: Bill Conrad

ORAL COMMUNICATIONS

None.

Items for the Committee/Council workshop are:

- 1) Status Report on Revised Housing Element

ACTION: Informational item only. No action taken.

- 2) Status Report on County Office Building Project on 12th Street

ACTION: The Committee supported staff's position to require the County to incorporate our downtown streetscape standard in their development plans for the 12th street Project.

- 3) Community & Economic Development Department Monthly Development Activity Report
 - r. Workforce Development Program
 - s. Kiernan Business Park
 - t. Kaiser Medical Center
 - u. Del Valle Homes/Fairview Development Agreement Implementation
 - v. General Plan Housing Element Update
 - w. Comprehensive General Plan Update
 - x. Roselle-Claribel Specific Plan

- y. Shelter Cove Church
- z. St. Stanislaus Church
- aa. The Promenade Shopping Center
- bb. Planning Division Activity
- cc. Building Inspection Statistics
- dd. Kansas-Woodland Business Park (FMC)
- ee. 9th Street Bridge Property Acquisition for New Bridge Project
- ff. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- gg. Downtown Housing Project
- hh. Downtown Office Project – Valley Tower LLC

ACTION: Informational item only. No action taken.

- 4) Consider Staff Recommendation to Revise Resolution 99-385 to Eliminate the Transfer of CFF Fee Credits from Existing Buildings to Other Locations

ACTION: The Committee approved staff's recommendation.

- 5) Consider Staff Recommendation to Support the Continuation of the Mid-County Project Study Report to Pursue the Garner-Faith Home Alignment with Claus Road Expressway

ACTION: The Committee approved staff's recommendation.

- 6) Consider Staff Recommendation to Approve an Ordinance Amending Municipal Code Section 3-2.1401.1 (Radar)

ACTION: The Committee approved staff's recommendation.

- 7) Consider Staff Recommendation to Approve Award of the Bus Bench Franchise and Interior Bus Advertising Lease to United Cerebral Palsy Association of Stanislaus County

ACTION: The Committee approved staff's recommendation.

- 8) Consider Staff Recommendation to Remove Protected/Permissive Left-Turn Operation at Carpenter Road and Blue Gum Avenue-North/South Direction

ACTION: The Committee approved staff's recommendation.

- 9) Consider Staff Recommendation to Remove Two Mid-Block Crosswalks on 10th and 12th Streets between H and I Streets

ACTION: The Committee approved staff's recommendation.

- 10) Consider Staff Recommendation to Endorse the Installation of a Roundabout at the Intersection of Prescott Road and Bangs Avenue

ACTION: The Committee approved staff's recommendation.

- 11) Consider Assignment and Extension of Service Agreement with Bertolotti Disposal Inc. and Recommend City Council hold a Public Hearing

ACTION: The Committee approved staff's recommendation.

- 12) Consider Staff Recommendation to Approve Water Supply Assessment for Village One Precise Plan Areas 2, 15, 16 & 17

ACTION: The Committee approved staff's recommendation.

- 13) Consider Staff Recommendation to Endorse Roundabout at Intersection of Floyd and Roselle Avenues in Village One

ACTION: This item was forwarded to full Council to be heard at the October 28, 2003 meeting.

- 14) Discussion of Village One Precise Plans 18 & 20 Roundabout Locations with Sylvan School District

ACTION: Informational item only. Staff will proceed as directed by the Council at the March 4, 2003 meeting.

- 15) Request from StanCOG for Route 132 Highway Project Funding

ACTION: The Committee recommended approving a \$400,000 loan for this project.

- 16) Consider Revision to the Proposed Ordinance to Prohibit Parking on Front or Side-Street Side Yards

ACTION: The Committee directed staff to return this ordinance to the full Council.

- 17) Discussion of Ingress from Briggsmore Expressway to Soelling Property, SE Corner of Briggsmore and Oakdale Road – Requested by Councilmember Fisher

ACTION: This item was removed from the agenda.

- 18) Discussion of Proposed Park Avenue Angle Parking between Needham Street and Stoddard Avenue

ACTION: The Committee approved staff's recommendation.

- 19) Consider Waste Management Performance Deficiencies and Direct Staff to Proceed to Full Council

ACTION: The Committee recommended Option 3 in the staff report, to terminate the contract effective January 1, 2004, issue Waste Management a 1-year interim contract allowing them to continue providing service through January, 2005, allow the company two additional 1-year extensions if the company fully complies with the service requirements of the City, impose penalties for past violations of the Service Agreement, and either go out to bid in or divide the Waste Management service area among the other collectors effective, and recommended monthly update from staff.

- 20) Consider Staff Recommendation to Reopen 10th Street – B to D Street, and Abandonment of Portions of 11th and 12th Streets

ACTION: The Committee approved staff's recommendation.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:50 p.m.

MINUTES

City of Modesto City Council Meeting Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, October 14, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Councilmember O'Bryant

City Clerk's Announcements: *Item 9 and 14 removed from the agenda*
Item 4 and 8 were removed from Consent

Declaration of Conflicts of Interest – *Frohman Item 11*

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation on Second Chance Week, October 18-26th. Promoted by Citizen's Advisory Committee on Recycling (CACOR), presented by Beverly McCullough

ACTION: Presentation on Second Chance Week made by Beverly McCullough.

ORAL COMMUNICATIONS

- Kent Smith expressed concern of illegal camping and homelessness on the Tuolumne River. Referred to the Safety and Communities Committee.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2, 3, 5-7, 10, 12
&13

ACTION Items 2, 3, 5, 6, 7, 10, 12, 13: Frohman/Fisher; unan.

Item 9 removed from the agenda

ACTION Item 4: Fisher/Jackman; unan. returned to Safety and Communities Committee

ACTION Item 8: Fisher/Frohman; unan.

ACTION ITEM 11: Jackman/Conrad; unan.; Frohman & Fisher, absent due to conflict

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 7, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of October 7, 2003.

CONSENT

3. Consider final adoption of:
 - f. Ordinance 3321-C.S. – an ordinance adding Sections 2-3.404, 2-3.405 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties

ACTION: By Motion (Frohman/Fisher; unan.) approved **final adoption of Ordinance 3321-C.S.** - an ordinance adding Sections 2-3.404, 2-3.405 and 2-3.406 to Article 4 of Chapter 3 of Title 2 of the Modesto Municipal Code relating to Finance Department – Treasury Duties

- g. Ordinance 3322-C.S. – an ordinance amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds

ACTION: By Motion (Frohman/Fisher; unan.) approved **final adoption of Ordinance 3322-C.S.** – an ordinance amending Section 8-2.612 of Article 6 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Transient Occupancy Tax – Refunds

- h. Ordinance 3323-C.S. – an ordinance amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax – Refunds–Erroneous Payments

ACTION: By Motion (Frohman/Fisher; unan.) approved **final adoption of Ordinance 3323-C.S.** – an ordinance amending Section 8-2.914 of Article 9 of Chapter 2 of Title 8 of the Modesto Municipal Code relating to Utility Users' Tax – Refunds–Erroneous Payments

- i. Ordinance 3324-C.S. – an ordinance adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit

ACTION: By Motion (Frohman/Fisher; unan.) approved **final adoption of Ordinance 3324-C.S.** – an ordinance adding Section 8-8.307 to Article 3 of Chapter 8 of Title 8 of the Modesto Municipal Code relating to City of Modesto Water Facilities Revenue Bond Law – Audit

Removed from Consent

- 4. Consider introduction of an ordinance repealing Section 4-2.25 of the Modesto Municipal Code which prohibits the sale of confectionary products within 1000 fee of any public school.
 - Motion introducing an ordinance repealing Section 4-2.25 of the Modesto Municipal Code which prohibits the sale of confectionary products within 1000 fee of any public school recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan.) returned to Safety and Communities Committee.

CONSENT

- 5. Consider an amendment to the agreement with Town Hall Services, in the amount of \$21,969.01 for additional work not included in the original agreement and authorizing the City Manager to execute the agreement. Funds are budgeted.
 - Resolution approving an amendment to the agreement with Town Hall Services, in the amount of \$21,969.01 for additional work not included in

the original agreement and authorizing the City Manager to execute the agreement recommended.

City Manager; George Britton, 577-5404, gbritton@modestogov.com

ACTION: Reso No 2003-542 (Frohman/Fisher; unan.) approving an amendment to the agreement with Town Hall Services, in the amount of \$21,969.01 for additional work not included in the original agreement and authorizing the City Manager to execute the agreement

CONSENT

6. Consider awarding a \$59,174.00 contract to Young Electric Sign Company to design, manufacture, and install the marquee sign at Modesto City-County Airport, and authorizing the City Manager to execute the necessary documents. Funds are budgeted.
- Resolution approving the award of a \$59,174.00 contract to Young Electric Sign Company to design, manufacture, and install the marquee sign at Modesto City-County Airport, and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Howard Cook, 577-5318, hcook@modestogov.com

ACTION: Reso No 2003-543 (Frohman/Fisher; unan.) approving the award of a \$59,174.00 contract to Young Electric Sign Company to design, manufacture, and install the marquee sign at Modesto City-County Airport, and authorizing the City Manager to execute the necessary documents.

CONSENT

7. Consider accepting the work of A. Teichert & Son Inc. as complete for the project titled "Pelandale Avenue Interchange Widening at State Highway 99", authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$749,246 per the contract.
- Resolution accepting the work of A. Teichert & Son Inc. as complete for the project titled "Pelandale Avenue Interchange Widening at State Highway 99", authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$749,246 per the contract recommended.

Engineering & Transportation; Genichi Kanow, 577-5452, jkanow@modestogov.com

ACTION: Reso No 2003-544 (Frohman/Fisher; unan.) accepting the work of A. Teichert & Son Inc. as complete for the project titled "Pelandale Avenue Interchange Widening at State Highway 99", authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$749,246 per the contract.

Removed from Consent

8. Consider accepting the bid and awarding a \$20,099,999.75 contract to MCM Construction Inc., for the project titled “Ninth Street Bridge Replacement”, which will replace the existing bridge over the Tuolumne River; and Consider executing necessary Capital Improvement Program (CIP) budget amendments to fully fund the project.
- Resolution accepting the bid and awarding a \$20,099,999.75 contract to MCM Construction Inc., for the project titled “Ninth Street Bridge Replacement” recommended.
 - Resolution approving executing necessary Capital Improvement Program (CIP) budget amendments to fully fund the project recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dpillips@modestogov.com*

ACTION: Reso No 2003-545 (Fisher/Frohman; unan.) accepting the bid and awarding a \$20,099,999.75 contract to MCM Construction Inc., for the project titled “Ninth Street Bridge Replacement”

ACTION: Reso No 2003-546 (Fisher/Frohman; unan.) approving executing necessary Capital Improvement Program (CIP) budget amendments to fully fund the project.

Removed from agenda

9. Consider authorizing the award of bid and one-year contract for the furnishing of Rockwell Rejuvenation to Applegate Backhoe & Drilling for an estimated \$1,163,100.00. Funds are currently available.
Resolution authorizing the award of bid and one-year contract for the furnishing of Rockwell Rejuvenation to Applegate Backhoe & Drilling for an estimated \$1,163,100.00, and authorizing the City Manager to execute necessary documents recommended.

Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Removed from the agenda

CONSENT

10. Consider authorizing the sole source purchase of a used truck-mounted 40-ton crane from Forst Crane Works Inc. for an estimated cost of \$267,900.63.
- Resolution authorizing the sole source purchase of a used truck-mounted 40-ton crane from Forst Crane Works Inc. for an estimated cost of \$267,900.63 recommended.

Operations & Maintenance; Dennis Turner, 342-2222, dturner@modestogov.com

ACTION: Reso No 2003-547 (Fisher/Frohman; unan.) authorizing the sole source purchase of a used truck-mounted 40-ton crane from Forst Crane Works Inc. for an estimated cost of \$267,900.63

Removed from Consent – Fisher and Frohman absent due to a conflict of interest

11. Consider use of the Social Security Administration Building as offices, meeting rooms, and storage space for various City activities, and authorizing staff to submit a “Letter of Interest” to obtain necessary application instructions from the Department of Health & Human Services for the surplus of the Social Security Administration Building located at 1230 12th Street.

Resolution approving use of the Social Security Administration Building as offices, meeting rooms, and storage space for various City activities, and authorizing staff to submit a “Letter of Interest” to obtain necessary application instructions from the Department of Health & Human Services for the surplus of the Social Security Administration Building located at 1230 12th Street recommended.

Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,

jhannon@modestogov.com

ACTION: Reso No 2003-548 (Jackman/Conrad unan.; Fisher & Frohman, absent) approving use of the Social Security Administration Building as offices, meeting rooms, and storage space for various City activities, and authorizing staff to submit a “Letter of Interest” to obtain necessary application instructions from the Department of Health & Human Services for the surplus of the Social Security Administration Building located at 1230 12th Street.

CONSENT

12. Consider authorizing the sole source purchase of a Special Weapons and Tactics Vehicle for an estimated cost of \$214,825.00; and, Consider amending the fiscal year 2003/04 budget to transfer funds from the Fleet Fund Reserves to Fleet Equipment Replacement for purchase of the vehicle.

- Resolution authorizing the sole source purchase of a Special Weapons and Tactics Vehicle for an estimated cost of \$214,825.00 recommended.
- Resolution amending the fiscal year 2003/04 budget to transfer funds from the Fleet Fund Reserves to Fleet Equipment Replacement for purchase of the vehicle recommended.

Police; Joel Broumas, 572-9821, broumasj@modestopd.com

ACTION: Reso No 2003-549 (Fisher/Frohman; unan) authorizing the sole source purchase of a Special Weapons and Tactics Vehicle for an estimated cost of \$214,825.00.

ACTION: Reso No 2003-550 (Fisher/Frohman; unan) amending the fiscal year 2003/04 budget to transfer funds from the Fleet Fund Reserves to Fleet Equipment Replacement for purchase of the vehicle.

COUNCIL COMMENTS & REPORTS

13. At the request of Mayor Sabatino, consider changing the term of the contract with The Modesto Bee to coincide with the fiscal year.

ACTION: Referred to the Finance Committee

WRITTEN COMMUNICATIONS

14. Letter from Dale Gene Williams requesting discussion regarding possible time limits to be placed on City Council Comments & Reports.

ACTION: Removed from the agenda by the requestor.

UNFINISHED BUSINESS

15. Consider rejecting all bids for Mobile and Portable 2-Way Radio and Community Equipment Service and Repair, and authorizing the re-bid for said project to include a C7 and/or C10 licensing requirement, for a three-year contract, for an estimated annual cost of \$45,425.00.

- Resolution approving the rejection of all bids for Mobile and Portable 2-Way Radio and Community Equipment Service and Repair, and authorizing the re-bid for said project to include a C7 and/or C10 licensing requirement, for a three-year contract, for an estimated annual cost of \$45,425.00 recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Reso No 2003-551 (Jackman/Keating; majority; Conrad and Fisher no) approving the rejection of all bids for Mobile and Portable 2-Way Radio and Community Equipment Service and Repair, and authorizing the re-bid for said project to include a C7 and/or C10 licensing requirement for a three-year contract, for an estimated annual cost of \$45,425.00

HEARINGS

16. Hearing to consider the application of Mary Silveira to rezone a one-acre parcel located on the west side of Carver Road, opposite Montclair Drive from R-1

(Single-Family Residential) to R-D(562) (Planned Development) to allow the development of a 14-unit townhouse-style apartment complex.

- Motion introducing an ordinance approving rezoning from R-1 to P-D(562) recommended.
- Resolution approving a Development Plan for P-D(562) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

*Community & Economic Development; Josh Bridegroom, 571-5540,
jbridegroom@modestogov.com*

ACTION: By Motion (Conrad/O'Bryant; unan.) **introduced Ordinance 3325** -C.S. - an ordinance approving rezoning from R-1 to P-D(562)

ACTION: Reso No 2003-552 (Conrad/O'Bryant; unan.) approving a Development Plan for P-D(562)

ACTION: Reso No 2003-553 (Conrad/O'Bryant; unan.) finding the requested rezoning within the scope of the General Plan Master EIR.

Recess 7:35

Reconvene 7:46

17. Hearing to consider removal of the mid-block crosswalk resulting in the relocation of the existing bus stop from the north side of Scenic Drive to the northwest corner of Scenic Drive and Bodem Street.

- Resolution approving the removal of the mid-block crosswalk resulting in the relocation of the existing bus stop from the north side of Scenic Drive to the northwest corner of Scenic Drive and Bodem Street recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: By motion (Fisher/Conrad unan.) referred to Economic Development Committee to discuss alternatives.

NEW BUSINESS

18. Consider a Memorandum of Understanding with Kaiser Foundation Hospitals related to the processing of development entitlements for the proposed medical center on the west side of Dale Road north of Bangs Avenue.

- Resolution approving a Memorandum of Understanding with Kaiser Foundation Hospitals related to the processing of development entitlements for the proposed medical center on the west side of Dale Road north of Bangs Avenue recommended.

*Community & Economic Development; Steve Mitchell, 577-5287,
smitchell@modestogov.com*

ACTION: Reso No 2003-554 (Fisher/Frohman; unan.) approving a Memorandum of Understanding with Kaiser Foundation Hospitals related to the processing of development entitlements for the proposed medical center on the west side of Dale Road north of Bangs Avenue.

19. Consider accepting \$166,485 in grant funding from the Department of Housing & Community Development, Jobs Housing Incentive Grant Program for construction of a Neighborhood Center at Marshall Park and authorizing the City Manager to execute the necessary documents; and Consider amending the Fiscal Year 2003-04 CIP and Operating Budgets to estimate the revenue and appropriate the funds.

- Resolution accepting \$166,485 in grant funding from the Department of Housing & Community Development, Jobs Housing Incentive Grant Program for construction of a Neighborhood Center at Marshall Park and authorizing the City Manager to execute the necessary documents recommended.
- Resolution amending the fiscal year 2003-04 CIP and Operating Budgets to estimate the revenue and appropriate the funds recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-555 (Jackman/Keating; unan.) accepting \$166,485 in grant funding from the Department of Housing & Community Development, Jobs Housing Incentive Grant Program for construction of a Neighborhood Center at Marshall Park and authorizing the City Manager to execute the necessary documents.

ACTION: Reso No 2003-556 (Jackman/Keating; unan.) amending the fiscal year 2003-04 CIP and Operating Budgets to estimate the revenue and appropriate the funds.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:30 p.m.

MINUTES

City of Modesto

Finance Committee/Special City Council Workshop Meeting

Conference Room 2005 (Second Floor)

Tenth Street Place, 1010 10th Street, Modesto, California

Monday, October 27, 2003, at 5:30 p.m.

Roll Call – Present: Chairman Frohman, Committee Members Jackman & Keating

- Chairman Frohman requested Council Remuneration be discussed at the next Finance Committee Meeting

Items to be heard:

- 1) State Budget Impact: Vehicle License Fees (VLF)

ACTION: No action taken. Informational item only.

- 2) Purchase of Fifteen Vehicles and One Rotary Mower

ACTION: No action taken. Informational item only.

- 3) Monthly Adjustment Report – October 2003

ACTION: This item was recommended to Council for approval.

- 4) League of California Initiative

ACTION: This item was forwarded to Council without recommendation.

- 5) Business License Software Implementation Options

ACTION: This item was for information only. Staff will proceed with Software Study.

6) Report on SB 1045 – RDA ERAF Shift

ACTION: No action taken. Informational item only.

7) Fleet Fund Analysis

ACTION: No action taken. Informational item only.

8) Business License Apportionment Worksheet

ACTION: No action taken. Informational item only.

9) Modesto Bee Advertising Update

ACTION: The Committee recommended continuing with the current contract schedule.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 6:40 p.m.

MINUTES

City of Modesto City Council Meeting

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, October 28, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Michael Saldivar, LaLoma Grace Church

City Clerk’s Announcements: Items 16 and 19 removed from agenda.

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Presentation of Award of Accreditation received by the City of Modesto Operations and Maintenance Department from the Society of Municipal Arborists as an Accredited Forestry Department for the period 2004-2009.

ACTION: Presentation made by Peter Cowles

ORAL COMMUNICATIONS

- Diane Rego spoke to the Council about an assault on an elderly woman in her neighborhood on Leonard Avenue and the need to repair a sidewalk in the same area.
- Peter Gartner commented on the most recent resignations of the Community Qualities Forum and encouraged the Council to continue to replace members of the forum.
- Resident commented on a threat he received from a neighbor.

- Councilmember Keating commented on the success of the collection of needed goods for the Coalition on Homelessness and Poverty.
- Mayor Sabatino announced that he would comment under Council Comments and Reports.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-15, 17, 18, 20-22
Items 16 and 19 removed from agenda

ACTION ITEMS 2 - 15, 17, 18, 20- 22: Frohman/Fisher; unan.

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of October 14, 2003.
 - Motion approving recommended.
 Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) approving the minutes of October 14, 2003.

CONSENT

3. Final adoption of Ordinance 3325-C.S. – an ordinance amending section 7-3.9 of the zoning map to rezone from low-density residential zone, R-1, to planned development zone, P-D(562), property located on the West side of Carver Road, opposite Montclair Drive (Mary Silveira).
 - Motion approving final adoption of Ordinance 3325-C.S. – an ordinance amending section 7-3.9 of the zoning map to rezone from low-density residential zone, R-1, to planned development zone, P-D(562), property located on the West side of Carver Road, opposite Montclair Drive recommended.

ACTION: By Motion (Frohman/Fisher; unan.) approving **final adoption of Ordinance 3325-C.S.** – an ordinance amending section 7-3.9 of the zoning map to rezone from low-density residential zone, R-1, to planned development zone, P-D(562), property located on the West side of Carver Road, opposite Montclair Drive

CONSENT

4. Consider accepting with regret the resignations of the following three members of the Community Qualities Forum: Gene Carhart, Elizabeth Graham, and Susan Johnsen.

- Resolution accepting with regret the resignations of the Gene Carhart, Elizabeth Graham, and Susan Johnsen from the Community Qualities Forum recommended.

City Manager; Esther Puckett, 571-5101, epuckett@modestogov.com

ACTION: Reso No 2003-557 (Frohman/Fisher; unan.) accepting with regret the resignations of the Gene Carhart, Elizabeth Graham, and Susan Johnsen from the Community Qualities Forum

CONSENT

5. Consider declaring the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2003-1 (Fairview Village) ("CFD") and authorize the levy of a special tax within said CFD; and Consider declaring the City of Modesto's intent to incur bonded indebtedness in the amount not to exceed \$25,000,000 within the proposed CFD; and Consider authorizing the City Manager to execute and Advanced Funding Agreement with Del Valle Capital Corporation, Inc.

- Resolution declaring the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2003-1 (Fairview Village) ("CFD") and authorize the levy of a special tax within said CFD recommended.
- Resolution declaring the City of Modesto's intent to incur bonded indebtedness in the amount not to exceed \$25,000,000 within the proposed CFD recommended.
- Resolution authorizing the City Manager to execute and Advanced Funding Agreement with Del Valle Capital Corporation, Inc. recommended.

City Manager/CFD; Tina Rocha; 577-5211; trocha@modestogov.com

ACTION: Reso No 2003-558 (Frohman/Fisher; unan) declaring the City of Modesto's intent to establish City of Modesto Community Facilities District No. 2003-1 (Fairview Village) ("CFD") and authorize the levy of a special tax within said CFD

ACTION: Reso No 2003-559 (Frohman/Fisher; unan) declaring the City of Modesto's intent to incur bonded indebtedness in the amount not to exceed \$25,000,000 within the proposed CFD

ACTION: Reso No 2003-560 (Frohman/Fisher; unan) authorizing the City Manager to execute and Advanced Funding Agreement with Del Valle Capital Corporation, Inc.

CONSENT

6. Consider Amendment No. 1 to the agreement with Turnstone Consulting Corporation for preparation of the Draft Environmental Impact Report and Municipal Service Review for the Kaiser Medical Campus Project no to exceed \$635,768.

- Resolution approving Amendment No. 1 to the agreement with Turnstone Consulting Corporation for preparation of the Draft Environmental Impact Report and Municipal Service Review for the Kaiser Medical Campus Project no to exceed \$635,768 recommended.

*Community & Economic Dev; Steve Mitchell, 571-5808,
smitchell@modestogov.com*

ACTION: Reso No 2003-561 (Frohman/Fisher; unan) approving Amendment No. 1 to the agreement with Turnstone Consulting Corporation for preparation of the Draft Environmental Impact Report and Municipal Service Review for the Kaiser Medical Campus Project no to exceed \$635,768

CONSENT

7. Consider approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Village One Precise Plan Areas 2, 15, 16, and 17, located within the Village One Specific Plan, which has determined that an adequate supply of water is available to meet the demands of the proposed project.

- Resolution approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Village One Precise Plan Areas 2, 15, 16, and 17, located within the Village One Specific Plan, which has determined that an adequate supply of water is available to meet the demands of the proposed project.

*Engineering & Transportation; Jack Bond, (209) 577-5424;
jbond@modestogov.com*

ACTION: Reso No 2003-562 (Frohman/Fisher; unan) approving and adopting the Water Supply Assessment (WSA) prepared for the proposed Village One Precise Plan Areas 2, 15, 16, and 17, located within the Village One Specific Plan, which has determined that an adequate supply of water is available to meet the demands of the proposed project.

CONSENT

8. Consider a second amendment to the agreement with West Yost & Associates in the amount of \$150,000 for additional work in integrating the Modesto Irrigation District Phase II project with the distribution system, developing a Groundwater Management Program, and on-call engineering support services related to the hydraulic model; and Consider amending the Capital Improvement Budget to fund the additional work.
- Resolution approving a second amendment to the agreement with West Yost & Associates in the amount of \$150,000 for additional work in integrating the Modesto Irrigation District Phase II project with the distribution system, developing a Groundwater Management Program, and on-call engineering support services related to the hydraulic model recommended.

- Resolution amending the Capital Improvement Budget to fund the additional work recommended.

*Engineering & Transportation; Jack Bond, (209) 577-5424;
jbond@modestogov.com*

ACTION: Reso No 2003-563 (Frohman/Fisher; unan) approving a second amendment to the agreement with West Yost & Associates in the amount of \$150,000 for additional work in integrating the Modesto Irrigation District Phase II project with the distribution system, developing a Groundwater Management Program, and on-call engineering support services related to the hydraulic model

ACTION: Reso No 2003-564 (Frohman/Fisher; unan) amending the Capital Improvement Budget to fund the additional work

CONSENT

9. Consider a cost sharing sewer service agreement with Memorial Hospital Association to fund construction of sewer improvements necessary for planned expansion of the hospital's existing site, and authorizing the City Manager to execute necessary documents. Hospital's contribution, \$439,000.
- Resolution approving an agreement with Memorial Hospital Association related to further development of the Hospital's property, generally located at the corner of Briggsmore Avenue and Coffee Road, and authorizing the City Manager to execute necessary documents recommended.

*Engineering & Transportation; Jack Bond, (209) 577-5424;
jbond@modestogov.com*

ACTION: Reso No 2003-565 (Frohman/Fisher; unan) approving an agreement with Memorial Hospital Association related to further development of the Hospital's property, generally located at the corner of Briggsmore Avenue and Coffee Road, and authorizing the City Manager to execute necessary documents

CONSENT

10. Consider accepting the Pelandale Avenue Street Improvements from the southeast corner of Pelandale Avenue and Dale Road to 600 feet east of Dale Road, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods. Owner: O'Briens Development, a California partnership.
- Resolution accepting the Pelandale Avenue Street Improvements from the southeast corner of Pelandale Avenue and Dale Road to 600 feet east of Dale Road, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Bob Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Reso No 2003-566 (Frohman/Fisher; unan) accepting the Pelandale Avenue Street Improvements from the southeast corner of Pelandale Avenue and Dale Road to 600 feet east of Dale Road, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods

CONSENT

11. Consider accepting the work by Industrial Electrical Co., for the “Install Emergency Generators at Well 57, and Tanks 6, 7, & 8” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$332,895 per the contract.
- Resolution accepting the work by Industrial Electrical Co., for the “Install Emergency Generators at Well 57, and Tanks 6, 7, & 8” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$332,895 per the contract recommended.

*Engineering & Transportation; Genichi Kanow, 577-5452,
gkanow@modestogov.com*

ACTION: Reso No 2003-567 (Frohman/Fisher; unan) accepting the work by Industrial Electrical Co., for the “Install Emergency Generators at Well 57, and Tanks 6, 7, & 8” project as complete, authorizing the City Clerk to file a Notice of Completion, and authorizing payment of amounts due totaling \$332,895 per the contract

CONSENT

12. Consider awarding the bid and approving a \$316,609.00 contract with D.A. Wood Construction, Inc., for the project titled “Various Boring and Jacking For Waterlines Under M&ET Railroad Tracks,” and authorizing the City Manager to execute the agreement.
- Resolution awarding the bid and approving a \$316,609.00 contract with D.A. Wood Construction, Inc., for the project titled “Various Boring and Jacking For Waterlines Under M&ET Railroad Tracks,” and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Dean Phillips, (209) 577-5260;
dphillips@modestogov.com*

ACTION: Reso No 2003-568 (Frohman/Fisher; unan) awarding the bid and approving a \$316,609.00 contract with D.A. Wood Construction, Inc., for the project titled “Various Boring and Jacking For Waterlines Under M&ET Railroad Tracks,” and authorizing the City Manager to execute the agreement.

CONSENT

13. Consider awarding the bid and approving a \$330,785.00 contract with Clyde Wheeler Pipeline, Inc., for the project titled “Hillglen Avenue Storm Drain,” and authorizing the District Administrator to execute the agreement. This project will add storm drainage facilities for Village One.
- Resolution awarding the bid and approving a \$330,785.00 contract with Clyde Wheeler Pipeline, Inc., for the project titled “Hillglen Avenue Storm Drain,” and authorizing the District Administrator to execute the

agreement. This project will add storm drainage facilities for Village One recommended.

*Engineering & Transportation; Dean Phillips, (209) 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-569 (Frohman/Fisher; unan) awarding the bid and approving a \$330,785.00 contract with Clyde Wheeler Pipeline, Inc., for the project titled "Hillglen Avenue Storm Drain," and authorizing the District Administrator to execute the agreement. This project will add storm drainage facilities for Village One.

CONSENT

14. Consider setting a Public Hearing on November 13, 2003 to consider Waste Management Performance Deficiencies and alternative options for providing service in Waste Management's present service area.
- Resolution setting a Public Hearing on November 13, 2003 to consider options for penalties for the substandard performance of Waste Management in meeting the requirements of their Service Agreement, and alternative options for providing service in Waste Management's present service area recommended.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Reso No 2003-570 (Frohman/Fisher; unan) setting a Public Hearing on November 13, 2003 to consider options for penalties for the substandard performance of Waste Management in meeting the requirements of their Service Agreement, and alternative options for providing service in Waste Management's present service area.

CONSENT

15. Consider setting a Public Hearing on November 13, 2003 to consider the request of Bertolotti Disposal Inc. for an assignment and extension of their Service Agreement.
- Resolution setting a Public Hearing on November 13, 2003 to consider approving the request of Bertolotti Disposal Inc. for an assignment and extension of their Service Agreement for collection of commercial/residential garbage/recyclables, containerized yard waste, and industrial garbage, salvageable waste and recyclable materials within the City of Modesto recommended.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Reso No 2003-571 (Frohman/Fisher; unan) setting a Public Hearing on November 13, 2003 to consider approving the request of Bertolotti Disposal Inc. for an assignment and extension of their Service Agreement for collection of commercial/residential garbage/recyclables, containerized yard waste, and industrial garbage, salvageable waste and recyclable materials within the City of Modesto.

Removed from the agenda

16. Consider authorizing the purchase of a Caterpillar 420D backhoe from Holt of California, for an estimated cost of \$68,656.07.
- Resolution authorizing the purchase of a Caterpillar 420D backhoe from Holt of California, for an estimated cost of \$68,656.07 recommended.
- Finance; Tom Reddie, 577-5406, treddie@modestogov.com*

CONSENT

17. Consider acknowledging the receipt of the Monthly Investment Report – August 2003.
- Motion acknowledging the receipt of the Monthly Investment Report – August 2003 recommended.
- Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com*

ACTION: By Motion (Frohman/Fisher; unan) acknowledging the receipt of the Monthly Investment Report – August 2003.

CONSENT

18. Consider approving grant from the Federal Emergency Management Agency (FEMA) for the continued support of the Community Emergency Response Team (CERT) and authorizing the City Manager to execute the application and necessary documents.
- Resolution approving a grant through FEMA to continue support for CERT program and authorizing the City Manager to execute the application and necessary documents recommended.
- Fire; David Grant, 572-9596, dgrant@modestofire.com*

ACTION: Reso No 2003-572 (Frohman/Fisher; unan) approving a grant through FEMA to continue support for CERT program and authorizing the City Manager to execute the application and necessary documents.

REMOVED FROM AGENDA

19. Consider approving a lease agreement with Bethany Lyons to lease City-owned property at 801 N. McClure Road for \$800 per month and authorizing the City Manager to execute the necessary documents.
- Resolution approving a lease agreement with Bethany Lyons to lease City-owned property at 801 N. McClure Road and authorizing the City Manager to execute the agreement recommended.
- Operations & Maintenance; Howard Schaffner; 342-2216; hschaffner@modestogov.com*

CONSENT

20. Consider an agreement to provide up to \$40,000 in Community Development Block Grant funds to the Salvation Army for implementation of a day facility for homeless individuals in Modesto.

- Resolution approving an agreement to provide up to \$40,000 in Community Development Block Grant funds to the Salvation Army for implementation of a day facility for homeless individuals in Modesto recommended.

*Parks, Recreation & Neighborhoods; Carol Averell, 577-5310,
caverell@modestogov.com*

ACTION: Reso No 2003-573 (Frohman/Fisher; unan) approving an agreement to provide up to \$40,000 in Community Development Block Grant funds to the Salvation Army for implementation of a day facility for homeless individuals in Modesto

CONSENT

21. Consider submitting an application to the California State Department of Housing & Community Development for \$250,000 in funding under the CalHome Program for the Exterior Accessibility Grants for Renters Program, and authorizing the City Manager to execute the necessary documents.

- Resolution submitting an application to the California State Department of Housing & Community Development for \$250,000 in funding under the CalHome Program for the Exterior Accessibility Grants for Renters Program, and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-574 (Frohman/Fisher; unan) submitting an application to the California State Department of Housing & Community Development for \$250,000 in funding under the CalHome Program for the Exterior Accessibility Grants for Renters Program, and authorizing the City Manager to execute the necessary documents

CONSENT

22. Consider declaring a 4.22 acre-parcel adjacent to Freedom Neighborhood Park, located in Village One, South of Floyd Avenue and west of Fine Avenue, as excess land to City's needs, and authorizing staff to take appropriate actions to complete the sale of said parcel.

- Resolution declaring a 4.22 acre-parcel adjacent to Freedom Neighborhood Park as excess land to City's needs, and authorizing staff to take appropriate actions to complete the sale of said parcel recommended.

*Parks; Recreation & Neighborhoods; Jim Niskanen, 577-5351,
jniskanen@modestogov.com*

ACTION: Reso No 2003-575 (Frohman/Fisher; unan) declaring a 4.22 acre-parcel adjacent to Freedom Neighborhood Park as excess land to City's needs, and authorizing staff to take appropriate actions to complete the sale of said parcel

COUNCIL COMMENTS & REPORTS

23. At the request of Mayor Sabatino, consider discussion of Ordinance 3269-C.S., which added Chapter 10 entitled "Conflict Disclosure" to Title 2 of the Modesto Municipal Code.

ACTION: Referred to the Economic Development Committee meeting.

- Councilmember Jackman acknowledged and recognized Councilmember Fisher and Frohman for their Council contributions.
- Mayor Sabatino commented on the Board of Supervisors meeting and the issues surrounding the former CEO. The Mayor also showed a video of the March 11, 2003 City Council meeting where the former CEO made a presentation on the landfill issue. He also commented on a statement made by the Modesto Bee regarding the City not having a balanced budget.

HEARINGS

24. Hearing to consider the application of Stanley & Carol Collins to vacate and abandon the six-foot walkway between Downey High School and Locke Road.
- Resolution approving the requested vacation and abandonment of the subject walkway recommended.
 - Resolution finding the requested vacation & abandonment within the scope of the General Plan Master EIR recommended.

Community & Economic Dev; Brad Wall, 571-5808, bwall@modestogov.com

ACTION: Reso No 2003-576 (Jackman/Conrad; majority; Fisher no) approving the requested vacation and abandonment of the subject walkway

ACTION: Reso No 2003-577 (Jackman/Conrad; majority; Fisher no) finding the requested vacation & abandonment within the scope of the General Plan Master EIR

25. Hearing to consider the application of Ronald L. La Force, et al, Modesto Venture 168, and Chris and Pauline Gianulias, for a Precise Plan for Area No. 2 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-

Holding Zone to Specific Plan-Overlay Zone, property located at the Southeast corner of Sylvan Avenue and Oakdale Road.

- Motion introducing an ordinance approving Precise Plan No. 2 of the Village One Specific Plan relating to property located at the southeast corner of Sylvan Avenue and Oakdale Road recommended.
- Motion introducing an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located at the southeast corner of Sylvan Avenue and Oakdale Road recommended.
- Resolution finding the Precise Plan for Area No. 2 and concurrent rezoning from SP-H to SP-O property located at the southeast corner of Sylvan Avenue and Oakdale Road in the Village One Specific Plan Area as being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181) recommended.

*Community & Economic Development; Brad Wall; 571-5539;
bwall@modestogov.com*

ACTION: By Motion (Fisher/Jackman; unan.) **introduced Ordinance No. 3326-C.S--** an ordinance approving Precise Plan No. 2 of the Village One Specific Plan relating to property located at the southeast corner of Sylvan Avenue and Oakdale Road.

ACTION: By Motion (Fisher/Jackman; unan.) **introduced Ordinance No. 3327-C.S--** an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located at the southeast corner of Sylvan Avenue and Oakdale Road

ACTION: Reso No 2003-578 (Fisher/Jackman; unan.)) finding the Precise Plan for Area No. 2 and concurrent rezoning from SP-H to SP-O property located at the southeast corner of Sylvan Avenue and Oakdale Road in the Village One Specific Plan Area as being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181)

26. Hearing to consider the application of Ronald L. La Force, et al, Modesto Venture 168, and Chris and Pauline Gianulias, for a Precise Plan for Area No. 15 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the Northwest corner of Kodiak Drive and Bear Cub Lane.

- Motion introducing an ordinance approving Precise Plan No. 15 of the Village One Specific Plan relating to property located at the northwest corner of Kodiak Drive and Bear Cub Lane recommended.
- Motion introducing an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located at the northwest corner of Kodiak Drive and Bear Cub Lane recommended.
- Resolution finding the Precise Plan for Area No. 15 and concurring rezoning from SP-H to SP-O, property located at the northwest corner of

Kodiak Drive and Bear Cub Lane in Village One Specific Plan Area as being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181) recommended.

*Community & Economic Development; Brad Wall; 571-5539;
bwall@modestogov.com*

ACTION: By Motion (Fisher/Jackman; unan) **introduced Ordinance No. 3328-C.S--** an ordinance approving Precise Plan No. 15 of the Village One Specific Plan relating to property located at the northwest corner of Kodiak Drive and Bear Cub Lane

ACTION: By Motion (Fisher/Jackman; unan) **introduced Ordinance No. 3329-C.S--** an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located at the northwest corner of Kodiak Drive and Bear Cub Lane

ACTION: **Reso No 2003-579** (Fisher/Jackman; unan) finding the Precise Plan for Area No. 15 and concurring rezoning from SP-H to SP-O, property located at the northwest corner of Kodiak Drive and Bear Cub Lane in Village One Specific Plan Area as being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181)

27. Hearing to consider the application of Ronald L. La Force, et al, Modesto Venture 168, and Chris and Pauline Gianulias, for a Precise Plan for Area No. 16 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located immediately East of the convergence of Hillglen Avenue and Kodiak Drive.

- Motion introducing an ordinance approving Precise Plan No. 16 of the Village One Specific Plan relating to property located immediately east of the convergence of Hillglen Avenue & Kodiak Drive recommended.
- Motion introducing an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located east of the convergence of Hillglen Avenue and Kodiak Drive recommended.
- Resolution finding the Precise Plan for Area No. 16 and concurrent rezoning from SP-H to SP-O, property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive in the Village One Specific Plan Area as being within the scope of the Village One Environmental Impact Report (SCH No. 90020181) recommended.

*Community & Economic Development; Brad Wall; 571-5539;
bwall@modestogov.com*

ACTION: By Motion (Fisher/Jackman; unan) **introduced Ordinance No. 3330-C.S--** an ordinance approving Precise Plan No. 16 of the Village One Specific Plan relating to property located immediately east of the convergence of Hillglen Avenue & Kodiak Drive

ACTION: By Motion (Fisher/Jackman; unan.) **introduced Ordinance No. 3331-C.S--** an ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone for property located east of the convergence of Hillglen Avenue and Kodiak Drive

ACTION: Reso No 2003-580 (Fisher/Jackman; unan) finding the Precise Plan for Area No. 16 and concurrent rezoning from SP-H to SP-O, property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive in the Village One Specific Plan Area as being within the scope of the Village One Environmental Impact Report (SCH No. 90020181)

28. Hearing to consider the application of Ronald L. La Force, et al, Modesto Venture 168, and Chris and Pauline Gianulias, for a Precise Plan for Area No. 17 of the Village One Specific Plan and for concurrent rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone, property located at the Northeast corner of Floyd Avenue and Oakdale Road.

- Motion introducing an Ordinance approving Precise Plan No. 17 located at the northeast corner of Floyd Avenue and Oakdale Road recommended.
- Motion introducing an Ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone located at the northeast corner of Floyd Avenue and Oakdale Road recommended.
- Resolution finding the Precise Plan for Area No. 17 and concurrent rezoning from SP-H to SP-O, located at the northeast corner of Floyd Avenue and Oakdale Road in Village One Specific Plan Area being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181) recommended.

Community & Economic Development; Brad Wall; 571-5539;
bwall@modestogov.com

ACTION: By Motion (Fisher/Jackman; unan) **introduced Ordinance No. 3332-C.S--** an Ordinance approving Precise Plan No. 17 located at the northeast corner of Floyd Avenue and Oakdale Road

ACTION: By Motion (Fisher/Jackman; unan) **introduced Ordinance No. 3333-C.S --** an Ordinance approving rezoning from Specific Plan-Holding Zone to Specific Plan-Overlay Zone located at the northeast corner of Floyd Avenue and Oakdale Road

ACTION: Reso No 2003-581 (Fisher/Jackman; unan) finding the Precise Plan for Area No. 17 and concurrent rezoning from SP-H to SP-O, located at the northeast corner of Floyd Avenue and Oakdale Road in Village One Specific Plan Area being within the Scope of the Village One Environmental Impact Report (SCH No. 90020181)

29. Hearing to consider to awarding the Bus Bench Franchise to United Cerebral Palsy Association of Stanislaus County for a five-year period effective January 1, 2004 to place benches and maintain advertising on the City bus benches. Included with the bench franchise is an exclusive lease agreement to sell advertising in the card rack space inside the City's buses.

- Introduction of an ordinance approving the award of the Bus Bench Franchise to United Cerebral Palsy Association of Stanislaus County for a five-year period effective January 1, 2004 to place benches and maintain advertising on the City bus benches, including an exclusive lease agreement to sell advertising in the card rack space inside the City's buses recommended.

*Engineering & Transportation; Fred Cavanah, 577-5429,
fcavanah@modestogov.com*

ACTION: By Motion (Fisher/Keating; unan.) **introduced Ordinance No. 3334-C.S.** -- an ordinance approving the award of the Bus Bench Franchise to United Cerebral Palsy Association of Stanislaus County for a five-year period effective January 1, 2004 to place benches and maintain advertising on the City bus benches, including an exclusive lease agreement to sell advertising in the card rack space inside the City's buses

Mayor Sabatino absent due to conflict of interest

Vice Mayor Frohman conducted this item

30. Hearing to consider approving the removal of two mid-block crosswalks on 10th and 12th Streets between H and I Streets. The estimated cost for removal of the crosswalks is approximately \$2,000. Funds are budgeted.

- Resolution approving the removal of two mid-block crosswalks on 10th and 12th between H and I Streets recommended.

Engineering & Transportation; Firoz Vohra, 577-5468, fvohra@modestogov.com

ACTION: Reso No 2003-582 (Jackman/Fisher; unan. Sabatino absent due to conflict) approving the removal of two mid-block crosswalks on 10th and 12th between H and I Streets

NEW BUSINESS

31. Consider submitting an application to the Stanislaus Community Development Bank for a loan in the amount of \$420,000 for the Highway Infill Widening Project. Co-applicants are City of Ceres, City of Waterford, and Stanislaus County.

- Resolution approving an application to the Stanislaus Community Development Bank for a loan in the amount of \$420,000 for the Highway

132 Infill Widening Project, with co-applicants City of Ceres, City of Waterford, and Stanislaus County recommended.
City Manager; Beverly Hatcher, 577-5220, bhatcher@modestogov.com

ACTION: Reso No 2003-583 (Fisher/Jackman; unan.) approving an application to the Stanislaus Community Development Bank for a loan in the amount of \$420,000 for the Highway 132 Infill Widening Project, with co-applicants City of Ceres, City of Waterford, and Stanislaus County

32. Consider approving the recommendation by the Safety and Communities Committee to suspend enforcement of Municipal Code Section 10-2.2114b- advertising banners and A-frames on commercial and retail business for six months.
- Resolution approving the recommendation by the Safety and Communities Committee to suspend enforcement of Municipal Code Section 10-2.2114b- advertising banners and A-frames on commercial and retail business for six months.
- Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417; jhannon@modestogov.com*

ACTION: By order of the Chair the item was returned to the Safety and Communities Committee.

*7:44 Recess
Reconvene 7:53*

33. Consider installation of a roundabout at the intersection of Floyd Avenue and Roselle Avenue in Village One. Funds are available via a CMAQ grant in the amount of \$200,000 in the CIP.
- Resolution approving Consider installation of a roundabout at the intersection of Floyd Avenue and Roselle Avenue in Village One recommended.
- Engineering & Transportation; Firoz Vohra, 555-5429, fvohra@modestogov.com*

ACTION: Reso No 2003-584 (Frohman/Jackman; majority; Conrad, Keating, O'Bryant no) approving the installation of a roundabout at the intersection of Floyd Avenue and Roselle Avenue in Village One keeping the fees in accordance with the original Council resolution and Council invited the Community Development staff to pursue commercial development with the existing developer.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:30 p.m.

The closed item was heard prior to the Council meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

MINUTES

City of Modesto

Safety & Communities Committee/
Special City Council Workshop Meeting
Conference Room 2005 (Second Floor)
Tenth Street Place
1010 10th Street, Modesto, California

Monday, November 3, 2003, at 5:30 p.m.

Roll Call – Present: Chair Conrad, Committee Member Frohman

Also Present: Janice Keating

Items to be considered:

82) At the Request of Chair Conrad, Review of Public Safety Staffing Levels

ACTION: No action taken. This item was for information only.

83) Consider Staff Report Updating the Actions of the Stanislaus Housing and Support Services Collaborative

ACTION: No action taken. This item was for information only.

84) Modesto Crime Statistics Report

ACTION: No action taken. This item was for information only.

85) Funding for Initiation of the COPS Universal Hiring Grant

ACTION: The Committee recommended this item be forwarded to full Council.

86) Special Two-Officer City Park Patrol

ACTION: This item was continued to the next Committee meeting.

87) Consider Staff Recommendations for Revisions to Modesto Municipal Code Section 4-2.25, "Selling of Confections Required to Maintain Distance from Schools"

ACTION: The Committee recommended to eliminate the 1000-foot rule, redraft the Ordinance and return the item to Council for approval.

88) Consider Staff Recommendations Regarding Gasoline-powered Generators and Inflatable Entertainment Features in City Parks

ACTION: The Committee approved the staff recommendation with the following exceptions:

- All vendors will be required to use generators that do not exceed a decibel level of more than 65 decibels.
- All vendors will be required to purchase an annual permit. In addition, vendors must obtain a no-fee use permit for each use.
- No more than three (3) no-fee use permits will be issued for any park site at any time.

This item will return to committee eliminating the above items and staff was directed to research installation costs for electrical outlets in Graceada Park.

89) Consider Staff Recommendation Amending Modesto Municipal Code Section 12-4.202(6), “General Regulations Governing Use of Parks”

ACTION: The Committee approved staff’s recommendation.

90) Consider Staff Recommendations Regarding the Virginia Avenue Corridor Specific Plan and Second Amendment to Consultant Agreement

ACTION: The Committee approved staff’s recommendation and directed staff to re-label the parking lot on College Ave to “Trail Head”

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 7:10 p.m.

MINUTES

City of Modesto **Special City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Wednesday, November 5, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent:

Pledge of Allegiance to the Flag

Invocation: Joel Richards, La Loma Grace Church

City Clerk's Announcements: *Items 6 & 10 removed from Agenda*
Item 6 was referred to the Economic Development
Committee

Declaration of Conflicts of Interest None

ACKNOWLEDGEMENTS AND PRESENTATIONS

Mayor Sabatino acknowledged Boy Scout Troop 12 and each Troop member introduced himself.

1. Presentation of a Certificate of Appreciation to the North Modesto Kiwanis Club for the donation of a fire safety trailer.

ACTION: Fire Chief Miguel made the presentation to the Kiwanis Club.

2. Presentation of Award to the City of Modesto Forestry Division, Operations and Maintenance Department, as the 2002 Best Urban Forestry Program in the State of California from the California Urban Forests Council. Presenters: Bill Dufresne, Urban Forestry Superintendent and Peter Cowles, Operations & Maintenance Director

ACTION: Bill Dufresne, Urban Forestry Superintendent and Peter Cowles, Operations and Maintenance Director made the award presentation. Jack Crist, City Manager acknowledged the leadership of this division.

ORAL COMMUNICATIONS

- Michael Barton, Cobra Patrol of Troop 12 thanked the Council for their contributions to the community.
- Mayor Sabatino commented that his television program is on Channel 23 on Thursday nights from 6-7 p.m and will continue after he is no longer in office.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 3 through 12

ACTION Items 3, 4, 5, 8, 9, 11, 12: Fisher/Frohman unan.

ACTION Item 7: Jackman/Conrad; unan. Fisher absent due to conflict

CONSENT ITEMS

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

CONSENT

3. Approval of the minutes of the regular City Council meeting of October 28, 2003. (Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Fisher/Frohman unan.) approved the minutes of October 28, 2003.

CONSENT

4. Final adoption of:
 - (a) Ordinance No. 3326-C.S. – an ordinance adopting a Precise Plan for Area No. 2 of the Village One Specific Plan, relating to property located at the southeast corner of Sylvan Avenue and Oakdale Road. (Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3326-C.S.**

- (b) Ordinance No. 3327-C.S. – an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the southeast corner of Sylvan Avenue and Oakdale Road. (Precise Plan for Area No. 2 – Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3327-C.S.**

- (c) Ordinance No. 3328-C.S. – an ordinance adopting a Precise Plan for Area No. 15 of the Village One Specific Plan, relating to property located at the northwest corner of Kodiak Drive and Bear Cub Lane. (Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3328-C.S.**

- (d) Ordinance No. 3329-C.S. – an ordinance rezoning Village One property from Specific Plan-Holding Zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the northwest corner of Kodiak Drive and Bear Cub Lane. (Precise Plan for Area No. 15 – Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3329-C.S.**

- (e) Ordinance No. 3330-C.S. – an ordinance adopting a Precise Plan for Area No. 16 of the Village One Specific Plan, relating to property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive. (Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3330-C.S.**

- (f) Ordinance No. 3331-C.S. – an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive. (Precise Plan for Area No. 16 – Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3331-C.S.**

- (g) Ordinance No. 3332-C.S. – an ordinance adopting a Precise Plan for Area No. 17 of the Village One Specific Plan, relating to property located at the northeast corner of Floyd Avenue and Oakdale Road. (Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3332-C.S.**

- (h) Ordinance No. 3333-C.S. – an ordinance rezoning Village One property from Specific Plan-Holding zone, SP-H, to Specific Plan-Overlay zone, SP-O, for property located at the northeast corner of Floyd Avenue and Oakdale Road. (Precise Plan for Area No. 17 – Ronald L. La Force et al., Modesto Venture 168, and Chris and Pauline Gianulias)

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3333-C.S.**

- (i) Ordinance No. 3334-C.S. – an ordinance granting an exclusive five-year bus bench franchise to United Cerebral Palsy Association for the right, privilege and permission to operate benches bearing printed matter or signs thereon at designated locations along the streets in the City of Modesto and to lease benches for this purpose from the City of Modesto.

- Motion approving final adoption of ordinances 3326-C.S. through 3334-C.S. recommended.

ACTION: By Motion (Fisher/Frohman unan.) **approved final adoption of Ordinance No. 3334-C.S.**

CONSENT

5. Consider the Monthly Adjustment Report - October 2003.

- Resolution acknowledging the receipt of report and approving the budget adjustments for October 2003 recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Reso No 2003-585 (Fisher/Frohman unan.) acknowledging the receipt of report and approving the budget adjustments for October 2003

Removed from Agenda

6. Consider approving the installation of a roundabout at the intersection of Prescott Road and Bangs Avenue. The proposed roundabout for Prescott/Bangs complies with the Roundabout Policy.

- Resolution approving a roundabout at the Prescott/Bangs intersection recommended.

Engineering & Transportation; Firoz Vohra, 577-5468, fvohra@modestogov.com

ACTION: Item 6 was referred to the Economic Development Committee.

CONSENT – Fisher absent due to conflict

7. Consider changing the speed limit on Sycamore Avenue based on Traffic Engineering's analysis. Funds are budgeted.

- Motion introducing and ordinance amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when the appropriate signs are placed.

Engineering & Transportation; Firoz Vohra, 577-5468, fvohra@modestogov.com

ACTION: By Motion (Jackman/Conrad; unan; Fisher absent due to conflict) **introduced Ordinance No. 3335-C.S.** amending Modesto Municipal Code Section 3-2.1401.1 (Radar) to determine and designate speed limit changes, which designation shall become effective when the appropriate signs are placed.

CONSENT

8. Consider the application from Daniel DeVelbiss for a Down Payment Assistance Loan in the amount of \$60,000 to purchase the property located at 4033 Dale Road #C, and authorizing the City Manager to execute necessary documents.

- Resolution approving the application from Daniel DeVelbiss for a Down Payment Assistance Loan in the amount of \$60,000 to purchase the property located at 4033 Dale Road #C, and authorizing the City Manager to execute necessary documents recommended.

Parks, Recreation & Neighborhoods; Carol Averell, 577-5310, caverell@modestogov.com

ACTION: Reso No 2003-586 (Fisher/Frohman unan) approving the application from Daniel DeVelbiss for a Down Payment Assistance Loan in the amount of

\$60,000 to purchase the property located at 4033 Dale Road #C, and authorizing the City Manager to execute necessary documents

CONSENT

9. Consider authorizing the purchase of a Caterpillar 420D backhoe from Holt of California, for an estimated cost of \$68,656.07.
- Resolution authorizing the purchase of a Caterpillar 420D backhoe from Holt of California, for an estimated cost of \$68,656.07 recommended.
- Finance; Tom Reddie, 577-5406, treddie@modestogov.com*

ACTION: Reso No 2003-587 (Fisher/Frohman unan) authorizing the purchase of a Caterpillar 420D backhoe from Holt of California, for an estimated cost of \$68,656.07.

Removed from Agenda

10. Consider authorizing the Purchasing Supervisor to award the bid and contract to Cornish Paving Inc. for hot patch work for an anticipated annual cost of \$80,000.00. Funds are budgeted.
- Resolution awarding the bid and contract to Cornish Paving Inc. for hot patch work for an anticipated annual cost of \$80,000.00 recommended.
- Finance; Tom Reddie, 571-5164, treddie@modestogov.com*

ACTION: Removed from Agenda.

CONSENT

11. Consider approving a contract with EDAW Inc. in the amount of \$380,205.00 for preparation the Precise Plan, Environmental Documents and Permitting for the Gateway Parcel of the Tuolumne River Regional Park and authorizing the City Manager to execute the necessary documents; and Consider amending the Fiscal Year Operating and Capital Improvement Plan budgets to re-allocate and/or transfer funds as necessary to fully fund the project.
- Resolution approving a contract with EDAW Inc. in the amount of \$380,205.00 for preparation the Precise Plan, Environmental Documents and Permitting for the Gateway Parcel of the Tuolumne River Regional Park and authorizing the City Manager to execute the necessary documents recommended.
 - Resolution amending the Fiscal Year Operating and Capital Improvement Plan budgets to re-allocate and/or transfer funds as necessary to fully fund the project recommended.
- Parks, Recreation & Neighborhood; Doug Critchfield, 577-5353, dcritchfield@modestogov.com*

ACTION: Reso No 2003-588 (Fisher/Frohman unan.) approving a contract with EDAW Inc. in the amount of \$380,205.00 for preparation the Precise Plan, Environmental Documents and Permitting for the Gateway Parcel of the Tuolumne River Regional Park and authorizing the City Manager to execute the necessary documents.

ACTION: Reso No 2003-589 (Fisher/Frohman unan.) amending the Fiscal Year Operating and Capital Improvement Plan budgets to re-allocate and/or transfer funds as necessary to fully fund the project.

CONSENT

12. Consider a cooperative agreement with Caltrans for the construction of a new traffic signal at Yosemite Boulevard (State Route 132) and Morton Boulevard, and authorizing the City Manager to execute necessary documents; and Consider amending the Fiscal Year 2003/2004 Capital Improvement and Operating budgets to fund the project.

- Resolution approving a cooperative agreement with Caltrans for the construction of a new traffic signal at Yosemite Boulevard (State Route 132) and Morton Boulevard, and authorizing the City Manager to execute necessary documents recommended.
- Resolution amending the Fiscal Year 2003/2004 Capital Improvement and Operating budgets to fund the project recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-590 (Fisher/Frohman unan.) approving a cooperative agreement with Caltrans for the construction of a new traffic signal at Yosemite Boulevard (State Route 132) and Morton Boulevard, and authorizing the City Manager to execute necessary documents

ACTION: Reso No 2003-591 (Fisher/Frohman unan.) amending the Fiscal Year 2003/2004 Capital Improvement and Operating budgets to fund the project

COUNCIL COMMENTS & REPORTS

Councilmember Fisher expressed concern of the negative headline in the Modesto Bee.

HEARINGS

13. Hearing to consider the expenditure of the City's 2003/2004 allocation of \$302,843 from the State of California Supplemental Law Enforcement Services Fund for the salaries and benefits of three Police Clerks, on Property & Evidence Technician, and one Systems Analyst.

- Resolution approving the expenditure of the City's 2003/2004 allocation of \$302,843 from the State of California Supplemental Law Enforcement Services Fund for the salaries and benefits of three Police Clerks, on Property & Evidence Technician, and one Systems Analyst recommended.

Police; Judy Tognolini, 572-9523, tognolinij@modestopd.com

ACTION: Reso No 2003-592 (Fisher/Frohman; unan.) approving the expenditure of the City's 2003/2004 allocation of \$302,843 from the State of California Supplemental Law Enforcement Services Fund for the salaries and benefits of three Police Clerks, on Property & Evidence Technician, and one Systems Analyst.

14. Hearing to consider approving the 2003 Local Law Enforcement Block Grant and authorizing the City Manager to execute the necessary documents; and Consider amending the 2003/2004 Annual Budget estimating revenue and appropriating funds.

- Resolution approving the 2003 Local Law Enforcement Block Grant and authorizing the City Manager to execute the necessary documents recommended.
- Resolution amending the 2003/2004 Annual Budget estimating revenue and appropriating funds recommended.

Police; Judy Tognolini, 572-9523, tognolinij@modestopd.com

ACTION: Reso No 2003-593 (Frohman/Fisher; unan) approving the 2003 Local Law Enforcement Block Grant and authorizing the City Manager to execute the necessary documents

ACTION: Reso No 2003-594 (Frohman/Fisher; unan) amending the 2003/2004 Annual Budget estimating revenue and appropriating funds

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:50 p.m.

CLOSED SESSION

This closed session item was removed from the agenda:

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

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

Employee Organization: Unrepresented Executive Management Employees

This Closed Session item was heard prior to the Council meeting.

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

Agency Negotiators: Jack R. Crist, City Manager
Robin Renwick, Personnel Director
Jim Miguel, Fire Chief

Employee Organization: Modesto City Fire Fighters Association

MINUTES

Modesto City Council
ECONOMIC DEVELOPMENT COMMITTEE
CITY COUNCIL WORKSHOP

1010 Tenth Street
Second Floor, Room 2005

5:30 p.m., Monday, November 10, 2003

Roll Call: Present **Tim Fisher, Chair**
Denny Jackman, Vice Chair
Bruce Frohman

Items for the Committee/Council workshop are:

115) Status Report on Housing Element

ACTION: Informational item only. No action taken.

116) Memorandum of Understanding with the Stanislaus Economic Development & Workforce Alliance

ACTION: Informational item only. No action taken.

117) Community & Economic Development Department Monthly Development Activity Report

- a. Workforce Development Program
- b. Kiernan Business Park
- c. Kaiser Medical Center
- d. Del Valle Homes/Fairview Development Agreement Implementation
- e. General Plan Housing Element Update
- f. Comprehensive General Plan Update
- g. Roselle-Claribel Specific Plan
- h. Shelter Cove Church
- i. St. Stanislaus Church
- j. The Promenade Shopping Center
- k. Planning Division Activity
- l. CFF Exemption for Demolished Buildings and Transfer of Credits
- m. Building Inspection Statistics

- n. Kansas-Woodland Business Park (FMC)
- o. 9th Street Bridge Property Acquisition for New Bridge Project
- p. Kansas-Needham Overcrossing Property Acquisition for New Bridge Project
- q. Downtown Housing Project
- r. Downtown Office Project – Valley Tower LLC
- s. Safeway at McHenry/Pelandale
- t. Sylvan Vet Clinic at Sylvan/Roselle

ACTION: Informational item only. No action taken.

- 118)** Consider Staff Recommendation to Proceed with Request for Qualifications and Request for Proposals and Approval of Proposed Evaluation Criteria for the Design of a Dissolved Air Flotation at the Wastewater Treatment Facility

ACTION: The Committee approved staff's recommendation.

- 119)** Consider Staff Recommendation to Amend Job Classification of Airport Manager

ACTION: The Committee approved staff's recommendation.

- 120)** Oral Presentation of City of Modesto Drinking Water Treatment Processes, Procedures and Testing; and Discussion of "Safe Drinking Water Ordinance" as Proposed by Citizens for Safe Water in Habitats

ACTION: The Committee directed the City Attorney to work with Citizens for Safe Water to redraft the ordinance. The Citizens for Safe Water withdrew their request to be heard before the whole Council on November 13, 2003.

- 121)** Review and Recommendation Regarding the City of Modesto Financial Interest Disclosure Ordinance (referred from City Council Meeting of October 28, 2003)

ACTION: The Committee consensus was to eliminate subcontractors from the ordinance and those publicly traded business entities.

122) Review Applications for Boards, Commissions and Committees

ACTION: The Committee approved staff's recommendation to appoint the following people:

- Dr. Douglas Chadwick—Citizens Advisory Committee on Recycling
- Linda Kenyon—Citizens Housing & Community Development
- Dennis Borelli—Community Qualities Forum—Fisher selection
- Rowdy Matt Bricco—Community Qualities Forum—Jackman selection
- Michael Vanden Bosch—Community Qualities Forum—N.E. Area resident

ORAL COMMUNICATIONS

None.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 7:10 p.m.

MINUTES

City of Modesto **Special City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Thursday, November 13, 2003, at 5:30 p.m.

Roll Call – Councilmembers Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant,
Mayor Sabatino

Pledge of Allegiance to the Flag

Invocation: Peter Gartner

City Clerk’s Announcements – Item 13 removed from the agenda.

Declaration of Conflicts of Interest - None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Proclamation designating November 15, 2003 as America Recycles Day.

ACTION: Mayor Sabatino presented the proclamation. Bev McCollough, Recycling Coordinator announced a new recycling program with cell phones.

2. Proclamation acknowledging Prematurity/Premature Birth Awareness Day – March of Dimes

ACTION: Mayor Sabatino presented the proclamation.

ORAL COMMUNICATIONS

None

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2 through 10

ACTION CONSENT ITEMS 2-10: Frohman/Fisher; unan.

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of November 5, 2003.
(Motion approving recommended.)
Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) approved the minutes of the regular City Council meeting of November 5, 2003.

CONSENT

3. Consider introduction of an ordinance repealing Section 4-2.25 of the Modesto Municipal Code which prohibits the sale of confectionary products within 1000 feet of any public school.
 - Motion introducing an ordinance repealing Section 4-2.25 of Chapter 2 of Title 4 of the Modesto Municipal Code Relating to Misdemeanors – Selling of Confections required to Maintain Distance from Schools recommended.
City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Frohman/Fisher; unan.) **introduced Ordinance No. 3336-C.S.**--an ordinance repealing Section 4-2.25 of Chapter 2 of Title 4 of the Modesto Municipal Code Relating to Misdemeanors – Selling of Confections required to Maintain Distance from Schools

CONSENT

4. Consider a Storm Drain Lateral Reimbursement Agreement with Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, relating to the over-sizing of 1,317 linear feet of 30” storm drain line and authorizing the City Manager to execute the necessary documents.
 - Resolution approving a Storm Drain Lateral Reimbursement Agreement with Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, relating to the over-sizing of 1,317 linear feet of 30” storm drain line and authorizing the City Manager to execute the necessary documents recommended.
Engineering & Transportation; Robert Granberg, 577-5259, rgranberg@modestogov.com

ACTION: Reso No 2003-595 (Frohman/Fisher; unan.) approving a Storm Drain Lateral Reimbursement Agreement with Sundance Lake Modesto, LLC, a Delaware Limited Liability Company, relating to the over-sizing of 1,317 linear feet of 30” storm drain line and authorizing the City Manager to execute the necessary documents.

CONSENT

5. Consider a request for an extension of budget authority for various State and Federally funded projects and authorizing the City Manager to execute the necessary documents.
- Resolution approving a request for an extension of budget authority for various State and Federally funded projects and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Dean Phillips, 577-5260, dphillips@modestogov.com

ACTION: Reso No 2003-596 (Frohman/Fisher; unan.) approving a request for an extension of budget authority for various State and Federally funded projects and authorizing the City Manager to execute the necessary documents.

CONSENT

6. Consider approval of the Negative Declaration by the Initial Study under the “City’s Final Master Environmental Impact” Master EIR for the New Traffic Signal Installation – Tully Road and Snyder Avenue” project.
- A resolution directing work to be performed by the City forces for an amount not to exceed \$130,000 for the “New Traffic Signal Installation-Tully Road and Snyder Avenue,” project.
 - A resolution finding that the “New Traffic Signal Installation-Tully Road and Snyder Avenue,” project is within the scope of the project covered by a Master Environmental Impact Report (MEIR), Sch. No. 1999082041.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-597 (Frohman/Fisher; unan) directing work to be performed by the City forces for an amount not to exceed \$130,000 for the “New Traffic Signal Installation-Tully Road and Snyder Avenue,” project

ACTION: Reso No 2003-598 (Frohman/Fisher; unan) finding that the “New Traffic Signal Installation-Tully Road and Snyder Avenue,” project is within the scope of the project covered by a Master Environmental Impact Report (MEIR), Sch. No. 1999082041.

CONSENT

7. Consider authorizing the award of bid for furnishing Rockwell Rejuvenation to Applegate Backhoe & Drilling for an estimated annual cost of \$1,166,000.00 and authorizing the City Manager to execute the necessary documents for a three-year period with two one-year extension options.
- Resolution authorizing the award of bid for furnishing Rockwell Rejuvenation to Applegate Backhoe & Drilling for an estimated annual cost of \$1,166,000.00 and authorizing the City Manager to execute the necessary documents for a three-year period with two one-year extension options recommended.

Finance; Ken Masasso, 577-5420, kmasasso@modestogov.com

ACTION: Reso No 2003-599 (Frohman/Fisher; unan) authorizing the award of bid for furnishing Rockwell Rejuvenation to Applegate Backhoe & Drilling for an estimated annual cost of \$1,166,000.00 and authorizing the City Manager to execute the necessary documents for a three-year period with two one-year extension options.

CONSENT

8. Consider authorizing the City Manager to accept the National Assistance to Firefighter's Grant Program funding in the amount of \$256,297, and to execute the necessary grant acceptance documents.
- Resolution authorizing the City Manager to accept the National Assistance to Firefighter's Grant Program funding in the amount of \$256,297, and to execute the necessary grant acceptance documents recommended.
- Fire; James Miguel, 572-9590, jmiquel@modestofire.com*

ACTION: Reso No 2003-600 (Frohman/Fisher; unan) authorizing the City Manager to accept the National Assistance to Firefighter's Grant Program funding in the amount of \$256,297, and to execute the necessary grant acceptance documents.

CONSENT

9. Consider a twelve-month lease agreement with Jennifer Olgiati for the caretaker's residence at 801 N. McClure Road for a monthly rate of \$800, and authorize the City Manager to execute the necessary documents.
- Resolution approving a twelve-month lease agreement with Jennifer Olgiati for the caretaker's residence at 801 N. McClure Road for a monthly rate of \$800, and authorize the City Manager to execute the necessary documents recommended.
- Operations & Maintenance; Howard Schaffner, 342-2216, hschaffner@modestogov.com*

ACTION: Reso No 2003-601 (Frohman/Fisher; unan) approving a twelve-month lease agreement with Jennifer Olgiati for the caretaker's residence at 801 N. McClure Road for a monthly rate of \$800, and authorize the City Manager to execute the necessary documents

CONSENT

10. Consider an amendment to the Memorandum of Understanding (MOU) with the Modesto City Fire Fighters Association (MCFFA) to provide for a revised method of implementing employee cost sharing of retirement contributions.
- Resolution amending the Memorandum of Understanding (MOU) with the Modesto City Fire Fighters Association (MCFFA) to provide for a revised

method of implementing employee cost sharing of retirement contributions recommended.

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Reso No 2003-602 (Frohman/Fisher; unan) amending the Memorandum of Understanding (MOU) with the Modesto City Fire Fighters Association (MCFFA) to provide for a revised method of implementing employee cost sharing of retirement contributions.

COUNCIL COMMENTS & REPORTS

- Mayor Sabatino commented on a letter the City received from Roger Brown regarding the Mayor and reviewed the status of the complaint.

WRITTEN COMMUNICATIONS

11. Letter from Greg Opinski, Opinski Construction requesting discussion of the Police Building project.

ACTION: No action taken.

12. Letter received from Mark Jensen on behalf of the Waterman and Luchessa families regarding annexation of property in the Pelandale/Bangs/Carver/Tully area.

ACTION: No action taken.

13. Correspondence from Citizens For Safe Water in Modesto, represented by Frank Cousineau, Danny Gottlieb and Joan Rutchow regarding source water.

ACTION: Removed from the agenda by the requester.

UNFINISHED BUSINESS

Introduction vote was: Jackman/Conrad, unan; Fisher absent due to conflict.

14. Consider final adoption of Ordinance No. 3335-C.S. – an ordinance amending the Modesto Municipal Code relating to speed limits, changing the speed limit on Sycamore Avenue.
 - Motion approving final adoption of Ordinance No. 3335-C.S. – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Jackman/Conrad; Fisher and Sabatino absent) **approved final adoption of Ordinance No. 3335-C.S.** – an ordinance amending Section 3-2.1401.1 of Article 14 of Chapter 2 of Title 3 of the Modesto Municipal Code relating to speed limits.

HEARINGS

15. Hearing to consider the request of Bertolotti Disposal Inc. for an assignment and extension of their Service Agreement.

- Resolution approving the assignment and extension of the Service Agreement with Bertolotti Disposal Inc. recommended.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Reso No 2003-603 (Fisher/Conrad;unan. Sabatino absent) approving the assignment and extension of the Service Agreement with Bertolotti Disposal Inc.

16. Hearing to consider Waste Management Performance Deficiencies and alternative options for providing service in Waste Management's present service area.

- Resolution setting forth its determination as to what penalties should be imposed on Waste Management for its performance deficiencies and which option it will pursue to provide solid waste collection services in Waste Management's present service area.

Engineering & Transportation; Jocelyn Reed, 577-5494, jreed@modestogov.com

ACTION: Reso No 2003-604 (O'Bryant/Fisher; unan., Sabatino absent) approved staff recommendations items 1-5, as enumerated below, and directed staff to research the possibility of including on the customer's invoice a phone number for Waste Management for complaints as well as the City staff phone number.

1. Terminate the current Service Agreement with Waste Management (D.B.A. Modesto Disposal Service) effective January 1, 2004;
2. Issue Waste Management a 1-year interim contract allowing them to continue providing service through January, 2005;
3. Allow the company two additional 1-year extensions if the company fully complies with the service requirements of the City;
4. Require the company to compensate the City for staff time expended in the resolution of customer service complaints;
5. If the company fails to comply with the City's service requirements, either go out to bid in 2006 or divide the Waste Management service area among the other collectors effective January 1, 2006.

NEW BUSINESS

This item was taken out of order directly after Council Comments and Reports.

17. Consider approving contracts with the Modesto Bee (McClatchy Newspaper Group) for a 500-column-inch "no-commitment" advertising rate of \$45.65 per column inch (pci), and for a "commitment" business-package advertising plan at a rate of \$22.21 pci, and authorizing the City Manager to execute the necessary documents.

- Resolution approving contracts with the Modesto Bee (McClatchy Newspaper Group) for a 500-column-inch "no-commitment" advertising rate of \$45.65 pci, and for a "commitment" business-package advertising

plan at a rate of \$22.21 pci, and authorizing the City Manager to execute the necessary documents recommended.

Finance; Mark Averell, 577-5412, maverell@modestogov.com

ACTION: Reso No 2003-605 (Keating/Fisher; majority; Frohman no) approving 7 month contracts with the Modesto Bee (McClatchy Newspaper Group) to coincide with the fiscal year with these contracts being effective November 2003 to July 2004, one for a 500-column-inch “no-commitment” advertising rate of \$45.65 pci, and one for a 12-time “commitment” business-package advertising plan at a rate of \$24.53 pci, and authorizing the City Manager to execute the necessary documents.

Recess 6:42

Mayor Sabatino left the meeting and Vice Mayor Frohman conducted the remaining portion of the meeting

Reconvene 6:55

18. Consider extension of an agreement with FM Golf for a five-year period.
 - Resolution approving the extension of an agreement with FM Golf for a five-year period recommended.
Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444, bquintella@modestogov.com

ACTION: Reso No 2003-606 (Fisher/Keating; unan. Sabatino absent) approving the extension of an agreement with FM Golf for a five-year period.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:25 p.m.

MINUTES

City of Modesto

Audit Committee Meeting/
Special City Council Workshop Meeting
Tenth Street Place, 2nd Floor, Room 2005
1010 10th Street, Modesto, California

Monday, November 24, 2003, at 9:00 a.m.

Roll Call – Present: Chair Sabatino
Committee Members O'Bryant

Absent: Committee Member Keating

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

- 3) Oral Update on Financial Statement Audit – Maze & Associates

ACTION: Informational item only. No action taken.

- 4) Summary Credit Card Information for Calendar Years 2002 & 2003

ACTION: Informational item only. No action taken.

- 5) Consider Staff Recommendation to Amend Contract for Audit Services with Vavrinek, Trine, Day & Co. for the CFD Performance Audits

ACTION: Committee recommended forwarding this item to full Council for approval.

- 6) Review Travel and Credit Card Summary Information for Deputy and Assistant Department Directors

ACTION: Informational item only. No action taken.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:30 a.m.

MINUTES

City of Modesto Finance Committee/ Special City Council Workshop Meeting Conference Room 2005 (Second Floor) Tenth Street Place 1010 10th Street, Modesto, California

Monday, November 24, 2003, at 5:30 p.m.

Roll Call – Present: Chair Frohman
Committee Member Jackman

Absent: Committee Member Keating

Also Present: Tim Fisher

Workshop Items Are:

74) Informational Report on Distribution and Sale of City of Modesto Posters

ACTION: Informational item only. No action taken.

75) State Budget Impact: Vehicle License Fees (VLF) Update - \$2.5 Million Revenue Loss as of November 6, 2003

ACTION: Informational item only. No action taken.

76) Monthly Adjustment Report – November 2003

ACTION: The Committee recommended forwarding this item to full Council.

77) Annual Capital Facilities Fees (CFF) Report

ACTION: The Committee recommended forwarding this item to full Council.

78) 2004 Council Meeting Calendar

ACTION: The Committee recommended forwarding this item to full Council with the comments regarding possible changes to the proposed calendar per the following:

- i. Consider holding the April 13th meeting

- ii. Consider holding the July 27th meeting and cancel the August 4th meeting since National Night Out falls in the first week of August.

79) FY 04-05 Budget Process & Calendar – Clarification of Committee Expectations

ACTION: The Committee recommended forwarding this item to full Council for approval.

80) Information Regarding the Request for a City Council Compensation Survey

ACTION: Informational item only. No action taken.

81) \$400,000 Loan to the Stanislaus Council of Governments for the Widening of State Route 132

ACTION: The Committee recommended forwarding this item to full Council with the following changes:

- i. “Beard Land Improvement Company loan” changed to read “Private Sector Loans/Stakeholders”
- ii. Condition 1 changed to read “StanCOG has executed Letters of Intent with all parties of the funding package”
- iii. Condition 8 changed to read “If the loan is repaid on or before July 1, 2007, no interest will be charged to StanCOG. In the unlikely circumstance that StanCOG does not repay the loan on or before July 1, 2007, StanCOG will pay the CITY the principal of the loan (\$400,000) plus interest calculated at four percent APR from July 1, 2007 until such time as the loan is repaid in full.

82) Approve Local Vendor Preference Ordinance Revision

ACTION: The Committee recommended forwarding the Ordinance to full Council for approval.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 6:10 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, November 25, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Claude Terry, First Baptist Church

City Clerk's Announcements None

Declaration of Conflicts of Interest - Sabatino – Item 16

1. Certification of canvass of votes from the November 4, 2003 election.
 - Resolution adopting the certification of canvass of votes from the November 4, 2003 election recommended.

ACTION: Reso No 2003-607 (Jackman/Frohman; unan.) adopting the certification of canvass of votes from the November 4, 2003 election.

2. Comments from outgoing Councilmembers.

Comments were made by outgoing Councilmembers Bill Conrad and Tim Fisher.

3. Oath of Office by newly elected City Councilmembers and Modesto Board of Education Members.

The Oath of Office was given to the newly elected Modesto Board of Education Members by Judge Ricardo Cordova.

The Oath of Office was given to the newly elected City Councilmembers by City Clerk Jean Zahr.

Comments were given by newly elected Councilmembers Hawn and Marsh.

ACKNOWLEDGEMENTS AND PRESENTATIONS

4. Acknowledgement of the Police Department Canine Unit.

ACTION: Lieutenant Gene Balantine made the presentations.

5. Acknowledgement of the recognition of George Osner, Planning Manager, by the California Chapter of the American Planning Association.

ACTION: Presentation made to George Osner by Brad Kilger. Comments were made by George Osner.

6. Consider accepting with regret the resignation of Patricia Austin from the Community Qualities Forum.
- Resolution accepting with regret the resignation of Patricia Austin from the Community Qualities Forum, effective November 25, 2003, recommended.
- City Manager; Esther Puckett, 577-5463, epuckett@modestogov.com*

ACTION: Reso No 2003-608 (Frohman/Jackman; unan.) accepting with regret the resignation of Patricia Austin from the Community Qualities Forum, effective November 25, 2003

MISCELLANEOUS Appointments

7. Consider appointments to the Citizens Advisory Committee on Recycling, Citizens Housing & Community Development Committee, and Community Qualities Forum.
- Resolution appointing Dr. Douglas W. Chadwick to the Citizens Advisory Committee on Recycling recommended.
 - Resolution appointing Linda S. Kenyon to the Citizens Housing & Community Development Committee recommended.
 - Resolution appointing Michael Vanden Bosch, Dennis Borelli, and Rowdy Matt Bricco to the Community Qualities Forum recommended.
- City Manager; George Britton, 577-5404, gbritton@modestogov.com*

ACTION: Reso No 2003-609 (Frohman/Jackman unan.) appointing Dr. Douglas W. Chadwick to the Citizens Advisory Committee on Recycling.

ACTION: Reso No 2003-610 (Frohman/Jackman unan.) appointing Linda S. Kenyon to the Citizens Housing & Community Development Committee.

ACTION: Reso No 2003-611 (Frohman/Jackman; unan.) appointing Michael Vanden Bosch, Dennis Borelli, and Rowdy Matt Bricco to the Community Qualities Forum.

ORAL COMMUNICATIONS

- Joan Ruttschow thanked the outgoing Council and newly elected Council members. Ms. Ruttschow also commented on the book distributed by Mayoral candidate Jim Ridenour.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 8 through 19

ACTION Items 8- 11, 13-15, 17- 19: Frohman/Jackman; unan.

Item 12 removed from Consent

ACTION Item 16: Jackman/Keating; unan. Hawn and Sabatino absent

CONSENT ITEMS

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

CONSENT

8. Approval of the minutes of the regular City Council meeting of November 13, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Jackman;unan.) approved the minutes of November 13, 2003.

CONSENT

9. Consider accepting the landscape and irrigation improvements for Olympic Park #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of

statutory periods. Owner: Warren Smith Lawson Family Inc., a California Corporation.

- Resolution accepting the landscape and irrigation improvements for Olympic Park #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Reso No 2003-612 (Frohman/Jackman;unan.) accepting the landscape and irrigation improvements for Olympic Park #2 subdivision in the Village One Specific Plan Area, and authorizing the City Clerk to file a Notice of Completion and to release securities upon expiration of statutory periods.

CONSENT

10. Consider approving a storm drain lateral reimbursement agreement with Inland Village, a California General Partnership, relating to the over-sizing of 756 linear feet and installation of 501 linear feet of 30" storm drain line and authorizing the City Manager to sign necessary documents.

- Resolution approving a storm drain lateral reimbursement agreement with Inland Village, a California General Partnership, relating to the over-sizing of 756 linear feet and installation of 501 linear feet of 30" storm drain line and authorizing the City Manager to sign necessary documents recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: Reso No 2003-613 (Frohman/Jackman;unan) approving a storm drain lateral reimbursement agreement with Inland Village, a California General Partnership, relating to the over-sizing of 756 linear feet and installation of 501 linear feet of 30" storm drain line and authorizing the City Manager to sign necessary documents.

CONSENT

11. Consider approving an agreement in the amount of \$2,501,613 with Harris & Associates for construction management services the 9th Street Bridge Replacement project and authorizing the City Manager to execute the agreement.

- Resolution approving an agreement in the amount of \$2,501,613 with Harris & Associates for construction management services the 9th Street Bridge Replacement project and authorizing the City Manager to execute the agreement recommended.

*Engineering & Transportation; Genichi Kanow, 577-5452,
gkanow@modestogov.com*

ACTION: Reso No 2003-614 (Frohman/Jackman;unan) approving an agreement in the amount of \$2,501,613 with Harris & Associates for construction management services the 9th Street Bridge Replacement project and authorizing the City Manager to execute the agreement.

REMOVED FROM CONSENT

12. Consider rejecting all bids for the project titled “Elm Street Buildings” and directing the project be re-advertised with non-prevailing wages.
- Resolution rejecting all bids for the project titled “Elm Street Buildings” and directing the project be re-advertised with non-prevailing wages recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-615 (Frohman/Jackman; unan.) rejecting all bids for the project titled “Elm Street Buildings”. (Keating/Frohman; majority; Sabatino no) and directing the project be re-advertised with both non-prevailing wages and prevailing wages.

CONSENT

13. Consider approving a Consent to Common Use Agreement with the Modesto Irrigation District (MID) for a canal crossing at American Avenue and MID Lateral #6, and authorizing the City Manager to execute the agreement; and Consider adopting an Initial Study for the American Avenue/MID Lateral #6 Canal Crossing and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document.
- Resolution approving a Consent to Common Use Agreement with the Modesto Irrigation District (MID) for a canal crossing at American Avenue and MID Lateral #6, and authorizing the City Manager to execute the agreement recommended.
 - Resolution adopting an Initial Study for the American Avenue/MID Lateral #6 Canal Crossing and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-616 (Frohman/Jackman; unan.) approving a Consent to Common Use Agreement with the Modesto Irrigation District (MID) for a canal crossing at American Avenue and MID Lateral #6, and authorizing the City Manager to execute the agreement.

ACTION: Reso No 2003-617 (Frohman/Jackman; unan.) adopting an Initial Study for the American Avenue/MID Lateral #6 Canal Crossing and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document

CONSENT

14. Consider approving a professional services contract in the amount of \$22,000 with Mead & Hunt Inc. to provide construction engineering services for the Electrical Vault Building/Emergency Generator project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the contract on behalf of the City.
- Resolution approving a professional services contract in the amount of \$22,000 with Mead & Hunt Inc. to provide construction engineering services for the Electrical Vault Building/Emergency Generator project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the contract on behalf of the City recommended.

*Engineering & Transportation; Van Switzer, 577-5318,
vswitzer@modestogov.com*

ACTION: Reso No 2003-618 (Frohman/Jackman; unan.) approving a professional services contract in the amount of \$22,000 with Mead & Hunt Inc. to provide construction engineering services for the Electrical Vault Building/Emergency Generator project at the Modesto City-County Airport, and authorizing the City Manager or his designee to execute the contract on behalf of the City.

CONSENT

15. Consider awarding a \$216,584 construction contract bid to Richard A. Heaps for the “Installation of Traffic Signal Detector Loops” project; and Consider adopting an Initial Study for the installation of traffic signal detector loops in the City of Modesto and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document.
- Resolution awarding a \$216,584 construction contract bid to Richard A. Heaps for the “Installation of Traffic Signal Detector Loops” project recommended.
 - Resolution adopting an Initial Study for the installation of traffic signal detector loops in the City of Modesto and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-619 (Frohman/Jackman; unan.) awarding a \$216,584 construction contract bid to Richard A. Heaps for the “Installation of Traffic Signal Detector Loops” project.

ACTION: Reso No 2003-620 (Frohman/Jackman; unan) adopting an Initial Study for the installation of traffic signal detector loops in the City of Modesto and adopting a finding that the City Council has reviewed and considered, and made findings regarding the CEQA Environmental Review document.

CONSENT Councilmember Hawn and Mayor Sabatino absent due to conflict.

16. Consider a \$179,279 agreement with Minagar & Associates Inc. to provide consultant services for the “Traffic Signal Synchronization Downtown Modesto” project and authorizing the City Manager to execute the necessary documents. Funds are budgeted using a Congestion Management Air Quality (CMAQ) grant of \$159,354, with a \$20,646 match by the City.

- Resolution approving a \$179,279 agreement with Minagar & Associates Inc. to provide consultant services for the “Traffic Signal Synchronization Downtown Modesto” project and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-621 (Jackman/Keating; unan. Hawn and Sabatino absent) approving a \$179,279 agreement with Minagar & Associates Inc. to provide consultant services for the “Traffic Signal Synchronization Downtown Modesto” project and authorizing the City Manager to execute the necessary documents.

CONSENT

17. Consider acknowledging the Monthly Investment Report – September 2003.

- Motion acknowledging receipt of and accepting the Monthly Investment Report for September 2003 recommended.

Finance; Belinda Duerksen, 577-5376, bduerksen@modestogov.com

ACTION: By Motion (Frohman/Jackman; unan.) acknowledging receipt of and accepting the Monthly Investment Report for September 2003.

CONSENT

18. Consider authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for fifteen vehicles and one rotary mower for a total anticipated cost of \$350,000.00.

- Resolution authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for fifteen vehicles and one rotary mower for a total anticipated cost of \$350,000.00 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2003-622 (Frohman/Jackman; unan.) authorizing the Purchasing Supervisor to issue a Request for Bid (RFB) for fifteen vehicles and one rotary mower for a total anticipated cost of \$350,000.00.

CONSENT

19. Consider amending the Position Classification Plan to revise the classification of Airport Manager.

- Resolution amending the Position Classification Plan to revise the classification of Airport Manager recommended.

Personnel; Janice Stewart, 577-5466, jstewart@modestogov.com

ACTION: Reso No 2003-623 (Frohman/Jackman; unan.) amending the Position Classification Plan to revise the classification of Airport Manager.

COUNCIL COMMENTS & REPORTS

20. At the request of Councilmember O'Bryant consider discussion of Roundabout Policy including location and timing of installation, notification to developers and surrounding residents, and change orders.

ACTION: Referred to the Economic Development Committee

- Vice Mayor Frohman presented a Certificate of Appreciation to the City Council from the Hmong Community.

21. At the request of Mayor Sabatino, consider discussion of the letter from Mike Zagaris dated October 7, 2003, the City Attorney's memo dated October 7 2003, and the purchase of Parcel 8, Scenic Drive at Coffee Road, in light of the Mayor's potential conflict of interest.

ACTION: By order of the Chair this item was placed on the December 2 Council agenda.

22. At the request of Mayor Sabatino, consider discussion of the proposed partnership with the Chamber of Commerce and the Workforce Alliance, and their non-profit status.

ACTION: By order of the Chair this item was placed on the December 2 Council agenda.

WRITTEN COMMUNICATIONS

23. Letter from Greg Opinski, Opinski Construction, requesting discussion of the Police Building project.

ACTION: No action taken.

24. Letter from John Hinchey, JBH Development, regarding Valley Tower Office project status.

ACTION: Presentation made by John Hinchey and Bob DeGrasse. No action taken.

HEARINGS

25. Hearing to consider the appeal by Jeff Martin regarding the denial of an Alcoholic Beverage Control license for the Garage Bar located at 711 11th Street, Modesto.

- Resolution denying the appeal by Jeff Martin regarding the denial of an Alcoholic Beverage Control license for the Garage Bar located at 711 11th Street, Modesto recommended.

Police; Gary Watts, 342-6144, garyw@modestopd.com

ACTION: By motion this item was referred to the Audit Committee to review the process and to consider a refund to the appellant.

Councilmember Hawn absent due to conflict of interest.

26. Hearing to consider the application of Michael Pratt to rezone P-D(480) located on the east corner of 16th & G Streets to a new Planned Development zone to allow for the development of a two-story office building.

- Introduction of an ordinance approving rezoning from R01 to P-D(563) recommended.
- Resolution approving a development plan for P-D(563) recommended.
- Resolution finding the requested rezoning within the scope of the General Plan Master EIR recommended.

Community & Economic Development; Josh Bridegroom, 571-5808,
jbridegroom@modestogov.com

ACTION: By Motion (O'Bryant/Frohman; unan. Hawn absent) **introduced Ordinance No. 3337-C.S.--** an ordinance approving rezoning from R01 to P-D(563)

ACTION: Reso No 2003-624 (O'Bryant/Frohman; unan. Hawn absent) approving a development plan for P-D(563)

ACTION: Reso No 2003-625 (O'Bryant/Frohman; unan. Hawn absent) finding the requested rezoning within the scope of the General Plan Master EIR.

27. Hearing to consider the application of Naja and Michael Frowein to Conditionally Vacate and Abandon the Beyer Park Drive right-of-way between Claratina Avenue and Inspiration Drive.

- Resolution approving the application of Naja and Michael Frowein to Conditionally Vacate and Abandon the Beyer Park Drive right-of-way between Claratina Avenue and Inspiration Drive recommended.
- Resolution finding the conditional vacation and abandonment of the Beyer Park Drive right-of-way between Claratina Avenue and Inspiration Drive within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration recommended.

*Community & Economic Development; Brad Wall, 571-5808,
bwall@modestogov.com*

ACTION: Reso No 2003-626 (Keating/Jackman; unan.) approving the application of Naja and Michael Frowein to Conditionally Vacate and Abandon the Beyer Park Drive right-of-way between Claratina Avenue and Inspiration Drive

ACTION: Reso No 2003-627 (Keating/Jackman; unan.) finding the conditional vacation and abandonment of the Beyer Park Drive right-of-way between Claratina Avenue and Inspiration Drive within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration.

NEW BUSINESS

None.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 9:10 p.m.

All closed sessions heard prior to the meeting.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Section 54957.6 of the Government Code)

Agency Negotiators: Jack R. Crist, City Manager
 Peter Cowles, Operations & Maintenance Director
 Janice Stewart, Assistant Personnel Director

Employee Organization: Modesto City Employees Association

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS:

Title: City Manager

Title: City Attorney

Title: City Clerk

MINUTES

City of Modesto

Special City Council Workshop Meeting
with the Safety & Communities Committee
Tenth Street Place, 1010 10th Street, Modesto, California
Conference Room 2005, Second Floor

Monday, December 1, 2003, at 5:30 p.m.

Roll Call – Present: Committee Members Frohman, O'Bryant

Also Present: Councilmembers Hawn, Keating, Marsh

ORAL COMMUNICATIONS

None.

Committee/Council workshop items are:

- 1) Update on Application for the Social Security Building

ACTION: No action taken. Informational item only.

- 2) Review of Public Safety Staffing Levels

ACTION: No action taken. Informational item only.

- 3) Consider Staff's Recommendation to Enter into a Two-Year License Agreement and a Two-Year Maintenance Agreement with the Modesto A's

ACTION: The Committee approved staff's recommendation.

- 4) Consider Staff's Recommendation to Issue an RFP in an Amount up to \$69,000 in Community Development Block Grant (CDBG) Funds to Provide Winter Shelter for Homeless Individuals and Families

ACTION: The Committee approved staff's recommendation.

5) Special City Park Patrol

ACTION: The Committee directed staff to return to the February Committee Meeting with an update.

6) Internal Affairs/Complaints Report

ACTION: No action taken. Informational item only.

7) Traffic Enforcement Report

ACTION: No action taken. Informational item only.

8) Downtown Entertainment District

ACTION: No action taken. Informational item only.

9) At the Request of Councilmember Frohman, Discuss Fines for Parking on a Street with a For Sale Sign

ACTION: No action taken. Informational item only.

MATTERS TO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:20 p.m.

MINUTES

City of Modesto **City Council Meeting** Chambers, Basement Level Tenth Street Place, 1010 10th Street Modesto, California

Tuesday, December 2, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Frohman, Hawn, Jackman, Keating, Marsh,
O'Bryant,
Mayor Sabatino

Absent: None

Pledge of Allegiance to the Flag

Invocation: Pastor Joel Richards, LaLoma Grace Church

City Clerk's Announcements: Item 2 removed from agenda
 Item 3 removed from Consent
 Item 9 removed from the agenda
 Item 10 continued to December 11, 2003.

Declaration of Conflicts of Interest

ACKNOWLEDGEMENTS AND PRESENTATIONS

None.

ORAL COMMUNICATIONS

- John McCarthy commented on the City's participation in Youth Football and the possibility of money being stolen from the league.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 1, 4 through 6
 Item 2 removed from
agenda
 Item 3 removed from
Consent

ACTION Item 1, 4, 5, 6: Jackman/Keating; unan.

ACTION Item 3: Jackman/Keating; unan.

CONSENT ITEMS

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

CONSENT

1. Approval of the minutes of the regular City Council meeting of November 25, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Jackman/Keating; unan.) approved the minutes of November 25, 2003.

Removed from agenda

2. Consider the Monthly Adjustment Report – November 2003.
 - Resolution acknowledging the receipt of report and approving the budget adjustments for January 2003 recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Item moved to the December 11, 2003 agenda.

Removed from Consent

3. Consider awarding the bid and contract for liquid chlorine and sodium hypochlorite to Sierra Chemical Company for an initial one-year period, with two one-year extensions for an approximate annual cost of \$146,859.69.
 - Resolution awarding the bid and contract for liquid chlorine and sodium hypochlorite to Sierra Chemical Company for an initial one-year period, with two one-year extensions for an approximate annual cost of \$146,859.69 recommended.

Finance; Tom Reddie, 577-5406, treddie@modestogov.com

ACTION: Reso No 2003-628 (Jackman/Keating; unan.) awarding the bid and contract for liquid chlorine and sodium hypochlorite to Sierra Chemical Company for an initial one-year period, with two one-year extensions for an approximate annual cost of \$146,859.69

CONSENT

4. Consider an application for \$2,500,000 in Murray-Hayden Urban Parks and Youth Service Program funding for the development of Fairway Neighborhood Park.

- Resolution approving an application for \$2,500,000 in Murray-Hayden Urban Parks and Youth Service Program funding for the development of Fairway Neighborhood Park recommended.

*Parks, Recreation & Neighborhoods; Carolyn Eubank, 577-5349,
ceubank@modestogov.com*

ACTION: Reso No 2003-629 (Jackman/Keating; unan.) approving an application for \$2,500,000 in Murray-Hayden Urban Parks and Youth Service Program funding for the development of Fairway Neighborhood Park.

CONSENT

5. Consider approving a lease agreement with the Central Valley Center for the Vision and Hearing Impaired for a City-owned house at 618 14th Street.

- Resolution approving a lease agreement with the Central Valley Center for the Vision and Hearing Impaired for a City-owned house at 618 14th Street recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-630 (Jackman/Keating; unan.) approving a lease agreement with the Central Valley Center for the Vision and Hearing Impaired for a City-owned house at 618 14th Street.

CONSENT

6. Consider authorizing the City Manager to approve and execute the following loans: Down Payment Assistance Program loans not to exceed the program maximum of \$60,000; Emergency Home Repair Program/Disabled Access Assistance Program loans not to exceed the program maximum of \$15,000 and \$10,000 respectively, or \$25,000 for a combined EHRP/DAAP; and Housing Maintenance Program loans not to exceed \$60,000.

- Resolution authorizing the City Manager to approve and execute the following loans: Down Payment Assistance Program loans not to exceed the program maximum of \$60,000; Emergency Home Repair Program/Disabled Access Assistance Program loans not to exceed the program maximum of \$15,000 and \$10,000 respectively, or \$25,000 for a combined EHRP/DAAP; and Housing Maintenance Program loans not to exceed \$60,000 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-631 (Jackman/Keating; unan.) authorizing the City Manager to approve and execute the following loans: Down Payment Assistance Program loans not to exceed the program maximum of \$60,000; Emergency Home Repair Program/Disabled Access Assistance Program loans not to exceed the program maximum of \$15,000 and \$10,000 respectively, or \$25,000 for a combined EHRP/DAAP; and Housing Maintenance Program loans not to exceed \$60,000.

COUNCIL COMMENTS & REPORTS

7. At the request of Mayor Sabatino, consider discussion of the purchase of Parcel 8, Scenic Drive at Coffee Road.

ACTION: By motion (Sabatino/Frohman; majority; Hawn, Jackman and Marsh no) Council voted to return the TEA grant to StanCOG and reapply for another grant.

Recess 7:10
Reconvene 7:25

8. At the request of Mayor Sabatino, consider discussion of the proposed partnership with the Chamber of Commerce and the Workforce Alliance, and their non-profit status.

ACTION: No action taken.

WRITTEN COMMUNICATIONS

9. Letter from Greg Opinski, Opinski Construction, requesting discussion of the Police Building project.

ACTION: Removed from the agenda by the requestor.

HEARINGS

Item 10 continued to December 11, 2003

10. Consider approving a Mitigated Negative Declaration (SCH 2003102055) for the Fairview Village Community Facilities District No. 2003-1; Consider establishing City of Modesto Community Facilities District No. 2003-1 (Fairview Village), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; Consider determining it necessary to incur bonded

indebtedness with City of Modesto Community Facilities District No. 2003-1 (Fairview Village); Consider calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village); Consider declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2003-1 (Fairview Village); and Consider introduction of an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

- Resolution approving a Mitigated Negative Declaration (SCH 2003102055) for the Fairview Village Community Facilities District No. 2003-1 recommended.
- Resolution establishing City of Modesto Community Facilities District No. 2003-1 (Fairview Village), authorizing the levy of special taxes therein, and establishing an annual appropriations limit recommended.
- Resolution determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2003-1 (Fairview Village); Consider calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Resolution declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Motion introducing an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.

ACTION: By motion Frohman/Hawn; unan. this item was continued to the December 11, 2003 meeting.

NEW BUSINESS

11. Consider City Council Meeting Calendar for 2004.
- Motion approving 2004 Council Meeting Calendar.
- City Clerk; Jean Zahr, 577-5398, jzahr@modestogov.com*

ACTION: By Motion (Frohman/Keating; unan.) approving 2004 Council Meeting Calendar.

12. Consider State budget impact of Vehicle License Fees (VLF) update \$2.5 million revenue loss as of November 6, 2003.
- Motion acknowledging receipt of report recommended.
- Finance; Greg Baird, 577-5369, gbaird@modestogov.com*

ACTION: By Motion (Frohman/Keating; unan.) acknowledging receipt of report.

13. Consider Annual Capital Facilities Fees (CFF) Report as required by Section 66001 of the Government Code.
- Motion acknowledging receipt and accepting the findings of the Capital Facilities Fees 2003 Annual Report.
- Finance; Greg Baird, 577-5458, gbaird@modestogov.com*

ACTION: By Motion (Frohman/Jackman; unan.) acknowledging receipt of the report and accepting the findings of the Capital Facilities Fees 2003 Annual Report.

By motion (Marsh/Frohman; majority; Jackman and Keating no) Council requested the Finance Committee to review this item at an unspecified date.

14. Consider authorizing the City Manager: (1) to execute a letter of intent for a loan agreement with the Stanislaus Council of Governments (StanCOG) for widening of State Route 132; (2) to execute a loan agreement with StanCOG and to remit funds per the agreement after StanCOG has complete all conditions to the agreement; (3) to amend the Fiscal Year 2003-2004 Operations Budget to include the revenue.
- Resolution authorizing the City Manager to execute a letter of intent for a loan agreement with the Stanislaus Council of Governments (StanCOG) for widening of State Route 132; to execute a loan agreement with StanCOG and to remit funds per the agreement after StanCOG has complete all conditions to the agreement; and to amend the Fiscal Year 2003-2004 Operations Budget to include the revenue recommended.
- Finance; Tom Douglas, 571-5574, tdouglas@modestogov.com*

ACTION: Reso No 2003-632 (Frohman/Keating; unan.) authorizing the City Manager to execute a letter of intent for a loan agreement with the Stanislaus Council of Governments (StanCOG) for widening of State Route 132; after the conditions of the letter of intent have been satisfied, the City Manager is instructed to return to Council for authority to execute a loan agreement with StanCOG; and to amend the Fiscal Year 2003-2004 Operations Budget to include the revenue.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:55 p.m.

MODESTO CITY COUNCIL SPECIAL MEETING

ECONOMIC DEVELOPMENT COMMITTEE/ CITY COUNCIL WORKSHOP

1010 Tenth Street, Second Floor, Room 2005

5:30 p.m., Monday, December 8, 2003

Roll Call: Present: Denny Jackman, Chair
Bruce Frohman
Janice Keating, alternate

Also Present: Garrad Marsh
Brad Hawn
Mike Milich, City Attorney

The Economic Development Committee convened at 5:30 PM in Room 2005, Tenth Street Place.

INFORMATION ITEMS

1. INFORMATION REPORT ON PUBLIC ACCESS STUDIO – Staff made presentation on status of and alternatives for a public access studio. The California State University-Stanislaus studio was discussed.

ACTION: Informational item only. No action taken.

2. ORAL REPORT ON STANISLAUS FOODS CAMPUS REROUTING AND CLOSURES – Rich Ulm, Engineering and Transportation, provided an update on the status of the rerouting of 10th and 11th Streets in and around the Stanislaus Foods Campus.

ACTION: Informational item only. No action taken.

3. KIERNAN BUSINESS PARK EAST SPECIFIC PALN AMENDMENT UPDATE – Brad Kilger, Community and Economic Development, provided a status report on the planning activities and proposal in the Kiernan East Specific Plan area. A number of area landowners and investors spoke.

ACTION: Informational item. No action taken.

4. ORAL STATUS REPORT OF SIGN ORDINANCE REVIEW – George Osner, Planning Manager, discussed the plan to review the Modesto Sign Ordinance. Mr. Osner indicated that he expected a preliminary staff

recommendation(s) to return to the Economic Development Committee in March 2004.

ACTION: Informational item. No action taken.

5. COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
MONTHLY DEVELOPMENT ACTIVITY REPORT

ACTION: No questions and no action taken.

CONSENT ITEMS

6. – 11. The Committee unanimously approved Consent Items 6 – 11.

DISCUSSION, GUIDANCE AND/OR RECOMMENDATIONS

12. 10TH AND O STREETS REVISED TRUCK ROUTE AND PARKING
REMOVAL - Firoz Vohra, E & T Deputy Director, presented routing options
to serve the Kansas-Needham overpass.

ACTION: The Committee unanimously recommended Alternative 3, the option
making 10th Street from Needham to “O” Street one-way southbound and “O” Street
from 10th Street to 9th Street one-way westbound.

13. COOPERATIVE AGREEMENT WITH CALTRANS DISTRICT 10 FOR
NEW TRAFFIC SIGNAL AT YOSEMITE AND MORTON BOULEVARDS
– Firoz Vohra and CalTrans representative discussed the planned signal.

ACTION: The Committee unanimously recommended that staff request the Council
to approve cancellation of the existing Cooperative Agreement and to explore turn
restrictions at Morton Blvd after the Stanislaus Foods rerouting is completed.

At the request of Councilmember Keating, Items 15 and 16 were taken out of order.

15. ROUNDABOUT SAFETY INFORMATION AND
ROUNDABOUT POLICY.

ACTION: Continued until February 2004 Economic Development Committee meeting.

16. APPROVE ROUNDABOUT AT PRESCOTT ROAD AND BANGS
AVENUE.

ACTION: Unanimously approved.

Councilmember Keating departed. Councilmember Marsh appointed Committee Alternate.

14. PROPOSED RELOCATION OF BUS STOP AND CROSSWALK REMOVAL ON SCENIC DRIVE – Fred Cavanah, Transit Manager, and Firoz Vohra discussed bus routing and traffic marking options to address the Scenic at Stanislaus County Health Services Agency facility.

ACTION: The Committee unanimously recommended Alternative 1 for consideration by the City Council.

ORAL COMMUNICATIONS – None

MATTERS TOO LATE – None

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

MINUTES

City of Modesto Finance Committee/ Special City Council Workshop Meeting Conference Room 2005 (Second Floor) Tenth Street Place 1010 10th Street, Modesto, California

Wednesday December 10, 2003, at 5:30 p.m.

Roll Call – Present: Chair Frohman

Absent: Committee Member Keating
Committee Member Jackman

Also Present: Councilmember Brad Hawn
Councilmember Garrad Marsh

Workshop Items Are:

- 83) Informational Report on Water and Wastewater (Sewer) User Fee and Infrastructure Fee Study Progress Update.

ACTION: Informational item only. No action taken.

- 84) Public Access Issues

ACTION: Chair Frohman requested staff to update the Committee at its March 2004 meeting on progress relating to recruitment for the Access Modesto Committee and the next steps to be taken in moving forward with a possible non-profit organization to manage the Public Access Channel.

- 85) State Budget Impact: Vehicle License Fees (VLF) Revenue Loss Contingency Plan

ACTION: Informational item only. No action taken.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

This meeting was adjourned at 6:30 p.m.

MINUTES

City of Modesto Special City Council Meeting Chambers, Basement Level

Tenth Street Place, 1010 10th Street
Modesto, California

Thursday, December 11, 2003, at 5:30 p.m.

Roll Call – Present: Councilmembers Frohman, Hawn, Jackman, Keating (left at 6:26 pm) Marsh, Mayor Sabatino

Absent: O'Bryant

Pledge of Allegiance to the Flag

Invocation: Pastor Bob Irwin, Mill Creek Church

City Clerk's Announcements Item 23 a moved to Consent

Declaration of Conflicts of Interest Hawn – Item 23b

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Introduction of newly promoted Police Department management staff.
Police; Chief Wasden, 572-9501, wasdenr@modestopd.com

ACTION: Police Chief Wasden introduced the newly promoted Police Department management staff.

ORAL COMMUNICATIONS

- Joan Ruttschow thanked Mayor Sabatino for his service to the City of Modesto.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 2-6, 8-14 and 16 through 20 and 23a

ACTION Consent Items 2-6, 8-14, 16-20, & 23a: Frohman/Marsh; unan. O'Bryant absent

ACTION Item 7 Removed from Consent – Jackman/Frohman; unan. O’Bryant absent

CONSENT ITEMS

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

CONSENT

2. Approval of the minutes of the regular City Council meeting of December 2, 2003.

(Motion approving recommended.)

Clerk; Rebecca Bartholomew, 577-5397, rbartholomew@modestogov.com

ACTION: By Motion (Frohman/Marsh; unan; O’Bryant absent) approved the minutes of December 2, 2003.

CONSENT

3. Consider an amendment to the agreement with Vavrinek, Trine, Day & Co., (VTD), for performing audit work on the City’s Community Facilities District for an amount of \$20,972.00, and authorizing the City Manager to execute the necessary documents.

- Resolution approving an amendment to the agreement with Vavrinek, Trine, Day & Co., (VTD), for performing audit work on the City’s Community Facilities District for an amount of \$20,972.00, and authorizing the City Manager to execute the necessary documents recommended.

City Manager; Gary Nienhuis, gnienhuis@modestogov.com

ACTION: Reso No 2003-633 (Frohman/Marsh; unan; O’Bryant absent) approving an amendment to the agreement with Vavrinek, Trine, Day & Co., (VTD), for performing audit work on the City’s Community Facilities District for an amount of \$20,972.00, and authorizing the City Manager to execute the necessary documents.

CONSENT

4. Consider the Water Supply Assessment (WSA) prepared for the Kansas-Woodland Business Park Project, generally located between Woodland Avenue, Kansas Avenue, SR 99 and 9th Street, which has determined an adequate supply of water is available for the Project.

- Resolution approving and adopting the Water Supply Assessment (WSA) prepared for the Kansas-Woodland Business Park Project, generally located between Woodland Avenue, Kansas Avenue, SR 99 and 9th Street, which has determined an adequate supply of water is available for the Project recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Reso No 2003-634 (Frohman/Marsh; unan; O'Bryant absent) approving and adopting the Water Supply Assessment (WSA) prepared for the Kansas-Woodland Business Park Project, generally located between Woodland Avenue, Kansas Avenue, SR 99 and 9th Street, which has determined an adequate supply of water is available for the Project.

CONSENT

5. Consider the Water Supply Assessment (WSA) prepared for the proposed Kaiser Permanente Modesto Medical Center, located on Dale Road at the corner of Bangs Avenue, which has determined that an adequate supply of water is available to meet the demands of the proposed project.

- Resolution approving & adopting the Water Supply Assessment (WSA) prepared for the proposed Kaiser Permanente Modesto Medical Center, located on Dale Road at the corner of Bangs Avenue, which has determined that an adequate supply of water is available to meet the demands of the proposed project recommended.

Engineering & Transportation; Jack Bond, 577-5424, jbond@modestogov.com

ACTION: Reso No 2003-635 (Frohman/Marsh; unan; O'Bryant absent) approving & adopting the Water Supply Assessment (WSA) prepared for the proposed Kaiser Permanente Modesto Medical Center, located on Dale Road at the corner of Bangs Avenue, which has determined that an adequate supply of water is available to meet the demands of the proposed project.

CONSENT

6. Consider an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects; and Consider authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for Certifying Disadvantaged Business Enterprises (DBE) Contractors.

- Resolution approving an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects recommended.
- Resolution authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for Certifying Disadvantaged Business Enterprises (DBE) Contractors recommended.

Engineering & Transportation; Dean Phillips, 577-5260,

dphillips@modestogov.com

ACTION: Reso No 2003-636 (Frohman/Marsh; unan; O'Bryant absent) approving an update to the Disadvantaged Business Enterprise (DBE) program for federally funded street and transit projects.

ACTION: Reso No 2003-636A (Frohman/Marsh; unan; O'Bryant absent) authorizing the City Manager to pay up to \$2,000 for participation in the Unified Certification Program (UCP) for Certifying Disadvantaged Business Enterprises (DBE) Contractors.

REMOVED FROM CONSENT

7. Consider Amendment No. 17 to the Agreement for Kansas Needham Overhead Construction Support Services with Parsons Transportation Group in the amount of \$62,121.38 and authorizing the City Manager to execute the necessary documents.

- Resolution approving Amendment No. 17 to the Agreement for Kansas Needham Overhead Construction Support Services with Parsons Transportation Group in the amount of \$62,121.38 and authorizing the City Manager to execute the necessary documents recommended.

Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com

ACTION: Reso No 2003-637 (Jackman/Frohman; unan; O'Bryant, absent) approving Amendment No. 17 to the Agreement for Kansas Needham Overhead Construction Support Services with Parsons Transportation Group in the amount of \$62,121.38 and authorizing the City Manager to execute the necessary documents.

CONSENT

8. Consider a third amendment to an agreement with Dokken Engineering for professional design services for Replacement of the 9th Street Bridge over Tuolumne River to provide update of hourly billing rates and authorizing the City Manager to execute necessary documents.

- Resolution approving a third amendment to an agreement with Dokken Engineering for professional design services for Replacement of the 9th Street Bridge over Tuolumne River to provide update of hourly billing rates and authorizing the City Manager to execute necessary documents recommended.

Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com

ACTION: Reso No 2003-638 (Frohman/Marsh; unan; O'Bryant absent) approving a third amendment to an agreement with Dokken Engineering for professional design services for Replacement of the 9th Street Bridge over Tuolumne River to provide update of hourly billing rates and authorizing the City Manager to execute necessary documents.

CONSENT

9. Consider authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the design of a Dissolved Air Flotation Clarifier at the Wastewater Treatment Plant Facility.
- Resolution authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the design of a Dissolved Air Flotation Clarifier at the Wastewater Treatment Plant Facility recommended.

*Engineering & Transportation; Dean Phillips, 577-5260,
dphillips@modestogov.com*

ACTION: Reso No 2003-639 (Frohman/Marsh; unan; O'Bryant absent) authorizing staff to proceed with a Request for Qualifications and Request for Proposals, and approving the proposed evaluation criteria for the design of a Dissolved Air Flotation Clarifier at the Wastewater Treatment Plant Facility.

CONSENT

10. Consider a Supplemental Lease Agreement with the General Services Administration for office space at the Modesto City-County Airport and authorize the City Manager to execute the necessary documents. Estimated revenue: \$11,000.
- Resolution approving a Supplemental Lease Agreement with the General Services Administration for office space at the Modesto City-County Airport and authorize the City Manager to execute the necessary documents recommended.

*Engineering & Transportation; Van Switzer, 577-5318,
vswitzer@modestogov.com*

ACTION: Reso No 2003-640 (Frohman/Marsh; unan; O'Bryant absent) approving a Supplemental Lease Agreement with the General Services Administration for office space at the Modesto City-County Airport and authorize the City Manager to execute the necessary documents.

CONSENT

11. Consider the Monthly Adjustment Report – November 2003.
- Resolution acknowledging the receipt of report and approving the budget adjustments for November 2003 recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: Reso No 2003-641 (Frohman/Marsh; unan; O'Bryant absent) acknowledging the receipt of report and approving the budget adjustments for November 2003.

CONSENT

12. Consider Investment Report - October 2003.

- Motion acknowledging the receipt of the Investment Report for October 2003 recommended.

Finance; Greg Baird, 577-5369, gbaird@modestogov.com

ACTION: By Motion (Frohman/Marsh; unan; O'Bryant absent) acknowledging the receipt of the Investment Report for October 2003.

CONSENT

13. Consider the City's fiscal year 2003-2004 Non-transit Supplemental and Annual Local Transportation Fund Claim and authorize the City Manager to submit the Claim to the Stanislaus Council of Governments; and Consider amending the fiscal year 2003-2004 Operating Budget for the estimated increase in revenue.

- Resolution approving the City's fiscal year 2003-2004 Non-transit Supplemental and Annual Local Transportation Fund Claim and authorize the City Manager to submit the Claim to the Stanislaus Council of Governments recommended.
- Resolution amending the fiscal year 2003-2004 Operating Budget for the estimated increase in revenue recommended.

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

ACTION: Reso No 2003-642 (Frohman/Marsh; unan; O'Bryant absent) approving the City's fiscal year 2003-2004 Non-transit Supplemental and Annual Local Transportation Fund Claim and authorize the City Manager to submit the Claim to the Stanislaus Council of Governments

ACTION: Reso No 2003-643 (Frohman/Marsh; unan; O'Bryant absent) amending the fiscal year 2003-2004 Operating Budget for the estimated increase in revenue.

CONSENT

14. Consider awarding the bid for online furnishing of business cards, letterhead and printed envelopes on a citywide basis to Acme Printing Co. (Dittos), for a three-year period with two one-year extension options, for an estimated annual cost of \$9,102.18.

- Resolution awarding the bid for online furnishing of business cards, letterhead and printed envelopes on a citywide basis to Acme Printing Co. (Dittos), for a three-year period with two one-year extension options, for an estimated annual cost of \$9,102.18 recommended.

Finance; Ken Masasso, 577-5420, kmassasso@modestogov.com

ACTION: Reso No 2003-644 (Frohman/Marsh; unan; O'Bryant absent) awarding the bid for online furnishing of business cards, letterhead and printed envelopes on a citywide basis to Acme Printing Co. (Dittos), for a three-year period with two one-year extension options, for an estimated annual cost of \$9,102.18

REMOVED FROM CONSENT

15. Consider introducing an ordinance amending General Regulations Governing Use of Parks, Modesto Municipal Code 12-4.202 (6), to include motorized scooters.

- Motion introducing an ordinance amending General Regulations Governing Use of Parks, Modesto Municipal Code 12-4.202 (6), to include motorized scooters recommended.

Parks, Recreation & Neighborhoods; Ellis Calija, 571-5863,

ecalija@modestogov.com

Police; Dan Inderbitzen, 342-6142, inderbitzend@modestopd.com

ACTION: By Motion (Marsh/Frohman; majority; Jackman and Sabatino no, O'Bryant absent) **introducing Ordinance No. 3338-C.S.** amending General Regulations Governing Use of Parks, Modesto Municipal Code 12-4.202 (6), to include motorized scooters

CONSENT

16. Consider a five-year lease agreement with Pacific Bell Wireless, a Nevada limited liability corporation, dba Cingular Wireless, for a cellular tower site located on a portion of Beyer Community Park with three five-year extension options, and authorize the City Manager to execute the necessary documents.

- Resolution approving a five-year lease agreement with Pacific Bell Wireless, a Nevada limited liability corporation, dba Cingular Wireless, for a cellular tower site located on a portion of Beyer Community Park with three five-year extension options, and authorizing the City Manager to execute the necessary documents recommended.

Parks, Recreation & Neighborhoods; Carolyn Eubank, 5775349,

ceubank@modestogov.com

ACTION: Reso No 2003-645 (Frohman/Marsh; unan; O'Bryant absent) approving a five-year lease agreement with Pacific Bell Wireless, a Nevada limited liability corporation, dba Cingular Wireless, for a cellular tower site located on a portion of Beyer Community Park with three five-year extension options, and authorizing the City Manager to execute the necessary documents.

CONSENT

17. Consider waiving the residency requirement for Community Development Block Grant Emergency Home Repair Loans to allow Virginia Brown, daughter of

deceased loan recipient Virgie Brown to remain in the home at 1626 Carlton, and directing staff to send written notification to Virginia Brown that the loan will be reviewed in 2009.

- Resolution approving waiving the residency requirement for Community Development Block Grant Emergency Home Repair Loans to allow Virginia Brown, daughter of deceased loan recipient Virgie Brown to remain in the home at 1626 Carlton, and directing staff to send written notification to Virginia Brown that the loan will be reviewed in 2009 recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-646 (Frohman/Marsh; unan; O'Bryant absent) approving waiving the residency requirement for Community Development Block Grant Emergency Home Repair Loans to allow Virginia Brown, daughter of deceased loan recipient Virgie Brown to remain in the home at 1626 Carlton, and directing staff to send written notification to Virginia Brown that the loan will be reviewed in 2009.

CONSENT

18. Consider an agreement with ValleyCrest Golf Course Maintenance to provide maintenance and services at the City's three golf courses and authorizing the City Manager to execute the necessary documents.

- Resolution approving an agreement with ValleyCrest Golf Course Maintenance to provide maintenance and services at the City's three golf courses and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Reso No 2003-647 (Frohman/Marsh; unan; O'Bryant absent) approving an agreement with ValleyCrest Golf Course Maintenance to provide maintenance and services at the City's three golf courses and authorizing the City Manager to execute the necessary documents.

CONSENT

19. Consider a two-year license agreement with the Modesto A's Professional Baseball Club; and Consider a two-year field maintenance agreement with the Modesto A's Professional Baseball Club.

- Resolution approving a two-year license agreement with the Modesto A's Professional Baseball Club recommended.
- Resolution approving a two-year field maintenance agreement with the Modesto A's Professional Baseball Club recommended.

*Parks, Recreation & Neighborhoods; Bob Quintella, 577-6444,
bquintella@modestogov.com*

ACTION: Reso No 2003-648 (Frohman/Marsh; unan; O'Bryant absent) approving a two-year license agreement with the Modesto A's Professional Baseball Club.

ACTION: Reso No 2003-649 (Frohman/Marsh; unan; O'Bryant absent) approving a two-year field maintenance agreement with the Modesto A's Professional Baseball Club.

CONSENT

20. Consider a salary adjustment for the City Clerk & Auditor, with an estimated cost of \$1,585 for the remainder of Fiscal Year 2003-2004.
- Resolution authorizing a 3% merit increase for the City Clerk & Auditor, effective December 16, 2003.

Personnel; Robin Renwick, 577-5400, rrenwick@modestogov.com

ACTION: Reso No 2003-650 (Frohman/Marsh; unan; O'Bryant absent) authorizing a 3% merit increase for the City Clerk & Auditor, effective December 16, 2003.

COUNCIL COMMENTS & REPORTS

21. At the request of Councilmember Keating, consider a report to Council on the progress-to-date regarding the establishment of a Temporary Homeless Shelter.

ACTION: No action taken.

22. At the request of Mayor Sabatino, consider a report from the City Attorney regarding the action necessary to have the County return \$7 million in Enterprise Funds for garbage fees.

ACTION: No action taken.

UNFINISHED BUSINESS

23. Final adoption of:
- a. Ordinance 3336-C.S. – an ordinance repealing Section 4-2.25 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to Misdemeanors – Selling Of Confections Required To Maintain Distance From Schools.
 - Motion approving final adoption of Ordinance 3336-C.S. – an ordinance repealing Section 4-2.25 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to Misdemeanors – Selling Of

Confections Required To Maintain Distance From Schools recommended.

ACTION: By Motion (Frohman/Marsh; unan; O'Bryant absent) **approved final adoption of Ordinance 3336-C.S.** – an ordinance repealing Section 4-2.25 of Chapter 2 of Title 4 of the Modesto Municipal Code relating to Misdemeanors – Selling Of Confections Required To Maintain Distance From Schools.

Councilmember Hawn absent due to conflict of interest

- b. Ordinance 3337-C.S. – an ordinance amending Section 28-3-9 of the Zoning Map for Rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th and G Streets, (Pratt).
 - Motion approving final adoption of Ordinance 3337-C.S. – an ordinance amending Section 28-3-9 of the Zoning Map for Rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th and G Streets, (Pratt) recommended.

City Attorney; Mike Milich, 577-5284, mmilich@modestogov.com

ACTION: By Motion (Marsh/Frohman/unan; Hawn, Keating, O'Bryant absent) **approved final adoption of Ordinance 3337-C.S.** – an ordinance amending Section 28-3-9 of the Zoning Map for Rezone from Planned Development Zone, P-D(480), to Planned Development Zone, P-D(563), property located on the east corner of 16th and G Streets, (Pratt).

- 24. Consider directing staff to reconfigure traffic flow from 9th Street to access the Kansas Needham Overcrossing project and updating the existing truck route map.
 - Resolution authorizing staff to reconfigure traffic flow from 9th Street to access the Kansas Needham Overcrossing project and updating the existing truck route map recommended.

Engineering & Transportation; Firoz Vohra, 577-5429, fvohra@modestogov.com

ACTION: Reso No 2003-651 (Jackman/Frohman; unan; Keating and O'Bryant absent) authorizing staff to reconfigure traffic flow from 9th Street to access the Kansas Needham Overcrossing project and updating the existing truck route map.

HEARINGS

- 25. Hearing to consider approving the request from Habitat for Humanity for a deferral of the City's Capital Facilities Fees totaling \$44,955 for five properties in the Riverdale Tract for low-income households, located outside of the Modesto

City Limits, but within the City's Sphere of Influence, and authorizing the City Manager to execute the necessary documents.

- Resolution approving the request from Habitat for Humanity for a deferral of the City's Capital Facilities Fees totaling \$44,955 for five properties in the Riverdale Tract for low-income households, located outside of the Modesto City Limits, but within the City's Sphere of Influence, and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-652 (Jackman/Frohman;unan; Keating and O'Bryant absent) approving the request from Habitat for Humanity for a deferral of the City's Capital Facilities Fees totaling \$44,955 for five properties in the Riverdale Tract for low-income households, located outside of the Modesto City Limits, but within the City's Sphere of Influence, and authorizing the City Manager to execute the necessary documents.

26. Hearing to consider a refund to Habitat for Humanity for \$3,831 paid for Capital Facilities Fees on two properties (1714 Olympia Street and 530 Butte Avenue), located outside of the City Limits but within the Sphere of Influence, and approving a CFF deferral agreement with Anastacio L. and Tina R. Raygoza for 1714 Olympia Street, and a CFF exemption agreement with Fernando and Analucia V. Cortes for 530 Butte Avenue, and authorizing the City Manager to execute the necessary documents.

- Resolution approving a refund to Habitat for Humanity for \$3,831 paid for Capital Facilities Fees on two properties (1714 Olympia Street and 530 Butte Avenue), located outside of the City Limits but within the Sphere of Influence, and approving a CFF deferral agreement with Anastacio L. and Tina R. Raygoza for 1714 Olympia Street, and a CFF exemption agreement with Fernando and Analucia V. Cortes for 530 Butte Avenue, and authorizing the City Manager to execute the necessary documents recommended.

*Parks, Recreation & Neighborhoods; Julie Hannon, 577-5417,
jhannon@modestogov.com*

ACTION: Reso No 2003-653 (Jackman/Frohman;unan; Keating and O'Bryant absent) approving a refund to Habitat for Humanity for \$3,831 paid for Capital Facilities Fees on two properties (1714 Olympia Street and 530 Butte Avenue), located outside of the City Limits but within the Sphere of Influence, and approving a CFF deferral agreement with Anastacio L. and Tina R. Raygoza for 1714 Olympia Street, and a CFF exemption agreement with Fernando and Analucia V. Cortes for 530 Butte Avenue, and authorizing the City Manager to execute the necessary documents.

27. Hearing to consider: (1) an amendment to the City's 2003-2004 HUD Annual Action Plan; (2) amending the Fiscal Year 2003-2004 operating budget to Annual Action Plan; (3) amending the Fiscal Year 2003-2004 funding for the Capital Improvement budget to Annual Action Plan; (4) amending the Fiscal Year 2003-2004 operating budget to the adopted budget, and (5) authorizing staff to solicit RFPs in an amount up to \$69,000 in Community Development Block Grant (CDBG) funds to provide winter shelter for homeless individuals and families.

- Resolution approving an amendment to the City's 2003-2004 HUD Annual Action Plan recommended.
- Resolution amending the Fiscal Year 2003-2004 operating budget to Annual Action Plan recommended.
- Resolution amending the Fiscal Year 2003-2004 funding for the Capital Improvement budget to Annual Action Plan recommended.
- Resolution amending the Fiscal Year 2003-2004 operating budget to the adopted budget recommended.
- Resolution authorizing staff to solicit RFPs in an amount up to \$69,000 in Community Development Block Grant (CDBG) funds to provide winter shelter for homeless individuals and families recommended.

Parks, Recreation & Neighborhoods; Sherry Velarde, 577-5368, svelarde@modestogov.com

ACTION: Reso No 2003-654 (Frohman/Jackman; unan; Keating and O'Bryant absent) approving an amendment to the City's 2003-2004 HUD Annual Action Plan

ACTION: Reso No 2003-655 (Frohman/Jackman; unan; Keating and O'Bryant absent) amending the Fiscal Year 2003-2004 operating budget to Annual Action Plan

ACTION: Reso No 2003-656 (Frohman/Jackman; unan; Keating and O'Bryant absent) amending the Fiscal Year 2003-2004 funding for the Capital Improvement budget to Annual Action Plan

ACTION: Reso No 2003-657 (Frohman/Jackman; unan; Keating and O'Bryant absent) amending the Fiscal Year 2003-2004 operating budget to the adopted budget

ACTION: Reso No 2003-658 (Frohman/Jackman; unan; Keating and O'Bryant absent) authorizing staff to solicit RFPs in an amount up to \$69,000 in Community Development Block Grant (CDBG) funds to provide winter shelter for homeless individuals and families.

28. Hearing to consider the appeal filed by Ben Allustiarte, Century 21 M&M Associates, of a Board of Zoning Adjustment denial pertaining to the re-use of an existing free-standing, freeway-oriented sign at 2024 W. Orangeburg Avenue.

- Resolution denying the appeal recommended.

Community & Economic Development; Bob Cannell, 571-5539,
bcannell@modestogov.com

ACTION: By motion (Frohman/Jackman; unan.; Keating & O'Bryant, absent)
continued this item to January 13, 2004.

Items 29, 32 & 33 were heard immediately after Consent

The following item was continued from December 2, 2003

29. Hearing to: Consider approving a Mitigated Negative Declaration (SCH 2003102055) for the Fairview Village Community Facilities District No. 2003-1; Consider establishing City of Modesto Community Facilities District No. 2003-1 (Fairview Village), authorizing the levy of special taxes therein, and establishing an annual appropriations limit; Consider determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2003-1 (Fairview Village); Consider calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village); Consider declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2003-1 (Fairview Village); and Consider introduction of an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village).

- Resolution approving a Mitigated Negative Declaration (SCH 2003102055) for the Fairview Village Community Facilities District No. 2003-1 recommended.
- Resolution establishing City of Modesto Community Facilities District No. 2003-1 (Fairview Village), authorizing the levy of special taxes therein, and establishing an annual appropriations limit recommended.
- Resolution determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Resolution calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Resolution declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.
- Motion introducing an ordinance authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) recommended.

City Manager; Tina Rocha, 577-5211, trocha@modestogov.com

ACTION: Reso No 2003-659 (Jackman/Hawn; unan. O'Bryant) approving a Mitigated Negative Declaration (SCH 2003102055) for the Fairview Village Community Facilities District No. 2003-1 recommended.

ACTION: Reso No 2003-660 (Jackman/Hawn; unan. O'Bryant) establishing City of Modesto Community Facilities District No. 2003-1 (Fairview Village), authorizing the levy of special taxes therein, and establishing an annual appropriations limit

ACTION: Reso No 2003-661 (Jackman/Hawn; unan. O'Bryant) determining it necessary to incur bonded indebtedness with City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

ACTION: Reso No 2003-662 (Jackman/Hawn; unan. O'Bryant) calling a special election for the City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

ACTION: Reso No 2003-663 (Jackman/Hawn; unan. O'Bryant) declaring the results of a special election and approving certain related actions pertaining to City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

ACTION: By Motion (Jackman/Hawn; unan. O'Bryant) **introducing Ordinance No. 3339-C.S.** authorizing the levy of special taxes within the City of Modesto Community Facilities District No. 2003-1 (Fairview Village)

It has been requested that the following item not be considered at this time.

30. Hearing to consider the application of Del Valle Homes for a third amendment to the development agreement for the previously-approved Galas Brothers Vesting Tentative subdivision map, property located on the south side of Hatch Road west of Dezzani Lane and Ironside Drive.

ACTION: No action taken. This item was removed from the agenda.

NEW BUSINESS

31. Consider a water services agreement with Basin Water for services and lease of equipment related to the removal of nitrates at well sites within the Grayson community water system for a ten-year period with an estimated cost of \$397,500 in fiscal year 2003-2004, including one-time start-up costs.

- Resolution approving a water services agreement with Basin Water for services and lease of equipment related to the removal of nitrates at well sites within the Grayson community water system for a ten-year period with an estimated cost of \$397,500 in fiscal year 2003-2004, including one-time start-up costs recommended.

Operations & Maintenance; Judith Ray, 342-4575, jray@modestogov.com

ACTION: Reso No 2003-664 (Frohman/Hawn; unan; Keating and O'Bryant absent) approving a water services agreement with Basin Water for services and lease of equipment related to the removal of nitrates at well sites within the Grayson community water system for a ten-year period with an estimated cost of \$397,500 in fiscal year 2003-2004, including one-time start-up costs

Continued to the December 23 special Council meeting.

32. Consider the Final Map of Galas Brothers Subdivision Unit No. 1 in the Fairview Village Specific Plan Area and authorize the City Manager to execute the necessary documents. Owner: Del Valle Homes, a California Corporation.

- Resolution approving the Final Map of Galas Brothers Subdivision Unit No. 1 in the Fairview Village Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. Owner: Del Valle Homes, a California Corporation recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: By Motion (Jackman/Hawn; unan; O'Bryant, absent) continued this item to the December 23rd Council meeting

Continued to the special December 23 Council meeting

33. Consider Final Map of the Galas Brothers Subdivision Unit No. 2 in the Fairview Village Specific Plan Area and authorize the City Manager to execute the necessary documents. Owner: Del Valle Homes, a California Corporation.

- Resolution approving the Final Map of Galas Brothers Subdivision Unit No. 2 in the Fairview Village Specific Plan Area and authorizing the City Manager to sign an agreement with the subdividers as required by Section 4-4.604(c) of the Municipal Code. Owner: Del Valle Homes, a California Corporation recommended.

*Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com*

ACTION: By Motion (Jackman/Hawn; unan; O'Bryant, absent) continued this item to the December 23rd Council meeting

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 8:12 p.m.

MINUTES
(with Addendum)

City of Modesto
SPECIAL CITY COUNCIL MEETING

Chambers, Basement Level
Tenth Street Place, 1010 10th Street
Modesto, California

Tuesday, December 23, 2003, at 4:30 p.m.

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

Absent: O'Bryant

Pledge of Allegiance to the Flag

Invocation: Joel Richards, LaLoma Grace

City Clerk's Announcements: Item 4 Closed Session dropped

Declaration of Conflicts of Interest: None

ACKNOWLEDGEMENTS AND PRESENTATIONS

1. Certification of canvass of votes from the December 9, 2003 Run-Off election.
 - Resolution adopting the certification of canvass of votes from the December 9, 2003 Run-Off election recommended.

ACTION: Reso No 2003-665 (Frohman/Jackman; unan.) adopted the certification of the canvass of votes from the December 9, 2003 Run-Off Election.

2. Comments from outgoing Councilmembers.
 - Comments were made by Vice Mayor Frohman and Mayor Sabatino
3. Oath of Office by newly elected City Mayor and Councilmember.
 - Oath of Office given by City Clerk, Jean Zahr
 - Comments made by the newly elected officials, Councilmember Dunbar and Mayor Ridenour.

ORAL COMMUNICATIONS

None.

CLOSED SESSION

Item 4 removed from Agenda

4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

ACTION: No action taken. Item was removed from the Agenda.

CONSENT ITEMS – ROLL CALL VOTE REQUIRED: Items 5 through 6

CONSENT ITEMS

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

The following item was continued from December 11, 2003

5. Consider the Final Map of Galas Brothers Subdivision Unit No. 1 in the Fairview Village Specific Plan Area and authorize the City Manager to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy, and any other necessary documents.
Owner: Del Valle Homes, a California Corporation.
 - Resolution approving the Final Map of Galas Brothers Subdivision Unit No. 1 in the Fairview Village Specific Plan Area and authorizing the City Manager to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy,

and any other necessary documents. Owner: Del Valle Homes, a California Corporation recommended.
Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com

ACTION: Reso No 2003-666 (Hawn/Keating; unan.) approving the Final Map of Galas Brothers Subdivision Unit No. 1 in the Fairview Village Specific Plan Area and authorizing the City Manager to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy, and any other necessary documents. Owner: Del Valle Homes, a California Corporation.

CONSENT

The following item was continued from December 11, 2003

6. Consider Final Map of the Galas Brothers Subdivision Unit No. 2 in the Fairview Village Specific Plan Area and authorize the City Manager to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy, and any other necessary documents. Owner: Del Valle Homes, a California Corporation.

- Resolution approving the Final Map of Galas Brothers Subdivision Unit No. 2 in the Fairview Village Specific Plan Area and authorizing the City to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy, and any other necessary documents. Owner: Del Valle Homes, a California Corporation recommended.

Engineering & Transportation; Robert Granberg, 577-5259,
rgranberg@modestogov.com

ACTION: Reso No 2003-667 (Keating/Hawn; unan.) approving the Final Map of Galas Brothers Subdivision Unit No. 2 in the Fairview Village Specific Plan Area and authorizing the City to execute the subdivision agreement and an agreement to complete necessary infrastructure prior to final inspection and occupancy, and any other necessary documents. Owner: Del Valle Homes, a California Corporation.

MATTERS TOO LATE FOR THE AGENDA

None.

ADJOURNMENT

This meeting was adjourned at 5:00 p.m.